



New York City Housing Authority

# **ADMISSIONS AND CONTINUED OCCUPANCY POLICY**

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# Chapter 1: General Policies and Objectives

## a) Introduction

The Public Housing Program was created by the U.S. Housing Act of 1937 and is monitored and funded through the U.S. Department of Housing and Urban Development (HUD). New York City Housing Authority's (NYCHA) administration of the Public Housing Program will meet the requirements of federal law and HUD as outlined in this Admissions and Continued Occupancy Policy (ACOP). These requirements include Public Housing Regulations, Handbooks, and applicable Notices. All applicable federal, state, and local laws, including Fair Housing Laws and regulations, also apply. Changes in federal laws or regulations supersede provisions in conflict with this policy. Federal regulations include those found in Volume 24 Code of Federal Regulations (CFR), Parts 1, 5, 8, 100, and 900-966.

## b) Key Acronyms

- ACOP: Admissions and Continued Occupancy Policy
- CFR: Code of Federal Regulations
- HUD: U.S. Department of Housing and Urban Development
- NYCHA: New York City Housing Authority
- PH: Low Income Public Housing Program

## c) Purpose and Overview of the Admissions and Continued Occupancy Policy (ACOP)

### i. Purpose

The purpose of this ACOP is to define the policy guidelines to be used in determining eligibility for Low Income Public Housing (PH) admission and continued occupancy at NYCHA. These guidelines are governed by the requirements of HUD and by local policies and procedures where allowable. These policies and procedures for admission and continued occupancy apply to PH applicants, residents, and NYCHA.

The ACOP is a compilation of policies from various documents, including the NYCHA Management Manual, Applications and Tenancy Administration Department Manual, and Tenant Selection and Assignment Plan. In the event of inconsistencies between policies as stated in the ACOP and other policies as stated in other NYCHA documents, the ACOP controls.

Residents in Low-Income Housing Tax Credit (LIHTC) developments may be subject to additional programmatic requirements beyond those listed in this ACOP for public housing residents.

## ii. Mandatory and Discretionary Policies

HUD requires NYCHA to identify both mandatory (non-discretionary) and discretionary policies. Mandatory policies must comply with HUD and other regulations and must be included in the ACOP. Discretionary policies are areas where NYCHA has flexibility to define policies, typically within a given set of parameters. The policies may be unique to NYCHA or based on industry best practices. These policies comply with federal, state, and local laws as well as HUD guidance.

## iii. Updating and Revising the ACOP

NYCHA will post the ACOP for public review and comment for 45 calendar days. After taking public comments into consideration, NYCHA will finalize the ACOP prior to implementation. NYCHA will revise the ACOP from time to time as necessary.

## d) NYCHA's Mission

### i. Mission Statement

NYCHA's mission is to provide quality housing for New Yorkers that is sustainable, inclusive, and safe, while fostering opportunities for economic mobility.



## Chapter 2: Fair Housing and Equal Opportunity

### a) Legal Overview

The policies in Chapter 2 are based on the following laws, as may be amended from time to time. These laws include:

- Title VI of the Civil Rights Act of 1964;
- Title VIII of the Civil Rights Act of 1968 (as amended by the Community Development Act of 1974 and the Fair Housing Amendments Act of 1988);
- Executive Order 11063;
- Section 504 of the Rehabilitation Act of 1973;
- The Age Discrimination Act of 1975;
- Architectural Barriers Act of 1968;
- Title II of the Americans with Disabilities Act (to the extent that it applies, otherwise Section 504 and the Fair Housing Amendments govern);
- Equal Access to Housing Rules;
- Violence Against Women Reauthorization Act of 2022 (VAWA); and
- Any applicable state laws or local ordinances and any legislation protecting individual rights of residents, applicants.

### b) Key Acronyms

- CFR: Code of Federal Regulations
- ODEI: Office of Diversity, Equity, and Inclusion (NYCHA)
- HUD: U.S. Department of Housing and Urban Development
- LEP: Limited English Proficiency
- LSU: Language Services Unit (NYCHA)
- NYCHA: New York City Housing Authority
- PHRAC: Public Housing Reasonable Accommodation Coordinator
- SPD: Services for People with Disabilities (NYCHA)
- TTY: Teletypewriter
- USC: United States Code
- VAWA: Violence Against Women Act

## c) Fair Housing and Equal Access

### i. Nondiscrimination

It is NYCHA's policy to provide equal housing opportunities for all qualified applicants, transferees, and residents. In the selection of households and in the provision of services, NYCHA will not discriminate against any person on the grounds of race; color; religion; national origin; sex; sexual orientation; actual or perceived gender identity; age; familial status; marital status; partnership status; military status; disability; lawful occupation; alienage or citizenship status; actual or perceived height or weight; or status as a victim of domestic violence, dating violence, sexual assault, or stalking.

### ii. Affirmatively Furthering Fair Housing

NYCHA reaffirms its commitment to affirmatively further fair housing through its sustained relationships with residents, applicants, advocates, and organizations that assist people with disabilities and promote fair housing. NYCHA's Services for People with Disabilities (SPD) Unit assists applicants and residents with disabilities in obtaining decent, affordable, and accessible housing in NYCHA developments. SPD serves as a liaison between persons with disabilities and NYCHA. Applicants, residents, and others in need of assistance with disabilities may call SPD's hotline at 212-306-4652 or teletypewriter (TTY) at 212-306-4845.

Residents and applicants may file housing discrimination complaints with NYCHA by contacting the Office of Diversity, Equity, and Inclusion (ODEI). Complaints are investigated internally to determine if the individual has been the subject of unlawful discrimination and whether corrective action is necessary.

NYCHA's ODEI provides annual updates to NYCHA's Fair Housing Non-Discrimination Policy, Equal Employment Non-Discrimination Policy, and Sexual Harassment Prevention Policy. These policies are available on the ODEI webpage and NYCHA's website and in audio format at 212-306-4600.

## d) Reasonable Accommodation

The Fair Housing Act and other federal laws require reasonable accommodations in rules, policies, practices, and services so that persons with physical disabilities including but not limited to motor impairment, cognitive disabilities, mental health diagnoses, or special needs have equal opportunity to use and enjoy programs or housing. The information in this section describes some common types of reasonable accommodations provided by NYCHA. Please note the accommodations described below are examples and do not represent a comprehensive list of reasonable accommodations that may be granted on a case-by-case basis.

### i. Program Accessibility

Upon request, and as appropriate on a case-by-case basis, NYCHA provides reasonable aids and services for effective communication to qualified applicants and residents with disabilities to allow participation in NYCHA programs, services, or activities.

Applicants and residents who are blind or have a visual impairment may request that notices be sent to them in an alternative format. Applicants and residents who are hearing-impaired may request accommodations for verbal communication. NYCHA considers requests for communications in an alternative format on a case-by-case basis.

### ii. Physical Accessibility

NYCHA residents with mobility impairments, physical disabilities, and/or other special needs may request transfers to apartments that have features that meet their specific needs. They may also request modifications to their current apartments to meet their needs, and/or modifications to NYCHA facilities to make them physically accessible to and usable by individuals with disabilities. NYCHA considers these requests on a case-by-case basis.

### iii. How to Request an Accommodation

Public housing residents/applicants who wish to request reasonable accommodations may do so online via NYCHA's Self-Service Portal or by contacting:

- Their property management office
- Customer Contact Center at 718-707-7771
- A NYCHA Walk-In Customer Contact Center:
  - Bronx/Manhattan/Queens  
478 East Fordham Road (1 Fordham Plaza), 2nd Floor  
Bronx, NY 10458  
Monday-Friday, 8:00 a.m. – 5:00 p.m.
  - Brooklyn/Staten Island/Queens  
787 Atlantic Avenue, 2nd Floor  
Brooklyn, NY 11238  
Monday-Friday, 8:00 a.m. – 5:00 p.m.
- NYCHA's SPD Unit by calling 212-306-4652, or 212-306-4845 (TTY)

### iv. Processing Reasonable Accommodation Requests

Submitted requests and supporting documentation are reviewed by NYCHA on a case-by-case basis. If a NYCHA department cannot approve a request, it is referred to the Public Housing Reasonable Accommodations Coordinator (PHRAC) to make a decision. If additional time or documentation is needed,

PHRAC contacts the applicant or resident to discuss the request. PHRAC can be reached at 212-306-6079 or via email at [rarequests@nycha.nyc.gov](mailto:rarequests@nycha.nyc.gov). NYCHA provides a written notification of the decision for each request.

#### v. Applicant's/Resident's Options if Reasonable Accommodation Request is Denied

Public housing applicants and residents may request an Informal Conference with the PHRAC if their request is not granted by the NYCHA department. The applicant or resident has 30 calendar days to submit additional supporting documentation to PHRAC. If the additional supporting documentation is sufficient, the request is approved. If not, the request is sent for a Grievance Hearing. If a housing applicant or resident believes that a reasonable accommodation for a disability has been denied in error, or that NYCHA has denied housing or retaliated because a reasonable accommodation has been requested, a complaint can be filed with any of the offices listed below. Reasonable accommodation requests will not be denied without first considering them on a case-by-case basis.

NYCHA Office of Diversity, Equity, and Inclusion (ODEI), 90 Church Street, 6<sup>th</sup> floor, NY, NY 10007, 212-306-4468, [www.nyc.gov/nycha](http://www.nyc.gov/nycha)

- U.S. Department of Housing and Urban Development (HUD) NY Regional Office of Fair Housing and Equal Opportunity, 26 Federal Plaza, Room 3541, NY, NY 10278, 212-306-4468, [www.hud.gov](http://www.hud.gov)
- New York State Division of Human Rights, One Fordham Plaza, Fourth Floor, Bronx, NY 10458, 888-392-3644, [www.dhr.ny.gov](http://www.dhr.ny.gov)
- New York City Commission on Human Rights, 22 Reade Street, NY, NY 10007, 718-722-3131, [www.nyc.gov/site/cchr/index.page](http://www.nyc.gov/site/cchr/index.page)

#### e) Policies Related to Persons with Limited English Proficiency

Based on HUD guidance (Federal Register at 72 FR 2732), NYCHA takes reasonable steps to ensure applicants and residents with Limited English Proficiency (LEP) may effectively participate in and benefit from NYCHA programs and services.

NYCHA's Language Services Unit (LSU) regularly assesses NYCHA's language assistance needs, monitors NYCHA's language delivery assistance services, and makes recommendations for modifications to NYCHA's delivery of language assistance services to persons with LEP.

NYCHA makes translations of vital documents available in the languages it most frequently encounters.

For telephonic interpretation services, NYCHA may provide the services directly or transfer the call to the Language Assistance Hotline for assistance through an external language vendor that provides on-demand, over-the-phone interpretation services in more than 100 languages.

NYCHA's Self-Service Portal, located at <https://selfserve.nycha.info/>, allows applicants to apply for NYCHA housing. Google Translate is available for use in the Self-Service Portal and on NYCHA's website to assist persons with LEP.

MyNYCHA, located at <https://my.nycha.info/MyNYCHA>, allows residents to request services for their apartments; subscribe to alerts for outages in their development; view inspection appointments; and pay their rent via a desktop or mobile device. MyNYCHA is available in English, Spanish, Russian, Traditional Chinese, and Simplified Chinese.

NYCHA's Language Services Unit also offers sign language assistance services for the hearing impaired and will arrange for an American Sign Language (ASL) interpreter or Certified Deaf Interpreter (CDI) upon request.

## f) Providing Information to Individuals

The following policies are permanently posted inside every management office:

- Tenant Payment and Refund Policy
- Availability of parking, and information about parking rules and fees
- Grievance Procedures
- Utility Allowance and Excess Utilities Schedule
- Maintenance Charge Schedule
- Pet Policies and Rules

## g) Violence Against Women Act (VAWA)

The Violence Against Women Act (VAWA), 42 USC 14043e *et seq.*, is a federal law providing protections for victims of domestic violence, dating violence, sexual assault, and stalking (VAWA incidents), regardless of sex, gender identity, or sexual orientation, who are applying for or are receiving assistance under the Public Housing program. Refer to Appendix A, Glossary for definitions. For more information on emergency transfers, please see [Chapter 10](#) of the ACOP

### i. Applicants

VAWA protects applicants from being denied admission to federally funded housing programs, including public housing, because they are victims of VAWA incidents. VAWA incidents cannot be the basis for denying admission of any household member other than denial of the abuser(s). In addition, victims of domestic violence may be eligible for a waiting list preference.

### ii. Residents

VAWA protects residents of federally funded housing programs, including public housing, and their immediate household members from being evicted because they are victims of VAWA incidents. Under VAWA, NYCHA may bifurcate the lease to terminate the tenancies of those living in a household

who perpetrate VAWA incidents while protecting victims and other household members.

### *(1) VAWA Protections and Notifications*

VAWA protections extend to “affiliated individuals” including immediate family members as well as any lawful occupant of the apartment. A VAWA victim does not have to be related to the abuser by blood or marriage to receive protection under VAWA. Please see the glossary for the full definition of affiliated individual.

Other household members are given a reasonable amount of time to establish eligibility for assistance or to find alternative housing if a sole lessee is terminated based on a VAWA incident.

In accordance with federal regulations, NYCHA provides residents with NYCHA Form 040.683, VAWA Victim Certification, and NYCHA Form 040.683A, Notice of Occupancy Rights under the Violence Against Women Act:

- At the time the applicant is denied residency in a dwelling unit assisted under the covered housing program; Applicant receives 040.683 - VAWA Victim Certification Form and 040.683A - Notice of Occupancy Rights Under the Violence Against Women Act
- At the time the individual is admitted to a dwelling unit assisted under the covered housing program. As part of the lease packet, individual receives 040.683 - VAWA Victim Certification Form and 040.683A - Notice of Occupancy Rights Under the Violence Against Women Act; emergency transfers receive 040.923A - Emergency Transfer Information Sheet for VAWA Victims.
- With any notification of eviction or notification of termination of assistance.

### *(2) Prohibited Basis for Termination or Eviction*

VAWA incidents cannot be the basis for terminating the tenancy of any household member other than the tenancy of the abuser(s). In addition, a tenancy cannot be terminated as a direct result of the fact that the resident is or has been a victim of a VAWA incident. Refer to Chapter 11(f), Terminations Related to VAWA, for more information.

### *(3) Limitations of VAWA Protections*

There are some persons for whom the VAWA protections are unavailable, including household members with temporary permission and live-in aides. However, as a reasonable accommodation, a resident may request VAWA protections on the grounds that the live-in aide is a victim of a VAWA incident.



#### *(4) Documentation*

In order for VAWA protections to apply, a resident must submit one of the following forms of documentation to NYCHA:

- NYCHA Form 040.683, VAWA: Victim Certification-HUD Form No. 5382, signed by the VAWA victim; **or**
- Documentation signed and attested to by a professional (defined as an employee, agent, or volunteer of a victim service provider; an attorney; a medical professional; or a mental health professional) from whom the victim has sought assistance in addressing domestic violence, dating violence, sexual assault, or stalking, or the effect of the abuse. The professional must attest, under penalty of perjury, that the professional believes the incident that is the ground for protection occurred, and that the incident meets the definition of the applicable abusive action; **or**
- A record of a law enforcement agency, court, or administrative agency, such as a police report, a court record, or an administrative agency record describing the incident(s) in question; **or**
- At NYCHA's discretion, a statement or other evidence provided by the resident may also be accepted.

If the resident claims protections under VAWA, NYCHA provides the resident with a written request for documentation and instructs the resident to provide documentation within 14 business days. NYCHA may grant an extension of the 14-business day period at the resident's request if the resident provides valid reasons for an extension.

If the resident submits completed documentation as described above, NYCHA is prohibited from requesting any additional documentation to show someone is a VAWA victim unless there are cross-complaints or other conflicting claims about the abuse.

#### *(5) Cross-Complaints or Other Conflicting Documentation*

If NYCHA receives conflicting information or cross-complaints from two or more members of a household claiming to be victims of a VAWA incident and naming each other as the abuser, NYCHA may then ask each household member who claims to be a victim to provide third-party documentation so that NYCHA can try to determine which household member is the victim and which household member is the abuser.

If documentation does not identify a victim and perpetrator, NYCHA sends both complainants NYCHA Form 040.927, VAWA Cross-Complaints: Denial Based on Insufficient Verification, notifying them that their conflicting requests for protections under VAWA are denied because NYCHA was unable to make a determination based on the

documentation provided. NYCHA does not take any adverse action against the tenancy.

#### *(6) Failure to Provide Documentation*

If the resident and/or cross-complainant does not submit documentation within the required period, including any extensions, NYCHA denies the request for protection under VAWA.

#### *(7) Remedies Available to Victims*

##### Emergency Transfers

Victims of VAWA incidents may be eligible for an emergency transfer if they apply for and meet the requirements in Chapter 10(f)(i) Victim under VAWA.

##### Split Household/Bifurcation of Tenancy

VAWA gives NYCHA the option of “bifurcating” or “splitting” the tenancy to terminate the rights of a resident or authorized household member who engages in activity **directly relating to** VAWA incidents committed against another person in the household or an affiliated individual.

Rent is recalculated following bifurcation, taking into consideration the remaining household members’ income and immigration status (refer to Chapter 8(f), Interim Recertifications, for more information).

### **iii. Confidentiality**

NYCHA maintains VAWA information in confidence, except to the extent that the victim provides written consent to release information by signing NYCHA Form 040.682, VAWA: Consent to Release Documents.

The information provided by a resident to verify their status as a victim is shared only with those NYCHA employees who need access in order to provide services to the resident.



## Chapter 3: Applying to Public Housing

### a) Overview

To be considered for public housing, each applicant must complete NYCHA's application. This chapter describes how to apply and what happens once NYCHA receives an application, including the eligibility and screening policies for admission. Applicants who are found ineligible for the program have an opportunity to explain their circumstances, provide additional information, and receive an explanation of decisions made by NYCHA about their eligibility.

### b) Key Acronyms

- ADA: Americans with Disabilities Act
- ATAD: Applications and Tenancy Administration Department
- CFR: Code of Federal Regulations
- ODEI: Office of Diversity, Equity, and Inclusion (NYCHA)
- HUD: U.S. Department of Housing and Urban Development
- NYCHA: New York City Housing Authority
- SAVE: Systematic Alien Verification for Entitlements
- USCIS: United States Citizenship and Immigration Services
- VAWA: Violence Against Women Act

### c) Household Composition

#### i. Definitions of Family and Household Members

*(1) A family includes but is not limited to the following, regardless of actual or perceived sexual orientation, gender identity, or marital status:*

- A single person, who may be an elderly, displaced, or near-elderly person, or any other single person; or an otherwise eligible youth who has attained at least 18 years of age and not more than 24 years of age and who has left foster care, or will leave foster care within 90 days, in accordance with a transition plan described in section 475(5)(H) of the Social Security Act (42 U.S.C. 675(5)(H)), and is homeless or is at risk of becoming homeless at age 16 or older; or
- A group of persons residing together, and such group includes, but is not limited to:
  - A family with or without children (a child who is temporarily away from the home because of placement in foster care is considered a member of the family);
  - An elderly family;

- A near-elderly family;
- A family with one or more persons with disabilities;
- A displaced family; and
- The remaining member of a tenant family.

