

# Proposed Consolidated Plan

2018  
One-Year Action Plan  
Appendices



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# Proposed Consolidated Plan

## 2018 One-Year Action Plan Appendices

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# The City of New York

## PROPOSED 2018 CONSOLIDATED PLAN One-Year Action Plan

December 22, 2017

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

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

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

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

### **COMMUNITY DEVELOPMENT BLOCK GRANT**

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

#### **Eligibility Determinations**

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

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

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

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

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

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

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

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

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

#### Costs and Expenditures

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

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

#### Agency Monitoring

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

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

#### OMB CD Fiscal Unit Monitoring

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

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

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

#### Program Income

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

#### Environmental Reviews

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

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

#### Certifications

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

#### Monitoring of Program Performance

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

#### Equipment Purchases

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

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

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

#### Other Monitoring Actions

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

### **HOME INVESTMENT PARTNERSHIPS (HOME) PROGRAM**

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

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

Where there is suspicion of fraud HPD conducts an investigation.

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

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

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

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

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

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

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



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

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

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

#### Other HOME Program Monitoring Activities

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

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

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

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

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

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

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

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

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

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

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

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

#### Certificate of Consistency with this Consolidated Plan

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

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

## **EMERGENCY SOLUTIONS GRANT (ESG)**

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

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

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

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

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

## **HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS (HOPWA)**

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

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

## Appendix 2 – Emergency Solutions Grant Written Standards

The City of New York is awarded ESG funds from the Department of Housing and Urban Development. ESG funds are used to assist sheltered and unsheltered homeless individuals, as well as those at risk of becoming homeless. Street outreach, emergency shelter, homeless prevention, rapid re-housing, and HMIS are eligible programs. The following are the written standards for providing ESG assistance.

***i. Standard policies and procedures for evaluating individuals' and families' eligibility for assistance under ESG.***

### Emergency Shelter

New York City is governed by the right to shelter mandate. Every individual and family eligible for services is provided temporary emergency shelter. NYC Department of Homeless Services (DHS) operates two separate family shelter intake locations. The first is the Prevention Assistance and Temporary Housing (PATH) Intake Center for families with children and pregnant women and the second location is the Adult Family Intake Center (AFIC) for adult families without minor children. PATH is located in the Bronx and AFIC is located in Manhattan. For single adults applying for shelter, men go to 30th Street Intake Center and women can apply at either HELP Women's Shelter in Brooklyn or Franklin Shelter in the Bronx. Below describes the policies and procedures for evaluating families with children, adult families, and single adult's eligibility for emergency shelter.

#### Families with Children:

DHS considers families with children to be the following households:

- Families with children younger than 21 years of age
- Pregnant women
- Families with a pregnant woman

Families with children must apply for shelter in order to ensure that they do not have an alternative housing option available to them. DHS firmly believes that families are best served in their communities through prevention efforts, and that they should only utilize temporary emergency shelter as a last resort when they are experiencing an immediate housing crisis.

Once a family arrives at PATH, they will first be interviewed by a worker, who will inquire about their living situation and explain the services that may help them avoid entering shelter- including family mediation, anti-eviction legal services, out-of-city relocation assistance, City Family Eviction Prevention Supplement (FEPS), or a one-shot deal through HRA.

If these services do not apply to a family's specific circumstances, a worker interviews the family to obtain information about their prior living situation. Families may be assigned a temporary shelter placement for up to 10 days while DHS investigates the information provided during the interview. Based on the investigation, DHS determines whether the family is eligible or ineligible for shelter, based on whether they have fully cooperated with the application and eligibility process and/or have other housing options available to them.

PATH is open 24 hours per day, including weekends and holidays. PATH processes applications during business hours (9 a.m. to 5 p.m.). Families who apply after 5 p.m. may be assigned a temporary shelter placement for the night and transported back to PATH the next morning to complete their application.

Every household has a right to a legal conference at PATH if they are found ineligible and disagree with the decision. In addition, they have 60 days after being found ineligible to request a Fair Hearing from New York State.

#### Adult Families:

DHS considers an adult family to be any family without minor children, including the following household compositions:

1. Applicants who are a legally married couple and present a valid original marriage certificate; or
2. Applicants who are a domestic partners couple and present a valid original domestic partnership certificate; or
3. Adults who provide, as part of their application for Temporary Housing Assistance, proof establishing the medical dependence of one applicant upon another; Two or more adults who can provide birth certificates to prove a parent/child or sibling family relationship or share a "caretaking" (emotionally or physically supportive) relationship, including: (i) aunt/uncle to niece/nephew; (ii) grandparent to grandchild; (iii) parent to child or step-child; and (iv) siblings; and can demonstrate that they have resided with one another for 180 days within the year immediately prior to the date of their application.

\*Clients must be able to verify that their household constitutes a family as defined above.

Adult families must apply for shelter at AFIC in order to ensure that they do not have an alternative housing option available to them. Once an adult family arrives at AFIC, they will first be interviewed by a worker, who will inquire about their living situation and explain the services that may help them avoid shelter altogether-including family mediation, anti-eviction legal services, out-of-city relocation assistance, City FEPS, or a one-shot deal through HRA.

If these services do not apply to a family's specific circumstances, a DHS family worker interviews the family to obtain information about their prior living situation. Families may be assigned a temporary shelter placement for up to 10 days while DHS investigates the information provided during the interview. Based on the investigation, DHS determines whether the family is eligible or ineligible for shelter, based on whether they have fully cooperated with the application and eligibility process and/or have other housing options available to them.

Every household has a right to a legal conference at AFIC if they are found ineligible and disagree with the decision. In addition, they have 60 days after being found ineligible to request a Fair Hearing from New York State.

#### Single Adults:

DHS considers a single adult to be any man or woman over the age of 18 who seeks shelter independently, without being accompanied by other adults and/or minors. All single adult men apply for shelter at the 30th Street Intake Center; women apply at either HELP Women's Shelter in Brooklyn or Franklin Shelter in the Bronx.

