



199 WATER STREET NEW YORK, N.Y. 10038 TEL: 212-577-3300 FAX: 212-509-8753 www.legal-aid.org

Theodore A. Levin
President

Steven Banks
Attorney-in-Chief

Civil Division
Adriene L. Holder
Attorney-in-Charge

**TESTIMONY OF THE LEGAL AID SOCIETY
CONCERNING THE OPENING OF THE
SECTION 8 WAITING LIST**
New York City Council
Public Housing Sub-Committee

May 2, 2007

Founded in 1876, the Legal Aid Society's Civil Practice is the oldest and largest program in the nation providing direct legal services to the indigent. Our legal assistance is focused on enhancing family stability and security by resolving a full range of legal problems, including immigration, domestic violence, family law, and employment, in addition to housing, public benefits and health law matters. Through our housing and community development work, we also foster the development of community-based organizations, job creation, and neighborhood revitalization. Annually, the Society's Civil Practice provides free direct legal assistance in some 30,000 individual closed cases through a network of 10 neighborhood offices in all five boroughs and 17 specialized units and projects for under-served client groups. When it is the most efficient and cost-effective way to help our clients, we provide legal representation to groups of clients with common legal problems, including those referred by elected officials.

We welcome the opportunity to testify before the Public Housing Sub-Committee and appreciate the leadership of Chair Rosie Mendez.

Obviously, the opening of the Section 8 waiting list is great news for poor people in New York City. The bad news is that over 400,000 families have applied for only 22,000 vouchers. We greatly need more affordable housing. We are also concerned that

many of these families will not be able to use their vouchers because of discrimination. A recent study by ACORN shows that 90% of New York City landlords do not accept Section 8. Only 13% of apartments available on Craig's List, the New York Times listings or the Daily News will accept Section 8. Current fair housing laws in New York City permit landlords to discriminate against tenants for using lawful income to pay their rent. Lawful income includes Social Security, disability, pension payments, Section 8 and public assistance benefits. We see clients who are turned away for housing because of their source of income everyday for apartments that they can afford, but the landlord will only take "working" people or will not take Section 8 even for someone who is working. We urge passage of Intro 61 which would ban discrimination based on source of income.

We are likewise concerned that after the waiting list closes in May, homeless singles and families will not be able to apply for Section 8 unless referred by DHS. It is a travesty that homeless people who need Section 8 the most will be denied even the opportunity to apply. We hope that you will press NYCHA and DHS to change this arbitrary and irrational policy.

In addition, we urge NYCHA to use its excess Section 8 administrative fees and Section 8 reserve funds to assist recipients with their apartment search. NYCHA used to pay for broker's fees and a holding fee to compensate landlords for the inspection and paperwork time frame. NYCHA eliminated this program during its budget crisis but has not re-instituted this once the budget crisis ended. Likewise NYCHA could contract with community based organizations with proven track records of finding families housing. NYCHA could have links to not for profit housing developers to reserve some units for Section 8 recipients. NYCHA could develop links with HUD's affordable housing programs. NYCHA needs to think more creatively about assisting recipients with their housing search. The only help NYCHA currently gives recipients is giving a list of landlords and brokers who have Section 8 apartments. A recent study by ACORN tested NYCHA's list of available apartments. The study showed that many of the numbers were disconnected or not in service. Only 30% of the numbers of the list had available apartments. Clearly, NYCHA needs to do better.

Conclusion

We appreciate the opportunity to testify before the Public Housing Sub-Committee.

