

# **New York City Housing Authority**

## **Tenant Selection and Assignment Plan**

February 12, 2020

### **I. INTRODUCTION**

The Tenant Selection and Assignment Plan (“TSAP”) explains how the New York City Housing Authority (“Housing Authority”) processes public housing applications and tenant transfer requests. TSAP is designed to ensure the Housing Authority processes applications and transfer requests in a fair and objective manner in accordance with applicable federal law and regulations, including but not limited to nondiscrimination and equal opportunity requirements.

The Housing Authority’s Fair Housing Non-Discrimination policy and brochure and information about the public housing program are available online at [www1.nyc.gov/nycha](http://www1.nyc.gov/nycha).

The Housing Authority’s Applications and Tenancy Administration Department (“ATAD”) is responsible for implementing TSAP and will set forth procedures in the Housing Applications Manual.

### **II. THE APPLICATION**

To be considered for public housing, each applicant must complete the Housing Authority’s application. Applicants must select a first borough choice and may also select a second borough in which they wish to live. Applicants who fail to choose a borough shall be deemed to have chosen their current borough of residence.

The primary method for submitting an application is online. Applications may also be submitted at computer terminals located at the Housing Authority’s

Customer Contact Centers. As a reasonable accommodation for persons with disabilities, a paper application may be requested from the Customer Contact Centers. The completed application may be mailed to the Housing Authority. Each application shall be imaged and stored in the Housing Authority's computer system and the date and time electronically recorded. A unique case number will be assigned to each application.

Applications will be assigned priority codes based on information applicants provide on the application. Applicants seeking an emergency priority require documentation to demonstrate they qualify for the priority.

Applicants may apply for both the public housing and Section 8 housing assistance programs.

From time to time, the Housing Authority may close the public housing waiting list in whole or in part. The Housing Authority will announce the closing of the waiting list with a press release, on its website and by other means.

Information about admissions income and applying for public housing is available online at [www1.nyc.gov/nycha](http://www1.nyc.gov/nycha).

### **III. PRIORITIES FOR APPLICANTS**

#### ***A. Preferences***

The Housing Authority has adopted two preferences:

1. Single member households (i.e. one-person households): An elderly person or person with disabilities will be selected for eligibility interviews over other single member households who are not elderly or disabled, except emergency applicants (i.e. priorities W0, N0 or N1), who will be taken in order of priority regardless of age or disability.

2. New York City residents: Applicants who live, work or will work within the five boroughs of New York City will be selected for eligibility interviews before applicants who do not live, work or will work in New York City.

### ***B. Method of Assigning Priorities***

In accordance with federal regulations, the Housing Authority has adopted a Working Family priority and a Need Based priority (discussed below) by which it ranks each applicant based upon information in the application. If an applicant qualifies for both types of priority, 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.

Once an applicant's information is entered into the computer system, the Housing Authority shall notify the applicant within two weeks of the priority or priorities assigned to the application. The notification also details the procedures by which the applicant may obtain review of the priority. At any stage prior to rental, the Housing Authority may change the priority code if it receives information demonstrating that an applicant's priority qualifications have changed. If the priority code is changed, the applicant will be notified, with one exception: If the Housing Authority's Working Family priorities are shifted due to across-the-board increase or decrease of area median income, the applicant will not be notified.

The area median income varies by family size and is revised periodically to reflect economic data and income levels for admission to public housing as established by federal guidelines. When the U.S. Department of Housing and Urban Development ("HUD") makes changes to area median income, the Housing Authority will publish the changes on its website. The relationship between area median income and the Housing Authority's Working Family priorities is explained below.

### **C. *The Priority Codes***

“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 income mixing and of avoiding concentrations of extremely low-income families in any one or all of the Housing Authority developments.

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 and may be assigned the W3 priority if the family qualifies as a working family. Applicants in Tier II have family incomes ranging from 31% to 50% of area median income and are assigned the W2 priority. Applicants in Tier III have family incomes ranging from 51% to 80% of area median income and are assigned the W1 priority.

Applicants with family incomes above 60% of the area median income are not eligible for any public housing unit in developments receiving the benefit of low-income housing tax credits under Section 42 of the Internal Revenue Code of 1986, as amended (“tax credit developments”).<sup>1</sup>

The priority codes adopted by the Housing Authority are:

#### **1. WORKING FAMILY PRIORITIES**

Working Family priorities apply only to applicants who live, work, or will be working in New York City. Due to a federal injunction, applicants selected for interview based on this priority cannot be certified to the following developments: Cassidy-Lafayette, Haber, New Lane, South Beach, and Taylor- Wythe. The Working Family priorities will not have the purpose or effect of delaying or

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<sup>1</sup>At present the tax credit developments are: Amsterdam Addition, Bayview, Bushwick, Castle Hill, Chelsea, Drew Hamilton, Manhattanville, Marble Hill, Marlboro, Rutgers, St. Mary’s Park, Samuel, Stapleton, and 1070 Washington Ave.

denying admission to public housing based on the race, color, ethnic origin, gender, religion, disability, or age of any member of an applicant family, or because a member of the applicant family is a victim of domestic violence, dating violence, sexual assault, or stalking (VAWA victim) .

**a. Code W0**

Applicants with children referred by the New York City Department of Homeless Services (“DHS”) pursuant to an agreement with the Housing Authority and who qualify for any of the three (3) working family definitions described below.

**b. Code W1**

Applicants in Income Tier III, defined as families with income ranging from 51% to 80% of area median income as established by HUD.

**c. Code W2**

Applicants in Income Tier II, defined as families with income ranging from 31% to 50% of area median income as established by HUD.

**d. Code W3**

Applicants in Income Tier I, defined as families with income at or below 30% of area median income as established by HUD and who also qualify as a “working family”

A “working family” in Income Tier I shall mean:

**1. Single Member Household**

The sole member is currently employed or self-employed, and works at least 20 hours per week, or is receiving unemployment benefits or disabilities benefits or is 62 years of age or older.

**2. Two Person or More Household**

- The head of household or co-head or family member is currently employed or self-employed, and works at least 20 hours per week or is receiving unemployment benefits;
- The head of household and co-head are both receiving disability payments such as supplemental security income or workers compensation;
- The head of household and co-head are both 62 years of age or older;
- The head of household and co-head have a combination of age or disability (i.e. one is 62 years of age or older and the other receives disability benefits)

**e. Code W9**

Applicants who are current leaseholders of either a New York City Housing public housing or Section 8-assisted apartment and would otherwise qualify as a working family.

## **2. NEED BASED PRIORITIES**

**a. Code N0**

- Applicants with children who are referred to the Housing Authority by DHS pursuant to an agreement with the Housing Authority, and applicants who are referred by the HIV/AIDS Services Administration (“HASA”), the New York City Department of Housing Preservation and Development (“HPD”), or the Administration for Children’s Services (“ACS”) pursuant to an agreement with the Housing Authority.
- Applicants who are about to be discharged from the Henry J. Carter Specialty Hospital and Nursing Facility and who will become homeless or will be at risk of becoming homeless upon discharge, and who are referred by the New York City Health and Hospitals Corporation (“HHC”).

**b. Code N1**

1. Victim of Domestic Violence:

i. Definition of Victim of Domestic Violence

Under the Violence Against Women Act (VAWA) 34 U.S.C. § 12291 *et seq.*, domestic violence includes felony or misdemeanor crimes of violence committed by:

- A family member
- A current or former spouse of the victim
- An intimate partner of the victim
- A person similarly situated to a spouse of the victim under New York's domestic or family violence laws
- Any other person who committed felony or misdemeanor crimes of violence against an adult or youth victim who is protected from that person's acts under New York's domestic or family violence laws
- The applicant or a family member must demonstrate that he/she is a victim of domestic violence, as defined above, and that the applicant or family member reasonably believes he or she is threatened with imminent harm from further violence if he or she remains in his or her current home.

2. Intimidated Witness: Applicants with a family member cooperating in a criminal investigation or prosecution, where a member of the household has been threatened by a defendant in that investigation or 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 in writing that:

- The threat was made and was in retaliation for past or present cooperation with a prosecutorial or police agency;
- The threat poses a serious risk to a member of the household;
- It is likely that the defendant or the defendant's associate know the

family's current home address.

**c. Code N4**

Applicants who are involuntarily displaced, paying more than 50% of family gross income for rent, living in substandard housing, or the victim of a hate or bias crime.

1. Involuntary displacement

- Reside in a shelter or place not meant for human habitation;
- Reside in transitional housing;
- In exiting health care facility and cannot return to prior housing;
- Have been displaced or about to be displaced due to government or housing owner action.

