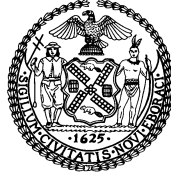


Staff: Molly Murphy, Counsel
Migna Taveras, Policy Analyst
Aaron Feinstein, Finance Analyst



THE COUNCIL
REPORT OF THE GOVERNMENTAL AFFAIRS DIVISION
ROBERT NEWMAN, LEGISLATIVE DIRECTOR
ALIX PUSTILNIK, DEPUTY DIRECTOR

COMMITTEE ON GENERAL WELFARE
Bill de Blasio, Chair

March 26, 2008

INT. NO. 61-A:

By Council Members de Blasio, Foster, James, Koppell, Martinez, Mendez, Palma, Sanders Jr., Stewart, Yassky, Liu, Reyna, Avella, Gentile, Monserrate, Brewer, Garodnick, Gerson, Jackson, Mealy, Arroyo, Weprin, Mark-Viverito, Gioia, Gonzalez, Vann, Barron, Eugene, Addabbo Jr., Fidler, Recchia Jr., Baez, Rivera, Nelson, White Jr., Dickens, Sears and The Public Advocate (Ms. Gotbaum)

TITLE:

A Local Law to amend the administrative code of the city of New York, in relation to prohibiting landlords from discriminating against tenants based on lawful source of income

The Committee on General Welfare, chaired by Council Member Bill de Blasio, will meet on Wednesday, March 26, 2008 to vote on whether to accept and file the Mayor's veto message of Int. No. 61-A, which would amend the administrative code of

the city of New York to prohibit landlords from discriminating against tenants based on lawful source of income. The Committee will also vote on whether Int. No. 61-A should pass, the objection of the Mayor notwithstanding.

Background

The Housing Choice Voucher Program, also known as the Section 8 voucher program, is the largest rental subsidy program in the country.¹ The Section 8 Housing Assistance program was created by the Housing and Community Development Act of 1974.² In 2000, 1.5 million people received rental subsidies through the Section 8 program.³ Section 8 participants receive vouchers to supplement their income to obtain affordable housing. The Housing Choice Voucher Program is funded by the U.S. Department of Housing and Urban Development (“HUD”), and administered by local housing authorities. HUD guidelines suggest that a family’s income may not exceed 50 percent of the median income for the area where the family chooses to live.⁴ At least 75 percent of voucher recipients must have incomes that do not exceed 30 percent of the area median income.⁵ The “payment standard” is the maximum monthly housing subsidy for the family. The payment standard includes the family’s contribution, which must be

¹ U.S. Department of Housing and Urban Development, Office of Policy Development and Research, *Study on Section 8 Voucher Success Rates, Volume I: Quantitative Study of Success Rates in Metropolitan Areas*, Chapter 1, 1 (November 2001) (last updated March 17, 2003).

² 42 U.S.C.A. §1437f(a) authorizes housing assistance payments “for the purpose of aiding low-income families in obtaining a decent place to live and of promoting economically mixed housing.”

³ U.S. Department of Housing and Urban Development, Office of Policy Development and Research, *supra* note 1.

⁴ See Housing Choice Vouchers Fact Sheet, HUD, available at http://www.hud.gov/offices/pih/programs/hcv/about/fact_sheet.cfm#10.

⁵ See 24 CFR § 982.201.

no less than 30 percent and no more than 40 percent of their monthly-adjusted gross income.⁶

In New York City, the Section 8 program is administered by both the New York City Housing Authority (“NYCHA”) and the Department of Housing Preservation and Development (“HPD”).⁷ As of December 31, 2007, 85,313 households leased Section 8 units through NYCHA’s Section 8 program, and 30,067 landlords participated in the program administered by NYCHA.⁸ The New York City Department of Housing Preservation and Development (“HPD”) administers Section 8 vouchers to over 28,000 households, who are housed by approximately 5,800 owners.⁹

NYCHA’s Section 8 program was closed to new applicants (with the exception of emergency applicants such as victims of domestic violence, homeless persons, intimidated witnesses or those involved with the ACS family unification and independent living program) from December 1994 to February 2007 due to federal funding cuts.¹⁰ In

