

Consolidated Plan

2012 Executive Summary



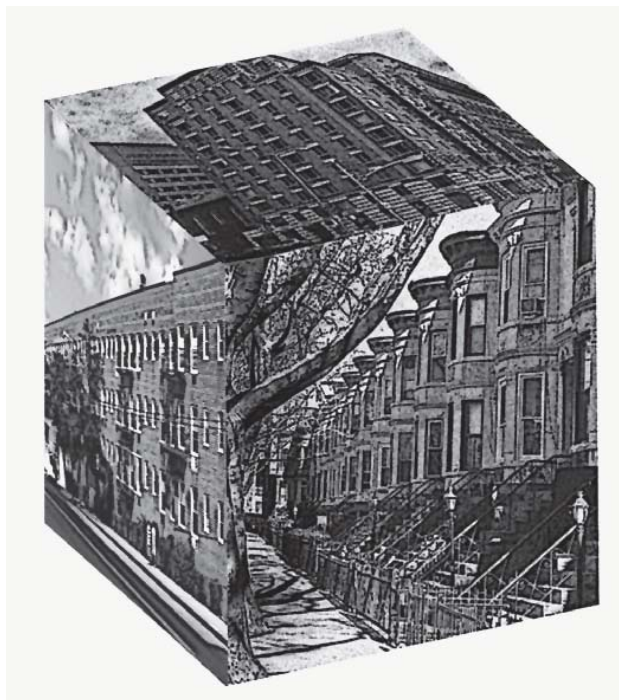
NYCTM **PLANNING**
DEPARTMENT OF CITY PLANNING CITY OF NEW YORK

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Consolidated Plan

2012

Executive Summary



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2012 CONSOLIDATED PLAN

September 10, 2012

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Executive Summary 2012 Consolidated Plan

Introduction

The *2012 Consolidated Plan* is the City of New York's annual application to the United States Department of Housing and Urban Development (HUD) for the four Office of Community Planning and Development entitlement programs: Community Development Block Grant (CDBG), HOME Investment Partnership (HOME), Emergency Solutions Grant (ESG) (*formerly the Emergency Shelter Grant*), and Housing Opportunities for Persons with AIDS (HOPWA).

The change in the Emergency Shelter Grant program's name reflects the change in the program's federally-mandated focus from addressing the needs of homeless people in emergency or transitional shelters to assisting families and individuals to quickly regain stability in permanent housing after experiencing a housing crisis and/or homelessness.

The 2012 Plan represents the third year of a five-year strategy for New York City's Consolidated Plan years 2010 through 2014. The five-year strategy was articulated in Volume 2 of the 2010 Consolidated Plan.

New York City's Consolidated Plan Program Year 2012 begins January 1, 2012 and ends December 31, 2012. According to federal Consolidated Plan regulations, localities are required to submit their Proposed Plan no later than 45 days prior to the start of the Program Year (November 15, 2011). The City of New York submitted its Proposed Plan to HUD as required on November 15, 2011. The Proposed Plan was subsequently approved on December 29, 2011.

In July 2012 the City of New York amended its Consolidated Plan to reflect the programmatic changes as the result of the City Charter mandated budget process for City Fiscal Year 2013 (CFY13), which began on July 1, 2012; and, the formula entitlement grant monies actually received.

For the 2012 Program Year, the City received approximately \$360,216,200 from the four HUD formula grant programs; \$231,486,000, for CDBG, \$60,338,400 for HOME, \$54,245,300 for HOPWA, and \$14,146,200 for ESG. *This represents an approximate \$59.4 million overall decrease in entitlement grant funds received from the prior Program Year's grant awards. The majority of the decrease is the result of a substantial decrease in the amount of HOME Program funds the City actually received for 2012 (approximately \$50.2 million less than the 2011 HOME entitlement grant award).*

These funds are primarily targeted to address the following eligible activities: housing rehabilitation and community development to maximize the preservation of the City's housing stock; the City's continuum of care for homeless single adults and homeless families; and housing opportunities and housing support services for persons with HIV/AIDS.

The New York City Consolidated Plan serves not only as the City's application for federal funds for four HUD Office of Community Planning and Development formula programs (CDBG, HOME, ESG and HOPWA), but also as the HOPWA grant application for three (3) surrounding counties within the New York Eligible Metropolitan Statistical Area (EMSA): Putnam; Rockland and Westchester. The County of Westchester administers the HOPWA funds for the cities of Mount Vernon, New Rochelle, and Yonkers which are incorporated within its boundaries.

The New York City Department of City Planning is the lead agency in the City's Consolidated Plan application process and is responsible for the formulation, preparation and development of each year's proposed Consolidated Plan. City Planning coordinates Plan-related activities between the Consolidated Plan Committee member agencies and the federal government.

The four federal entitlement programs, CDBG, HOME, HOPWA and ESG, are administered by the following City agencies respectively, Office of Management and Budget (OMB), the Department of Housing Preservation and Development (HPD), the Department of Health and Mental Hygiene – Bureau of HIV/AIDS Prevention and Control (DOHMH-BHAPC), and the Department of Homeless Services (DHS).

In addition, the New York City Housing Authority (NYCHA), using primarily Public Housing Capital funds, administers public housing new construction, rehabilitation and modernization activities, and home ownership opportunity programs, along with a Section 8 rental certificate and voucher program for its tenant population. Furthermore, the City of New York's Continuum of Care for the Homeless and Other Special Needs Populations is administered by various City Agencies, each according to their respective area of expertise. The supportive housing programs and services are funded primarily with City (capital and/or expense) and/or State funds.

