



RENT STABILIZATION ASSOCIATION • 123 William Street • New York, NY 10038

JOINT HEARING OF THE COMMITTEE ON PUBLIC WELFARE
AND THE COMMITTEE ON GENERAL WELFARE

NYCHA's Section 8 Rental Assistance Program

September 27, 2011

My name is Mitchell Posilkin, General Counsel of the Rent Stabilization Association. I am here to testify on behalf of the 25,000 members of RSA, many of whom have Section-8 tenants, who own residential properties throughout the City. It is these very owners who provide the affordable housing which is so critical to the lives of so many New Yorkers. It is these very owners who we ought to be encouraging, instead of discouraging, to remain in the affordable housing sector.

For over a decade, RSA has been working with an ever-changing array of NYCHA and HPD officials to improve the performance of their respective Section 8 programs. Over the years, in response to our concerns, both NYCHA and HPD dedicated personnel and other resources to address the seemingly endless number of issues raised by our members regarding virtually every aspect of the Section 8 program.

During that time we did witness improvements in program administration, the complaints by property owners became less common and, for better or worse, a sort of equilibrium existed whereby owners could navigate through the intricacies of a program that is, by its very nature, remarkably complicated and daunting. Ultimately, as the day-to-day issues seemed to resolve themselves, our primary concern was whether the two programs should be consolidated—at a time when fiscal realities required a re-examination of the way the City did business, why were two different agencies, with different rules, procedures and personnel, administering the same benefits? Why were owners with tenants in both programs forced to navigate two separate bureaucracies? Once the benefits were conferred, why couldn't one agency, or perhaps an outside entity, administer the ongoing Section 8 payments and other administrative procedures?

Unfortunately, we are back where we started so many years ago. Our interest in consolidation has been superseded by the issue of faulty program administration. Recently, NYCHA undertook to radically re-structure their Section 8 program, changing their organizational structure, changing and centralizing office locations, and instituting a new technology-driven system. While laudable on the surface, the unfortunate reality is that those efforts have made the system worse, not better. Seemingly every aspect of the program is less well administered

than it was before. They have succeeded in creating innumerable barriers between the bureaucracy and the taxpayers they serve. For all intents and purposes, meaningful communication with property owners has become more difficult if not non-existent. Owners cannot speak to the agency staff who can address their issues and find themselves in a bureaucratic twilight zone. As a result, we are in a place rarely seen in the landlord-tenant world: advocates for both owners and tenants on the same side of an issue. As we all know, it takes a lot for that to happen but that is where we are today.

When Mayor Bloomberg vetoed the Section 8 anti-discrimination legislation, which was later overridden by the Council, he stated that administrative concerns, such as the amount of time that units were required to stay vacant until the Section 8 bureaucracy could make the necessary inspections and process the necessary paperwork, were "costs for which [owners] are not compensated."

Unfortunately, property owners now confront an untenable situation which is even more egregious than what the Mayor described at that time. In the words of the Mayor, the Council made "a voluntary program involuntary." Owners who are in the program cannot get out and owners who receive applications from Section 8 tenants are obligated not only to accept that tenant but also to participate in the program. They are now trapped, regardless of whether government agencies do what they are supposed to do. The irony is that at the same time affordable housing is the linchpin of so many government policies, the Section 8 program victimizes the very people who own and manage that housing.

When Section 8 works well, it is an effective mechanism both for tenants and owners. Tenants are provided with quality affordable housing and owners are paid reasonable rents from a reliable source. However, today the Section 8 program does not work well. Paperwork is not processed timely. Information is lost. Owners cannot speak with the people who know their situations best. There is a backlog of lease renewal and mci increases. Too many owners do not receive the rental income to which they are entitled. Something is wrong and needs to be addressed. Owners, as well as tenants, are entitled to genuine answers.

Thank you for the opportunity to testify today.



NEW YORK CITY HOUSING AUTHORITY
90 CHURCH STREET • NEW YORK, NY 10007

TEL: (212) 306-3000 • <http://nyc.gov/nycha>

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March 4, 2011

Rosedale Management Company
3 Columbus Circle-Suite 424
New York, NY 10019
Attn: Elizabeth Crane

Re: Building-88-35 164th Street, Queens, NY
Action-MCI: Docket#XK110013OM

Dear Ms. Crane:

This is in response to your e-mail regarding the processing of the above noted Major Capital Improvement (MCI).

The matter was discussed in a March 2, 2011 telephone conversation with Mr. Foxson of the Leased Housing Correspondence Unit. Mr. Foxson informed you that there is no record of the receipt of the documentation for the MCI. Mr. Foxson further stated that there is a record of your February 25, 2011 telephone call to the Customer Contact Center (CCC) informing the CCC that you had previously submitted the documentation in October 2010 to the Queens Leased Housing Office.

The CCC instructed you to resubmit the MCI documentation to New York City Housing Authority, LHD Correspondence, P.O. Box 19201, Long Island City, NY 11101. This is incorrect. The correct address for all contract rent changes (MCI'S, lease renewals, Commissioners Orders, etc.) is as follows:

New York City Housing Authority
Landlord Documents
P. O. Box 19197
Long Island City, NY 11101

Please include in your mailing, post office verification of your October 2010 submission.

Sincerely,

A handwritten signature in black ink, appearing to read "Colette Rodgers".

Colette Rodgers
Director, Leased Housing



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90 CHURCH STREET • NEW YORK, NY 10007
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GENERAL MANAGER

July 29, 2011

Elizabeth Crane
3 Columbus Circle, Suite 424
New York, NY 10019

Dear Ms. Crane:

This is in response to your e-mail to www.nyc.gov regarding MCI's for several NYCHA Section 8 tenants.

We are sorry to hear that you have experienced difficulty in regards to your MCI increases for several of your tenants. It is the policy of the New York City Housing Authority (NYCHA) to provide service to the public in a professional and timely manner. We apologize for the delays in processing your MCI's.

Please note that the MCI's have been forwarded to the appropriate unit for review and approval for processing.

Sincerely,

Elliot Lauterstein, Housing Manager
Leased Housing Correspondence Unit



NEW YORK CITY HOUSING AUTHORITY
90 CHURCH STREET • NEW YORK, NY 10007
TEL: (212) 306-3000 • <http://nyc.gov/nycha>

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MICHAEL P. KELLY
GENERAL MANAGER

July 20, 2011

Elizabeth Craine
3 Columbus Circle, Apt 424
New York, NY 10019

This is in response to your call to the New York City 311 Call Center regarding a Customer Service complaint.

We are sorry to hear that you have experienced difficulty in regards to your lease renewals. It is the policy of the New York City Housing Authority (NYCHA) to provide service to the public in a professional and timely manner. We apologize for the delays in processing your lease renewals. NYCHA has received many lease renewal requests and is working to update them as soon as possible.

Your concerns pertaining to this matter has been brought to the attention of our management and we hope to better service you in the near future.

Sincerely,

Elliot Lauterstein, Housing Manager
Leased Housing Correspondence Unit

A. NEW YORK CITY HOUSING AUTHORITY
LEASED HOUSING DEPARTMENT
PO Box 19196
Long Island City, NY 11101

09/11/2011

AF & G REALTY ASSOC LLC.

