

NEW YORK CITY HUMAN RESOURCES ADMINISTRATION

Notice of Public Hearing and Opportunity to Comment on Proposed Rule and Notice of Extension of Emergency Rule

What are we proposing? To implement the Mayor's priority of preventing homelessness and moving households from shelter into stable housing, the New York City Human Resources Administration (HRA) proposes to amend Chapters 7 and 8 of Title 68 of the Rules of the City of New York to: (1) authorize HRA to (a) increase the maximum rent levels in the LINC I, LINC II, LINC III, LINC IV, LINC V and CITYFEPS programs for households with five or more individuals where HRA has determined that they are unlikely to secure housing within the next 90 days at the rents otherwise permitted under the rule and (b) pay landlords one year of rental assistance payments in advance for units that had been used as DHS shelter immediately prior to lease signing; (2) extend LINC I, II, III and VI to households consisting solely of pregnant women; (3) enlarge the time within which someone may appeal a hearing officer's decision; (4) clarify that heat and hot water must be included in rent; and (5) clarify that any residence towards which LINC rental assistance is applied must be located within New York City. HRA also proposes to repeal Chapter 9 of Title 68, because the provisions in Chapter 9 will now be incorporated into Chapters 7 and 8 pursuant to this rule.

When and where is the hearing? HRA will hold a public hearing on the proposed rule. The public hearing will take place at 1:00 PM on October 6, 2015. The hearing will be held at Spector Hall, 22 Reade Street, First Floor, in downtown Manhattan.

How do I comment on the proposed rule? Anyone can comment on the proposed rule by:

- **Website.** You can submit comments to HRA through the NYC rules website: <http://rules.cityofnewyork.us>.
- **Email.** You can email comments to constituentaffairs@hra.nyc.gov. Please include "LINC/CITYFEPS Proposed Rule" in the subject line of your email.
- **Mail.** You can mail comments to:

New York City Human Resources Administration
The Office of Constituent Services
150 Greenwich Street, 31st Floor
New York, NY 10007
- **Fax.** You can fax comments to HRA at 212-331-5998. Please include "LINC/CITYFEPS Proposed Rule" on the cover page of your fax.
- **Speaking at the hearing.** Anyone who wants to comment on the proposed rule at the public hearing must sign up to speak at the beginning of the hearing. You can speak for up to two minutes.

Is there a deadline to submit comments? The deadline to submit comments is October 6, 2015.

What if I need assistance to participate in the hearing? If you need an interpreter or if you need a reasonable accommodation for a disability at the hearing, you must tell us by September 29, 2015. You can call us at 929-221-5188, send a fax to 917-639-0296, or contact us by mail at:

LINC/CITYFEPS Rental Assistance Programs
150 Greenwich Street, 36th Floor
New York, NY 10007
Attention: Public Hearing

Can I review the comments made on the proposed rule? You can review the comments made online on the proposed rule by going to the website at <http://rules.cityofnewyork.us/>. A few days after the hearing, copies of all comments submitted online, copies of all written comments, and a summary of oral comments made at the public hearing concerning the proposed rule will be available to the public on HRA's website.

What authorizes HRA to make this rule? Sections 34, 56, 61, 62, 77, and 131 of the New York Social Services Law and sections 603 and 1043 of the New York City Charter authorize HRA to make this proposed rule, subject to State approval, which is pending. This proposed rule was not included in HRA's most recent regulatory agenda because it was not contemplated when HRA published the agenda.

Where can I find HRA's rules? HRA's rules are in Title 68 of the Rules of the City of New York.

What rules govern the rulemaking process? HRA must meet the requirements of Section 1043 of the City Charter when creating or changing rules. This notice is made according to the requirements of Section 1043 of the City Charter.

Notice of Extension of Emergency Rule

Notice is further given, pursuant to New York City Charter Section 1043(i)(2), that the emergency rule giving HRA authority to increase the maximum rent levels in the LINC I, LINC II, LINC III, LINC IV, LINC V and CITYFEPS programs for certain households and pay one year of rental assistance payments in advance to certain landlords, issued on June 24 2015, is hereby extended an additional sixty days, to October 22, 2015. The additional sixty days are needed for HRA to adopt a final rule concerning these changes after completing the public comment and hearing process set forth in New York City Charter Section 1043(e).

