

New York City Housing Authority's

Tenant Selection and Assignment Plan

(September 24, 2012)

I. INTRODUCTION

The New York City Housing Authority has adopted this Tenant Selection & Assignment Plan (the "TSAP" or "Plan") to assure that it receives and processes applications for conventional public housing efficiently and in accordance with the law.

II. THE APPLICATION

To be considered for conventional public housing each applicant must complete the Housing Authority's application. Applicants will be asked to select a first and second borough in which they wish to live, but may not request that their application be assigned to a particular project, defined as any conventional public housing building or group of buildings at which apartments are assigned from a single pool of certified applicants. Applicants who enter a project name in the space designated for the borough selections shall be deemed to have selected the borough in which the project is located. Applicants who fail to choose a borough shall be deemed to have chosen their borough of residence.

Upon receipt at the designated Post Office Box, each application shall be date and time stamped. Applications may also be filed "on-line" at computer terminals located at NYCHA's Customer Contact Centers. Applications will then be reviewed and

assigned priority codes, and the information on the applications and their priorities will be entered into the Housing Authority's computer system. Information contained in applications assigned to priority codes N0, N1 and N3 will be entered into the computer system in an expedited manner by contrast with applications in the other codes. The application shall be imaged and stored in NYCHA's Computer System. A unique case number will be assigned to each application.

Applicants may simultaneously apply for conventional public housing and Section 8 housing and applications to both programs shall be processed concurrently.

III. PRIORITIES FOR APPLICANTS

A. Method of Assigning Priorities

In accordance with federal regulations, the Housing Authority has adopted priorities by which it ranks each applicant based upon information in the application. If an applicant qualifies for both a Working Family Preference priority and a Need Based Preference priority (discussed below), the Housing Authority shall assign both priorities to the application, and the applicant's ultimate priority shall be that one which first gains the applicant an eligibility interview.

Upon entry of the application information onto the computer system, the Housing Authority shall notify the applicant of the priority or priorities assigned to the application and the procedures by which the applicant may obtain review of the decision. At any stage prior to rental, the Housing Authority

may change the priority code if it is notified that an applicant's priority qualifications have changed. If the priority code is changed, the applicant will be so notified.

B. The Priority Codes

The priority codes adopted by the Housing Authority are:

WORKING FAMILY PREFERENCES

Code W1¹

Applicants in Income Tier III.

Code W2¹

Applicants in Income Tier II.

Code W3¹

Applicants in Income Tier I who are also "working families."

A "working family" shall mean: Where income is based on actual employment or if the head and spouse, or sole member, are age 62 or older or are receiving social security disability, supplemental security income disability benefits, or any other payments based on an individual's inability to work.

NOTE: "Working families" who do not live or work or have a commitment for a job in New York City will not be assigned any working family priority.

For the purposes of this Plan, "Income Tier" shall be defined as the income level of each applicant which, to the extent permitted by federal law and regulations, the Housing Authority uses to advance its goal of economic integration and of avoiding concentrations of low-income families in any one or all of the Housing Authority projects.

¹ Due to a federal injunction, applicants selected for interview based on this priority cannot be certified to the following projects: Berry, Cassidy-Lafayette, Forest Hills, Haber, Independence, New Lane, South Beach, Taylor-Wythe, Todt Hill, Williams Plaza.

The Housing Authority divides applicants into three Income Tiers: Applicants in Tier I have family incomes ranging from none up to 30% of area median income; applicants in Tier II have family incomes ranging from 31% to 50% of area median income; and applicants in Tier III have family incomes ranging from 51% to 80% of the area median income. The dollar amounts for each tier vary by family size and are revised periodically to reflect economic data and income levels for admission to public housing as established by federal guidelines.

Applicants in Tier III are not eligible for Section 8 projects.

Applicants with family incomes above 60% of the area median income are not eligible for any public housing unit in projects receiving the benefit of low-income housing tax credits under Section 42 of the Internal Revenue Code of 1986, as amended ("tax credit projects").²

NEED BASED PREFERENCES

Code N0

- ◆ Applicants who are referred to the Housing Authority by the New York City Department of Homeless Services ("DHS"), or by the HIV/AIDS Services Administration ("HASA"), or by the New York City Department of Housing Preservation and Development ("HPD"), or by the Administration for Children's Services ("ACS"), pursuant to an agreement with the Housing Authority.
- ◆ Applicants about to be discharged from a hospital operated by the New York City Health and Hospitals Corporation ("HHC"), who would become homeless upon discharge and who are referred to the Housing Authority by HHC. Homeless applicants shall be defined as in 24 C.F.R. § 5.425(b)(2) (4-1-98 Edition).

Code N1

- ◆ Applicants who have suffered serious or repeated abuse from a family member or person with whom they have had, or continue to have, an intimate relationship, and as a result of that abuse the victim suffered actual physical injury or the threat of injury, and the victim: (a) will continue to suffer abuse if (s)he continues to live in the current residence, or (b) has left the residence due to the abuse and is not living in standard permanent replacement housing.

² At present, the tax credit projects are: Amsterdam Addition, Bayview, Bushwick, Castle Hill, Chelsea, Drew Hamilton, Manhattanville, Marble Hill, Marlboro, Rutgers, St. Mary's Park, Samuel, and Stapleton.

- ◆ Applicants with a family member cooperating in a criminal investigation/prosecution, where a member of the household has been threatened by a defendant in that investigation/prosecution, or by a person associated with a defendant. To qualify for this category, the prosecutorial or police agency involved in the case must certify to the Housing Authority that:
 - a. the threat was made and was in retaliation for past or present cooperation with a prosecutorial or police agency;
 - b. the threat poses a serious risk to a member of the household; and
 - c. it is likely that the defendant or the defendant's associates know the family's current home address.

Code N3

- ◆ Applicants living in housing declared uninhabitable by HPD or another government agency, or already displaced due to such a government order and not living in standard permanent replacement housing.
- ◆ Applicants about to be displaced by a government order from a site to be used for a public housing project or other public improvement.

Code N4

All other families who are involuntarily displaced, living in substandard housing, or paying more than 50% of family income for rent.

Code N8

- ◆ Applicants who do not qualify for a Need Based preference and are not now renting either a public housing or a Section 8 apartment.
- ◆ Applicants who do not live or work or have commitment for a job in New York City.

NOTE: "Working families" who do not live or work or have a commitment for a job in New York City will also be assigned Code N8 rather than a Working Family Preference.

C. Priority Codes, Working Family Preferences and Need Based Preferences

Applicants in priority codes W1, W2 and W3 are entitled to the Housing Authority's Working Family preferences.

Applicants in priority codes N0, N1, N3, and N4 are entitled to the Housing Authority's Need Based preferences, defined as involuntarily displaced, living in substandard housing, or paying more than 50% of family income for rent. "Involuntarily displaced" is defined as it was in 24 C.F.R. § 5.420 (4-1-98 Edition)³, except that "domestic violence" is defined as in Code N1 above. "Substandard housing" is defined as (1) housing defined in 24 C.F.R. § 5.425 (4-1-98 Edition)³, or (2) doubled up or "overcrowded" in an apartment not subsidized by the Housing Authority ("overcrowded" is defined as more than twice as many people as the number of bedrooms, such as five people in an apartment with two bedrooms), or (3) legally doubled up and overcrowded in an apartment subsidized by the Housing Authority. "Paying more than 50% of family income for rent" is defined as it was in 24 C.F.R. § 5.430 (4-1-98 Edition).⁴

IV. INFORMATION AVAILABLE TO APPLICANTS

A. The Guide to Anticipated Vacancies

³ Families with written leases or subleases are not considered to be living in transient facilities or temporary residences.

⁴ For single-person families: elderly persons and persons with disabilities will be given preference over other applicants, except for "emergency applicants" (those in priority codes N0, N1, and N3), who will be taken in order of priority regardless of age or disability.

Every two weeks, ATAD will prepare a Guide to Anticipated Vacancies for Working Families ("Working Family Guide"), and a Guide to Anticipated Vacancies for Need Based Families ("Need Based Guide"). Each Guide will list all of the projects organized by borough and divided into elderly, tax credit, Section 8 and general population projects listed alphabetically by full name, with street intersections. Each Guide will list the five apartment sizes in which applicants may select the project in which they wish to live: no bedrooms, one-bedroom, two-bedrooms, three-bedrooms, and four-bedrooms. Projects may be designated as anticipating vacancies in some, but not all, apartment sizes.