The Department of Homeless Services (DHS) coordinates social and physical services for homeless families and individuals. Programs for runaway and homeless youth and children aging out of foster care are administered by the Department of Youth and Community Development (DYCD), and Administration for Children's Services (ACS), respectively.

The Human Resources Administration (HRA) provides a range of public benefits and social services which assist in homeless prevention and/or diversion. These are often delivered in conjunction with government sponsored housing efforts. Through HRA's HIV/AIDS Administration (HASA), HRA provides emergency and supported housing assistance and services for families, single adults and children with HIV-related illness or AIDS. The City's Department of Health and Mental Hygiene - Division of Mental Hygiene, along with the State's Offices of Mental Health (OMH), the Office for People With Developmental Disabilities (OPWDD) (formerly the Office of Mental Retardation and Developmental Disabilities (OMRDD)), and Office of Alcoholism and Substance Abuse Services (OASAS); plans, contracts for and monitors services for these disability areas and provides planning support to OASAS in the field of substance abuse services. Several other City Agencies address the concerns of targeted groups of citizens by providing housing information and supportive housing services assistance, such as the Department of the Aging (DFTA) (the elderly and frail elderly), the Mayor's Office for People with Disabilities (MOPD) (persons with a disability), and the Mayor's Office to Combat Domestic Violence (MOCDV) (victims of domestic violence).

Summary of Annual Objectives

For the 2012 Consolidated Plan program year the City of New York is required to use HUD's Performance Outcome Measurement System. The Performance Outcome Measurement System was developed to enable the U.S. Department of Housing and Urban Development to collect and aggregate standardized performance data on entitlement-funded activities from all entitlement grantees nationwide for use in reporting to Congress on the effectiveness of its formula entitlement programs in meeting the Department's strategic objectives.

The outcome performance measurement system includes objectives, outcome measures and performance indicators that describe the intended outputs of the various entitlement funded activities. There are three (3) objectives: creating Suitable Living Environment; providing Decent Affordable Housing; and Creating Economic Opportunities which, combined with the three (3) performance outcome categories,

Accessibility/Availability; Affordability; and Sustainability, create nine (9) performance measurement statements. The nine performance outcome measurement statements are:

- Accessibility for the purpose of providing Decent Affordable Housing
- Affordability for the purpose of providing Decent Affordable Housing
- Sustainability for the purpose of providing Decent Affordable Housing
- Accessibility for the purpose of creating Suitable Living Environments
- Affordability for the purpose of creating Suitable Living Environments
- Sustainability for the purpose of creating Suitable Living Environments
- Accessibility for the purpose of creating Economic Opportunities
- Affordability for the purpose of creating Economic Opportunities
- Sustainability for the purpose of creating Economic Opportunities

In addition to determining the performance outcome measurement, the System requires entitlement grantees to collect and enter into the HUD Integrated Disbursement and Information System (IDIS) accomplishment data according to eighteen (18) federally-defined Performance Indicator categories. Performance Indicator categories encompass housing construction and rehabilitation, public services and facilities, business/economic development, and homelessness prevention-related activities.

It is important to note that while the eighteen Performance Indicator Categories are designed to capture a majority of the eligible entitlement-funded activities a grantee may undertake, they do not capture every eligible activity. Therefore, due to the limitations of the Performance Indicators there are entitlement-funded activities which the City of New York intends to undertake in the 2012 Consolidated Plan Program Year which will not be captured by the Performance Outcome Measurement System. Consequently, the number of households and persons positively impacted by the City's overall efforts are expected to be much higher than can be identified under the Performance Indicator criteria. As a result of the Performance Outcome Measurement System's inability to categorize all eligible entitlement-funded activities, the amount of entitlement funds the City of New York expects to expend according to the nine performance outcome objective statements will be less than the total amount of entitlement funds the City of New York expects to receive for the 2012 Consolidated Plan program year.

For eligible program activities for which there is no appropriate HUD Performance Indicator in the Performance Outcome Measurement System, the City will reflect the proposed accomplishments by identifying the specific activity undertaken by the program. For example, because there is no suitable HUD indicator to reflect the CDBG-funded Land Restoration Program's activities, the Accomplishment Chart in the One-Year Action Plan's Description of Program Variables Table (Section I.C.a) will state: *No Appropriate HUD Indicator (Number of Vacant Lots Cleaned: 3,900)*. For these programs, program progress in addressing the City of New York's priorities and objectives as described in its five-year Consolidated Plan Strategic Plan will continue to be measured and reported in the Consolidated Plan Annual Performance Report (APR) by comparing its Proposed Accomplishment as described in the Consolidated Plan Action Plan Accomplishment Chart against its Actual Accomplishment.

Lastly, it is important to recognize that some households may benefit multiple times from various public service activities. Unlike activities such as rental assistance or housing production, where it is reasonable to expect that beneficiaries will not be double-counted, many households may receive multiple forms of assistance through a combination of either entitlement-funded public service, public facility or targeted area revitalization activities. As a result, if the reader attempts to aggregate the number of low-/moderate-income households and persons benefiting from entitlement-funded programs categorized as public service, public facility or targeted area

revitalization activities, the aggregated number of households and persons benefiting from these activities may actually be greater than the actual number of low-/moderate-income households and persons residing in New York City. Therefore, the reader is advised to interpret aggregated data with caution.