Statement of Basis and Purpose

To implement the Mayor's priority of preventing homelessness and moving households into stable housing, and in a joint effort with the Commissioner of the New York City Department of Homeless Services (DHS), the Commissioner of the New York City Human Resources Administration (HRA) proposes to make various changes to the Living in Communities (LINC) Rental Assistance Programs and the City Family Eviction Prevention Supplement and City Family Exit Plan Supplement (CITYFEPS) Programs. Specifically, HRA proposes the following amendments to Chapters 7 and 8 of Title 68 of the Rules of the City of New York:

- Authorize HRA to increase the maximum rents in the LINC I, LINC II, LINC III, LINC IV, LINC V and CITYFEPS programs for households with five or more individuals where HRA has determined that they are unlikely to secure housing within the next 90 days at the rents otherwise permitted under the rule. (See sections 4, 5, 11 and 18 of the proposed rule.) Currently, there is an emergency rule in effect that authorizes HRA to make such increases, notwithstanding the existing provisions of Chapters 7 and 8. The amendments proposed in this rule will allow HRA to continue to ensure that existing rental assistance programs can compete in the New York real estate market.
- Authorize HRA to pay one year of rental assistance payments in advance to a landlord who has entered into a lease with a program participant for a unit that was used as DHS shelter immediately prior to lease signing. (See sections 4, 6, 11 and 17 of the proposed rule.) Currently, there is an emergency rule in effect that authorizes HRA to make such payments, notwithstanding the existing provisions of Chapters 7 and 8. The ability of HRA to offer upfront payments in connection with rental assistance programs provides an incentive to landlords to accept LINC and CITYFEPS payments for units currently used as DHS shelter, which will decrease the number of households living in DHS shelter while returning much needed affordable housing units to the New York City housing market. When such units are currently occupied by households that are eligible for LINC or CITYFEPS, landlords will have an incentive to enter into leases with those households, which will permit the households to exit shelter while remaining in the same housing units. This will provide more stability for such households and avoid the need to transfer them to other shelter placements while they search for available apartments.
- Extend LINC I, II, III and VI, which are currently limited to families with children, to pregnant women. (See sections 1-3, 7 and 14 of the proposed rule.) These amendments will allow otherwise eligible households consisting solely of a pregnant woman to participate in the LINC I, II, III and VI programs, rather than having to wait until after the birth of the baby to move from shelter into housing to which LINC rental assistance can be applied. (LINC IV and V and CITYFEPS are already available to households consisting solely of a pregnant woman.)
- Increase the time within which someone may appeal from a hearing officer's decision from five business days from delivery of the decision to fifteen business days from when HRA sends the decision. (See sections 8, 12, 15 and 19 of the proposed rule.)

- Clarify that heat and hot water must be included in rent. (See sections 9, 13 and 20 of the proposed rule.)
- Clarify that any residence towards which LINC I, II or III rental assistance is applied must be located within New York City. (See section 10 of the proposed rule.) (The rules governing LINC IV, V and VI and CITYFEPS already include provisions limiting rental assistance to residences located within New York City.)

In addition, the proposed rule includes a number of technical amendments to the provisions describing how rental assistance amounts and program participant contributions are calculated. (See sections 4, 7 and 11). Finally, HRA proposes to repeal Chapter 9 of Title 68 of the Rules of the City of New York, because this proposed rule incorporates the provisions currently in Chapter 9 into Chapters 7 and 8 of Title 68 of the Rules of the City of New York. (See section 21 of the proposed rule.)

HRA's authority for this proposed rule is provided by sections 34, 56, 61, 62, 77, and 131 of the New York Social Services Law and sections 603 and 1043 of the New York City Charter, subject to State approval, which is pending.

New text is underlined.
Deleted text is [bracketed].