⁶ New York City Department of Housing Preservation and Development (“HPD”) voucher payment standards as of October 2007 were \$903 for an SRO, \$1204 for a studio, \$1303 for a one-bedroom, \$1449 for a two-bedroom, \$1783 for a three-bedroom, \$2005 for a four-bedroom, \$2306 for a five-bedroom, and \$2606 for a six-bedroom. According to the HPD website, “[t]he payment standards are determined by HUD, which establishes standards at or close to the average of all rents in the particular area, and by HPD, which establishes payment standards between 90 – 110% of the HUD established rent.” See Residential Tenants Section 8 Information, HPD, available at: http://161.185.1.156/html/hpd/html/tenants/section_8.shtml#size. New York City Housing Authority (“NYCHA”) voucher payment standards for new rentals and transfers as of October 2007 were \$1095 for a studio, \$1185 for a one-bedroom, \$1318 for a two-bedroom, \$1621 for a three-bedroom, \$1823 for a four-bedroom, \$2096 for a five-bedroom, \$2370 for a six-bedroom, \$2643 for a seven-bedroom, and \$2917 for an eight-bedroom. See Section 8 Assistance, Voucher Payment Standards, NYCHA, available at: http://www.nyc.gov/html/nycha/html/section8/voucher_payment.shtml. If the rent exceeds these standards, the tenant can pay up to but no more than 40 percent of household income.

⁷ In addition, the New York State Division of Housing and Community Renewal administers a state-wide Section 8 program, which includes New York City. See Residential Tenants Section 8 Information, HPD, *supra* note 6.

⁸ See NYCHA Section 8 Statistics, available at:

http://www.nyc.gov/html/nycha/downloads/pdf/lh_appt_stats.pdf.

⁹ See Testimony of Patricia Zafiriadis, HPD, before the Committee on General Welfare, April 11, 2007, 27 (on file with the Committee on General Welfare).

¹⁰ See Press Release, Mayor Bloomberg and NYCHA Chairman Hernandez Announce the Reopening of the Section 8 Voucher List for First Time in Twelve Years, January 29, 2007, available at:

early 2007, however, Mayor Bloomberg and NYCHA Chairman Tino Hernandez announced the availability of 22,000 new Section 8 vouchers and temporarily reopened the Section 8 waiting list to non-emergency applicants for the first time in 12 years.¹¹ The list opened for a 90-day period from February 12, 2007 to May 14, 2007.¹² Currently, NYCHA is only accepting applications from emergency applicants until further notice.¹³

NYCHA Section 8 participants have 180 days from the time they receive vouchers to locate an apartment.¹⁴ In some instances, NYCHA will grant an extension of time if the participant requires one. Section 8 recipients through HPD's Section 8 program have 120 days to find apartment after receiving a voucher,¹⁵ although recipients can request a 30 day extension if they can document a reason for delay, such as an illness requiring hospitalization.¹⁶ In both programs, once a tenant has found an apartment, the landlord must pass an initial inspection and sign a lease with both the housing authority (whether NYCHA or HPD) and the tenant agreeing to provide decent, safe, and sanitary housing at a reasonable rent. NYCHA and HPD recertify clients' income and family composition at least annually, and conduct annual apartment inspections.¹⁷

http://www.nyc.gov/html/nycha/downloads/pdf/pr_jan07_29.pdf. In late 2004, NYCHA began phasing out the priority status that homeless families formerly had for the Section 8 program. See Press Release, City Officials Announce Sweeping Changes in Rental Assistance Delivery to Better Serve New Yorkers Both In and Outside Shelter, October 19, 2004, available at:

<http://www.nyc.gov/html/dhs/html/press/pr101904.shtml>

¹¹ See Press Release, Mayor Bloomberg and NYCHA Chairman Hernandez Announce the Reopening of the Section 8 Voucher List for First Time in Twelve Years, *supra* note 10.

¹² *Id.*

¹³ See Section 8 Assistance, NYCHA, available at:

<http://www.nyc.gov/html/nycha/html/section8/section8.shtml>.