For each project not currently appearing on the Working Family Guide as anticipating vacancies, ATAD will designate the project as anticipating vacancies in a given apartment size when it has on hand fewer certified Working Family applications than it needs to fill the Working Family vacancies anticipated during the next nine months.⁵ Projects currently designated on the Working Family Guide will continue to be designated as anticipating vacancies until they have enough certified Working Family applications to fill Working Family vacancies anticipated during the next nine months.⁶ ATAD shall follow the same process with the Need Based Guide.

⁵ This period may be adjusted Authority-wide at the discretion of the Director of ATAD.

⁶ This period may be adjusted Authority-wide at the discretion of the Director of

ATAD shall determine the number of certified Working Family applications each project needs to fill anticipated Working Family vacancies for nine months by the following formula:

For nine months: three-quarters of the total of the preceding twelve month's turnover in the relevant apartment size, divided by 3, multiplied by the number of certified applicants needed to complete one rental in the relevant apartment size. These numbers shall be based upon an analysis of all placements during the previous twelve months.

ATAD shall review the data for each project once a year and adjust the factors in the formula as necessary to ensure that each project has an appropriate number of applications to meet anticipated vacancies.

B. The Guide to Vacancies-Accessible Apartments

Every two weeks, ATAD will prepare a Guide to Vacancies-Accessible Apartments ("Accessible Guide"). The Accessible Guide will list projects throughout the city that have actual vacancies in fully accessible apartments ("accessible apartments") in each of five apartment sizes: no bedrooms, one-bedroom, two-bedrooms, three-bedrooms, and four-bedrooms.

To prepare the Accessible Guide, ATAD shall compare the computerized project waiting lists for accessible apartments with the projects' reports of actual vacancies in accessible apartments. When this comparison shows that a project has on hand fewer certified applications than it needs to fill its

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current vacancies in accessible apartments of a given size (taking into account the average refusal rate for the Housing Authority), ATAD will include that project on the Accessible Guide for that apartment size. ATAD shall review the refusal rate once a year and revise its calculation if necessary.

C. Dissemination of Information

To assure that all applicants entitled to select a project have an equal opportunity to do so, the Housing Authority shall make available to all applicants information about all its projects, such as their locations and services available within their vicinities.

V. QUALIFYING FOR PUBLIC HOUSING

A. Applicants to be Computer-Scheduled

Except as provided in Paragraph V(B), below, applicants shall be computer scheduled for eligibility interviews as follows:

First, ATAD shall (1) tabulate the number of vacancies, by apartment size, that each project anticipates within the next nine months;⁷ and (2) determine the number of additional certified applicants the project needs to fill these anticipated vacancies, using computerized reports which list, by apartment size, the

⁷ This period may be adjusted Authority-wide at the discretion of the Director of ATAD.

number of applications and transfer requests awaiting rental at the project.

Second, ATAD shall determine the number of applicants to be interviewed for vacancies anticipated in each borough based upon these monthly reports, the number of certified applications each project needs to complete one rental, the percentage of applicants summoned to interviews who appear for the interview and the percentage of applicants who complete the eligibility requirements for public housing, as well as the number of eligibility interviewers available to conduct interviews. Finally, a computer shall select applicants on a borough by borough basis based upon their borough of first choice, apartment size required, priority and date of application.

B. Applicants To Be Manually-Scheduled

The following applicants may be manually-scheduled for eligibility interviews: Applicants in priority codes N0, N1 and applicants recruited pursuant to the Applications Outreach Program described in Section VIII(B) below.

C. The Eligibility Interview/Project Selection

Each applicant must appear for, and cooperate in, an eligibility interview conducted by ATAD pursuant to procedures set forth in the Housing Applications Manual. The manual shall be distributed to all eligibility interviewers, who shall be trained in its procedures. All eligibility interviewers will

take a cultural diversity course, to sensitize them to racial, ethnic and other issues that arise in the course of their work. The Director of ATAD shall ensure that all eligibility interviewers are trained in the Department's procedures.

To ensure that each eligibility interviewer is following a standard interview format, ATAD shall use an interview form to record the information elicited by the interviewer from the applicant.

At the eligibility interview, the interviewer will first note information to determine the applicant's family composition. Applicants who are permitted to choose a project shall consist of those in Codes W1, W2, W3, N4, and N8 whose family composition qualifies them for an apartment of four bedrooms or less.

The interviewer shall record the applicant's family composition and complete the interview. If the applicant provides all of the required information and is found eligible for public housing, applicants for apartments of four bedrooms or less shall be given the appropriate Guide and asked to select only one project (located in one of the two boroughs the applicant selected on the application) designated on the Guide as requiring applicants in the apartment size required by the applicant.

If the applicant can demonstrate "Changed Circumstances" between the application and certification dates, the applicant

may select a project from a borough other than the two listed on the application. For the purposes of this Plan "Changed Circumstances," which must be demonstrated by documentation or other credible evidence, shall be limited to a job change which requires more than a ninety-minute commute from the original boroughs (or project) selected; or a medical, mental health or special education need of a family member which cannot be met anywhere except in a different borough (or project) than the one selected; or where adequate medical or special education services are not reasonably available in the original boroughs (or project) selected.

Applicants may defer their project choice for no more than thirty days. However, they must select a project designated as anticipating vacancies in the appropriate apartment size on the original Guide given to them. Such applicants may submit their project selection by mail.

If the Housing Authority requires additional information from an applicant before it can make a final determination as to eligibility, certification may be delayed only until the additional information is provided. The additional information may be submitted by mail.

If the applicant fails to provide the additional information or fails to choose a project, or rejects all projects designated on the Guide as anticipating vacancies in the appropriate apartment size, the application shall be deemed "Dead."

For the purposes of this Plan, "Dead Application" shall be defined as an application (including a transfer request) which may no longer be acted upon because the applicant (including a transferee) has failed or refused to: (1) appear for an eligibility interview within six months of the scheduled interview date; (2) submit required additional information within six months of the date requested; (3) select a project from among those designated on the Guide as anticipating vacancies in the appropriate apartment size, when an applicant is permitted to select from that Guide, within thirty days after being given the Guide; (4) accept two apartment offers from ATAD (for applicants who may not select projects and for applicants for accessible apartments), unless a temporary emergency prevents a move at the time of the second offer; (5) accept one apartment offer (for applicants who may select a project) from the project to which the applicant has been certified, unless a temporary emergency prevents a move at the time of the offer; (6) respond within forty-five days to notice from a project manager advising that an apartment is available; (7) respond within forty-five days, to a letter inquiring as to whether a certified applicant is still interested in public housing; (8) accept an offer because the applicant believes the apartment is of an inappropriate size; or (9) has informed the Housing Authority that he or she is no

longer interested in public housing.⁸

An applicant whose application has been deemed dead shall receive written notification to that effect, indicating the reason for the action, and that notification shall be considered a final agency determination. Any such applicant who wishes to be considered for public housing must file a new application. Any new application shall be governed by its date of receipt and the applicant may not be selected for interview or certified to any project for one year after the initial application was deemed dead. However, information contained in a dead application may be used to verify information contained in subsequent applications. Dead applications shall be filed in ATAD and retained for the period required by federal regulations.

⁸ However, applicants about to be displaced by a government order from a site to be used for a public housing project or other public improvement who inform the Housing Authority that they are no longer interested in public housing shall have ninety days thereafter in which to notify the Housing Authority that they have changed their minds. If they fail to notify the Housing Authority within ninety days, their applications shall be deemed "Dead."

D. Applicants Who May Not Select Projects

1. Emergency Applicants

Because their need for housing is urgent, "emergency applicants" (those in priority codes N0, N1 and N3) may select only the borough in which they wish to live, rather than a particular project⁹ (unless they are assigned to a particular project as part of the Applications Outreach Program described in Section VIII(B) below). At their eligibility interviews, these "emergency applicants" must select one of the two boroughs listed on their application, unless they can demonstrate "Changed Circumstances" between the application and interview dates.¹⁰ Such applicants who are found eligible for public housing shall be certified to the borough waiting list. A computer will match them to an actual vacancy in the borough selected, without regard to any preference by the applicant for a particular project in that borough.¹¹

By computer, ATAD shall log in all "emergency applications" received and vacancies reported in date order. Subject to the

⁹ Applicants in Code N1 will not be offered an apartment near their residence when the abuse occurred, and such applicants in Staten Island may not select Staten Island. Emergency applicants who are eligible for elderly projects may elect not to receive apartment offers from general population projects, and only from elderly projects.