*(2) A household can include other individuals who are not considered family members:*

- Live-in Guardian with Conditional Permission;
- Foster children/adults who meet definition of a foster child/adult under state law;
- Live-in aides; or
- Temporary occupants.

*1. A family does not include:*

- Boarders, lodgers, or transient paying guests;
- Roommates living together as friends;
- Live-in aides.

Note: In addition, hosting boarders, lodgers, and paying guests is a lease violation.

## d) Application

Each family must submit an application to be considered for an apartment in NYCHA's Public Housing Program. Applications may be submitted online at NYCHA's Self-Service Portal, which can be accessed from any internet-connected device or at computer terminals located at NYCHA's Customer Contact Centers. Applicants can also request a paper version of NYCHA Form 070.002, Application for Public Housing by visiting a NYCHA Customer Contact Center, or by calling NYCHA's Customer Contact Center at 718-707-7771 to request a mailed physical copy. Completed paper applications must be mailed to NYCHA, Post Office Box 19205, Long Island City, NY 11101-9998.

Applicants are permitted to select up to two preferred boroughs at the time of application. If an applicant does not indicate a preferred borough, NYCHA assumes their preference is the borough of residence. If selected for housing, NYCHA does not guarantee housing in an applicant's preferred borough.

Applicants receive an acknowledgment letter by mail to confirm successful submission. The acknowledgment letter indicates the priority assigned to the application, the application filing date, and the unique case number assigned to the application. NYCHA also notifies applicants of their preliminary eligibility status for public housing by mail.

There are two instances in which NYCHA may make a preliminary determination of ineligibility:

- Family income indicated by the applicant at the time of application exceeds the admission income limits for their family size. Refer to section (f)(ii)(4) of this chapter for more information.
- Applicant and co-applicant are less than 18 years of age and are not legally emancipated minors.

## e) Updating the Application

Applicants are responsible for updating the application whenever there is a change in family composition, reason for applying, income, address, or telephone number. Failure to report these changes may result in a delay in receiving housing or the family's removal from the waiting list. At a minimum, applicants must renew or refile their applications within two years, or the application will expire.

## f) Eligibility Determination

### i. Eligibility Process

If an application is complete and passes preliminary screening, NYCHA schedules the applicant for an eligibility interview. During the eligibility interview, NYCHA confirms documentation and asks the applicant a series of standardized questions related to eligibility and suitability. Applicants must meet the requirements for eligibility and priority. If the applicant provides all required information and is found to be suitable for tenancy, NYCHA notifies the applicant in writing. The application will be placed on a certified waiting list (refer to Chapter 4, Waiting List Management, for more information). Placement on a certified waiting list does not necessarily mean the family is eligible for admission at the time an apartment becomes available. At that time, NYCHA performs additional checks to confirm eligibility and suitability.

### ii. Eligibility Criteria

NYCHA's eligibility criteria for PH are as follows:

#### *(1) Citizenship and Immigration Status*

At least one person in the applicant household must be a United States citizen or have eligible immigration status for the household to be eligible for the Public Housing program. Refer to Chapter 7(i)(vi), Verifying Family Information, for more information.

#### *(2) Residence*

NYCHA may assign ranking criteria to applications that meet certain criteria. These ranking criteria are commonly referred to as "preferences." An applicant for public housing with a "Working Family" preference is required to live, work, or have a commitment to a job in New York City. Refer to Chapter 4(d), Local Preferences and Priorities, for more information.

### *(3) Minimum Age and Family Composition*

The applicant, or co-applicant, must be 18 years of age or older or an emancipated minor to be eligible for public housing.

### *(4) Income and Assets*

For admission to public housing, family income must not exceed 80% of area median income as established by federal regulations. For current public housing income limits refer to <https://www.huduser.gov/portal/datasets/il.html>.

In accordance with 24 CFR 960.202(b), no less than 40% of families admitted to public housing during a fiscal year from the waiting list must be extremely low-income families. Family income must be used both for determination of eligibility and income targeting.

Mixed families that consist of a combination of 1) U.S. citizens or individuals with eligible status, and 2) members who lack eligible immigration status, will have pro-rated rent. If the pro-rated rent is more than 80% of the family's net income, the household is ineligible.

For more information on income and assets, please refer to Chapter 7 (d), Anticipated Annual Income.

### *(5) Social Security Number Requirements*

In accordance with 24 CFR 5.216, applicants (including each member of the household, live-in aides, foster children, and foster adults) are required to disclose their social security numbers assigned by the Social Security Administration, with the exception of the following individuals:

- Individuals who do not contend to have eligible immigration status; or
- Individuals who were age 62 or older as of January 31, 2010, whose initial determination of eligibility began before January 31, 2010.

Refer to Chapter 7(i)(vi)(2), Social Security Numbers, for more information.

### *(6) Consent to NYCHA's Collection and Use of Family Information*

Each family member aged 18 years or older must sign the HUD Authorization for the Release of Information/Privacy Act, and other consent forms as needed, to permit NYCHA to collect and verify information, including financial information.

### *(7) Debts Owed*

An applicant is ineligible if the applicant has failed or refused to pay rent or other debts to NYCHA or any other public housing agency in connection with any assisted housing program. If NYCHA determines that an applicant has such a debt, NYCHA will notify the applicant in writing that he/she will be found ineligible if the debt is not paid in full within 90 calendar days of the date of NYCHA's letter.

### *(8) Development Specific Requirements*

- General Population Developments

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

- Elderly-Only Developments or Buildings

- For single person households: the head of household must be at least 62, or
- For multiple person households: Either the head of household **or** co-head of household must be at least 62. All other authorized permanent household members must be 62 or older.

- Accessible Apartments

Accessible apartments are specially equipped for people with impaired mobility. 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 to qualify for an accessible apartment. The person with a disability must demonstrate that they will benefit from the special features of an accessible apartment. NYCHA also works with tenants on accommodations for other needs.

## iii. **Mandatory Grounds for Denying Admission**

### *(1) Criminal Background Screening*

Per 24 CFR 960.204, NYCHA will conduct criminal background and sex offender screening for all applicants and household members age 16 years and older, and other screening as necessary.

Use of criminal records: Before NYCHA denies admission to NYCHA's public housing program on the basis of a criminal record, NYCHA must notify the household of the proposed action and must provide the subject of the record and the applicant with a copy of the criminal record and an opportunity to dispute the accuracy and relevance of that record. See 24 CFR Part 5 Subpart J for provisions concerning access to criminal records.

The purpose of this screening is to ensure that NYCHA does not admit ineligible families to public housing. NYCHA maintains a list of criminal offenses that are considered when determining whether a family is eligible for public housing, see Appendix B, Ineligibility Dispositions.

*(2) Consent to Perform Criminal Background Check*

Applicants and members of their household 16 years of age and older are required to sign NYCHA Form 070.728, Consent for Criminal Background Check. Failure to sign the Consent for Criminal Background Check constitutes a basis to deny admission.

*(3) If an applicant has been convicted of drug-related criminal activity for manufacturing or producing methamphetamine on the premises of federally assisted housing*

If any household member has ever been convicted of drug-related criminal activity for manufacturing or producing methamphetamine on the premises of federally assisted housing, the family is permanently prohibited from admission. Premises are defined as the building or complex in which the apartment is located, including common areas and grounds.

*(4) If any applicant household member is subject to a lifetime registration requirement under a state sex offender registration program*

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.

*(5) If an applicant has been evicted from federally assisted housing for drug-related criminal activity*

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 NYCHA or if circumstances have changed (for example, the household member is imprisoned or has died).

*(6) If a household member is currently engaged in illegal drug use or alcohol abuse. If NYCHA has reasonable cause to believe that a member of the applicant family has engaged in the illegal use, or pattern of illegal use, of a controlled substance within the last six months, that may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents, the family is ineligible until the earliest of:*

- Three years after the date of the ineligibility finding (if the latest date of illegal drug use can be established by objective evidence,

the period of ineligibility will begin from that date instead of from the date the family is declared ineligible); or

- Until the family provides both written verification from a state-licensed drug treatment agency that the offending person has been drug free for 12 months and also submits a current clean toxicology report; or
- Until NYCHA is convinced, based on all of the information presented, that the offending person is no longer engaging in the illegal use of a controlled substance and has otherwise been rehabilitated successfully so as not to interfere with the health, safety, or right to peaceful enjoyment of the premises by other NYCHA residents.

#### *(7) Net Assets and Ownership Interest*

NYCHA must restrict assistance to applicant families based on value of net family assets and ownership interest in real property:

- **Net Family Assets**

The family's net assets exceed \$100,000.00 which will be adjusted annually by HUD.

- **Ownership Interest in Real Property**

The family has a present ownership interest in, a legal right to reside in, and the effective legal authority to sell, based on State or local laws of the jurisdiction where the property is located, real property that is suitable for occupancy by the family as a residence. Exceptions to the real property restrictions:

- Any property for which the family is receiving assistance under the Homeownership Option in 24 CFR part 982,
- Any property that is jointly owned by a member of the family and at least one non-household member who does not live with the family, and the non-household member resides at the jointly owned property,
- Any property owned by a family that includes a person who is a victim of domestic violence, dating violence, sexual assault, or stalking, or
- Any family that is offering such property for sale.

A property will be considered "suitable for occupancy" unless the family demonstrates that it:

- Does not meet the disability-related needs for all members of the family;
- Is not sufficient for the size of the family;
- Is geographically located so as to be a hardship for the family;



- Is not safe to reside in because of the physical condition of the property; or
- Is not a property that a family may reside in under the State or local laws of the jurisdiction where the property is located.

#### iv. Discretionary Screening

In selecting families for admission, NYCHA is responsible for screening family behavior and suitability for tenancy. In performing its screening obligations, NYCHA may consider 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 poor 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 residents.

#### v. Denial of Admission Based on Adverse Effects on Health, Safety, Welfare, or Property

NYCHA will deny admission to families who, based on their past behavior, might adversely affect the health, safety, or welfare of other residents, NYCHA staff, or a NYCHA development. In the event of the receipt of unfavorable information with respect to an applicant, NYCHA will give consideration to the time, nature, and extent of the applicant's conduct and to factors that might indicate a reasonable probability of favorable future conduct.

Families with members in the following categories will be found ineligible for the stated period of time. If the family falls within more than one category below, the family is ineligible for the longest applicable time period.

##### *(1) Persons with Conviction Records*

The families described in this section are ineligible until the end of the ineligibility period as described below:

- Convictions for Class A, B, or C Felonies

Six years from the date the convicted person has served their sentence (not including parole or probation) and has no further convictions or pending charges;

- Convictions for Class D or E Felonies



Five years from the date the convicted person has served their sentence (not including parole or probation) and has no further convictions or pending charges;

- Convictions for Class A Misdemeanors

Four years from the date the convicted person has served their sentence (not including parole or probation) and has no further convictions or pending charges; and

- Convictions for Class B or Unclassified Misdemeanors

Three years from the date the convicted person has served their sentence (not including parole or probation) and has no further convictions or pending charges.

NYCHA maintains a list of criminal offenses that are considered when determining whether a family is eligible for public housing. For list of criminal offenses, see Appendix B, Ineligibility Dispositions.

### *(2) Persons Who Have an Unsatisfactory Record of Meeting Rent Payment Obligations*

NYCHA may deny admission to families who:

- Have a pattern of late rent payments [e.g., two or more late monthly rent payments within the last 12 months]; or
- Have been evicted by a prior landlord for non-payment of rent within the last three years; and
- Cannot establish a satisfactory rent payment history for 12 months after their history of late rent payments.

NYCHA considers an applicant's explanation of extenuating circumstances that caused the late rent payments as well as assurances that the delinquency will not reoccur if the family is admitted to public housing.

### *(3) Persons Who Have Caused a Fire-Related Incident*

The following are examples of fire-related incidents which may make a family ineligible:

- Arson;
- Smoking in bed;
- Abandoned or discarded material;
- Improper storage or hoarding of garbage;
- Combustible material placed too close to a heat source, e.g., lit candles placed near curtains;
- A heat source left unattended, e.g., a pot on the stove;
- Using a flammable liquid to start a fire.

Families are ineligible until they have completed four years from the date of the fire without causing another fire.

*(4) Persons Who Have Behaved Violently or Have Destroyed Property*

This category includes persons who have engaged in or threatened abusive or violent behavior toward NYCHA staff.

Families are 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 period of ineligibility begins from that date, instead of from the date the family is determined to be ineligible.

*(5) Persons Who Have Disturbed Neighbors, Based on Information Obtained From the Neighbor or Landlord Contact*

Families are 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 period of ineligibility begins from that date, instead of from the date the family is determined to be ineligible.

*(6) Persons with Grossly Unsanitary or Hazardous Housekeeping Habits, Based on Information Obtained From the Neighbor or Landlord Contact*

Families are ineligible for three years from the date they are declared ineligible.

However, if a qualified agency is working with the family to improve its housekeeping, and the agency reports that the family shows potential for improvement, NYCHA will consider this information prior to deciding the family's eligibility.

*(7) Persons Permanently Excluded from a NYCHA Apartment*

Families are ineligible until the excluded person has completed five years without violating the stipulation of permanent exclusion.

*(8) Persons Terminated From NYCHA Employment Following a General Trial, for Behavior That Would Constitute a Felony, Misdemeanor, Illegal Drug Use, or Intoxication on the Job*

Families are ineligible until three years from the date of the person's termination.

*(9) Persons Who Committed Fraud, Bribery, or any Other Corrupt or Criminal Act in Connection with a Government Housing Program*

Families are ineligible for three years from the date they are declared ineligible if the offending person has not been criminally convicted. If the offending person has been criminally convicted, the family is ineligible until the convicted person has served the sentence (not including the completion of probation and/or parole) and has no further

convictions or pending charges for three years after completing the sentence.

*(10) Persons Who Misrepresented Information Affecting Eligibility, Preferences for Admission, Citizenship/Immigration Status, Family Composition, Income, or Allowances*

Families are ineligible for three years from the date they are declared ineligible if the offending person has not been criminally convicted. If the offending person has been criminally convicted, the family is ineligible until the convicted person has served the sentence (not including the completion of probation and/or parole) and has no further convictions or pending charges for three years after completing the sentence.

*(11) Persons Who Have Been Evicted From a Governmental Housing Program, or Whose Tenancy in a Government 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*

Families are ineligible for five years from the date of the person's move-out or eviction. An eviction is deemed to have occurred when the court issues a warrant of eviction. If the family is still in occupancy of the apartment, the period of ineligibility begins from the date they are declared ineligible.

*(12) Persons Who Have Been Evicted or Are About to Be Evicted From a NYCHA Apartment Pursuant to a Licensee Action*

Families are ineligible for five years from the date of the person's move-out or eviction. An eviction is deemed to have occurred when the court issues a warrant of eviction. If the family is still in occupancy of the apartment, the period of ineligibility begins from the date they are declared ineligible.

## **g) Notification of Ineligibility and Denial of Admission**

Applicants who are determined to be ineligible will receive written notification of the ineligibility decision (NYCHA Form 070.126, Ineligibility Notification), along with information related to the appeal process and documents advising them of their rights under the Violence Against Women Act (VAWA). The notification will indicate the reason for denial and advise that they may request an informal hearing within 90 calendar days from the date of the letter.

Applicants removed from the waiting list due to denial of admission and who wish to be reconsidered for public housing must file a new application. Any new application will be considered based on its date of receipt.

## h) Informal Hearings for Applicants

### i. Notification of Preliminary Ineligibility

When a preliminary application is found to be ineligible, NYCHA Form 070.276, Preliminary Ineligible Letter, is mailed to the applicant advising them that they may visit the Customer Contact Center for an informal discussion to review the ineligibility determination.

If the applicant is dissatisfied with the outcome of the informal discussion, they may appeal the decision by submitting NYCHA Form 070.127, Request for an Informal Hearing.

### ii. Denial of Admission

For applicants who appear to be ineligible based on a criminal record, sex offender registration, or illegal drug use information, NYCHA mails NYCHA Form 070.162, Pending Ineligibility Notification, and includes a copy of the relevant information. Prior to denying admission, the applicant has 30 calendar days to dispute the accuracy of the information with a Customer Contact Center representative and provide any evidence or document(s) that indicate favorable future conduct.

Applicants interviewed for eligibility and denied admission receive written notification, NYCHA Form 070.126, Ineligibility Notification, along with documents related to the appeal of NYCHA's decision and documents advising them of their rights under VAWA. The notification indicates the reason for denial and advises that they may request an informal hearing within 90 calendar days.

NYCHA has designated the Director of the ODEI or Director designee as coordinator to ensure compliance with the Americans with Disabilities Act (ADA) and Section 504, to provide prompt resolution of complaints alleging housing discrimination against persons with disabilities.

Applicants may direct complaints to ODEI, or Applications and Tenancy Administration Department (ATAD) may refer complaints to ODEI if it becomes aware of the complaint.

ODEI, in consultation with ATAD's Appeals Division, conducts a review of the applicant's complaint and recommends either sustaining or reversing the determination of ineligibility.

When ODEI recommends reversing a determination of ineligibility, the application is returned to ATAD's Eligibility Division to resume processing.

When ODEI recommends sustaining the determination of ineligibility, NYCHA notifies the applicant of the decision by mailing NYCHA Form 070.192, Notice of Ineligibility and Right to a Hearing, which also includes details about the applicant's scheduled informal hearing. A Hearing Officer may reverse a

finding of ineligibility upon review of evidence and testimony by the applicant and ATAD at the informal hearing.

### iii. Informal Hearing Process for Applicants

Applicants found ineligible for admission have three opportunities to dispute the accuracy or relevance of the determination. The applicant may use any or all three opportunities described below to respond and provide documentation in support of their application.

#### *(1) The Informal Discussion*

The applicant may visit any of the two customer walk-in centers without an appointment to discuss the basis of their ineligibility.

The applicant may present documentation pertinent to their eligibility claim.

NYCHA provides the applicant with information on the informal review and hearing process and advises the applicant to complete NYCHA Form 070.127, Request for an Informal Hearing. ATAD's Appeals Division staff reviews the ineligibility determination along with the additional documents submitted.

The outcome of the informal discussion may be favorable or unfavorable to applicant.

- Favorable: Based on the discussion and documentation submitted, the application is returned to ATAD's Eligibility Division for further review and processing.
- Unfavorable: Based on the discussion and documentation submitted, the matter is not resolved in the applicant's favor. The case is forwarded to the Office of Impartial Hearings for an informal hearing.

NYCHA Form 070.581, Informal Discussion Letter, is mailed advising the applicant of the outcome of the informal discussion.

#### *(2) Pre-Hearing Conference*

NYCHA mails NYCHA Form 005.023, Notice of Pre-Hearing Conference Date, advising the applicant of the scheduled pre-hearing conference date.

On the day of the scheduled pre-hearing conference, the applicant, attorney, or other representative meets with a member of ATAD's Appeals Division staff to discuss the ineligibility determination and provide the applicant with all documents and policies used to make the ineligibility determination. The applicant or representative may provide additional documentation.

The outcome of the pre-hearing conference may be favorable or unfavorable to the applicant.