Section 1. Subparagraph (B) of paragraph (1) of subdivision (a) of section 7-03 of title 68 of the Rules of the City of New York is amended to read as follows:

(B) The household must include a child who meets the criteria set forth in Section 369.2(c) of Title 18 of the New York Codes, Rules and Regulations or a pregnant woman;

§ 2. Subparagraph (B) of paragraph (1) of subdivision (a) of section 7-04 of title 68 of the Rules of the City of New York is amended to read as follows:

(B) The household must include a child who meets the criteria set forth in Section 369.2(c) of Title 18 of the New York Codes, Rules and Regulations or a pregnant woman;

§ 3. Subparagraph (B) of paragraph (1) of subdivision (a) of section 7-05 of title 68 of the Rules of the City of New York is amended to read as follows:

(B) The household must include a child who meets the criteria set forth in Section 369.2(c) of Title 18 of the New York Codes, Rules and Regulations or a pregnant woman;

§ 4. Subdivision (a) of section 7-06 of title 68 of the Rules of the City of New York is amended to read as follows:

(a) LINC I and LINC II Rental Assistance Programs.

(1) The maximum rent towards which rental assistance may be applied during the first year of any lease towards which LINC I or LINC II rental assistance is applied shall not exceed the amounts set forth in the table below, except that HRA may make exceptions

on a case-by-case basis if the rent: (i) is reasonable in relation to current rents for comparable units in the private unassisted market; (ii) is not in excess of current rents for the owner’s comparable non-luxury unassisted units; and (iii) does not exceed the 2014 New York City Housing Authority Section 8 Voucher Payment Standards for the same type of unit; provided, however, that if HRA determines that due to current market conditions, it is unlikely that households consisting of five or more individuals will be able to secure housing within the next 90 days at the rents otherwise permitted under this subdivision, HRA may, in its discretion, increase the allowable maximum rents for such households to up to 130 percent of the 2014 New York City Housing Authority Section 8 Voucher Payment Standards for units for the household size. If HRA makes [such an exception] any exceptions pursuant to this subdivision, HRA shall pay the difference between the approved rent and the maximum rent amount set forth in the table below.

| Household Size | <u>1</u> | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
|----------------|--------------|---------|---------|---------|---------|---------|---------|---------|
| Maximum Rent | <u>\$914</u> | \$1,028 | \$1,200 | \$1,257 | \$1,428 | \$1,542 | \$1,599 | \$1,714 |

(2) A program participant contribution of thirty percent of the household’s total gross income at the time of certification or renewal, plus the amount of any increases in the rent permitted under paragraph (2) of subdivision (l) of section 7-09 of this chapter that are above the household’s allowable rent as determined pursuant to paragraph (1) of this subdivision, will be required and will be paid by the household directly to the landlord each month. [The program participant contribution] Such payments will be deducted from the [maximum rent amount set forth in the table in paragraph (1) of this subdivision] monthly rent to determine the monthly rental assistance amount. HRA shall pay the monthly rental assistance amount directly to the landlord each month for so long as the program participant’s household remains eligible and funding for the program remains available, except that HRA may in its discretion pay one year of rental assistance payments in advance to a landlord who has entered into a lease with a program participant for a unit that was used as DHS shelter immediately prior to lease signing. [In addition to the program participant contribution, the program participant shall be responsible for any increases in the rent permitted under paragraph (2) of subdivision (m) of section 7-09 of this chapter.]

§ 5. Paragraph (1) of subdivision (b) of section 7-06 of title 68 of the Rules of the City of New York is amended to read as follows:

(b) LINC III Rental Assistance Program.