¹⁰ "Emergency applicants" may also change their borough of choice later, up to the date of project assignment, if they can demonstrate "Changed Circumstances."

¹¹ Applicants in Code N0 who are subject to DHS sanctions may be offered an appropriate vacancy in any of the five boroughs.

rental plans described in Section VII below, a computer will match "emergency applicants" to vacancies based upon priority and the certification date of the application and report of a vacancy. Each "emergency applicant" may reject one offer of an apartment without penalty. If an "emergency applicant" rejects an offer, the applicant will maintain his or her place on the computer list and shall be offered the next appropriate vacancy, subject to the rental plans described in Section VII below. If the second offer is rejected, the application shall be deemed "Dead" unless the applicant demonstrates that a temporary emergency prevents a move at the time of the second offer. "Emergency applicants" shall be assigned proportionately to all of the Housing Authority's projects (except any project with minimum income requirements, and the Section 8 new construction projects), based upon the total number of apartments in each project.

2. Applicants for Five Bedrooms or More

Because turnover in apartments with five bedrooms or more is very low, making it difficult to anticipate vacancies, non-emergency applicants who require such apartments may select only a borough in which they wish to live, rather than a particular project (unless they are assigned to a particular project as part of the Applications Outreach Program described in Section VIII(B)

below). At their eligibility interviews, such applicants must select one of the two boroughs listed on their application, unless they can demonstrate "Changed Circumstances" between the application and interview dates.¹²

The applications of such applicants who are found eligible for public housing shall be certified to the borough waiting list. A computer will match each applicant to an actual vacancy in the borough selected, without regard to any preference by the applicant for a particular project in that borough.

ATAD shall maintain a computer list of such applicants organized by borough selected, apartment size, priority and date of certification. By computer, ATAD shall log in all such applications received and vacancies reported. Subject to the rental plans described in Section VII below, a computer will match such applicants to vacancies based upon priority and certification date of the application. Each such applicant shall be permitted one rejection of an apartment. If an applicant rejects an offer, the applicant shall maintain his or her place on the computer list and will be offered the next appropriate vacancy, subject to the rental plans described in Section VII below. If the second offer is rejected, the application shall be deemed "Dead" unless the applicant demonstrates that a temporary

¹² These applicants may also change their borough of choice later, up to the date of project assignment, if they can demonstrate "Changed Circumstances."

emergency prevents a move at the time of the second offer.

E. Applicants for Accessible Apartments

Applicants who can document their need for an accessible apartment may either select a project or borough in the same way as other applicants, or request an accessible apartment.

Those who select in the same way as other applicants retain their rights to have a reasonable accommodation made for their disability.

Those who request an accessible apartment shall be processed in accordance with the procedures for apartments of four bedrooms or less described in Section V© above, and shall be subject to the rental plan described in Section VII(B) (2) below.

VI. TENANT TRANSFERS WITHIN PUBLIC HOUSING

A. The Transfer Process

Housing Authority tenants shall be permitted to apply for a transfer from one apartment or project to another. To do so, they must submit a written request to the manager of the project at which they reside, on the form designated by the Housing Authority, showing the reason for the transfer request.¹³

¹³ This requirement does not apply in the cases specified below where a tenant refuses to request an appropriate transfer.

If the project manager denies the request, he or she shall notify the tenant in writing of the reason for denial. If the project manager approves the request, he or she shall assign a priority code to it and send it to ATAD's Field Liaison Division ("FLD").

If FLD denies the transfer request, the tenant shall receive notice in writing of the reason for the denial. If FLD approves the transfer request, and the tenant family meets all other transfer requirements, the transfer process shall be effected.

B. Transfer Priorities

Good causes for transfer, and their priority codes, are:

Code T0

- ◆ Tenants whose apartments have become uninhabitable by the family through no fault of their own.

With written notification to the Borough Director, the project manager shall offer such tenants the first appropriate vacancy within their current project. If a tenant in this category refuses to request an appropriate transfer, the Housing Authority shall have the right to offer an appropriate transfer to that tenant.

- ◆ Tenants who must move within six months due to project renovation, project use, or the requirements of a special-purpose program (such as MHOP).

Such tenants may choose any project, whether or not it is designated as anticipating vacancies on the Guide. After approval, these transfer requests shall be certified by FLD for assignment to the chosen project. If a tenant in this category refuses to request an appropriate transfer,

the Housing Authority shall have the right to offer an appropriate transfer to that tenant.

- ◆ Tenants who wish to return to a project from which they were displaced due to project renovation once the renovation is complete. To qualify for this transfer, tenants must request it before the renovation is complete. If at the time of their request such tenants ask to return to the same apartment from which they were displaced, their request will be honored if the apartment is the right size for the family.

The above category of transferees shall be certified by FLD for assignment to their original project.

- ◆ Residing in an apartment that is underoccupied or soon to be underoccupied as identified during the termination of tenancy process, where the termination case was resolved by a hearing or stipulation of settlement and approved by the NYCHA Board.
[Definition: An underoccupied apartment is one with one or more rooms in excess of what is needed for the family size, based on NYCHA's Occupancy standards.]

The project manager shall offer such tenants the first appropriate vacancy within their current project. If a tenant in this category refuses to request an appropriate transfer, the Housing Authority shall have the right to offer an appropriate transfer to that tenant.

- ◆ Families willing to cooperate with the New York City Police Department as witnesses on condition they are transferred to a different location.

The above category of transferees may choose only the borough to which they would like their request assigned. After approval, the transfer request shall be certified by FLD for assignment. They will not be placed near their current residence, and such transferees in Staten Island may not choose Staten Island. These transferees shall be assigned proportionately to all of the Housing Authority's projects [except any project with minimum income requirements, and the Section 8 new construction projects], based upon the total number of apartments in each project.

These five categories of transfers shall have priority over all other transfers and new applicants.

Code T1

Tenants who are:

- ◆ Going to be displaced, but not necessarily within the next six months, due to project renovation, project use, or the requirements of a special-purpose program (such as MHOP).
- ◆ Living in extremely underoccupied apartments pursuant to Housing Authority standards (e.g., one person living in a three-bedroom apartment).

The two categories of transferees described above may choose any project, whether or not it is designated as anticipating vacancies on the Guide. After approval, these transfer requests shall be certified by FLD for assignment to the chosen project. If a tenant in one of these two categories refuses to request an appropriate transfer, the Housing Authority shall have the right to offer an appropriate transfer to that tenant.

- ◆ No longer eligible to reside in their elderly building or project.

The above category of transferees must choose their current project or consolidation if it contains general population apartments. If not, these transferees may choose any project, whether or not it is designated as anticipating vacancies on the Guide, and after approval, these transfer requests shall be certified by FLD for assignment to the chosen project. If a tenant in this category refuses to request an appropriate transfer, the Housing Authority shall have the right to offer an appropriate transfer to that tenant.

- ◆ Eligible for and request an accessible apartment.
The above category of transferees must choose their current project if the project has one or more current vacancies for an accessible apartment

in the appropriate size.

If the current project contains one or more accessible apartments of the appropriate size, but has no current vacancies for such an apartment, such transferees may either choose their current project (intra-project transfers under the rental plan specified in Section VII(B)(2) below) or may choose to transfer to a different project (inter-project transfers under the rental plan specified in Section VII(B)(2) below). In the latter case, such transferees who need apartments of four bedrooms or less may choose any project designated on the Accessible Guide as requiring applicants in the apartment size required by the transferee, in any of the five boroughs of the city, and shall be certified to the chosen project; such transferees who need apartments of five bedrooms or more must select one of the five boroughs of the city, and shall be certified to FLD.

If the current project contains no accessible apartments of the appropriate size, such transferees who need apartments of four bedrooms or less may choose any project designated on the Accessible Guide as requiring applicants in the apartment size required by the transferee, in any of the five boroughs of the city, and shall be certified to the chosen project; such transferees who need apartments of five bedrooms or more must select one of the five boroughs of the city, and shall be certified to FLD. All such transferees shall be processed as intra-project transfers under the rental plan specified in Section VII(B)(2) below.

Code T2

Tenants who are:

- ◆ Living in underoccupied apartments pursuant to Housing Authority standards (e.g., one person living in a two-bedroom apartment).

The above category of transferees may choose any project, whether or not it is designated as anticipating vacancies on the Guide. After approval, these transfer requests shall be certified by FLD for assignment to the chosen project. If a tenant in this category refuses to request an appropriate transfer, the Housing Authority shall have the right to offer an appropriate transfer to that tenant.