- **Favorable:** The applicant agrees to withdraw their request for an informal hearing and signs NYCHA Form 070.610, Pre-Informal Conference Hearing: Applicant Agreement to Withdraw Request for Informal Hearing. NYCHA mails the applicant NYCHA Form 070.613, Pre-Hearing Discussion Letter, which notifies the applicant that they have withdrawn their request for an informal hearing and that their application will be restored to the waiting list for continued processing.
- **Unfavorable:** ATAD proceeds with the informal hearing. NYCHA mails NYCHA Form 005.019A, Notice of Hearing Date, to the applicant 14 calendar days prior to the hearing scheduled date.

### *(3) Informal Hearing*

When the pre-hearing conference does not resolve the ineligibility in the applicant's favor, an informal hearing is scheduled and conducted by NYCHA's Office of Impartial Hearings.

The Hearing Officer must not have participated in the determination of ineligibility.

Following submission of the written request for an informal hearing, the applicant, attorney, or other representative may request copies of documents relevant to the determination of ineligibility, free of charge, within five business days of receipt of the request. The request must be directed to NYCHA's Law Department.

The applicant receives written notice from the Office of Impartial Hearings of the date, time, and place of the informal hearing at least 14 calendar days before its scheduled date.

The Hearing Officer's determination is issued in a written decision based solely on the proof presented at the hearing and must state the basis for the final decision.

The outcome of the informal hearing may be favorable or unfavorable to the applicant.

- **Favorable:** The Hearing Officer reverses the determination of ineligibility, and the application is restored to the waiting list for continued processing.
- **Unfavorable:** The Hearing Officer sustains the determination of ineligibility.

#### iv. United States Citizenship and Immigration Services (USCIS) – Informal Hearings for Non-Citizens

When an applicant has been denied admission for lack of lawful immigration status, an informal hearing for non-citizens is provided as described below.

When an applicant declares eligible immigration status, NYCHA verifies the status through the United States Citizenship and Immigration Services (USCIS) Systematic Alien Verification for Entitlements (SAVE) system. If SAVE fails to confirm eligible immigration status, NYCHA notifies the applicant in writing. The notice also includes any of the following that apply:

- A statement that assistance will be denied, with a brief explanation of the reasons for the proposed denial;
- A statement that the applicant may be eligible for proration of assistance as well as the criteria and procedures for the applicant to obtain this assistance;
- A statement that the applicant has a right to request an appeal of the results of secondary verification of immigration status and to submit additional documentation or explanation in support of the appeal to the USCIS; and/or
- A statement that the applicant has a right to request an informal hearing with NYCHA either upon completion of the USCIS appeal or instead of the USCIS appeal.

The applicant has 30 calendar days from the date of the notification to request an appeal, in writing, directly to USCIS. The applicant must provide a copy of the written request and proof of mailing to USCIS in their notice to NYCHA. USCIS notifies the family of its decision with a copy to NYCHA. Concurrently, the applicant has 90 calendar days after receiving a notice of ineligible immigration status, to request a NYCHA informal hearing. This information will be included on the notice advising the resident of non-immigration status. If there is not a copy of the USCIS notification, NYCHA will notify the applicant of the right to request an informal hearing.



## Chapter 4: Waiting List Management

### a) Overview

NYCHA maintains its public housing waiting list in accordance with the following guidelines:

- All applicants and transferees in the pool are maintained in order of preference and priority as described below;
- Applicants with the same level of preferences and priorities are then ranked by date of application; and
- All applicants must meet applicable income eligibility requirements as established by HUD.

### b) Key Acronyms

- HUD: U.S. Department of Housing and Urban Development
- NYCHA: New York City Housing Authority

### c) Adding Applicants to Waiting Lists

Applicants who NYCHA determines eligible for housing (i.e., approved application and eligibility interview) and existing residents who have been approved for transfer are referred to as “certified.” NYCHA assigns certified applicants and transferees by apartment size to the following certified waiting lists:

- General Population Waiting List  
Used for general population housing developments or for all general population properties of a consolidation (i.e., no specific population designated);
- Elderly Waiting List  
Used for housing developments, buildings within a development, or properties of a consolidation that are specifically for people who are elderly. NYCHA periodically obtains permission from HUD to treat specific housing developments and properties as housing designated for elderly populations only;
- Accessible Waiting List  
Used for developments with accessible apartments for people with mobility impairments;
- Borough Waiting List  
Used for certified applicants and transferees eligible for Borough choice only, for vacancies at any appropriate development in the assigned borough; and
- Development Waiting List:



Used for certified applicants and transferees eligible for Development choice only, for vacancies in the assigned development.

## d) Local Preferences and Priorities

An applicant's place on the wait list is determined in part by NYCHA-defined preferences and priorities, which are described below. An applicant's individual attributes determine whether the applicant is eligible for these preferences and priorities. The preferences and priorities can help an applicant advance on the wait list over other applicants who do not qualify for the preferences and priorities. Applicants with the same level of preferences and priorities are then ranked by date of application.

### i. Preferences

NYCHA has two local preferences:

- 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, who will be taken in order of priority regardless of age or disability; and
- 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.

### ii. Priorities

Within the New York City resident preference described above, NYCHA has adopted a Working Family Priority and a Need-Based Priority (discussed below), which it uses to rank each applicant based upon information in the application. If an applicant qualifies for both types of priority, NYCHA assigns both priorities to the application, and whichever causes the applicant to be selected for an eligibility interview is the applicant's final priority.

### iii. The Priority Codes

#### *(1) Working Family Priorities*

Working family priorities apply only to applicants who are New York City residents — as defined in the table below.

For this section, "Income Tier" means the income level of each applicant which NYCHA uses to advance its goal of income mixing and of avoiding concentrations of extremely low-income families in any one or all of the NYCHA developments.

Additionally, the "area median income" varies by household size and is revised periodically to reflect economic data and income levels for admission to public housing as established by federal guidelines. When HUD makes changes to area median income, NYCHA publishes

the changes on its website. The relationship between area median income and NYCHA's Working Family priorities is explained below.

PRIORITY CODE	WORKING FAMILY PRIORITIES
<b>The applicant or co-applicant must live, work, or will be working in New York City to qualify for a Working Family Priority</b>	
W0	Department of Homeless Services Referral 1. Working family with children in shelter; 2. Families referred based on longest length of stay, room size required, and borough preference of family; Additional referral requirements may apply pursuant to agreement between Department of Homeless Services and NYCHA.
W1	Low-Income Limits – Family gross annual income is from 51% to 80% of area median income.
W2	Very Low-Income Limits – Family gross annual income is from 31% to 50% of area median income.
W3	Extremely Low-Income Limits – Family gross annual income is at or below 30% of area median income <b>AND</b> meets the "Working Family" definition below: <u>One (1) Person Household</u> The sole member is currently employed or self-employed at least 20 hours per week, or is receiving disability benefits, or is 62 years or older. <u>Two (2) Person or More Household</u> 1. The head of household, <u>or</u> co-head, or family member is currently employed or self-employed at least 20 hours per week or is receiving unemployment benefits; 2. The head of household <u>and</u> co-head are both receiving disability payments such as supplemental security income or workers compensation; 3. The head of household <u>and</u> co-head are both 62 years or older; or 4. The head of household <u>and</u> 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).
W9	Applicant or co-applicant who is the head of household or co-head of household at either a NYCHA public housing or Section 8 apartment

*(2) Need-Based Priorities*

PRIORITY CODE	NEED-BASED PRIORITIES
<b>The applicant or co-applicant must live, work, or will be working in New York City to qualify for a Need-Based Priority.</b>	
N0	<p>City Referred Homeless or Risk of Homeless</p> <ol style="list-style-type: none"> <li>Department of Homeless Services               <ol style="list-style-type: none"> <li>Family with children in shelter; and</li> <li>Based on longest length of stay in shelter and room size required by family.</li> </ol> </li> <li>Administration for Children's Services               <p>Youths aging out of foster care or children in foster care and sole barrier for reunification with family is lack of housing.</p> </li> <li>Housing Preservation &amp; Development               <p>Applicants displaced or about to be displaced by fire or vacate orders.</p> </li> <li>HIV/AIDS Services Administration               <p>Homeless applicants.</p> </li> <li>Health &amp; Hospital Corporation               <p>Applicant exiting Carter Specialty Nursing Facility and cannot return to prior housing.</p> </li> </ol>
N1	<p>Victim of Domestic Violence (see Appendix A, Glossary)</p> <ol style="list-style-type: none"> <li>Self-referred by applicant; or</li> <li>Families with children referred by Human Resources Administration pursuant to agreement with NYCHA.</li> </ol> <p>Intimidated Witness (see Appendix A, Glossary)</p> <ol style="list-style-type: none"> <li>Referred by Prosecutorial or Law Enforcement Agency to NYCHA's Family Partnerships Department</li> </ol>
N4	<p>Homeless or Risk of Homeless</p> <ol style="list-style-type: none"> <li>Reside in shelter or hotel used by the City of New York;</li> <li>Street homeless or place not ordinarily used for sleeping;</li> <li>Exiting health care facility and cannot return to prior housing (e.g. nursing homes, adult homes, or mental health facilities);</li> </ol>

	<p>4. Transitional or supportive housing (transitional housing does not include correctional, inpatient drug or alcohol programs); or</p> <p>5. About to be displaced due to government or housing owner action.</p>
	Rent Burden - rent burden is greater than 50% of family gross income
	Victim of Hate or Bias Crime
	<p>Substandard Housing</p> <p>1. Unit does not meet local building codes, is falling apart, or is a safety hazard; or</p> <p>2. Unit is not suitable for persons with disability.</p>
	Doubled-Up, Overcrowded in Apartment Not Subsidized by NYCHA
	Legally Doubled-Up and Overcrowded in NYCHA Public Housing Apartment
N8	<p>No Need-Based Priority</p> <p>1. Family does not reside, work, and will not be working in New York City; or</p> <p>2. Family lives, works, or will be working in New York City but does not qualify for Need-Based Priority N0, N1, or N4</p>
N9	Applicant or co-applicant who is the head of household or co-head of household at either a NYCHA public housing or Section 8 apartment.

#### iv. Order of Apartment Assignment

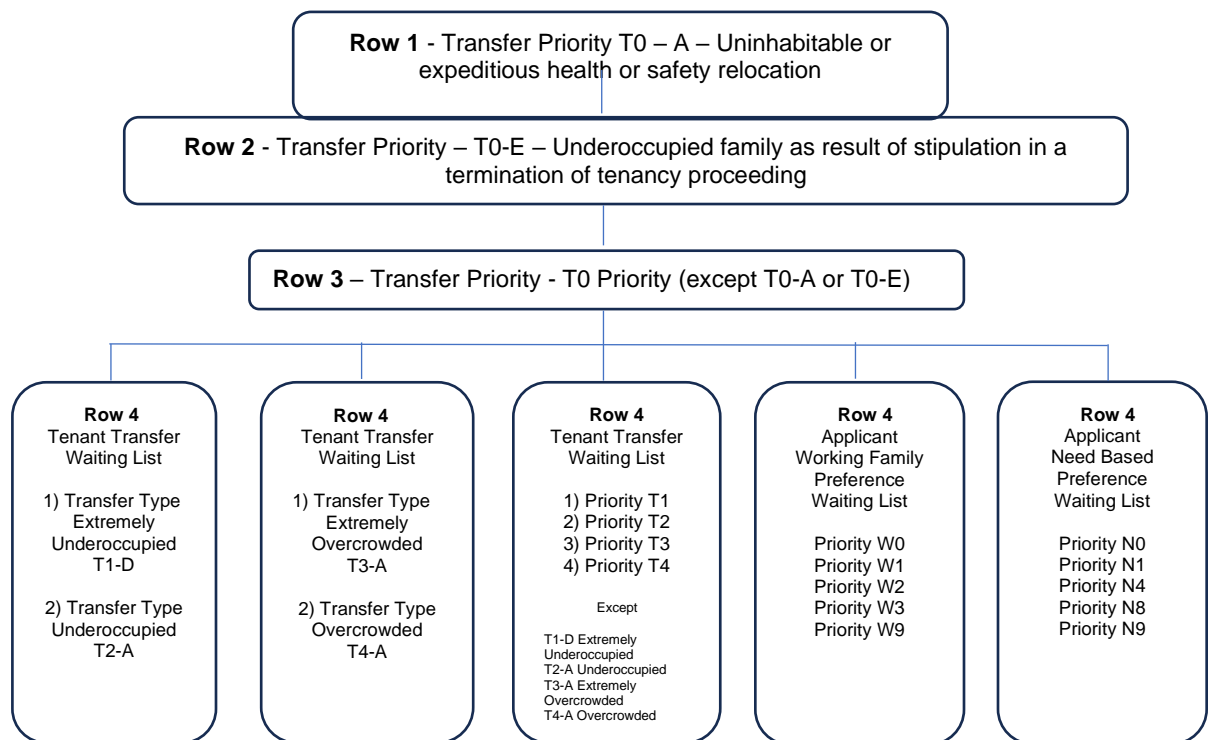
Current residents with approved transfer requests that are of highest priority, T0, are housed before applicants and other transferees on the wait lists (refer to Chapter 10, Transfers, for more information). All other residents and applicants are offered apartments by rotating among the five categories below:

- Transferees who are in under-occupied, including extremely under-occupied apartments;
- Transferees who are in over-crowded, including extremely over-crowded apartments;
- Transferees other than the two categories above;
- Working Family Priority applicants; and
  - Priority W0
  - Priority W1

- Priority W2
- Priority W3
- Priority W9
- Need-Based Priority applicants
  - Priority N0
  - Priority N1
  - Priority N4
  - Priority N8
  - Priority N9

Among all transfer categories, NYCHA selects intra-development transfers of equal priority by certification date before inter-development transfers eligible for that apartment size.

The table below provides a visual of this order of apartment assignment.



Refer to Chapter 5, Resident Selection and Apartment Offers, for more details.

## e) Opening and Closing the Waiting List

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

If NYCHA determines that an existing waiting list that has previously been closed does not contain an adequate pool to fill anticipated vacancies, NYCHA notifies the public of its intention to re-open the waiting list with a press release, on its website, and by other means.

## f) Outreach

If there is an inadequate pool of applicants to fill actual or anticipated vacancies at a development, NYCHA may reach out to certified applicants or transferees from other waiting lists who meet the outreach development's eligibility criteria. These certified applicants and transferees are notified that they can request to be added to the outreach development's waiting list. If this effort does not generate sufficient interest to meet the needs of the outreach development, NYCHA may market the outreach development to generate interest of new applicants.

## g) Refreshing Applicant Information on Waiting List

### iii. Annual Canvass

NYCHA conducts an annual canvass of all certified applicants and transferees on the development or borough waiting list to ensure continued interest in remaining on the waiting list. The canvass letters are sent to applicants and transferees throughout the year based on the certification date.

The applicant or transferee may respond by mail or online via NYCHA's Self-Service Portal. If, after 30 calendar days, the applicant or transferee does not respond, they are reminded by e-mail or automated phone call, if contact information is available, to respond to the canvass.

If there is no response by mail or online within 60 calendar days of the mailing of the canvass letter, the applicant or transferee request is closed.

### ii. Active Certified Applicants and Transferees on Waiting List for More than Two Years

Active certified applicants and transferees who have been on the certified waiting list for more than two years without any apartment offers may request to move their application or transfer request to another development or borough waiting list. These requests can be made either online at NYCHA's Self-Service Portal or by contacting the Customer Contact Center. Active certified applicants and transferees on accessible waiting lists may change their selection at any time.

## h) Removal of Application from Waiting List

NYCHA removes applications from the waiting list if an applicant or transferee:

- Indicates they are no longer interested in public housing or a transfer;

- Does not appear for a scheduled eligibility interview and fails to contact NYCHA to reschedule within 90 calendar days of the scheduled eligibility interview;
- Does not submit required additional information within 90 calendar days of the date requested;
- Does not satisfy debts, including but not limited to rent owed to NYCHA or to another public housing agency in connection with any assisted housing program within 90 calendar days of date NYCHA notifies the applicant of the requirement to satisfy the outstanding debt(s);
- Does not select a development from among those provided to the applicant by NYCHA as anticipating vacancies. The applicant has 30 calendar days after receiving this information from NYCHA to make their selection;
- Rejects two apartment offers (for applicants who may not select developments and for applicants for accessible apartments), unless an exception described in Chapter 5(h), Refusal of Apartment Offer applies;
- Rejects an 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; or
- Does not respond within 45 calendar days of notification that the applicant was selected for an apartment. NYCHA form 070.083 *Inactive File Letter* is mailed advising the applicant that the application has been removed from the waiting list due to failure to respond.

An applicant or transferee whose application or transfer request has been closed and who still wishes to be considered for public housing must wait a year after removal from the waiting list to file a new application or transfer request. NYCHA makes exceptions to this for VAWA cases and reasonable accommodations. A new transfer request may be submitted without time restriction if it is for a reason different than the original request. The new application or transfer request will be considered according to its date of receipt. Information contained in a closed application may be used to verify information contained in subsequent applications.

## Chapter 5: Resident Selection and Apartment Offers

### a) Overview

Applicants will be listed in sequence based upon date and time the application is received, the size and type of apartment they require, and factors of preference or priority. Current residents who are transferring to a different NYCHA apartment (transferees) are also on these waiting lists with applicants. This Chapter focuses mostly on policies related to applicants. Refer to Chapter 10, Transfers, for more information on NYCHA's transfer policy. In filling vacancies, NYCHA will offer the apartment to applicants using its Tenant Selection and Assignment Plan (TSAP) rotation system until the apartment is accepted. Below are NYCHA's policies for resident selection and the number of apartment offers that will be made to applicants selected from the waiting list.

### b) Key Acronyms

- EIV: Enterprise Income Verification system
- HUD: U.S. Department of Housing and Urban Development
- NYCHA: New York City Housing Authority
- TSAP: Tenant Selection and Assignment Plan

### c) Occupancy Standards

NYCHA will use the following basic standards to determine appropriate apartment placement. However, household characteristics will be reviewed to identify any exceptions to these standards, such as special needs due to disabilities.



## NYCHA OCCUPANCY STANDARDS FOR FAMILIES

Number of Rooms	Number of Bedrooms	Standard Occupancy (Number of People)	Overcrowded (Number of People)	Extremely Overcrowded (Number of People)	Underoccupied (Number of People)	Extremely Underoccupied (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, or 4	4X, 5, or 6	7 or more	1, 2 <sup>1</sup>	—
5	3	4X or 5	6, 7, or 8	9 or more	2 <sup>2</sup> , 3, or fewer	1 or 2 <sup>1</sup>
6	4	6, 7, or 8	9 or 10	11 or more	4X or 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:

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

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

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

A one 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, or to an accessible apartment.

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

### 4X FAMILY:

- 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.
- Three females, one male (e.g., mother, two daughters, one son; father with three daughters).
- Three males, one female (e.g., mother with three sons; father, two sons, one daughter).

## d) Order of Selection

When filling a vacant apartment, NYCHA selects the next transferee or applicant at the top of the appropriate waiting list for the size and type of apartment that is vacant according to the TSAP rotational system. Families are ranked in order of preference and priority, and date of application. Refer to Chapter 4(d), Local Preferences and Priorities, and to Chapter 10, Transfers, for more information.