2. Substandard housing

- Any unit that does not meet local building codes, is falling apart or is a safety hazard. Examples of substandard housing include a unit with an inadequate or unsafe electrical system, an unusable or unreliable heating system, broken or missing windows, or housing that creates unhealthy conditions such as pest infestation or mold;
- Doubled-up or overcrowded in an apartment not subsidized by the Housing Authority; or doubled-up and overcrowded in an apartment subsidized by the Housing Authority. Doubled-up is defined as residing with friends or family members. Overcrowded is defined as more than twice as many people as the number of bedrooms (e.g. 3 people in one bedroom, 5 people in two bedrooms);
- Resides in apartment that is inaccessible or inadequate for persons with disabilities.

3. Victim of a hate or bias crime.

**d. Code N8**

- Applicants who do not qualify for a Need Based priority and are not now renting either a public housing or Section 8 apartment;
- Applicants who do not live, work or will work in New York City.

**e. Code N9**

Applicants who are leaseholders of either a New York City Housing public housing or Section 8 apartment.

#### **IV. ANTICIPATED VACANCIES**

***A. The Guide to Anticipated Vacancies***

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 the developments organized by borough and divided into elderly, tax credit and general population developments. Each guide will list the five apartment sizes in which applicants may select the development in which they wish to live: studio, one-bedroom, two-bedrooms, three-bedrooms, and four-bedrooms. Developments may be designated as anticipating vacancies in some, but not all, apartment sizes. Applicants that qualify for Guide choice will receive a list of available developments based on their interviewed priority and preference, room size qualified for and first and second borough preference.

For each development not currently appearing on the Working Family Guide as anticipating vacancies, ATAD will designate the development as anticipating vacancies in a given apartment size when it does not have enough Working Family applications to fill the Working Family vacancies

anticipated during the next six months.<sup>2</sup> Developments 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 six months.<sup>2</sup> ATAD shall follow the same process with the Need Based Guide.

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

For six months: half of the total of the preceding twelve month's turnover in the relevant apartment size, divided by two, multiplied by the number of applicants needed to complete one rental in the relevant apartment size.

ATAD shall review the data for each development once a year and adjust the factors in the formula as necessary to ensure each development 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 Apartment Guide"). The Accessible Apartment Guide will list developments throughout the city with actual vacancies in fully accessible apartments ("accessible apartments") in each of five apartment sizes: studio, one-bedroom, two-bedrooms, three-bedrooms and four-bedrooms. Applicants that qualify for Accessible Guide choice will receive a list of available developments based on the room size qualification.

To prepare the Accessible Apartment Guide, ATAD shall compare the computerized development waiting lists for accessible apartments with the developments' reports of actual vacancies in accessible apartments. When this

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<sup>2</sup> This period may be adjusted Authority-wide at the discretion of the Director of ATAD.

comparison shows a development has on hand fewer certified applications than it needs to fill its current vacancies in accessible apartments of a given size (taking into account the average refusal rate for the Housing Authority), ATAD will include that development on the Accessible Apartment Guide for that apartment size. ATAD shall review the refusal rate once a year and revise its calculation if necessary.

### ***C. Information About Developments***

To ensure all applicants entitled to select a development have an equal opportunity to do so, the Housing Authority makes available on its website information about its developments and surrounding neighborhoods.

### ***D. Checking Application Status***

Applicants can update or verify information and check the status of their applications by registering for and logging on to the Housing Authority's Self-Service portal at [www1.nyc.gov/nycha](http://www1.nyc.gov/nycha).

An applicant can:

- View current application status;
- View eligibility interview date;
- View and download notification letters mailed by the Housing Authority;
- Upload documents;
- Request priority upgrade as a victim of domestic violence;
- Request informal hearing;
- Verify placement to a public housing development waiting list;
- Update mailing address, home address and phone numbers;
- Update application information, such as reason for applying and borough choice;
- Respond to development selection letter;
- Respond to Development and Applications Outreaches; and

- Respond to notice of pending expiration of application.

## **V. APPLICANTS TO BE SCHEDULED FOR INTERVIEWS**

Except as provided in Section VI below, applicants shall be scheduled for eligibility interviews as follows:

First, ATAD shall (1) tabulate the number of vacancies, by apartment size, each development anticipates within the next six months, and (2) determine the number of additional certified applicants the development needs to fill these anticipated vacancies, using computerized reports listing, by apartment size, the number of applications and transfer requests awaiting rental at the development.

Second, ATAD shall determine (1) the number of applicants to be interviewed for vacancies anticipated in each borough based upon these monthly reports; (2) the number of certified applications each development needs to complete one rental; (3) the percentage of applicants scheduled for interviews who appear for the interview; (4) the percentage of applicants who complete the eligibility requirements for public housing; and (5) 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.

## **VI. Outreach Programs**

### ***A. Development Outreach Plan***

If a development manager has no applications (including transfer requests) for a given apartment of four bedrooms or less, or has an actual vacancy, the manager shall notify ATAD's Field Liaison Division ("FLD").

If ATAD determines that a nearby development (“lending development”) is likely to satisfy the development’s need (“borrowing development”) for applications, it shall select the nearest development with a sufficient number of applications for that size apartment. However, if the “borrowing development” has a tenant body that is more than 30% white, ATAD shall not select a development whose tenant body is also more than 30% white.

Following ATAD’s decision to initiate a Development Outreach, the Housing Authority shall notify all applicants and transferees on the lending development waiting list who qualify for the apartment size for which applications are needed. The letter shall advise them that they may elect to have their applications moved to the borrowing development, and that if they respond promptly, they may be housed sooner than if their applications were to remain at the lending development. The letter shall explain that applicants may have their applications remain at the lending development without penalty.

The Housing Authority shall enter transferred applications onto the borrowing development’s computerized waiting list in the order that applicants respond to the canvass letter. The borrowing development shall offer them vacancies according to the rental plans described in Section IX below. In no case shall more than half the applications for a particular apartment size on the lending development’s waiting list be borrowed.

If ATAD determines that no nearby development has a sufficient supply of applications, the development will be included in the Applications Outreach Plan.

#### ***B. Applications Outreach Plan***

An Applications Outreach is initiated if:

- A development outreach has failed to attract a sufficient number of

applicants;

- No nearby development has sufficient number of applications on its waiting list; or
- The development has, or within the next six months is likely to have, several unfilled vacancies.

With the approval of the Director of ATAD, an applications outreach plan shall be initiated, as follows: ATAD shall search its computer system 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 developments with income restrictions), from among all applicants who, on their applications, selected the borough in which the outreach development is located. The number of applicants selected shall be based upon the number of applications needed by the outreach development(s) to fill existing vacancies and to develop a six-month waiting list.

Applicants identified in this manner shall be notified that the Housing Authority has or anticipates near-term vacancies at the outreach development(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 development choice(s) only to the outreach development(s).

Applicants who return the canvass letter and agree to waive any right to select any developments 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. Once they are found eligible, such applicants shall be placed on the outreach development(s) waiting list and shall be processed as are all other applications on the development waiting list.

Applicants interviewed for the Applications Outreach Plan and who refuse placement to the outreach development(s), shall have their applications returned to the waiting list to await an interview based upon the criteria described in Section V above.

### ***C. General Outreach Plan***

General Outreaches are initiated when it is unlikely that Development or Applications Outreaches will result in sufficient referrals to fill current vacancies or anticipated vacancies at the targeted developments. A General Outreach requires the approval of the ATAD director and involves a marketing campaign that may include announcements on the Housing Authority website and by other means.

Applicants interested in the developments offered in the General Outreach must submit a public housing application and General Outreach form. The number of applicants selected shall be based upon the number of applications needed by the outreach development(s) to fill existing vacancies and to develop a twelve- month<sup>3</sup> waiting list. Applicants selected shall be scheduled for eligibility interviews in the order of the date that their responses were received.

## **VII. THE ELIGIBILITY PROCESS**

### ***A. The Eligibility Interview***

Each applicant must appear for, and cooperate in, an eligibility interview conducted by ATAD according to procedures set forth in the Housing Applications Manual.

To ensure each eligibility interviewer is following a standard interview

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<sup>3</sup> This period may be adjusted Authority-wide at the discretion of the Director of ATAD.

format, ATAD shall use an interview form to record the information from the applicant.

If the applicant provides all required information and is found to be suitable for tenancy, the application will be placed on either a borough waiting list or a development waiting list. Placement on a waiting list does not necessarily mean the family is eligible for admission at the time a suitable apartment becomes available. At that time, the Housing Authority will perform a criminal background check and will check HUD's Enterprise Income Verification ("EIV") system for any debts owed or adverse information about former participants who have voluntarily or involuntarily terminated participation in a HUD-assisted rental assistance program. If the family passes all screening checks, property management staff will contact the applicant for the rental interview. If the family does not pass all the screening checks, the Housing Authority may request additional information from the applicant or notify the applicant of the reason for denying admission.

