

September 27, 2011, New York, NY—Legal Services NYC (LS-NYC) and the Legal Aid Society today filed two federal lawsuits against the New York City Housing Authority (NYCHA) on behalf of 33 clients whose Section 8 subsidies have been wrongfully terminated due to errors by NYCHA, or who have been required to pay unaffordable and illegal rents each month due to NYCHA's failure to adjust their family rent share (the federal Section 8 program subsidizes rent paid by low-income families to private landlords). By these actions, NYCHA has violated federal law, the implementing regulations, and its own policies and procedures.



[\[View press release as PDF\]](#)

As evidenced in the actions, NYCHA's failings are manifold. For example, NYCHA is failing to send the yearly recertification packages that must be completed as part of Section 8 participants' annual review. Even when those packages are received and returned by the Section 8 participants, NYCHA is failing to track the return of the packages—leading to the wrongful termination of the elderly, disabled and working poor on Section 8. Many participants are not informed of the termination or of their right to challenge the termination in an administrative hearing, and when hearings are requested, NYCHA fails to schedule them and the subsidies are still terminated. Due to NYCHA's unlawful policies and practices, numerous low-income families throughout New York City who rely on the Section 8 subsidy are subject to eviction because their landlords consider them responsible for paying the entire rent after their subsidies are terminated.

NYCHA also violates federal law by failing to reduce participants' family rent share following a loss of income. Since families holding a Section 8 voucher pay no more than 30% of income for rent and utilities, a participant may request a re-calculation of the family share, which must be performed within a reasonable time. However, NYCHA has exhibited a pattern and practice of failing to adjust the family share of the rent at all, in some cases for over a year, exposing tenants to ongoing delays and unaffordable rent liability. As a result, LS-NYC and Legal Aid clients have endured unnecessary Housing Court proceedings and have lived under the ongoing threat of eviction.

Additionally, NYCHA's own written policies in many cases prevent any rent adjustment until the family share has reached 40% of income—a clear violation of the law. The written policies also set unreasonable time frames, lack proper notice requirements, and improperly treat families differently depending on the method NYCHA uses to calculate their annual income, all in violation of federal law. In the cases where the family share is finally adjusted, NYCHA has often failed to properly notify tenants or adjust subsidy payments as required.

"I find the allegations that NYCHA's new Section 8 system is unfairly terminating Section 8 vouchers very troubling and I urge NYCHA to halt all terminations of Section 8 vouchers until the problems are corrected," said **City Council Speaker Christine C. Quinn**. "New technology systems can improve efficiency, but if not managed correctly, can harm the very people they are meant to serve. Let's fix this problem so that the technology can serve the Section 8 tenants. I want to thank Legal Aid, South Brooklyn Legal Services, and Legal Services NYC-Bronx for all of their hard work protecting tenants."

"NYCHA's continuing refusal to comply with the law threatens our city's most vulnerable residents and undermines the Section 8 program's mandate to provide decent affordable housing for low-income families. Due to NYCHA's practices, these families have endured unaffordable rents, administrative delays, and the ongoing threat of eviction from their homes," said **Legal Services NYC-Bronx Staff Attorney Ian Davie**.

"NYCHA is systematically terminating needy Section 8 families for allegedly failing to fill out proper paperwork when the families have submitted the paperwork and NYCHA has lost it, or because NYCHA never sent the families the paperwork in the first instance. Families are being sued in housing court and many are at risk of homelessness. Although we have continually asked NYCHA to fix these problems, NYCHA has refused," said **Legal Aid Society Staff Attorney Robert Desir**.

"I am a single working mother who is going to school at night. NYCHA mishandled my recertification packet so that I had to call several people and write letters to stop my termination. I even requested a hearing and NYCHA still terminated my subsidy. Now my landlord has brought me to court because NYCHA cannot process a simple recertification packet properly," said plaintiff **Pearl Pio**.

"It is unconscionable that Section 8 participants are being terminated because NYCHA cannot properly process packets. Most of these participants are elderly, disabled or the working poor and therefore must take time off of work or schedule Access-A-Ride to go three or four times to NYCHA's office to fix the problem. And the participants' efforts are futile because NYCHA is not scheduling hearings and instead just terminating indiscriminately," said **South Brooklyn Legal Services** (a program of LS-NYC) **Attorney Brent Meltzer**.

Bronx tenant **Benvenida Bencosme** said, "I am about to become homeless since Section 8 has ignored my request to lower my rent. It's been over a year since I first went to them. In February, they told me they couldn't help me because their database was under construction. They still haven't reduced my rent."

Plaintiff **Janet Lopez** suffered a reduction in income in 2009, when an accident left her unable to work. She provided documentation about her injury and income reduction to NYCHA in July of that year. Since that time, NYCHA has consistently refused to adjust Ms. Lopez's rent to her proper family share.

"I have been in Housing Court for 17 months," said Ms. Lopez, "and because NYCHA refuses to follow the law I have been liable for rent I cannot afford for more than two years. It is shocking that so many of us are facing the same obstacles when it comes to NYCHA. Sometimes it feels like it will never end."

Contacts:

Brent Meltzer, 718-237-5577

Ian Davie, 718-928-2889

Judith Goldiner, 212-577-3332

Robert Desir, 212-577-3271

Press Coverage: TheRealDeal.com

###