



# Subsidized Housing

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# Training Goal

Overview of the city, state and federally funded housing available in NYC and how to access it for low income tenants.



# Most Important Information for Tenants & Advocates

- **Subsidized housing is hard to get and once you have it you must do everything you can to keep it.** There is so little affordable housing in NYC even if the aggravation associated with keeping your apartment or subsidy is getting you down it is extremely unlikely that you will find anything comparable in NYC so it is essential to make every effort to keep your affordable housing and make it a better place to live.
- **Document everything!**
  - Keep copies of everything sent/submitted to any agency related to your application for or retention of your subsidized housing
  - Get a file folder and keep it organized by topic and date.
  - Ideally get a receipt from the agency with a date as proof of any documents submitted
  - Get a notebook dedicated to your housing and take notes of who, what, where, when, why you spoke to anyone about a housing related issue including rent, recertification and repairs. Be detailed – names, numbers, date, time & subject.
- **Follow up and check in regularly to make sure things are ok!**
  - Good communication is essential – If you haven't gotten a response to a request, or haven't gotten your annual recertification notice follow up!



# Types of Subsidized Housing in NYC

- State and City Funded Housing Subsidies
  - ACS Housing Subsidy Program
  - Living in Communities (LINC I, II, III)
  - Family Eviction Prevention Supplement (FEPS)
  - HIV/AIDS Services Administration (HASA)
  - NYNY III
  - Housing Lotteries
- Federally Funded Housing
  - NYCHA Public Housing
  - Section 8 Vouchers
  - Project Based Section 8

# ACS Housing Subsidy Program

- The Housing Subsidy Program is administered by the Administration for Children's Services. The subsidy is intended to provide rental support to families that need housing in order to reunify with children in foster care (foster care subsidy) or to prevent children from having to enter the foster care system when housing is the only obstacle to family unity (preventive subsidy).
- Young adults in foster care who are over the age of 18 may also qualify if they will be living on their own when they exit foster care and need permanent housing assistance to do so.
  - The program pays up to \$300 a month in rent, a broker's fee, security deposit, and arrears up to \$1800 and can last up to three years with a lifetime cap of \$10,800 total spent per family.
  - If some of the assistance (up to \$1800) is used for upfront fees, the amount is deducted from the maximum allowable cap of \$10,800 such that some families may not receive 3 years worth of assistance
  - Eligible families must have an open ACS case and housing must be a barrier to the reunification of the family or to maintain the family's unity for those at risk of foster care placement.
  - Referrals are made through ACS case workers for the subsidy.
  - For more information about the program, contact ACS at 1-877-KIDSNYC

# Living in Communities (LINC) Rental Assistance programs

The LINC Rental Assistance programs were created to help move families out of shelter and into stable housing. There are currently six LINC programs.

- LINC I will assist families in shelter who are working full-time but are unable to afford stable housing on their own to relocate from the City shelter system.
- LINC II will assist families in shelter who are identified within vulnerable populations and who need additional assistance and supports to relocate from the City shelter system and become securely housed in the community.
- LINC III will provide rental assistance for families recently affected by domestic violence to relocate them from the City shelter system – these families will be selected from both HRA domestic violence shelters and families in DHS shelters who HRA has certified as survivors of domestic violence.



# LINC cont.

- LINC IV will provide rental assistance to single adults and adult families in shelter that are either a senior (60+) or have a disability, and are unable to afford stable housing on their own to relocate from the City Shelter System.
- LINC V will assist single adults and adult families in shelter who are working, but are unable to afford stable housing on their own to relocate from the City shelter system.
- LINC VI will enable families with children to move out of shelter by reunifying with friends or relatives in NYC.

For LINC fact sheets and other info. see the DHS website:

[http://www.nyc.gov/html/dhs/html/LINC-Rental-Subsidies/LINC-Rental-Subsidies\\_old.shtml](http://www.nyc.gov/html/dhs/html/LINC-Rental-Subsidies/LINC-Rental-Subsidies_old.shtml)

# Family Eviction Prevention Supplement (FEPS)

- FEPS was created in May 2005 to replace the old Jiggetts program. FEPS is a housing supplement to help prevent evictions and provides rental support to families for up to five years.
- Eligibility
  - Families must have at least one minor child under 18 y-o or under 19 an attending HS or vocational school full time.
  - Open Public Assistance case.
  - Families must be facing eviction for the nonpayment of rent above the regular shelter allowance for your family size according to public assistance guidelines.
  - Families may also be eligible if there is no current court case but the family needs the FEPS approval in order to move to a new apartment because there is a current vacate order, a current foreclosure or the family is currently living in the community and was evicted in the last year for excess rent or the family is currently living in a shelter and was evicted in the last six months for excess rent.