## ***B. Eligibility Requirements***

In order to qualify for admission to public housing, the family must meet program and suitability requirements.

### **1. Development Specific Requirements**

#### **a. Assignment to General Population Developments**

The applicant and co-applicant must be at least 18 years old or be emancipated minors.

#### **b. Assignment to Elderly Developments or Buildings**

- The single member household is at least 62 years or older; or

- The applicant or co-applicant is at least 62 years or older.  
If the household consists of other family members, all other family members must be at least 62 years or older.

**c. Assignment to Accessible Apartments**

Accessible apartments are specially equipped for people with mobility impairments. The applicant or family member must permanently use a wheelchair, walker, crutch, cane or other adaptive device or must otherwise need the special features provided in order to qualify for an accessible apartment. The person with mobility impairment must demonstrate that he or she will benefit from the special features of an accessible apartment.

**2. Admission Income Limits**

**a. Tax Credit Developments**

Family income must not exceed 60% of area median income.

**b. All Other Developments**

Family income must not exceed 80% of area median income as established by federal regulations.

**3. Citizenship Requirements**

By law, only U.S. citizens, and non-citizens with eligible immigration status, including VAWA self-petitioners, may benefit from federal rental assistance.

All members of the family, regardless of age, must declare their citizenship or immigration status. Non-citizens (except those aged 62 and older) must 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 proof of age.

A family with no members with citizenship, eligible immigration or VAWA self-petitioner status is ineligible for public housing. These families are ineligible until at least one member of the family becomes a U.S citizen, has eligible immigration status or VAWA self-petitioner status has been verified.

A family consisting of one or more family members with eligible immigration status and one or more family members without eligible immigration status (“mixed family”) may receive prorated assistance. A mixed family whose income requires it to pay more than 80% of family income available for rent (after statutory deductions) shall be ineligible for two years from the date the family is declared ineligible but may become eligible sooner if they provide verification that their family income available for rent is at or below 80%.

#### **4. Social Security Number Requirements**

The applicant and all family members who contend they have eligible immigration status or are U.S. citizens must provide documentation of a valid Social Security Number (“SSN”).

**a. Applicants who are not required to verify SSN:**

- Persons who do not contend they have eligible immigration status.

**b. Applicants may verify SSN with the following:**

- An original SSN card issued by the Social Security Administration;
- An original Social Security Administration letter which contains the name and SSN of the individual; or
- An original document issued by a federal, state or local agency containing the name and SSN of the individual.

**5. Consent to the Housing Authority's Collection and Use of Family Information**

Each family member aged 18 years or older must sign the Authorization for the Release of Information/Privacy Act and other consent forms as needed to permit the Housing Authority to collect information relevant to the family's eligibility. The family must also provide information such as birth certificates and income information the Housing Authority or HUD determines is necessary to compute the family's level of assistance.

**6. Residence**

All applicants must provide proof of their current residence. Applicants who misrepresent their residence are ineligible for two years from the date they are declared ineligible but may become eligible sooner if they verify their residence.

**7. Minimum Age**

The applicant and co-applicant must be 18 years of age or older or be emancipated minors.

**8. 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; or, two or more persons who maintain an interdependent relationship and whose resources are available to meet the needs of the family.

Minor children: Every minor (a person under age 18) for whom a request is made to be included on the application must either be the birth/natural child, adoptive child, or judicially declared ward (under the permanent legal custody

or guardianship) of the applicant, co-applicant or family member.

Foster children: 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 but may become eligible sooner if they verify family composition.

## **9. Income and Assets**

Family gross income, including income from assets, may not exceed the admission income limits established by HUD. 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 but may become eligible sooner if they provide documentation that family income is within admissions income limits.

- a.** Assets are defined as the market value of, or equity in, real property, savings, bonds, stocks and other forms of capital investments. They do not include the value of personal property, such as furniture and automobiles.
- b.** Annual income means all amounts, monetary or not, which go to, or on behalf of, the family head or spouse or to any other family member or are

anticipated to be received from a source outside the family during the 12-month period following admission. Annual income also means amounts derived from assets during the 12-month period following admission to which any member of the family has access. 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 and all regular pay, or special pay and allowance of a member of the Armed Forces.

- c. Annual income does not include those payments, lump-sum amounts, or income excluded from annual income under federal law or regulations.

### ***C. Screening for Suitability***

In selecting families for admission, the Housing Authority is responsible for screening family behavior and suitability for tenancy (see 24 C.F.R. § 960.203).

#### **1. General Screening Obligations**

In performing its screening obligations, the Housing Authority may consider all relevant information including, but not limited to:

- An applicant's past performance in meeting financial

obligations, especially rent;

- A record of disturbing neighbors, destruction of property, or housekeeping habits at prior residences;
- A history of criminal activity involving crimes of physical violence to persons or property; and
- Other criminal acts which adversely affect the health, safety and welfare of other tenants.

## 2. Mandatory Grounds for Denying Admission

The Housing Authority may not admit families to public housing:

- If any household member has been evicted from federally-assisted housing for drug-related criminal activity. The family may not be admitted for three years from the date of the eviction, unless that household member has successfully completed a supervised drug rehabilitation program approved by the Housing Authority, or if circumstances have changed (for example, the household member is imprisoned or has died).
- If any household member has ever been convicted of drug-related criminal activity for manufacture or production of methamphetamine on the premises of federally-assisted housing. The family is permanently prohibited from admission. "Premises" is defined as the building or complex in which the dwelling unit is located, including common areas and grounds.
- If any household member is subject to a lifetime registration requirement under a state sex offender registration program. The family is permanently prohibited from admission.

## 3. Specific Reasons for Denial of Admission

The Housing Authority will deny admission to families who, based on their past behavior, might adversely affect the health, safety or welfare of other tenants, Housing Authority staff or a Housing Authority development. Families with members in the following categories will be found ineligible for the stated period of time.

**a. Persons with conviction records.**

- 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, not including probation and parole, with no further convictions or pending charges.
- Persons convicted of Class D or E felonies. The family shall be ineligible until five years after the offending person has completed the sentence, not including probation and parole, with no further convictions or pending charges.
- Persons convicted of Class A misdemeanors. The family shall be ineligible until four years after the offending person has completed the sentence, not including probation and parole, with no further convictions or pending charges.
- Persons convicted of Class B or unclassified misdemeanors. The family shall be ineligible until three years after the offending person has completed the sentence, not including probation and parole, with no further convictions or pending charges.

**b. Persons who have an unsatisfactory record of meeting rent payment obligations within the past three years. However, if the applicant demonstrates an acceptable record of meeting rent payment obligations, consisting of prompt payments over a period of one year, the family is eligible. Families with an unacceptable rent payment record are ineligible**

for three years from the date they are declared ineligible.

- c.** Persons who have caused a fire-related incident with the last four years. 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; improper storage of garbage; placing combustible material near a heat source; leaving a heat source unattended; and using a flammable liquid to start a fire.
- d.** Persons who within the last three years have behaved violently or destroyed property. This category includes persons who have engaged in or threatened abusive or violent behavior toward Housing Authority staff. Abusive or violent behavior includes verbal as well as physical abuse or violence. The use of language, written or oral, that is generally used to intimidate may be considered abusive or violent behavior. Threatening refers to oral or written threats or physical gestures that communicate intent to abuse or commit violence. The family shall be ineligible for three years from the date they are declared ineligible. If the latest possible date of the offending behavior can be approximately established, the ineligibility begins from that date, instead of from the date the family is declared ineligible.
- e.** Persons who have disturbed neighbors, based on information obtained from the landlord or neighbor contact. The family shall be ineligible for three years from the date they are declared ineligible. If the latest possible date of the offending behavior can be approximately established, the ineligibility begins from that date, instead of from the date the family is declared ineligible.
- f.** Persons with grossly unsanitary or hazardous housekeeping habits, based

on information obtained from a landlord or neighbor contact. The family shall be ineligible for three years from the date they are declared ineligible, unless a qualified agency is working with the family to improve its housekeeping.

- g.** Persons who have illegally used a controlled substance 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 submits a current clean toxicology report.
- h.** Persons permanently excluded from a Housing Authority apartment. The applicant family with a member permanently excluded shall be ineligible until the permanently excluded person has completed five years without violating the stipulation or the Hearing Officer's decision imposing permanent exclusion.
- i.** Persons terminated from Housing Authority employment following a general trial for behavior that would constitute a felony or misdemeanor, or for illegal drug use or intoxication on the job. The family shall be ineligible for three years from the date of the termination.
- j.** 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, not including probation and/or parole, with no further convictions or pending charges.