## e) Screening Checks

When an applicant is matched with an apartment vacancy, NYCHA conducts additional screening checks for criminal background and sex offender status. NYCHA also checks the Enterprise Income Verification (EIV) Existing Tenant Search which is required by the HUD to prevent instances of households receiving more than one federal housing subsidy. Refer to Chapter 7(h), Verification of Applicant and Resident Information, for more information.

## f) Rental Interview

NYCHA schedules and conducts a rental interview as follows:

### i. Review of Rent Payment History

Applicants must bring to the interview their last rent receipts to verify that rent payments to their former landlords were made on a timely basis. Rent receipts indicating consistently late rent payments may be a basis for reevaluating their eligibility.

For transferees, property management staff contacts the current development of resident to check for evidence of poor rent payment history, non-payment, or termination actions. Emergency transferees are exempt from this requirement.

### ii. Review of Application Information

NYCHA reviews the prospective tenant or transfer request as follows:

#### *(1) Family Composition*

If the family composition has changed since the certification of the application, or a different size apartment is required due to age of family members and/or family size, their eligibility may be reevaluated. If applicable, the waiting list placement may change in accordance with NYCHA policy. Refer to Section (c) within this Chapter, Occupancy Standards, for more information.

In instances where the applicant or transferee has a change in family composition, and they no longer meet the occupancy standard for the apartment they were originally selected for, NYCHA will determine if the applicant or transferee still qualifies for the apartment they were selected for or if they need to be moved to a different waitlist.

#### *(2) Family Income*

Verification of income is based upon documents provided by the applicant or transferee. Third Party Verification of a transferee's income is not required.

If the current income projection indicates that an applicant's family income exceeds NYCHA's admissions limits, NYCHA will conduct a

secondary review prior to denial. Refer to Chapter 3(f)(ii)(4), Income and Assets, for more information.

If the last income recertification was completed more than six months before the rental interview, then the transferee must submit current income verification.

### iii. Eligibility Review

NYCHA reviews the application when an applicant or transferee is selected for an apartment to determine if the selected applicant is still eligible for public housing, based upon eligibility factors indicated in Chapter 3(f), Eligibility Determination.

## g) Apartment Offer

Applicants and transferees will be shown the apartment and all the terms and conditions of occupancy will be explained.

The Housing Assistant will conduct a Pre-Occupancy Inspection of the premises. Refer to Chapter 9(c)(i), Pre-Occupancy Inspections/Move-in Inspections, for more information.

### i. Non-Accessible Apartments Waiting List

#### *(1) Development Waiting List, Including General Population and Elderly*

Applicants and transferees on a development waiting list for non-accessible apartments get one apartment offer.

#### *(2) Borough Wide Waiting List*

Applicants and transferees on the borough wide waiting list for non-accessible apartments get two apartment offers.

### ii. Accessible Waiting List

Applicants and transferees on a waiting list for accessible apartments get two apartment offers.

## h) Refusal of Apartment Offer

When an applicant or transferee refuses an assigned apartment, they must sign NYCHA Form 040.063, Refusal of Apartment. Failure to sign will be documented on the form and still processed as a refusal.

### i. Non-Accessible Apartments

#### *(1) Development Waiting List, Including General Population and Elderly*

If the applicant or transferee refuses the apartment offer (non-accessible apartment) and no verified temporary emergency exists that prevents a move at the time of offer, they are removed from the waiting list.

## *(2) Borough Wide Waiting List*

- First Offer

If the applicant or transferee refuses the first apartment offer (non-accessible apartment), the applicant or transferee is returned to the appropriate waiting list with their current priority.

- Second Offer

If the applicant or transferee refuses a second apartment offer (non-accessible apartment), and no verified temporary emergency exists that prevents a move at the time of offer, the application becomes inactive.

If the applicant or transferee refuses a second apartment offer (non-accessible apartment) due to a temporary emergency condition, the file will be documented.

## *(3) Additional Offers*

In the case of an emergency transfer or reasonable accommodation transfer, if the apartment offered does not meet safety or reasonable accommodation needs, the applicant or transferee is returned to the waiting list and may receive an additional apartment offer.

## ii. Accessible Waiting List

### *(1) First Offer*

If the applicant or transferee refuses the first accessible apartment offer, the application is returned to the appropriate waiting list and the applicant file is documented.

### *(2) Second Offer*

If the applicant or transferee refuses the second accessible apartment offer and no verified temporary emergency exists that prevents a move at the time of offer, the applicant or transferee file is documented, and the application becomes inactive. If medical needs are not met by second accessible apartment offer, the applicant or transferee is returned to the waiting list.

### *(3) Additional Offers*

In the case of an emergency or reasonable accommodation application or transfer, if the apartment offered does not meet safety or reasonable accommodation needs, the applicant or transferee is returned to the waiting list and may receive additional apartment offers.

## iii. Good Cause for Rejection of Apartment Offer

- An applicant or transferee eligible for an emergency preference as a victim of domestic violence may reject offers if they believe these locations would

be unsafe, provided they submit a reasonable written explanation as to why the offers were unsafe;

- A temporary emergency such as illness (temporary admission to a hospital or similar type of facility) which prevents the applicant or transferee from viewing or accepting the apartment will be considered good cause for rejection; or
- An approved reasonable accommodation that is not met by the current apartment offer will be considered good cause for rejection.

## Chapter 6: Leasing

### a) Overview

It is NYCHA's policy that all apartments must be occupied pursuant to a dwelling lease agreement that complies with HUD regulations (24 CFR Part 966). This chapter describes leasing activities and NYCHA's policies pertaining to lease execution, security deposits, and other charges.

### b) Key Acronyms

- AOI: Affidavit of Income
- CFR: Code of Federal Regulations
- FDNY: Fire Department of the City of New York
- HRA: Human Resources Administration
- HUD: U.S. Department of Housing and Urban Development
- NYCHA: New York City Housing Authority
- PIH: HUD Office of Public and Indian Housing
- RFM: Remaining Family Member
- VAWA: Violence Against Women Act

### c) NYCHA Resident Lease Agreement

Once an apartment offer has been accepted, NYCHA reviews and discusses NYCHA Form 040.507, NYCHA Resident Lease Agreement, with the prospective resident.

All lessees (head of household and co-head of household, as applicable) must sign two leases when accepting an apartment and paying the rental fees. One copy is given to the head of household and co-head of household as applicable. NYCHA keeps the other copy in the resident file.

### d) Charges/Payments

Each new resident and transferee must pay in advance of move-in the following charges:

- First full month's rent;
- Security deposit equal to one full month's rent. Security deposits accrue interest, which is credited to the resident's account annually.

The Human Resources Administration (HRA) may pay the security deposit for residents receiving their assistance. Refer to Chapter 10(k), Security Deposit at Transfer, for more information.

- Parking (where available) is handled through a third-party vendor and assigned, based on availability and eligibility, after residents pay relevant parking permit fees. NYCHA will provide residents with vendor information.

## e) Orientation/Lease Execution

During the rental interview (refer to Chapter 5(f), Rental Interview, for more information) NYCHA will meet with the new resident to:

- Verify resident and family members' identity;
- Conduct a move-in inspection;
- Issue keys;
- Review and sign documents in:
  - The new rental packet:
    - NYCHA Form 040.917, Public Housing Affidavit of Income - New Rental Head of Household;
    - NYCHA Form 040.917A, Public Housing Affidavit of Income - New Rental Authorized Household Members;
    - NYCHA Form 040.013A, Verification of Employment-Tenant;
    - NYCHA Form 040.608, Third Party Verification-Consent to Release Information;
    - NYCHA Form 088.186, Annual Notice Regarding Installation of Stove Knob Covers; and
    - NYCHA Form 088.188, Protecting Your Child from Lead Poisoning and Window Falls.
  - The NYCHA lease agreement packet:
    - NYCHA Form 040.507, NYCHA Resident Lease Agreement -Public Housing;
    - NYCHA Form 040.683, Violence Against Women Act (VAWA) Victim Certification Form (to fill out if applicable—see 24 CFR 5.2005(a)(4);
    - NYCHA Form 040.389, Window Guard Lease Notice to Tenant;
    - NYCHA Form 060.299a, Lease/Commencement of Occupancy Notice for Prevention of Lead-Based Paint Hazards-Inquiry Regarding Child (in English and Spanish);
    - NYCHA Form 060.275, Disclosure of Information on Lead-Based Paint and/or Lead-Based Paint Hazards (in English and Spanish);
    - NYCHA Form 040.505; Dog, Cat and Assistance Animal Registration, if applicable, after discussion of NYCHA's pet policy; and
    - Other required documents, as applicable.

- Distribute other documents in the new rental packet:
  - NYCHA Form 040.821, Highlights of House Rules, Lease, Law, and NYCHA Policy;
  - NYCHA Form 088.180, Letter to Con Ed Customers-Gas Leaks/Carbon Monoxide or NYCHA Form 088.180A, Letter to National Grid Customers-Gas Leaks/Carbon Monoxide;
  - NYCHA Form 040.935, 8 Ways You Can Pay Your Rent;
  - A Home to Be Proud Of a resident handbook; and
  - NYCHA Form 040.945A , Fire Department of the City of New York (FDNY) Emergency Preparedness Guide.
- The NYCHA lease agreement packet:
  - NYCHA Form 040.683A , Notice of Occupancy Rights Under the Violence Against Women Act; and
  - NYCHA Form 060.284, Protect Your Family from Lead in Your Home (in English and Spanish).
- Distribute NYCHA Form 040.564, Community Service Policy Overview, and discuss the community service requirements, if applicable.

## f) Utilities

### i. Individually metered utilities

In certain developments where utilities are individually metered (i.e., utilities tracked by apartment), residents pay the utility company directly for their own utility usage. NYCHA grants public housing residents in individually metered developments a monthly utility allowance based on the estimated usage. For more information on monthly utility allowance amounts, please visit the [pay rent webpage](#).

The utility allowance is deducted from the resident's monthly rent. If the deduction causes the monthly rent amount to be a negative amount (i.e., the utility allowance amount is greater than the rent), a utility reimbursement payment is issued to the resident.

Residents responsible for making their own utility payments must follow the regulations of the specific utility company, including regulations related to payment of deposits. Failure to maintain utility services during tenancy is a lease violation and may lead to eviction.

### ii. Master metered utilities

Most NYCHA buildings are master metered (i.e., utilities tracked by building), not individually metered. Residents in master metered buildings do not pay utility bills and they do not receive a utility allowance.



## g) Rent Payments

- Rent payments are due on the first of each month and can be paid as follows:

	Payment Method	Frequency of Payment
A	Online ePayment on NYCHA's website	Due on the first day of the month. NYCHA residents can use this option to make timed payments at their convenience (e.g., one-time payment, weekly, bi-weekly, etc.).
B	Online payment through a bank's website or bill payer	
C	NYCHA's Pay-By-Phone payment system	Due on the first day of the month. NYCHA residents can use these options to pay more than once per month.
D	In-person payment at an authorized bank or credit union	
E	Mailed payment to Lockbox Provider	
F	New York City Office of Payroll Administration Payroll Rent Deduction Program payment	Twice a month, based on payroll dates. This is considered an automatic rent payment.
G	HRA for Public Assistance rent payment	Twice a month, based on HRA check dates. This is considered an automatic rent payment.
H	Authorized Third-Party Payers	Once a month, by the end of the month.

- Some payment methods may have an associated cost.
- If there is a change to any household member's income, the resident's rent may be recalculated.

## Non-Payment of Rent

Non-payment of rent is grounds for eviction. Failure to pay rent on the date fixed for payment as defined in the resident's lease can result in NYCHA pursuing a proceeding in Landlord & Tenant court to seek eviction for non-payment of rent.

## h) Appliance Agreement

NYCHA residents in individually metered and master metered buildings who have their own appliances such as air conditioners or standalone freezers

must complete NYCHA Form 150.110, Appliance Agreement and return the completed form to property management staff.

Residents in master-metered buildings are also required to pay a monthly recurring utility fee for any extra use of electricity and/or water for the following appliances:

- Air conditioner;
- Dishwasher;
- Standalone freezer; and
- Washing machine.

Gas or electric clothes dryers are prohibited.

Non-payment of appliance fees is a violation of the Appliance Agreement and of the lease.

## i) Miscellaneous Charges

Miscellaneous charges are fees for additional services (not legal fees) that are charged to the resident's account, when applicable. These charges include:

- Property damage fees;
- Sales and services charges (e.g., key replacements, cylinder changes, and work to repair resident-caused damages); and
- Interest accrued on retroactive charges.

## j) Authorized Occupants

No one is permitted to reside in a NYCHA apartment during the course of a tenancy unless they are:

- An authorized household member, as follows:
  - An original household member (listed and approved to be in the household from application);
  - A member added through family growth; or
  - An individual who receives the development housing manager's written permission to reside in the apartment [the permission can be conditional, temporary (usually not more than one year), or permanent]; and
- Remaining continuously in the apartment, including on all Affidavits of Income (AOI) (Refer to Chapter 8: Recertifications and Continued Occupancy, for definition and more information) . If a household member moves out, they need NYCHA's written permission to return to the apartment.

### i. Adding and Removing Household Members

NYCHA's Public Housing residents are required to report all changes in their household composition, including adding or removing household members. The

following NYCHA policies and procedures describe the conditions and timing to report and request household changes and the required documentation needed to accompany requests.

NYCHA will conduct interim recertifications to account for any changes in household composition that occur between annual recertification examination periods. Refer to Chapter 8(f), Interim Recertifications, and Chapter 3(f), Eligibility Determination, for more information.

#### *(1) Addition of Household Member(s)*

All additions to the household must be reported and/or requested by completing and submitting the appropriate NYCHA form online via NYCHA's Self-Service Portal <https://selfserve.nycha.info/> or by requesting a paper version at their property management office for completion and submission.

All proposed additions to the household, including permanent, conditional, or temporary additions, will be screened for eligibility as defined in Chapter 3(f), Eligibility Determination and Chapter 7(h)(ii), Enterprise Income Verification System (EIV). The person seeking to add somebody to a household permanently or on a temporary basis must be currently occupying the apartment.

##### *a. Permanent Addition Requests:*

A person who receives permanent permission is added to the lease as an authorized household member and may have remaining family member rights based on the Remaining Family Member Grievance criteria covered in Section K of this Chapter. The individual's income is included in the household's annual income and the household is eligible for all applicable deductions attributed to the individual for rent calculation purposes.

All permanent additions to households residing in a senior building must meet senior building requirements, or once the addition is approved, the household must submit a transfer request form to be moved to an appropriate development to meet the updated household composition if the individual(s) added to the household does not meet senior building requirements.

All permanent requests to add a minor household member must be supported with documentation that the added minor household member will reside with the requesting household at least 51% of the time if the minor currently resides in NYCHA housing or other affordable housing programs.

With the exceptions of birth, adoption, court-awarded custody or legal guardianship, marriage, or domestic partnership addition requests, NYCHA will only consider requests from tenants (lessees) or co-tenants (co-lessees) who, at the time of application are in good standing. A tenant who is in good standing is: (1) Current in rent payments or in compliance with the terms of a repayment agreement; (2) Current in annual recertifications; (3) and Not subject to a pending termination of tenancy proceeding (NYCHA form

040.187, Notice to Tenant of Manager's Recommendation to Terminate, has not been issued). NYCHA will not approve requests for permanent household additions if the addition would result in an overcrowded situation based on NYCHA's occupancy standards as outlined in Chapter 5(c), Occupancy Standards. Exceptions may be granted on a case-by-case basis pursuant to NYCHA's Reasonable Accommodation policy (refer to Chapter 2(d), Reasonable Accommodations for additional information) if the family can demonstrate that there are medical needs, including reasonable accommodations, which should be considered by NYCHA.

#### Birth, Adoption, Court-Awarded Custody or Legal Guardianship, Marriage, or Domestic Partnership Addition Requests

Household changes related to birth, adoption, or court-awarded custody must be reported within 30 calendar days of the birth or decree by the head of household or co-head with the completion and submission of an annual or interim recertification and supporting documentation (e.g., birth certificate, evidence of adoption, or other legal custody).

If the requested change in household size results in the household being overcrowded, NYCHA will follow its transfer policy. The head of household or co-head must start a request by submitting NYCHA Form 040.050, Transfer – Tenant Request for Transfer, as outlined in Chapter 10, Transfers.

#### Other Permanent Household Addition Requests

Other permanent household members may include:

- A single person, who may be an elderly, displaced, or near-elderly person or any other single person; or
- A person who maintains an interdependent relationship and whose resources are available to meet the needs of the family.

NYCHA must approve all requests before the individual moves into the apartment. This includes former authorized household members who had previously been removed. The head of household or co-head must complete and submit an annual or interim recertification for approval.

##### b. Conditional Permission Requests:

A person who receives conditional permission is added to the lease as an authorized household member but does not have remaining family member rights. The approval is granted for as long as the conditional need continues.

##### - Live-in Guardians

A Live-in Guardian is a person who has legal guardianship of a ward as defined below:

- A minor child or incapacitated person who is an authorized household member and is eligible to succeed to lease the former

head of household's NYCHA apartment as a remaining family member, except that the ward does not have the legal capacity to sign a lease.

A Live-In Guardian will receive conditional permission to reside in the apartment until the ward reaches the age of 18. Conditional permission does not give a Live-in Guardian remaining family member rights to the apartment unless their relationship to the ward changes. For example, if the Live-In Guardian adopts the ward, they may be eligible for permanent permission to reside in the household.

NYCHA must approve all requests before the individual moves into the apartment. The proposed Live-in Guardian must complete and submit an annual or interim recertification for approval.

The Live-In Guardian's income is included in the household's annual income and the household is eligible for all applicable deductions attributed to the individual for rent calculation purposes.

- Live-in Aides

A live-in aide is a person who lives with one or more elderly persons, near-elderly persons, or persons with a disability and whom NYCHA has determined:

- Is essential to the care and well-being of the person;
- Is not obligated for the financial support of the person; and
- Would not be living in the apartment except to provide necessary support services.

NYCHA must approve all requests for a live-in aide before the individual moves into the apartment. The head of household or co-head must complete and submit an annual or interim recertification for approval.

The live-in aide can remain in the household while they provide care to the household member. Their income is not included in the household's annual income, nor is the household eligible for any applicable deductions attributed to the live-in aide.

- Foster Children and Adults

Foster children are members of the household who are under 18 years of age or a household member who is 18 years or older, a full-time student, and under the control and responsibility of someone other than their parents due to placement by a New York State or New York City agency.

A foster child is a member of the household who meets the definition of a foster child under State Law. In general, a foster child is placed with the family by an authorized placement agency or by judgment, decree, or other order of any court of competent jurisdiction.

A foster care adult is a member of the household who is 18 years of age or older and for whom the family provides necessary shelter, care, and protection. They are usually a person with a disability, unrelated to the resident family, and are unable to live alone.

A foster adult is a member of the household who is over 18 years of age or older and meets the definition of a foster adult under State Law. In general, a foster adult is unable to live independently due to a debilitating physical or mental condition and is placed with the family by an authorized placement agency or by judgment, decree, or other order of any court of competent jurisdiction.

Family members cannot be considered foster children or adults unless they are participating in an official New York State or New York City foster care program.

NYCHA must approve all requests before the individual moves into the apartment. The head of household or co-head must complete and submit an annual or interim recertification for approval.