3 COLUMBUS CIRCLE ROSEDALE MANAGEMENT CO
NEW YORK, NY, 10019

A. Voucher # 0614330

B. Re: Voucher Payment Change Notification

☐ C. Annual Review

☐ D. Interim Change

☐ E. Lease Renewal

F. Dear Tenant:

We have reviewed the family income submitted by you in accordance with the United States Department of Housing and Urban Development (HUD) regulations and in accordance with these regulations, have determined that the **voucher subsidy paid by the New York City Housing Authority towards your rent will be \$ 948.09** and the tenant portion (to be paid by the tenant) will be (NYCHA PORTION)

\$ 242 effective 10/01/2011 . (Please be advised that the tenant's portion of the rent is subject to (TENANT PORTION)

change and does not include any additional service charges that may be included in the lease agreement between the tenant and landlord/ managing agent).

If the voucher subsidy payment has been decreased, please remember that we must decrease the subsidy if your income has increased since your last income review. You are required to pay as your share of the rent the difference between the full contract rent for the apartment and the Housing Assistance Payment subsidy paid on your behalf by the New York City Housing Authority, plus any additional service charges not paid by the Authority.

If you wish a further explanation of this matter, please contact the Customer Contact Center at 7187077771 . If you do not agree with the above determination, you may request an impartial hearing by checking one of the hearing boxes on the reverse side of this notice. You must then mail this form to NYCHA at the P.O. Box listed above within fifteen (15) days of the date of this notice. If you request an impartial hearing, you will be given an opportunity to discuss this voucher payment change together with any new information that you wish to submit prior to the effective date of the new voucher payment and prior to the impartial hearing. However, regardless of whether an impartial hearing is required or not, you are required to pay your new share of the rent on the effective date indicated above. Failure to pay your new share of the rent may result in termination of your tenancy.

Please be further advised that a copy of this notice of change in Housing Assistance Payment subsidy has been mailed to your landlord.

Very truly yours,

Leased Housing Department



A. NEW YORK CITY HOUSING AUTHORITY
LEASED HOUSING DEPARTMENT
PO Box 19196
Long Island City, NY 11101

08/10/2011

HORIZON HOUSE CO

3 COLUMBUS CIRCLE C/O ROSEDALE MGMT CO INC
NEW YORK, NY, 10019

A. Voucher # 0609353

B. Re: Voucher Payment Change Notification

☐ C. Annual Review

☐ D. Interim Change

☒ E. Lease Renewal

F. Dear Tenant:

We have reviewed the family income submitted by you in accordance with the United States Department of Housing and Urban Development (HUD) regulations and in accordance with these regulations, have determined that the voucher subsidy paid by the New York City Housing Authority towards your rent will be \$ 997.93 and the tenant portion (to be paid by the tenant) will be

(NYCHA PORTION)

\$ 226

(TENANT PORTION)

effective 01/29/2011

. (Please be advised that the tenant's portion of the rent is subject to

change and does not include any additional service charges that may be included in the lease agreement between the tenant and landlord managing agent).

If the voucher subsidy payment has been decreased, please remember that we must decrease the subsidy if your income has increased since your last income review. You are required to pay as your share of the rent the difference between the full contract rent for the apartment and the Housing Assistance Payment subsidy paid on your behalf by the New York City Housing Authority. **plus any additional service charges not paid by the Authority.**

If you wish a further explanation of this matter, please contact the Customer Contact Center at 7187077771. If you do not agree with the above determination, you may request an impartial hearing by checking one of the hearing boxes on the reverse side of this notice. You must then mail this form to NYCHA at the P.O. Box listed above within fifteen (15) days of the date of this notice. If you request an impartial hearing, you will be given an opportunity to discuss this voucher payment change together with any new information that you wish to submit prior to the effective date of the new voucher payment and prior to the impartial hearing. However, regardless of whether an impartial hearing is required or not, you are required to pay your new share of the rent on the effective date indicated above. Failure to pay your new share of the rent may result in termination of your tenancy.

Please be further advised that a copy of this notice of change in Housing Assistance Payment subsidy has been mailed to your landlord.

Very truly yours,

Leased Housing Department



0905094000



**TESTIMONY BY TAMERA CUNNINGHAM, BEFORE THE CITY COUNCIL COMMITTEE
ON PUBLIC HOUSING, ON THE NEW YORK CITY HOUSING AUTHORITY'S SECTION 8
POLICIES AND PROCEDURES**
SEPTEMBER 27, 2011

My name is Tamera Cunningham. I live at 2511 Cruger Avenue, Apartment 22N, in the Bronx. I receive Section 8 which helps pay a portion of my rent each month. I have lived in my rent-stabilized apartment for ten years with my son, who is 14 and an eighth grader at PS 89 in the Bronx.

I used to be employed as a home health aide earning \$7.50 per hour. At times, I worked as many as 84 hours per week. Because of my income, Section 8 set my portion of the rent at \$780 per month. Soon, however, my work hours began to fall to about 60 hours per week. When this happened, I requested a Section 8 conference to have my Section 8 rent share lowered. On October 30, 2009, I reported the lower hours to NYCHA in person with a letter and a copy of my most recent paystubs.

In April 2010, my hours were lowered to about 48 per week and my income fell again. I again reported to NYCHA that my income had been reduced. I went to NYCHA on April 28, May 14, May 24, June 11, June 29, July 12, and August 3, 2010 and each time handed in information about my income. Finally, on October 1, 2010, my family share was set at \$667 per month, which was far too high for my income. On October 8, 2010, I again submitted a Verification of Employment form to NYCHA showing the income reduction from 2009 to 2010.

The following month, on November 1, 2010, my family share was set at \$609 per month, still too high. In fact, during fall 2010, my hours fell to about 36 per week. On November 5, I again requested an informal conference to explain this change. Sadly, in January 2011, my employment ended entirely. I began receiving public assistance which remains my family's sole source of income. On March 14 and May 20, 2011, I gave my PA budget letter to NYCHA.

Meanwhile, for the last year, my landlord has been suing me for this unaffordable amount of the rent. I have received numerous notices of eviction. Public assistance has stated that they are unable to assist with the back rent because my rent is unaffordable and they believe I will be evicted. Finally, this past weekend I received a notice stating that my rent will be \$75 per month. However, this portion does not start until next month. Thus, I still owe the back family share rent which NYCHA has failed to reduce for the past two years. I remain fearful that my son and I will be evicted because NYCHA has not properly adjusted my family share the past two years.

Fortunately, I was able to contact Legal Services NYC-Bronx, and they are now assisting me with my Housing Court case. They have also filed a case against NYCHA to have my portion retroactively restored. However, I know that there are other single mothers receiving Section 8 who are trying to raise their children and find sustaining work. They should not have to go through the same difficult and terrifying ordeal I have. And I am fearful that this same situation may happen to me again in the future if something does not change with NYCHA.

I truly hope that this Committee can stop NYCHA from continuing these poor customer experience practices and procedures in the future.

Thank you for your time.

**TESTIMONY BY FLORINE BUMPARS, BEFORE THE CITY COUNCIL COMMITTEE ON
PUBLIC HOUSING, ON THE NEW YORK CITY HOUSING AUTHORITY'S SECTION 8
POLICIES AND PROCEDURES**
SEPTEMBER 27, 2011

I reside at 2615 Jerome Avenue, Apartment 52, in the Bronx. My family receives a Section 8 subsidy which helps pay a portion of our rent. My son and I have lived in our rent-stabilized apartment for nearly nine years.