At Intake, a client completes a Temporary Housing Assistance form and a number of screening forms about income, employment, prior residence. Many clients will be assigned to an Assessment shelter that same day. Assessment shelters are temporary shelter assignments at which clients are evaluated for

shelter determination. When a client has completed the assessment and a bed opens, they are assigned to an official shelter suitable to their needs. This official shelter will remain the same until the client has been out for an entire year. If a client is out for more than a year, they must return to intake and begin the process again. Clients will not receive an official shelter if they can be easily diverted out of shelter.

### **Prevention Services**

The ESG funding allocated to Homebase prevention will be used exclusively for singles and adult families. To be eligible, the household must be assessed using a risk assessment instrument provided by HRA and determined to be at imminent risk of homelessness. Providers must assess, document and verify (when possible) the household's risk of homelessness.

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

- Household Composition: The household must be either a single adult or adult family.
- Income: The household's total income must be at or below 30% Area Media Income (AMI).
- Risk of Homelessness: The household must receive an assessment using a risk assessment instrument provided by the Department of Homeless Services (DHS) and determined to be at imminent risk of homelessness, scoring 7 or more points.
- Resources & Network: The household does not have sufficient resources or support networks, e.g. family, friends, faith-based or social network, immediately available to prevent them from becoming homeless.

A re-evaluation of the program participant's eligibility and type of assistance needed is required at least once every 3 months for households receiving assistance greater than 90 days.

### **Rapid Re-housing Services**

Rapid re-housing assistance is available for persons who are homeless according to HUD's definition and ***for whom*** the ESG assistance can be used within the first 10 days of a shelter stay to re-house the family. Households that meet one of the following criteria in addition to the minimum requirements specified in the following section (Eligibility Determination) are eligible for ESG rapid re-housing assistance:

- Sleeping in an emergency shelter;
- Sleeping in a place not meant for human habitation, such as cars, parks, abandoned buildings, streets/sidewalks;
- Staying in a hospital or other institution for up to 90 days but was sleeping in an emergency shelter or other place not meant for human habitation (cars, parks, streets, etc.) immediately prior to entry into the hospital or institution;
- ; and
- Victims of domestic violence.

Populations eligible for rapid re-housing include individuals and families who are experiencing homelessness (e.g. residing in emergency or transitional shelters or on the street) and need temporary assistance in order to obtain housing and retain it.

#### ***ii. Standards for targeting and providing essential service related to street outreach.***

DHS deploys outreach teams 24 hours per day, seven days a week, Citywide, with the aim of engaging street homeless individuals and encourage them to move from the streets into housing. Each borough in New York City has a dedicated provider. The providers use placement and census reduction targets for the unsheltered homeless population based off of annual HOPE count and knowledge gained from ongoing outreach provider work. Outreach activities focus on the placement of clients into permanent housing and long-term transitional housing settings, including:

- a. Canvassing for clients
- b. Engaging clients
- c. Accessing or providing emergency and crisis intervention services
- d. Assessing clients
- e. Crisis intervention counseling
- f. Case management
- g. Providing access to any available entitlements, benefits, housing or other resources
- h. Direct provision of and/or referrals and linkages to health and/or mental health services
- i. Transportation of clients

Multidisciplinary outreach teams seek out clients and attempt to engage them, while also completing onsite needs assessments and initiating appropriate referrals and escort plans. Activities by outreach teams are directed towards developing an appropriate individualized and comprehensive service plan for each client. The service plan contains all services and steps reasonably necessary to achieve placement housing or long-term transitional setting, including any intermediary and transitional steps required to effect placement in permanent housing. In all cases, clients resisting services will continue to be contacted by the outreach team until engagement is achieved; it is understood that certain clients may persistently and adamantly refuse to be engaged, and that the staff has no responsibility or liability other than to try to engage such individuals.

In December 2015, the City initiated HOME-STAT (Homeless Outreach & Mobile Engagement Street Action Teams), a new multiagency initiative to combat persistent street homelessness by identifying and engaging unsheltered individuals. HOME STAT expands and enhances DHS' outreach efforts to include case management for all street homeless clients (not just those who are chronically street homeless) and allows outreach teams to penetrate such system as hospitals and libraries where clients may spend time away from the streets. As part of this work, a public dashboard was developed to increase the transparency of data and progress toward reducing street homelessness.

The City has implemented Code Blue and Code Red procedures to further protect clients who are living unsheltered, thereby doubling the number of outreach vans in the field and enabling teams to check on individuals more frequently. Additionally, when these procedures are in effect, individuals experiencing homelessness may access any of the agency's adult facilities, including shelters and drop-in centers, without going through the usual intake process.

Outreach providers are also responsible for responding to 311 requests for homeless assistance. Through 311 phone line or mobile app, the public can report if they see an individual who appears to be homeless or in need of services.

***iii. Policies and procedures for admission, diversion, referral and discharge by emergency shelters assisted under ESG, including standards regarding length of stay, if any, and safeguards to meet the***

***safety and shelter needs of special populations, e.g. victims of domestic violence, dating violence, sexual assault, and stalking; and individuals and families who have the highest barriers to housing and are likely to be homeless the longest.***

As previously described, all individuals and families must apply at the appropriate Intake Center for emergency shelter. Before individuals and families receive an official shelter assignment, diversion services are explored with the applicant. Some of these services including anti-eviction legal services, one-shot deals, City FEPS, and out-of-City relocations services. The Intake Center for families with children (PATH) also has HRA's No Violence Again (NoVA) office to provide DV crisis counseling and placement into DV shelters for families who are eligible for those services.

If an individual or family is found eligible for emergency shelter, an official shelter assignment is given. DHS is the only referral system to emergency shelters that contract with the agency. These providers must accept all homeless adults referred to it by DHS, as long as there is adequate space in the shelter. The shelters may not reject a referral on the basis of a resident's unwillingness to initially comply with the specific programmatic requirements. The provider must make its best efforts to engage and encourage the resident to comply with its specific programmatic requirements. Shelters are also required to provide an orientation session and describe the shelter's guidelines to each new resident.

Every resident receives casework services designed to develop independent living skills including, but not limited to, entitlement assistance and advocacy, referral information, linkages to community-based service programs, crisis management, life skills development, employment and housing referral, recreation and out-placement with follow-up services. The goal of each case management plan is to prepare residents for alternative living arrangements and should explicitly address the resident's barriers to permanency as identified in the assessment.

