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October 22, 2020

Jacques Jiha, Commissioner
NYC Department of Finance

Re: Proposed Rule on SCRIE and DRIE Programs

Dear Commissioner Jiha:

I am writing to thank the Department of Finance for embarking on the rulemaking process around the Senior Citizen Rent Increase Exemption (SCRIE) and Disability Rent Increase Exemption (DRIE) programs. I understand that the proposed rule largely codifies the existing practice of the Department. I would encourage you to seize this opportunity to improve these valuable programs for our city's senior citizens and disabled community. My suggested amendments are as follows:

Sec. 52-02: Add: "All applications and other forms referred to under chapter 52 of these rules, including supporting documentation, may be submitted via mail or via webform on the Department website. All written communication from the Department to applicants, and their agents and representatives shall be sent via mail and, where an electronic address has been provided, electronic mail." Given it is common practice throughout city agencies in 2020, including with the Department's Senior Citizens Homeowners' Exemption program, there should be the option of filling out applications and uploading supporting documentation on the Department's website. In addition, using both postal and electronic mail simultaneously helps ensure the delivery of information.

Sec. 52-02(a)(1)(iv): Change "April 1st" to "April 15th" to harmonize with the normal IRS individual filing deadline. Individuals may not have their income information and supporting documentation before this date.

Sec. 52-02: Add: "(n) The Department shall issue decisions within 90 days of the submission date for initial applications and 30 days for renewal applications. If further documentation is needed from the applicant, the Department shall promptly inform the applicant of such and the processing period shall be tolled until submission of the required documentation." Without a decision date, applicants, and their agents and representatives are unclear as to when they should follow with the Department. Having a decision date will save the time of Department personnel, who will no longer have to respond to premature inquiries.

Sec. 52-02: Add: “(o) Department renewal outreach. The Department shall notify all SCRIE and DRIE beneficiaries, and their agents and representatives, of the upcoming renewal deadlines through mail, electronic mail (when addresses are provided), and telephone. Telephone outreach may consist of the use of an automated calling system.”

Sec. 52-07(b)(i): Change “met the eligibility requirements for SCRIE or DRIE benefits at the time such approved initial or renewal application was submitted to the Department” to “met the eligibility requirements for SCRIE or DRIE benefits at the time the previous head of household died or permanently vacated the household.” Requiring a new application of a new head of household who reached a qualifying milestone (*i.e.*, turning age 62) between the most recently approved initial or renewal application and the death or leaving of the previous head of household is redundant. Such new heads of household should be eligible for the benefit takeover procedure.

Sec. 52-11: Change “90 days” to “180 days.” This amount of time is more reasonable, given normal delays that may prevent tenants from applying sooner.

Sec. 52-15: Add: “Rent redetermination applications should be submitted if a redetermination is requested before the renewal period. Renewal applicants will not be required to complete a separate rent redetermination application.” If the redetermination is happening at renewal, requiring two applications is redundant.

Sec. 52-15(a)(1): Add: “(v) the head of household loses their job.” In addition, revise Sec. 52-15(a)(2) accordingly. The current definition of “permanent decrease in income” disincentivizes employment. If this item is not added, I request that the Department include other language to ensure that individuals are not penalized by this program for losing their jobs.

Sec. 52-15: Add: “(f) The Department shall issue decisions within 30 days of the submission date of redetermination applications. If further documentation is needed from the applicant, the Department shall promptly inform the applicant of such and the processing period shall be tolled until submission of the required documentation.”

Sec. 52-19: Add: “The Department shall make available an appeal form, pursuant to section 52-02 of these rules. The Department shall issue decisions within 60 days of the submission date for appeals. If further documentation is needed from the applicant, the Department shall promptly inform the applicant of such and the processing period shall be tolled until submission of the required documentation.”

Finally, throughout the document the gendered term “he or she” is used. I ask that you use the term “their” in such cases to comply with accepted modern language usage and the equity goals of the city.

Thank you for careful consideration of this comment.

Sincerely,



Daniel Dromm
Chair, Committee on Finance