



THE CITY OF NEW YORK
OFFICE OF THE PRESIDENT
BOROUGH OF MANHATTAN

Gale A. Brewer
BOROUGH PRESIDENT

February 21, 2014

Vicki Been
Commissioner
NYC Housing Preservation & Development
100 Gold Street
New York, NY 10038

Dear Commissioner Been,

We would like to extend our congratulations on your appointment as the Commissioner of the Department of Housing Preservation and Development. We look forward to working with you.

We write on behalf of residents receiving Section 8 vouchers who have been notified by HPD that they will be “downsized” to a smaller apartment, thereby displacing them from their homes of thirty years or more, and reducing families to “0” bedroom accommodation. It is our understanding that this policy is being implemented to find a \$35 million savings in the Section 8 program in the face of significant federal budget cuts. We hope that HPD can find another way to achieve these cost savings without unduly burdening our most vulnerable residents.

HPD’s implementation of this program has raised serious concerns about the process’ transparency, basic fairness and the perceived lack of uniformity in downsizing decisions. We are also deeply concerned that this program contravenes HPD’s obligation to account for the individual circumstances of the residents it is seeking to displace from their homes.

First, the “downsizing” undertaken by HPD appears to violate the underlying rationale of the enhanced Section 8 “sticky voucher” that was created to preserve affordable units for low and middle-income residents, including those in buildings exiting the Mitchell-Lama program. The intent of these vouchers was to protect residents from eviction, maintain individuals in their homes, and to sustain the communities of mutually-supportive

residents that had developed over many years in Mitchell-Lama and other types of supported housing.

Second, HPD has reportedly done a poor job of communicating with residents and coordinating its actions with its management agents, and it continues to fail to provide timely and proper notification to the residents it seeks to “downsize.” For example, HPD stipulated that residents who were being downsized to “0” bedrooms would be notified with two letters, one from HPD and another from their building’s management office.

However, many residents to date have received notification only from management, and many essential questions remain unanswered. In particular, is the notice of transfer that residents receive from management the “official” notification of their “downsizing,” or must they also receive a notice from HPD? This question is critical, because receipt of the notification starts the fifteen day “clock” in which they can appeal.

In addition, there is widespread confusion about the timing of the notifications and the deadlines they establish. Does the clock start on the date the notification is issued, or on the date it is received? Is the schedule based on 15 calendar days or business days? Is Saturday considered a business day by management, but not by HPD?

Third, fifteen days is simply not enough time for residents, especially if they are elderly, hindered by winter weather conditions, or require travel assistance to obtain the necessary documents and prepare appeals based on medical or other extenuating circumstances- and this is especially true if the 15 day notice is reduced by delivery delays or includes non-business days when records cannot be obtained.

Finally, the process through which residents are selected for “downsizing” has not been transparent, and the rationale for selecting one resident over another in comparable circumstances, or one before another, has been mysterious at best. HPD must assume far more responsibility for clear and compassionate outreach to each affected resident, and to the wider community in which they live.

At a minimum, HPD must clarify how it determines which residents are selected for “downsizing,” do far more comprehensive outreach to affected individuals and communities, and provide a detailed fact sheet of the process. It must clarify and expand on its rationale for these actions; on the steps, timetable, and notification requirements; and particularly on the rights of residents, and their grounds for and methods of appeal. In addition, HPD should provide this information- as well as contact numbers and adequate staff- and ensure that it is available in the primary language of the affected residents.

In conclusion, HPD must be aware that it is imposing extreme stress and fear on many of its most vulnerable residents, ones who over the course of their long working lives have earned a right to be treated with dignity and respect. Thus far, the process created by HPD and its implementation by the agency and its managing agents has failed to meet even this basic standard. HPD has a statutory responsibility to do far better, and a long

history of working on behalf of the residents for whom it has assumed responsibility. It should do no less now.

Given the problems identified above, and the hardship the "downsizing" policy is creating, we request that HPD impose a moratorium on the implementation of this program until its practical, ethical, and legal challenges are resolved.

Thank you for your attention to this issue. It needs your immediate attention as hundreds of residents who live in affordable housing are impacted.

Sincerely,



Gale A. Brewer



Congressman Jerrod Nadler
10th Congressional District (NY)



NYS Senator Brad Hoylman
27th Senate District



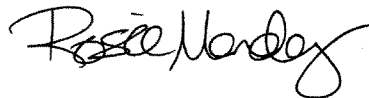
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NYS Assemblymember, 66th District



Assembly Member Brian Kavanagh
NYS Assemblymember, 74th District



Council Member Helen Rosenthal
6th District, Manhattan



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2nd District, Manhattan



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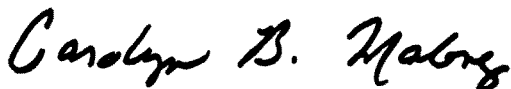
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26th Senate District



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City Council Member Ben Kallos
5th Council District



Congresswoman Carolyn B. Maloney
12th Congressional District (NY)

cc: Mayor Bill de Blasio
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All State Senators
All Assembly Members
All Community Boards