- k. 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, not including probation and/or parole, with no further convictions or pending charges.
- l. 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 for five years from date of move-out or termination from the program. An eviction is deemed to have occurred when the court issues a warrant of eviction.
- m. Persons who have been or are about to be evicted from a Housing Authority apartment pursuant to a licensee action. The family shall be ineligible for five years from the date of the move-out or eviction. An eviction is deemed to have occurred when the court issues a warrant of eviction.

#### 4. Receipt of Unfavorable Information

If the Housing Authority receives unfavorable information in the form of criminal history of an applicant, it will consider the time, nature, and extent of the applicant's conduct, the seriousness of the offense and factors which might indicate a reasonable probability of favorable future conduct, evidence of rehabilitation or willingness to participate in appropriate social services or other programs in making an admissions decision.

#### 5. Notification of Ineligibility

All applicants found ineligible will be notified in writing, indicating the reason(s) for the ineligibility and advising them they may visit the Housing Authority's Customer Contact Center to discuss the ineligibility finding.

The notification will inform applicants they have 90 days from the date of the ineligibility letter to request an informal hearing before an impartial hearing officer to review the finding of ineligibility.

The Housing Authority will retain the records of ineligible applicants for three years, including the application, the Housing Authority's ineligibility letter, the applicant's response (if any), and the Housing Authority's final determination. Applications of applicants not found ineligible may nevertheless be closed for the reasons stated in Section VIII below.

#### ***D. Development Selection***

Those applicants who have been assigned priority codes W1, W2, W3, W9, N4, N8 or N9 and whose family composition qualifies them for an apartment of four or fewer bedrooms are permitted to choose a development once the Housing Authority completes the initial eligibility process.

Applicants with these priority codes shall be sent the Development Selection Letter and List and asked to select only one development (located in one of the two boroughs the applicant selected on the application) designated on the List containing an anticipated vacancy of a proper sized apartment for the family composition. Applicants may defer their development choice for no more than 30 days. Applicants can submit their development selection by mail or through the Housing Authority's Self-Service Portal.

If the applicant fails to choose a development, or rejects all developments designated on the List, the application shall be closed.

#### ***E. Applicants Who May Not Select Developments***

##### **1. Emergency Applicants**

Because their need for housing is urgent, emergency applicants -- those in priority codes W0, N0, and N1 -- may select only the borough in which they wish to live, rather than a particular development<sup>4</sup>. At their eligibility interviews, emergency applicants must select one of the two boroughs listed on their application. Applicants who are found eligible for public housing shall be placed on 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 development in that borough. By computer, subject to the rental plans described in Section IX, emergency applicants are matched to vacancies based upon priority and the certification date of the application. The certification date shall mean the date the application is placed on the borough waiting list.

Each emergency applicant may reject one offer of an apartment without penalty. If an emergency applicant rejects the first apartment offered, the applicant maintains his or her place on the waiting list and shall be offered the next appropriate vacancy, subject to the rental plans described in Section IX below. If an emergency applicant rejects the second offer, the application shall be closed unless the applicant demonstrates a temporary emergency

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<sup>4</sup> Applicants with Code N1 may exclude up to two zip codes in which they would not feel safe. Applicants with Code N1 can also request to be placed on an "All Borough" waiting list instead of a single borough waiting list. Applicants with code N0 or N1 who are eligible for elderly developments may elect not to receive apartment offers from general population developments, but only from elderly developments.

preventing a move at the time of the second offer. An applicant eligible for an emergency preference as a victim of domestic violence may also reject both offers if they believe these locations would be unsafe, provided they submit a reasonable written explanation as to why both offers were unsafe.

Emergency applicants shall be assigned proportionately to Housing Authority developments based upon the total number of apartments in each development.

## 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 these apartments may select only a borough in which they wish to live, rather than a particular development, unless they are assigned to a particular development as part of the Applications Outreach Program described in Section VI above. At their eligibility interviews, these applicants must select one of the two boroughs listed on their application, unless they can demonstrate changed circumstances described in Section G below. Applicants for five or more bedrooms who are found eligible for public housing shall be placed on 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 development in that borough.

ATAD shall maintain the waiting list of these applicants organized by borough selected, apartment size, priority and date of certification. Subject to the rental plans described in Section IX below, a computer will match these applicants to vacancies based upon priority and certification date of the application. Each of these applicants shall be permitted one rejection of an apartment. If an applicant rejects the first apartment offered, the applicant shall maintain his or her place on the waiting list and will be offered the next appropriate vacancy, subject to the rental plans described in Section VI above. If the applicant rejects a second offer,

the application shall be deemed closed unless the applicant demonstrates a temporary emergency that prevents a move at the time of the second offer.

#### ***F. Applicants for Accessible Apartments***

Applicants who can document their need for an accessible apartment may either select a development 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 with four or fewer bedrooms described in Section D above and shall be subject to the rental plan described in Section IX below.

#### ***G. Changed Circumstances***

If the applicant can demonstrate changed circumstances between the application and the date of apartment assignment, the applicant may select a borough or development from a borough other than the two listed on the application. For the purposes of TSAP, changed circumstances must be demonstrated by documentation or other credible evidence and shall be limited to a job change which requires more than a 90-minute commute; a medical, mental health or special education need of a family member; or where adequate medical or special education services are not reasonably available.

#### ***H. Filling Vacant Units***

When a vacancy occurs, the apartment will be inspected and prepared for re-occupancy. Pursuant to the policy set forth in Section IX below, the TSAP computer system will select the family to be offered the vacant unit. If the selected family is a new applicant, property management staff will interview the applicant and explain the Housing Authority's tenancy policies and procedures, and 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. Each family will be given a lease. The terms of the lease will be in conformance with HUD regulations. Family incomes will be certified upon move-in and re-certified each year thereafter.

## **VIII. REMOVAL FROM WAITING LIST**

"Closed application" shall be defined as an application or a transfer request which may no longer be acted upon because the applicant or transferee has informed the Housing Authority that he or she is no longer interested in public housing or a transfer, or the applicant has failed or refused to:

1. Appear for an eligibility interview within 90 days of the scheduled interview date.
2. Submit required additional information within 90 days of the date requested.
3. Pay rent or other debts to this or any other public housing authority in connection with any assisted housing program within 90 days of date requested.
4. Select a development from among those designated on the Development Selection List as anticipating vacancies in the appropriate apartment size within 30 days after being given the List.
5. Accept two apartment offers (for applicants who may not select developments and for applicants for accessible apartments), unless an exception described in Section VII.E. applies.
6. Accept one apartment offer (for applicants who may select a development)

from the development to which the applicant has been certified, unless a temporary emergency prevents a move at the time of the offer.

7. Respond within 45 days to notice of a second apartment offer.
8. Respond within 45 days, to a letter inquiring whether a certified applicant is still interested in public housing.

An applicant whose application has been closed shall receive written notification indicating the reason for the action and will state that the notification shall be considered a final agency determination. Any applicant whose application has been closed, but 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 an interview or placed at any development for one year after the initial application was closed. Information contained in a closed application may be used to verify information contained in subsequent applications. The Housing Authority will retain the records of closed applications for three years from the date of closure.

## **IX. RENTING VACANCIES AT EXISTING DEVELOPMENTS**

### ***A. Development Waiting Lists***

For the purpose of TSAP, “waiting list” shall be defined as all applications and transfer requests awaiting rental at each development. The Housing Authority’s computerized TSAP program shall maintain separate waiting lists for each apartment size in the development. All developments consisting of more than one building or group of buildings shall maintain a single waiting list for each apartment size, unless the development includes accessible apartments or some buildings, or portions of buildings, which are reserved for the elderly.

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

of income, priority, date of certification, race/ethnicity and family size) in the TSAP program for that apartment size.

***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:

- a. Extremely under-occupied or under-occupied transferees;
- b. Extremely overcrowded or overcrowded transferees;
- c. Transferees other than the two categories above;
- d. Working Family Priority new applicants; and
- e. Need Based Priority new applicants.

For example, if the last apartment offer went to a family in category (c), the next apartment offer will go to a family in category (d), unless there is no such family on the waiting list, in which case the offer will go to a family in category (e), and so forth. This rotation shall continue, subject to the condition the Housing Authority shall rent no more than the federally-permitted maximum percentage (currently 60%) of the anticipated vacancies per year in any development to new applicants whose family income exceeds 30% of area median income.

When a vacancy occurs, the development 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.

Refer to Appendix D below for chart describing the TSAP waiting list order and rental rotation for non-accessible apartments.