Beginning August 1, 2010, my family share was previously set at \$785 per month. This share was based on employment, effective August 1, 2010. This share was based on employment with FJC Securities where I earned substantial income. However, in March 2011, I began working under a new contract which did not pay as well. My income fell by more than half and my family portion should have been reduced as well. I immediately provided proof of the income reduction to NYCHA on March 9 and April 12, 2011.

Unfortunately, in June 2011, my employment ended altogether and I began receiving unemployment benefits. I reported this income to NYCHA on July 14, 2011. However, NYCHA set my portion incorrectly at \$413.06, an amount above 30% of my income. NYCHA also made this change effective September 1, 2011, and did not retroactively reduce my share to March 2011.

Because I have been unable to pay the full rent, my landlord has started a Housing Court case against me. Fortunately, I was able to contact Legal Services NYC-Bronx, and they have been assisting me with my Housing Court case. They have also filed a case against NYCHA to have my family share set properly. However, when my attorney recently requested that the case be delayed until NYCHA properly set my family share, the request was denied.

Meanwhile, I know there are others like me who are unemployed and trying to find work, but who are having the same problems with NYCHA Section 8. In fact, my problem continues to this day because my share is still too high. I also remain fearful that my family and I will be evicted.

I truly hope that this Committee can stop NYCHA from continuing these poor customer experience practices and procedures in the future. Thank you for your time.

TESTIMONY BY SCHERÉ BARCLAY, BEFORE THE CITY COUNCIL COMMITTEE
ON PUBLIC HOUSING, ON THE NEW YORK CITY HOUSING AUTHORITY'S
SECTION 8 POLICIES AND PROCEDURES
SEPTEMBER 27, 2011

My name is Scheré Barclay. I live at 2130 East Tremont Avenue, Apartment 5A, in the Bronx where I have lived for three years. I receive a Section 8 subsidy which helps pay a portion of the rent.

Unfortunately, NYCHA has set my Section 8 family share improperly over the past year. I currently earn approximately \$1,580 per month and I believe my family share should be \$403 per month. Although I have notified NYCHA of my income on many occasions, they have not yet properly set my family share.

In February 2011, when NYCHA set my family share at \$671 per month, I reported that the share was too high and requested a rent adjustment. Since then, I have repeatedly attempted to follow-up with NYCHA, in person and by telephone, about my rent adjustment request. In July 2011, NYCHA sent me a new share letter, but only reduced my portion to \$638 per month. I again followed-up with NYCHA in person, by telephone and in writing to contest this amount. However, as of this date, NYCHA still has not corrected my share, which remains set at 40% of my adjusted income.

Meanwhile, since I have been unable to fully pay my family share of the rent, my landlord has commenced an eviction case against me in Bronx Housing Court. Under pressure, I consented to a judgment for the full amount, which remains unaffordable, and was supposed to pay that by Friday, September 23. I was unable to do so and worry I could receive a notice of eviction any day.

Fortunately, I was able to contact Legal Services NYC-Bronx, and they are now assisting me with my Housing Court case. They have also filed a case against NYCHA to have my portion set properly retroactive to February of this year. Meanwhile, however, I remain in fear of eviction. I also fear that other members of the working poor are having the exact same problems with NYCHA Section 8.

I truly hope that this Committee can stop NYCHA from continuing these poor customer experience practices and procedures in the future. Thank you for your time.

Testimony by New York Legal Assistance Group (NYLAG)
before the New York City Council,
Committee on Public Housing and Committee on General Welfare:

**NYCHA's Implementation of the Improving the Customer Experience Program for
its Section 8 Rental Assistance Program**

September 27, 2011

Chairwoman Rosie Mendez and Chairwoman Annabel Palma, Council Members, and staff, good morning and thank you for the opportunity to speak about NYCHA's Implementation of its Improving the Customer Experience Program, also known as "NICE", and its impact on Section 8 recipients. My name is Johanna Ocana and I am a paralegal in the Housing Project at the New York Legal Assistance Group, a nonprofit law office dedicated to providing free legal services in civil law matters to low-income New Yorkers. NYLAG serves immigrants, seniors, the homebound, families facing foreclosure, renters facing eviction, low-income consumers, those in need of government assistance, children in need of special education, domestic violence victims, persons with disabilities, patients with chronic illness or disease, low-wage workers, low-income members of the LGBT community, Holocaust survivors, as well as others in need of free legal services. This testimony was drafted by Sunny Noh, a Staff Attorney in the

NYLAG's Housing Project who has experience working on cases with Section 8 recipients.

As you know, NYCHA manages both the city's public housing and Section 8 programs, which provides affordable housing to low income New Yorkers. In recent times, low income New Yorkers and tenant advocates have witnessed a serious decline in available affordable housing programs in the City, most recently the discontinuance of the DHS Advantage Program, making the Section 8 program all the more vital and valuable to its current recipients.

During the last couple of years, however, Section 8 recipients and their advocates have seen an influx in problems with NYCHA's management of the Section 8 program. NYCHA's NICE program, launched in 2007, was intended to "directly improve agency services" by restructuring its customer service system and developing its Customer Care hotline.¹ However, the regional customer service centers have not produced the intended benefit to Section 8 applicants and recipients. We know both from client complaints and first hand encounters that staff at these offices often give Section 8 applicants and recipients faulty information, refuse to accept documents, accept documents but fail to forward to the appropriate intra-NYCHA unit and/or fail to record the receipt of documents in the appropriate NYCHA file, fail to provide receipts for delivery of documents, and refuse to produce requested documents and forms. Additionally, NYCHA has recently implemented the use of P.O. Boxes to receive documents, discouraging delivery at the customer service centers. This is also a detriment to Section 8 recipients because when forced to submit documents to P.O. Box, clients cannot obtain

¹ See NY Customer Service Newsletter, Volume 1, Issue 1 (October 2008), NYCHA: Improving the Customer Experience, *available at*, http://www.nyc.gov/html/ops/downloads/pdf/nyc_customer_service_newsletter_volume_.

a Post Office proof of receipt of the mailing. To remedy this, our office has begun to send the same set of documents to three different address at NYCHA in an attempt to ensure both proof of receipt by NYCHA and in the hopes of getting a response to our correspondence from somebody.

In 2009, our office was introduced to a single, non-English proficient, senior citizen with a disability who was seeking assisting with an alleged wrongful Section 8 termination. This individual had been terminated for alleged failure to submit her annual recertification forms. Before coming to us, she diligently attempted to seek restoration of her voucher on her own on the basis that she never received either her recertification documents or any of the required termination notices. Upon her discovery of the pending termination, she promptly went to her regional customer service office and submitted a letter asking for the opportunity to complete her annual recertification and be restored to the program, only to be escorted off the premises. Though her NYCHA file attests that this letter was received by the customer service center the day before her termination date, NYCHA responded with no action. When our office attempted to advocate on her behalf, submitting several letters to several NYCHA addresses, including the customer service center, NYCHA again failed to respond.

Additionally, when this same individual was sued by her landlord in court because of the Section 8 termination, the NYCHA representative who appeared by subpoena failed to bring the documents specifically requested and refused to consider her for restoration until our office produced the same documents requested in the subpoena but only made available after a FOIL request, proving NYCHA's failure to comply with the Williams Consent Decree.