# FEPS Eligibility Cont.

- When the apartment is not rent regulated, the person applying for FEPS must be the tenant of record and have an agreement in writing with her landlord to stay at least one year.
- FEPS pays arrears up to \$7000 and monthly rent payments for up to five years.
- Individuals residing in the household that are not receiving PA (e.g. SSI recipients) must pay the lower of 30% of their income or their pro rata share of the rent.
- FEPS applications can be filed through specific legal providers and community-based organizations (CBO) in each borough. To get a referral tenants can visit their public assistance center or ask the Housing Court liaison in court.

# HASA Housing Assistance

HASA clients can get help locating temporary emergency housing and non-emergency housing.

If a HASA client needs temporary emergency housing, they can visit their HASA caseworker to request same-day placement.

HASA specialists will also assist you in identifying which type of non-emergency housing is right for HASA eligible individuals and their families.

If a HASA client is financially eligible for the rental subsidy they are also eligible for the 30% rent cap which limits their share of the rent to 30% of their income.



# HASA Eligibility

- Reside within the 5 boroughs of NYC
- Diagnosed with clinical symptomatic HIV illness as defined by the NY State AIDS Institute, or have been diagnosed with AIDS as defined by the Centers for Disease Control and Prevention (CDC)
- To be eligible for housing subsidy need to meet state and federal financial requirements.
- Contact the HASA ServiceLine at 212-971-0626.



# New York/ New York, III

NY/NY III is an affordable, supportive housing program with a social services component, for nine distinct populations.

This housing is either

- (1) “congregate”, where supportive services can be assessed on-site within reach of the tenant, or
- (2) “scattered-site””, in which individual apartments are rented from existing market housing throughout the City.



# The populations to be served under NY/NY III – Youth

- Young adults aged 18-25 years leaving or having recently left foster care or who had been in foster care for more than a year after their 16th birthdays and who are at risk of street homelessness or sheltered homelessness, and
- Young adults aged 18-25, who have a serious mental illness being treated in a State psychiatric facility or NYS licensed residential treatment facility and are leaving or having recently left foster care and who could live independently in the community if provided with supportive housing, and who would be at risk of street or sheltered homelessness if discharged without supportive housing assistance.



# The populations to be served under NY/NY III – Single Adults

- Chronically homeless single adults who suffer from a serious and persistent mental illness (SPMI) or who are diagnosed as mentally ill and chemically addicted (MICA);
- Single adults who are presently living in NYS-operated psychiatric centers or State-operated transitional residences and who could live independently in the community if provided with supportive housing and who would be at risk of street or sheltered homelessness if discharged without supportive housing;
- Chronically homeless single adults who have a substance abuse disorder that is a primary barrier to independent living and who also have a disabling clinical condition (i.e. a medical or mental health (non-SPMI) condition that further impairs their ability to live independently);\*
- Homeless single adults who have completed a course of treatment for a substance abuse disorder and are at risk of street homelessness or sheltered homelessness and who need transitional supportive housing (that may include half-way houses) to sustain sobriety and achieve independent living;\*
- Chronically homeless single adults who are persons living with HIV/AIDS (who are clients of HASA or who are clients with symptomatic HIV who are receiving cash assistance from the City) and who suffer from a co-occurring serious and persistent mental illness, a substance abuse disorder, or a MICA disorder;\*

# The populations to be served under NY/NY III – Families

- Chronically homeless families, or families at risk of becoming chronically homeless, in which the head of the household suffers from SPMI or a MICA disorder;
- Chronically homeless families, or families at serious risk of becoming chronically homeless, in which the head of the household suffers from a substance abuse disorder, a disabling medical condition, or HIV/AIDS;\*

*\*=Up to 100 units in these categories will be targeted to young adults (aged 18-25 years).*



# Applying for NYNY III

Applications will go through HRA and the HRA 2010(e) must be completed. Applications are only accepted electronically. To submit the HRA 2010e application, an agency must be trained by HRA and receive a username and password

A complete HRA application package includes:

- HRA housing application
- A comprehensive psychosocial summary, completed within 6 months of the application submission date
- Tuberculosis testing results (PPD)

**and**

- If the applicant is mentally ill: a comprehensive psychiatric evaluation, signed and dated by a psychiatrist or nurse practitioner, and completed within 6 months.
- For youth who have left foster care, HRA expects their last case planning agency to assist them with completing the documentation.