2. Accessible Apartments

In accordance with 24 C.F.R. § 8.27, every vacancy in an accessible apartment shall be offered to an intra-development 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-development transferees available for such a vacancy, it shall be offered to an inter-development 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 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 II and Tier III 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 family that does not have handicaps requiring accessibility features according to the rental plan for non-accessible apartments, described in Section IX above.

3. Preference for Intra-Development Transferees

Among all transfer categories including T0 transfers, the TSAP system will select intra-development transfers (transfers within the same development) of

equal priority before inter-development transfers (transfers outside of current development) eligible for that apartment size using only the criteria of priority code. If there are no intra-development transferees of equal or higher priority available for that vacancy, the apartment shall be offered to an inter-development transfer.

For example: If an intra-development transferee has the same priority as an inter-development transfer, the apartment will be offered to the intra-development transferee without regard to certification date of the inter-development transfer.

If an intra-development transferee has a lower priority than an inter-development transfer, the apartment will be offered to the inter-development transfer with the oldest certification date.

### ***C. Refreshing the Waiting List***

Once a year, the Housing Authority will contact applicants and transferees<sup>5</sup> on the waiting lists. The Housing Authority shall request that each applicant or transferee notify the Housing Authority whether he or she is still interested in public housing.

If the Housing Authority receives no response within 30 days after the mailing, it shall then attempt to contact the applicant or transferee by telephone robo-call, if the applicant/transferee provided a telephone number, and by e-mail, if the applicant/transferee provided an email address. If there is still no response within 30 days of these contacts, or if the applicant is no longer interested in public housing, those applications or transfers shall be closed.

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<sup>5</sup> Applicants with the DHS N0 or W0 priority and transferees assigned priorities T0, T1-D (Extremely Under-occupied) and T2-B (VAWA related requests), T2-C (Intimidated Witness or Intimidated Victims) will not be contacted.

If it appears the applicant or transferee may no longer be eligible for public housing or housing at that development, or if the applicant or transferee has been on the development waiting list for more than two years and wishes to choose another development,<sup>6</sup> or where there are changed circumstances under TSAP that may require reassignment to a new development, the development manager shall refer the application or transfer to FLD. When an applicant or transferee is reassigned to a new waiting list, the original date of certification shall be honored. When an applicant or transferee must make a new development choice, ATAD shall use the Guide currently in effect.

## **X. TENANT TRANSFERS WITHIN PUBLIC HOUSING**

### ***B. The Transfer Process***

The policy and procedures for transfer requests are further described in the Management Manual, Chapter I - Occupancy. A summary of the transfer priorities, occupancy standards and TSAP waiting list order are included with this TSAP as Appendices B, C and D respectively.

There are two types of transfers:

#### **1. Voluntary Transfers**

Housing Authority tenants shall be permitted to apply for a transfer from one apartment to another. To do so, they must submit a written request to the manager of the development at which they reside, on the form designated by the Housing Authority, showing the reason for the transfer request. If the development manager denies the request, he or she shall notify the tenant of the reason for the denial. If the development manager approves the request,

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<sup>6</sup> Applicants and transferees certified to a development waiting list for an accessible apartment need not wait two years before choosing another development. If there are no appropriate actual vacancies at their chosen development, they may change their development choice at any time by using the self-service portal

he or she shall assign a priority code to it and send it to FLD. If FLD denies the transfer request, it shall notify the tenant 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 begin, and the tenant family notified.

## 2. Mandatory Transfers

Some transfers are required by the Housing Authority. The tenant is informed by development staff of the reason the transfer is required. The tenant is asked by development staff to complete a transfer request during which time the transfer policy and procedure is explained. If the tenant does not complete the transfer request, the development manager will initiate the transfer on behalf of the tenant. If FLD approves the transfer request, the transfer process shall begin, and the tenant family notified.

Mandatory transfers are:

- T0-A - Tenant resides in uninhabitable apartment;
- T0-D - Tenant must move due to development renovation, development use, or special purpose program;
- T0-E - Tenant resides in an under-occupied or extremely under-occupied apartment and is required to move to a proper sized apartment pursuant to a Termination of Tenancy proceeding stipulation of settlement or Hearing Officer decision;
- T1-D - Tenant resides in extremely under-occupied apartment; and
- T1-F - Tenant resides in elderly development and is no longer qualified to reside in elderly development.

## ***B. Transfer Priorities***

TSAP provides that T0 priority transfers shall have priority over all other transfers and new applicants. All other transferees and applicants will be offered apartments by rotating among the five categories.

The five categories are:

- a. Extremely under-occupied or under-occupied transferees;
- b. Extremely overcrowded or overcrowded transferees;
- c. Transferees other than the two categories above;
- d. Working Family Priority applicants; and
- e. Need Based Priority applicants.

### **1. Code T0 Priorities**

The T0 transfer priorities have priority over all other transfers and new admissions. The T0 transfers described below are ranked from high to low.

#### **a. First Priority**

Priority T0-A: Tenants whose apartments have become uninhabitable.

The development manager shall offer these tenants the first appropriate vacancy at or near their current development.

#### **b. Second Priority**

Priority T0-E: Tenant is residing in an apartment that is under-occupied or soon to be under-occupied and is required to move to a proper sized apartment pursuant to a Termination of Tenancy proceeding stipulation of settlement or Hearing officer decision. An under-occupied apartment is one with one or more rooms in excess of what is needed for the family size, based on the Housing Authority's occupancy standards.

c. Third Priority

The T0 priorities described below are equal in rank.

- Priority T0-C: Tenants who wish to return to a development from which they were displaced due to development 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 the request, these tenants ask to return to the same apartment from which they were displaced, their request will be honored if the apartment is the appropriate size for the family based on the Housing Authority's occupancy standards.
- Priority T0-D: Tenants who must move due to development renovation, development use, or the requirements of a special-purpose program (such as Multi-family Homeownership program "MHOP"). These tenants may choose their current development, a development designated as anticipated vacancies on the Guide or a borough in which they wish to live.
- Priority T0-G: In need of continuing health care and the specific health care provider or facility is not within 60 minutes travel time from the current development.
- Priority T0-H: 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 development.

T0-G and T0-H transferees shall not be permitted to choose a development. The Housing Authority shall assign the transferee to a development near the health care provider, facility or relative, whether or not the development is designated as anticipating vacancies on the Guide.

- Priority T0-I: In need of an extra bedroom to accommodate a person with a medical condition that requires the use of a hospital bed or accommodates the mental condition of a family member.

- Priority T0-J: Disabled in a non-elevator building and wish to move to an elevator building.

T0-I and T0-J transferees may either choose their current development, a development designated as anticipating vacancies on the Guide or the borough in which they wish to live.

- Priority T0-K: Disabled and wish to move to first or second floor apartment in either an elevator or a non-elevator building. These tenants may choose their current development or the borough in which they wish to live.
- Priority T0-L: Qualifies for and requests an accessible apartment. These transferees may choose their current development if the development has accessible apartments of appropriate size for the family, a development designated as anticipating vacancies on the Guide to Accessible Apartments or a borough in which they wish to live.
- Priority T0-M: Disabled and requests transfer based on reasonable accommodation. The transfer options will vary based on the circumstances of the transfer request.

## 2. Under-Occupied Transfers

The under-occupied transfers ranked from high to low are:

- Priority T1-D: Family residing in extremely under-occupied apartment (defined as residing in an apartment with two or more bedrooms than is required by the tenant based on the Housing Authority occupancy standards); and
- Priority T2-A: Family residing in under-occupied apartment (defined as residing in an apartment with one bedroom more than is required by the tenant based on the Housing Authority's occupancy standards).

Under-occupied transferees may choose any development, whether or not it is designated as anticipating vacancies on the Guide or a borough in which they wish to live.

### 3. Overcrowded Transfers

The overcrowded transfer priorities ranked from high to low are:

- Priority T3-A: Families residing in extremely overcrowded apartment (defined as residing in an apartment with two or fewer bedrooms than is required by the tenant based on the Housing Authority's occupancy standards); and
- Priority T4-A: Families residing in overcrowded (defined as residing in an apartment with one-bedroom fewer than is required by the tenant based on the Housing Authority's occupancy standard).

Overcrowded transferees may choose their current development, a development designated as anticipated vacancies on the Guide or a borough in which they wish to live.

### 4. Transfers Other Than Under-Occupied or Overcrowded

T1 transferees are ranked higher than T2 transferees.

#### a. T1 Priority

- Priority T1-F: No longer eligible to reside in their elderly building or development.

These transferees may choose their current development if it contains general population apartments or a development designated as anticipating vacancies on the Guide or a borough in which they wish to live.