¹⁴ See Section 8 Assistance, Frequently Asked Questions, Applicant's Questions, NYCHA, available at:

http://home2.nyc.gov/html/nycha/html/section8/lh_app_faqs.shtml.

¹⁵ See Testimony of Patricia Zafiriadis, *supra* note 9, at 40.

¹⁶ *Id.* at 41.

¹⁷ See Section 8 Assistance, Frequently Asked Questions, Section 8 Tenant Questions, NYCHA, available at: http://www.nyc.gov/html/nycha/html/section8/lh_ten_faqs.shtml#q1. See also Residential Tenants Section 8 Information, HPD, *supra* note 6; Section 8 Assistance, Frequently Asked Questions, Applicant's Questions, *supra* note 14.

Not all recipients who receive Section 8 vouchers are able to utilize them. Voucher holders often have difficulties finding landlords who will accept the vouchers within the given time frame, which can force them to relinquish their vouchers and begin the process again. In a nationwide study conducted in 2001, HUD found that only 69.2 percent of voucher holders in large metropolitan areas successfully obtained housing within the allotted amount of time.¹⁸ The HUD study also reported that voucher holders encounter increased difficulties securing affordable housing; whereas in 1993 all successful voucher holders found a unit within 90 days, almost 25 percent of those surveyed in 2000 needed more than 120 days to find a unit.¹⁹ Historically New York City has had a low success rate. According to HUD, in the 1980s the City's success rate was as low as 33 percent; it rose to 62 percent in 1993 and fell to 57 percent in 2001.²⁰ According to figures from NYCHA, New York City's success rate for Section 8 vouchers in 2005 was approximately 72 percent.²¹ As of December 12, 2007, NYCHA reported that the success rate for the years 2003 through 2006 has ranged from 66 percent to 84 percent, and is currently at 81 percent, but NYCHA "anticipate[s] that this average success rate may go down somewhat in 2008 but should stay within our recent historic range."²² HUD's 2001 study suggested a number of factors that affect success rates,

¹⁸ The study defined success rate as the "percentage of all families provided vouchers who lease a housing unit meeting the program requirements within the allotted amount of time." See U.S. Department of Housing and Urban Development, Office of Policy Development and Research, supra note 1.

¹⁹ Id., Chapter 2, at 5.

²⁰ Id. at ii.

²¹ Information provided to the Committee on General Welfare by NYCHA on July 28, 2006, on file with the Committee on General Welfare.

²² Testimony of Greg Kern, NYCHA, before the Committee on General Welfare, December 12, 2007, 66-67 (on file with the Committee on General Welfare).

including the tightness of the rental market, characteristics of the voucher holder and general acceptance of Section 8 in the area by landlords.²³

Research suggests, furthermore, that Section 8 holders encounter significant amounts of discrimination from landlords. A survey of multi-family property owners and managers conducted by the U.S. Census Bureau found that approximately 8.7 million out of approximately 20.5 million owners and managers surveyed will not accept Section 8.²⁴ A study conducted by the Lawyers' Committee for Better Housing in Chicago concluded that nearly half of all landlords explicitly refused to accept Section 8 housing vouchers from investigators posing as prospective tenants²⁵ and that "Housing Choice Voucher holders face multi-level barriers of discrimination based on source of income, race, and ethnicity."²⁶

New York ACORN, the Association of Community Organizations for Reform Now, conducted a study earlier this year to examine the challenges facing Section 8 holders seeking to rent apartments in New York City. Overall, ACORN found that Section 8 holders have significantly fewer housing options than those without Section 8 who are looking for apartments within similar rent guidelines. In one test, ACORN employees called a total of 1449 numbers listed under "Property Management" in YellowPages.com.²⁷ ACORN successfully connected with 415 companies, and found 86 studio or one-bedroom apartments that were within the NYCHA Section 8 rent

²³ U.S. Department of Housing and Urban Development, Office of Policy Development and Research, supra note 1.

²⁴ See Property Owners and Managers Survey, Multi Family Properties: Reasons for Not Accepting Section 8 Tenants – Table 54, U.S. Census Bureau, Housing and Household Economics Statistics Division, last revised December 17, 2004.