Furthermore, this same client, after NYCHA finally agreed to restore her to the program, was unduly delayed in getting back into the program, because the case worker at her customer service center first alleged no record of her delivery of the recertification documents, despite our proof of delivery, and then was unable to print new forms after at least two hours at the center. Only this month, after approximately two years of unnecessary delay and use of resources, was this individual finally and rightfully restored to the Section 8 program.

Though this individual's case is particularly egregious, we have assisted many clients in the last couple of years with similar stories, at least in part. We suggest that some of these problems could be easily remedied with practical solutions, such as: (1) providing the tenant and landlord annual recertification forms online so that parties can access the requisite forms as soon as the preliminary notice is received and without waiting in line for hours; (2) maintaining a public for-pay copy machine at the customer service centers so that tenants can make copies of documents prior to submitting to NYCHA in case NYCHA fails to properly record receipt or forward to the necessary unit; and (3) implementing a policy that requires every person that is seen at the customer service centers be given a written receipt with a brief description of the reason for the visit so tenants have records of their attempted action.

Recently, our office also assisted a NYCHA resident who was a single senior citizen and a holocaust survivor. When she contacted our office, she was attempting to move back home after release from the hospital subsequent to double leg amputation surgery. However, she was unable to move home because her health aid deemed her apartment hazardous to her health due to several horrible conditions in her apartment,

including a significant hole in the wall of her bathroom. Our office intervened and attempted to get the resident a repair ticket through the NYCHA call center. We called in January 2010. We were given a repair date of March 17, 2011, over a year later. Only after intervention from a NYCHA attorney was this resident able to get expedited assistance; but even then, it took four months for her repairs to be completed.

In addition to the problems with the customer service centers, in the last year NICE has initiated a second phase of its program, implementing a new computer system that has caused a great deal added distress to program participants. Though it was intended to enhance and streamline customer access/contact support at the regional customer service centers, it has instead caused a steep incline in meritless termination threats.² Where the former system required manual entry of Section 8 recipients' data, under the new system all documents are scanned in and automatically updated into the computer system. However, if any entry is incomplete or unreadable or entered in the wrong place, the system will automatically produce the first of the termination notices. Even when the client can prove NYCHA's error or resolves the issue, program participants continue to receive T-1 and/or T-3 (termination) notices from NYCHA.

We recently assisted a 74-year-old, non-English proficient client who luckily had the foresight to keep a copy of all the documents submitted to NYCHA for his annual recertification and a copy of his receipt proving his timely delivery to his customer service center. However, shortly after completing his annual recertification, he received a preliminary notice of termination. He submitted his documents again, only to receive a T-1 notice. After our office reached out to NYCHA legal, NYCHA alleged that his

² See NYCHA Annual Plan 2011 for Fiscal year 2011, pg. 7, *available at* http://www.nyc.gov/html/nychas/downloads/pdf/FY2011_AnnualPlan.pdf.

recertification had been completed and keyed into the system. NYCHA further stated that this client could ignore the termination notices. We have heard from many more Section 8 recipients with essentially the same story during the last several months. We fear that those who do not know to reach out to social and/or legal services organizations, may in fact be losing their vouchers over a technical NYCHA error.

To address some of the issues identified in this testimony by our collective experience with NYCHA we suggest that NYCHA immediately address any issues that come about as a result of their new computer system. Notices should not be sent out in error by a computer, but must be reviewed by someone before they are sent. Anyone who receives a notice in error should immediately be notified by NYCHA. Since the new systems that have been implemented often cause more problems than they solve, we further suggest that NYCHA re-open it's lines of communications with tenant advocates. If NYCHA had a tenant advocates liaison, for example, many of these problems could be solved informally, quickly, and without years of litigation. Finally, we would also urge NYCHA to post its rules, regulations, and LHD's on line and to revamp its FOIL process.

We recognize the significant burden on NYCHA as the administrator of the largest Section 8 program and public housing program in the country, but this agency cannot be absolved of its legal duty to its constituents, particularly when its constituents are the most vulnerable members of our City. We strongly suggest that NYCHA seriously consider some of the suggestions made herein to provide for more effective and efficient management of the Section 8 program and more transparency over how it's regulated. Having said that, we also recognize that for NYCHA to implement any kind of meaningful change, it must be sufficiently funded. NYCHA has had to make significant

cuts in the last couple of years, including cuts to its maintenance staff. We ask that the City supplement NYCHA's funding so that it can comply with the law and ensure its Section 8 recipients have safe, sustainable housing.

We would welcome the opportunity to further discuss or comment on these matters in the future.

Thank you for the opportunity to testify today.

Respectfully submitted,

Johanna Ocana, Paralegal

Sunny Noh, Staff Attorney

Kamilla Sjödin, Supervising Attorney

South
Brooklyn
Legal
Services

Legal
Services NYC

TESTIMONY OF BRENT MELTZER

My name is Brent Meltzer and I am the Co-Director of the Housing Unit at South Brooklyn Legal Services. South Brooklyn Legal Services, a constituent corporation of Legal Services NYC, is a preeminent provider of civil legal services, serving low-income Brooklyn residents since 1968. In 2010, the Housing Law Unit represented over 300 tenants in eviction proceedings, administrative proceedings to enforce tenants' rights, Supreme Court actions against city and state agencies, and proceedings to obtain safe and sanitary living conditions. We gave advice to over 1000 tenants in housing-related matters such as court proceedings, eviction, and repairs, and gave tenants' rights trainings to over 100 tenants.

As the Co-Director of the Housing unit, I have an opportunity to review the cases of all tenants seeking our assistance. Unfortunately, over the past year we have seen errors that are having a serious impact on Section 8 households, many of whom are elderly, disabled and the working poor.

Each year, a Section 8 recipient must submit to NYCHA its household composition, household income and supporting documents. Normally, a recertification packet is sent to the tenant and he or she has a set amount of time to submit it to NYCHA. Many of our clients are reporting that they never receive their recertification packets or they receive them well after the date to submit documents has passed. This places them at risk of losing their subsidy. To compound the problem, tenants used to be

South Brooklyn Legal Services
105 Court Street, 3rd Floor Brooklyn, NY 11201
Phone: 718-237-5500 Fax: 718-855-0733 www.sbls.org
John C. Gray, Project Director

Towards justice and dignity for all – Por la Justicia y Dignidad de Todos

 LSC

able to go to NYCHA to obtain a packet if one wasn't sent. Now, the packets are bar coded and therefore tenants are being told they must wait for the packet to arrive in the mail even if the time to recertify has passed. And in many cases, a packet doesn't arrive and the tenant is terminated from the program.

For those tenants that actually receive a packet, the problems continue. Many of our clients timely submit the packet only to receive a termination notice in the mail telling them that they never submitted the packet and that the subsidy will be terminated. So the tenant has to take time off of work or schedule Access-A-Ride to go down to NYCHA's office to resubmit the packet. Some tenants report having to do this three or four times and they still receive the termination notices.

To make matters worse, many termination notices sent by NYCHA are sent to the wrong address and so despite the tenants submitting all paper work, the first time tenants learn they have been terminated is when they are brought to court by their landlords for eviction. We have heard there is a backlog of packets that have been submitted but have not been scanned and entered into the computer system. Thus, tenants are submitting packets but NYCHA's new computer system is still sending out termination notices.