#### b. T2 Priority

- Priority T2-B, T2-BD, T2-BS, T2-BV, and T2-BX: VAWA related categories: Victims of domestic violence, dating violence, sexual assault and stalking.
- Priority T2-C, TC-CV and T2-CW: Intimidated victims and intimidated

witnesses.

- Priority code T2-G: Victims of a traumatic incident (violent felony) in their development. The transfer request must be submitted no later than six months after the traumatic incident.

T2-B, T2-C groupings and T2-G transferees may choose a single borough or “All Boroughs” and will not be placed near their current residence unless they request this, as noted under VAWA. These transferees shall be assigned proportionately to Housing Authority’s developments based upon the total number of apartments in each development.

- Priority T2-H: Related to a family member who dies in the current apartment at which such tenant resides. The transfer request must be submitted no later than six months after the death.
- Priority T2-I: Referred by 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)

T2-H and T2-I transferees may choose to transfer within their current development, a development designated as anticipating vacancies on the Guide or the borough in which they wish to live.

c. Code T3

- Priority T3-B: Involved in long-term friction between neighbors.

T3-B Transferees may choose their current development, a development designated as anticipating vacancies on the Guide or the borough in which they wish to live.

- Priority T3-H: Willing to provide continuing home aid to a relative in a different development which no member of the relative’s household can provide and that is not available within 60 minutes travel time.

T3-H transferees shall not be permitted to choose a development. The Housing Authority shall assign the transferee to a development near the relative, whether or not the development is designated as anticipating vacancies on the Guide.

d. Code T4

- Priority T4-B: Required to travel more than 90 minutes due to a change in work location.

T4-B and transferees may choose a development designated as anticipating vacancies on the Guide or a borough they wish to live consistent with work location.

- Priority T4-C: Elderly tenant living in a general population development wishes to move to an elderly development.

T4-C transferees may choose their current development if it contains elderly population apartments, a development designated as anticipating vacancies on the Guide or a borough in which they wish to live.

### ***C. Selecting a Development***

Transferees will make their development or borough choice when they submit their transfer requests. Transferees who may choose a development shall select a development from the Transfer Guide. The guide lists developments with anticipated vacancies from the Working Family Guide and the Need Based Guide. These guides are described in Section IV (A) above.

If a transferee who may choose a development from the Guide fails to choose a development then designated as anticipating vacancies on the Guide, the transfer request shall be closed and no new transfer request from that tenant shall be considered for one year unless a new request states a different need for a transfer than the prior request or the transfer is requested as a reasonable accommodation of a disability.

#### ***D. Apartment Offer***

- Transferees on a borough-wide or NYCHA-wide waiting list will be offered up to two apartments of proper size for the family composition.
- Transferees who may choose a development (except transferees for accessible apartments, who may refuse one offer) will be offered one apartment of proper size for the family composition.
- Transferees requesting accessible apartments will be offered two proper sized apartments regardless of whether the transferees are on the borough or development waiting list.

#### ***E. Changing Development Choice***

##### **1. Non-Accessible apartments**

Once a transferee with development choice has been placed on a development waiting list, the transferee may not request another transfer or change his or her development choice, unless the transferee has been on a development's waiting list for more than two years without having been offered an apartment, or demonstrates changed circumstances requiring a change in location described in Section VII (G) above.

##### **2. Accessible apartments**

Transferees placed on a development waiting list for an accessible apartment do not need to wait two years before choosing another development. If there are no appropriate actual vacancies at their chosen development, they may change their development choice at any time by using the self-service portal

#### ***F. Transfer Policy***

1. There is no minimum time for which a tenant must reside in an apartment before requesting a transfer.
2. Tenants whose previous transfer request was closed will not be reconsidered for a transfer for one year from the date the prior transfer request was closed unless the

new transfer request states a different need than the prior request.

3. A family on the transfer list for a certain apartment size who subsequently moves to the waiting list for a different size apartment will retain its original certification date on the transfer list.
4. Households transferring to a new unit will be required to execute a new lease.
5. The security deposit from the old unit will be transferred to the new unit.
6. The entire household must transfer to the new unit. The household will not be split to occupy two units.
7. In most cases households not in good standing will not be approved for a voluntary transfer (e.g., Warrant for eviction has been issued for non-payment of rent or commencement of Holdover proceedings at Landlord and Tenant Court).

## **XI. TENANTING NEW DEVELOPMENTS**

Public housing developments under construction, if any, shall be included in the Development Outreach Plan approximately six months prior to their scheduled opening date. The Housing Authority will follow fair housing requirements in establishing applicant pools for new developments. In addition, prior to opening, new developments may be designated on the appropriate guide as anticipating vacancies and may be included in the Applications Outreach Plan set forth in Section VI (B) above. After opening, developments shall be tenanted in accordance with the TSAP provisions.

## **XII. INCOME MIXING PLAN**

In accordance with 42 U.S.C. § 1437n(a)(3)(B) (1999), the Housing Authority has designated as Working Family Priority Consolidations those developments where the average income is 85% or less of the Housing Authority-wide average for federal, non-elderly developments or buildings (non-elderly average). These developments will

participate in the Housing Authority's Economic Integration Plan, if necessary, which includes the following elements:

- Applications Outreach to Tier II and Tier III 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. The developments are listed on the Housing Authority's Annual Plan.
- Immediate scheduling of new Tier II and Tier III 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 development choice, offering Working Family Priority Consolidations to Tier II and Tier III applicants with incomes exceeding the non-elderly average, even if the consolidations are not anticipating vacancies.

### **XIII. RECORD KEEPING**

The Housing Authority's TSAP program shall maintain the certified waiting list of all applicants and transferees. In developments with accessible apartments or where apartments are designated for the elderly, the computer shall maintain a separate waiting list for those apartments. The waiting lists shall contain the following information for each applicant and transferee: name, case number, certification date, income tier, priority, family composition/apartment size and race/ethnicity. The list shall include the disposition of the application or transfer, 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), reason for the disposition and date the case was closed.

#### **XIV. MONITORING PLAN PERFORMANCE**

At least once every three years, representatives of the Department of Internal Audit & Assessment (IA&A) shall review both the turnover logs and the computerized waiting list logs to monitor compliance with the tenant selection and assignment procedures set forth in the TSAP. Based upon the review, IA&A shall prepare a report, which analyzes the overall efficiency of the TSAP. Any irregularities in following the procedures set forth in the TSAP shall be noted in the audit report and shall be brought to the attention of the Operations and Law Departments.

#### **XV. APPENDICES LIST**

- A.** Applicant Priorities
- B.** Transfer Priorities
- C.** Occupancy Standard
- D.** Waiting List Order and Rental Rotation

<b>APPENDIX A - APPLICANT PRIORITIES</b>		
<b>Priority Code</b>	<b>Need Based Priorities</b>	<b>Options</b>
<b>N0</b>	City referred by the Administration for Children's Services, Housing Preservation & Development, HRA's HIV/AIDS Services Administration, Health and Hospital Corporation (Carter Specialty and Nursing Facility) or Department of Homeless Services	Borough Choice
<b>N1</b>	VAWA victims/Intimidated Witness	Borough Choice
<b>N4</b>	Homeless, involuntarily displaced, substandard housing, doubled up or overcrowded in private housing, victim of hate crime, rent burden more than 50% of family income or legally doubled-up and overcrowded in NYCHA building	Development from Need Based Guide
<b>N8</b>	NYC resident who does not qualify for any of the Need based priorities (i.e. N0, N1 or N4) described above or Not resident of NYC nor work in NYC. Such families cannot be assigned Need based priorities N0, N1 or N4 regardless of housing need.	Development from Need Based Guide
<b>N9</b>	Applicants who are current leaseholders of either a New York City Housing Authority public housing or Section 8 apartment.	Development from Need Based Guide
<b>Priority Code</b>	<b>Working Family Priorities</b>	<b>Options</b>
<b>W0</b>	City referred working family from the Department of Homeless Services	Borough Choice
<b>W1</b>	Income tier 3 working family (i.e. 51% - 80% of area median income)	Development from Working Family Guide
<b>W2</b>	Income tier 2 working family (i.e. 31% - 50% of area median income)	Development from Working Family Guide
<b>W3</b>	Income tier 1 working family (i.e. up to 30% of area median income) and meet definition of "working family".	Development from Working Family Guide
<b>W9</b>	Applicants who are current leaseholders of either a New York City Housing Authority public housing or Section 8 apartment.	Development from Working Family Guide

\*If 5 bedrooms or more must be borough choice regardless of priority.