# NYNY III Application Process

- Once an application is submitted and completed, HRA determines eligibility for the program and which level of housing is deemed appropriate.
- Housing Support and Services will prioritize applicants based on need and match clients with available housing.
- Youth once housed will then receive services through this program. They can stay in their apartment until their 26th birthday, during which time they will be assisted in finding permanent housing.
- If they continue to need supportive housing, they can contact **the ACS Office of Housing Support Services** located at **150 William Street, 8th floor in Manhattan**. In order to expedite the processing of relevant housing forms, the Case Planner and the Case Manager should accompany families to the ACS office.



# Housing Lotteries

- Apartments that are subsidized by the City, by the New York State Housing Finance Agency, and by the New York State Division of Housing and Community Renewal (DHCR) are advertised in local newspapers. Listings of available apartments may also be found at these Web sites: [www.nyc.gov/hpd](http://www.nyc.gov/hpd), [www.nychdc.com](http://www.nychdc.com), and [www.dhcr.state.ny.us](http://www.dhcr.state.ny.us).
- Additionally, HPD has an Affordable Housing Hotline that describes available apartments and provides information on obtaining an application.
- <http://www.nyc.gov/html/housinginfo/html/faqs/faq.shtml>
- The prospective tenants submit their lottery applications as required by the developer within the specified application period. The newspaper advertisement should provide you with information on (1) income guidelines, (2) who to contact, (3) where to mail your request for an application, and (4) where to mail your completed application. Deadlines for applications will also be noted in the advertisement.
- These are a long-shot, but for eligible applicants, it may be worth applying.



# Three Kinds of Federally Funded Housing in NYC

- NYCHA Public Housing
- Section 8 Vouchers
- Project Based Section 8



# Program Similarities and Differences

<p><b>Public Housing</b> •NYCHA</p>	<p>Household generally pays 30% of adjusted income towards rent</p>	<ul style="list-style-type: none"> <li>• PHA owns &amp; manages apartment/buildings</li> <li>• Federal subsidy is issued by HUD (Operating and Capital Funds) to the PHA to cover cost of running buildings</li> </ul>	<ul style="list-style-type: none"> <li>•Tenant has a lease with the PHA</li> </ul>
<p><b>Section 8 Housing Choice Voucher Program</b> •NYCHA •HPD •DHCR</p>	<p>Household generally pays 30% of adjusted income towards rent</p>	<ul style="list-style-type: none"> <li>• Private landlord owns and manages apartment</li> <li>• Federal subsidy is issued to PHA to administer Section 8 program and PHA pays a rental subsidy directly to the landlord for the particular apartment</li> </ul>	<ul style="list-style-type: none"> <li>• Tenant has a lease with private landlord</li> <li>• Landlord enters into HAP contract with PHA</li> <li>• Tenant can move with this voucher to another apartment/building/state with PHA approval</li> </ul>
<p><b>Project Based Section 8</b> •HUD</p>	<p>Household generally pays 30% of adjusted income towards rent</p>	<ul style="list-style-type: none"> <li>• Private landlord owns &amp; manages apartment &amp;/or buildings</li> <li>• Landlord signs Annual Contributions Contract (ACC) with HUD</li> </ul>	<ul style="list-style-type: none"> <li>• Tenant has a lease with private landlord</li> <li>• Landlord handles all the recertifications, transfers and other functions associated with subsidized housing</li> <li>• Subsidy is attached to the apartment or building and if tenant moves out, they have no future subsidy</li> </ul>

# Public Housing Authorities (“PHAs”)

- PHAs that administer federally subsidized housing programs in NYC
  - New York City Housing Authority – “NYCHA”
  - New York City’s Department of Housing Preservation and Development- “HPD”
  - New York State’s Department of Housing Community and Renewal- “[D]HCR”



