

This newsletter is prepared by the New York City Housing Authority's Leased Housing Department Landlord and Tenant Relations Unit

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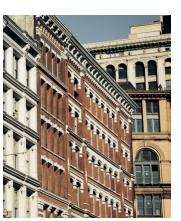
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In This Issue...

- A Message From The Director
- Lease Renewal = Rent Increase What Should You Do? Current Authorized Section 8 Renewal Increases Lease Renewal Checklist Can You Renew the Lease Without Your Tenant's Signature? Excess Income and Lease Renewal What are Major Capital Improvements? Failed Inspection? Individual Apartment Improvements New Broker Fee Policy
- New Holding Fee Policy When an Apartment Fails Inspection... New Policy
- Owners Forum Q&A
- New Customer Service Initiative
- *Important Telephone* Numbers

A Message From The Director:



s experienced Section 8 landlords should know, and as new Section 8 landlords need to learn, HAP subsidy contracts between NYCHA and our landlords coincide with the lease terms between landlords and Section 8 tenants. Therefore, whenever the lease term with your Section 8 tenant is expiring and you are renewing with the tenant for another term, you are entitled to receive a new HAP Contract with NYCHA. That is important because a new HAP Contract can be processed by

us at a higher subsidy rate to reflect an approved contract rent increase for the new lease term. If that doesn't happen, the old HAP Contract remains in effect month-to-month at the previous subsidy level, even if you raised the rent under your new lease.

The procedure for approving new HAP Contracts for new Section 8 lease terms, which we call "lease renewals", is the theme for this issue of The Ledger. It is one of the most important issues in our Section 8 program because it directly affects your cash flow. We selected lease renewals as one of the 4 workshop topics at NYCHA's Section 8 Owners Forum on January 15. The subject gets a great deal of attention in our visits and calls from landlords, particularly when our staff appear to be slow in processing specific cases (as is sometimes the case). Yet, surprisingly enough, the majority of delinquent lease renewals are delayed by landlords failing to submit the necessary documents to our staff, rather than lack of attention by our staff or any other cause. During November - December 2003 and January 2004, for example, 57 percent of the lease renewals not completed on time were being held by staff waiting for required documents from the landlords.

In other articles here, we describe in detail the procedure for lease renewal approval. We mail to you a package containing or listing the required documents about 5 months prior to the upcoming expiration date for your tenant's lease and your corresponding HAP Contract with us. We then need you to complete the forms and assemble other described documents, and then return the entire package to us, within about 1 month. If you do, and assuming no technical problems, then

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our staff should (and normally do) approve your new HAP Contract in time for higher subsidy payment to begin at the start of the new lease term. But if you wait more than 3 months before submitting, or if you submit an incomplete package, or if you don't submit at all, then your higher subsidy payments will not start on time.

An incomplete package or no package forces us to send you further notices as discussed in those articles. We are then waiting on your response again. The risk of arguments about who sent what and when, and whether it was the "right stuff", goes up the longer the process goes on. Not only does your cash flow suffer, but we have to hold subsidy funds that may have to cover retroactive payments (sometimes rather large for a long time frame) if and when we can approve your new HAP Contract. That is not good for our program budgeting and accounting either. An extended lease renewal process also imposes additional burden on our staff, which we cannot afford these days.

So it is important to both you and us that lease renewals be implemented as smoothly and timely as possible. That is why we are devoting most of this edition to informing you about how the process is supposed to work. I think we can agree that it should be relatively simple, and should be successfully concluded most of the time, if we each do our part. Unfortunately, too many times that does not occur. Let's see if we can improve on this in the coming months.

Gregory A. Kern

Director Leased Housing Department

Lease Renewal = Rent Increase

WHAT SHOULD YOU DO?

S ection 8 owners are required to submit documentation of proposed lease renewals and rent increases to their Leased Housing borough management office at least **60 days** prior to the commencement of the new lease term.

Five months before the expiration of a lease, NYCHA will mail you a *Landlord Request for Lease Renewal Approval* form to give you adequate time to discuss the lease terms and new rent with your tenant. Once you agree on the new term, please complete the form and return it *as soon as possible* to the appropriate Section 8 office with the required Lease Renewal documents (see section on checklist for documents required). Incomplete packets will delay the processing of the new lease and any rent increase.

Below is a chart that illustrates the lease renewal due dates:

Column 1 - is the lease renewal effective date.

