



**FIELDS V. RUSS  
SETTLEMENT**

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# KEY CHANGES

New Rent Change Procedures

Limits on eviction cases

Quality Control

This slide does not contain legal advice. It was prepared as a guide to explain the *Fields v. Russ* settlement, which you can find at [www.legalservicesnyc.org/fields](http://www.legalservicesnyc.org/fields). To obtain legal advice, please call Legal Services NYC's hotline at **917-661-4500**

# RENT CHANGE PROCEDURES



- **60 day deadline** to process interim re-certifications once you have submitted supporting documents.
- 60 days = the deadline for a staff member to review the request. If any documentation is missing the process will take more than 60 days.
- If you don't have documents to support reduction in income you may submit a "tenant declaration."
- If the re-certification is taking more than 60 days contact the management office!

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# REVISED NOTICES

Interim Change Form Receipt / Confirmation Notice

Submission Confirmation Notice

Additional Information Request Form

- **Abandonment notice** – if you don't respond in 30 days NYCHA will send you a written notice that the request has been closed out. At this point the request is considered abandoned \*\*

Rent Change Notice

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# LIMITS ON EVICTION CASES

- New cases cannot be started if you are waiting for a decision on a related interim re-certification or rent grievance.
- Includes: non-payment eviction cases, chronic rent delinquency termination cases
- If NYCHA improperly starts a case, they must pause it until your requests are resolved.

**\*\*\*Always tell your attorney if you have any pending recertifications or rent grievances.\*\*\***

## NYCHA CAN START A NEW CASE...

After an **interim recertification** request is made:

1. 14 Days after interim request is resolved; or
2. 30 days after sending you a request for more documents, if you do not respond and the interim request is abandoned; or
3. If you request more time to submit documentation, and NYCHA gives you a new deadline, if that deadline expires without more documents submitted and the request is abandoned.

After a **rent grievance** is filed:

1. If the tenant states in writing they are satisfied with the request; or
2. 10 days after the disposition on the grievance (Project Manager or District/Borough Office) and no hearing is requested; or
3. After the Hearing Officer's decision if a hearing is requested.

## NYCHA CAN START A NEW CASE...

*continued -*

\*\* Duplicate requests or grievances do not stop a case from starting. That includes **abandoned interim requests**.

- If you can't find the documents you need, ask for more time!
- If you miss the deadline to submit documents, you have 30 days to send in a letter with an explanation of why you needed more time and required documents to reopen the request.



# QUALITY CONTROL

- A new Quality Control Unit will make sure these changes happen and management offices follow the new rules.
- All NYCHA staff will be trained on the new rules and procedures.
- LSNYC oversight – NYCHA will submit reports to prove changes are happening according to the settlement.

## EXAMPLE 1

On March 5, 2021 your job reduced your hours to part time. Your weekly pay went down to half of what you were making before. Four weeks later on February 2, you go to the management office and request to have your rent lowered. You submit the “Interim change request” form and your last four paystubs showing that your income has gone down. On February 8 you receive a “Submission Confirmation Notice” in the mail.

How long does NYCHA have to change your rent share?

- **60 days** from February 8, as you have submitted the correct required documentation.
- **Contact the management office if it takes longer!**

# EXAMPLE 2



You live with your two children, a daughter who is 20 and a son who is 15. You and your daughter both work full time. Your daughter decides to move out. You go to the online to the NYCHA portal and request an interim recertification without uploading any documents. Your daughter is living with friends and does not have a lease at her new apartment to prove she is living elsewhere.

How long does NYCHA have to change your rent share?

- You will get a notice within 15 days called a “Additional Information Request Form” since you did not provide any documents
- You will have another 30 days to submit documents
- NYCHA’s 60 day deadline re-starts when you update your application. If they find that anything is still missing after reviewing your application, the process will take longer.

Examples:

- Notarized letter from your daughter
- Tenant declaration
- Mail with her name and new address



## EXAMPLE 3

On March 5, 2021 your job reduced your hours to part time. Your weekly pay went down to half of what you were making before. Four weeks later, on February 2 , you submit the an interim change request through the NYCHA online portal. You upload a file from your computer that you thought was a screenshot of your last four paystubs... but it was actually a picture of your cat! You don't notice the mistake.

How long does NYCHA have to change your rent share?

- You will likely receive a Submission Confirmation Notice because the computer system can't tell what the contents of the documents are.
- NYCHA still has **60 days** to review the file from the date of that notice. If you don't upload the paystubs before they do, once they realize they do not have the paystubs or other proof of the change in your income, you will get a notice asking for more documents and **30 days** to submit them.

**\*\* NYCHA then has 60 days to review once you submit everything needed \*\***

## EXAMPLE 4

You get a notice from your management office that they will be filing a non-payment of rent case against you, also known as a "rent demand." You fell behind in rent over the past six months because your partner lost their job and has been looking for a new one. You have only been able to pay about 2/3 of the monthly rent.

What should you do next?

- Request an interim recertification ASAP
- Submit relevant pay stubs and proof of loss of employment
- NYCHA **should not move forward with filing a case** while the interim recertification request is pending, **\*\*as long as you never requested this same change in the past, and, for example, it was abandoned\*\***

## EXAMPLE 5

In September you get a new job and are making less than you did at your previous job. Your monthly rent share is \$1000. Then in October your brother, who has been living with you for several years and is employed full time, moves out. You go to your management office to request an interim recertification with paystubs and proof that your brother moved to Florida to request a recertification. The total income in your household went down by 2/3. It is now December and you get a response to your interim recertification request stating that your new rent share is \$950, which seems too high.

What should you do next?

- **File a rent grievance with your management office ASAP**

In February, can NYCHA start a non-payment case against you for the rent you were unable to pay October – January?

- **No, not if the rent grievance is still pending.**

# SUPPORTING DOCUMENTS



Depending on the basis for your request for a rent adjustment, you will need to provide NYCHA with documentation supporting your claim. Here are some examples of appropriate supporting documentation.

## ADJUSTMENT FOR DECREASE IN INCOME

- **New paystubs** (at least 4 consecutive if paid weekly or 2 if paid biweekly) showing decrease in earnings. (Decrease effective from date of notification).
- **Letter from employer** (on letterhead if possible) laying out decrease in salary and listing new wages. (Decrease effective from date of notification).
- **Public Assistance budget letter.** (Decrease effective from date PA commenced if reported with in 30 days).
- **SSI/SSD/SS award letter** (Decrease effective from date benefits terminate if someone passed away, or effective from date benefits start if you become disabled, or retired and and stopped working and report within 30 days of end of employment).
- **Tenant declaration** – if none of the above can be obtained

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# SUPPORTING DOCS CONT'D



## ADJUSTMENT FOR DECREASE IN HOUSEHOLD SIZE (ie. A family member with income moved out or passed away)

- Fill out **NYCHA form 040.643 (*Family Member Removal Notice*)** and submit with:
  - Copy of new **lease** for person who moved out, OR,
  - Copy of **utility bill** with new address, OR,
  - Copy of **Drivers ID** with new address, OR (if no documents available),
  - **Notarized letter** from lease holder stating that the household member now lives with them in their apt/home, PLUS, copy of lease with leaseholder's name if possible, OR,
  - Detailed information on the form itself about **why you cannot get any of the documents** referenced above. (Estranged relationship, etc.)

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