Summary of Annual Use of Grant Funds

Housing costs in New York City are some of the highest in the country and its housing stock is some of the oldest. The City is committed to easing the financial hardships low- and moderate-income families face in finding affordable decent housing by creating new and preserving existing housing units. As a response to the segment of New York City's housing stock that is older and in substandard condition, the City has devised programs which strive to remediate the City's deteriorating housing stock. To that end, the City of New York allocates a portion of its HUD entitlement grants to increasing accessibility, affordability, and to sustaining decent affordable housing in city neighborhoods. The City proposes to allocate a total of **\$41,789,661** during the 2012 calendar year to activities whose mission is to provide accessibility to decent affordable housing units. In 2012, the City will also spend approximately **\$103,281,300** to provide affordability of decent, affordable dwelling units and **\$59,866,483** to fund activities that work to sustain the City's housing stock.

Although safe affordable housing is a crucial component to improving the lives of New Yorkers, the City allocates a large share of HUD entitlement funds to community redevelopment programs as part of a holistic approach to enhancing the living environment found within the City. The programs are broad in scope but serve to generate vital, healthy, safe city neighborhoods. During the 2012 calendar year, **\$32,323,098** in total will be allocated to activities that provide access to a suitable living environment. A total of **\$3,128,000** will be used to promote affordable suitable living environments and **\$10,068,000** will be used for activities targeting sustainable living environments.

HUD entitlement grant dollars will also be apportioned to activities designed to foster economic recovery and enrich job prospects for city residents through business enhancement grants, education and worker training programs, and targeted commercial revitalization. In 2012, the City will spend **\$4,945,000** on activities that provide access to economic opportunity for low- and moderate-income New Yorkers.

The City of New York expects to receive approximately \$231,486,000 for CDBG programs, \$60,338,441 for HOME programs, \$14,146,420 for ESG programs, and \$51,759,146 for HOPWA programs. Housing and Urban Development entitlement grants provided to the City of New York are expected to achieve the following objectives and outcomes:

Community Development Block Grant

- Four programs expect to receive a cumulative total of \$1,035,000 for the purpose of providing accessibility to decent affordable housing.
- Eight programs expect to receive a cumulative total of \$42,573,000 for the purpose of providing affordability for decent affordable housing.
- Three programs expect to receive a cumulative total of \$51,542,000 for the purpose of providing sustainability of decent affordable housing.
- Twelve programs expect to receive a cumulative total of \$23,944,000 for the purpose of creating/improving accessibility to suitable living environments.
- One program expects to receive a total of \$3,128,000 for the purpose of creating/improving affordability for suitable living environments.
- Six programs expect to receive a cumulative total of \$10,068,000 for the purpose of creating/improving sustainability of suitable living environments.

- Three programs expect to receive a cumulative total of \$4,945,000 for the purpose of creating/improving accessibility to economic opportunity.
- Four programs for which there is no appropriate HUD Performance Indicator and, therefore, no applicable HUD defined outcome/objective statement, expect to receive a cumulative total of \$55,273,000 to undertake CDBG-eligible activities. The remainder of CDBG funds will be used for program administration and planning and, therefore, is not applicable to HUD defined outcome/objective statements.
- The remainder of CDBG funds, \$38,978,000 will be used for program administration and planning and, therefore, is not applicable to HUD defined outcome/objective statements.

HOME Investment Partnership

- Six programs expect to receive a cumulative total of \$38,791,818 for the purpose of providing accessibility to decent affordable housing.
- Six programs expect to receive a cumulative total of \$10,291,377 for the purpose of providing affordability of decent affordable housing.
- Two programs expect to receive approximately \$5,011,080 for the purpose of providing sustainable decent affordable housing.

Emergency Solutions Grant

- One program expects to receive a cumulative total of \$1,962,843 for the purpose of providing accessibility to decent affordable housing.
- One program expects to receive a cumulative total of \$3,313,403 for the purpose of providing sustainability of decent affordable housing.
- Two programs expect to receive a cumulative total of \$8,379,098 for the purpose of providing accessibility for suitable living environments.
- The remainder of ESG funds \$590,000 will be used for program administration and program management and, therefore, is not applicable to HUD defined outcome/objective statements.

Housing Opportunities for Persons with AIDS

- Three programs expect to receive a cumulative total of approximately \$50,206,642 for the purpose of providing affordability for decent affordable housing.
- The remainder of HOPWA funds, approximately \$1,552,504 will be used for program administration and planning and, therefore, is not applicable to HUD defined outcome/objective statements.

Summary of Funding

In total, over **\$1.650 billion** in combined funds is expected to be received in 2012. The four formula grants previously discussed account for approximately **\$360.216 million** of this figure.

Other Federal Funds include New York City Housing Authority (NYCHA) public housing authority funds, and HUD Competitive Grant program monies.

Summary Table of Funding Sources

	Amount City Expects to Receive in 2012	Amount City Expects to be Received by Other Entities in 2012
Total Federal		
CDBG	\$ 231,486,000	\$ 0
HOME	\$ 60,338,441	\$ 0
ESG	\$ 14,146,420	\$ 0
HOPWA	\$ 54,245,344	\$ 0
NYCHA Funds	\$ 0	\$ 273,059,437
HUD Competitive	\$ TBD	\$ TBD
Total State	\$ 14,500,000	\$ TBD
Total City	\$ 941,987,685	\$ 0
Total Private	\$ 0	\$ 60,442,840
Total All Sources	\$ 1,316,703,890	\$ 333,502,277

Citizen Participation

In the Consolidated Plan Formulation Process

In accordance with federal regulations 24 CFR 91.105(e)(1), regarding Consolidated Plan citizen participation requirements, the City of New York conducted a public hearing to solicit comments on the formulation of the *Proposed 2012 Consolidated Plan*, on April 7, 2011.