²⁵ Lawyer's Committee for Better Housing, Inc., *Locked Out: Barriers to Choice for Housing Voucher Holders*, 9 (April 2002).

²⁶ Id. at 10.

²⁷ See *Housing for Everyone: New York City, Section 8, and Source of Income Discrimination*, New York ACORN, April 2007.

guidelines.²⁸ Of these, only 37 (or 43 percent) accepted Section 8 vouchers. In a second test, ACORN callers inquired about 161 studio and one-bedroom apartments listed within the Section 8 rent standards on Craigslist, The Daily News, and The New York Times.²⁹ Of the 161 apartments identified, 121 were still available at the time of inquiry, only 16 (or 13 percent) of which accepted Section 8 vouchers. In a third test, ACORN called NYCHA's list of known Section 8 landlords. NYCHA's list contained 266 unique numbers, and ACORN successfully connected with 141 of them. From these 141 inquiries, ACORN callers found that 83 had available apartments within the Section 8 guidelines, however 3 no longer accepted Section 8.³⁰ Fifty-eight of the landlords did not have an available apartment.

In recognition of this problem, an increasing number of jurisdictions have enacted legislation that prohibits discrimination on the basis of source of income. States with such legislation include California, Connecticut, Maine, Massachusetts, Minnesota, New Jersey, Utah, Vermont and Wisconsin.³¹ In addition, Washington D.C., Chicago, San Francisco, Montgomery County, Maryland, and Seattle have local legislation barring

²⁸ While NYCHA voucher payment standards for studio and one-bedroom apartments were \$988 and \$1069, respectively, at the time of the study, a family may choose a unit with a higher rent and pay the owner the difference, as long as the family is not paying over 40 percent of income when initially moving into the unit. See http://www.ci.nyc.ny.us/html/nycha/downloads/pdf/lh_housing_choice.pdf. ACORN callers followed a script that included a hypothetical occupation and income. The callers inquired about studio and one-bedroom apartments renting within the Section 8 rent standards, as well as about those that were above the rent standards but would not require the hypothetical tenant to pay more than 40 percent of income. Specifically, the ACORN callers inquired about available studio apartments under \$1000 and available one-bedroom apartments under \$1075.

²⁹ ACORN testers inquired (via email and phone) about studios listed under \$1000 and one-bedrooms listed between \$1100 - \$1200.

³⁰ ACORN reports that its callers inquired about an available studio or one-bedroom apartment. However, in order to obtain a fuller picture of apartment availability, ACORN callers also asked the landlord about larger size apartments on behalf of interested family members. It is unclear if the 83 apartments are exclusively studio and one-bedroom apartments, or if they represent available apartments of all sizes.

³¹ See, e.g., Cal. Gov't Code § 12955; Conn. Gen. Stat. § 46a-64c(a); Me. Rev. Stat. Ann. tit. 5 § 4582; Mass. Gen. Laws ch. 151B, § 4, cl.10; Minn. Stat. Ann. § 363A.09; N.J. Stat. Ann. § 10:5-4; Utah Code Ann. § 57-21-5; Vt. Stat. Ann. tit. 9, § 4503; Wis. Stat. Ann. § 106.50.

source of income discrimination.³² Some localities within New York State have passed ordinances and laws protecting Section 8 holders from discrimination based on source of income, including Nassau County,³³ Buffalo,³⁴ and the towns of West Seneca³⁵ and Hamburg.³⁶

The Fair Housing Center of Greater Boston (“FHCGB”) has been enforcing Massachusetts’s source of income anti-discrimination law since March 2001. In this period of time, FHCGB has filed 51 complaints with source of income as one of the bases for discrimination. FHCGB reports that 21 of the complaints filed citing source of income discrimination resulted in relief for the complainant (in six cases, the complainant secured the housing in question; in 15 cases, the complainant received other forms of relief).³⁷ Similarly, Matt Davis from Connecticut Legal Services testified in April before the Committee that, in his experience, Connecticut’s anti-discrimination statute benefits section 8 voucher holders in that state who are seeking housing by increasing their ability to obtain a lease and providing them with a cause of action if they feel discriminated against.³⁸

³² See *e.g.*, D.C. Code Ann. § 2-1401; Chicago Municipal Code § 5-8-010; San Francisco, Cal., Police Code art. 33, § 3304; Montgomery County, Md., Code § 27-12(a); Seattle, Wash., Code § 14.08.040.