Column 2 – is the month you will receive the *Landlord Request for Lease Renewal Approval* form.

Column 3 – is the month in which you should return the *Lease Renewal* form and all other required documents.

If you do **not** receive the lease renewal form on schedule for your tenant or you have questions regarding lease renewals, please contact your assigned **Housing Assistant** at the borough office.

FYI: Your tenant receives their annual

recertification papers approximately the same time that you receive the *Lease Renewal*

Approval form.

CURRENT AUTHORIZED SECTION 8 RENEWAL INCREASES

Effective October 1, 2003, the NYC Rent Guidelines Board (RCB) approved 4.5% for 1 year lease renewals and 7.5% for 2 year lease renewals. For leases renewed during the period October 1, 2003 through September 30, 2004, these authorized increases will be approved

> for Section 8 tenants living in rent stabilized units apartments or in 1-5 family houses for all leases renewed during that period.

Owners of non-regulated apartments including units in 1–5 family houses may request, in writing, to have a rent reasonableness evaluation conducted by Section 8 staff to determine whether or not they are entitled to rent increases above the authorized increases.

For more information on our rent reasonableness policy, please contact the Manager of your respective Leased Housing borough office.

Lease Renewal Effective Date	Month L/L Receives the Lease Renewal Form	Renewal Forms Return Date (60 days before effective date)
January 1st	August	November1st
February 1st	September	December 1st
March 1st	October	January 1st
April 1st	November	February 1st
May 1st	December	March 1st
June 1st	January	April 1st
July 1st	February	May 1st
August 1st	March	June 1st
September 1st	April	July 1st
October 1st	Мау	August 1st
November 1st	June	September 1st
December 1st	July	October 1st

Private House (1–5 families)	Rent Stabilization Buildings	Rent Controlled Buildings	Government Rental Buildings (State & City Mitchell Lama, 236)	Cooperatives (Co-ops)
Landlord Request for Lease Renewal Approval Form	Landlord Request for Lease Renewal Approval Form	Landlord Request for Lease Renewal Approval Form	N/A	N/A
Lead Paint Form (if not previously submitted)	Lead Paint Form (if not previously submitted)	Lead Paint Form (if not previously submitted)	Lead Paint Form (if not previously submitted)	Lead Paint Form (if not previously submitted)
Two Housing Choice Voucher HAP Contracts signed by L/L	Two Housing Choice Voucher HAP Contracts signed by L/L (if not previously submitted)	Two Housing Choice Voucher HAP Contracts signed by L/L (if not previously submitted)	Two Housing Choice Voucher HAP Contracts signed by L/L	Two Housing Choice Voucher HAP Contracts signed by L/L
Private lease agreement signed by both the tenant & L/L (plain language lease) *Note: Private homes are considered non- regulated buildings. However, the rent stabilization renewal increases are applied to the new rents, unless the manager has approved a rent reasonableness increase.	Rent Stabilization Lease Renewal form signed & a Rent Stabilization Lease "Rider" (RSA Rider)	DHCR form indicating new rent for rent con- trolled apartment OR DHCR form requesting approval of a new rent or the most recent DHCR form granting approval of a rent	N/A	If tenant-owned Co-op: Board approval letter confirming an across- the-board mainte- nance/carrying charge increase for the building. If tenant sublet: Follow procedure for non-regu- lated buildings (1–5 family, private houses)

Note: Once a lead paint form is submitted you are not required to complete this form again during the lease renewal period. Owners of rent stabilized and rent controlled buildings must submit a new HAP Contract if there is a change in the utility arrangement.

LEASE RENEWAL CHECKLIST

Please use the checklist above to determine the CORRECT documents needed for your building type to ensure processing of the lease renewal. This information is also provided on the reverse side of the Landlord Request or Lease Renewal Approval form.

Completed Lease Renewal forms with documents must be returned to the Housing Assistant for that address.

If your packet contains incorrectly filled out forms or is missing required documents you will receive a form – Final Letter to Landlord Requesting Documents for Lease Renewal also known as a R8L notice). The R8L will list the items that are missing.

The R8L along with the requested documents should be returned to the Housing Manager by the due date noted on the form.

Returning documents late or incomplete can result in our inability to approve a new lease. It will delay your rent increase and could also cause you a possible loss of revenue.

CAN YOU RENEW THE LEASE WITHOUT YOUR TENANT'S SIGNATURE?

Yes, if the building is rent stabilized!