New Yorkers were invited to attend and participate in the formulation and development of the Consolidated Plan in several ways. Over 1,800 notification letters were sent to New York City residents, organizations and public officials inviting participation in the public hearing. In addition, notices of the previously mentioned activity were published in three local newspapers, one English-language, a Spanish-language, and a Chinese-language daily, each with citywide circulation. Furthermore, a notice was placed as a public service message on the New York City-operated local cable television access channel. The respective notices included relevant Plan-related information so that informed comments are facilitated.

The summarized citizens' comments and agencies' responses are provided at the end of this Executive Summary.

In the Proposed Public Comment Review Period and Public Hearing

In order to notify the public of the release of the Proposed Consolidated Plan for public review and of the federally-required public hearing on the contents of the document, the City utilized the same notification methods as it did to announce the public hearing for the formulation of the Proposed Plan. Furthermore, the respective notices included relevant Plan-related information so that informed comments are facilitated. Lastly, copies of the Proposed 2012 Consolidated Plan are mailed to both the Chairperson and District Manager of each of the City's 59 Community Boards.

To provide public access to the document, copies of the *Proposed 2012 Consolidated Plan* could be obtained at the **City Planning Bookstore**, 22 Reade Street, New York, New York 10007, Phone: 212-720-3667, (**Monday 12:00 pm to 4:00 pm, Tuesday through Friday 10:00 am to 1:00 pm**) or any of the New York City Department of City Planning borough offices. (See end of summary for the locations of the Department of City Planning borough offices.)

In addition, copies of the Proposed Consolidated Plan were made available for reference in the City's Municipal Reference & Research Center (the City Hall Library), and the main public library in each of the five boroughs. (The locations of the respective libraries are provided at the end of the Summary).

Furthermore, the Department of City Planning posted the *Proposed 2012 Consolidated Plan* on the Department's website in Adobe Acrobat format for review by the public. The Internet-based version could be accessed at:

<http://www.nyc.gov/planning>

The public comment period began October 11, 2011 and extended for 30 days ending November 9, 2011.

The public hearing on Proposed 2011 Consolidated Plan was conducted as scheduled on November 3, 2011, 2:30 p.m., in Spector Hall, at the Department of City Planning, 22 Reade Street, Manhattan. The announced question and answer session with City agency representatives in attendance followed.

The public was instructed to submit their written comments on the *2012 Proposed Consolidated Plan* by close of business, November 9, 2010 to: Charles V. Sorrentino, New York City Consolidated Plan Coordinator, Department of City Planning, 22 Reade Street 4N, New York, New York 10007, FAX: (212) 720-3495, email: 2012ProposedConPlan@planning.nyc.gov.

A summary of public comments received from the public comment period, the public hearing and agencies' responses was incorporated into the version of the *Proposed 2012 Consolidated Plan* submitted to HUD on November 15, 2011.

In the Amended Consolidated Plan Public Comment Review Period

The 2012 Consolidated Plan was amended to contain substantial changes made to ESG, and HOME entitlement program activities, respectively. The amendment revised the programmatic activities for the City's Emergency Solutions Grant Program (ESG) reflective of the change in the program's federally-mandated focus from addressing the needs of homeless people in emergency or transitional shelters to assisting families and individuals to quickly regain stability in permanent housing after experiencing a housing crisis and/or homelessness.

The substantial amendment to New York City's HOME Investment Partnership (HOME) Program was necessitated by the previously mentioned significant decrease in the City's HOME entitlement grant award compared with the grant amount originally requested (-45%). The amendment also revised HPD's proposed accomplishments for the existing HOME-funded programs, reflective of this decrease.

In order to notify the public of the release of the amended 2012 Consolidated Plan for public review, the City utilized the same notification methods as it did to announce the public review for the Proposed Plan.

The public comment period began August 9, 2012 and extended for 30 days ending September 7, 2012.

The public was instructed to submit their written comments on the amended 2012 Consolidated Plan by close of business, September 7, 2012 to: Charles V. Sorrentino, New York City Consolidated Plan Coordinator,

Department of City Planning, 22 Reade Street 4N, New York, New York 10007, FAX: (212) 720-3495, email: amended2012ConPlan@planning.nyc.gov.

A summary of public comments received and agencies' responses has been incorporated into the version of the amended 2012 Consolidated Plan submitted to HUD. The summary appears below.

Summary of Citizens' Comments/Agencies' Responses

Comments from the Public Hearing on the Formulation of the Proposed Consolidated Plan

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.

The decrease in participation in the Proposed 2012 Consolidated Plan Citizen Participation process in comparison to previous Consolidated Plan formulation public hearings may be attributed to several factors.

First, the formula entitlement funds are used in combination with other funding sources, such as city capital and tax levy funds, and are therefore guided by the City Council's budget formulation process. The city's Charter-mandated budget process provides numerous opportunities for citizens to provide input. The public and not-for-profit organizations use the budget formulation process to advocate for and make recommendations regarding the City's use of HUD entitlement funds as part of a range of potential city, state and federal funding sources to address their needs and the Consolidated Plan is a reflection of the decisions made in that process. The budget formulation schedule is fully described in Volume 2 of the Proposed Consolidated Plan, Part II.A., Citizen Participation Plan.