³³ Nassau County Local Law 9-2006. For more information, see http://www.nassaucountyny.gov/agencies/HRC/FAQ_local_law9-06.html.

³⁴ Buffalo Fair Housing Ordinance, Chapter 24 of the Code of the City of Buffalo. For more information about the Buffalo Fair Housing Ordinance, see http://www.ci.buffalo.ny.us/files/1_2_1/city_departments/citizens_services/Fair_Housing/Fair_Housing_Brochure-English.pdf; http://www.ci.buffalo.ny.us/files/1_2_1/city_departments/citizens_services/Fair_Housing/City%20of%20Buffalo%20-%20Fair%20Housing%20Ordinance.pdf

³⁵ See Town of West Seneca Code, § 71-3.

³⁶ See Town of Hamburg Code, § 109-3.

³⁷ See Data provided to the Committee on General Welfare by the Fair Housing Center of Greater Boston, April 2007 (on file with the Committee on General Welfare).

³⁸ Testimony of Matt Davis, Connecticut Legal Services, before the Committee on General Welfare, April 11, 2007, at 130-33 (on file with the Committee on General Welfare).

Data from HUD suggests that cities that prohibit discrimination based on source of income have higher voucher utilization rates.³⁹ The HUD study concludes that: “[A]ll else equal, enrollees in programs that are in jurisdictions with laws that bar discrimination based on source of income (with or without Section 8) had a statistically significant higher probability of success of over 12 percentage points.”⁴⁰

An appellate court in New York also addressed the issue of discrimination based on source of income against tenants in rent stabilized apartments. The plaintiff in Rosario v. Diagonal Realty could not afford her apartment without the Section 8 benefits.⁴¹ The court specifically found that the landlord’s obligation to accept Section 8 benefits as part of a rent-stabilized lease is a material term of the lease. Accordingly, the court in Rosario held that landlords of rent stabilized apartments could not opt out of the Section 8 program when a tenant’s lease expires.⁴² The New York Court of Appeals upheld this decision in July of this year.⁴³

Source of income protection can benefit prospective tenants, landlords and housing authorities. Tenants with Section 8 vouchers or other forms of public assistance have a greater chance of finding affordable housing and can seek redress from housing discrimination. Landlords gain tenants who have strong incentives to be model tenants, and the payment system administered by the local housing authority guarantees timely payment of rent.⁴⁴ Housing authorities benefit from the greater initial utilization of Section 8 vouchers, which decreases applications for extensions and reapplications.

³⁹U.S. Department of Housing and Urban Development, Office of Policy Development and Research, supra note 1, at Appendix C, 4.

⁴⁰See id., Chapter 3, 17.

⁴¹Id.

⁴²See Rosario v. Diagonal Realty, 2006 NY Slip Op 6496, 821 N.Y.S.2d 71 (1st Dep’t 2006).

⁴³Rosario v. Diagonal Realty, 2007 NY Slip Op 5780, 8 N.Y.3d 755 (July 2, 2007).

⁴⁴See NYCHA, The Section 8 Housing Choice Voucher Program, 5, at http://www.nyc.gov/html/nycha/pdf/section_%208_qa.pdf.

Greater use of Section 8 vouchers also cuts down on local spending on public housing and increases integration of low-income voucher holders into diverse communities.