The income of foster children and adults is not included in the household's annual income and the household is not eligible for any applicable deductions attributed to the foster children or adults. Foster children/adults do not have remaining family member rights.

c. Temporary Addition Requests:

NYCHA may grant temporary occupancy in certain circumstances. The income of an approved temporary occupant is not included in the household's annual income and the household is not eligible for any applicable deductions attributed to the temporary occupant. Temporary occupants do not have remaining family member rights.

- Former Foster Care Siblings

Residents who are former foster youth may add their unrelated former foster siblings to their household on a temporary basis for up to one year from the initial date of approval. The head of household or co-head may request an extension of time for the temporary occupant(s) before the original approved request expires.

If the addition of unrelated former foster siblings to the household would create an extremely overcrowded condition, NYCHA may still approve the addition if the resident has:

- Previously been under the care and custody of the New York City Administration for Children's Services (ACS);
- Been placed in foster care by ACS; and
- Been referred by ACS to NYCHA as a public housing applicant under an independent living preference or verified by ACS as a former foster youth who was in the care and custody of ACS.

NYCHA must approve all requests before the individual moves into the apartment. The head of household or co-head must complete and submit the appropriate NYCHA form for approval.

#### - **Family Re-Entry Program**

The Family Re-Entry Program is designed to reunite individuals leaving prison and/or jail with their families who live in NYCHA public housing and to provide them with re-entry services.

##### 1. Eligibility

Individuals are eligible to apply for the NYCHA Family Re-Entry Program if they meet the following criteria:

- 16 years of age or older.
- Released from jail or prison within the previous three years; and
- Have an authorized Head of Household or Co-head that is willing to take the individual applicant into their home.

Individuals are ineligible if they fall into any of the following categories:

- Have been convicted of producing methamphetamines in public housing.
- Have a criminal record of sex offenses and must register for life.
- Have been evicted from federally assisted housing (public housing or Section 8) for drug related criminal activity within the past three years. (Note: NYCHA may admit the household within the three-year period if the household member has completed a supervised rehabilitation program or the circumstances leading to the eviction no longer exist.)
- Are currently engaged in alcohol or illegal substance abuse. (Per 24 CFR § 960.204)



## 2. Application/Screening

- a. Each applicant will be evaluated in a Family Re-Entry Screening Committee Meeting for pre-screening. If approved, the application will move forward to the formal screening process, where the Screening Committee will meet again, review all relevant information to the application, and decide whether the application will be approved, deferred, or denied.
- b. NYCHA receives applications for the Family Re-Entry program from participating partner providers. These applications are evaluated on a case-by-case basis. They are presented to a screening committee composed of members of the Family Re-Entry Unit, as well as members from the Applications and Tenancy Administration Department (ATAD), and the Management Services Department (MSD). Any evidence that the applicant may offer to support the suitability of their acceptance to the Family Re-Entry program should be submitted in the application. The participant will also be interviewed by a member of the Family Re-Entry team.
- c. Head of Household must be willing to allow the applicant to move into their home. The applicant will not be permitted to move into a household that is extremely overcrowded, nor can the addition of the applicant create a condition of extreme overcrowding, if approved. Applicants cannot move into apartments until the screening processes have been completed, the screening committee has approved the applicant, and the applicant and household have completed all required documents.
- d. A household may be permitted to have more than one participant in the home. This decision is made on a case-by-case basis.



- e. During the Pre-Screening meeting of the Family Re-Entry Screening Committee, the Committee reviews relevant criminal history of the applicant, the completed application documents, notes made by the provider on their interactions with the applicant, relevant history of the household, and statements or supporting documents submitted by the applicant. During this meeting, the Screening Committee will decide whether the applicant should move forward to the next stage.
  - f. If the applicant is approved to move forward during the pre-screening by the Screening Committee, Family Re-Entry will schedule a Home Visit with the Head of Household and a separate interview with the applicant.
  - g. The entire application, relevant criminal history for the applicant, notes on the relevant history of the household, and notes on the home visit and applicant interview are collected. After they are collected, the Family Re-Entry Screening Committee will review and decide on whether the application will be approved, deferred, or denied.
  - h. Applicants must have alternative addresses when applying for this program. If they are not accepted, they must have another possible housing accommodation.
3. Acceptance/Admission to the Program
- a. If an applicant is accepted, they will receive a letter of acceptance from Family Re-Entry. They also will receive a Participant Agreement that must be signed and returned to NYCHA. The Head of Household and any people who are living in the household who are 18 or older must also sign and return a Family Contract Agreement. The Head of Household and Applicant must sign and return a Temporary Permission form. The Temporary Permission Form allows the participant to live in the apartment for up to two years. During this two-year period, the participant's income will not be factored into the rent calculation for the household.

- b. The Participant Agreement requires that the participant receive case management for at least six months and to successfully complete program goals, which may include obtaining employment, attending relevant treatment programs, attending school, and opening a bank account. Program goals are based on each participant's individual needs.
- c. The Family Contract Agreement requires that the Head of Household agree that they understand the terms and conditions of the Family Reentry Program, including but not limited to: meeting with NYCHA if necessary; making efforts to cooperate with requests from NYCHA and case management services supporting the participant; understanding that all tenancy obligations as described in their lease remain the same. The Family Contract also reiterates that participant is not entitled to remaining family member rights, and that the Head of Household may request to add the participant to the household (60) days before the participant has reached the expiration of the two-year temporary permission to reside in the apartment.
- d. If there is a permanent exclusion or trespass ban for the participant in place, Family Re-Entry will assist in the temporary suspension of the permanent exclusion and/or trespass ban for the two-year duration of the program. Head of Household may apply to permanently remove permanent exclusion and participants may apply to remove the trespass ban at the end of the two-year period.

#### 4. Deferrals

Applications may be deferred if the committee wishes to see more information about an applicant's suitability for Family Re-Entry.

#### 5. Denials

- Applications may be denied if the applicant and/or Head of Household do not meet the criteria set forth for them in preceding sections.

- Applicants may re-apply following a denial if the denial is for reasons other than being outside the required three-year window from release.

## 6. Completion

- As the participant and Head of Household approach the two-year maximum temporary permission offered through Family Re-Entry, the participant and Head of Household must decide whether the participant wishes to be added to the lease as a permanent household member, or if the participant wishes to find another housing accommodation. If the participant is added to the lease, their income will be factored into the family composition for the calculation of rent.
- NYCHA will perform a criminal background check to verify that the participant has not been convicted of any offense during their participation in the Program. If the participant passes the criminal background check and if NYCHA approves the request, the participant will become an authorized, permanent household member, and their income will be included in the calculation of the family's rent. If the criminal background check reveals that the participant has been convicted of any offense during their participation in the Program, NYCHA will determine whether permanent permission should be granted. If NYCHA decides to deny permanent permission, the participant will be excluded from the Apartment within thirty (30) days of NYCHA's denial.
- If the participant will not be added to the lease after the two years have passed, the participant must provide proof (e.g. utility bill, State ID, etc.) that they are residing at a new address.

### - Other Temporary Occupants

NYCHA residents can request that any other individuals be added on a temporary basis for up to one year. If the temporary addition(s) would create an overcrowded condition, NYCHA may still approve the temporary addition. Please note that NYCHA will not approve a temporary addition if it creates an extremely overcrowded condition.

NYCHA must approve all requests before the individual moves into the apartment. The head of household or co-head must complete and submit the appropriate NYCHA form for approval.

### *(1) Removal of Household Member(s)*

- Co-Head of Household: NYCHA removes a co-head upon the head of household's completion of NYCHA Form 040.032, Notice of Intent to Vacate form and the submission of proof that the co-head of household has permanently moved out of the apartment.
- Authorized Permanent Household Member: A head of household or co-head of household may request NYCHA to remove an authorized permanent household member from the family composition, as follows:
  - The head of household or co-head of household completes NYCHA Form 040.643, Public Housing Request for Interim Change/Removal of Household Member and submits it to property management anytime during the year, or during annual review processing by checking "remove" next to the person's name – under section "O" of the AOI (online or on NYCHA Form 040.297, Public Housing Affidavit of Income – Annual Recertification);
  - The head of household or co-head of household must submit proof that the person has moved from the apartment, documenting one of the following categories:
    - Non-Residency – To verify that the person does not live in the apartment when the person's new residence is unknown, submit documents, such as a Court Order of Protection excluding the person from the apartment, or a Police Report which includes a statement that the person left the apartment;
    - Alternate Residency – To verify that the person lives at another address, submit documentary proof listing the alternate address, such as a copy of a lease, utility bill, driver's license, or a non-driver identification; or
    - No Proof of Non-Residency or Alternate Residency – The head of household or co-head of household must indicate why proof of non-residency or alternate residency cannot be provided.

### *(3) NYCHA's Removal of a Household Member*

When NYCHA is made aware by an authorized household member or their representative that they are no longer residing in a NYCHA

apartment, and the head of household or co-head of household is refusing or delaying removal of household member, NYCHA will do the following:

- Contact the head of household or co-head of household and ask them to remove the member who is no longer residing in the apartment. If within five business days of property management meeting with the resident, a request has not been made to remove a member via an Annual or Interim Recertification, property management will send the resident NYCHA Form 040.185, Termination of Tenancy & Possibly Subsidy-Call-In Letter for Breach of Rules and Regulations, based on their non-compliance with their lease which requires them to report changes to their household within 30 calendar days of the change occurring. The resident will have two business days from the response date on NYCHA Form 040.185 to contact property management.
  - If the resident responds to NYCHA Form 040.185 and/or complies with the request to remove the member seeking removal, NYCHA will take no further administrative action on the matter.
  - If the resident responds to NYCHA Form 040.185 but still does not remove the member within three business days after speaking with NYCHA or:
  - If the resident does not respond to NYCHA Form 040.185 within three business days of the response date,
    - NYCHA will remove the member seeking removal if they or their representative submit NYCHA Form 042.806, Consent of Removal. This form must be submitted with a document that proves their alternate housing. Upon removal of the household member, property management will send the resident NYCHA Form 042.805, Notice of Removal which informs the resident that NYCHA has removed a member from their household upon the member's request.
- Interim Recertification Rent Adjustment: NYCHA performs an interim change to remove a person and his or her income from the household, upon receipt of confirmation that the authorized permanent household member vacated the apartment. Refer to Chapter 8(f), Interim Recertification for more information.
- Underoccupancy: After an authorized permanent household member vacates, NYCHA reviews the family composition to determine if the apartment is now underoccupied. Refer to Chapter 10(c)(ii), Mandatory Transfers, for more information.

## k) Remaining Family Member

After a tenancy ends (the lessee(s) moves out or dies), a person can take over a NYCHA lease if they qualify as a Remaining Family Member (RFM) and are *otherwise eligible* for the NYCHA apartment, as described below:

- Remaining Family Member: A person has RFM status if they:
  - Were an authorized household member listed on the lease during the course of the tenancy, as follows:
    - An original household member;
    - A member added through family growth; or
    - An individual who received NYCHA's written permission to permanently reside in the apartment.
- The person seeking RFM status must have resided in the apartment for at least 12 months from the date the permanent permission was granted in writing and for at least 12 months immediately prior to the date the resident vacated the apartment or died; and
- Remained continuously in the apartment, including on all Affidavits of Income (AOI). Refer to Chapter 8, Recertifications and Continued Occupancy, for definition and more information); and
- Otherwise Eligible: An RFM is otherwise eligible to succeed to a NYCHA apartment if they:
  - Have the legal capacity to sign a lease;
  - Pass a criminal background and sex offender screening and otherwise satisfies NYCHA's standard for admission;
  - Have provided verifiable income and household information on which to calculate a rent; and
- Make use and occupancy payments, as calculated by NYCHA. RFMs are not responsible for a deceased or departed tenant's arrears and will not be denied tenancy if the deceased or departed tenant did not pay the rent owed. Any rent owed by a previous tenant who vacated the apartment should be written off based on NYCHA policy. For elderly-only apartments with age requirements, a person must meet all RFM and Otherwise Eligible qualifications listed above, and
  - If they meet age requirements, they may remain in the senior citizen apartment; or
  - If they do not meet the age requirements, NYCHA will offer a lease to the senior apartment in which they reside if they first sign a request to transfer to an apartment of correct size within a general population building.

An RFM household who qualifies to succeed to a NYCHA apartment must also move to an apartment of correct size, if required based on NYCHA's Occupancy Standards.

NYCHA will notify people seeking RFM status of their right to request a grievance if they disagree with a decision, action, or failure to act by NYCHA. Refer to Chapter 12, Grievances, for more information.

## **I) Emergency Entry into Apartments**

NYCHA may enter apartments at any time without advance notice when there is reasonable cause to believe that an emergency exists.

In deciding whether there is an emergency that requires entering a resident's apartment without the resident's consent, NYCHA will consider if entry is required to:

- Protect the health or safety of the resident(s) of the apartment;
- Protect the health or safety of other residents in the building; or
- Prevent damage to the apartment, its contents, or the building.

## **m) Smoke-Free Public Housing**

NYCHA prohibits the smoking of tobacco products and marijuana inside public housing apartments; in all indoor common areas; and within 25 feet of public housing buildings or to NYCHA's property boundary if less than 25 feet from a NYCHA building. Local law also prohibits smoking in playgrounds. Smoking in these areas is a violation of the public housing lease. Prohibited tobacco and marijuana products are any item that involves the ignition and burning of tobacco and/or marijuana leaves, including cigarettes, cigars, pipes, and water pipes (hookahs).

NYCHA enforces the Smoke-Free policy with escalated warnings to residents and a progressive enforcement process, which includes educating residents about the hazards of smoking and providing smoking cessation resources.

It is the responsibility of residents to inform their guests and visitors of the Smoke-Free policy and to ensure guests and visitors do not violate the policy. Residents are accountable for their own violations of the policy, as well as violations of their guests and visitors.

## **n) Modifications to the Lease**

The lease may be modified at any time by written agreement of the resident and NYCHA. When changes in laws or regulations require amendment or revision of the lease, NYCHA may amend or revise the lease. NYCHA provides residents a 30-day written notice of proposed modifications to its lease prior to implementation. Residents may present written comments for consideration prior to the proposed modification. NYCHA will consider all comments before formally adopting changes to the lease.



After proposed changes have been approved to be added into the lease, residents will be notified at least 30 calendar days in advance of the effective date of the lease revision and will be required to sign lease addendum acknowledging understanding of changes to lease. A resident's refusal to accept lease revisions is grounds for termination of tenancy.

## o) Non-Public Housing Over-Income Household Lease

Under federal law and HUD regulations, residents whose annual income exceeds the over-income limit for 24 consecutive months must sign a new non-public housing over income lease with NYCHA, which includes an alternative non-public housing rent (alternative rent). The lease must be executed no later than 60 days after the over-income determination notice. Refer to Chapter 8(h), Over-Income Residents, for more information.

## p) Home-Based Businesses

NYCHA residents may operate home-based businesses in their NYCHA apartments, provided that the business and related business activities are legal and the resident conducts the business in compliance with all applicable laws and regulations and NYCHA policy. The apartment must be used primarily as a residence, and the home-based business must be incidental to the use of the apartment as a residence.

### Resident Responsibilities:

For all home-based businesses operating in a NYCHA apartment, it is the resident's responsibility to:

- Identify and follow the laws, regulations, and codes applicable to the business.
- Comply with all sections of the NYCHA lease, House Rules, and policies addressing the use of the apartment and the operation of a home-based business.
- Obtain any licenses, certifications, or permits needed to operate the business, and keep them up to date while the business is operating.
- Get and maintain all required insurance coverage and keep it up to date while the business is operating.

Permission to operate a home-based business is automatically revoked and the business activities must stop if the resident fails to meet any of NYCHA's home-based business requirements.



Conducting a home-based business does not entitle a resident to transfer to a larger apartment.

Home-Based Business Must Be Incidental Use of Apartment as a Residence:

- The NYCHA apartment must be used primarily as a residence.
- The NYCHA apartment cannot be converted into a business office.
- The use of the apartment for a business must be incidental to the use of the apartment as a residence.
- If a home-based business or business activities would substantially interfere with the use of the apartment as a residence, a resident may not operate that business in their NYCHA apartment.

Reporting Income from Home-Based Business:

Residents must report all self-employment or business income, including income from a home-based business, in their Affidavit of Income (AOI) when they submit their annual recertifications. Refer to Chapter 7: Rent Calculation and Verifications, and Chapter 8: Recertifications and Continued Occupancy, for more information.

Examples of Permissible Home-Based Businesses and Business Activities:

Below is a non-exclusive list of permissible business activities a resident can operate in their NYCHA apartment, provided that they meet all resident responsibilities described above, and provided that the resident's use of the apartment for a home-based business is incidental to its use as a residence as described above.

- Communications activities:
  - Businesses conducted by telephone, computer, internet, web cam or fax machine, such as web design, telemarketing, or IT support.
- “Back Office” or Paperwork Activities:
  - Envelope stuffing, mailings, billing, payroll preparation, or bookkeeping.
- Daycare activities:
  - Babysitting and caring for children, the elderly, or disabled. The number of individuals cared for must correspond with the license or permit for the business.

Prohibited Business Activities:

A resident may not conduct business activities or a home-based business in a NYCHA apartment if those activities or that business:

- Is illegal or not in compliance with the law, NYCHA rules, or policies in the lease or other documents.
- Makes it difficult or impossible to use the apartment as a residence.
- Converts the residence into a business office.
- Modifies the structure of the apartment.
- Causes excessive use of utilities (electricity, gas (cooking), or water).
- Increases the risk of vermin infestation.
- Involves the preparation and sale of food or beverages, e.g., catering or restaurant.
- Disturbs other residents.
- Creates excessive foot traffic on the premises.
- Increases the risk of fire or explosion.
- Involves the preparation or use of products containing flammable, toxic, or hazardous chemicals.
- Causes a large volume of mail or packages to be delivered to the premises.
- Poses any hazard to residents, staff, or property.
- Involves personal grooming services, e.g., beauty/barber and/or nail/manicuring services.
- Involves grooming services to household pets and/or other animals.
- Involves the use of heavy machinery.
- Generates excessive heat, noise, or vibration.
- Involves selling, possession, warehousing, using, repairing, or distributing firearms, ammunition, explosives, or other deadly or dangerous weapons.
- Involves the sale of controlled substances.

Revocation of NYCHA Permission to Operate a Home-Based Business:

NYCHA will automatically revoke permission to operate a home-based business in a resident's apartment if the resident does any of the following:

- Engages in any of the prohibited business activities described above.
- Fails to maintain the business in accordance with the law, NYCHA rules, or policies in the lease or other documents.
- Fails to maintain and comply with all necessary and applicable licenses, permits, or insurance.

Property management shall inform the resident about NYCHA objections to the conduct of the home-based business through NYCHA form 040.185, Termination

of Tenancy & Possibly Subsidy – Call-In Letter: Public Housing and Section 8: TENANT or PROJECT Based.

**Cure Period:**

If the resident cures the objectionable conduct/situation within 14 days of receiving the Call-In Letter, then staff shall not pursue a termination of tenancy case. The resident can continue to perform the business activities.

**Penalties for conducting a prohibited business or prohibited business activities:**

If a resident conducts a prohibited business or business activities in their apartment, or if the business results in violation of the resident's obligations under the lease, NYCHA may commence proceedings to terminate the tenancy. See Chapter 11, Lease Terminations, for more information.