# Questions to ask to find out what type of federal subsidy your client has?

- Do you live in NYCHA housing? Also called “public housing” or “project housing”
- If there is a problem do you go to 250 Broadway? - NYCHA either public housing or Section 8
- If there is Section 8 –
  - Ask to see the client’s voucher.
  - Ask the client where they recertify.
    - 1 Fordham Plaza? = NYCHA; 100 Gold Street? = HPD;  
25 Beaver Street? = DHCR
    - Do you recertify at the management office in your building? – Project Based Section 8

# What is the New York City Housing Authority?

- Oldest PHA in the nation
- A municipal corporation created by New York State Public Housing Law (401)
- Owns and manages all of NYC's public housing
- Largest landlord in NYC- 178,914 apartments in 2,596 buildings in 334 developments throughout 5 boroughs
- Administers the nation's largest Section 8 program



# Applying for Public Housing

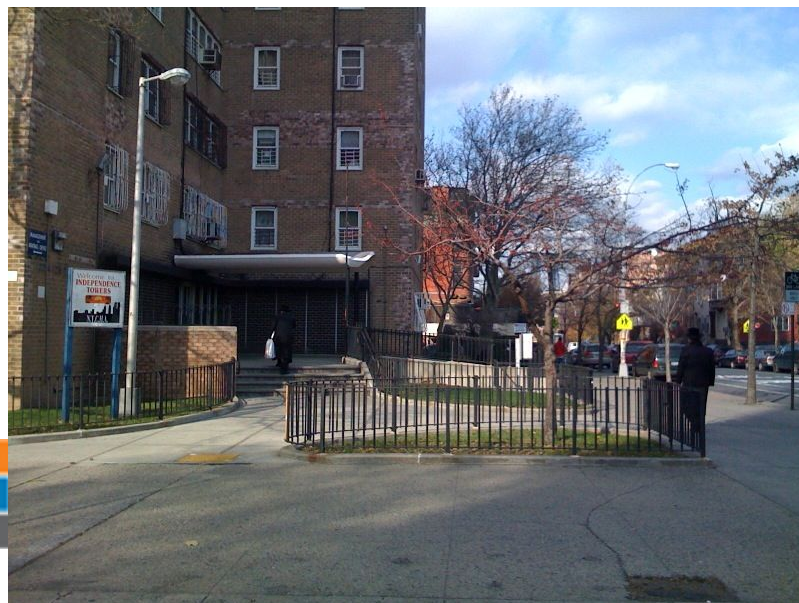
- All applications are now submitted online- either from NYCHA website or from one of NYCHA's Customer Contact Centers (Bronx, Bklyn, Queens)
- Currently approx **252,000** households on waiting list for public housing
- Wait times depend on priority assigned – from 6 months to 10 + years
- Residency- a family/individual must be a resident of NYC at the time of application – includes those actually working in NYC or have an offer to work in NYC





# Eligibility for Public Housing

- Income
- Criminal Convictions
- Immigration Status



# Income Limits for Public Housing Eligibility- Applications

- A family's annual household income must not be greater than 80% of the Area Median Income (AMI) as established by HUD for NYC (\$68,700 family of 4)
- In reality, majority of NYCHA's public housing tenants have incomes at or below 30% of the AMI (\$25,750 family of 4)



## AREA MEDIAN INCOME (AMI) FOR 2013

# in Household		1	2	3	4	5	6	7	8
Tier 1 < 30%	30% AMI	\$18,050	\$20,600	\$23,200	\$25,750	\$27,850	\$29,900	\$31,950	\$34,000
Tier 2 31-50%	50% AMI	\$30,100	\$34,400	\$38,700	\$42,950	\$46,400	\$49,850	\$53,300	\$56,700
Tier 3 51-80%	80% AMI	\$48,100	\$55,000	\$61,850	\$68,700	\$74,200	\$79,700	\$85,200	\$90,700



# Criminal Convictions

- Criminal Background Checks are run against each person 16 years and over who is *expected* to reside in the household
- A person is ineligible for admission for a prescribed period of time following a conviction
- Under NYCHA's application process, there is a presumption that the biological parent of the youngest child in the household who is less than 3 years old will be part of the household
- If such parent's criminal background renders a family ineligible for housing but applicant does not expect him/her to reside in apartment, applicant can challenge ineligibility at a McNair hearing at 250 Broadway

<b>Criminal Conviction</b>	<b>Years after serving sentence (including probation/parole)</b>
Persons subject to a lifetime registration requirement under a State sex-offender registration program	Indefinite
Class A, B, and C felonies	6 years
Class D and E felonies	5 years
Class A misdemeanors	4 years for one or two convictions 5 years for 3 or more convictions
Class B or unclassified misdemeanors	3 years for one or two convictions 4 years for 3 or more convictions
Violations or DWI infractions	2 years for one or two convictions 3 years for 3 or more convictions