Respectfully Submitted,
Judith Goldiner, The Legal Aid Society, Law Reform Unit,
199 Water Street, 3rd Floor, New York, NY 10038,
212-577 3332

**NEW YORK CITY HOUSING AUTHORITY
TESTIMONY BY GREG KERN, DIRECTOR OF LEASED HOUSING
"OVERSIGHT— UPDATE ON NYCHA'S SECTION 8 VOUCHERS"
CITY COUNCIL SUBCOMMITTEE ON PUBLIC HOUSING
WEDNESDAY, MAY 2, 2007, 1:00 P.M. – 250 BROADWAY, 14TH FLOOR**

Chair Mendez, good morning. I am Greg Kern, Director of the New York City Housing Authority's Section 8 Leased Housing Program. Joining me is Peter Cantillo, NYCHA Assistant Deputy General Manager for Support Services. We are pleased to provide an update on the 22,000 Section 8 rentals planned for 2007/2008, which were announced earlier this year.

As you know, under NYCHA's Section 8 program, qualified families receive vouchers that pay a portion of their rent to any participating landlord.

At the present time, NYCHA's Section 8 program serves approximately 214,000 New Yorkers using nearly 83,000 vouchers to rent apartments in the private market from more than 29,000 participating landlords.

Section 8 Vouchers

Last January, Mayor Bloomberg and NYCHA's Chairman Tino Hernandez announced the availability of 22,000 vouchers for very low-income families over the next two years. These vouchers are funded by the U.S. Department of Housing and Urban Development and NYCHA will distribute 12,000 vouchers this year and 10,000 next year.

With the vouchers, our Section 8 program will grow to over 90,000 families, approximately 285,000 New Yorkers, living in apartments they can afford.

Section 8 Waiting List

To ensure that we have a large enough pool of applicants for vouchers, NYCHA reopened our Section 8 waiting list for non-emergency applicants for the first time in 12 years. But first, we reached out to eligible families on the original waiting list, which had been closed since 1994 to all but limited high priority categories. Letters were sent inviting the applicants on the original waiting list to an interview. Since September, we have interviewed over 30,000 applicants from that original list. Another 20,000 families are scheduled to be interviewed over the coming weeks. These families have first priority for the vouchers.

Based on experience, we anticipate that the 1994 list will be exhausted by the end of May.

Reopening the Waiting List

The waiting list reopened on February 12, 2007 and will close in about two weeks, on May 14th. We conducted a major outreach campaign to get the word out about the availability of vouchers and the reopening of the waiting list. We mailed notices to over 3,500 community based organizations. We placed advertising in community publications and multilingual newspapers and we posted announcements on the NYCHA web site. Applications were made available at all NYCHA management offices across the city and we provided extended hours. We filled requests for Section 8 applications via the internet. As of April 27, NYCHA had distributed 450,159 new Section 8 applications. To date, we have received 201,985 completed applications and we have reviewed 105,752.

Section 8 Process

We are now in the process of entering the application information into the Housing Applications computer system to determine preliminary eligibility and priority based upon income and family composition. NYCHA gives priority to families whose income is below 50% of area median income, or below \$35,450 for a family of four. In addition, to qualify for a priority, families must be either rent-burdened (which means paying over 50% of income for rent), doubled up, or living in substandard or overcrowded housing. Applicants meeting those priorities will be the first to be scheduled for eligibility interviews. At the eligibility interview, the applicant's family size and composition, housing priority, total family income and citizenship or immigration status are verified. The process includes a criminal background check for all household members 16 years of age or older. If the family meets the standards for admission, they are certified as eligible and then scheduled for a Section 8 briefing. At that briefing, the voucher is issued and the Section 8 program is explained.

The family is then responsible for finding their own apartment. NYCHA provides assistance with regularly updated apartment referral lists. The Authority has also begun posting prospective Section 8 apartments on the NYCHA web site.

It is important to note that emergency applicants, such as victims of domestic violence, intimidated witnesses and referrals from the Administration for Children's Services and the Department of Homeless Services continue to receive the highest priority of all.

Conclusion

Before I conclude, let me say that we are grateful to the City Council for their continued support of public housing and for your generous help with Section 8. The real estate market in New York is enormously tight. This is especially true of apartments renting for under \$800, which have a vacancy rate of less than 2%. Working together, we are providing an important affordable housing resource to low-income families.

Let me conclude my remarks here. We will be happy to answer any questions you may have.