Each shelter is responsible for assisting residents to achieve permanency in the shortest reasonable period possible. Permanency is defined as living in stable housing in the community with or without support services (based on the resident's needs) and with access to economic resources provided by employment, entitlements, public or other benefits and/or assistance from family that will reasonably ensure that the client will not return to homelessness. Residents must be prepared for and referred to appropriate housing resources based on their permanency plans.

Shelters prioritize long-term shelter stayers and residents at risk of becoming long-term stayers. Services for these residents may include, but not be limited to, more frequent case work contacts, case reviews and assertive linkage and follow-up to needed mental health and/or substance abuse treatment services. Shelters must ensure that residents remain in the shelter for no longer than is necessary. Each shelter provider must design its program to ensure compliance with this objective.

All shelter providers must have discharge policies that are in accordance with DHS procedures and NYS OTDA rules, regulations and procedures. The shelters are responsible for placing all residents being discharged from the shelter into an appropriate setting based on their needs. If a resident in the shelter is found to be inappropriate to the program model, the shelter provider must place the resident in a more appropriate setting, with DHS's authorization.



***iv. Policies and procedures for assessing, prioritizing, and reassessing individuals' and families' needs for essential services related to emergency shelter;***

The admission process includes comprehensive assessments. These assessments will help inform the case management process and the determination of what kind of program shelter will best suit each individual's needs. These evaluations include but are not limited to the following areas:

1. History of the current episode of homelessness, including precipitants and actions taken by the resident to avoid homelessness.
2. History of any other episodes of homelessness, including precipitants and actions taken by the resident to avoid homelessness.
3. Housing or permanency options available to the resident, including family resources.
4. Comprehensive evaluation of the financial resources available to the resident, whether accessed by the resident or not, including employment income, savings, entitlements or other benefits, pensions, family resources, etc.
5. Physical health screening, with referral to appropriate service providers if indicated.
6. Mental health screening, with referral to appropriate service providers if indicated.
7. Substance abuse screening, with referral to appropriate service providers if indicated.

Case managers, together with the resident, also develop individualized case management plans as soon as practical after arrival at the shelter, but in no event later than ten calendar (10) days after arrival, unless otherwise approved by DHS. The case management plans include a psychosocial history, a comprehensive resident assessment and including diagnosis (if appropriate), an assessment of housing and housing related case needs, a signed service plan containing a specific plan to guide the resident in his/her efforts to secure permanent or other appropriate housing as expeditiously as possible, a milestone chart, a discharge plan, a description of the progress made by the resident and any referrals to other treatment modalities. This plan is to be based on the resident's strengths and challenges, resulting in the resident being re-housed into the community with the supports necessary to prevent the resident from re-experiencing homelessness.

The shelters ensure that case management-resident contacts occur as prescribed in each resident's service plan. The service plan must be updated at least once a month or whenever new case information necessitates a revision. At a minimum, residents should have formal contact with a case manager twice a week. Residents who have proved to be service resistant or who have mental health issues should meet with a case manager more than the minimum.

***v. Policies and procedures for coordination among emergency shelter providers, essential service providers, homelessness prevention and rapid re-housing assistance providers, other homeless assistance providers, and mainstream service and housing providers.***

There is diverse membership within the NYC Coalition on the Continuum of Care (CCoC) Steering Committee (SC) with 8 government (federal and state & city), 8 consumer, 8 coalition and 3 at large members -including representatives of private industry - ensures a broad investment in the strategic planning and operation of projects to prevent and end homelessness. The CCoC is the main mechanism for coordination between emergency shelters providers, essential service providers, homeless prevention and rapid re-housing providers, mainstream services and housing providers. DHS is the Collaborative Applicant and a Steering Committee member, ESG recipient and runs the vast majority of emergency

shelters throughout NYC. Housing providers, including permanent supportive housing (PSH), rapid rehousing (RRH), and transitional housing (TH) programs are actively engaged in the CCoC's efforts. NYC Department of Housing Preservation and Development (HPD) is one of two public housing authorities (PHA's) within the jurisdiction and is a Steering Committee member. DOHMH, a CCoC SC member and the NYC HOPWA recipient, attends CCoC Data Management Committee meetings and is preparing to submit HOPWA data into HMIS, further allowing the CCoC to track HOPWA outcomes and target resources to the homeless living with HIV/AIDS. HRA, NYC's TANF agency, is a CCoC SC member and maximizes TANF to prevent and end homelessness. HRA is co-located at NYC's homeless intake center to offer TANF-funded diversion; TANF funds HRA's community-based prevention programs; and families exit shelter with rapid re-housing assistance funded by TANF. DYCD, NYC's RHY provider, is also a CCoC SC member.

***vi. Policies and procedures for determining and prioritizing which eligible families and individuals will receive homelessness prevention assistance and which eligible families and individuals will receive rapid re-housing assistance.***

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

Household Composition: The household must be either a single adult or adult family.

Income: The household's total income must be at or below 30% Area Media Income (AMI).

Risk of Homelessness: The household must receive an assessment using a risk assessment instrument provided by the Department of Homeless Services (DHS) and determined to be at imminent risk of homelessness, scoring 7 or more points.

Resources & Network: The household does not have sufficient resources or support networks, e.g. family, friends, faith-based or social network, immediately available to prevent them from becoming homeless.

A re-evaluation of the program participant's eligibility and type of assistance needed is required at least once every 3 months for households receiving assistance greater than 90 days. Services may not exceed 2 years (24 months).

ESG-funded programs should determine the re-certification date based on the original ESG eligibility assessment date. The intent of the recertification rule is to ensure programs are fully evaluating households that are receiving ongoing financial assistance and/or other ESG assistance to ensure the household remains eligible and needs continued assistance to prevent homelessness. ESG-funded programs may be monitored to ensure appropriate documentation is obtained and included in ESG participants' files.

ESG Income Criteria and Definitions:

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

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

Gross Income is the amount of income earned before any deductions (such as taxes and health insurance premiums) are made. Earned Income, Business Income, Interest & Dividend Income, Pension/Retirement Income, Unemployment & Disability Income, TANF/Public Assistance, Alimony, Child Support and Foster Care Income, Armed Forces Income are the types of income that must be counted when calculating gross income.

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

Adult full time students who are not the Head of Household are excluded from gross income calculations.