Second, as a result of the current economic recession which has decreased the City's revenue, and in turn, negatively impacted its Expense and Capital budgets, the public and not-for-profit organizations have used the City's budget formulation process to petition the Council to increase the City's allocation of its federal entitlement monies to various programs in order to offset the reductions in the amount of City funds allocated/budgeted to the respective programs.

Lastly, the steady decrease in federal formula entitlement funds appropriated by Congress for municipalities over the past several years has left the New York City little or no opportunity to fund new initiatives or activities proposed or advocated by the public due to the fact that the entitlement grant monies received are used to maintain the activities of the City's existing programs at or near their previous levels

Comments from the Public Hearing on the Proposed Consolidated Plan

One person provided oral comments and one organization submitted comments.

The one speaker noted she has been trying to find ways to utilize the programs within her communities, Crown Heights and Bedford Stuyvesant. She asked to learn ways to receive training on how to obtain federal funds, although she notes funds may be limited to qualified trained professionals and ones that know how to handle the funds.

The New York City Department of Housing Preservation and Development responded that HPD directly administers the City's HOME Investment Partnership grant, which is about \$110 million for Calendar 2012. HPD works in conjunction with qualified partners in the communities around the city to either rehabilitate existing housing or construct new housing. The HOME program is described in detail in the Consolidated Plan.

The program is described in a way that will allow the reader to know whether the reader may be qualified him or herself.

If there is a question about one's qualification to receive the funds for development use, HPD staff is available to discuss this. Although many people have an interest, they may lack the professional experience. HPD is obligated, as part of its administrative responsibilities, to be sure that it does not grant funds to parties that lack prior experience either in management or in construction or rehabilitation of housing, or both. In this way, someone, for example, who may not be part of a professional staff agency, but merely has an interest in providing housing for the community, may not qualify him or herself. Typically HPD asks the party to engage his local council member for help in knowing what community organizations exist in his community. If such person lacks the required experience, he may meet with those community organizations, talk to them about what they are doing, how they are doing it, and whether they themselves have training programs to give people information and seed money, etc. In that way one can start the process of becoming qualified as well.

The City Commission on Human Rights informed the speaker that The Foundation Center offers training programs related to grant writing and information regarding possible funding sources. It was recommended that she visit the Foundation's website at: <http://foundationcenter.org> to better explore these options.

The Department of Health and Mental Hygiene provided an additional potential resource, The Supportive Housing Network of New York. The Network hosts an annual conference in the second week of June for existing and potential supportive housing developers. In addition, they offer workshops on how to finance and develop new housing.

For more information regarding this type of technical assistance, the speaker could visit its website at: <http://shnny.org>.

An advocacy organization for the disabled community submitted comments concerning the City's Supportive Housing Continuum of Care for non-homeless, special needs populations. The writer raised concerns regarding housing opportunities for people with disabilities (physical, cognitive and/or mental). The organization was of the opinion that of these subpopulations, only those with physical disabilities were awarded the opportunity to live in an independent (non-supportive), private residence.

The organization characterized the Proposed 2012 Consolidated Plan in connection with people with physical disabilities as providing housing in integrated and independent private dwellings in two ways: when the person with the physical disability already lives in such housing and needs renovations to stay there; or, when the person with a physical disability has a limited income and is eligible for a rent increase exemption under the DRIE (Disability Rent Increase Exemption) Program. Otherwise, the writer contended, the only services available for people with physical disabilities are supportive housing or information and referral services.

The writer further indicated that that Continuum included a description of the various supportive housing programs for homeless persons with mental disabilities. However, the organization contended additional information as to what specific type of supportive housing settings the respective programs provide needs to be included in the Continuum.

In closing, the organization contended that there is one theme throughout this plan: very restrictive housing opportunities for people with disabilities. According to the writer the 2012 Plan could be found to be in violation of the Olmstead Decision, which requires people with disabilities to be fully, integrated into the community in the least restrictive environment possible. The New York City Consolidated Plan for 2012 must include the needs of low-income people with all types of disabilities, not just those who meet supportive housing criteria.

The Plan should: provide rent subsidies for people with disabilities who can live independently (such as a Section 8 voucher set-aside); not limit the housing options for people with cognitive disabilities to People with Developmental Disabilities' (PWDD) supportive or group housing settings. And the Plan should also provide housing opportunities to families that have children and/or spouses with disabilities, not only to the families that have a head of household with disabilities.

Mayor's Office for People with Disabilities (MOPD) is committed to finding housing solutions for people with disabilities. MOPD is constantly working with city agencies to increase housing opportunities, including exploring ways to increase the income limit in the Disability Rent Increase Exemption program and locating other subsidy opportunities, providing outreach regarding the Disability Homeowner's Exemption, and working with city housing agencies on program expansion, including: advocating for an expansion of the Section 8 program and expanding eligibility requirements for housing opportunities to include spouses and children.

Department of Health and Mental Hygiene responded by indicating that participation in services provided in supportive housing settings are voluntary. Supportive housing providers offer these services to those who request them.

Regarding the organization's comments concerning the need for additional clarification as what type of housing would be available for homeless persons with mental disabilities; and the expansion of housing options for persons with cognitive disabilities beyond those provided by OPWDD programs, the Department will take these comments into consideration in the formulation of future Consolidated Plans.

Department of Housing Preservation and Development builds new housing in a variety of low- and moderate-income neighborhoods in New York City. These developments meet ADA standards for mobility impairment access. As part of the marketing process for these housing opportunities, lotteries are held to allocate housing units, including units to qualified applicants with mobility impairments.