New York State Law permits owners of **rent stabilized buildings** to increase the rent at renewal without the tenant's signature when a tenant fails to respond to a bona fide lease offer. NYCHA will authorize rent increases in these cases, provided you meet all the following conditions:

- Made a good faith attempt to offer a new lease term to your tenant within 90 days of the end of the current lease.
- The lease offered is for the *same* term as the current lease.
- The new rent is based on the authorized percentage increase, and the tenant does not respond to you within 60 days after the offer.

New York State law will consider the lease approved even without the tenants signature as a **DEEMED LEASE**. In these cases, to complete the lease renewal you are required to submit the lease renewal documents and a **notarized** NYCHA *Standard Affidavit of Compliance* form which declares that you complied with state law procedure. No amendments to this affidavit are acceptable. Contact your **Housing Assistant** if a copy of the affidavit is needed.

Please note: This policy does **NOT** apply to non-regulated units (1-5 family homes).

EXCESS INCOME & LEASE RENEWAL

In some cases, the tenant's rent share equals or exceeds the gross rent for the apartment. If this occurs the Section 8 subsidy is reduced to zero and the tenant is classified as a "**tenant with excess income.**" This classification makes the family ineligible to continue on the Section 8 program and eventually the family will have to be terminated from the program.

So, what does this have to do with a Lease Renewal!

Tenants with excess income do not receive rent subsidies and are subject to termination from the Section 8 Program. Therefore, lease renewal requests for these tenants will not be approved.

Prior to termination from the Section 8 program, excess income tenants are afforded the opportunity for an impartial hearing before an Authority hearing officer to contest the proposed termination. During this period the tenant will remain in the Section 8 program but will be responsible for paying the total rent to his/her landlord. If a determination is made by the Hearing officer that the tenant can remain in the program, subsidy will be restored. However, if the hearing officer deems otherwise, the tenant and owner will have to sign a new private lease free of any Section 8 subsidy.

WHAT ARE MAJOR CAPITAL IMPROVEMENTS?

Major Capital Improvements (MCI) are building wide improvements authorized and approved by NY State Division of Housing and Community Renewal (DHCR). Owners are allowed to charge a rent increase to

Failed Inspection? Or Pass with Comments?

No Lease Renewal? No Increase!

We are unable to process many lease renewals and rent increases because of failed apartment inspections or inspections that result in a "pass with comments".

Even if your tenant's apartment is due for a lease renewal and you submitted all necessary documents, if it fails a Housing Quality Standards (HQS) inspection the lease cannot be renewed until all of the violations have been corrected and you and the tenant certify that the repairs have been made.

A finding of a hazardous or failed condition requires repairs within 30 days and immediate notification to the Inspection Unit to prevent a suspension of subsidy.

For findings of PC (Pass with Comments), although we will not suspend subsidy, we will not process the lease renewal until the Inspection Unit receives a certification that repairs have been made. each tenant in the building when the work is completed. These increases are granted during the lease renewal period for rent stabilized and rent controlled apartments. They do not apply to improvements in one to five family houses, cooperatives, condominiums, Mitchell-Lama Developments, or Article 15A buildings.

As a reminder, owners are encouraged to submit documentation of MCIs to the appropriate Leased Housing Management office to assure timely processing of these types of rent increases.

REMEMBER!

Lease Renewals can be simple If:

- **1.** All lease renewal documents are complete and submitted on time.
- 2. The apartment passes a HQS Inspection.
- **3.** If both of these are done, we will do our best to execute:
 - A new HAP contract, if necessary
 - Your rent increase on time

TOGETHER let us work to improve the processing of lease renewals!



INDIVIDUAL APARTMENT IMPROVEMENTS

Section 8 landlords may be entitled to receive 1/40th of the cost for individual apartment improvements and have the increase added to the total contract rent the first of the month following the completion or installation date.

In order to qualify for this type of rent increase the landlord must:

- Submit written documentation from the tenant justifying the apartment improvement(s)
- Submit to NYCHA all "paid" itemized bills justifying the cost of improvement(s)
- When necessary, arrange for a Section 8 Inspector access to the apartment to verify improvements

For Your Information

Are you Aware of the New Broker Fees Policy?

Due to budgetary constraints, recent revisions to our Broker Fees Policy were implemented. Broker fees will be paid by NYCHA **only** in two situations. We will pay fees to pre-approved brokers assisting rentals for:

- a) Tenants transferring because of unrepaired HQS violations in their current apartments (suspended apartments with "F" inspection status), and
- b) Disabled persons requesting reasonable accommodations for rentals or transfers in appropriate circumstances and on a case-by-case basis.