- ◆ Victims of domestic violence or intimidated witnesses/victims.
- ◆ Suffering a rent hardship. (Applies only to projects with income restrictions, including the MHOP program and other projects which are not defined as conventional public housing projects.)
- ◆ Choosing to leave a special-purpose program.
- ◆ Victims of a traumatic incident in their project. (The transfer request must be submitted no later than one year after the traumatic incident.)

The four categories of transferees described above may choose only the borough to which they would like their request assigned. After approval, the transfer request shall be certified by FLD for assignment. (The first category above will not be placed near their current residence, and such transferees in Staten Island may not choose Staten Island. These transferees shall be assigned proportionately to all of the Housing Authority's projects [except any project with minimum income requirements, and the Section 8 new construction projects], based upon the total number of apartments in each project.) If a tenant in the second category refuses to request an appropriate transfer, the Housing Authority shall have the right to offer an appropriate transfer to that tenant.

- ◆ Related to a family member who dies in the apartment at which such tenant resides. (The transfer request must be submitted no later than one year after the death.)

The above category of transferees may choose to transfer within their current project. If these transferees wish to leave their current project, or their current project cannot accommodate their need for a transfer, they may choose only the borough to which they would like their transfer request assigned. After approval, such transfer requests shall be certified by FLD for assignment.

- ◆ Referred by the Administration for Children's

Services ("ACS") because they have a child or children in foster care, and ACS will not release the child(ren) until the tenants obtain an apartment large enough to accommodate the child(ren).

The above category of transferees must choose their current project, unless the project contains no apartments of the size required. In these cases transferees who need apartments of five bedrooms or more may choose only the borough in which they wish to live (these requests shall be certified by FLD); those who need apartments of four bedrooms or less may choose any project designated as anticipating vacancies on the Guide (these requests shall be certified to the selected project).

Code T3

Tenants who are:

- ◆ "Extremely Overcrowded" based on the approved occupancy of the apartment, defined as more than twice as many people as the number of living and bedrooms (for example, five or more people in an apartment with one living room and one bedroom).

- ◆ Involved in long-term friction between neighbors.

The two categories of transferees described above must choose their current project, unless the project contains no apartments of the size required, or an intra-project transfer will not resolve the friction. In these cases transferees who need apartments of five bedrooms or more may choose only the borough in which they wish to live (these requests shall be certified by FLD); those who need apartments of four bedrooms or less may choose any project designated as anticipating vacancies on the Guide (these requests shall be certified to the selected project).

- ◆ In need of medical care not available within 60 minutes travel time from the project.

Transferees who show that the medical care is available only at a specific facility not within 60 minutes travel time

shall not be permitted to choose a project. Rather, the Housing Authority shall assign them to a project near that facility, whether or not the project is designated as anticipating vacancies on the Guide. When the medical care is not limited to a specific facility, transferees who need apartments of five bedrooms or more may choose only the borough in which they wish to live (these requests shall be certified by FLD, which shall assign them to projects near the appropriate facilities); those who need apartments of four bedrooms or less may choose a project designated as anticipating vacancies on the Guide which is within a reasonable distance of a facility where the required care is available (these requests shall be certified to the selected project).

- ◆ Seriously ill and desire to continue critical care treatment with a doctor or hospital with which the tenants have a long-term relationship where travel to that doctor or hospital now imposes a hardship.

The above category of transferees shall not be permitted to choose a project. Rather, the Housing Authority shall assign them to a project near the doctor or hospital, whether or not the project is designated as anticipating vacancies on the Guide.

- ◆ In need of continuing home health care which no household member can provide and that is not available within 60 minutes travel time from the project.
- ◆ In need of continuing child care to enable a family member to work, which no household member can provide, and which is not available within 60 minutes travel time from the project.

Transferees who show that a relative will provide the health or child care shall not be permitted to choose a project. If the relative lives in a Housing Authority project, the Housing Authority shall assign the transferee to that project, whether or not it is designated as anticipating vacancies on the Guide. Otherwise, the Housing Authority shall assign the transferee to a project near that relative, whether or not the project is designated as anticipating vacancies on the Guide. Transferees who do not have relatives who will provide the required care and who need

apartments of five bedrooms or more may choose only the borough in which they wish to live (these requests shall be certified by FLD, which shall assign them to projects near appropriate providers or facilities); those who need apartments of four bedrooms or less may choose a project designated as anticipating vacancies on the Guide which is within a reasonable distance of appropriate providers or facilities (these requests shall be certified to the selected project).

- ◆ Willing to provide continuing home health care to a relative in a different project, which no member of the relative's household can provide and that is not available within 60 minutes travel time from the relative's project; or continuing child care to enable a relative in a different project to work, which no member of the relative's household can provide, and that is not available within 60 minutes travel time from the relative's project.

The above category of transferees shall be assigned to the relative's project, whether or not it is designated as anticipating vacancies on the Guide.

- ◆ In need of an extra bedroom to accommodate special medical equipment such as an oxygen tank or a hospital bed.

The above category of transferees must choose their current project unless the project contains no apartments of the size required, or cannot otherwise accommodate the need for transfer. In these cases, transferees who need apartments of five bedrooms or more may choose only the borough in which they wish to live (these requests shall be certified by FLD); those who need apartments of four bedrooms or less may choose any project designated as anticipating vacancies on the Guide (these requests shall be certified to the selected project).

Disabled tenants reserve their rights to have reasonable accommodations made for their disability.

- ◆ Disabled in a non-elevator building and wish to move to an elevator building.

- ◆ Disabled and wish to move to first or second floor apartment in either an elevator or a non-elevator building.

The two categories of transferees described above may either choose their current project (if appropriate units exist), or may choose the borough in which they wish to live (these requests shall be certified by FLD). Those who choose their current project will be offered only one suitable apartment. Those who choose a borough will be offered up to two suitable apartments. Disabled tenants reserve their rights to have reasonable accommodations made for their disability.

Code T4

Tenants who are:

- ◆ "Overcrowded" based on the approved occupancy of the apartment.

Transferees who are "Overcrowded" must choose their current project unless the project contains no apartments of the size required. In these cases transferees who need apartments of five bedrooms or more may choose only the borough in which they wish to live (these requests shall be certified by FLD); those who need apartments of four bedrooms or less may choose any project designated as anticipating vacancies on the Guide (these requests shall be certified to the selected project).

- ◆ Required to travel more than 90 minutes due to a change in work location.
- ◆ Eligible for residence in an elderly project and who wish to move from a general population project to an elderly project.
- ◆ Living in an elderly project and who wish to move to a general population project.

Transferees in the three categories described above and who need an apartment of four bedrooms or less must choose from among projects designated as anticipating vacancies on the Guide. Those transferees who need an apartment of five

bedrooms or more may choose only the borough in which they wish to live. Those requests shall be certified by FLD.

Transferees will make their project or borough choice when they submit their transfer requests. If a transferee who may choose a project from the Guide refuses all projects then designated as anticipating vacancies on the Guide, or fails to choose a project, the transfer request shall be deemed "Dead" and no new transfer request from that tenant shall be considered for one year unless a new request falls into Code T0, T1 or T2 and states a different need for a transfer than the prior request.

VII. RENTING VACANCIES AT EXISTING PROJECTS

A. Project "Waiting Lists"

The Housing Authority's computerized TSAP program shall maintain separate "Waiting Lists" for each apartment size in the project. For the purposes of this Plan, "Waiting List" shall be defined as all of the applications and transfer requests awaiting rental at each project. All projects which consist of more than one building or group of buildings shall maintain a single "Waiting List" for each apartment size, unless the project includes accessible apartments or some buildings, or portions of buildings, which are Section 8 projects, or are reserved for the elderly. Such projects shall maintain separate "Waiting Lists" for accessible apartments, Section 8, elderly and non-elderly applicants.

Upon certification of an application (including an approved transfer request), the Housing Authority shall enter data from

the application (including data as to the applicant's income, priority, date of certification, race/ethnicity and family size) onto the TSAP program for that apartment size and (unless the application has been designated for an actual vacancy) shall file the application alphabetically.

Once an applicant (including a transferee) with project choice has been certified to a project, the applicant may not request another transfer or change his or her project choice, unless the applicant has been on a project's "Waiting List" for more than two years without having been offered an apartment, or demonstrates "Changed Circumstances" requiring a change in location.