(1) [Except as provided below, the] The maximum [LINC III rental assistance amount and the maximum] rent towards which LINC III rental assistance may be applied shall not exceed the amounts set forth in the table below, except that HRA may make exceptions to the maximum rent amounts on a case-by-case basis if the rent: (i) is reasonable in relation to current rents for comparable units in the private unassisted market; (ii) is not in excess of current rents for the owner’s comparable non-luxury unassisted units; and (iii) does not exceed the 2014 New York City Housing Authority Section 8 Voucher Payment Standards for the same type of unit provided however, that

if HRA determines that due to current market conditions, it is unlikely that households consisting of five or more individuals will be able to secure housing within the next 90 days at the rents otherwise permitted under this subdivision, HRA may in its discretion increase the allowable maximum rents for such households to up to 130 percent of the 2014 New York City Housing Authority Section 8 Voucher Payment Standards for units for the household size. If HRA makes [such an exception] any exceptions pursuant to this subdivision, HRA shall pay the difference between the approved rent and the maximum rent amount set forth in the table below. Except as provided in subparagraph (D) of paragraph (2) of this subdivision, the maximum LINC III rental assistance amount shall not exceed the amounts set forth in the table below.

| Household Size | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
|---------------------------|-------|---------|---------|---------|---------|---------|---------|---------|
| Maximum Rent | \$914 | \$1,028 | \$1,200 | \$1,257 | \$1,428 | \$1,542 | \$1,599 | \$1,714 |
| Maximum Rental Assistance | \$637 | \$745 | \$800 | \$807 | \$927 | \$1,018 | \$1,053 | \$1,168 |

§ 6. Paragraph (2) of subdivision (b) of section 7-06 of title 68 of the Rules of the City of New York is amended by adding a new subparagraph (H) to read as follows:

(H) HRA shall pay the monthly rental assistance amount directly to the landlord each month for so long as the program participant's household remains eligible and funding for the program remains available, except that HRA may in its discretion pay one year of rental assistance payments in advance to a landlord who has entered into a lease with a program participant for a unit that was used as DHS shelter immediately prior to lease signing. Notwithstanding any inconsistent provisions of this section, (i) any such advance rental assistance payments shall be calculated based on the household size at the time of lease signing and (ii) if the household's rental assistance amount would otherwise have been reduced under this subdivision during the year in which rental assistance payments have been paid in advance, the household is required to pay the difference to HRA. If the household does not pay such difference to HRA during the year in which rental assistance payments have been paid in advance, HRA shall have the right to recover such difference from the household.

§ 7. Paragraph (3) of subdivision (b) of section 7-06 of title 68 of the Rules of the City of New York is amended to read as follows:

(3) If a household in receipt of LINC III rental assistance has become ineligible for Public Assistance as a result of increased income or no longer includes a child who meets the criteria set forth in Section 369.2(c) of Title 18 of the New York Codes, Rules and Regulations or a pregnant woman, a program participant contribution of thirty percent of the household's total gross income, plus the amount of any increases in the rent permitted under paragraph (2) of subdivision (l) of section 7-09 of this chapter that are above the household's allowable rent as determined pursuant to paragraph (1) of this subdivision, will be required and will be paid by the household directly to the landlord each month. [The program participant contribution] Such

payments will be deducted from the [maximum rent amount set forth in the table in paragraph (1) of this subdivision] monthly rent to determine the monthly rental assistance amount. [HRA shall pay the monthly rental assistance amount directly to the landlord each month for so long as the program participant's household remains eligible and funding for the program remains available. In addition to the program participant contribution, the program participant shall be responsible for any increases in the rent permitted under paragraph (2) of subdivision (l) of section 7-09 of this chapter.] The household's monthly program participant contribution and rental assistance amount will not change during the remainder of the household's current year in the program, regardless of changes in household composition or income and shall continue to be calculated in accordance with this paragraph for so long as the household remains eligible for the program even if the household later becomes eligible for Public Assistance or again includes a child who meets the criteria set forth in Section 369.2(c) of Title 18 of the New York Codes, Rules and Regulations.

§ 8. Paragraph (1) of subdivision (m) of section 7-08 of title 68 of the Rules of the City of New York is hereby amended to read as follows:

(1) An appeal from a decision of a hearing officer may be made in writing to the Commissioner of HRA or his or her designee provided it is received by HRA through the procedures described in the notice accompanying the hearing decision within at least [five] fifteen business days after [the delivery of] HRA sends the hearing officer's decision. The record before the Commissioner shall consist of the hearing record, the hearing officer's decision and any affidavits, documentary evidence, or written arguments that the shelter resident or LINC I or LINC III program participant may wish to submit.