On April 11, 2007, the Committee on General Welfare held a hearing to consider Int. No. 61, a local law to amend the administrative code of the city of New York in relation to prohibiting landlords from discriminating against tenants based on lawful source of income.⁴⁵ Subsequent to that hearing, the bill was amended, and the Committee held another hearing on December 12, 2007, to consider that version, Proposed Int. No. 61-A.⁴⁶ Witnesses at both hearings included representatives from the New York City Human Rights Commission, NYCHA, HPD, the Rent Stabilization Association (“RSA”), housing advocates, and Section 8 holders. Since December 12, the bill was further amended, and it was considered and passed by the Committee at another hearing on January 30, 2008.⁴⁷ This version of the bill was passed at a meeting of the entire City Council on January 30, 2008, by a vote of 39 in favor, 8 opposed, and one abstention (3 Council members were excused from the vote). On February 29, 2008, the Mayor vetoed the bill, and the Committee will vote today on two questions: 1) whether to accept and file the Mayor’s veto message; and 2) whether the bill should pass, the objection of the Mayor notwithstanding.

⁴⁵ Int. No. 61 was amended and its current version, Proposed Int. No. 61-A, is being discussed at today’s hearing. See *infra* note 57.

⁴⁶ Proposed Int. No. 61-A dated December 12, 2007 provided that “‘lawful source of income’ shall include income derived from social security, or any form of federal, state or local public assistance or housing assistance including section 8 vouchers.” The previous version of the bill, Int. No. 61, provided that “‘lawful source of income shall mean income derived from social security, or any form of federal, state or local public assistance or housing assistance including section 8 vouchers.’” Other amendments made to the bill were technical, to clarify language and to reflect changes in the Administrative Code since Int. 61 was introduced.

⁴⁷ See *infra* Analysis section and Int. No. 61-A, attached hereto. The Mayor’s veto message, dated February 29, 2008, is also attached to this Committee Report.

On April 11, Greg Kern testified that NYCHA had enough landlords participating in the program to accommodate the program's size at that point, but that the agency would "need quite a few more landlords" to handle the new applications that NYCHA received as a result of the wait list reopening.⁴⁸ Mr. Kern testified that it was too early to tell whether there would be enough landlords to participate, but that the agency believed based on "historical experience" that there would be enough landlords with enough available apartments.⁴⁹ He further stated that NYCHA had not heard from voucher holders or tenants in the program that landlords were unwilling to participate.⁵⁰ Mr. Kern also acknowledged that as many as 35 percent of Section 8 voucher recipients are unable to utilize their vouchers within the allotted time frame and must surrender the vouchers unused. He explained that vouchers go unused for a variety of reasons, for example, holders do not conduct a full search, are only willing to look in certain neighborhoods, or some apartments within the section 8 range fail inspection.⁵¹ In addition, some landlords choose not to rent to voucher holders "for any number of reasons, any legal reason really, under New York State law, as to whatever screening the landlord chose to do that is legitimate for any other potential tenant."⁵²

On December 12, Mr. Kern testified that "the demand for Section 8 vouchers continue[s] to greatly exceed the supply" because of limitations in federal funding and the "enormously tight rental market in New York."⁵³ Mr. Kern believed that 2008 would mark NYCHA's largest rental year in history, and he expressed concerns that the

⁴⁸ Testimony of Greg Kern, NYCHA, before the Committee on General Welfare, April 11, 2007, 85-87 (on file with the Committee on General Welfare).

⁴⁹ *Id.* at 87-88.

⁵⁰ *Id.* at 89.

⁵¹ *Id.* at 92-93.

⁵² *Id.* at 93-94.

⁵³ Testimony of Greg Kern, NYCHA, before the Committee on General Welfare, December 12, 2007, 67-68 (on file with the Committee on General Welfare).

proposed legislation as drafted “would result in the unintended consequence of decreasing the availability of affordable apartments to program participants, because the program may be perceived as less appealing to owners.”⁵⁴

In April, Cliff Mulqueen from the Human Rights Commission testified against Int. No. 61 and expressed concern that the bill came “close to making low-income individuals a protected class under the New York City’s Human Rights law.”⁵⁵ Further, he doubted why a landlord who voluntarily agreed to participate in the program would then discriminate against voucher holders. He expressed concern that the proposed bill would require small housing providers and small buildings to participate in a voluntary program, therefore subjecting them to “the program’s extensive housing quality standards.”⁵⁶ Mr. Mulqueen also stated that the legislation would “require additional resources and staff” for the Human Rights Commission, and “just because an individual in turn refuses to accept a voucher, that doesn’t necessarily imply a discriminatory animus toward the individual possessing the voucher.”⁵⁷ When questioned, Mr. Mulqueen acknowledged that currently, the Human Rights Law offers no protection for those who may be discriminated against based on income.⁵⁸

On December 12, Barbara Flynn from HPD testified that HPD did not believe the bill was necessary, but if it passed, the agency would seek to carve out smaller landlords

⁵⁴ Id. at 68-69.