HPD is not the City's government housing agency serving the public waitlist for Section 8 in New York City. The New York City Housing Authority (NYCHA) holds the Public waitlist. HPD only serves its Development programs and certain other preference categories as listed in HPD's Administrative Plan. HPD does not have a preference category, or set-aside, for the people with disabilities, although HPD nevertheless serves many households with a person with a disability. However, the matter of Section 8 subsidies is one for NYCHA to administer.

Under the Supreme Court's Olmstead decision, the 'integration mandate' of the Americans with Disabilities Act requires public agencies to provide services "in the most integrated setting appropriate to the needs of qualified individuals with disabilities." The Supreme Court upheld that mandate, ruling that the State of Georgia's department of human resources could not segregate two women with mental disabilities in a state psychiatric hospital long after the agency's own treatment professionals had recommended their transfer to community care.

HPD's serves as a preserver of existing housing and also a developer of new housing. The agency's goal is to keep people who are already housed from displacement due to deterioration of their homes, and to create new housing opportunities in new housing that is also wheelchair accessible. Since even with new housing opportunities there is inadequate supply, people with disabilities must also compete with other needy, qualified applicants. But efforts are made by the City (as indicated above) to allocate accessible housing to households of all sizes that include a person with mobility impairments.

Regarding the organization's comments concerning the need for additional clarification as what type of housing would be available for homeless persons with mental disabilities, the Department for Homeless Services will take these comments into consideration in the formulation of future Consolidated Plans.

New York City Housing Authority does not currently have a Section 8 set-aside for persons with disabilities (PWAD).

Comments Received During Public Comment Period on the Proposed Consolidated Plan

The writer, a member of a HIV/AIDS advocacy organization, submitted comments concerning the City's proposed HOPWA grant-funded activities.

The writer indicated the proposed 2012 Consolidated Plan includes a decrease of \$383,508 in the HOPWA funds allocated to DOHMH contracts (from \$17,020,914 to \$16,637,406). She was of the opinion this decrease will surely be detrimental to the DOHMH, as costs to operate each housing unit increase every year.

The writer raised another concern that HASA supportive housing contracts have not received an increase in the per-unit cost for the last few years, making it very difficult for the housing providers to meet their costs. The writer further stated HRA proposed over \$10 million in cuts to HASA during FFY12 budget negotiations, including supportive housing services, food and nutrition services, and housing placement assistance with brokers' fees. She noted that HASA received a \$1M increase in the HOPWA funding for FFY11 (from \$1M to \$2M) for case management and has continued that level of funding for FFY12.

The writer contented this proposal is not new, and this "HOPWA swap" was fought adamantly for good reason by her organizations in previous years, and a return to this funding will mean a decrease in funding that is available to provide housing.

The writer had concerns for HASA clients placed in independent housing. She noted they are not protected by a rental cap that is consistent with HUD regulations (30% of household income). She noted, however, individuals in supportive housing including HOPWA-funded units pay only 30% of their income towards rent. The organization believes that the city and state have a responsibility to prevent evictions by capping the tenant rental contributions in all of its low-income housing programs at 30% of income.

The writer was also concerned that HASA also administers their supportive housing units only for people living with AIDS or symptomatic HIV-illness, which leaves low-income or homeless individuals with HIV who are not yet sick to be ineligible for HASA assistance of any kind. HOPWA units directly administered by DOHMH do not have this restriction. This HASA regulation prevents HIV positive people from accessing housing that could keep them healthy.

In closing, the writer stated the city has not operated a meaningful HOPWA Advisory Board with community input into HOPWA funding allocation process. New York City needs to have a meaningful and transparent process for allocating HOPWA funding, and a way for tenants, providers and advocates to join the discussion.

The City of New York responded by indicating it employs an aggressive, multi-pronged approach to address the housing needs of low-income persons living with HIV/AIDS; including capital development, emergency housing services, transitional supportive housing programs, permanent supportive housing programs, tenant-based rental assistance, and housing-related supportive services. New York City government agencies that receive HOPWA dollars combine this revenue with other Federal, State, and local dollars to fund a continuum of care that includes multiple housing resources to address a broad range of housing needs.

The Department of Health and Mental Hygiene (DOHMH) is the grantee of the HOPWA formula grant for the New York City (NYC) Eligible Metropolitan Statistical Area (EMSA). DOHMH works collaboratively with other City agencies, including the HIV/AIDS Services Administration (HASA), a division of the Human Resources Administration (HRA), and the Office of Management and Budget (OMB), to determine the allocation of HOPWA funding across housing programs in NYC. As oversight agency, OMB makes final decisions pertaining to HOPWA funding allocations.

In the 2012 Proposed Consolidated Plan, DOHMH is earmarked to receive \$16,637,406 for housing services targeting low-income persons living with HIV/AIDS. This amount is an increase of \$427,492 from the 2011 HOPWA grant year. The amount listed in your letter, \$17,020,914, is the annual cost of all HOPWA contracts funded by DOHMH. Currently, the variance between actual contract costs and the 2011 HOPWA allocation is sustained through routine under-spending that occurs throughout the grant year.

Both HASA and DOHMH have competitive rates for its supportive housing contracts. In 2009, HASA issued a three percent Cost of Living Adjustment (COLA) for all supportive housing contract staff. The additional funding also included a concomitant increase in fringe benefits and administrative overhead. In addition, several HOPWA-funded vendors receive additional funding from other sources that supplement and enhance their supportive housing programs.