§ 9. Subdivision (i) of section 7-09 of title 68 of the Rules of the City of New York is amended to read as follows:

(i) A landlord who signs a lease with a household in receipt of rental assistance under any of the LINC Rental Assistance Programs is prohibited from demanding, requesting, or receiving any amount above the rent or fees as stipulated in the lease agreement regardless of any changes in household composition. The cost of heat and hot water must be included in the rent. A landlord who demands, requests or receives any amount above what is set forth in the lease will be barred from further participation in any HRA rental assistance programs and may be barred from other rental assistance programs administered by the City of New York. Before placing a landlord on a disqualification list, HRA will provide notice to the landlord and an opportunity for the landlord to object in writing.

§ 10. Section 7-09 of title 68 of the Rules of the City of New York is amended by adding a new subdivision (m) to read as follows:

(m) LINC I, LINC II and LINC III rental assistance shall not be applied to any residence outside the City of New York.

§ 11. Subdivision (a) of section 7-14 of title 68 of the Rules of the City of New York is amended to read as follows:

(a) Apartment Rentals.

(1) Where a household certified to receive or receiving LINC IV or LINC V rental assistance enters into a lease for an apartment, during the first year of the lease, the maximum monthly rent of such apartment must not exceed the amounts set forth in the table below, except that HRA may make exceptions on a case-by-case basis if the rent: (i) is reasonable in relation to current rents for comparable units in the private unassisted market; (ii) is not in excess of current rents for the owner's comparable non-luxury unassisted units; and (iii) does not exceed the 2014 New York City Housing Authority Section 8 Voucher Payment Standards for the same type of unit; provided, however, that if HRA determines that due to current market conditions, it is unlikely that households consisting of five or more individuals will be able to secure housing within the next 90 days at the rents otherwise permitted under this subdivision, HRA may in its discretion increase the allowable maximum rents for such households to up to 130 percent of the 2014 New York City Housing Authority Section 8 Voucher Payment Standards for units for the household size. If HRA makes any exceptions pursuant to this subdivision, HRA shall pay the difference between the approved rent and the maximum rent amount set forth in the table below.

| Household Size | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
|--------------------------|---------|---------|---------|---------|---------|---------|---------|---------|
| Maximum Rent for LINC IV | \$1,028 | \$1,028 | \$1,200 | \$1,257 | \$1,428 | \$1,542 | \$1,599 | \$1,714 |
| Maximum Rent for LINC V | \$914 | \$1,028 | \$1,200 | \$1,257 | \$1,428 | \$1,542 | \$1,599 | \$1,714 |

(2) A program participant contribution of thirty percent of the household's total monthly gross income at the time of certification or renewal, plus the amount of any increases in the rent permitted under paragraph (2) of subdivision (l) of section 7-17 of this chapter that are above the household's allowable rent as determined pursuant to paragraph (1) of this subdivision, will be required and will be paid by the household directly to the landlord each month. [The program participant contribution] Such payments will be deducted from the monthly rent to determine the monthly rental assistance amount. HRA shall pay the monthly rental assistance amount directly to the landlord each month for so long as the program participant's household remains eligible and funding for the program remains available, except that HRA may in its discretion pay one year of rental assistance payments in advance to a landlord who has entered into a lease with a program participant for a unit that was used as DHS shelter immediately prior to lease signing. [In addition to the program participant contribution, the program participant shall be responsible for any increases in the rent permitted under subdivision (l) of section 7-17 of this chapter.]

§ 12. Paragraph (1) of subdivision (m) of section 7-16 of title 68 of the Rules of the City of New York is amended to read as follows:

(1) An appeal from a decision of a hearing officer may be made in writing to the Commissioner of HRA or his or her designee provided it is received by HRA through the procedures described in the notice accompanying the hearing decision within at least [five] fifteen business days after [the delivery of] HRA sends the hearing officer's decision. The record before the Commissioner shall consist of the hearing record, the hearing officer's decision and any affidavits, documentary evidence, or written arguments that the Homeless Adult or LINC IV or LINC V program participant may wish to submit.