#### ESG Income Documentation Standards

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

- I. Third Party Verification from a third party, which includes:
  - Source (Notices/Statements): Official communication on letterhead or statement template; document must be signed and dated (when appropriate). Examples include; paystub, most recent financial statement, statement of income from employer/income source.
  - Written (Written Letters/Referrals): Official communication issued on agency stationary or program template; document must be signed and dated by appropriate representative of third party. Examples include; letter from employer/income source, income source.
  - Oral (Recorded Oral Statements): Oral statement recorded by intake staff of 3rd party providing verification;

The documents for the program staff to complete for the Third Party Verification process are Written Third-Party Verification of Income Form (WTP-2) and the Oral Third-Party Verification of Income Form (OTP-2).

- II. Self-Declaration. Written statement by the individual/head of household applying for assistance. The statement must be completed on the Self-declaration of Income form (SD1-2) and certified (i.e. signed and dated by applicant) as true and complete. Program staff must describe efforts to obtain third party information (phone logs, email correspondence, copies of certified letters etc.) and details of outcome, including obstacles. Once completed, the form must be signed and dated by intake staff as true and accurate.

**vii. Standards for determining the share of rent and utilities costs that each program participant must pay, if any, while receiving homelessness prevention or rapid re-housing assistance.**

ESG funded prevention and rapid re-housing services do not include rental assistance. While NYC ESG does not fund rental assistance, the NYC CCoC is preparing to implement a RRH program and has prepared written standards for this program. These standards can be found here: [http://www.nychomeless.com/html/cmt\\_Governance.html](http://www.nychomeless.com/html/cmt_Governance.html)

**viii. Standards for determining how long a particular program participant will be provided with rental assistance and whether and how the amount of that assistance will be adjusted over time.**

ESG funded prevention and rapid re-housing services do not include rental assistance. While NYC ESG does not fund rental assistance, the NYC CCoC is preparing to implement a RRH program and has prepared written standards for this program. These standards can be found here: [http://www.nychomeless.com/html/cmt\\_Governance.html](http://www.nychomeless.com/html/cmt_Governance.html)

**ix. Standards for determining the type, amount, and duration of housing stabilization and/or relocation services to provide a program participant, including the limits, if any, on the homelessness prevention or rapid re-housing assistance that each program participant may receive, such as the maximum amount of assistance, maximum number of months the program participants receives assistance; or the maximum number of times the program participants may receive assistance.**

There are many people who are housed and have great need but would not become homeless if they did not receive Homebase assistance. To be eligible for ESG-funded prevention assistance, programs must assess and document that the household would become homeless **but for** the ESG assistance. In other words, a household would require emergency shelter or would otherwise become literally homeless in the absence of ESG assistance. A household that is at-risk of losing their present housing may be eligible if it can be documented that their loss of housing is imminent and they do not have sufficient resources or support networks, e.g. family, friends, faith-based or social network, immediately available to prevent them from becoming homeless.

ESG funds may be used for services that assist program participants with housing stability and placement. Homebase programs will not be providing ESG-funded financial assistance, including short and medium term rental assistance.

Each program participant may receive housing relocation and stabilization services for up to 24 months; however program eligibility must be assessed and recertified at least once every 3 months. ESG services are limited to the following eligible activities:

Housing Search and Placement Activities. These activities include assessment of housing barriers, needs and preferences; development of an action plan for locating housing; housing search and outreach to and negotiation with owner; assistance with submitting rental applications and understanding leases; assessment of housing for compliance with ESG requirements for habitability, and rent reasonableness; assistance with obtaining utilities and making moving arrangements; and tenant counseling.

Housing Stability Case Management. This service includes assessing, arranging, coordinating, and monitoring the delivery of individualized services to facilitate housing stability. Activities include using the centralized or coordinated assessment system to conduct the initial evaluation and re-evaluation; counseling; developing, securing and coordinating services including Federal, state, and local benefits; monitoring and evaluating program participant progress; providing information and referrals to other providers; and developing an individualized housing and service plan.

Mediation. This service includes mediation between the program participant and the owner or person(s) with whom the program participant is living, to prevent the program participant from losing permanent housing in which they currently reside.

Legal Services. Legal services are offered to resolve a legal problem that prevents a participant from obtaining or maintaining permanent housing. Activities include client intake, preparation of cases for trial, provision of legal advice, representation at hearings, and counseling; and filing fees and other necessary court costs. Legal representation and advice may be provided for: landlord/tenant matters; orders of protection and other civil remedies for victims of domestic violence, dating violence, sexual assault, and stalking; child support; guardianship; paternity; emancipation; legal separation; appeal of veterans and public benefit claim denials; and resolution of outstanding criminal warrants.

Credit Repair. These services are provided to assist program participants with critical skills related to household budgeting, managing money, accessing a free personal credit report, and resolving personal credit problems. Activities include credit counseling and other related services. Assistance cannot include the payment or modification of a debt.

Requirements and Restrictions. Participants must be required to meet regularly with a case manager, at least once a month for the duration of assistance. In addition, participants must be assisted, as needed, in obtaining appropriate supportive services like medical or mental health treatment or services essential for independent living, and mainstream benefits like Medicaid, SSI, or TANF.

HUD requires an evaluation and certification of eligibility for ESG program participants (per the above criteria) **at least once every 90 days** for all households receiving ESG-funded Housing Relocation and Stabilization Services lasting longer than 90 days. ESG-funded programs should determine the recertification date based on the original ESG eligibility assessment date. The intent of the recertification rule is to ensure programs are fully evaluating households that are receiving ongoing financial assistance and/or other ESG assistance to ensure the household remains eligible and needs continued assistance to prevent homelessness. ESG-funded programs may be monitored to ensure appropriate documentation is obtained and included in ESG participants' files.

Termination of Assistance. If a program participant violates program requirements, the program may terminate the assistance in accordance with a formal process established by the program that recognizes the rights of individuals affected. The program must exercise judgment and examine all extenuating circumstances in determining when violations warrant termination so that a program participant's assistance is terminated only in the most severe cases. To terminate rental assistance or housing relocation and stabilization services to a program participant, the required formal process, at a minimum, must consist of written notice, decision review, and final decision. Written notice to the

program participant must contain a clear statement of the reasons for termination. Through the decision process, the program participant is given the opportunity to present written or oral objections before a person other than the person (or a subordinate of that person) who made or approved the termination decision. Once the decision review is completed, prompt written notice of the final decision to the program participant must be provided to the program participant by the provider.