In both those situations, applicants and tenants receiving vouchers after September 1, 2003 will be issued a voucher with the words "Eligible for Brokers Fee" stamped across the top. We have ceased paying broker fees for rentals by applicants (regular or EARP), or by tenants transferring for other reasons.

We will continue to pay broker fees for all previously eligible rentals and transfers if vouchers were issued prior to September 1, 2003.

New Holding Fee Policy



- The applicant or tenant is required to conduct a search for a new apartment. The "holding" fee does not apply to EARP rentals, where the NY City Department of Homeless Services conducts the applicant search, or "in-place" rentals.
- The landlord agrees to an initial lease term of two years.
- The fee is payable only upon completion of the rental or transfer.
- The new apartment is approved for a Section 8 HAP Contract more than 30 calendar days after the applicant has submitted, and the Leased Housing staff has accepted for review, the complete package of documents required to be reviewed. This is the key change from our previous policy.

FYI:

- The processing clock (with the 30-day deadline) ends when the rental or transfer case is approved, not when the landlord receives the first subsidy check.
- The approval date for rental cases is the effective date of the HAP Contract with subsidy prorated for the rest of the month.
- The approval date for transfer cases is the first day of the next month after the approval date.
- Incomplete rental packages will not be accepted. Failed apartment inspections will "stop the clock" until the apartment subsequently passes inspection.

s of December 1, 2003 NYCHA A also revised its "holding" fee policy. "Holding" fees, equal to one month's contract rent, for vouchers issued on or after December 1, 2003 will only be paid under the following conditions:

When an Apartment Fails Inspection

NEW AND EXPANDED POLICY Effective January 7th, 2004

DON'T FORGET... when an apartment fails inspection, you can avoid suspension of rental subsidy if your repairs are verified within 30 days in one of two ways:

- Reinspection of the apartment by NYCHA staff at least 3 days before the suspension deadline, or
- The owner and tenant certify to NYCHA that any serious violations listed in the *NE-1 Notice* form have been corrected. Attached to the serious violations

Verification of Completion of Repairs

Owner/Tenant ACCEPTABLE CERTIFICATION or Need for REINSPECTION

Certification	Reinspection
 Certification signed by both the owner and tenant is received prior to the suspension deadline. 	NO
• Certification signed by both the owner and tenant is received after to the suspension deadline.	NO
• Certification signed by the owner, with an attached work order signed and dated by the tenant, prior to or after the suspension deadline.	NO
 Notice that repairs are completed, or certification signed by owner but not by tenant, before or after suspension deadline. 	YES

When repairs have been completed more than 30 days before the reinspection or certification date, staff will determine the effective date of the reinstatement of the subsidy after reviewing documentation of repairs.



notice is the *Certification Of Completed Repairs* form which must be signed and dated by both the owner and tenant **or** signed only by the owner with an attached work order signed and dated by the tenant. All *Certification* forms and signed work tickets must

> either be **faxed** or **mailed** to the respective borough and received at least 3 days **before the suspension deadline**. You are still required to correct the violations found by the Inspector within 30 days after the inspection to avoid suspension.

The current policy expands the definition of what is deemed acceptable landlord/tenant certification of repairs. This policy will decrease the number of subsidy suspensions, reduce the number of reinspections of apartments that failed an inspection, and reduce the number and the preparation of reinstatements.

Owners' Forum

snowstorm fell on New York City on January 15th, 2004, but almost 600 building owners of the 1,700 who had made reservations braved the elements to attend our first forum at the Marriott Hotel in Brooklyn. The feedback we received from those participants was most positive and we intend to make this an annual event.

After greetings from the Housing Authority's Vice Chairman, Earl Andrews, Jr., the General Manager, Douglas Apple and the Director of the Leased Housing Department, Gregory A. Kern, four workshops were offered: Apartment Inspections, The Rental Process, Lease Renewals,



Below are some of the questions that were submitted at the Owners Forum that was held on January 15, 2004.

and the answers are ..

