



November 22, 2010

Sandra B. Henriquez,  
Assistant Secretary for Public & Indian Housing  
U. S. Department of Housing & Urban Development  
451 7<sup>th</sup> Street, S.W.  
Washington, D.C. 20410

RE: **HUD Review of FY2011 Annual Plan Submitted by the New York City Housing Authority (NYCHA) : Section 3 Compliance under Payments Made for Special Services from the NYC Police Department**

Dear Secretary Henriquez:

The Community Service Society of New York (CSS) is writing to urge HUD to withhold approval of annual payments made by NYCHA (from its operating funds), for special services to be provided by the NYC Police Department (NYPD) in public housing communities, until HUD clarifies whether the NYPD's use of such funds is subject to Section 3 job/training requirements.

The New York City Alliance to Preserve Public Housing—a local collaboration of NYCHA resident leaders, advocates, and concerned elected officials, in which CSS participates—submitted the attached position paper on the NYCHA Draft FY 2011 Annual Plan at the authority's June 30<sup>th</sup>, 2010 public hearing. As part of its position on Section 3 issues, the Alliance contends:

“The \$73 million paid annually by NYCHA to the Police Department should be used to open up training/job opportunities in enforcement and security work, as well as in related clerical jobs. This effort could be geared to a “community policing” model in NYCHA developments, rather than rotating NYPD assignments. “

In its final FY 2011 Annual Plan submitted to HUD in October 2011, NYCHA responded by asserting that Section 3 does not govern its transfer of \$73 million to the NYPD for special police services, as follows:

““The Memorandum of Understanding (MOU) covering the relationship with the NYPD is actually between NYCHA and the City of New York. Payments are made to the City and the NYPD does not, therefore, have an independent requirement as an agency to comply with Section 3 hiring requirements.”

A copy of the MOU will be supplied to HUD on request.

To the contrary, we question NYCHA's assertion that the NYPD, in its provision of special services to public housing, does not have to comply with Section 3 requirements. Our objection is based on HUD 24 CFR 135.5 Code of Federal Regulations governing Section 3. The regulations specify:

“Recipient means any entity which receives Section 3 covered assistance, directly from HUD or from another recipient and includes, but is not limited to, any State, unit of local government, PHA, IHA, Indian tribe, or other public body...Recipient also includes any successor, assignee, or transferee of any such entity...”

The plain language of this regulation indicates that the NYPD is a “public body” that qualifies as a “recipient” of Section 3 funding. In addition, the entire MOU between NYCHA and the City is written on the premise that the transfer of federal funds from HUD through NYCHA is earmarked for the NYPD to provide the “special police services” that NYCHA contracted. Indeed, only the NYPD can provide, and has been providing, the policing services specified in the MOU and only the NYPD reports its compliance and progress on these services to NYCHA.

Moreover, the way in which NYCHA developments are policed results in frequent and wrongful trespass arrests among NYCHA residents and guests, especially among the youth. This has become a major issue with resident leaders and the broader public concerned with this city's public housing communities. Apart from the potential training/job benefits to residents that can be secured by NYPD compliance with Section 3 requirements, we believe substantial improvements can be made in the fairness and effectiveness of policing practices in NYCHA communities as a result of NYPD tapping the human potential available in these communities.

We respectfully request a prompt HUD ruling or opinion on this matter, and appropriate revisions in the NYCHA FY 2011 Annual Plan.

Sincerely yours,

Victor Bach  
Senior Housing Policy Analyst

Juan Cartagena  
General Counsel and V.P. for Advocacy

c.c.

Shaun Donovan, Secretary, U.S. Department of Housing & Urban Development  
John Trasvina, Assistant Secretary for Fair Housing and Equal Opportunity  
Adolfo Carrion, Regional Administrator, HUD NY/NJ Regional Office II  
Luigi D'Ancona, Acting Director, Public Housing, HUD NY/NJ Regional Office II  
John Rhea, Chairman, New York City Housing Authority  
Michael Kelly, General Manager, New York City Housing Authority  
Representative Nydia M. Velazquez