**Questions about home-based businesses:**

Residents should contact their property management office or NYCHA's Office of Resident Economic Empowerment & Sustainability (REES) if they have questions about operating a home-based business.

Residents may utilize the "Home-Based Business Checklist" located on NYCHA's website to help determine whether a proposed business is permissible:

<http://opportunitynycha.org/business-development/home-based-business/>

If the resident does not have internet access or needs assistance completing the on-line checklist, the resident may visit their property management office for assistance.

## Chapter 7: Rent Calculation and Verifications

(Note: This version of Chapter 7 is not currently in effect. HUD informed NYCHA and other PHAs that compliance with most of the HOTMA provisions has been delayed until further notice. Until NYCHA receives further guidance from HUD, chapters 7-8 located [here](#) will remain in effect. NYCHA will inform all program participants of the date at which the HOTMA policies will become effective.)

### a) Overview

NYCHA verifies all household information, including family composition, income, assets, and expenses, to determine rent in accordance with federal law and HUD regulations to ensure that families are paying the correct rental amounts.

Households must provide proof of their income whenever required by NYCHA, and the information they provide must be true and complete. HUD regulations require that rent (including income, assets, and allowable deductions) be verified by NYCHA at new lease signing and annually. NYCHA's verification policies are designed to meet HUD's requirements and to maintain program integrity.

### b) Key Acronyms

- EID- Earned Income Disallowance
- EIV- Enterprise Income Verification
- HEAP- Home Energy Assistance Program
- HHS- US Department of Health and Human Services
- HRA- Human Resources Administration
- IRA- Individual Retirement Account
- IRS- Internal Revenue Service
- Kin-GAP- Kinship Guardian Assistance Payments
- OASDI- Old Age Survivor's Disability Insurance
- OASI- Old Age Survivor's Insurance
- PASS- Plan for Achieving Self Support
- SNAP- Supplemental Nutrition Assistance Program
- SSD- Social Security Disability
- UIB- Unemployment Insurance Benefits

### c) Consent to NYCHA'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 (HUD-9886-A), or any updated version, and other consent forms as needed to permit NYCHA to collect information relevant to the family's initial eligibility as well as eligibility for continued occupancy. Executed consent forms will remain effective until the family is denied assistance, the assistance is terminated, or the family provides written notification to NYCHA

revoking consent. Verification of income is required to maintain a subsidy.  
Households that revoke consent for NYCHA to access EIV in whole or in part will result in termination of their assistance and subject the household to termination of tenancy procedures.

After all adult family members have signed and submitted a consent form on or after January 1, 2024, family members do not need to sign and submit subsequent consent forms at the next interim or regularly scheduled recertification except under the following circumstances:

- When any person 18 years or older becomes a member of the family, that family member must sign and submit a consent form.
- When a member of the family turns 18 years of age, that family member must sign and submit a consent form
- As required by HUD or the PHA in administrative instructions.

#### d) Annual Adjusted Income

Annual adjusted income is used to determine rent and initial eligibility, as well as eligibility for continued occupancy.

New Move-in and Interim Certifications: Annual Adjusted Income is defined as the upcoming yearly (12-month) gross income from all sources received by all household members (even if they are temporarily absent), minus any applicable deductions and/or exclusions.

Annual Recertifications: Annual Adjusted Income is defined as the gross income from all sources received by all household members, minus any applicable deductions, in the previous 12-month period.

NYCHA calculates residents' prior-year adjusted income (including any interim redetermination of income that took place during the year) and adjusts to reflect current income if there was a change in income during the previous 12-month period that was not accounted for in an interim redetermination of income

Income received by all household members will be used to project the household's income for the next year unless specifically excluded by federal regulations. Refer to Section (d) of this Chapter, Excluded Income Sources, for more information.

If there is a change to any household member's income, the head-of-household, co-head, or spouse must report these changes.

Common sources of income include:

### i. Wages and Related Compensation

Income from employment consists of the gross amount of salaries, wages, tips, commissions, bonuses, and overtime wages before payroll deductions. Each employed household member must submit at least two paystubs from his or her employer which shows the current rate of pay. If he or she is unable to produce two paystubs, the employed household member must have NYCHA Form 040.013, Verification of Employment – Employer, completed and signed by his or her employer to verify the current income.

NYCHA may telephone or mail the employer for additional information or clarity concerning information submitted by the resident on NYCHA Form 040.013, Verification of Employment – Employer.

### ii. Business and Self-employment Income

Examples of self-employment or privately-owned business activities include but are not limited to:

- Child care;
- Cosmetology (beauticians/barbers);
- Car service/taxi drivers/ride sharing;
- Street vending;
- Housekeeping;
- Independent contractors; and
- Computer-based business.

### iii. Social Security

#### *(1) Old Age Survivor's Insurance (OASI)*

The Social Security Administration provides a monthly benefit that retired employees receive based on their employment history. The benefits are payable to that insured employee, as well as to other household members (i.e. spouse, dependent, surviving children, or dependent parents). Lump sum deferred periodic payments are not included as income.

#### *(2) Social Security Disability (SSD)/Old Age Survivor's Disability Insurance (OASDI)*

SSD/OASDI is a monthly benefit received from the federal government if a tenant or authorized household member is not eligible for regular Social Security benefits but must stop working because of a disability. Minor children may be entitled to a small portion of their parent's benefits.

*(3) Treatment of Overpayment Deductions from Social Security Benefits*

Reduction in a periodic payment because of prior overpayment is not considered a deduction. Only the actual amount received during the reduction period is included as income.

iv. **Unemployment, Disability, Worker's Compensation and Severance Pay**

*(1) State Unemployment Insurance Benefits (UIB)*

UIB are compensation paid to a household member who is not working due to a layoff or strike. Benefit rates and eligibility are based upon the household member's recent history of employment. Benefits are payable for six months, unless Extended or Emergency Benefits are granted.

*(2) Non-Governmental Unemployment Insurance Benefits*

Employees may receive unemployment benefits from unions, fraternal organizations, or other non-governmental sources. These benefits are included in the employee's income in addition to any other unemployment benefits they receive.

*(3) Workers' Compensation*

Workers' compensation may be paid due to an on-the-job injury. Awards may be for total or partial disability, and the employee may continue to work. If the employee dies, the award may go to their dependent(s). All workers' compensation is excluded from annual income, regardless of the frequency or length of the payments.

*(4) New York State Disability*

New York State Disability Insurance program provides weekly cash payments to protect employees against total wage loss from an off-the-job accident and/or illness. The weekly benefit is paid during temporary total disability. The benefit is based on the employee's average weekly wages for the eight weeks prior to the disability.

v. **Public Assistance Income**

A full-public-assistance household is one where public assistance is the **only** source of income. If there are household members who are not listed on the Human Resources Administration (HRA) Budget Letter, they receive no other income.

The rent for a full-public-assistance household is set based on the HRA shelter allowances table. The HRA Shelter Allowance is different for families with and without children. Full-public-assistance households do not receive income deductions.

If the resident or a household member has been sanctioned by public assistance, the full amount the resident or household member should receive must still be counted as income.

#### vi. Alimony and Child Support

Payments are determined by court order or a written agreement between the parties. Refer to Appendix A, Glossary for more information.

Note: When a household member receives public assistance, the court can elect to have the alimony or child support paid to the resident through HRA. Regardless of the amount of money paid to HRA for child support or alimony, that household member will receive only \$50 per month in addition to the basic allowance. However, if the household member receives the money directly, the basic allowance is reduced to reflect the additional income received.

#### vii. Military Pay

##### *(1) Included in income*

Regular pay, special pay, and allowances received by a household member as a member of the Armed Services.

##### *(2) Excluded from income*

Special pay to a household member serving in the Armed Forces who is exposed to hostile fire. This is the **only** income earned by service persons who are household members that is **not** included in household income.

#### viii. Income from Assets

Assets include anything that has monetary value unless specifically excluded by federal regulations. The value of a permanent household member's assets may affect the household's annual income and rent. Actual or imputed income generated from an asset is included in household income in calculating rent. Refer to Section (f) of this Chapter, Assets, for more information.

##### *(1) Actual Income from Assets*

Actual anticipated income from assets is the amount of income the assets are expected to produce in the next 12 months. Some assets may not produce any income.

##### *(2) Cash Value of Asset*

The cash value of an asset is the market value minus any verified "reasonable costs" that would be incurred by the household member when disposing of real property, savings, stocks, bonds, or other forms of capital investment.



### *(3) Imputed Asset Income*

Imputed asset income is the income that would be received from an asset if it were converted to cash, and the cash was placed in a savings account earning a set passbook interest rate.

### *(4) Market Value of an Asset*

The market value of an asset is the worth of the asset if it were offered for sale on the open market.

## **e) Excluded Income Sources**

To reflect an accurate record of the household's income, all household members must report all income, even if it is from an excluded source.

NYCHA will make every effort to verify income documentation. If NYCHA finds that the household has no other income other than excluded sources after using all the verification levels to verify, the rent will be set at the minimum rent, zero (\$0).

Below are some of the excluded income sources:

### **i. Nonrecurring Income**

Nonrecurring income is income that will not be repeated in the coming year based on information provided by the family. Income received as an independent contractor, day laborer, or seasonal worker is not excluded from income, even if the source, date, or amount of the income varies. Nonrecurring income includes:

- (i) Payments from the U.S. Census Bureau for employment (relating to decennial census or the American Community Survey) lasting no longer than 180 days and not culminating in permanent employment.
- (ii) Direct federal or State payments intended for economic stimulus or recovery.
- (iii) Amounts directly received by the household as a result of State refundable tax credits or State tax refunds at the time they are received.
- (iv) Amounts directly received by the household as a result of federal refundable tax credits and federal tax refunds at the time they are received.
- (v) Gifts for holidays, birthdays, or other significant life events or milestones (e.g., wedding gifts, baby showers, anniversaries).
- (vi) Non-monetary, in-kind donations, such as food, clothing, or toiletries, received from a food bank or similar organization.
- (vii) Lump-sum additions to net family assets, including but not limited to lottery or other contest winnings.

### **ii. Additional Exclusions from Income**

- (i) Payments specifically for, or in reimbursement of, the cost of health and medical care expenses.

- (ii) Insurance payments and settlements for personal or property losses, including but not limited to payments through health insurance, motor vehicle insurance, and workers' compensation.
- (iii) The special pay to a family member serving in the Armed Forces who is exposed to hostile fire.
- (iv) Deferred periodic amounts from Supplemental Security Income and Social Security benefits that are received in a lump sum amount or in prospective monthly amounts, or any deferred Department of Veterans Affairs disability benefits that are received in a lump sum amount or in prospective monthly amounts.
- (v) Income and distributions from any Coverdell education saving account or any qualified tuition program.
- (vi) Amounts received from civil rights settlements or judgments, including settlements or judgments for backpay.
- (vii) Payments made by or authorized by a state Medicaid agency or other state or federal agency to a household to enable a household member who has a disability to reside in the apartment.
- (viii) Loan proceeds (the net amount disbursed by a lender to or on behalf of a borrower, under the terms of a loan agreement) received by the household or a third party (e.g., proceeds received by the household from a private loan to enable attendance at an educational institution or to finance the purchase of a car).
- (ix) Lump-sum income received from any account under a retirement plan recognized by the Internal Revenue Service (IRS), including individual retirement accounts (IRA), employer retirement plans, and retirement plans for self-employed individuals; however, any distribution of periodic payments from these retirement accounts are included as income at the time they are received by the family.

### iii. Income from Persons with Conditional or Temporary Permission to Live in Household

The income of persons with temporary permission to live in the household does not have to be reported to NYCHA and is not included in the income calculation. Examples:

- Earned and/or unearned income of live-in aides;
- Earned and/or unearned income of foster children/adults;
- Earned and/or unearned income of foster care siblings;
- Earned and/or unearned income of re-entry program participants;
- Earned and/or unearned income of other temporary occupants.

NOTE: Live-in Guardian with Conditional Permission income IS NOT excluded from household income.

#### iv. Disabled or Elderly Assistance

*(1) Payments for Plan for Achieving Self-Support (PASS)*

Payments made to persons pursuing a PASS which has been approved by the Secretary of the U.S. Department of Health and Human Services (HHS).

*(2) Title V Employment, funded under Title V of the Older Americans Act of 1965*

Service community employment programs for unemployed persons who are 55 years of age or older.

*(3) Title II Employment, Subtitle A, of the Americans with Disabilities Act*

Service community employment programs for unemployed people with disabilities.

#### v. Educational Assistance

*(1) Title IV Scholarships*

Scholarships funded under Title IV of the Higher Education Act of 1965 that are used to cover the cost of attendance at an educational institution.

*(2) Other Scholarships*

Scholarships paid directly to the student or the educational institution, and used for tuition, fees, books, equipment, materials, supplies, transportation, and/or miscellaneous personal expenses.

*(3) Veterans' Educational Benefits*

Payments by the government for veterans to be used for tuition, fees, books, equipment, materials, supplies, transportation, and/or miscellaneous personal expenses.

#### vi. Income Received by/for Children

*(1) Employment*

Earned income of children under 18 years of age; includes foster children, but not the head-of-household, co-head, or spouse.

*(2) Foster Care*

Payments to an adult in the household for the care of foster children by the child services agency.

*(3) Adoption Assistance Payments*

All payments for the care of adopted children **over \$480** per adopted child (adjusted annually for inflation).

*(4) Kinship Guardian Assistant Payments (Kin-GAP) and Other Kinship Care*

Payments for children living with a related legal guardian.

vii. Miscellaneous

- (1) Holocaust Reparations*
- (2) Agent Orange Settlement Fund (AOSF)*
- (3) State Rent Credits and Rebates for Property Taxes*
- (4) Grants or Contributions for Elder/Disabled Care*
- (5) Payments or allowances made under the HHS Low-Income Home Energy Assistance Program (HEAP)*
- (6) Any amounts recovered in any civil action or settlement based on a claim of malpractice, negligence, or other breach of duty owed to a family member arising out of law, that resulted in a member of the family becoming disabled.*
- (7) Veterans' aide and attendant care*
- (8) Distributions of principal or corpus of the trust, and distributions of income from the trust when the distributions are used to pay the costs of health and medical care expenses for a minor for an irrevocable trust or a revocable trust outside the control of the family or household. Any distributions from a revocable trust under the control of the family or household; except that any actual income earned by the trust, regardless of whether it is distributed, shall be considered income to the family at the time it is received by the trust.*
- (9) Income earned on amounts placed in a family's Family Self-Sufficiency Account.*

viii. Reparations to Native Americans

- Income derived from the disposition of funds of the Grand River Band of Ottawa Indians.
- The first \$2,000 of per capita shares received from judgment funds awarded by the Indian Claims Commission and the Court of Claims, or from funds held in trust for an Indian tribe by the Secretary of the Interior.
- Maine Indian Claims Settlement Act of 1980 (MICSA).
- Payments received under the Alaska Native Claims Settlement Act (ANCSA).
- Income derived from certain sub-marginal land of the United States that is held in trust for certain Indian tribes.

- Payments received by Tribal members resulting from mismanagement of assets held in trust by the United States.

#### ix. Supplemental Nutrition Assistance Program (SNAP) Food Stamps

The value of the allotment provided to an eligible household for coupons under the Food Stamp Act of 1977.

#### x. Training and Service

##### *(1) National Volunteer Programs*

Programs that assist small businesses and promote volunteer service by persons with business experience. This includes:

- Service Corps of Retired Executives (SCORE), and
- Active Corps of Executives (ACE).

##### *(2) Resident Service Stipends*

Payments made to household members, **not exceeding \$200** per month, for performing services for NYCHA to enhance residents' quality of life.

If the stipend exceeds \$200/month, **include the full amount** in the income calculation; **not** just the portion that exceeds \$200.

A household may receive more than one stipend; however, **only** one stipend per household member can be excluded.

##### *(3) Training Programs* (Effective date of HOTMA provisions: December 1, 2024)

Excluded income includes incremental earnings and benefits to any family members resulting from participation in training programs funded by HUD or in qualifying federal, State, tribal or local employment training programs (including training programs not affiliated with a local government) and training of a family member as resident management staff from the family's income.

Payments received under a state or local employment or resident management training program that is a component of a program with clearly defined goals, such as on-the-job training or an apprenticeship.

**Only** the compensation that is received as part of the program is excluded.

##### *(4) Job Training Partnership Act*

Payments to trainees.

##### *(5) Comprehensive Grant*

Payments for training funded by Comprehensive Grant.

## *(6) Domestic Volunteer Service Act of 1978*

Payments to volunteers.

### f) Earned Income Disallowance (EID)

NYCHA grants qualified residents and household members an EID so that the household does not receive a rent increase after experiencing **one of three qualifying events**: (i) earning income from employment after unemployment; (ii) earning income from employment during participation in an economic self-sufficiency or job training program; or (iii) earning income from employment after receiving welfare.

Based on 2016 regulatory changes at 24 CFR 5.617 and 960.255, eligible residents who experience a “qualifying event” after May 9, 2016 will have increased earnings excluded from their household’s rent calculations for a one-time, 24-month period.

EID is a per-member, not per-household, benefit. Therefore, a single household may receive multiple income disallowances if multiple family members qualify for EID.

The disallowances run for 24 consecutive months: 100 percent of the household member’s earned income is excluded for the first 12 months and 50 percent of the household member’s earned income is excluded for the second 12 months.

#### i. Elimination of EID

No new families may be enrolled in EID after January 1, 2024.

#### ii. Eligible Persons

A head of household, co-head of household (if applicable) or household member is eligible for EID prior to January 1, 2024, if they meet the following requirements at the time of a qualifying event. They must be:

- A United States citizen or have eligible non-citizen status;
- An adult (18 years or older);
- Paying income-based rent or welfare rent; and
- A first-time EID beneficiary.

#### iii. Ineligible Persons

Persons ineligible to receive EID:

- Applicants;
- Individuals with temporary permission, ineligible non-citizen status, or under 18 years of age;

- Individuals in households that did not sign a public housing lease (i.e. resident employees, resident police officers, resident site caretakers, and resident superintendents);
- Individuals who already received EID under the old policy; and
- Individuals from households where the household rent is set at the flat rent.
- Individuals who seek to enroll in EID on or after January 1, 2024.

#### iv. Baseline Income

Baseline Income is the eligible resident's or household member's annual income immediately before the EID start date. The baseline income does not change during the duration of the EID period.

#### v. EID Start Date

EID begins on the first of the month following the date of the qualifying event. The EID start date remains the same even if NYCHA does not learn of the qualifying event until months later.

#### vi. EID Exclusion Time Periods

The EID exclusion period is 24 consecutive months.

- For the first 12 months after the qualifying event (i.e., starting on the EID start date), 100 percent of the income above the baseline income is excluded from the rent calculation.
- For the second 12 months, 50 percent of the income above the baseline is excluded from the rent calculation.

#### vii. Household Member Moveout with EID

An eligible resident, co-resident (if applicable) or household member who started EID in one apartment and leaves before the 24 months expired can benefit from the remaining EID balance when he or she comes back to the same apartment or transfers to another public housing apartment.