# Immigration Status

- HUD regulations prohibit certain non-citizens from receiving federal housing subsidies
- In general, so long as *at least one* household member has an eligible immigration status, other household members with an ineligible immigration status may reside in the apartment but may not benefit from a federal housing subsidy
- A family is ineligible for public housing on immigration grounds only if *all* of its members are immigrant ineligible
- If a household consists of some immigrant ineligible members, the subsidy for the family is *pro rated*

# Priorities for Public Housing

## NYCHA's TSAP Guide

- NYCHA's Tenant Selection and Assignment Plan (TSAP) lays out the priority coding system that determines how quickly an applicant will get an eligibility interview
- NYCHA has a "Working Family" Preference and a "Needs-Based" Priority
- Half of new admissions are reserved for those in Working Family Preference and half for those in Needs-Based Priority. Within each of those two groups, NYCHA ranks applicants by priority



# Working Family Preference

- Code W1- Tier III 51-80% of AMI
- Code W2- Tier II 31-50% of AMI
- Code W3- Tier I below 30% of AMI and “working family”
  - “working family” defined as
    - Where income is based on actual employment or
    - Where HH *and* spouse or sole member are 62 years of age or older *or* receive SSD or SSI



# Needs Based Preference

- N0 (highest priority) includes those who are referred by DHS, HPD, HASA or ACS
- N1 Victims of domestic violence (serious or repeated abuse), family member cooperating with criminal investigation or prosecution and referred by District Attorney's office
- N3 Those living in housing declared uninhabitable by HPD
- N4 All other families who are homeless, living in substandard housing or paying more than 50% of income towards rent

# Issues that May Arise in the Applications Process

- If N0 or N1 priority, only get to choose a preferred borough. Those with borough choice *can* turn down the offer of one apartment
- All other priorities must choose a development. Those with development choice *only get one offer* of an apartment and they **must** take it
- General word of advice- Take the apartment, do not turn it down!
- If disagree with an ineligibility finding or priority is reduced, can request a McNair hearing at 250 B'way
- Apartment sizes depend on Occupancy Standards that are in the Applications Manual

# Declaring Income and Setting Rent

- Unaffordable rents can lead to termination of tenancy charges for chronic rent delinquency and/or eviction for non-payment- important that rent is calculated properly
- **WARNING** - Failure to declare the income of all the members of the household may save you on rent in the short term but it can be the basis for fraud allegations and it can be the basis for losing the apartment.
- Generally, rent is based on 30% of a household's anticipated gross annual income less deductions (adjusted income)
- HUD regulations provide for a deduction of \$480 for each dependent, \$400 for each elderly or disabled household member



# Section 8 Housing Choice Voucher Program

“Section 8”



# Section 8 - Background

- The U.S. Housing Act of 1937 authorized the Section 8 Voucher Program
- Under the Tenant-Based Program, a PHA issues a voucher to a family and the family uses the voucher to rent a privately owned apartment
- PHA pays the subsidy directly to the landlord
- Tenant pays rent directly to landlord
- The Section 8 application lists in NYC are generally closed and there are long waiting lists except for certain applicants who are survivors of Domestic Violence or children aging out of Foster Care.

# PHAs that Administer Section 8 Tenant-Based Voucher Program in NYC

- NYCHA administers the largest Section 8 program, 92,000 vouchers, 225,000 people (1 Fordham Plaza, 787 Atlantic Avenue, 90-27 Sutphin Blvd.)
- HPD administers approx 29,000 vouchers (100 Gold Street)- more often to elderly/disabled
- DHCR administers significantly fewer vouchers, chances are if you see one, it is an “enhanced voucher” (25 Beaver St.)