Applicants (including transferees) with project choice will receive only one offer of an apartment (except applicants for accessible apartments, who may refuse one offer). If they reject that offer, their application request shall be deemed "Dead," unless they demonstrate that a temporary emergency prevents a move at the time of the offer.

Applicants (including transferees) who may not select a project, and applicants for accessible apartments, may refuse one offer of an apartment. Upon the rejection, the applicant's place on the "Waiting List" shall be maintained and the applicant shall be offered the next appropriate vacancy that develops, subject to the rental plans described in Section VII(B) below. If the

second offer is rejected, the application shall be deemed "Dead" unless the applicant demonstrates that a temporary emergency prevents a move at the time of the second offer.

All project managers shall be required to review their "Waiting Lists" once a year by contacting all applicants, including transfers. The manager shall mail a letter by first class mail to each applicant to determine whether the applicant is still interested in public housing, whether there have been any changes in family composition affecting the required apartment size and whether there have been any changes in circumstances which might affect eligibility.

If the manager gets no response within three weeks after the mailing, the manager shall then attempt to contact the applicant by telephone. If after forty-five days of the mailing, there is still no response, or if the applicant is no longer interested in public housing, those applications shall be deemed "Dead."

If it appears that the applicant may no longer be eligible for public housing or housing at that project, or if the applicant has been on the project "Waiting List" for more than two years and wishes to choose another project,¹⁴ or where there are "Changed Circumstances" under this Plan that may require

¹⁴ Applicants and transferees certified to a project "Waiting List" for an accessible apartment need not wait two years before choosing another project. If there are no appropriate actual vacancies at their chosen project, they may change their project choice at any time.

reassignment to a new project, the project manager shall send the application to FLD which shall arrange a new eligibility interview and/or a new project choice, as required. When an applicant is reassigned to a new "Waiting List," the original date of certification shall control. When an applicant must make a new project choice, ATAD shall use the Guide currently in effect.

B. Selecting Transferees and New Applicants for Rentals

1. *Non-Accessible Apartments*

In each apartment size, for all vacancies not taken by T0 transferees, the TSAP computer program shall select families for apartment offers by rotating among the following five categories:

- (1) Extremely underoccupied or underoccupied transferees;
- (2) Extremely overcrowded or overcrowded transferees;
- (3) Transferees other than the two categories above;
- (4) Working Family Preference new applicants; and
- (5) Need Based Preference new applicants.

For example, if the last apartment offer went to a family in category (3), the next apartment offer will go to a family in category (4), unless there is no such family on the waiting list, in which case the offer will go to a family in category (5), and so forth. This rotation shall continue, subject to the condition

that the Housing Authority shall rent no more than the federally-permitted maximum percentage of the anticipated vacancies per year in any project to new applicants in Income Tiers III and II, except at the Forest Hills Coop, to which the federally-permitted maximum percentage does not apply.

When a vacancy occurs, the project manager shall use the TSAP computer program, which will identify the appropriate transferee or new applicant for that vacancy, using the criteria of apartment size, priority, and date of certification, in that order. If the appropriate transferee or new applicant has been certified to FLD, the project manager shall call FLD for the transfer request or application.¹⁵

2. Accessible Apartments

In accordance with 24 C.F.R. § 8.27, every vacancy in an accessible apartment shall be offered to an intra-project transferee eligible for an accessible apartment of that size, who shall be selected using only the criteria of transfer priority code and certification date, in that order. If there are no such intra-project transferees available for such a vacancy, it shall be offered to an inter-project transferee eligible for an

¹⁵ At the 21 City- and State-built projects, this rental process is part of a larger rental plan, detailed in the TSAP Appendix, p. 11 and 12. These 21 projects are: 344 East 28th Street, Amsterdam Addition, Baychester, Bayview, Boulevard, Bushwick, Castle Hill, Chelsea, Drew Hamilton, Independence, Linden, Manhattanville, Marble Hill, Marlboro, Murphy, Rutgers, St. Mary's Park, Samuel, Stapleton, Williams Plaza, and Wise.

accessible apartment of that size, who shall be selected using only the criteria of transfer priority code and certification date, in that order.

If there are no eligible transferees available for such a vacancy, it shall be offered to a new applicant eligible for an accessible apartment of that size, who shall be selected using only the criterion of certification date. Any such rentals shall be included in the total of annual rentals to new applicants, but shall not be counted against any annual limits on rentals to Tier III and Tier II new applicants.

In accordance with 24 C.F.R. § 8.27, if there are no eligible transferees or eligible new applicants available for such a vacancy, it shall be rented to a non-eligible family according to the rental plan for non-accessible apartments, described in Section VII(B)(1) above.

C. AROC Interviews and Rental Interviews

The Tenant Association at each project shall have the right to form an Applicant Review and Orientation Committee ("AROC") to interview and orient new applicants and transferees after their certification to the project and before they rent there. The Housing Authority shall train the members of the AROC to ensure that their interviews comply with the same laws and regulations applicable to the Housing Authority itself. Members of the AROC

shall also be required to sign agreements to keep confidential any personal information revealed to them for the purpose of these interviews.

Prior to rental, the project manager or designee shall conduct a rental interview of every new applicant and transferee, to update essential information and to ensure that the family is still eligible for public housing or for transfer.

If either the AROC interview or the rental interview reveals any reason to believe that the new applicant or transferee may not be eligible for public housing or for transfer, the project manager may return the application or transfer request for further review. The Housing Authority shall notify the applicant or transferee in writing that his or her application or transfer request has been returned for further review, at which time the circumstances causing that review will be discussed with the applicant or transferee and confirmed in writing promptly thereafter.

VIII. OUTREACH PROGRAMS

A. Project Outreach Plan

If a project manager has no applications (including transfer requests) for a given apartment of four bedrooms or less, or has an actual vacancy for such an apartment that all certified applicants (including transferees) for that apartment size have

refused, the manager shall ask the Borough Director or designee for permission to borrow applications from a nearby project. If the Borough Director or designee approves, the Borough Director or designee shall contact FLD. Additionally, if ATAD determines that borrowing is necessary to solve the project's need for applications, ATAD may direct that the project be included in the Project Outreach Plan.

If FLD determines that borrowing applications from a nearby project is likely to solve the project's need for applications, it shall select the nearest project that has a sufficient number of applications for that size apartment. However, if the borrowing project's tenant body is more than 30% white, FLD shall not select a project whose tenant body is also more than 30% white.

Following FLD approval, the Housing Authority shall mail a canvass letter to all the applicants (including transferees) certified to the lending project who qualify for the apartment size for which applications are needed. The letter shall advise them that they may elect to have their applications transferred to the borrowing project, and that if they respond promptly, they may be housed sooner than if their applications were to remain at the lending project. The letter shall explain that applicants may have their applications remain at the lending project without penalty.

The Housing Authority shall enter transferred applications onto the borrowing project's computerized "Waiting List" in the order that applicants respond to the canvass letter. The borrowing project shall offer them vacancies according to the rental plans described in Section VII above. In no case shall more than half the applications for a particular apartment size on the lending project's "Waiting List" be borrowed.

If FLD determines that no nearby project has a sufficient supply of applications, the Borough Director or designee shall request that the project be included in the Applications Outreach Plan.

B. Applications Outreach Plan

When a project has failed to attract sufficient applicants by means of Project Outreach, or cannot use Project Outreach because no nearby project has a sufficient number of applications on its "Waiting List," the Borough Director or designee shall request that the project be included in the Applications Outreach Plan. Additionally, if ATAD determines that borrowing is not likely to solve the project's need for applications or that the project has, or within the next six months is likely to have, several unfilled vacancies, ATAD may request that the project be included in the Applications Outreach Plan.

With the approval of the Director of ATAD, an applications

outreach plan shall be initiated, as follows: ATAD shall poll its computer system (excluding "Dead" applications) using the same criteria as in selecting applicants for eligibility interviews to locate applicants of the appropriate family size (and applicable income level in those projects with income restrictions), from among all applicants who, on their applications, selected the borough in which the outreach project is located. The number of applicants selected shall be based upon the number of applications needed by the outreach project(s) to fill existing vacancies and to develop a six-month "Waiting List."

Applicants identified in this manner shall be notified by mail that the Housing Authority has or anticipates near-term vacancies at the outreach project(s). The letter shall inform applicants that the Housing Authority will interview them for eligibility sooner than if they waited to be selected for an eligibility interview based upon the criteria described above, if they are willing to limit their project choice(s) only to the outreach project(s).