Termination of assistance does not bar the program from providing further assistance at a later date to the same household.

***x. Coordinated Entry: New York City Coordinated Assessment and Placement System (CAPS)***

New York City Coalition on the Continuum of Care (NYC CCoC) appointed the Coordinated Assessment and Placement System (CAPS) Taskforce in July of 2015 to build upon existing structures and resources for a coordinated entry system for persons experiencing homelessness. The CAPS system leverages existing resources and newly developed technological solutions to maximize use of valuable housing resources. All projects receiving HUD Continuum of Care and Emergency Grant Solutions funds are expected to participate in CAPS, as designated by the CCoC and system partners. General eligibility requirements of CAPS are described in the NYC CCoC' written standards and can be found on the website ([www.nychomeless.com](http://www.nychomeless.com)). All projects are expected to participate with eligibility screening processes developed for CAPS. All HUD CoC funded permanent housing projects are only allowed to serve people who are literally homeless (including persons in Category 4 (DV) who are literally homeless) unless otherwise indicated under the eligibility standards for a given project type.

## Appendix 3 – Definitions

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



Consistent with the CHAS: A determination made by the jurisdiction that a program application meets the following criterion: The Annual Plan for that fiscal year's funding indicates the jurisdiction planned to apply for the program or was willing to support an application by another entity for the program; the location of activities is consistent with the geographic areas specified in the plan, and the activities benefit a category of residents for which the jurisdictions five-year strategy shows a priority.

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

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

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

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

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

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

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

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

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

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

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

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

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

The [FY2018 FMR](#) for the New York, NY HMFA is as follows:

Efficiency	One- Bedroom	Two-Bedroom	Three-Bedroom	Four-Bedroom
\$1,514	\$1,558	\$1,789	\$2,280	\$2,437

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

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

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

Federal Preference for Admission: The preference given to otherwise eligible applicants under HUD's rental assistance programs who, at the time they seek housing assistance, are involuntarily displaced, living in substandard housing, or paying more than 50 percent of family income for rent. (See, for example, 24 CFR 882.219.)

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

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

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

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

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

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

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

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

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

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

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

Unaccompanied youth under 25 years of age, or families with children and youth, who do not otherwise qualify as homeless under this definition, but who are defined as homeless under section 387 of the Runaway and Homeless Youth Act (42 U.S.C. 5732a), section 637 of the Head Start Act (42 U.S.C. 9832), section 41403 of the Violence Against Women Act of 1994 (42 U.S.C. 14043e-2), section 330(h) of the Public Health Service Act (42 U.S.C. 254b(h)), section 3 of the Food and Nutrition Act of 2008 (7 U.S.C. 2012), section 17(b) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(b)), or section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a); have not had a lease, ownership interest, or occupancy agreement in permanent housing at any time during the 60 days immediately preceding the date of application for homeless assistance; have experienced persistent instability as measured by two moves or more during the 60-day period immediately preceding the date of applying for homeless assistance; and can be expected to continue in such status for an extended period of time because of chronic disabilities, chronic physical health or mental health conditions, substance addiction, histories of domestic violence or childhood abuse (including neglect), the presence of a child or youth with a disability, or two or more barriers to employment, which include the lack of a high school degree or General Education Development (GED), illiteracy, low English proficiency, a history of incarceration or detention for criminal activity, and a history of unstable employment.

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

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

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

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

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

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

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

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

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

Households with a member with a disability: (for Section 811 Supportive Housing for Persons with Disabilities eligibility) A household composed of one or more persons at least one of whom is an adult (a person of at least 18 years of age) who has a disability. A disabled household may also be defined as two or more persons with disabilities living together, or one or more such persons living with another person who is determined by HUD, based upon a certification from an appropriate health-care professional, to be important to their care or well being. The term also includes the surviving member or members of any household described in the first sentence of this paragraph who were living in an assisted unit with the deceased member of the household at the time of his or her death.

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

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

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

Income Type - For HUD Section 8 Rental Voucher Programs the household's income is less than or equal to the maximum income level as defined below. Federal Fiscal Year 2017 Section 8 [Income Limits](#) remain in effect at this time and determine income definitions. HUD Section 8 Income Limits are calculated for every Fair Market Rent (FMR) area with adjustments for family size and for areas with unusually high or low family income or housing-cost-to-income relationships, or where needed because of prevailing levels of construction costs or fair market rents. According to HUD, the Federal FY 2017 Median Family Income (MFI) for the New York, NY PMSA was \$66,200. (Please note: this income definition is for HUD's required table of housing assistance needs of low and moderate income households by household income category and housing problems by tenure, household type and race/ethnicity.) Extremely Low, Very Low, Low and Moderate Income are defined as follows:

*EXTREMELY LOW*

A household with an income that does not exceed the greater of 60 percent of the Section 8 Very Low Income limit or the federal poverty level as established by the Department of Health and Human Services (HHS). (Less than or equal to \$28,600 for a family of four, with adjustments for household size.)

*VERY LOW (0 TO 50% MFI)*

A household with an income less than or equal to 50 percent of the area's median family income. (Less than or equal to \$47,700 for a family of four, with adjustments for household size.) For programs which use Very Low and Low Income limits (only). Extremely Low Income households described above are considered part of the Very Low Income category.

*LOW (51 TO 80% MFI)*

A household with an income greater than 50 percent and less than or equal to 80 percent of the area's median family income. (Greater than \$47,700 and less than or equal to \$76,300 for a family of four.)

*MODERATE (81 TO 95% MFI)*

A household with an income greater than 80 percent and less than or equal to 95 percent of the city's median family income. (Greater than \$76,300 and less than or equal to \$90,600 for a family of four.)

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

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

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

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

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

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

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

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

LIHTC: (Federal) Low Income Housing Tax Credit.

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

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

Low-Income: See Income Type.