Funding for HASA case management represents less than four percent of the total HOPWA award (NYC portion) in grant year 2011. The remaining 96% of HOPWA funding is utilized for direct housing services (i.e., supportive housing, housing placement assistance, and rental assistance). HASA case management includes coordination of housing services that assists low-income individuals living with HIV/AIDS obtain and maintain permanent housing.

DOHMH is responsible for ensuring that all programs funded via the HOPWA formula grant are in compliance with applicable federal regulations. All programs that receive HOPWA funding currently meet all requirements of the HOPWA regulations under 24 CFR Part 574 – Housing Opportunities for Persons with AIDS, including requirements for resident rent payment as defined in 24 CFR Part 574.310. HOPWA-funded supportive housing programs administered by DOHMH and HASA are monitored annually to ensure compliance with resident rent payment requirements.

The regulations governing the use of HOPWA funds allow jurisdictions maximum flexibility to use their funds in the way most appropriate to meet local needs. Services and benefits provided through HASA are guided by federal and state guidelines and were specifically designed to address the needs of people with HIV symptomatic illness or AIDS, as defined by NYS Department of Health – AIDS Institute and the Centers for Disease Control, who require intensive support. All HOPWA initiatives currently funded by the City are eligible activities under the HOPWA grant. HUD has previously reviewed and approved the City's use of HOPWA funds for all DOHMH and HASA services listed in the 2012 Proposed Consolidated Plan.

The City is fortunate to have multiple venues that serve to provide community input on housing issues impacting persons living with HIV/AIDS in New York City. This includes, but is not limited to, the HIV Planning Council, the HIV Prevention Planning Group, and Consolidated Plan public comment hearings. As grantee, DOHMH utilizes this meaningful input in its planning and coordination of HOPWA program design and funding allocations to ensure that it maintains a continuum of care for persons living with HIV/AIDS in NYC.

Comments Received During Public Comment Period on the Substantial Amendment to the HOME Investment Partnership (HOME) Program; and, the Emergency Solutions Grant (ESG)

An advocacy organization for the disabled community provided remarks concerning the City's homeless prevention and shelter activities. The writer stated the Mayor had ceased to distribute Section 8 vouchers to the homeless and chose to create more homeless shelters instead. Regarding the screening process, the writer was of the opinion that the staff does not serve people if they believed that homeless people could find sleeping arrangements with a friend or family member. The advocacy organization was concerned that no consideration is being given to the fact that such sleeping arrangements may result in overcrowding or a violation of the lease.

The organization expressed concern regarding the lack of funding for and development of accessible shelters. The writer indicated that the City does not have sufficient number of accessible shelters to adequately serve the needs of the physical and/or sensory disabled homeless.

The organization commented on the size and composition of the City of New York's Continuum of Care Coalition Steering Committee. The writer was of the opinion that the Committee does not include people with physical or sensory disabilities (e.g., visually or hearing impaired) and further recommended that three more additional positions be added to include these special needs persons. Regarding the selection of the At-Large (Committee) Members, the organization recommended the application process and the selection of such membership should be publicized.

In closing the writer raised concerns regarding the Supportive Housing Program stating there was no indication of monitoring of ADA compliance for these units and inquired how, if any, compliance is assured.

Department of Homeless Services (DHS) responded to the organization's first three (3) issues. Concerning the scarcity of Section 8 rental vouchers, the Section 8 program is a variable federal resource, with no guarantee from year to year as to the number of vouchers available to the City. Section 8 is a most effective resource when used as a community-based tool for keeping families and individuals in the community and preventing them from entering shelter. There are presently 125,000 families on the waiting list for Section 8 and NYCHA has not taken an application for the voucher in a year and half. There are 164,000 households on the waiting list for public housing, which is the equivalent of a seven year plus waiting list.

DHS assesses all applicants for emergency temporary housing assistance (THA) and assigns them to the most appropriate shelter facility based on their needs. Not all applicants for THA are medically appropriate for placement in a DHS facility. DHS facilities have always been *emergency temporary housing* and thus they were never meant to replace other types of medical facilities that are better equipped to deal with disabilities and medical issues. If an applicant has such severe disabilities or medical issues that they are deemed inappropriate for shelter by the DHS Medical Director, DHS staff will work to find alternative placements such as nursing homes, rehabilitation facilities, or other types of supportive housing that are more appropriate for the applicant's needs. If an applicant can be accommodated within an existing shelter facility, DHS will make the most appropriate placement for that individual or family. For example, an applicant in a wheelchair doesn't necessarily require a medical facility. DHS can accommodate them adequately as long as they are in a building with an elevator or placed on the first floor and have the space for ingress and egress. Finally, if a shelter resident feels their shelter placement is inadequate, they have recourse. First, the resident can request an Administrative Fair Hearing to contest their shelter placement. The hearings are held by judges from the NY State Office of Temporary and Disability Assistance (OTDA), and they can render decisions and order DHS to change placements they see as inadequate. Second, a resident can submit a request for an American with Disabilities Act (ADA) Accommodation through the DHS Office of Equal Opportunity Affairs (EOA).

Applications for accommodations and all medical documentation is reviewed by EOA staff in conjunction with the DHS Medical Director. If an accommodation is warranted and the request is reasonable, DHS will provide ADA accommodations on a case by case basis. Finally, a resident also has a right to file a grievance with the Office of Client Advocacy if an accommodation is denied. DHS client advocacy staff will then work with the resident to try and resolve the matter.