§ 13. Subdivision (h) of section 7-17 of title 68 of the Rules of the City of New York is amended to read as follows:

(h) A landlord or primary tenant who has entered into a lease or rental agreement with a household receiving LINC IV or LINC V rental assistance is prohibited from demanding, requesting, or receiving any monies, goods or services above the rent or any applicable fees as set forth in the lease or rental agreement regardless of any changes in household composition or income. The cost of heat and hot water must be included in the rent. A landlord or primary tenant who demands, requests or receives any monies, goods or services above the rent or any applicable fees as set forth in the lease or rental agreement will be barred from further participation in any HRA rental assistance programs and may be barred from other rental assistance programs administered by the City of New York. Before placing a landlord or primary tenant on a disqualification list, HRA will provide notice to the landlord or primary tenant and an opportunity to object in writing.

§ 14. Subparagraph (B) of paragraph (1) of subdivision (a) of section 7-20 of title 68 of the Rules of the City of New York is amended to read as follows:

(B) The household must include a child who meets the criteria set forth in Section 369.2(c) of Title 18 of the New York Codes, Rules and Regulations or a pregnant woman;

§ 15. Paragraph (1) of subdivision (m) of section 7-23 of title 68 of the Rules of the City of New York is amended to read as follows:

(1) An appeal from a decision of a hearing officer may be made in writing to the Commissioner of HRA or his or her designee provided it is received by HRA through the procedures described in the notice accompanying the hearing decision no later than [five] fifteen business days after [the delivery of] HRA sends the hearing officer's decision. The record before the Commissioner shall consist of the hearing record, the hearing officer's decision and any affidavits, documentary evidence, or written arguments that the shelter resident or LINC VI program participant may wish to submit.

§ 16. Subdivision (a) of section 8-05 of title 68 of the Rules of the City of New York is amended to read as follows:

(a) Except as otherwise provided in [subdivisions (g) and (h) of] this section, at the time of approval pursuant to paragraph (2) of subdivision (a) of section 8-03 or 8-04 of this chapter, the maximum CITYFEPS rent supplement amount and the maximum rent towards which CITYFEPS rent supplements may be applied shall not exceed the amounts set forth in the table below.

| Household Size | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
|----------------------------------|---------|---------|---------|---------|---------|---------|---------|---------|
| Maximum Rent | \$1,213 | \$1,268 | \$1,515 | \$1,515 | \$1,956 | \$1,956 | \$2,197 | \$2,197 |
| Maximum CITYFEPS Rent Supplement | \$936 | \$985 | \$1,115 | \$1,065 | \$1,455 | \$1,432 | \$1,651 | \$1,651 |

§ 17. Paragraph (j) of Section 8-05 of title 68 of the Rules of the City of New York is amended to read as follows:

(j) HRA shall pay the CITYFEPS rent supplement directly to the landlord each month for so long as the program participant's household remains eligible and funding for the program remains available, except that HRA may in its discretion pay one year of rent supplement payments in advance to a landlord who has entered into a lease with a program participant for a unit that was used as DHS shelter immediately prior to lease signing. Notwithstanding any inconsistent provisions of this section, (i) any such advance rent supplement payments shall be calculated based on the household size at the time of lease signing and (ii) if the household's rent supplement amount would otherwise have been reduced under this section during the year in which rent supplement payments have been paid in advance, the household is required to pay the difference to HRA. If the household does not pay such difference to HRA during the year in which rent supplement payments have been paid in advance, HRA shall have the right to recover such difference from the household. [In addition to any program participant contribution, the household shall be responsible for any increases in the rent that are authorized under this chapter.]