Applicants who return the canvass letter agreeing to waive any right to select any projects not included in the Applications Outreach Plan, as of the date of the eligibility interview, shall be scheduled for eligibility interviews in the order in which their responses are received. Upon being found eligible, such applicants shall be certified to the outreach project(s) and

shall be processed as are all other applications on the project "Waiting List."

Applicants interviewed for the Applications Outreach Plan who refuse certification to the outreach project(s) shall have their applications returned to files to await an interview based upon the criteria described above.

IX. TENANTING NEW PROJECTS

Projects under construction shall be included in the Project Outreach Plan approximately six months prior to their scheduled opening date. The Housing Authority shall ensure that the applicant pool of the proposed project outreach fairly reflects the racial composition of the applicant pool for the borough and the apartment size(s) in question. In addition, prior to opening, new projects may be designated on the Guide as anticipating vacancies and may be included in the Applications Outreach Plan set forth in Section VIII(B) above. After opening, projects shall be tenanted in accordance with the provisions of this Plan.

X. ECONOMIC INTEGRATION PLAN

In accordance with 42 U.S.C. § 1437n(a)(3)(B) (1999), the Housing Authority has designated as Working Family Priority Consolidations those projects where the average income is 85%

or less of the Authority-wide average for federal, non-elderly projects or buildings ("non-elderly average"). These projects will participate in the Housing Authority's Economic Integration Plan, which includes the following elements:

- ◆ Applications Outreach to Tier III and Tier II applicants with incomes exceeding the "non-elderly average," informing them that they may be selected sooner for an eligibility interview if they are willing to accept one of the Working Family Priority Consolidations.
- ◆ Immediate scheduling of new Tier III and Tier II applicants with incomes exceeding the "non-elderly average," if they are willing to accept one of the Working Family Priority Consolidations.
- ◆ At the time of project choice, offering Working Family Priority Consolidations to Tier III and Tier II applicants with incomes exceeding the "non-elderly average," even if the Consolidations are not anticipating vacancies.

XI. RECORD KEEPING

The Housing Authority's computerized TSAP program shall maintain computerized "Waiting List" logs listing all applicants certified for rental. In projects with accessible apartments or where apartments are designated for the elderly or as a Section 8 project, the computer shall maintain a separate log for those apartments. The logs shall contain the following information for each applicant: name, application number, certification date, "Income Tier," priority, family composition/apartment size,

status (Working Family Preference new applicant, Need Based Preference new applicant, transferee, or outreach applicant), race/ethnicity, and need for a handicapped-accessible apartment.

The logs shall also list the disposition of the application including, as appropriate, date of apartment offer(s), result(s) of offer(s)--apartment number offered, move-in or refusal date(s), refusal reason(s), return to files, and reason for the disposition.

Data on apartment rentals shall be added to the Housing Authority's computer system.

XII. MONITORING PLAN PERFORMANCE

Not less than once a year, representatives of the Audit Department shall review both the turnover logs and the computerized "Waiting List" logs to make certain that the tenant selection and assignment procedures set forth in this Plan are being followed and are working efficiently. Based upon the review, Audit shall prepare a report, which analyzes the overall efficiency of the Plan. Any irregularities in following the procedures set forth in the TSAP shall be noted in this report and shall be brought to the attention of the Management, Operations Services, Applications and Law Departments.

TSAP APPENDIX

A. PROJECT-SPECIFIC REQUIREMENTS

Admission into NYCHA's public housing, tax credit, and Section 8 project-based developments shall be in accordance with HUD regulations.

Assignment to General Population Developments: The applicant and co-applicant must be at least 18 years old.

Assignment to Senior Citizen Developments or Buildings: All family members must be at least 62 years old.

Assignment to Accessible Apartments: Accessible apartments are specially equipped for persons who are mobility impaired. The applicant or family member must permanently use a wheelchair, walker, crutches, or cane, or must otherwise need the special features provided in order to qualify for an accessible apartment.

B. CITIZENSHIP REQUIREMENTS

By law, only U.S. citizens and eligible non-citizens may benefit from federal rental assistance. Compliance with these rules ensures that only eligible families receive subsidy. These requirements apply to applicants and tenants.

1. Assistance in subsidized housing is restricted to the following:
 - a. U.S. citizens or nationals; and
 - b. Non-citizens who have eligible immigration status.
2. All applicants for assistance are required to submit evidence of citizenship or eligible immigration status at the time of application. Where applicable, interpreter services and translations are provided to applicants who are not proficient in English.
3. All family members, regardless of age, must declare their citizenship or immigration status.
4. Non-citizens (except those aged 62 and older) must sign a Verification Consent Form and submit documentation of their

status or sign a declaration that they do not claim to have eligible status. Non-citizens aged 62 and older must sign a declaration of eligible immigration status and provide a proof of age document. U.S. citizens must sign a declaration of citizenship.

5. A mixed family - a family with one or more ineligible family members and one or more eligible family members - may receive prorated assistance, continued assistance, or a temporary deferral of termination of assistance.
6. Applicants who hold a non-citizen student visa are ineligible for assistance, as are any non-citizen family members living with the student. For non-citizen students with a citizen spouse or citizen children, the citizen spouse and/or children may receive assistance. The family is a mixed family and may receive prorated assistance.

C. SOCIAL SECURITY NUMBER REQUIREMENTS

Applicants must disclose Social Security numbers (SSNs) for all family members on **Part A** of the *Social Security Number Disclosure Form, Part A, NYCHA 070.131*. If any family member has not been assigned a SSN, the applicant must list each such family member on **Part C** of the *Social Security Number Disclosure Form*, certifying that no SSN has been assigned.

Applicants may verify SSNs with the following:

1. Valid SSN card issued by the Social Security Administration;
2. Receipt of benefit award letter from the Social Security Administration;
3. Pay stub from a federal, state or local government agency;
or
4. Employee identification card from a federal, state or local government agency.

D. ADMISSION INCOME LIMITS

Tax Credit Developments: Family income must not exceed 60% of area median income.

Section 8 Project-Based Developments: Family income must not exceed 50% of area median income.

Forest Hills Coop: There is an adjusted minimum income limit (after allowable deductions) based on the number of bedrooms.

Families are required to pay equity based on the number of bedrooms.

All Other Developments: Family income must not exceed 80% of area median income.

E. INCOME TARGETING

NYCHA will rent no more than the federally-permitted maximum percentage (currently 60%) of the anticipated vacancies per year in any project to new applicants whose family income exceeds 30% of area median income.

For NYCHA's Economic Integration Plan, see the TSAP, pp. 38-39.

F. OCCUPANCY STANDARDS

NYCHA's current occupancy standards are summarized below. They are subject to change at NYCHA's discretion.

Number of Persons	Senior Development	General Population Development	Accessible Apartments
1P (Elderly)	0 or 1 Bedroom	0 Bedroom*	0 or 1 Bedroom
1P (Non-elderly)	N/A	0 Bedroom*	0 or 1 Bedroom
2P (Couples)	1 Bedroom	1 Bedroom	1 Bedroom
2P (Other) 2Y (Not a couple and of opposite sex)	2 Bedrooms	1 Bedroom if younger person is under 6; 2 Bedrooms otherwise	1 Bedroom if younger person is under 6; 2 Bedrooms otherwise
3P	2 Bedrooms	2 Bedrooms	2 Bedrooms
4P	N/A	2 Bedrooms	2 Bedrooms
4X** and 5P	N/A	3 Bedrooms	3 Bedrooms
6P, 7P and 8P	N/A	4 Bedrooms	4 Bedrooms
9P and 10P	N/A	5 Bedrooms	5 Bedrooms
11P and 12P	N/A	6 Bedrooms	6 Bedrooms

* At Staten Island general population developments, 1P families may choose either a studio or a one-bedroom apartment.

** Examples of 4X families: husband, wife, son, daughter; mother, two daughters, son; father, two sons, daughter; mother, three sons; father, three daughters; grandmother, three grandsons.

G. APPLICATION ACCEPTANCE AND REJECTION PROCEDURES

For NYCHA's application acceptance procedures, see the TSAP, pp. 1-18.