Regarding the mission and the composition of the New York City Coalition on the Continuum of Care (NYC CCoC), its mission is to provide a leadership role in the prevention and eradication of homelessness in New York City. It is a broad-based coalition of homeless housing and shelter providers, consumers, advocates, and government representatives, working together to shape citywide planning and decision making. The Steering Committee of the NYC CCoC is governed by its bylaws, which we invite you to read on the NYC CCoC's website (www.nychomelss.com).

The business of the NYC CCoC is managed by the three (3) Co-Chairs and a 27-member Steering Committee. The twenty-seven members are as follows: eight Government Representatives; eight Consumer Representatives; eight Coalition Representatives; and, three At-Large Representatives.

As stated in the Steering Committee bylaws, a coalition is a group of at least five organizations that has come together with a priority to advocate for services and/or needs of homeless individuals and families. It must meet the following criteria:

1. A mechanism for new members to join;
2. Independent organization with its own system of governance, i.e., elected officers, board of directors/steering committee, bylaws;
3. Conduct meetings at least four times a year;
4. Has a purpose beyond being a voting member of the NYC CCoC;
5. Must directly or indirectly represent a homeless subpopulation, program type or specific unmet need;
6. The Coalition's mission statement and minutes of its last three meetings must reflect that the group is actively engaged in planning and advocacy on behalf of the identified group/need to be represented; and
7. Subcommittees of a coalition cannot be a separate coalition.

As such, the advocacy community has a strong voice and an almost one-third representation on the NYC CCoC.

The at-large representatives must demonstrate their interest in ending homelessness in NYC and have expertise that will be of value to the NYC CCoC. These members are also elected via the process outlined in the Steering Committee bylaws. The elections are publicized via the website, outreach and anyone is welcome to apply.

The consumer committee of the NYC CCoC elects eight (8) representatives and eight (8) alternates for a total of sixteen (16) individuals. Every effort will be made to include members who fit into a wide range of categories, including but not limited to:

1. Chronically Homeless
2. Domestic Violence
3. HIV/AIDS
4. Mental Health
5. Permanent Housing
6. Substance Use
7. Veterans
8. Youth

Membership on the Consumer Committee of the NYC CCoC is open to any individual who identifies as formerly or currently homeless or is accessing homeless services. Furthermore, their meetings are open to the public and they welcome outside interests in their activities. If you have any questions or would like to attend a meeting, please contact our Consumer Committee Co-Chairs whose information can be found on the NYC CCoC's website.

The New York City Coalition on the Continuum of Care Steering Committee meets almost every third Friday of the month (check the aforementioned website to confirm), 9:30am - noon, in the lower level of Genesis Apartments at 113 E. 13th St. in Manhattan. All of the meetings are open to the public and the organization would be welcome to attend.

Concerning the monitoring of the Supportive Housing Program's units for ADA compliance, the Department of Housing Preservation and Development responded that because funds allocated to supportive housing projects are used to finance privately owned housing projects, rather than public accommodations, the housing design and construction requirements of the Americans for Disabilities Act do not apply. However, HPD reviews architectural plans and completed construction for compliance with applicable federal laws requiring that housing be accessible to disabled persons, including:

- The Federal Fair Housing Act – covers all new construction projects post-1991 that consist of 4 or more dwelling units, and ensures common elements and all dwelling units are designed and constructed in a manner consistent with the needs of persons with mobility impairments.
- Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) covers HPD-assisted programs and activities (housing), including but not limited to supportive housing, that consist of: new construction of 5 or more dwelling units and requires that 5% be designed and constructed for persons with mobility impairment and 2% be designed and constructed for persons with audio-visual impairment; substantial rehabilitation of 15 or more dwelling units and requires that 5% be designed and constructed for persons with mobility impairment and 2% be designed and constructed for persons with audio-visual impairment; and elements of other alterations be made in a manner which is consistent with the 5% and 2% requirements to the extent practicable. Section 504 utilizes the Uniform Federal Accessibility Standards (UFAS) as the architectural reference standard.

In addition, there are federal, state and city anti-discrimination laws requiring reasonable modifications and reasonable accommodations to meet the needs of individuals with specific needs, including mobility and/or audio-visual impairments. HPD insures that the owners of private housing receiving financing under the Consolidated Plan are contractually obligated to comply with all of the foregoing federal requirements.

Additional Information

Copies of the amended 2012 *Consolidated Plan* are available for reference at the following public libraries:

<i>NYC Municipal Reference & Research Center (The City Hall Library)</i> 31 Chambers Street, Suite 110 New York, NY 10007 (212) 788-8590	<i>Science, Industry and Business Library</i> 188 Madison Avenue at 34 th Street New York, N.Y. 10016 (212) 592-7000
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<i>Mid-Manhattan Library</i> 455 Fifth Avenue (at 40 th Street) New York, N.Y. 10016 (212) 340-0863	<i>Bronx Reference Center</i> 2556 Bainbridge Avenue Bronx, N.Y. 10458 (718) 579-4257
<i>(Brooklyn) Central Library</i> Grand Army Plaza Brooklyn, N.Y. 11238 (718) 230-2100	<i>Queens Central Library</i> 89-11 Merrick Boulevard Jamaica, N.Y. 11432 (718) 990-0778/0779/0781
<i>St. George Library Center</i> 5 Central Avenue Staten Island, N.Y. 10301 (718) 442-8560	

Any questions or comments concerning the City's amended Consolidated Plan may be directed to:

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