As you are may be aware, the termination notices give the tenant an opportunity to request a hearing to contest the termination and have the subsidy continue until the hearing is held. While our clients are requesting hearings, unfortunately, the request for a hearing is never granted and the termination continues unabated. Indeed, we have had clients tell us that they requested a hearing when receiving a first termination notice only to receive a second termination notice as if nothing was ever submitted. Tenants should have a right to contest the termination before the subsidy stops. Instead, the subsidy gets cut off and the tenant has no way to get it restored despite facing eviction.

This is what we are seeing coming into our office. However, only a small percentage of tenants who receive Section 8 subsidies are able to find their way to South Brooklyn Legal Services. Many tenants are too elderly, too disabled or are working too many hours to find their way to our office.

Tenants are being forced to take time off of work to constantly go back to the NYCHA offices to make certain their subsidy is not cut off. Yet, this is futile because NYCHA neither recognizes that the tenant has submitted the proper documentation nor stops the termination when the tenant requests a hearing. And this doesn't even take into account the elderly and disabled tenants who may not be able to advocate on their behalf and therefore lose the very subsidy that allows them to remain in their homes.

We believe the problem is caused by NYCHA's implementation of its new computer system. Before the computer system was set up, a tenant was assigned a Housing Assistant and all interaction, including any actions to terminate the tenant's subsidy was reviewed and conducted by a real person. Now, NYCHA is relying on a computer system that appears to terminate tenants for no reason and will not stop terminations despite hearings being requested. Because of the flawed system, countless tenants are losing their subsidies despite doing nothing wrong. Along with our testimony, we have submitted testimony from our client Pearl Pio, and we encourage you to listen to the impact that NYCHA's flawed computer system is having on their lives. Unfortunately, Ms. Pio cannot be here today because she has already missed too many days at work dealing with NYCHA's errors.

As I testify, my office along with Legal Services NYC -- Bronx and the Legal Aid Society of New York are filing Federal Lawsuits to challenge the clear problems that Section 8 recipients are facing. However, legal challenges are not enough. I implore you, on behalf of our clients, to please not rest until NYCHA but you get an actual fix to the problems that the elderly, disabled and working poor are facing with NYCHA's new computer system.

TESTIMONY OF PEARL PIO

My name is Pearl Pio and I am a Section 8 voucher holder who lives at 2011 Newkirk Avenue , Apt. # B2, Brooklyn , NY 11226 . I live in my apartment with my seven (7) year old daughter Jewel Pio. Right now, I work full time at an Architect's office in Park Slope and at night I am attending vocational school to study medical billing. As a single working mother, I could not afford my apartment or be able to go to school without the help of my Section 8 subsidy administered by the New York City Housing Authority.

On November 12, 2010 I mailed my annual recertification packet to NYCHA as part of my program requirements. The packet stated that I must return it by November 23, 2010. On or about December 20, 2010, I received a notice from NYCHA stating that I needed to submit verification of child care expenses for Jewel. At the end of the Notice, I was given an opportunity to request an informal hearing and on or about December 31, 2010, I returned the Notice to NYCHA and requested an informal conference. On or about January 24, 2011, I received a call from Ms. John, a worker at NYCHA, who asked me to fax her proof of child care payments. I faxed the proof of child care payments and believed that everything was resolved. Approximately a month later, my landlord notified me that my Section 8 subsidy was going to be terminated April 1, 2011 and that I would no longer receive any subsidy payments.

South Brooklyn Legal Services
105 Court Street, 3rd Floor Brooklyn, NY 11201
Phone: 718-237-5500 Fax: 718-855-0733 www.sbls.org
John C. Gray, Project Director

Towards justice and dignity for all – Por la Justicia y Dignidad de Todos

I tried to call Ms. John back to find out what happened, but the number was disconnected. I contacted the Section 8 hotline but no one could verify if Ms. John worked for NYCHA and I was told that all the offices had been closed down and the Bronx is now the main office who would help me trace my paperwork. I was told that I would have to wait for another packet to be sent to me and I could submit that. Unhappy with this solution, I called another number and was once again told that I would have to wait for another packet. When I told this worker that I had a copy of the packet I already submitted, the worker told me that copies were not accepted and I would just have to wait for the packet.

I never received a packet, but I did receive court papers from my landlord alleging that I should be evicted because my Section 8 subsidy had been terminated. It is incredible that I have submitted everything I was supposed to submit and now I am at risk of eviction. As a single mother who works full time and goes to school full time, I do not have time to waste going to court to defend myself from a lawsuit based on NYCHA's error. Lord knows what I will do if I am evicted because of NYCHA's error. NYCHA never sent me a notice telling me that my subsidy was terminated and I never received my informal conference. Lucky for me, I was able to contact South Brooklyn Legal Services who are going to file a lawsuit on my behalf. But not everyone is able to get a lawyer, and I received absolutely no help from anyone at Section 8. There are other single working mothers who are going through the same thing as me and I hope that this Committee can stop NYCHA from doing this to other innocent tenants who are just trying to better themselves.

My name is Bienvenida Bencosme and I am a Section 8 voucher holder who lives at 3450 Gates Place, Apt 2A , NY 10467 . I live in my apartment with my two children, Bryan Polanco age 14, and Laurdes Polanco age 12. Right now, I am unemployed because I suffered a work injury that left me disabled and unable to work. Therefore, me and my two children are currently recipients of public assistance. I could not afford my apartment or be able to go to school without the help of my Section 8 subsidy administered by the New York City Housing Authority.

Last year in August, I became unemployed after suffering an injury which left me disabled and unable to work. Because my injury left me unable to work I had to apply for public assistance and I have been a recipient of public assistance since October 1, 2010.

I first went to the Bronx Lease Housing Borough Office on September 23, 2011 to request an interim certification to adjust my share of the rent because I had lost my employment. In order to support my request for an interim certification I brought a medical disability letter to show that I was no longer able to work.

Thereafter, on December 2, 2010, I went back to NYCHA and brought a public assistance budget letter, that showed that me and my family were currently on public assistance. At this time my share of the rent was \$763.00. Nonetheless, being on public assistance I could no longer afford this amount.

On February 15, 2011, I went back to NYCHA to follow up with my request to reduce my share. However, NYCHA had failed to take any action to recalculate my share and gave me a receipt that stated "Tenant came in to follow up on income adjustment requested in September 2010. Currently our database is under construction, tenant will receive notice by mail, once the adjustment to her income and rent portion has been completed. Tenant also requested an informal conference to discuss this matter." At this time I requested an informal conference since my landlord had started a nonpayment proceeding against me and I was facing an eviction proceeding due to the fact that being on public assistance I could no longer afford to pay \$763.00.

On April 20, 2011, I went back to NYCHA and brought them the eviction notice that I had received and the annual recertification package for 2011. Nonetheless, even after a submitted an annual recertification package NYCHA has refused to reduce my share for the 2010 and 2011 period.

More recently on July 12, 2011, I had an informal conference regarding the adjustment of her share. The NYCHA housing agent requested that she submitted additional information even though I had shown that her sole income was public assistance.

I currently receive a shelter allowance from public assistance for \$400 a month, and it is impossible for me to pay \$763.00 per month. In addition, I am facing an eviction proceeding and me and my family could be evicted from our home of 6 years.

Luckily for me, I was able to contact The Legal Aid Society who are going to file a lawsuit on my behalf. But not everyone is able to get a lawyer, and I received absolutely no help from anyone at Section 8. I have brought numerous documentation to show my loss of income since September 2010 and NYCHA has refused to adjust my share. Even worse, on September 15, 2011, NYCHA gave me a letter stating that my share had gone up from \$763.00 per month to \$1,482.54 per month effective July 1, 2011.

