

Testimony by New York Legal Assistance Group (NYLAG)

**before the New York City Council,
Committee on Public Housing:**

NYCHA's Management of its Section 8 Rental Assistance Program

April 26, 2012

Chairwoman Rosie Mendez, Council Members, and staff, good morning and thank you for the opportunity to speak about NYCHA's Management of its Section 8 Rental Assistance Program. My name is Sunny Noh and I am a Staff Attorney 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.

In or about 2007, NYCHA began rolling out an initiative entitled NYCHA's Improving the Customer Experience Program ("NICE"), intended to improve efficiency and the customer experience in NYCHA's management of its Public Housing and Section 8 programs. Subsequently, in September 2011, this Council conducted an oversight hearing on NICE and its impact on the Section 8 program. At this hearing, this Council heard tenants and tenant

advocates, including New York Legal Assistance Group ("NYLAG"), raise many concerns regarding problems increasing since the implementation of NICE, not decreasing. NYLAG testified to common complaints heard from its clients, including but not limited to: (1) NYCHA's failure to provide accurate/complete information in their notices and at their customer care centers; (2) NYCHA's refusal to accept documents at their customer care centers; (3) NYCHA's failure to record documents that have been submitted either in person or via mail; and (4) NYCHA preventing participants from obtaining proof of mailing by requesting delivery of documents to P.O. Boxes. Consequent to these issues, we witnessed a substantial increase in termination notices, both T-1 and T-3, being received by our clients in cases where tenants fully complied with NYCHA's recertification requirements.

We thank the Council for giving us this opportunity to follow up on the September 2011 oversight hearing. However, we regret to inform that we continue to see the problems previously discussed among our clients. Our clients complain that they are still receiving termination notices after either never receiving their recertification packets or timely submitting their recertification packets. These termination notices often fail to specify how the participant failed to comply, adding to participants' confusion and anxiety. We have attached a copy of such a notice from March 2012. Furthermore, NYCHA's P.O. Boxes continue to be a problem as tenants and landlords alike are unable to obtain proof of mailing to dispute non-compliance with the program. While clients have found that the Customer Care Centers ("CCC") have improved at producing documents in-person and providing proof of receipt of documents submitted, not all participants are mobile enough to make frequent trips to the CCCs and/or have the time to wait in line for hours to see a representative. Additionally, the CCCs are not consistent in providing receipts, which therefore only benefits the truly dogmatic Section 8 participant.

Additionally, a new problem we are seeing dramatically on the rise, as rent stabilized housing decreases and tenants are forced to rent from private landlords, is tenants inability to *timely* obtain emergency transfer vouchers in cases of lease non-renewal and/or eviction. As a result, many participants are not only evicted, but are also unable secure new apartments and end up losing their Section 8 vouchers. NYCHA's policy entitles participants to an emergency transfer voucher if: a) the tenant submits a Notice of Termination from the landlord, stating his intention not to renew the tenant's lease; b) completes the department's transfer request form; and c) follows up with Holdover court papers, upon commencement of a case. (See attached copy of LHD #02-6). As participants are forced to rent from private landlords, we are seeing more and more landlords demanding side deals or increasing the rent far in excess of the RGB guidelines. Therefore, when private landlords initiate holdover cases they are rarely only due to non-renewal of the lease. As mentioned, this makes it incredibly difficult for our clients, even with our advocacy, to timely acquire an emergency transfer voucher. We have experienced firsthand NYCHA representatives at CCCs refusing to accept qualifying documents or refusing to provide a detailed receipt. Subsequently, we commonly see emergency transfer vouchers taking longer than the required 6 weeks to be issued, making it nearly impossible for participants to complete a transfer within the 6 months stay of eviction the court has the jurisdiction to grant. This results not only in homelessness, but ultimately results in a participants loss of his/her voucher, due to no fault of his/her own.

To mitigate ongoing problems as NYCHA continues to adjust to NICE, we recommend the following: (1) that all tenant forms be made available online; (2) that NYCHA continue to freeze terminating participants for failure to recertify until the above issues subside; (3) that NYCHA mandate its representatives at their CCCs to provide receipts for every walk in, whether

it be for documents submitted or a status update on a transfer voucher; (4) that NYCHA develops a solution to its problem with its P.O. Box system, to provide proof of delivery to landlords and tenants; and 5) that NYCHA adjudicate the transfer voucher process timely and expeditiously. Regarding providing documents online, tenants should have access as landlords do through NYCHA's extranet. NYCHA should furthermore update its policies to accommodate the change in the renters market as more and more participants are forced into private apartments and thus more vulnerable to lease terminations and evictions.

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,

Sunny Noh, Staff Attorney

Kamilla Sjödin, Supervising Attorney

T-3

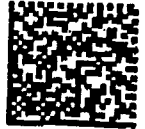
NEW YORK CITY HOUSING AUTHORITY LEASED HOUSING DEPARTMENT

Bronx Customer Contact Center
478 East Fordham Road, 2nd Fl.
Bronx, NY 10458

Brooklyn Customer Contact Center
787 Atlantic Avenue, 2nd Fl.
Brooklyn, NY 11238

Queens Customer Contact Center
90-27 Sutphin Blvd., 4th Fl.
Jamaica, NY 11435

Customer Contact Center: 718 707-7771



NOTICE OF DEFAULT: TERMINATION OF SECTION 8 SUBSIDY

[REDACTED]
[REDACTED]
[REDACTED]

03/03/2012

A. Voucher # [REDACTED]

B. The New York City Housing Authority sent you a notice on 01/06/12 stating that your Section 8 subsidy would be terminated for the reason(s) checked below:

1. You have violated your family obligation(s) under Section 8 Existing Housing because:

a. ☐ You did not permit your apartment to be inspected on _____ and _____ after reasonable notice.

