

Settlement in *Fields v. Russ* speeds up NYCHA rent adjustments

The settlement establishes new procedures to guarantee tenants' right to be charged no more than 30% of income as rent

- The settlement was approved by the federal court on July 23, 2021 and gives NYCHA six (6) months to amend its regulations to comply with the settlement. **NYCHA must start complying with the settlement on January 23, 2022 and for the next three (3) years.**
- NYCHA must reduce tenants' rents **within 60 days** after they request an "Interim Recertification" and document their loss of income.
- NYCHA **cannot start** a nonpayment eviction case, 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.
- NYCHA must issue **clear notices** and **dated receipts** at every stage of the rent adjustment process.
- NYCHA must send a written notice to every household in January 2022 about the new procedures established by the settlement, and also add new information to its online portal and website.
- NYCHA must **audit** its own projects to make sure that rent adjustments are completed accurately and on time and that management offices are complying with the *Fields* settlement.
- NYCHA must provide regular **training** to staff on the new settlement procedures.



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PROCEDURES GOVERNING INTERIM RECERTIFICATIONS AND RENT GRIEVANCES

- All Interim Recertifications must be documented from beginning to end, and NYCHA is required to issue a written decision resolving the request and providing its rationale for the decision either granting or denying the rent reduction.
- NYCHA has 60 days to resolve Interim Recertification requests from the time that the tenant submits all documents in support of the request.
- NYCHA cannot commence nonpayment (“NP”) or chronic rent delinquency (“CRD”) cases until it issues written decisions resolving Interim Recertifications or Rent Grievances. In general (further details in section V of the settlement), NYCHA may start these cases: 14 days after resolving the Interim Recertification; or 10 days after resolving the Rent Grievance (up to the borough level decision if the tenant appeals).
- Prior to starting a NP or CRD, NYCHA must document in writing that the tenant does not have a pending Interim Recertification or a Rent Grievance.
- Prior to serving a rent demand, NYCHA must make sure that the tenant does not have a pending Interim Recertification.
- Upon learning that any NP or CRD case was improperly commenced during the pendency of an Interim Recertification or a Rent Grievance in violation of the settlement, NYCHA must discontinue or mark off calendar those cases until fully resolving the requests.

THE STIPULATION PERIOD

- Beginning on July 23, 2021, NYCHA has six (6) months to amend or create new regulations in order to comply with the settlement. Beginning on January 23, 2022, the Plaintiffs and the Court will monitor NYCHA’s compliance with the settlement for the next three (3) years.

OUTREACH, EDUCATION, AND TRAINING

- By January 23, 2022, NYCHA must inform tenants of the new settlement procedures via notices, NYCHA’s online portal and NYCHA’s website.
- NYCHA must update various internal forms (including the interim change form receipt, monthly rent statements, and rent change notices) to inform tenants of the new procedures and to remind them of their right to request an Interim Recertification if they experience a loss of income.
- NYCHA must conduct regular training of new and existing staff during the Stipulation Period.

QUALITY ASSURANCE AND REPORTING

- Beginning on January 23, 2022, NYCHA must monitor its progress with the major provisions of the settlement. At the conclusion of the first year of the Stipulation Period and every 6 months thereafter, NYCHA must share reports with the Plaintiffs revealing the results of the quality assurance measures.