- Q. Am I entitled to a 20% vacancy increase when a tenant already residing in the apartment receives a Section 8 voucher and wants to remain in the same apartment? The building is rent stabilized and no Section 8 tenants reside in the building.
- **A.** Section 8 tenants who wish to rent "in-place" may do so if the landlord agrees to participate in the Section 8 program. However, since the tenant already occupies the apartment, the landlord is **not** entitled to a vacancy increase.

and Participant Responsibilities. Computers were set up to answer specific questions. While owners partook of the breakfast choices, six tables were set up to answer general questions and offer handouts about the following: Inspections, Rentals & Transfers, Fraud & Abuse, Eviction & Outreach Issues, Portability, and EARP.

The directors of the Borough Offices were on hand to meet building owners and address some of their concerns (see some of the questions raised at the forum and our answers below). We expect the next forum to discuss the continuing changes in the Section 8 program, to address issues raised from owner feedback, and to be enjoyed by more attendees.

Q. I inherited a tenant that pays way below market for a 4 bedroom (\$1,100). How do I go about getting it upgraded to market rate of \$1,515?

- A. If this apartment is "non-regulated" (1-5 family home) and you wish to seek an increase above the normal renewal increase percentages established by DHCR, you may make a written request to the Manager at the appropriate Leased Housing borough office to have a "rent reasonableness evaluation" for your tenant, when the lease expires. However, you would have to justify the increase by submitting documentation of similar rents for non-subsidized apartments of the same apartment size in the immediate area.
- Q. The documentation that you are requesting with the R8L notice, is it for the landlord or tenant? And if it is something for the tenant to submit, why are we responsible?
- A. The R8L notice is the final notice that Section 8 staff sends to the landlord when there are missing documents that are required in order to complete and execute a lease renewal. The landlord is responsible for answering the R8L notice and for submitting all the required documentation. Once you have all the required documentation, we ask that you return the R8L notice along with the documents and address the envelope to the appropriate Housing Manager indicated on the R8L notice.

Q. I was denied a lease renewal for non-payment of tenant's portion of rent in December 2003. The lease expires March 1, 2004. What do I next?

A. Since your building is considered "non-rent regulated" you, as a landlord, have the right not to renew your

lease with your Section 8 tenant. However, if you are planning to evict your Section 8 tenant for non-payment of rent, you must first contact the Section 8 Eviction Review Unit at (718) 246–3524.

Q. Is the renewal lease form required for tenants residing in a private house (1-5 family units)?

A. To be certain that we are referring to the right renewal lease form, we will explain two forms that are often confused by owners:

The "Landlord Request for Renewal Increase" form is sent to all landlords when a lease is about to expire. This form is sent to the landlords 5 months prior to lease expiration. The landlord will indicate the term of the lease (1 or 2 years) and the amount of the increase, as approved by NYC Rent Guidelines Board.

The "**Rent Stabilization Renewal Lease**" form is only used by rent stabilization tenants (6 or more apts). This form is used in lieu of a private plain language lease (commonly used with private homes). Section 8 does accept this type of form for rent stabilization tenants, provided that a rent stabilization lease rider (RSA Rider) is attached.

- Q. I have a 3-bedroom apartment that is rented to a Section 8 tenant for \$950. Can I increase the rent to \$1,450 or its market value?
- A. If the apartment you rent to your Section 8 tenant is considered non-rent regulated (Private, 1–5 family house) you may request that the contract rent for your apartment be "evaluated" when the lease between you and your tenant expires. This request must be made in writing to the appropriate Leased Housing borough office.

Q. If you learn that a Section 8 tenant is performing illegal activity and/or renting out rooms in their apartment, what can you do? And is subsidy stopped and when?

A. To report landlord or tenant fraud, you may contact the Office of The Inspector General at (212) 306-3355. After conducting a review of the allegations, the Office of the Inspector General will prepare a recommendation. In some cases, the recommendation will be termination of the Section 8 subsidy.

Q. What kind of proof is needed if someone else is added to the household?

A. According to our Occupancy Procedure, on the effective date of the Section 8 rental, the family composition includes all the individuals who will reside in the Section 8 apartment. In the future, if the Section 8 family would like to *add* any individuals to the household, the family must obtain permission from NYCHA and the Landlord. After the tenant's request is reviewed and a criminal background check is completed for all individuals 16 years and older, Section 8 will advise the tenant to give the landlord the *Certification for Permission* form. After the Landlord signs the form, it is returned to NYCHA who provides final approval by returning a signed copy of the *Certification* form to both the Landlord and tenant.

Q. How long does it take to recalculate a participant's share of the rent when there is a reduction in total household gross income?