# Eligibility Criteria for Section 8 Applicants

- Income- family's gross annual income must not be greater than 50% of the AMI for family size as established annually by HUD
- No resource limitation, but income derived from resource is used to determine income eligibility
- Criminal convictions- may render a person ineligible for a prescribed period of time after conviction
- Immigration status



# Once Voucher Issued

- The voucher will be for a certain apartment size based on family size and composition
- Occupancy standards (voucher size) are listed by NYCHA and HPD and are currently different
- Family takes voucher and searches for an apartment (unless using it in current place)
- NYC Local Law 10 bans discrimination on the grounds of source of income, including Section 8, where building with 6 or more units





# Voucher in Hand ... Now What?

- **Payment Standard** for your voucher size is used to calculate the amount of housing assistance subsidy that a family will get (maximum amount the PHA will pay)
- A family can select an apartment above or below the Payment Standard assigned to their voucher size
- Usually, family must pay 30% of adjusted income toward rent and utilities. If the apartment rent is more than the Payment Standard, family will pay a higher amount
- When moving to a new apartment, and rent is greater than payment standard, federal rules prohibit a family paying more than 40% of income towards rent



# Voucher term

- NYCHA and HPD vouchers are valid initially for 120 days. A person may request an extension as a reasonable accommodation for disabilities and other good cause, on a case-by-case basis. Do not wait!
- Once the tenant finds an apartment and submits a rental package for approval, both NYCHA and HPD *toll* expiration of the voucher

# Becoming a Program Participant

- Tenant finds apartment with landlord willing to rent
- Tenant submits a Request for Lease Approval to PHA and PHA schedules a Housing Quality Standards (HQS) inspection
- Rent must be at a permissible limit
- If apartment passes HQS inspection
  - Tenant signs lease with landlord
  - PHA signs HAP contract with landlord
  - PHA issues HAP subsidy directly to landlord each month (a portion of the rent)
  - Voucher holder is **NOW** a Participant in the program

# “Project- Based Section 8”



# Project-Based Subsidies

- Subsidy is tied to the building/development, it is not tied to the tenant (as with housing choice voucher program). If the tenant moves the subsidy stays with the building.
- Rents are lower than market rent because a developer either receives an “indirect” subsidy through a HUD financing program or a “direct” subsidy for the building/apartment
- Some programs you may see/hear about
  - Section 202 and 231 Program (elderly and disabled)
  - Section 221 and 236 Programs (HUD subsidized mortgage interest payments for apartments to be rented to low-income tenants)

# Other sources of short-term rental subsidies

- Coalition for the Homeless Rental Assistance Program (RAP)

[http://www.coalitionforthehomeless.org/  
our-programs/housing/rental-assistance-  
program/](http://www.coalitionforthehomeless.org/our-programs/housing/rental-assistance-program/)

- HomeBase -

[http://www.nyc.gov/html/dhs/html/  
prevention/homebase.shtml](http://www.nyc.gov/html/dhs/html/prevention/homebase.shtml)



# More Information about accessing subsidized or affordable housing in NYC

## [NYC Affordable Housing Resource Center](#)

- <http://www.nyc.gov/html/housinginfo/html/home/home.shtml>

## [Housing Lotteries \(80/20\)](#)

- <http://www.nyc.gov/html/housinginfo/html/faqs/faq.shtml>
- <http://www1.nyc.gov/site/hpd/renters/find-housing.page>
- <https://a806-housingconnect.nyc.gov/nyclottery/lottery.html#home>

## [Websites Listing Housing Resources](#)

- [http://www.nyc.gov/html/acs/html/support\\_families/housing.shtml#2](http://www.nyc.gov/html/acs/html/support_families/housing.shtml#2)
- <http://www.coalitionforthehomeless.org/get-help/im-in-need-of-housing/#6>



# Legal & Other Resources

- Legal Representation
  - Legal Aid Society/Housing Help Program/ Assigned Counsel Project – Bronx Housing Court Rm 250 and Rm 540, 1118 Grand Concourse,
  - Legal Services NYC – Bronx - Bronx Housing Court Rm 370, 1118 Grand Concourse
  - BOOM!Health Legal Advocacy 718.295.5605 or [www.boomhealth.org](http://www.boomhealth.org)
  - NAICA – FEPS applications Suite 1B, Bronx, NY, 10452 or Basement of Bronx Housing Court Located at:1118 Grand Concourse
  - POTS – 2759 Webster Ave., Bronx NY, 10458 Ph: 718-220-4892
  - Bronx Defenders – 360 E 161<sup>St</sup> St., Bronx, NY 10451 Ph: 718-838-7878



# Legal & Other Resources

- Legal Information
  - Bronx Housing Court Resource Room - 250
  - Housing Court Answers – Lobby of Housing Court
  - Law Help - <http://www.lawhelpny.org/>
- APS – Elderly tenants facing eviction