There are other section 8 participants who are going through the same thing as me and I hope that this Committee can stop NYCHA from doing this to other innocent tenants who are just trying to better themselves.

My name is Raquel Collazo and I am a Section 8 voucher holder who lives at 1719 Bleecker Street, Apt. 1R, Ridgewood, Queens. I live with my ten year old son. Right now, I work full time at Toys 'R Us in Manhattan . As a single working mother, I could not afford my apartment without the help of my Section 8 subsidy administered by the New York City Housing Authority.

I started receiving Section 8 in about 2003. For a long time, it was the same thing every year. In August, I would receive my annual recertification. I would complete my recertification package and send it in, certified mail. Before 2010, around the same I received my annual recertification package, I would also receive notice that a NYCHA inspector was coming to my apartment for the annual inspection. In 2010, that notice never came.

After I sent my recertification package to NYCHA, I contacted NYCHA's customer service to confirm that NYCHA had received it. At the time, I asked about my annual inspection but the customer service worker told me that I should wait for the notice.

In December, I received the usual notice letting me know what my new share was.

Imagine my surprise, when in January, my landlord told me that Section 8 had told him that I had been terminated. He had attempted to return the new lease and HAP contract, but NYCHA wouldn't take it.

I immediately went to the Section 8 office Queens to try and figure out what had happened. I was told there was nothing I could do other than sue NYCHA.

I luckily was able to contact The Legal Aid Society to help me. The first thing Legal Aid did was write to NYCHA under the Freedom of Information Law asking to see my tenant file. That request was made in January. I understand that last week, NYCHA finally contacted Legal Aid to let them know that my file was available for review.

In August, I received a letter from NYCHA asking me if I wanted to have a hearing to challenge the termination of my Section 8 benefits. I immediately returned that notice and said I definitely wanted that hearing. Last week, I received a letter telling me that NYCHA would consider reinstating me if I provided them with certain information. The letter listed the information. However, the envelope contained only one form asking for only one type of information. I immediately called the customer service line to ask what I should do since they had sent me an incomplete packet. I was told that I should wait to be sent a new packet with the correct forms. I'm a bit nervous because the papers are due by October 16th and who knows when I will receive the correct forms. The worker told me that I should not send the papers back because if I did NYCHA would just deny receiving them. He advised me to take them into the office and insist on getting a receipt so that I could prove I had brought them in.

Last week, I received a court papers from my landlord. He has brought a holdover case against me. Even though Legal Aid has agreed to help me, I am terrified. I have always done everything that NYCHA asked me to do. I don't understand how this could have happened. It seems to me that NYCHA made a mistake and I am paying for it. And I know that I am not alone in suffering because of NYCHA's mistakes. I am really hoping that this committee can

help me and my son and all of the other Section 8 tenants who have followed all of the rules and still lost their Section 8. Thank you for listening to my story.

**TESTIMONY BY JANET LOPEZ, BEFORE THE CITY COUNCIL COMMITTEE ON
PUBLIC HOUSING, ON THE NEW YORK CITY HOUSING AUTHORITY'S SECTION 8
POLICIES AND PROCEDURES**
SEPTEMBER 27, 2011

My name is Janet Lopez. I live at 1749 Grand Concourse, Apartment 1F, in the Bronx. I receive Section 8 which helps pay a portion of my rent each month. I have lived in my rent-stabilized apartment for over eight years with my children, ages 10, 6, and 5. I used to work as a room attendant for Hilton where I earned considerable income.

In April 2009, I stopped working due to an accident at work. NYCHA had set my family share at \$749 per month which suddenly became very unaffordable. I immediately reported to NYCHA that I had stopped working. I provided a document from my doctor showing that I was too injured to continue to work. After that, I submitted additional income documents on various occasions but NYCHA took no action. Each time I went to the NYCHA Section 8 office I was told that my file was being worked on or that I would need to bring more documents

Since I could not afford to pay my family share of \$749 per month, my landlord started an eviction case against me in April 2010. I have been in court ever since. I continued to try to have my share reduced through the court system. However, the workers who came to court still did not have any idea about my request to have my share reduced. On June 29, 2010, the Section 8 representative in Housing Court stated that she would provide a list of documents I should submit. After that, on July 13, 2010, I mailed a letter with my income information to the Section 8 Customer Contact Center. I also hand delivered a copy of this letter to the Section 8 Customer Contact Center. Finally, I provided a copy of this letter to the worker in court. However, each time a new worker came to court, they did not know anything about my request for an interim recertification.

On October 1, 2010, Section 8 finally adjusted my family share to \$350 per month. However, this was still unaffordable since I was only receiving \$400 per month in child support income. Also, I only learned of this change in court – I was not given any formal notice of the change or of my right to request a hearing.

Throughout 2010 and 2011, I continued to try to have my family share set at an affordable amount. My attorney sent emails to NYCHA workers. I went to the NYCHA Customer Contact Center many times. I also submitted a notarized affidavit on April 4, 2011, along with supporting documents, explaining my income. On April 1, 2011, my family share was set at \$347 per month. Again, I only learned of this change in court – I was not given any formal notice of the change or of my right to request a hearing. This amount is still unaffordable.

Fortunately, I was able to contact Legal Services NYC-Bronx, and they have been assisting me with my Housing Court case. They have also filed a case against NYCHA to have my family share set properly. But I know there are others like me – who are disabled and raising children – and who are having the same problems with NYCHA Section 8. In fact, my problem continues to this day because my share is still too high. I am fearful that it will continue in the future if something does not change with NYCHA.

I truly hope that this Committee can stop NYCHA from continuing these poor customer experience practices and procedures in the future. Thank you for your time.

**TESTIMONY BY JANET LOPEZ, BEFORE THE CITY COUNCIL COMMITTEE ON
PUBLIC HOUSING, ON THE NEW YORK CITY HOUSING AUTHORITY'S SECTION 8
POLICIES AND PROCEDURES**
SEPTEMBER 27, 2011

Mi nombre es Janet López. Yo vivo en el 1749 Grand Concourse, Apartamento 1F, en el Bronx. Recibo 8 Sección que ayuda a pagar una porción de la renta cada mes. Yo he vivido en mi apartamento de renta estabilizada desde hace más de ocho años con mis hijos de 10, 6 y 5. Yo trabajaba como encargado de la habitación de Hilton en el que obtuve ingresos considerables.

En abril de 2009, paré de trabajar debido a un accidente en el trabajo. NYCHA se había puesto mi parte de la renta en \$ 749 por mes, lo que pronto llegó a no ser asequible. De inmediato informé a NYCHA que yo había dejado de trabajar. Presenté un documento de mi médico que demostró que me lesioné y que no podía trabajar. Después de eso, entregué documentos adicionales en varias ocasiones, pero NYCHA no tomó ninguna medida. Cada vez que fui a la oficina de NYCHA Sección 8 me dijeron que estaban trabajando en mi archivo o que yo tendría que aportar más documentos.