A. Section 8 participants are required to report reductions in household income to their Housing Assistant. In instances where the reduction of income was due to the loss of employment, an interim rent change shall be processed *after* a 13-week waiting period. At the expiration of the 13-week waiting period, if the tenant's income status has not changed, an interim rent change shall be processed to reduce the participant's portion of the rent to the owner. Participants must provide documentation showing that they are no longer employed at the time of the interim change.

Q. Why is it so difficult to make contact with the Inspector?

A. Inspectors spend most of their time in the field inspecting apartments. Generally, they come into the office once a week to complete all the necessary paperwork. You can leave a message with the secretary, call again on the Inspector's office day, or request to speak to the supervisor.

Q. Is the owner notified prior to the apartment inspection?

A. Our Easytrack computerized inspection system generates a letter notifying the owner of the date the tenant is scheduled for an annual inspection. Both the tenant and owner notification letters are mailed simultaneously, approximately two weeks prior to the inspection date.



The Leased Housing Department is announcing a new customer service initiative at our Brooklyn borough office. Starting on May 1, 2004, our management staff will be reassigned into two separate groups:

- The Customer Service Team, who will receive most landlords, tenants, applicants, and other visitors or callers.
- The Annual Review Team, who will conduct all tenant recertifications and HAP Contract/lease renewals for Brooklyn Section 8 apartments.

The Customer Service staff will be stationed on the 3rd floor at our Brooklyn Office (350 Livingston Street). They will work with visitors and callers every business day from 8:00am – 5:00pm. In addition, these staff will also handle all other program and landlord/ tenant issues except recertifications and HAP Contract/ lease renewals. Each of these housing assistants will be assigned a caseload of tenants and their landlords for all Brooklyn Section 8 apartments.

New Customer Service Initiative

The Annual Review Team will be stationed on the 4th floor. They generally will concentrate on completing each month's schedule of tenant recertifications and HAP Contract/ lease renewals. Therefore they will not be assigned caseloads of specific tenants and their landlords, and they

generally will not see visitors or take calls. Exceptions may be made for information or receipt of documents directly involving specific tenant recertification or HAP Contract/lease renewal cases which those housing assistants are processing.

This new arrangement is designed to provide landlords, and other visitors and callers, with better customer service, while also enabling staff to process our most important program transactions more efficiently. Recent changes in federal regulations have made tenant recertifications, in particular, more difficult and time consuming. At the same time, our volume of Brooklyn visitors and callers has grown substantially. We have decided that these two major tasks should be split and addressed by full-time specialists, rather than being shared by all the office staff.

This change only affects the Brooklyn management staff. The Brooklyn rental/transfer unit and inspection unit will continue to follow current procedures as usual. All other Leased Housing borough offices will retain their current structure and procedures at this time.



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IMPORTANT TELEPHONE NUMBERS YOU SHOULD KNOW:

FINANCE HOTLINE PHONE NUMBERS FOR SECTION 8 LANDLORDS 212-365-5261 or 5200

To report payment issues, such as subsidy check not received, missing statement, request to stop payment or copies of checks.

LEASED HOUSING OUTREACH HOTLINE 718-250-9891

Provides general information to landlords and brokers about the Section 8 program. Landlords may also call the number to list available apartments.

EVICTION HOTLINE 718-246-3524

To request permission to evict a Section 8 tenant.

HOUSING ASSISTANTS

To see a listing of telephone #'s by Borough and zip codes, log on to **www.nyc.gov/nycha** and click on Leased Housing-Section 8.

Leased Housing Department

LANDLORD AND TENANT RELATIONS UNIT

- MARGARET RUIZ Deputy Director
- Assistant Director
- CARLOS PINDER Manager

BOROUGH OFFICE INFORMATION

BROOKLYN

350 Livingston Street Brooklyn, NY 11217 718-250-9778 or 250-9700 Diane Figueroa, Borough Director

BRONX

1 Fordham Plaza, 3rd floor Bronx, NY 10458 718-329-7701 Edwin Robles, Borough Director

55 West 125th Street, 8th floor New York, NY 10027 917-492-8900 Sonia Thompson, Borough Director

59-17 Junction Blvd, 2nd floor Corona, NY 11368 718-393-7400

Tempest Sanders, Borough Director STATEN ISLAND 120 Stuyvesant Place Staten Island, NY 10301 718-556-2682 Sonia Thompson, Borough Director

12