⁵⁵ See Testimony of Cliff Mulqueen, New York City Human Rights Commission, before the Committee on General Welfare, April 11, 2007, 10 (on file with the Committee on General Welfare).

⁵⁶ Id. at 8-9.

⁵⁷ Id. at 11-12.

⁵⁸ Id. at 12-13.

from its provisions “who may be adversely affected by the administrative burdens of the program.”⁵⁹

Representatives from the RSA, which represents approximately 25,000 property owners and agents in New York City, testified both at the hearing in April and in December about a number of administrative disincentives involved with the Section 8 program that help, from the RSA’s perspective, to explain why many landlords in New York City do not participate in the program. Among other problems, Frank Ricci of the RSA described the long periods of time that landlords must wait for NYCHA and HPD to implement rent increases approved by the Rent Guidelines Board, the difficulty of dealing with multiple agencies, with different procedures, that administer the program, the lack of one designated staff person to address problems related to a given building, and delays in the lease renewal process.⁶⁰ In December, Mitch Posilkin from the RSA noted that many of these challenges would be magnified for a small property owner.⁶¹

A number of advocates and Section 8 holders provided testimony at both hearings as well. Individuals described the limitations they faced in finding landlords who would accept the vouchers, and explained that they ultimately found very limited options in only a few neighborhoods.⁶²

⁵⁹ Testimony of Barbara Flynn, HPD, before the Committee on General Welfare, December 12, 2007, 12-13 (on file with the Committee on General Welfare).

⁶⁰ See Testimony of Frank Ricci, Rent Stabilization Association, before the Committee on General Welfare, April 11, 2007, 113-18, 126 (on file with the Committee on General Welfare); see also Testimony of Mitch Posilkin and Frank Ricci, RSA, before the Committee on General Welfare, December 12, 2007, 122-23 (on file with the Committee on General Welfare).

⁶¹ Testimony of Mitch Posilkin, RSA, before the Committee on General Welfare, December 12, 2007, 123-24 (on file with the Committee on General Welfare).

⁶² See Testimony of Yvengeniya Timkovsky, Yuria Mikolava, Michael McKee, Tenants PAC, Mary Kolar, Tenants and Neighbors, before the Committee on General Welfare, April 11, 2007, 142-43, 143, 144-47 (on file with the Committee on General Welfare); see also Testimony of Omayra Cruz, Grazyna Konopka, Julia Boyd, ACORN, Judith Goldiner, Legal Aid Society, Kimberly Tell, Rochelle Grant, Katie Goldstein, Tenants and Neighbors, December 12, 2007, before the Committee on General Welfare, 102-118, 136-38 (on file with the Committee on General Welfare).

ANALYSIS:

Int. No. 61-A would add “lawful source of income” as a protected class under the provisions of the City’s Human Rights Law that seek to prevent discrimination in housing. “Lawful source of income” includes “income derived from social security, or any form of federal, state or local public assistance or housing assistance including section 8 vouchers.”

The bill’s provisions do not apply to small housing accommodations, namely, those that contain a total of five or fewer units, with two exceptions: (i) its provisions do apply to rent-controlled tenants⁶³ who currently reside in buildings with five or fewer units; and (ii) its provisions do apply to all housing accommodations, regardless of the number of units contained in each, of any person who owns at least one housing accommodation with six or more units.

EFFECTIVE DATE:

This local law would be effective immediately.

⁶³ Rent controlled tenants as defined herein are those subject to the New York City Rent and Rehabilitation Law, the New York City Rent and Eviction Regulations, and the Local Emergency Housing Rent Control Act.