APPENDIX B - TRANSFER PRIORITIES			
Priority Code	Type	Transfer Reason	Options
<b>T0</b>	<b>A</b>	Apartment is uninhabitable due to fire, flood etc.	Tenant cannot choose development. <b>NYCHA</b> will assign tenant to first available vacancy in the current development or neighboring development.
<b>T0</b>	<b>C</b>	Displaced due to development renovation and wishes to return (tenant must file transfer request to return before the renovation is completed). <sup>(1)</sup>	<b>ORIGINAL</b> development only. Tenant may request to return to apartment from which he/she was displaced only if the apartment is the correct size for family.
<b>T0</b>	<b>D</b>	Displaced for development renovation, development use, or the requirements of a special purpose program such as MHOP (Multifamily Home Ownership).	<b>INTRA</b> -development transfer; or <b>INTER</b> -development transfer with <b>GUIDE</b> choice; or <b>BOROUGH</b> choice
<b>T0</b>	<b>E</b>	Tenant's apartment is under-occupied <sup>(1)</sup> or soon to be under-occupied and tenant is required to move as a result of Termination of Tenancy proceeding.	<b>INTRA</b> -development transfer; or <b>INTER</b> -development transfer with <b>GUIDE</b> choice; or <b>BOROUGH</b> choice
<b>T0</b>	<b>G</b>	Needs continuing health/medical care with a specific health care provider or facility and travel time is more than 60 minutes from current development.	Tenant cannot choose development. <b>NYCHA</b> will assign tenant to a development near the facility/physician/provider whether or not it appears on the guide
<b>T0</b>	<b>H</b>	Needs continuing home health care, which <b>NO</b> household member can provide, and that is not available within 60 minutes travel time from the current development.  Note: This category does not refer only to the elderly who need care.	Tenant cannot choose development. <b>NYCHA</b> will assign tenant to a development near the facility/physician/provider whether or not it appears on the <b>GUIDE</b> .

<b>T0</b>	<b>I</b>	Needs an extra bedroom to accommodate a person with a medical condition that requires the use of a hospital bed or accommodates the mental condition of a family member.	<b>INTRA</b> -development transfer; or <b>INTER</b> -development transfer with <b>GUIDE</b> choice; or <b>BOROUGH</b> choice.
<b>T0</b>	<b>J</b>	Disabled in a <b>non-elevator</b> building and wants an apartment in elevator building on any floor.	<b>INTRA</b> -development transfer to an apartment in any <b>elevator</b> building, if proper size apartment exists; or <b>INTER</b> -development transfer with <b>GUIDE</b> ; or <b>BOROUGH</b> choice to an elevator building.
<b>T0</b>	<b>K</b>	Disabled and wants an apartment on the 1 <sup>st</sup> or 2 <sup>nd</sup> floor in a building with or without an elevator.	<b>INTRA</b> -development transfer to 1 <sup>st</sup> or 2 <sup>nd</sup> floor apartment in an elevator building or non-elevator building; or <b>INTER</b> -development transfer with <b>BOROUGH</b> choice only to 1 <sup>st</sup> or 2 <sup>nd</sup> floor apartment in an elevator building or non-elevator building.
<b>T0</b>	<b>L</b>	Eligible for and requests an accessible apartment. Currently resides in a non-accessible apartment.	<b>INTRA</b> -development transfer if proper-sized accessible apartment exists; or <b>INTER</b> -development transfer from the <b>Guide to Vacancies-Accessible Apartments</b> ; or <b>BOROUGH</b> choice
<b>T0</b>	<b>M</b>	Disabled and requests reasonable accommodation.	The transfer options will vary based on the circumstances of the transfer request. The Public Housing Reasonable Accommodation Coordinator (PHRAC) will make determination.

Priority Code	Type	Transfer Reason	Options
T1	D	Living in an extremely under-occupied <sup>(1)</sup> apartment	<b>INTRA</b> -development transfer; or <b>INTER</b> -development transfer whether or not on the <b>Guide</b> ; or <b>Borough</b> choice.
T1	F	Living in elderly development/building and is no longer qualified to reside in elderly development/building.	<b>INTRA</b> -development transfer to a general population apartment within consolidation if proper sized general population apartments exists at consolidation; or <b>INTER</b> -development transfer with <b>Guide</b> choice; or <b>BOROUGH</b> choice.
T2	A	Living in an under-occupied <sup>(1)</sup> apartment.	<b>INTRA</b> -development transfer; or <b>INTER</b> -development transfer whether or not on the <b>GUIDE</b> ; or <b>BOROUGH</b> choice
T2	B	Victim of Domestic Violence (B) - <i>prior to 5/14/17</i> <u>Violence Against Women Act victim:</u>  Victim of Domestic Violence (BD) Sexual Assault (BS) Victim of Dating Violence (BV) Stalking Victim (BX)	<b>BOROUGH</b> choice (single or All boroughs) only (NYCHA will place family at a location that is <b>NOT</b> near their current residence if requested) as covered under the Violence Against Women Act.
T2	C	Intimidated Victim Intimidated Witness	<b>BOROUGH</b> choice (single or All boroughs) only (NYCHA will place family at a location that is <b>NOT</b> near their current residence if requested.)

Priority Code	Type	Transfer Reason	Options
<b>T2</b>	<b>G</b>	Victim of traumatic incident in their development – Violent Felony (transfer request must be submitted no later than six months after the traumatic incident)	<b>BOROUGH</b> choice (single or All boroughs) only (NYCHA will place family at a location that is <b>NOT</b> near their current residence if requested.)
<b>T2</b>	<b>H</b>	Living in an apartment in which a family member died (transfer request must be submitted no later than six months after the death).	<b>INTRA</b> -development transfer; or <b>INTER</b> -development transfer with <b>GUIDE</b> choice; or <b>BOROUGH</b> choice
<b>T2</b>	<b>I</b>	Referred by Administration for Children's Services (ACS) for purpose of family unification. Family has child(ren) (natural or adopted) in foster care and needs larger apartment <sup>(1)</sup> before child will be released to family.	<b>INTRA</b> -development transfer; or <b>INTER</b> -development transfer with <b>GUIDE</b> choice; or <b>BOROUGH</b> choice
<b>T3</b>	<b>A</b>	Living in an extremely overcrowded <sup>(1)</sup> apartment.	<b>INTRA</b> -development transfer; or <b>INTER</b> -development transfer with <b>GUIDE</b> choice; or <b>BOROUGH</b> choice
<b>T3</b>	<b>B</b>	Long-term friction between neighbors.	<b>INTRA</b> -development transfer; or <b>INTER</b> -development transfer with <b>GUIDE</b> choice; or <b>BOROUGH</b> choice
<b>T3</b>	<b>H</b>	Willing to provide home aid to a relative in a different development, which <b>NO</b> household member can provide, and that is not available within 60 minutes travel time from the current development.	Tenant cannot choose development. NYCHA will assign tenant to a development near the relative whether or not it appears on the <b>GUIDE</b> .

Priority Code	Type	Transfer Reason	Options
T4	A	Living in an overcrowded <sup>(1)</sup> apartment.	<b>INTRA</b> -development transfer; or  <b>INTER</b> -development transfer with <b>GUIDE</b> choice; or  <b>BOROUGH</b> choice.
T4	B	Required to travel to work more than 90 minutes due to a change in work location.	<b>INTER</b> -development transfer with <b>GUIDE</b> choice; or  <b>BOROUGH</b> choice.
T4	C	Living in a general population development and wishes to move to an elderly development/building.	<b>INTRA</b> -development transfer to an elderly population apartment within consolidation if proper sized elderly apartments exists at consolidation; or  <b>INTER</b> -development transfer with <b>Guide</b> choice; or  <b>BOROUGH</b> choice.

## **NOTES**

(1) See Appendix C for Occupancy Standards.

## **INFORMATION ABOUT TRANSFERS**

- There is no minimum time for which a tenant must reside in an apartment before requesting a transfer.
- Within transfers of equal priority the first INTRA-development transfer with the oldest certification date is chosen, if there are no INTRA transfers then an INTER-development transfer with the oldest certification date is chosen.
- Tenants whose previous transfer request was closed will not be considered for a new transfer for one year from the date of the closed status, unless a new transfer request states a different need for a transfer than the prior request.

- Tenants requesting lower floors will be offered apartments on the 1st, 2nd or 3rd floors except for T0-K transferees who will only be offered apartments on the 1st or 2nd floor.

## **TENANT'S TRANSFER OPTIONS**

### 1. Intra-Development Transfers

Tenants (transferees) eligible to transfer within their development (to non-accessible apartments) are entitled to only one apartment offer. If they refuse the apartment offer, the transfer request will be closed unless the tenant demonstrates that a temporary emergency prevents a move at the time of the offer. NYCHA staff must determine if appropriate sized apartment exists at development before approving transfer request.