If the person that moves out or transfers had an existing four (4) year EID, he or she may leave the household and either (a) return to the same household or (b) transfer to another public housing household. The unexpired portion of EID will continue until it expires.

### g) Assets

#### i. Asset Definition

Assets are real property, savings, bonds, stocks, and other forms of capital investments.



The value of a household member's assets may affect the household's annual income and rent. Actual or imputed income generated from an asset is included in household income when calculating rent. Examples of assets include:

- Checking accounts;
- Savings accounts;
- Cash;
- Certificates of deposit;
- Stocks, bonds, mutual funds, and other investments;
- Life insurance policies that have a monetary value, such as Whole Life;
- Real estate;
- Mortgages or deeds of trust;
- Personal property held as an investment;
- Annuities; (effective date of HOTMA provisions will be December 1, 2024 NYCHA will inform all program participants of the date at which the HOTMA policies will become effective.); and
- Trust funds to which a household member has access.

**Net family assets** represent the cash value of all assets owned by the family, after deducting reasonable costs that would be incurred in disposing of real property, savings, stocks, bonds, and other forms of capital. A family's net assets do not include:

- value of necessary items of personal property,
- the combined value of all non-necessary personal property if the combined total value does not exceed \$50,000 (adjusted annually for inflation),
- the value of any account under a retirement plan recognized by the IRS,
- the value of real property that the family doesn't have the effective legal authority to sell,
- any amounts recovered in any civil action or settlement based on a claim of malpractice, negligence, or other breach of duty owed to a family member arising out of law, that resulted in a family member being a person with a disability,
- the value of any Coverdell education savings under section 530 of the Internal Revenue Code of 1986, the value of any qualified tuition program under section 529 of such code, the value of any Achieving a Better Life Experience (ABLE) account authorized under Section 529A of such Code, and the value of any "baby bond" account created, authorized, or funded by Federal, State, or local government,
- interests in Indian trust land,
- equity in a manufactured home where the family receives assistance under 24 CFR part 982,



- equity in property under the Homeownership Option for which a family receives assistance under 24 CFR part 982,
- Family Self-Sufficiency Accounts; and
- Federal tax refunds or refundable tax credits for a period of 12 months after receipt by the family.

In cases where a trust fund has been established and the trust is not revocable by, or under the control of, any member of the family or household, the trust fund is not a family asset and the value of the trust is not included in the calculation of net family assets, so long as the fund continues to be held in a trust that is not revocable by, or under the control of, any member of the family or household.

#### i. Assets Greater than \$1,000 Disposed of for Less than Fair Market Value

Assets greater than \$1,000 that were disposed of for less than fair market value during the two years prior to the effective date of the Certification are counted as assets. Business assets disposed of for less than fair market value are processed under own business income. Assets disposed of under the following circumstances are excluded:

- In a foreclosure of bankruptcy sale; and
- As part of a separation or divorce settlement when the individual disposing of the asset receives “important consideration not measurable in dollar terms”.

#### ii. Jointly Owned Assets

Assets may be owned by more than one person. If any household member has unrestricted access or can legally dispose of the jointly owned asset, the full value of the asset and any income it produces is counted.

An asset owned by more than one person may be prorated according to the percentage of ownership. If no percentage is specified or provided by state or local law, the asset is prorated evenly among all owners.

### h) Deductions

Income-based rent is calculated based on the household’s income and deductions.

- Deductions do **not** apply to households that receive full public assistance.
- Deductions do apply to dual-income (i.e., public assistance plus other income sources) households.

#### i. Deduction Types and Amounts

NYCHA deducts the following amounts from annual income:

- \$480 for each dependent that meets the following criteria as of the effective date of the certification:
  - Under the age of 18; or
  - Disabled (any age); or
  - A full-time student (of any age).

Live-in aides, foster children, and foster adults are not entitled to this deduction. This allowance amount will be adjusted annually by HUD.

- \$525 for any elderly family or family member with disability that meets the following criteria as of the effective date of the certification:
  - The applicant, co-applicant, resident, co-resident or sole member is at least 62 years of age or is a person with disabilities; or
  - Two or more persons are at least 62 years of age or are living with disabilities.

Each applicant family with elderly or family members with disabilities is limited to one \$525 deduction regardless of the number of elderly or family members with disabilities. This allowance amount will be adjusted by HUD annually.

- Health and Medical Care Expenses: The sum of the following, to the extent that the sum exceeds 10 percent of annual income.
- Unreimbursed reasonable health and medical expenses of any elderly family or family member with disabilities; and
  - Unreimbursed reasonable attendant care and auxiliary apparatus expenses for each member of the family who is a person with disabilities, to the extent necessary to enable any member of the family (including the member who is a person with disabilities) to be employed. This deduction may not exceed the combined earned income received by family members who are 18 years of age or older who are able to work because of such attendant care or auxiliary apparatus.
- Any reasonable childcare expenses necessary to enable the family member to be employed or to further his/her education (see 24 CFR 5.611). The child must be under 13 years of age.

Refer to Section (h)(iv) of this chapter, Verifying Deductions, for more information.

## ii. Deduction Thresholds

### *(1) Unreimbursed health and medical care expenses*

Financial hardship exemption for unreimbursed health and medical care expenses and reasonable attendant care and auxiliary apparatus expenses.

- Phased-in relief for families that have received a deduction from annual income because their sum of expenses exceeded three percent (3 percent) of annual income as of
  - The family will receive a deduction totaling the sum of the expenses that exceed 5 percent of annual income.
  - Twelve months after the relief is provided, the family must receive a deduction totaling the sum of the expenses that exceed 7.5 percent of annual income.
  - Twenty-four months after the relief is provided, the family must receive a deduction totaling the sum of the expenses that exceed 10 percent of annual income.
- To receive additional hardship relief, the family's applicable health and medical care expenses or reasonable attendant care and auxiliary apparatus expenses increased, or the family's financial hardship is a result of a change in circumstances that would not otherwise trigger an interim recertification.
  - Relief under this paragraph is available regardless of whether the family previously received phased-in relief, is currently receiving phased-in relief, or previously received phased-in relief.
    - The family will receive a deduction for the sum of the eligible expenses that exceed 5 percent of annual income.

The family's hardship relief ends when the circumstances that made the family eligible for the relief are no longer applicable or after 90 days, whichever comes first. However, NYCHA will extend the relief for one additional 90-day period while the family's hardship condition continues.

## *(2) Childcare*

Financial hardship exemption for childcare expense deductions.

- A family whose eligibility for the childcare expense deduction is ending may request a financial hardship exemption to continue childcare expense deduction.
  - NYCHA must recalculate the family's adjusted income and continue childcare deduction if the family demonstrates to NYCHA's satisfaction that the family is unable to pay their rent because of loss of the childcare expense deduction, and the childcare expense is still necessary even though the family member is no longer employed or furthering his or her education. The hardship exemption and the resulting alternative adjusted income calculation must remain in place for a period of

- up to 90 days. NYCHA will extend such hardship exemption for one additional 90-day period based on family circumstances.
- NYCHA must promptly notify the family in writing of the change in the determination of adjusted income and the family's rent resulting from the hardship exemption. The notice must also inform the family of when the hardship exemption will begin and expire.

## i) Verification of Applicant and Resident Information

### i. General Verification Requirements

HUD mandates methods to verify family information and specifies the circumstances in which each method will be used.

HUD has six levels of verification. In general HUD requires NYCHA to use the most reliable form of verification that is available, and to document the reasons when NYCHA uses a lesser form of verification. NYCHA requires residents to provide third-party documents dated within 60 calendar days prior to the recertification or additional information request date.

In order of priority, the forms of verification that NYCHA uses are detailed in the table below.

Verification Levels			
<b>6</b>	HUD Enterprise Income Verification (EIV)	Highest/Mandatory	EIV provides a comprehensive online system for the determination and verification of various resident information. EIV, while mandatory, is only used as a method of verifying information provided through other sources.
<b>5</b>	Upfront Income Verification (UIV) Using Non-HUD Systems	Highest (Highly Recommended)	Data received through an independent source that systematically and uniformly maintains income information in a computerized form, such as access to NYCHA's Data Verification System (DVS) in order to get Welfare Management System (WMS) and Office of Payroll Administration (OPA) information.

### Verification Levels

<b>4</b>	Written Third-party Verification (Documents) or EIV + Self-Certification  PHAs/MFH Owners can choose either option when both are available to verify income. PHAs/MFH Owners must use written, third-party verification when the income type is not available in EIV (e.g., self-employment, Go Fund Me accounts, general public assistance, Veterans Administration benefits, etc.)	High	An original document provided by the resident that is generated by a third-party source such as a paystub, award letter, or a printout of benefits statement.
<b>3</b>	Written Third-party Verification Form (Requests)	Medium/Low	A third-party verification form completed by a third-party source, such as NYCHA Form 040.013, Verification of Employment – Employer.
<b>2</b>	Oral Third-party Verification	Low	Phone call by NYCHA to a third-party source following up on the submission of a written third-party form.
<b>1</b>	Self-Certification	Lowest (only use after verification cannot be made at any higher levels)	Statement of reported income and/or expenses signed by applicant or resident on NYCHA forms. Use as a last resort when unable to obtain any type of third-party verification or if specifically permitted, such as to determine actual income from assets when the family certifies that net family assets do not exceed <u>\$50,000</u> .

## ii. Enterprise Income Verification System (EIV)

HUD's EIV system is a web-based application which provides NYCHA with employment, wage, unemployment compensation, and SS benefit information for household members who participate in the Low-Income Public Housing program (PH). This system is available to all Public Housing Agencies (PHA) nationwide.

Information in EIV is derived from computer matching programs initiated by HUD with the SSA and the HHS, for all residents with valid personal

identifying information (name, date of birth, and Social Security Number (SSN) reported on the form HUD-50058.

NYCHA uses EIV to accomplish the following:

- To identify applicants or residents who may be receiving rental assistance at another assisted community;
- To identify applicants that another PHA has reported for adverse terminations or debts owed;
- To validate verification sources for household income and deductions when processing Annual Recertifications, Interim Recertifications, additional household member requests, current household member requests, rentals, and transfers;
- To identify tenants that Social Security has reported as deceased;
- To verify the citizenship status for U.S. citizens and non-citizens; and
- To verify the name, SSN, and date of birth for all members of the household.

### iii. Verifying Income

#### *(1) Wages and Related Compensation*

Acceptable Third-Party Documents are listed below.

- Pay stubs:

Each employed household member must submit at least two current and consecutive paystubs from his or her employer which shows the current rate of pay. If he or she is unable to produce two current and consecutive paystubs, the employed household member must have NYCHA Form 040.013, Verification of Employment – Employer, completed and signed by his or her employer to verify the current income. If a resident resides in a Low-Income Housing Tax Credit (LIHTC) development, NYCHA may also ask for more than two current and consecutive paystubs to verify income if required for other program requirements.

- A payroll summary report.
- NYCHA Form 040.013, Verification of Employment – Employer, or a letter of hire or termination from the employer.

- Employees of New York City:

Office of Payroll Administration (OPA) Reports, which provide the current rate of an employee's pay, are official employment verification. OPA Reports, along with EIV, satisfy third-party employment verification.

## *(2) Business and Self-employment Income*

Self-employed household members must maintain a record of daily receipts or sales, register readings, and expenses in one ledger.

## *(3) Social Security and Supplemental Security Income*

SS and SSI recipients who are already residents are not required to provide benefit verification letters since SSA electronically provides HUD with benefit information. However, if the SS and/or SSI recipient submitted a SS/SSI Award Letter with his/her Affidavit of Income (AOI), this can be used as proof of SS benefits and/or SSI income.

If a SS and/or SSI recipient does not have available EIV data and did not submit an award letter, or disputes the EIV income data, NYCHA will initiate Third-party Written Verification (Level 4) to request written proof of the income via an award letter, dated within 60 calendar days of the request. This request is made via NYCHA Form 040.297B, Annual Recertification Additional Forms Cover Letter.

## *(4) Unemployment*

- Unemployment monetary benefit letter.
- NYCHA Form 040.589, Verification of Unemployment Benefits.

## *(5) Public Assistance Income*

- Electronic budget letter for public assistance recipients.

NYCHA may obtain budget letters indicating public assistance benefits received by a household member via NYCHA's Data Verification System (DVS).

If the electronic budget letter is not available, the resident must provide a copy of the HRA budget letter.

- Welfare Management System verification for new residents.

The Welfare Management System (WMS) is used for the verification of public assistance income for new residents, applicants, and inter-project transferees. Data is available for all recipients of public assistance in New York City.

- NYCHA Form 040.591, Third Party Verification of Public Assistance.

## *(6) Alimony and Child Support*

- Child support payment stubs.
- NYCHA Form 040.584, Third Party Verification of Contributions/Support/Alimony.



*(7) Pensions and Annuities*

NYCHA Form 040.592, Third Party Verification of Pension and Annuities.

*(8) Disability and Workers' Compensation*

NYCHA Form 040.587, Third Party Verification of Workers' Compensation.

*(9) Veterans Administration Benefits*

NYCHA Form 040.588, Third Party Verification of Veterans Administration Benefits.

*(10) Military Pay*

NYCHA Form 040.585, Third Party Verification of Military Pay.

*(11) Regular Contributions*

NYCHA Form 040.584, Third Party Verification of Contributions/Support/Alimony.

*(12) Zero Income*

Zero (\$0) income households are those that have **no** income. This does not include households where the source(s) of income is/are an excluded income type.

If a resident reports zero (\$0) household income, they must attend a personal interview with NYCHA and complete NYCHA Form 040.481, Zero Income Questionnaire quarterly.

**iv. Verifying Assets**

For verification of assets (refer to Section (g) of this Chapter, Assets) and asset income, NYCHA will follow the hierarchy as noted in the chart in Section (i) above.

Net family assets do not include the value of all non-necessary items of personal property with a total combined value of \$50,000 or less, as adjusted annually by an inflationary factor. When the combined value of all net family assets has a total value of \$50,000 or less, the family must include on its self-certification that the net family assets do not exceed \$50,000, the amount of actual income the family expects to receive from such assets, and that this amount is to be included in the family's income. By accepting self-certification of net family assets equal to or less than \$50,000 (adjusted annually for inflation) at recertification, NYCHA is required to fully verify net family assets every three years.

**2. *Checking/Savings Accounts, Certificates of Deposit, Stocks, Bonds, Mutual Funds, Annuities, and Other Investment Accounts***



Copy of the most recent financial statement for each account. The statement must list the asset type for each account, the account number(s), current balance, and the interest or dividends earned for each account.

*(1) Cash*

None – Use amount indicated on Affidavit of Income.

*(2) Life Insurance (Whole Life or Universal Life), Does not include Term Life Insurance*

Copy of the most recent annual insurance policy statement, including the account number(s), total monetary value of the insurance policy, and the full name of the business institution with their contact information.

*(3) Real Property*

If the property is sold: Use Fair Market Value, less the mortgage, less selling costs to determine the cash value of the property.

If the property was not sold: The household member submits a notarized statement for each property indicating the type of property; address; percent of ownership; date of purchase; original purchase price; and amount of existing loan with the name of the lender, current value, and income, if any, for the upcoming 12 months.

NYCHA will rely on the self-certification of a household that informs NYCHA that they do not have any present ownership interest in any real property. If a household does declare present ownership in real property, NYCHA will seek third-party verification.

*(4) Mortgages or Deeds of Trust*

Original mortgage or deed of trust documents detailing the terms, the remaining balance, and interest earned.

*(5) Personal Property Held as an Investment*

Written appraisal from a licensed appraiser, indicating the current market value and income, if any, for the upcoming 12 months.

*(6) Trust Funds that a Household Member has Access to*

Statement from the Trustee of the account detailing the terms for dispersion of the trust.

**v. Verifying Deductions**

Deduction verification will follow the hierarchy as noted in the chart in Section (i) above, as applicable.

Deduction verifications include determination of eligibility for deductions and verification of the amount of deductions (e.g. childcare and medical expenses).

#### *(1) Dependents*

Refer to section (g)(i) of this Chapter, Deduction Types and Amounts, for more information.

The status of a new household member that is a minor may be verified with a Social Security card and a birth certificate showing full name, date of birth, and relationship to the head of household.

#### *(2) Elderly*

Refer to section (g)(i) of this Chapter, Deduction Types and Amounts, for more information.

The status of a new household member may be verified with a birth certificate or other appropriate documentation, such as receipt of SS retirement benefits or Medicare.

#### *(3) Student Status*

A full-time student is defined as a person who is attending school or vocational training on a full-time basis and is 18 years of age or older (except the head of household, co-head, or spouse). It is the responsibility of the family to submit documentation supporting the household member's full-time student status.

This status must be verified by a third party such as his or her school or program, using NYCHA Form 040.578, Third Party Verification of Full-Time Student Status, or an original school letter verifying full-time attendance.

#### *(4) Disability*

A disabled household is defined as a household whose head of household and/or co-head, or spouse (or sole member) is a person with disabilities. It may include one or more persons with disabilities living in a single apartment, or one or more persons with disabilities living with one or more live-in aides.

A person with disabilities is defined as a person who is determined, pursuant to HUD regulations, to have a physical, mental, or emotional impairment that:

- Is expected to be of long-term continued and indefinite duration;
- Substantially impedes his or her ability to live independently; and
- Is of such a nature that the ability to live independently could be improved by more suitable housing conditions.

If the head of household, co-head, or spouse is a person with a disability, then the entire household is entitled to one deduction verified with any of the following:

- Up-front income verification – receipt of SSD benefits;
- Written third-party verification request – NYCHA Form 040.582, Third Party Verification of Disability, completed by a qualified professional with knowledge of the resident's disability status; or
- Written third-party verification document – an award letter, indicating proof of receipt of disability benefits from the SSA.

#### *(5) Health and Medical Care Expenses*

If the head-of-household, co-head, or spouse is elderly or a person with a disability, all household members qualify for health and medical expense deductions.

The most current IRS Publication 502, *Medical and Dental Expenses*, is used to determine which expenses are qualifying medical expenses. Refer to <https://www.irs.gov/forms-pubs/about-publication-502>, for more information about acceptable medical expenses.

Health and medical care expenses are any costs incurred in the diagnosis, cure, mitigation, treatment, or prevention of disease or payments for treatments affecting any structure or function of the body. Health and medical care expenses include medical insurance premiums and long-term care premiums that are paid or anticipated during the period for which annual income is computed.

To verify health and medical expenses, NYCHA must follow Level 1 Verification: Resident Declaration. All medical expenses must be paid and unreimbursed. Receipts must be provided for:

- Fees paid for health and medical care and treatment;
- Health and Medical bills for services from healthcare facilities and healthcare professionals;
- Medical insurance premium documents;
- Printouts from pharmacies for out-of-pocket expenses for prescription and nonprescription medicines; and
- Proof of purchase for health and medical equipment.

#### *(10) Disability Assistance Expense*

Reasonable expenses for attendant care and auxiliary apparatuses for a household member with a disability may be deducted if:

- They are necessary to enable a household member who is 18 years or older to work;

- The expense is not paid to a household member, or reimbursed by an outside source;
- The expense, in combination with any other medical expenses, exceeds 10 percent of the annual household income; and
- The expense does not exceed the earned income received by the household member(s) who is enabled to work.