Como no podía permitirse el lujo de pagar mi parte de la familia de \$749 por mes, el dueño empezó un caso de desalojo en contra de mí en abril de 2010. He estado en la corte desde entonces. Me siguió tratando de tener mi porción reducido por el sistema judicial. Sin embargo, los trabajadores que llegó a los tribunales todavía no tenía la menor idea acerca de mi solicitud para que reduzcan mi parte de la renta. El 29 de junio de 2010, el representante de la Sección 8 de la Corte de Vivienda dijo que iba a producir una lista de documentos que debiera entregar. Después de eso, el 13 de julio de 2010, envié una carta con la información de mi ingreso a la Sección 8 Customer Contact Center. También entregué en mano una copia de esta carta a la Sección 8 Customer Contact Center. Por último, me facilitó una copia de esta carta a los trabajadores en los tribunales. Sin embargo, cada vez que un nuevo trabajador llegó a los tribunales, que no sabían nada acerca de mi solicitud de renovación de la certificación provisional.

El 1 de octubre de 2010, Sección 8, finalmente ajustó mi parte de la familia hasta \$350 por mes. Sin embargo, esto todavía era impagable porque sólo recibí \$400 por mes en child support. Además, me enteré de este cambio sin recibir noticia oficial del cambio o de mi derecho a solicitar una audiencia. A lo largo de 2010 y 2011, yo seguí tratando de tener mi porción reducido a una cantidad asequible. Mi abogado envió correos electrónicos a los trabajadores de NYCHA. Yo fui al NYCHA Section 8 Customer Contact Center muchas veces. También presenté una declaración jurada ante notario el 4 de abril de 2011, junto con los documentos de apoyo, explicando mis ingresos. El 1 de abril de 2011, mi parte de la familia se estableció en \$347 por mes. Una vez más, me enteré de este cambio en la corte - no me dieron ningún aviso oficial del cambio o de mi derecho a solicitar una audiencia. Esta cantidad sigue siendo inalcanzable.

Afortunadamente, fui capaz de ponerme en contacto con Servicios Legales de Nueva York, Bronx, y me han estado ayudando con mi caso en la Corte de Vivienda. También han presentado una demanda en contra de NYCHA para que reduzcan mi porción. Pero sé que hay otros como yo - que son discapacitados y cuidando a los hijos - y que están teniendo los mismos problemas con NYCHA Sección 8. De hecho, mi problema continúa hasta nuestros días, porque mi parte sigue siendo demasiado elevado. Me temo que seguirá en el futuro si algo no cambia con NYCHA.

Espero sinceramente que este Comité puede dejar de NYCHA de continuar con estas prácticas y procedimientos en el futuro. Gracias por su tiempo.

TESTIMONY BY IAN DAVIE, LEGAL SERVICES NYC-BRONX
BEFORE THE CITY COUNCIL COMMITTEE ON PUBLIC HOUSING
ON THE NEW YORK CITY HOUSING AUTHORITY'S SECTION 8 POLICIES AND
PROCEDURES

SEPTEMBER 27, 2011

Introduction

My name is Ian Davie. I am a staff attorney in the Housing Unit at Legal Services NYC-Bronx, a constituent corporation of Legal Services New York City, the nation's largest legal services provider. For over four decades our office has represented the civil legal services needs of low-income and elderly families and individuals constituting one of the poorest urban neighborhoods in the country. We appreciate the opportunity to testify before the City Council's Public Housing Committee. We praise the leadership of Chair Rosie Mendez and her commitment to Section 8 program participants.

At Legal Services NYC-Bronx, the reach of our Housing Unit spans various legal fields and forums throughout New York City. In Bronx Housing Court, our attorneys and advocates advise and represent tenants in eviction and housing code enforcement proceedings. We also actively assist tenants with administrative agency proceedings related to public benefits, public housing, and Section 8 administration. The Housing Unit also pursues Supreme Court remedies against city and state agencies and actors engaging in predatory equity throughout the Bronx.

This wide purview gives the advocates of Legal Services NYC-Bronx an informed perspective on housing-related issues throughout New York City. And provides a unique view of both positive and negative trends in the housing field. Unfortunately, over the past two years, we have seen increasing delays, errors, and outright failures in the administration of the Section 8 leased housing program by the New York City Housing Authority. Sadly, these problems compound many of the issues affecting low-income Bronx residents and disproportionately affect the elderly,

disabled, and working poor. Frustratingly, many of these problems are self-inflicted and can be fixed with proper procedures, implementation, and oversight.

With this in mind, earlier this morning, Legal Services, along with the Legal Aid Society, filed a federal lawsuit on behalf of twenty one plaintiffs which seeks change from NYCHA. While we truly hope the lawsuit will improve the experiences of Section 8 participants throughout the city, we recognize that a lawsuit is not enough, and that the Committee recognizes that further action should be explored. Today I will talk about the customer service problems and delays that various tenants have experienced when requesting interim recertifications and recalculations of their family share. I hope my thoughts are helpful in informing and advising the Committee about this important topic.

Section 8 Background

Congress enacted the federal Section 8 program with the mandate of helping lower-income families obtain decent and affordable housing. The New York City Housing Authority, as an administrator of numerous Section 8 vouchers, must follow federal laws, regulations, and procedures. The central core of the Section 8 program establishes that participating tenants pay no more than 30% of their monthly household income in rent and utilities. This amount is known as the family share and it is the responsibility of the family to pay this amount to their landlord each month. To ensure that families pay no more than 30% of their income, NYCHA must perform an annual examination of income each year and set the family share accordingly. Because income can change drastically throughout the year, tenants may also request what are known as interim recertifications when they experience a reduction in income. In this case, at any point throughout each, NYCHA must review the changed income and calculate a new rent in a reasonable time.

NYCHA Procedures, Patterns, and Practices

Unreasonable Timeframes

Unfortunately, NYCHA has promulgated policies and has continued practices that make this task virtually impossible and engender customer service nightmares for tenants. NYCHA's policies split tenants into two different income classes. In this regard, NYCHA violates a federal requirement that it treat all families uniformly. Nonetheless, for one class, a family must show that it has been unemployed for thirteen weeks, or three months. For another class, a family must show that it has been unemployed for twenty six weeks, approximately six months, and must prove that their family share is above 40% of their rent, a violation of the federal Section 8 legislation. These timeframes are hardly reasonable.

Yet despite these timeframes, NYCHA generally spends far more time calculating the family share than its policies provide. Today you will hear the testimony of Janet Lopez, who has waited over two years while NYCHA has recalculated her tenant portion. In fact, of the twenty one plaintiffs included in the federal lawsuit filed today, NYCHA took an average of nearly 12 months to complete interim recertifications. Moreover, even when NYCHA has completed interim recertifications, tenant shares have been improperly set without regard to the family income.

During this long delay, tenants are left in what one Housing Court judge described as "NYCHA legal limbo." Many are sued by their landlords in Housing Court. Surely many are evicted as well. Some tenants, including Lisa and Angel Rivera, have been told that they should continue to pay the unaffordable portion and that they will receive a retroactive credit after NYCHA completes the interim adjustment. This is a false promise. In any event, given the fixed incomes of tenants participating in the Section 8 program, it is usually an impossible option.

Informal Hearings

In some cases, NYCHA has taken no action whatsoever. During this time, tenants are without a remedy, calling and returning to the Customer Contact Center time and time again. Although many request an informal hearing, such procedural requirements are often not followed by NYCHA and hearing requests are frequently ignored. When informal hearings are scheduled, they often constitute meetings in which the tenant is merely told the family share without meaningful review.