Minority Concentration: A census tract in which the percentage of non-White and Hispanic population (total number of persons of all races less White, non-Hispanic persons divided by the tract's total population) is greater than or equal to 85 percent. According to the U.S. Census Bureau, persons of this population may be comprised

of: American Indian or Alaska Native, Asian, Black or African-American, Native Hawaiian or Other Pacific Islander, Persons more than one race, Persons of Some Other (single) race not previously listed, and Hispanic Persons of all races.

Moderate-Income: See Income Type.

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

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

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

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

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

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

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

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

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

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

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

Person with a disability: The Section 811 Supportive Housing for Persons with Disabilities Program defines a person with a disability as follows: A person shall be considered to have a disability if he or she has a developmental disability as defined in section 102(7) of the Development Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6001.6006) if the person has a chronic disability which: 1) is attributable to a mental or physical impairment or combination of mental and physical impairments; 2) is manifested before the person attains twenty-two years of age; 3) is likely to continue indefinitely; 4) results in substantial functional limitation in three or more areas of major life activities including self-care, receptive and expressive language, learning, mobility, self-direction, capacity for independent living, economic self-sufficiency; and 5) reflects the person's need for a combination and sequence of special, interdisciplinary or generic care, treatment or other services which are of

lifelong or extended duration and are individually planned and coordinated. A person may also be defined as having a disability if the person has a chronic mental illness, i.e. a severe and persistent mental or emotional impairment that seriously limits the person's ability to live independently, and which impairment could be improved by more suitable housing conditions. The term may also apply to a person infected with the human acquired immunodeficiency virus (HIV) and a person who suffers from alcoholism or drug addiction, provided the person meets the definition as provided in Section 811 (42 U.S.C. 8013(k)(2)). A person whose sole impairment is a diagnosis of HIV positive or alcoholism or drug addiction who does not meet Section 811 (42 U.S.C. 8013(k)(2)) qualifying criteria is not considered eligible for the Section 811 Supportive Housing program.

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

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

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

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

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

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

Public Housing CIAP: Public Housing Comprehensive Improvement Assistance Program.

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

Service Needs: The particular services identified for special needs populations, which typically may include transportation, personal care, housekeeping, counseling, meals, case management, personal emergency

response, and other services to prevent premature institutionalization and assist individuals to continue living independently.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Very Low-Income: See Income Type.

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

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

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

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

### **1. Testimony from the Public Hearing to Formulate the Proposed 2018 Consolidated Plan, November 16, 2017**

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

No testimony regarding the Proposed 2018 Consolidated Plan Action Plan was provided at the public hearing.

**Appendix 5 – Certifications**

## CERTIFICATIONS

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

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

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

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


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

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

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

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

  
Signature of Authorized Official

  
Date

Deputy Mayor, Housing & Economic Development  
Title

## Specific Community Development Block Grant Certifications

The Entitlement Community certifies that:

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

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

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

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

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

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

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

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

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

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

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



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

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

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

██

Signature of Authorized Official

████████████████

Date

Deputy Mayor, Housing & Economic Development  
Title


**Specific HOME Certifications**

The HOME participating jurisdiction certifies that:

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

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

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

  
Signature of Authorized Official

  
Date

Deputy Mayor, Housing & Economic Development  
Title

## Emergency Solutions Grants Certifications

The Emergency Solutions Grants Program recipient certifies that:

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

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

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

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

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

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


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

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

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

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

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

  
Signature of Authorized Official

  
Date

Deputy Mayor, Housing & Economic Development  
Title


## Housing Opportunities for Persons With AIDS Certifications

The HOPWA grantee certifies that:

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

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

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

  
Signature of Authorized Official

  
Date

Deputy Mayor, Housing & Economic Development  
Title

## **APPENDIX TO CERTIFICATIONS**

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

#### **Lobbying Certification**

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

## Appendix 6 – Anti-Displacement Plan

In accordance with 24 CFR 42.325(a), the City will continue to take all reasonable steps to minimize the displacement of families and individuals from their homes and neighborhoods as a result of a federally assisted project activity assisted with funds provided under (1) the Community Development Block Grant (CDBG) Entitlement Program (24 CFR 570), or (2) the HOME Investment Partnerships Program (24 CFR 92).<sup>i</sup>

### Part 1: Displacement Mitigation

Consistent with 24 CFR Part 42, the City will take the following steps to minimize the displacement of persons from their homes and neighborhoods:

#### I. Preserve Existing Affordable Housing

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

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

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

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

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<sup>i</sup> The City of New York has also submitted an anti-displacement plan for CDBG-DR that can be found at: <http://www.nyc.gov/html/cdbg/html/home/home.shtml>.

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

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

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

## *3. Promote Safe and Healthy Housing*

The City allocates a portion of CDBG funds to the Department of Housing Preservation and Development (HPD) to enforce the City's Housing Maintenance Code (HMC). HPD employs a team of housing inspectors that respond to housing maintenance complaints reported through 311 – the City's 24/7 call center providing help with more than 3,600 non-emergency government services, calls from residents, and referrals from community members and housing court. Depending on the severity of the housing maintenance issue, the housing inspectors can issue violations to help ensure timely repairs; HPD can make emergency repairs for critical services like heat and water; and HPD can bring litigation in Housing Court if owners do not comply by making necessary repairs. HPD's code enforcement team performed 698,948 inspections in fiscal year 2017; enforcing the HMC ensures that affordable housing residents live in safe and healthy housing and that owners respond to maintenance complaints in a timely manner. This work combined, mitigates the possibility of displacement due to substandard living conditions.

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

## *4. Protect Tenants from Harassment*

Small subsets of landlords are resorting to illegal behavior to vacate apartments and increase rents due to the tremendous demand for affordable rental housing. The City is fighting tenant harassment on multiple fronts to ensure renters are not displaced as a result of tenant harassment. To support tenants facing eviction or



harassment, the City expanded legal services funding for low-income New Yorkers. In February of 2017, the Mayor announced that the City will fund universal access to legal services for tenants facing Housing Court evictions. Through a five-year implementation plan, free legal representation will be available to all tenants with household incomes at or below 200% of the federal poverty level. Providing legal representation to low-income renters directly combats possible displacement due to illegal landlord behavior.