### 2. Inter-Development Transfers

- Tenants (transferees) who are eligible to choose a development from the Transfer **Guide** or choose a Borough shall make their choice at the time they submit their transfer requests.
- Tenants requiring apartments of five bedrooms or more are entitled only to Borough choice.
- Tenants (transferees) who refuse all developments then designated as anticipated vacancies on the Guide, or fail to choose a development, shall have their transfer request closed.
- Tenants (transferees) eligible to choose a Borough are entitled to **two** apartment offers.
- Tenants (transferees) eligible to choose a development from the Guide (non-accessible apartments) are entitled to only one apartment offer. If they refuse the apartment, the transfer request will be closed.

### 3. Transfer Requests to Accessible Apartments (Intra or Inter-Development Transfers)

Tenants (transferees) eligible to choose an accessible apartment – either intra-development or inter-development transfers are entitled to two apartment offers.

### **CHANGE OF TENANT'S TRANSFER OPTIONS**

Once a tenant's transfer choice has been certified to a development's waiting list, the tenant may **NOT** change his/her development choice unless:

- There are changed circumstances or request for a reasonable accommodation requiring a location change; or
- The tenant's name is on a development waiting list for an accessible apartment, but currently there are no available accessible apartments at that development. The tenant may choose a new development by using the self-service portal or from the Guide to Vacancies – Accessible Apartments; or
- The tenant's name has been on the development waiting list for a regular apartment for more than two years without an apartment offer, and the new development choice is consistent with the reason for transfer.

## APPENDIX C - NYCHA OCCUPANCY STANDARDS

Number of Rooms	Number of Bedrooms	Standard Occupancy (Number of People)	Overcrowded Number of People)	Extremely Overcrowded (Number of People)	Under occupied (Number of People)	Extremely Under occupied (Number of People)
2	0	1 <sup>1</sup> *	2 <sup>1</sup>	2 <sup>2</sup> , 3 or more	—	—
3	1	2 <sup>1</sup>	2 <sup>2</sup> , 3 or 4	4X, 5 or more	—	—
4	2	2 <sup>2</sup> , 3, 4	4X, 5 or 6	7 or more	1, 2 <sup>1</sup>	—
5	3	4X, 5	6, 7 or 8	9 or more	2 <sup>2</sup> , 3 or fewer	1, 2 <sup>1</sup>
6	4	6, 7 or 8	9 or 10	11 or more	4X, 5	4 or fewer
7	5	9 or 10	11 or 12	13 or more	8	7 or fewer
8	6	11 or 12	13 or 14	15 or more	9 or 10	8 or fewer
9	7	13 or 14	15 or 16	17 or more	11 or 12	10 or fewer
10	8	15 or 16	17 or 18	19 or more	13 or 14	12 or fewer
11	9	17 or 18	19 or 20	21 or more	15 or 16	14 or fewer

### **1<sup>1</sup> \*NOTES:**

1 person elderly family who is selecting an elderly development may select either a studio or 1 bedroom apartment.

1 person elderly family who is selecting a general population development can select only a studio apartment.

1 person family who is selecting from the Guide to Vacancies – Accessible Apartments may select either a studio or one bedroom apartment.

1 person tenant family currently residing in a studio apartment will not be offered a one-bedroom apartment except where the transfer request is to an elderly development, to an accessible apartment, , to a development where there are no studios built or if a reasonable accommodation has been granted.

**2<sup>1</sup>** Married couple, two persons registered as domestic partners or a single adult with a child less than six (6) years of age.

**2<sup>2</sup>** Two adults who are neither married nor registered as domestic partners, or a single adult with a child of six (6) years of age or more.

### **4X FAMILY:**

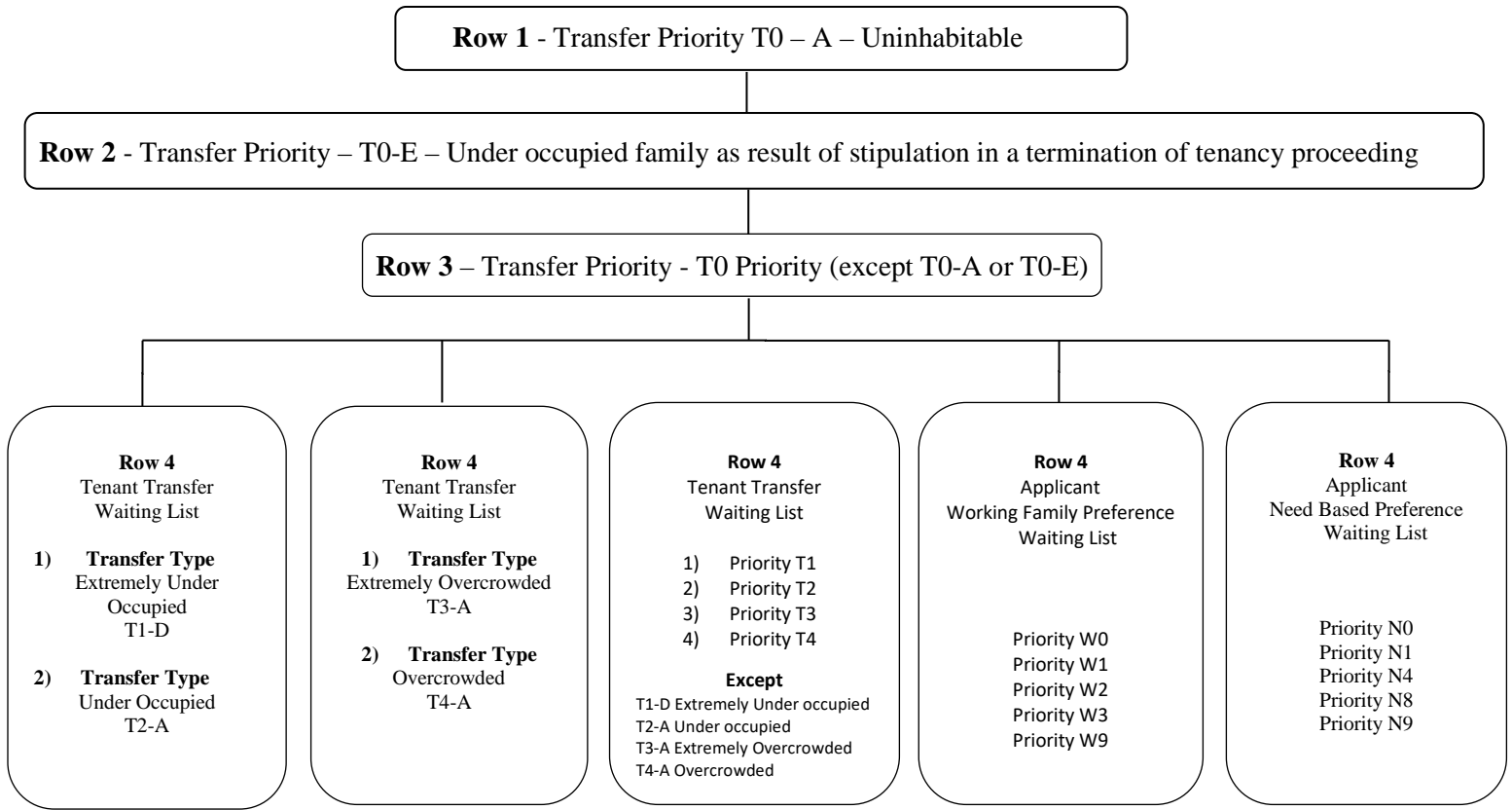
a. Married couple or couple registered as domestic partners, with other family members being one male and one female who are neither married nor registered as domestic partners.

b. Three females, one male (e.g., mother, 2 daughters, 1 son; father with 3 daughters).

c. Three males, one female (e.g., mother with 3 sons; father, 2 sons, 1 daughter).

## APPENDIX D – WAITING LIST ORDER AND RENTAL ROTATION

### Automatic Computer Selection of a Prospective Tenant for a Non-Accessible Vacant Apartment of Specific Room Size



- When an apartment becomes available, the TSAP computer system first looks to choose a Tenant Transfer with a T0-A priority (Row 1).
- If there are no T0-A Tenant Transfers waiting, the computer system automatically shifts to Row 2 and chooses a Tenant Transfer with a T0-E priority.
- If there are no T0-E Tenant Transfers waiting, the computer system automatically shifts to Row 3 and chooses a Tenant Transfer with a T0 priority.
- If there are no transfers in Row 1 through Row 3, the computer system automatically shifts to Row 4 and chooses from among the five rental columns on a rotational basis.
- Within each of the five rental column the first referral with the highest priority and oldest certification is chosen
- Within transfers of equal priority, the first INTRA-Development Transfer with the oldest certification date is chosen, if there are no INTRA transfers then an INTER-Development Transfer with the oldest certification date is chosen.