

KNOW YOUR RIGHTS: WHAT TENANTS NEED TO KNOW ABOUT NYCHA'S NEW RENT ADJUSTEMENT PROCESS

Following a lawsuit, NYCHA was forced to change its rent adjustment process to stop rent overcharges and protect tenants from eviction. This fact sheet explains those changes.

Effective January 23, 2022, NYCHA made key changes to its rent adjustment system to prevent the wrongful eviction of NYCHA tenants and to ensure tenants have their rents reduced when their incomes drop, a process required by federal law. **By law, tenants are guaranteed the right to NOT pay more than 30% of income as rent.** Below are some of those changes:

- NYCHA must reduce tenants' rents **within 60 days** after they request an "Interim Recertification" and document their loss of income. That means NYCHA staff have 60 days to review your request. If any documentation is missing, the process may take more than 60 days.
 - If you don't have documents that show your reduction in income, you may **submit a "tenant declaration" form** which you can request from your project management office.
 - If the re-certification is taking more than 60 days, **contact your management office.**
- NYCHA **cannot start** a nonpayment eviction case against tenants, or a termination proceeding based on Chronic Rent Delinquency, **until** it has resolved Interim Recertification or Rent Grievance requests by tenants.
 - This means that tenants **cannot be evicted** for not paying their *old* rent while they are waiting for NYCHA to calculate their *new* rent.
 - If NYCHA improperly starts an eviction case while an Interim Recertification or Rent Grievance are pending, it **must pause** the case until the new rent is calculated and any retroactive credits are issued.
 - Prior to serving a rent demand, NYCHA must make sure that **the tenant does not have a pending Interim Recertification.**



917-661-4500

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- NYCHA **can start** a nonpayment case after a tenant has made an **interim recertification request** in the following circumstances:
 - 14 Days after the interim request is resolved; or
 - If you do not respond to NYCHA's request for more documentation within 30 days; or
 - If you request more time to submit documentation and NYCHA gives you a new deadline which you do not meet.
 - Make sure you carefully read all instruction contained in NYCHA's notices to ensure that you rent reduction request is processed correctly.

- NYCHA **can also start** an eviction case after a **rent grievance is filed** against a tenant:
 - If the tenant states in writing that they are satisfied with how the request was resolved; or
 - 10 days after the Project Manager or District/Borough Office decision on the grievance and no hearing is requested; or
 - After the Hearing Officer's decision if a hearing is requested.

- 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.

RESOURCES:

- For more **information on interim recertification process** and documents needed, check out NYCHA's website at <https://selfserve.nycha.info> or LSNYC's website at www.legalservicesnyc.org/fields.

GET FREE LEGAL HELP:

- If you are seeking legal advice or believe NYCHA is violating your rights or unjustly evicting you because of the rent adjustment process, **call Legal Services NYC at (917) 661-4500**.

- **NOTE:** This fact sheet does not contain legal advice. The specific changes NYCHA must adopt are contained in the *Fields v. Russ* settlement, which you can find at www.legalservicesnyc.org/fields.



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Legal Services NYC | 40 Worth Street, Suite 606, New York | legalservicesnyc.org

* The information in this factsheet does not constitute legal advice.