b. ☐ You have not supplied the following documents or information needed to complete your annual or interim income recertification or any information NYCHA determines is necessary to administer the Section 8 program:

- | | |
|--|---|
| 1. ☐ Affidavit of Income | 14. ☐ Proof of School Attendance |
| 2. ☐ Declaration of Assets for Last 12 Months | 15. ☐ Death Certificate |
| 3. ☐ Unreimbursed Child Care/Medical Expenses | 16. ☐ Bank Statements-Books |
| 4. ☐ Third Party Verification Consent to Release of Information | 17. ☐ Certificate of Net Worth and Income from Operation of Business |
| 5. ☐ Affirmation of Non-Employment | 18. ☐ Request for Transcript of Tax Return |
| 6. ☐ Verification of Income - Full Year | 19. ☐ Pension Award Letter |
| 7. ☐ Birth Certificate | 20. ☐ Employer Letter |
| 8. ☐ Social Security Card | 21. ☐ Unemployment Insurance Benefits |
| 9. ☐ Alien Registration Card | 22. ☐ Military Payment Statement |
| 10. ☐ Marriage License | 23. ☐ Contributor Statement |
| 11. ☐ SSI Award Letter | 24. ☐ Statement from Child Support Provider |
| 12. ☐ Social Security Benefits | 25. ☐ Public Assistance Budget Letter |
| 13. ☐ Pay Stubs | |



4. ☐ Other. See attached statement.

C. You did not request a hearing to tell why your subsidy should not be terminated. THEREFORE, YOUR SECTION 8 SUBSIDY WILL BE TERMINATED FORTY-FIVE (45) DAYS AFTER THE DATE OF THIS LETTER.

If you believe that your Section 8 benefits should not be terminated, YOU CAN STILL REQUEST A HEARING. If your request is received less than forty-five (45) days after the date of this letter, you will be given a hearing and your Section 8 benefits will be continued until a final determination is made.

If the Authority receives your request forty-five (45) or more days after the date of this letter, you must show "good cause" in order to challenge the termination. Therefore, please explain below (attaching additional pages if necessary) why you did not respond to the notice of termination. If the hearing officer does not reopen your case and you want to go to court, you must do so within four (4) months of the date of this notice.

D. After filling it out, return one copy of this form to the address listed below. If you have any questions visit or call the Customer Contact Center at (718) 707-7771.

NEW YORK CITY HOUSING AUTHORITY

Leased Housing Department

E. Check the box below:



I would like a hearing to contest termination of my Section 8 rent subsidy.

[Redacted Signature]

1. Signature

03/15/2012

2. Date (mm/dd/yyyy)

[Redacted Voucher #]

3. Voucher #

F. Return this form to: New York City Housing Authority
Leased Housing Department
P.O. Box 19201
Long Island City, NY 11101



NEW YORK CITY HOUSING AUTHORITY
LEASED HOUSING DEPARTMENT

MEMORANDUM

LHD 02-6

TO: All Leased Housing Department Supervisors

FROM: Gregory A. Kern, Director
Leased Housing Department

DATE: January 16, 2002

SUBJECT: AMENDMENTS TO TRANSFER POLICY AND PROCEDURES REGARDING
EMERGENCIES FOR EVICTION ACTION

Last year the Department's Transfer Policy was revised for Section 8 tenants facing eviction actions from owners. LHD #01-24 dated 6/15/01, as revised by LHD #01-35 dated 7/24/01, changed our definition for an emergency transfer to include tenants being threatened with eviction. I am amending here the specific description of documents we must require in order for tenants to qualify under our definition of being "threatened with eviction". The latest change on this subject implements settlement of a federal lawsuit approved by Federal District Court, and shall take effect immediately.

A Section 8 tenant shall now be entitled to emergency transfer status if: a) the tenant initially submits, at a minimum, a written notice from the owner to the tenant stating that the owner chooses not to renew the tenant's lease (the "Notice of Termination"); b) the tenant initially completes and submits the Department's Tenant Transfer Request form; and c) the tenant either initially or subsequently also submits a written notice of commencement of a holdover eviction proceeding by the owner against the tenant in Housing Court. Staff shall initially approve the tenant for emergency transfer status when the tenant submits items a) and b), subject to receipt of item c) as described below.

Management staff receiving a Tenant Transfer Request form and one of the described documents must determine whether the tenant's request is approvable. If so, management staff must notify the tenant of our decision, in writing, within two weeks of the tenant's submission. Management staff must then transmit the case to the appropriate transfer team staff, using the current Department form and procedure. Transfer staff are then responsible for scheduling the tenant for a

transfer briefing, and shall notify the tenant by letter stating the date, time, and place of the briefing. The date for the briefing must be scheduled within 4 weeks of our approval of the tenant's transfer request.

The letter informing the tenant of the transfer briefing shall also state that the tenant must bring to the briefing a copy of an official notice of commencement of a Housing Court proceeding against the tenant, unless the tenant has already provided same to staff. The letter shall further state that if the tenant fails to meet this latter requirement, the tenant will not be permitted to attend the transfer briefing. A copy of the letter is attached and is hereby issued as a Department form (and will be issued as an official NYCHA form later).

If a tenant is denied access to a scheduled transfer briefing because the tenant fails to provide the required Housing Court papers, staff at the briefing shall instruct the tenant to bring such papers directly to the appropriate transfer staff at the borough office as soon as possible. Tenants who subsequently provide this documentation will receive an immediate individual transfer briefing and a transfer voucher from the transfer staff, with no need for any rescheduling at another transfer briefing. No appointment is necessary for the tenant to deliver this documentation and receive an individual briefing.