Also in 2017, the City expanded programming to combat tenant harassment. In November, the City passed a law that would significantly increase the coverage of the Certification of No Harassment (CONH) program. Buildings covered by the CONH program cannot be demolished or significantly altered unless the owner can prove they did not harass tenants in the previous five years. The City is also creating a Speculation Watch List—a public list of majority rent-regulated buildings that recently sold where new investors may be financially motivated to displace tenants.

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

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

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

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

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

The City also helped to create the Tenant Harassment Prevention Task Force (THPT), a multi-jurisdictional, interdisciplinary team that investigates and brings enforcement actions, including criminal charges, against landlords who are found to be harassing tenants. The THPT investigates landlords that tenants claim are using a variety of tactics, including disruptive and dangerous renovations and construction projects, to force tenants to vacate affordable units protected under rent regulation laws. The City and State partners in the THPT are committed to investigating and prosecuting landlords who are harassing tenants and not complying with fair housing laws.

## II. Develop New Affordable Housing

A major goal of New York City's housing policy is to produce new affordable housing because of the rental housing shortage. Providing both new market and affordable housing increases the housing supply, which is necessary to accommodate the city's growing population. Ensuring access to quality, safe, and stable housing is also key to improving the health and well-being of individuals and families. As the City invests in new housing, infrastructure, and services in neighborhoods across the City, it is important that residents have access to resources that enable them to stay in the neighborhood and enjoy these benefits if they choose. When the City finances new affordable housing, community district residents in which the project is located receive a preference for a portion of any units marketed through a lottery, per HPD's community preference policy.

Without new housing, too much pressure is placed on existing rental inventory – as a result, residents seeking new housing opportunities can outbid lower income residents for apartments, shifting the share of existing rental units towards those that can pay the most, and creating displacement. To combat this, the City uses an array of strategies to promote and support affordable housing development, including: (1) using affordable housing financing programs for development on public and private land that can address a diverse set of housing needs, including those of families, seniors, and people requiring supportive services, such as those who have disabilities or are formerly homeless; (2) implementing Mandatory Inclusionary Housing (MIH) which requires that 20 to 30 percent of all new residential developments in neighborhoods rezoned for housing growth include affordable homes; and (3) supporting mission-driven organizations that are interested in developing affordable housing on their underutilized sites.

### 1. *Affordable Housing Financing Programs*

The City aims to affirmatively further fair housing and support economically diverse neighborhoods by financing the development of housing that is affordable to families with a wide range of incomes and needs. The City uses a balanced approach for its affordable housing development, including building mixed-income housing in low-income neighborhoods and requiring the market to provide affordable housing in higher cost areas through zoning requirements or tax incentives. City financing programs have options that provide housing for extremely low-to-middle income households, as well as for seniors and households with special needs. For example, the City's Our Space program creates housing for homeless families where rents can be set as low as the City's public assistance shelter allowance. Some of HPD's program term sheets have recently been updated to both deepen the subsidy for extremely and very low-income household and encourage multiple income tiers to provide a broader range of mixed income housing which can help to ensure a broad range of low and moderate income residents have access to affordable housing and are not displaced from neighborhoods. By providing affordable housing at a range of incomes, the City fulfills its goals of preventing residential displacement (through the provision of new affordable housing), promoting mobility to higher opportunity areas (through its requirements and incentives for the market provide low-income housing in higher cost areas), and investing in areas in need of concerted revitalization because of a lack of investment historically.

Since 2014, the City has financed the construction of approximately 25,342 new affordable homes across the city. The City is developing affordable housing on publicly owned land using its own financing programs. The City also provides financing to for-profit and non-profit developers with vacant or underutilized privately owned land to develop affordable housing projects on such privately owned land in order to maximize residential development opportunities throughout the City. In addition the City has also launched Housing+, an initiative designed to add new housing on underutilized land on privately owned affordable housing developments while addressing the rehabilitation and financing needs of these existing developments. The initiative will focus on

existing affordable housing developments such as HUD-assisted properties, Mitchell-Lamas, and developments financed through past City disposition programs.

## *2. Mandatory Inclusionary Housing*

The City's Mandatory Inclusionary Housing (MIH) program requires developers to provide 20-30 percent of the housing to be permanently affordable in new buildings whenever land is rezoned for increased or new residential development. By creating housing for people earning a range of incomes in every new building, MIH ensures economic diversity as neighborhoods grow, while also providing affordable housing opportunities for low- and moderate-income tenants within new developments that may otherwise be priced out and displaced from their growing neighborhood. The City also offers financing to incentivize the development of affordable housing that exceeds the minimum percentage required in MIH. Projects subject to MIH requesting certain City subsidies are required to provide an additional 15 percent permanently affordable housing. The community district residents in which such properties are located receive preference for a portion of the housing marketed through the lottery pursuant to HPD's community preference policy.

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

The City is increasing efforts to encourage mission driven organizations to develop their underutilized land as an additional tool to increase affordable housing development. The City published a pre-qualified list of owner representatives, developers, and real estate consultants, who have technical expertise and experience to help mission driven organizations explore development options for their underutilized land. In addition, the City, in partnership with a non-profit partner, launched the New York Land Opportunity Program, which will provide dedicated technical assistance to mission-driven owners with development sites. The City also offers grants specifically for community-based organizations to procure professional services to assist in the redevelopment and remediation of their vacant land.

### III. Increase Access to Affordable Housing

Access to affordable housing is crucial to fighting the displacement of low-income tenants. The City has implemented three main strategies to help ensure access: (1) increasing education around the affordable housing application process; (2) improving advertisements for open housing lotteries, (3) continuing to refine marketing strategies to reach New Yorkers most in need; and (4) educating tenants, owners, developers and managing agents about their fair housing rights and responsibilities.

#### *1. Education on the Housing Application Process*

The City has invested in an array of educational initiatives to help ensure that low-income tenants understand the affordable housing application process and offer more support in applying for affordable housing in neighborhoods across the city. The City launched a Housing Ambassador Program to train local community groups to provide free technical assistance to residents who wish to apply for affordable housing. The City developed a step-by-step brochure and video guide on preparing for and applying to the affordable housing lottery. The City is also engaging in a large-scale project to redesign the affordable housing application website to include a tailored applicant experience, strategies to help residents complete more accurate applications, and the creation of a more streamlined, efficient application process.