NYCHA's eligibility criteria are derived from federal, state and city legislation, and from regulations issued by HUD. Eligibility is based on:

1. Citizenship and immigration status. See Item B. above.
2. Residence. All applicants must provide proof of current residence. Applicants who misrepresent or provide conflicting accounts of residence are ineligible for two years from the date they are declared ineligible. Applicants who maintain a residence in addition to the intended NYCHA apartment are ineligible until they no longer maintain an additional residence.
3. Minimum Age. The applicant and co-applicant must be 18 years of age or older. Applicants who are under 18 years of age are ineligible until such time as they reach 18 years of age.
4. Family Composition. Family composition is a key factor in determining the apartment size, income limit, and rent. A family may be a single person; two or more persons related by blood, marriage, registered domestic partnership, adoption or guardianship; two or more unrelated persons regardless of sex living together as a cohesive household group in a shared relationship. A family may also include foster children who are authorized by a recognized foster care agency to reside with the applicant, as well as the applicant's children in foster care if at the time of the interview the foster care agency certifies that the only requirement for the release of the children is adequate housing. Applicants whose family composition cannot be verified are ineligible for two years from the date they are declared ineligible.
5. Rent Payment Record. The applicant must have an acceptable record of meeting rent payment obligations, consisting of prompt payments over a period of six months to one year, verified by rent receipts. Families with an unacceptable rent payment record are ineligible for three years from the date they are declared ineligible, except for families on full public assistance who agree to direct vendor payments.

As soon as a family provides evidence of an acceptable rent payment record for one full year, they may become eligible.

6. Income and Assets. Total gross income, including income from assets, may not exceed the admission income limits established by HUD. See Item D. above. All adult family members must verify their income and assets. Where total family income exceeds the admission income limit for public housing, the family shall be ineligible until the family income falls within the admission income limit. Where the total family income is unrealistic, or all or part of the family income is non-verifiable, the family shall be ineligible for two years from the date they are declared ineligible.
 - a. Assets are defined as the market value of, or equity in, real property, savings, bonds, stocks and other forms of capital investments. It does not include the value of personal property, such as furniture and automobiles.
 - b. Annual income includes but is not limited to wages and salaries; net income from operation of a business or profession; interest, dividends, and other net income from real or personal property; the full amount of periodic payments received from Social Security, public assistance, annuities, insurance policies, retirement funds, pensions, disability or death benefits and other similar types of periodic payments; payment in lieu of earnings such as unemployment and disability compensation, worker's compensation and severance pay; periodic and determinable payments such as alimony, child support and regular contributions or gifts received from persons not residing in the household; all regular pay, special pay and allowance of a member of the Armed Forces.
 - c. Annual income does not include income that federal law prohibits from being counted as annual income.
7. Standards for Admission. NYCHA has adopted Standards for Admission to exclude persons who, based on their past behavior, might adversely affect the health, safety or welfare of other tenants, NYCHA staff or a NYCHA development. Families with family members in the following categories will be found ineligible for the stated period of time:

- a. Persons with conviction records.
 - i. Persons subject to a lifetime registration requirement under a state sex offender registration program. The family shall be ineligible until the offending person is no longer subject to the lifetime registration requirement.
 - ii. Persons convicted of Class A, B or C felonies. The family shall be ineligible until six years after the offending person has completed the sentence, including probation and parole, with no further convictions or pending charges.
 - iii. Persons convicted of Class D or E felonies. The family shall be ineligible until five years after the offending person has completed the sentence, including probation and parole, with no further convictions or pending charges.
 - iv. Persons convicted of Class A misdemeanors. The family shall be ineligible until four years after the offending person has completed the sentence, including probation and parole, with no further convictions or pending charges.
 - v. Persons convicted of Class B or unclassified misdemeanors. The family shall be ineligible until three years after the offending person has completed the sentence, including probation and parole, with no further convictions or pending charges.
- b. Persons who have been involved in a fire-related incident. The family shall be ineligible until they have completed four years without causing another fire. Fire-related incidents include: arson; smoking in bed; abandoned or discarded material; children six years or older playing with a heat source; improper storage of garbage; placing combustible material near a heat source; leaving a heat source unattended; using a flammable liquid to start a fire.
- c. Persons who within the last three years have behaved violently, or destroyed property. This category includes persons who within the last three years have engaged in or threatened abusive or violent behavior toward NYCHA staff. The family shall be ineligible for three years from the date they are declared ineligible.

- d. Persons who have disturbed neighbors within the last three years. The family shall be ineligible for two years from the date they are declared ineligible.
- e. Persons with grossly unsanitary or hazardous housekeeping habits, based on information obtained from a neighbor or a landlord contact. The family shall be ineligible for two years from the date they are declared ineligible, unless a qualified agency is working with the family to improve its housekeeping and the agency reports that the family has potential for improvement.
- f. Persons who have illegally used a controlled substance, including marijuana, within the last three years. The family shall be ineligible for a period of three years after the ineligibility finding, or until the family provides written verification from a state-licensed drug treatment agency that the offending person has been drug-free for 12 consecutive months and a current clean toxicology report.
- g. Persons permanently excluded from a NYCHA apartment. The family shall be ineligible until the offending person has completed five years without violating the stipulation or hearing decision of permanent exclusion.
- h. Persons terminated from NYCHA employment following a general trial for behavior that would constitute a felony, misdemeanor or violation, or for intoxication on the job. The family shall be ineligible for three years from the date of the termination.
- i. Persons who have committed fraud, bribery, or any other corrupt or criminal act in connection with a governmental housing program. If the offending person has **not** been criminally convicted, the family shall be ineligible for three years from the date they are declared ineligible. If there is a criminal conviction, the family shall be ineligible until three years after the offending person has completed the sentence, including probation and parole, with no further convictions or pending charges.
- j. Persons who have misrepresented information affecting eligibility, preferences for admission, citizenship, immigration status, family composition, income or allowances. If the offending person has **not** been

criminally convicted, the family shall be ineligible for three years from the date they are declared ineligible. If there is a criminal conviction, the family shall be ineligible until three years after the offending person has completed the sentence, including probation and parole, with no further convictions or pending charges.

- k. Persons who have been evicted from a governmental housing program, or whose tenancy in a governmental housing program has been terminated, or whose participation in the Section 8 Housing Assistance Program has been terminated as a result of failure to meet tenancy obligations. The family shall be ineligible until they provide evidence of the reasonable probability of favorable future conduct.
- l. Persons who have been or are about to be evicted from a NYCHA apartment pursuant to a licensee action. The family shall be ineligible for five years from the date of the move-out or eviction.

All applicants found ineligible will be notified in writing, indicating the reason(s) for the ineligibility and advising them that they may visit NYCHA's Customer Contact Center to discuss it. The notification will also inform the applicants that they have 90 days from the date of the ineligibility letter in which to request an informal hearing before an impartial hearing officer to review the finding of ineligibility.

NYCHA will retain the records of ineligible applicants for three years, including the application, NYCHA's ineligibility letter, the applicant's response (if any), and NYCHA's final determination.

Applications of applicants not found ineligible may nevertheless be deemed dead for the reasons stated in the TSAP, pp. 13-14.

H. NON-DISCRIMINATION POLICY

It is the policy of NYCHA to provide equal housing opportunities for all qualified applicants and residents. In the selection of families and in the provision of services, there shall be no discrimination against any person on the grounds of race, color, religion, national origin, sex, sexual orientation, age, familial status, marital status, partnership status, military status, disability, lawful occupation, alienage or citizenship status, or on the grounds that a person is a victim of domestic violence,

dating violence, or stalking. This policy also prohibits retaliation.

In New York City, it is against the law to discriminate against people with disabilities. The law treats AIDS as it does any other disability. This means you are protected by law:

- if you have AIDS,
- if you are HIV-infected,
- if you have HIV-related disease, or
- if other people think any of the above is true about you.

I. SECTION 504 OF THE REHABILITATION ACT

Section 504 of the Rehabilitation Act of 1973 prohibits discrimination on the basis of disability and requires recipients of federal financial assistance to provide reasonable accommodations to applicants and residents with disabilities.

NYCHA does not discriminate on the basis of disability status in employment, or in admission to, or access to, or treatment within, its programs or activities.

NYCHA will make and pay for reasonable modification to units and/or common areas that are needed by applicants and residents with disabilities, so long as these modifications do not change the fundamental nature of the project or result in undue financial and administrative burdens.

NYCHA's applications and rental policies for accessible apartments are set forth in the TSAP on pp. 8, 9, 18, 21, 22, 28, 29, and 32-33.

J. OPENING AND CLOSING THE WAITING LIST

NYCHA does not close the waiting lists for its public housing, tax credit, and Section 8 project-based developments. NYCHA regulates the flow of applications to its developments through the procedures set forth in the TSAP on pp. 6-9.