§ 18. Section 8-05 of title 68 of the Rules of the City of New York is amended by adding a new subdivision (k) to read as follows:

(k) Notwithstanding any inconsistent provision of this section, if HRA determines that due to current market conditions, it is unlikely that households consisting of five or more individuals will be able to secure housing within the next 90 days at the rents otherwise permitted under this section, HRA may in its discretion increase the maximum rent towards which CITYFEPS rent supplements may be applied pursuant to subdivision (a) of this section to up to 130 percent of the 2014 New York City Housing Authority Section 8 Voucher Payment Standards for units for the household size.

§ 19. Paragraph (1) of subdivision (m) of section 8-08 of title 68 of the Rules of the City of New York is amended to read as follows:

(1) An appeal from a decision of a hearing officer may be made in writing to the Commissioner of HRA or his or her designee provided it is received by HRA through the procedures described in the notice accompanying the hearing decision no later than [five] fifteen business days after [the delivery of] HRA sends the hearing officer's decision. The record before the Commissioner shall consist of the hearing record, the hearing officer's decision and any affidavits, documentary evidence, or written arguments that the applicant or program participant may wish to submit.

§ 20. Subdivision (e) of section 8-09 of title 68 of the Rules of the City of New York is amended to read as follows:

(e) A landlord who signs a lease or other rental agreement with a household in receipt of a CITYFEPS rent supplement is prohibited from demanding, requesting, or receiving any amount above the rent or fees as stipulated in the lease or rental agreement regardless of any changes in household composition. The cost of heat and hot water must be included in the rent. A landlord who demands, requests or receives any amount above what is set forth in the lease or rental agreement will be barred from further participation in any HRA rent supplement or rental assistance programs and may be barred from other rent supplement or rental assistance programs administered by the City of New York. Before placing a landlord on a disqualification list, HRA will provide notice to the landlord and an opportunity for the landlord to object in writing.

§ 21. Chapter 9 of title 68 of the Rules of the City of New York, relating to higher maximum rents and advance rental payments for certain households eligible for the LINC I, LINC II, LINC III, LINC IV, LINC V, or CITYFEPS Program, is REPEALED.

NEW YORK CITY LAW DEPARTMENT

DIVISION OF LEGAL COUNSEL

100 CHURCH STREET

NEW YORK, NY 10007

212-356-4028

CERTIFICATION PURSUANT TO

CHARTER §1043(d)

RULE TITLE: Payments to Landlords and Augmented Rent Subsidies for Large Families (Permanent Rule)

REFERENCE NUMBER: 2015 RG 087

RULEMAKING AGENCY: Human Resources Administration

I certify that this office has reviewed the above-referenced proposed rule as required by section 1043(d) of the New York City Charter, and that the above-referenced proposed rule:

- (i) is drafted so as to accomplish the purpose of the authorizing provisions of law;
- (ii) is not in conflict with other applicable rules;
- (iii) to the extent practicable and appropriate, is narrowly drawn to achieve its stated purpose; and
- (iv) to the extent practicable and appropriate, contains a statement of basis and purpose that provides a clear explanation of the rule and the requirements imposed by the rule.

/s/ STEVEN GOULDEN

Date: August 17, 2015

Acting Corporation Counsel

**NEW YORK CITY MAYOR'S OFFICE OF OPERATIONS
253 BROADWAY, 10th FLOOR
NEW YORK, NY 10007
212-788-1400**

**CERTIFICATION / ANALYSIS
PURSUANT TO CHARTER SECTION 1043(d)**

RULE TITLE: Payments to Landlords and Augmented Rent Subsidies for Large Families
(Permanent Rule)

REFERENCE NUMBER: 2015 RG 087

RULEMAKING AGENCY: HRA

I certify that this office has analyzed the proposed rule referenced above as required by Section 1043(d) of the New York City Charter, and that the proposed rule referenced above:

- (i) Is understandable and written in plain language for the discrete regulated community or communities;
- (ii) Minimizes compliance costs for the discrete regulated community or communities consistent with achieving the stated purpose of the rule; and
- (iii) Does not provide a cure period because it does not establish a violation, modification of a violation, or modification of the penalties associated with a violation.

/s/ Francisco X. Navarro
Mayor's Office of Operations

August 18, 2015
Date