#### *2. Advertise Open Housing Lotteries*

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

### 3. *Refine Marketing Guidelines*

The City has made changes to marketing guidelines that govern tenant selection for affordable housing in order to remove barriers for the most at need applicants. Tenant selection criteria no longer allows for applicants to be rejected based on credit score alone, but rather developers must review a more complete credit history and follow strict rules if using the information to disqualify applicants. The City also offers free financial counseling to help applicants prepare for housing searches and to accurately complete application forms. Tenant selection criteria also prohibit applicants from being disqualified solely because they have been involved with Housing Court. Only in certain serious circumstances can Housing Court history be used for disqualification.

### 5. *Education on Fair Housing*

The City has placed emphasis on proactive strategies to protect tenants from housing discrimination, focusing in particular on targeted education and outreach efforts. Through HPD and the New York City Commission on Human Rights (CCHR), the City conducts regular fair housing trainings and workshops for tenants, owners, developers and managing agents about their fair housing rights and responsibilities. For example, the City launched a quarterly training session to educate owners and managing agents about their fair housing responsibilities before they begin the marketing process. The City also sponsored a “No Room for Housing Discrimination in NYC” outreach campaign to educate tenants about their rights. Finally, HPD and CCHR maintain a dedicated fair housing website with resources for both tenants and owners

## IV. Promote Neighborhood Stabilization through Economic Opportunity

The City leverages its investment in affordable housing development to promote neighborhood stabilization through the economic opportunity these projects create. The City has implemented policies and programs that require developers who receive City financing for affordable housing development to use the City’s workforce development and placement services for construction jobs and to include local, diverse small businesses in the design and construction of affordable housing that reflect the diversity of the neighborhoods being developed.

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

These policies and programs include:

- HireNYC – A targeted hiring program that enables the city to use its investments to connect more New Yorkers to well-paying jobs and helps local businesses find skilled workers. HireNYC requires any housing development receiving \$2 million or more in City subsidy to post certain open positions with the Workforce 1 Career Centers, (the City’s publicly-funded career development centers located throughout the City), and to consider qualified candidates for entry and mid-level positions associated with those developments. Workforce 1 recruits and connects City residents to the construction jobs that city

financing facilitates thereby allowing neighborhood residents to directly participate in the economic opportunity affordable housing developments generate.

- Expand Opportunities for Minority and Women-Owned Business Enterprises (M/WBEs) – The City has expanded efforts that promote more business diversity involved in the new construction and preservation of affordable housing to reflect the City’s business diversity and the neighborhoods being developed. The City’s programs and policies require the inclusion of M/WBEs, namely, the Department of Housing Preservation and Development’s M/WBE Build Up Program requires developers of projects where HPD/HDC contributes \$2 million or more in subsidy to spend a goal amount of at least a quarter of all HPD/HDC-supported costs on certified M/WBE construction, design, or professional service firms; and the City’s procurement policies promote the use of M/WBE when the City contracts for work such as making emergency repairs to promote safe and healthy housing.
- The City also requires developers seeking to develop city-owned land to devise and submit community outreach plans for local hiring which are considered when awarding a site to a developer. Developers are required to report on progress.

## **PART 2:**

### Replacement of Lower Income Housing

As described in 24 CFR 42 Subpart C, the City will replace occupied and vacant occupiable lower income housing that is converted to a use other than lower income housing or is demolished as a result of activities paid for in whole or in part with funds provided by HUD under the CDBG Entitlement Program or the HOME program.

To the extent that the specific location of the replacement housing and other data required by paragraphs (c)(4) through (c)(7) of 24 CFR Part 42.375, are not known, the City shall identify the general location of the housing on a map and complete disclosure and submission requirements when the specific data are available.

### Relocation Assistance

In accordance with 24 CFR 42.325(a), the City will continue to take all reasonable steps to minimize the displacement of families and individuals from their homes and neighborhoods as a result of a federally assisted project activity assisted with funds provided under (1) CDBG Entitlement Program (24 CFR 570), or (2) the HOME Investment Partnerships Program (24 CFR 92).

In cases where these funds are used for preservation programs, the funds help preserve low income housing and do not result in displacement. In some cases existing tenants must be temporarily relocated during rehabilitation of the building. Owners must sign temporary relocation agreements, which cover the existing tenants’ temporary relocation costs and guarantee their return upon completion of the preservation project. The successful renovation of existing occupied buildings may require that rents be restructured for existing tenants. Such restructured rents generally do not exceed the applicable fair market rent for existing housing. Low income tenants who are unable to afford restructured rents resulting from this rehabilitation will be assisted by the City in applying for and obtaining Section 8 Existing Housing Certificates and Vouchers, if available. For existing tenants who do not qualify for Section 8, they will be offered a preferential rent set to 30% of their income and capped by the applicable AMI for their unit.

In cases where these funds are used to enforce the HMC and HPD finds a building to be unsafe for habitation,

then HPD issues a vacate order for the safety of residents. However, HPD's Emergency Housing Services (EHS) provides relocation assistance, including access to emergency temporary shelter, case management and counseling, housing search assistance, housing placement coordination, public benefits and general advocacy, and referrals to social and supportive services outside of HPD. Relocation assistance is provided in accordance with Section 18-01 of Chapter 18 of Title 28 of the Rules of New York – Services to Individual Temporarily Displaced by Vacate Orders.<sup>ii</sup> The rule specifies eligibility for relocation services including temporary shelter and provides that HPD will assist relocatees in applying for housing and will refer the relocatee to one standard apartment. Relocatees must cooperate in the housing search. While staying in temporary shelter, relocatees must seek out lawful dwellings themselves, and provide regular progress reports to a case manager. They must also abide by shelter rules. Violation of the relocation rules can result in notice of a hearing for termination of relocation services. The rules provide the procedures for hearings and terminations.

The City has also undertaken an initiative to ensure that relocation activities are conducted in accordance with local, state and federal fair housing laws. Relocation managers have been trained on basic fair housing laws and are aware of New York City's Commission on Human Rights fair housing program which provides counseling services for tenants who allege discrimination. A tenant who has been displaced by government action is informed of his/her Fair Housing rights in the Tenants Assistance Policy literature that is part of the informational package given to potential relocatees. This policy delineates the basic fair housing laws and the remedies available for any tenant who believes he or she has encountered housing discrimination.

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