K. FILLING VACANT UNITS

When a vacancy occurs, the apartment will be inspected and

restored to full habitability. Pursuant to the policy set forth in the TSAP on pp. 31-33, the TSAP computer system will select the family to be offered the vacant unit. If the selected family is a new applicant, the management of the development will interview the applicant and explain NYCHA's tenancy policies and procedures, including but not limited to the provisions of the lease. The applicant will be shown the vacant unit prior to moving in. A move-in date will be scheduled. A lease will be executed and the applicant will remit the first month's rent and security deposit. The security deposit will be equal to but not greater than one month's rent or the Total Tenant Payment.

The 21 City- and State-built developments have a different rental plan, as follows:

Category of Applicant	Public Housing Apartments ¹	Section 8 Apartments ²
<p>Section 8 voucher holders residing in NYCHA-owned apartments.</p> <p>Within this category, the family with the highest transfer priority and oldest certification date is selected first.</p>	<p>First Preference.</p> <p>Every first-preference family must be offered an apartment before any second-preference family is offered an apartment. If there are no first-preference families on the waiting list, vacant apartments shall be offered to second-preference families.</p>	<p>First Preference.</p> <p>Every first-preference family must be offered an apartment before any second-preference family is offered an apartment. If there are no first-preference families on the waiting list, vacant apartments shall be offered to second-preference families.</p>
<p>Public housing residents and applicants.</p> <p>Within this category, families are selected in accordance with the rental policy set forth in the TSAP, pp. 31-33.</p>	<p>Second Preference.</p> <p>If there are no second-preference families on the waiting list, vacant apartments shall be offered to third-preference families, unless a first-preference comes onto the waiting list.</p>	<p>No Preference.</p> <p>Public housing applicants and residents may not rent a Section 8 apartment.</p>
<p>Section 8 voucher holders (both Section 8 participants and</p>	<p>Third Preference.</p> <p>If there are no</p>	<p>Second Preference.</p> <p>If there are no</p>

<p>applicant voucher holders) residing in private market apartments.</p> <p>Within this category, the family with the oldest City/State registration date is selected first.</p>	<p>first-preference or second-preference families on the waiting list, vacant apartments shall be offered to third-preference families.</p>	<p>first-preference families on the waiting list, vacant apartments shall be offered to second-preference families.</p>
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¹ Public housing apartments may be rented to public housing applicants, public housing residents, or Section 8 voucher holders.

² Section 8 apartments must be rented to Section 8 voucher holders. At move-out, any tenant-based voucher apartment will be converted to a project-based voucher apartment.

L. TENANCY

Each family will be given a lease. The terms of the lease will be in conformance with HUD regulations. The unit will be inspected by management upon move-in, move-out, and annually. Family incomes will be certified upon move-in, and re-certified each year thereafter. After move-in, if a unit becomes overcrowded or underoccupied due to changes in family composition, the family can request a transfer.

M. TERMINATION OF TENANCY

The grounds for termination of tenancy are as follows:

NON-DESIRABILITY, defined as the conduct or behavior of the tenant or any person occupying the premises of the tenant which constitutes:

a danger to the health and safety of the tenant's neighbors, conduct on or in the vicinity of the NYCHA premises which is in the nature of a sex or morals offense, a source of danger or a cause of damage to the employees, premises or property of NYCHA, a source of danger to the peaceful occupation of other tenants, or a common-law nuisance.

BREACH OF RULES AND REGULATIONS, defined as the violation by the tenant or any person occupying the premises of the tenant of any applicable rule, regulation or resolution of NYCHA. The tenant will be given an opportunity to cure the breach.

CHRONIC BREACH OF RULES AND REGULATIONS, defined as the repeated violation by the tenant or any person occupying the premises of the tenant of NYCHA rules and regulations, or a single repetition of a violation of a NYCHA rule or regulation which the tenant previously had reported to have been cured by compliance. The tenant will not be given an opportunity to cure the breach.

CHRONIC DELINQUENCY IN THE PAYMENT OF RENT, defined as the repeated failure to pay rent when due.

NON-VERIFIABLE INCOME, defined as the failure, neglect or refusal of a tenant to furnish NYCHA with verification satisfactory to NYCHA of the income of the tenant, or to keep records of income and disbursements or submit the same to an audit in accordance with the requirements and directives of NYCHA.

ASSIGNMENT OR TRANSFER OF POSSESSION, defined as the possession and use of a project apartment by a person or persons other than the tenant of record, without NYCHA's permission or consent after the tenant of record has moved from or no longer resides in the apartment.

MISREPRESENTATION, defined as the willful misstatement to or concealment from NYCHA by the tenant of any material fact bearing upon or relating to any determinant of the tenant's eligibility for admission or continued occupancy or bearing upon or relating to the rent to be paid by the tenant.

The procedures governing the termination of tenancy process are set forth in a separate document which NYCHA will give to any tenant along with NYCHA's notice to the tenant that NYCHA is commencing termination of tenancy proceedings.

N. TRANSFER POLICY

NYCHA's transfer policy is set forth in the TSAP, pp. 18-28. The following procedures also apply:

1. Households transferring to a new unit will be required to execute a new lease.
2. The security deposit from the old unit will be transferred to the new unit.
3. In most cases, the costs associated with the transfer will be borne by the tenant.

4. The entire household must transfer to the new unit. The household will not be split apart to occupy two units.
5. A family on the transfer list for one size apartment that subsequently moves to the list for a different size apartment will retain its original certification date on the transfer list.
6. In most cases, households not in good standing (e.g., with significant rent arrears or subject to termination proceedings) will not be approved for a transfer.

O. STUDENT ELIGIBILITY REQUIREMENTS

The following student eligibility requirements apply to applicants for NYCHA's Section 8 project-based developments.

A student's eligibility for Section 8 assistance must be determined at move-in, annual recertification, and at the time of an interim recertification if one of the family composition changes reported is that a household member is enrolled as a student.

Section 8 assistance shall not be provided to any individual who:

1. Is enrolled as either a part-time or full-time student at an institution of higher education for the purpose of obtaining a degree, certificate, or other program leading to a recognized educational credential;
2. Is under the age of 24;
3. Is not married;
4. Is not a veteran of the United States Military;
5. Does not have a dependent child;
6. Is not a person with disabilities, as such term is defined in 3(b)(3)(E) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(3)(E)) and was not receiving Section 8 assistance as of November 30, 2006;
7. Is not living with his or her parents who are receiving Section 8 assistance; and
8. Is not individually eligible to receive Section 8 assistance **and** has parents (the parents individually or jointly) who are not income eligible to receive Section 8 assistance.

For a student to be eligible independent of his or her parents (where the income of the parents is not relevant), the student must demonstrate the absence of, or his or her independence from, parents. To establish that a student applicant is independent of his/her parents and eligible for Section 8 assistance, the student must:

1. Be of legal contract age under state law;
2. Have established a household separate from parents or legal guardians for at least one year prior to application for occupancy, **or** meet the U.S. Department of Education's definition of an independent student;
3. Not be claimed as a dependent by parents or legal guardians pursuant to IRS regulations; and
4. Obtain a certification of the amount of financial assistance that will be provided by parents, signed by the individual providing the support. This certification is required even if no assistance will be provided.

Any financial assistance a student receives (1) under the Higher Education Act of 1965, (2) from private sources, or (3) from an institution of higher education that is in excess of amounts received for tuition is included in annual income, except if the student is over the age of 23 with dependent children or if the student is living with his or her parents who are receiving Section 8 assistance.

If an ineligible student is a member of an applicant household or an existing household receiving Section 8 assistance, the assistance for the household will not be prorated but will be terminated. Neither the ineligible student nor the existing household will be evicted as long as the ineligible student and existing household are in compliance with the terms of the lease.

P. VIOLENCE AGAINST WOMEN ACT

The Violence Against Women Act ("VAWA") protects applicants and residents who have been victimized by domestic violence, dating violence or stalking. It affords the following legal protections:

Applicants cannot be denied rental assistance solely because they were victims of domestic violence, dating violence or stalking, or because they were previously evicted from another apartment for being victims of domestic violence, dating violence or stalking.

Residents cannot be evicted solely because they were victims of domestic violence, dating violence or stalking.

If a resident commits domestic violence, dating violence or stalking against a co-resident, NYCHA may seek to evict the perpetrator but not the victim.