Notice Requirements

After completing a recertification, NYCHA is required to notify tenants of the new family share and of the tenant's right to request a hearing. NYCHA often fails to send notices to tenants advising them of their new tenant share. Many tenants only find out they must pay a different family share when their landlords sue them in Housing Court for the additional amount. NYCHA also frequently fails to notify tenants of their right to request a hearing. Finally, NYCHA does not provide the basis underlying the share adjustment calculations, rendering many tenants unsure as to whether they should request a hearing.

Effective Date

Indeed, even where interim recalculations are completed, NYCHA often fails to properly set the effective date or retroactively adjust payments to the landlord. Federal regulations, and NYCHA's own policies, establish that the change should take place upon the reporting of the income reduction. However, NYCHA has a practice of beginning the new rent not when the tenant has

reported the change, but prospectively when NYCHA has finally calculated the change. This is not mere semantics - indeed this practice leaves the family permanently liable for the unaffordable share, which accrued during the recalculation period.

For example, as Tamera Cunningham will discuss in testimony today, she originally reported her income reduction in February 2011 when her family portion was \$609 per month. Although she finally recently received notice that her family share was reduced to \$75 per month, it will not take effect until October 1. Thus, for the eight months during which NYCHA worked on her interim recertification, NYCHA will not retroactively adjust the payments to her landlord, and Ms. Cunningham is now responsible for the difference of \$534 per month, a total of \$4,272. This is no small sum to anyone, let alone a low-income tenant receiving public assistance.

Sources of the Problems

Customer Contact Center Organizational Structure

The New York City Housing Authority seemingly lacks the proper organizational structure to perform interim recertifications in a timely and accurate manner. NYCHA now employs only three citywide Customer Contact Centers, none of which are located in Manhattan or Staten Island. At each center, NYCHA recently moved away from a worker-based system to a task-oriented system. Now, instead of having a worker assigned to each tenant, different employees may work, in a piecemeal fashion, on an interim recertification. Thus, nobody has ownership of the outcome and nobody can be sure what documents have been submitted or requested, let alone where a certain tenant stands in the recertification process. Furthermore, as a result, NYCHA now refuses to meet with tenants who enter the Customer Contact Centers without an appointment. Tenants must pay money or use Access-a-Ride to go to the Customer Contact Center to request an appointment, and

must then wait for a NYCHA representative to contact the family by phone or mail with the new appointment date. Sometimes tenants are not contacted at all.

Worker Training and Education

Additionally, it seems that NYCHA workers are often not trained or supervised with regard to the necessary requirements and procedures for interim recertifications. Many impose unnecessary restrictions or preconditions on the interim recalculation of family shares. For example, Dawn Holmes, a plaintiff in the lawsuit filed against NYCHA this morning, was told by a worker that she could not receive an interim recalculation until she had applied for public assistance. Another plaintiff, Bienvenida Bencosme, was told that she had to apply for unemployment before an interim recertification could be performed. Ms. Bencosme had already been rejected for unemployment benefits. Indeed, often tenants are ineligible for these services and waste additional time jumping through unnecessary hoops.

Computer Delays

NYCHA has also recently adopted a new computer-based system, known as Siebol. Over the past few years, while this new system was being set up, NYCHA experienced widespread loss of documents and information. Today the system has resulted in a substantial backlog of tenant household and income information. Tenants, however, cannot be sure whether these documents have been misplaced or are currently delayed in the backlog. One plaintiff in the case brought today, Bienvenida Bencosme, was told in September 2010 that her interim recalculation could not be completed because the database was under construction. To date, over a year later, her family share has not been reduced. Ms. Bencosme's family share remains nearly double her public assistance

shelter portion.

Recommendations

As a result of NYCHA's patterns and practice, low-income tenants citywide remain liable for an unaffordable family share that they are unable to pay on a monthly basis. These indigent families have endured substantial damages and have faced unnecessary Housing Court proceedings, unsatisfied monetary judgments, and the ongoing threat of eviction from their homes. As I have mentioned, today we have brought a lawsuit against NYCHA to address many of these problems. A lawsuit, however, will not solve everything. NYCHA must institute practices and procedures that follow and guarantee the protections of federal laws and regulations. We are willing to help NYCHA craft these procedures. But promulgation is only one step. NYCHA must adequately train its employees to ensure that they understand the policies and the requirements underlying those policies. Finally, NYCHA must reform its client interaction system by enacting a worker-based system and relying less on its flawed, automated, and delay-prone computer system.

With these changes, we are confident NYCHA can become a better organization, and we are confident that Section 8 tenants will benefit from the improved customer experience. Along with our testimony, we submit the testimony of Schéré Barclay, Florine Bumpars, Tamera Cunningham, and Janet Lopez-Grullon, a handful of the plaintiffs in the action filed today in federal court. Although these tenants wanted to share their stories, they, along with Legal Services NYC-Bronx, have serious questions for NYCHA.

We in the Housing Unit at Legal Services NYC-Bronx also recognize that we can only assist the tenants who come to our office to seek assistance. Many elderly, disabled, or working tenants are unaware of Legal Services NYC-Bronx, or are unable to make their way into our office.

Accordingly, for the benefit of these vulnerable members of society, and for the betterment of our city, we ask that you continue to seek answers to these questions from the Housing Authority, and continue to work to ensure that NYCHA improves the customer service experience for all Section 8 recipients.

Thank you for your time.

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: 9/21/11

(PLEASE PRINT)

Name: Yasmin G. Diaz

Address: 121 Wilson St Apt 7F

I represent: _____

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: Raquel Collazo

Address: 1719 Bleeker Street

I represent: Legal Aid /

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: Kathleen Brennan, Judith Goldner

Address: Benvenida Benosme Raquel Collazo

I represent: The Legal Aid Society

Address: 199 Water St NY NY

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: 9/27/11

(PLEASE PRINT)

Name: Mitch Posi/Kin

Address: _____

I represent: Rent Stabilization Association

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: Johanna Ocaña

Address: _____

I represent: NYLAG New York Legal Assistance Group

Address: 7 Hanover Square NY NY

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: Schere Barclay

Address: 2130 E Tremont Ave

I represent: Myself

Address: _____

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: _____

Name: Elizabeth Crane (PLEASE PRINT)

Address: _____

I represent: Property Owner

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: 9/27/2011

Name: Brenna de Bencosme (PLEASE PRINT)

Address: 3450 20th Pl. Bronx NY 10467

I represent: _____

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: _____

Name: Brent Melzer (PLEASE PRINT)

Address: 105 Court Street Bklyn NY 11201

I represent: South Brooklyn Legal Services

Address: 105 Court Street Bklyn NY 11201

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: 9/07/11

(PLEASE PRINT)

Name: FLORINE Bumpars

Address: 2615 Jerome Ave #52

I represent: myself

Address: _____

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: 9-27-11

(PLEASE PRINT)

Name: Janet Lopez

Address: 1749 Grand Concourse Apt 1-P

BRONX

I represent: Myself

Address: _____

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: 9/27/2011

(PLEASE PRINT)

Name: Isamara Cunningham

Address: 2511 KUGLER AVE.

I represent: Myself

Address: _____

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: 9/27/11

(PLEASE PRINT)

Name: Ian Davie

Address: 329 East 149th St, Bx 14

I represent: Legal Services - NYC - Bx 14

Address: _____

Please complete this card and return to the Sergeant-at-Arms