The deduction amount is the portion of the expenses that exceeds ten percent (10%) of the household's annual income. This amount must be verified by a third party, using NYCHA Form 040.580, Third Party Verification of Handicap Assistance Expenses, or original documents verifying unreimbursed attendant care and/or auxiliary apparatus expenses.

Auxiliary apparatus items must be directly related to permitting the person with a disability to be gainfully employed, or to enable the household member to go to work. Examples include: wheelchairs, ramps, adaptations to vehicles, and special equipment to enable a visually impaired person to read or type.

#### *(11) Child Care/Dependent Care/Handicap Care Expenses*

A deduction for unreimbursed child-care, dependent-care, or handicap-care expenses must be verified using NYCHA Form 040.581, Third Party Verification of Child/Dependent Care and Handicap Care, or original documents from the provider verifying the unreimbursed expenses.

The household may only claim deductions if:

- The care is necessary to enable a household member to work or further their education;
- There is no one in the household who is capable of providing care during the hours care is needed;
- The expenses are not paid to a household member;
- The amount does not exceed the earned income of the lowest earning household member;
- The expenses are not reimbursed by an agency or individual outside the household; and
- For childcare, the child is younger than 13 years old (including foster care children).

## vi. Verifying Family Information

### (1) Legal Identity

Household members' first and last names must be verified via their original Social Security cards. The full names must match **exactly** with their full names as they appear on their Social Security cards or SSA records.

If a household member is ineligible for a Social Security card, verify his or her first and last names via an original birth certificate, marriage certificate, certificate of domestic partnership, passport, state identification card, driver's license, or name change order, as appropriate.

### (2) Social Security Numbers

- Acceptable forms of verification of Social Security Numbers

One of the following documents must be submitted as SSN verification when processing an Annual Recertification, Interim Recertification, additional household member request, Remaining Family Member (RFM) claimant request, rental, or transfer:

- An original Social Security card issued by the SSA;
- An original SSA issued document containing the household member's name and SSN; **or**
- An original document issued by a federal, state, or local government agency containing the household member's name and SSN.

- Adding new household members under the age of six years old

- Applicant households

If a child under six years old was added to the applicant household within the six-month period prior to the household's date of admission, applicant household may be admitted, so long as the documentation required above is provided to NYCHA within 90 calendar days from the date of admission into the program. NYCHA must grant an extension of one additional ninety 90-day period only if NYCHA determines that the applicant's failure to comply was due to circumstances that could not reasonably have been foreseen and were outside the control of the applicant. If the applicant household fails to produce the documentation required within the required time period, but NYCHA determines that the applicant is otherwise eligible to participate in the program, the applicant may retain their place on the waiting list for the program but cannot become a resident until they can provide the documentation required in this section to verify the SSN of each member of the household.

- Existing households

When a resident requests to add a new household member who is under the age of six and does not have an SSA-assigned SSN, the resident must disclose the SSA-assigned SSN and provide NYCHA with the documents referenced above within 90 calendar days of the child being added to the household. If the family is unable to disclose and provide evidence of the SSN within 90 calendar days, NYCHA is required to grant the family an additional 90-day period to comply with the SSN disclosure and documentation requirement, only if NYCHA determines the family was unable to comply with the requirements due to circumstances that could not have reasonably been foreseen and were outside the control of the family. Examples include, but are not limited to, delayed processing of SSN application by SSA, natural disaster, fire, death in family, etc. If a resident requests to add an individual to the household but is unable to provide the required documentation, the request will be denied. Refer to Chapter 11(g), Terminations Related to Failure to Disclose or Document Social Security Numbers, for more information.

### *(3) Documentation of Age*

Verify date of birth through an original birth certificate. If the birth certificate is unavailable, the following documents are acceptable forms of verification for date of birth: baptismal certificate, marriage certificate, certificate of domestic partnership, passport, state identification card or driver's license, military discharge papers, or SSA award letter.

### *(4) Citizenship or Eligible Immigration Status*

All applicants and family members 18 years of age or older must sign the appropriate sections of NYCHA Form 070.163, Declaration of Citizenship Status, declaring their citizenship or immigration status. The applicant or legal guardian must sign the appropriate sections on behalf of each family member 17 years of age or younger.

- Applicants and/or family members who declare that they are citizens of the United States
  - The declaration of citizenship is sufficient; further documentation is not required.
- Applicants and/or family members who declare that they are non-citizens with eligible immigration status.
  - Must provide documentation verifying immigration status.
- To verify immigration status, NYCHA will use the Systematic Alien Verification for Entitlements Program, a web based intergovernmental

database that provides NYCHA with verification of the immigration status of non-citizens.

This information is required to determine the eligibility of non-citizens for housing assistance. Proof of Eligible Non-Citizenship is described below.

- For Permanent Resident Aliens, Form I - 551, Alien Registration Receipt Card.
- Form I - 94, Arrival - Departure Record, with one of the following annotations:
  - Section 207 – Admitted as Refugee;
  - Section 208 – Asylum;
  - Section 243(h) – Deportation Stayed by Attorney General; or
  - Paroled Pursuant to Section 212(d)(5) of the Immigration and Nationality Act
- If Form I - 94, Arrival - Departure Record, is not annotated, then it must be accompanied by one of the following documents:
  - A final court decision granting asylum;
  - A court decision granting withholding of deportation;
  - If the application was filed on or after October 1, 1990, a letter from an Immigration and Naturalization Service (INS) asylum officer granting withholding of deportation must be included; or
  - If the application was filed before October 1, 1990, a letter from an INS district director granting withholding of deportation must be included.
- Form I - 688, Temporary Resident Card; must be annotated Section 245A or Section 210.
- Form I - 688B, Employment Authorization Card; must be annotated Provision of Law 274a.12(11) or Provision of Law 274a.12.
- A Department of Homeland Security issued receipt indicating the submission of an application for replacement of one of the above listed documents, including verification from the Department of Homeland Security that the member(s) is/are entitled to the document.

If lease bifurcation occurs, legal immigration status must be determined for remaining household members. Rent will be redetermined accordingly. Refer to Chapter 2, Section (g)(ii)(7), Remedies Available to Victims; and Section (i)(viii) of this chapter, Prorated Rent for Families with Immigrants with Non-Eligible Status for more information.



### *(5) Family Relationships*

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.

- Marriage

Any of the following verifies that a marriage occurred:

- Civil or religious certificate of marriage;
- Statement from family court verifying the marriage;
- Documentation from a government agency
- Registered domestic partner: A legal relationship permitted under the State and City of New York laws.

- Minors

Every minor (a person under 18 years) for whom a request is made to include the minor to the application must 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. Acceptable forms of verification are listed below for each item.

- Birth/natural child
  - A birth certificate identifying the applicant, co-applicant, or family member as the birth/natural parent.
  - Court papers identifying the applicant, co-applicant, or family member as the birth/natural parent.
- Adoptive child
  - Court papers showing that the applicant, co-applicant, or family member has adopted the minor.
- Judicially declared ward
  - Court papers showing that the applicant, co-applicant, or family member has permanent legal custody or guardianship of the minor.

- Joint custody of dependents

Dependents that are subject to a joint custody arrangement will be considered family members if they live with the applicant family 51 percent or more of the year (i.e., at least 183 calendar days out of the year). The determination to include dependents will be at the discretion of NYCHA and based on available documents, such as court orders or school records.



- Pregnancy

Pregnancies are verified by a written statement from a doctor, hospital, or maternity clinic stating the expected date of delivery. NYCHA records the expected birth date of the unborn child. The unborn child is counted when determining room size assignment.

- Temporary absence

Family members temporarily absent from the household in the situations listed below may be included on the application and are counted when determining room size assignment.

- Absence of the applicant or co-applicant due to employment

If the applicant or co-applicant must remain away from home for extended periods of time, he/she is considered a full-time member of the household unless there is evidence that he or she will spend less than 120 calendar days of the time in the apartment during the course of the year.

Reasons for the absence of the applicant or co-applicant include, but are not limited to:

- Employment in the Merchant Marines;
- Employment as a traveling salesman; or
- Employment outside of New York City.

- Temporary absence due to military service

A family member who is in military service, whether by enlistment or induction, may be considered part of the household unless:

- The family member marries while in the service and establishes a separate household;
- The family member obtains a legal separation or divorce; or
- The family member dies while in service.

- Temporary absence of full-time students

A family member who is a full-time student attending school outside of New York City is considered part of the household unless:

- The family member marries while in school; or
- The family member establishes a separate household.

## j) Rent Calculation

Rent is determined by using the household's income. NYCHA charges the lesser of the income-based rent or flat rent. The appropriate rent is set based on one of the following possible rent categories:

## Income-based Rent

Total tenant payment is the highest of the following amounts, rounded to the nearest dollar:

- 30 percent of the gross income for rent or;
- 10 percent of the family's monthly gross income.

Income-based rent does not include additional charges, such as recurring electricity fees for a resident-owned major appliance such as a washing machine, air conditioner and/or stand-alone freezer.

NYCHA requires all public housing residents to recertify their income on a yearly basis to be in compliance with HUD regulations.

### i. Public Housing Flat Rent

For public housing residents, flat rent is the highest amount of rent a resident can be charged for a particular size apartment. Flat rent is based on a percentage of the Fair Market Rent for the New York City area, with different amounts set based on the apartment size. Refer to <https://www.nyc.gov/site/nycha/residents/pay-rent.page> for NYCHA's flat rent schedule.

Flat rent does not include additional charges, such as recurring utility (e.g., electricity) fees for a major appliance.

### ii. Income-based Rent versus Flat Rent

Once income-based rent is calculated, it is compared to the applicable flat rent. NYCHA chooses the lower of the two to set as the resident's rent. If a household would prefer to pay the higher rent, they may contact their property management office to request a change.

### iii. Minimum Rent

The lowest monthly rent NYCHA charges a resident for living in an apartment. NYCHA's minimum rent is zero (\$0).

### iv. Maximum Rent (Flat Rent)

NYCHA sets flat rents based on the allowable rent structure under federal law which requires flat rents to be set no lower than 80% of the applicable fair market rent for the PHA's jurisdiction as determined by HUD.

### v. Scheduled HRA Rent

Welfare or public assistance rent is set based on a fixed HRA rent schedule.

### vi. Over-income (Alternative Non-Public Housing) Rent

Residents whose annual income exceeds the over-income limit for 24 consecutive months must sign a non-public housing over-income lease and

will pay the alternative non-public housing rent. The alternative rent is the greater of the applicable Fair Market Rent (FMR) for each unit size established by HUD, or the amount of monthly subsidy provided for the unit (i.e., the amount of funding NYCHA receives from HUD per public housing unit each year).

Refer to Chapter 8, Section(h), Over-Income Residents, for more information.

## vii. De Minimis Tenant Protections

NYCHA has established procedures that are appropriate and necessary to assure that income data provided by applicants and residents is complete and accurate. NYCHA will not be considered out of compliance with the requirements solely due to de minimis errors in calculating family income but is still obligated to correct errors once NYCHA becomes aware of the errors. A de minimis error is an error where NYCHA's determination of family income deviates from the correct income determination by no more than \$30 per month in adjusted income.

### *(1) Corrective Action*

NYCHA must take any corrective action necessary to credit or repay a family if the family has been overcharged for their rent or family share as a result of de minimis error in the income determination, but families will not be required to repay NYCHA in instances where NYCHA has miscalculated income resulting in a family being undercharged for rent or family share. NYCHA's corrective action for households that are overcharged will consist of a credit applied to the family's rent ledger.

## viii. Prorated Rent for Families Including Members with Non-Eligible Immigration Status (Mixed Households)

Mixed households are those that contain both U.S. citizens and/or eligible non-citizens, as well as ineligible non-citizens. In these situations, HUD requires NYCHA to prorate the household's rental assistance, and grant a rent subsidy only to household members who are either U.S. citizens or non-citizens with eligible immigration status. Ineligible non-citizens will not receive a rental subsidy. NYCHA uses the ratio of citizen/immigration eligible household members compared to the total number of household members in determining eligibility for public housing and rent calculation. In these cases, the rent will be higher than the income-based rent but can be no more than the flat rent. Refer to this Chapter, Section (h)(vi)(4), Citizenship or Eligible Immigration Status, for more information.

### *(1) Mixed Households Admitted to NYCHA Before June 20, 1995*

HUD granted continued full subsidy assistance to mixed households that were receiving full subsidy **prior to June 20, 1995**, if:

- The head of household, co-head, or spouse was a citizen or had eligible immigration status; and
- The household did not include any member without eligible immigration status, except for the head of household, co-head, spouse, parents of the head of household, parents of the spouse, or children of the head of household or spouse.
- Members with a citizenship status of “Pending Verification;” and
- The eligibility for continued assistance must have been established prior to November 29, 1996.

If, as of November 29, 1996, anyone added to the household is **no longer eligible** for continued full assistance, the subsidy must be appropriately prorated.

## Chapter 8: Recertifications and Continued Occupancy

(Note: This version of Chapter 8 is not currently in effect. HUD informed NYCHA and other PHAs that compliance with most of the HOTMA provisions has been delayed until further notice. Until NYCHA receives further guidance from HUD, chapters 7-8 located [here](#) will remain in effect. NYCHA will inform all program participants of the date at which the HOTMA policies will become effective.)

### a) Overview

The U.S. Department of Housing and Urban Development (HUD) requires the re-examination of every resident's income and household composition at least once every 12 months. New York City Housing Authority (NYCHA) fulfills this requirement by conducting an Annual Recertification based on information provided by the resident in the Affidavit of Income (AOI). After reviewing and verifying the information submitted by the resident, NYCHA determines the resident's rent.

### b) Key Acronyms

- AOI: Affidavit of Income
- CSR: Community Service Requirements
- HUD: U.S. Department of Housing and Urban Development
- NPHOI: Non-Public Housing Over Income
- NYCHA: New York City Housing Authority

### c) Annual Recertification and Continued Eligibility

Residents who meet the following criteria will be eligible for continued occupancy:

- Resident is in compliance with the terms of their lease and NYCHA policies and house rules;
- Household members include only people listed on the current lease, as well as household members added in accordance with Chapter 6(j), Authorized Occupants;
- All household members have verified Social Security numbers or HUD-issued alternate IDs;
- All household members meet HUD standards on citizenship or immigration status or are paying a pro-rated rent. Each household must contain at least one U.S. citizen or eligible non-citizen at all times; and
- All adult household members are in compliance with Community Service Requirements (CSR), as applicable. Refer to Chapter 13, Community Service and Self-Sufficiency Requirements, for more information.

In order to be recertified, residents are required to provide current and accurate information on income, assets, allowances, and deductions, expenses and household composition through the AOI and related forms. Refer to Chapter 7: Rent Calculation and Verifications for more information.

The AOI can be completed online or on paper. For residents that are scheduled for an Annual Recertification and have opted-out of the online process, a paper AOI packet is mailed directly to the resident one calendar month before it is due to be returned and 120 days in advance of its scheduled effective date.

Residents who complete their Annual Recertification online are not mailed a paper packet. They are sent NYCHA Form 040.904, PH Initial Notification Letter to Tenant informing them to complete their Annual Recertification with instructions on how to complete it online via the NYCHA Self-Service Portal. NYCHA Form 040.904, PH Initial Notification Letter to Tenant is mailed to the resident one calendar month before it is due to be returned and 120 days in advance of its scheduled effective date.

Annual Recertification Period	Annual Certification Review Dates	AOI Notification Sent to Residents	Annual Recertification and Lease Effective Date	Term of Lease
1 <sup>st</sup> Quarter	1/1 – 12/31	1/1	5/1	5/1 – 4/30
2 <sup>nd</sup> Quarter	4/1 – 3/31	4/1	8/1	8/1 – 7/31
3 <sup>rd</sup> Quarter	7/1 – 6/30	7/1	11/1	11/1 – 10/31
4 <sup>th</sup> Quarter	10/1 – 9/30	10/1	2/1	2/1 – 1/31

For example: The 1<sup>st</sup> Quarter Annual Review period begins January 1 and ends April 30th.

Refer to Chapter 2(d), Reasonable Accommodations, for information related to program accessibility and Limited English Proficiency accommodations.

NYCHA verifies the information provided, including the household's composition and income, and mails NYCHA Form 040.623, Public Housing Lease Addendum and Rent Notice directly to the resident via the United States Postal Service.

The Public Housing Lease Addendum and Rent Notice contains the following information:

- New rent and its effective date: The rent may have increased, decreased, or remained the same;
- Household Composition and Occupancy Notice: Lists all permanently authorized household members, and notifies the resident how a person may receive permanent residency permission;

- Choice of Rent Calculation: Informs the resident that household rent is being calculated at the lower of income-based rent or the flat rent. If a family would prefer to pay the higher rent they may contact their property management office to request a change;
- Projected Income: Projects the income of each household member;
- Allowances and Deductions: Lists applicable deductions for dependent, child care, disability assistance, elderly/person with a disability household, or medical deductions;
- Additional Monthly Rent for Amenities: This is a charge for residents living in a master metered building who signed an Appliance Agreement to keep one or more major appliances in their apartment.
- Utility Allowance: Allowance deducted from the resident's monthly rent given for residents living in an individually metered building, who pay a utility company directly for resident consumption of utilities;
- An explanation of any retroactive charge or retroactive credit; and
- Information about how to pursue a grievance if they don't agree with the determination.

#### d) Streamlined Income Certification for Fixed Income Households

- a. When 100 percent of a family's unadjusted income consists of fixed income NYCHA must apply a cost of living adjustment (COLA) or COLAs to the family's fixed-income sources, provided that the family certifies both that 100 percent of their unadjusted income is fixed income and that their sources of fixed income have not changed from the previous year.
- b. HUD defines "fixed income" as the following:
  - (i) Social Security, Supplemental Security Income, Supplemental Disability Insurance.
  - (ii) Federal, state, local, or private pension plans.
  - (iii) Annuities or other retirement benefit programs, insurance policies, disability or death benefits, or other similar types of periodic receipts.
  - (iv) Any other source of income subject to adjustment by a verifiable COLA or current rate of interest.
- c. For any income determined pursuant to a streamlined income determination, NYCHA must obtain third-party verification of all income amounts every 3 years.

#### e) Failure to Complete Recertification

If a resident fails to complete the AOI and/or submit required documentation, NYCHA will start termination of tenancy proceedings. Examples of required documents include the AOI form, supporting documents for earned income, etc.



## f) Past Due Simplified Annual Recertification

Residents who have a past due Annual Recertification beyond the current year under review may qualify to submit a Past Due Simplified Annual Recertification. To qualify to submit a Past Due Simplified Annual Recertification the resident must certify that there has been no change in their household income of \$200 or more and/or a change in their household composition since their last completed Annual or Interim Recertification. Residents can submit their past due Annual Recertification by completing NYCHA Form 040.297F, Past Due Public Housing Affidavit of Income-Annual Recertification. This form can be submitted online via NYCHA Self-Service Portal or in person with property management staff. If NYCHA determines a resident does not meet the criteria to submit a Past Due Annual Recertification, NYCHA will inform the resident by mail that they do not meet the criteria to submit a Past Due Simplified Annual Recertification and must now submit a traditional Annual Recertification. Residents cannot submit a Past Due Simplified Annual Recertification for a current year Annual Recertification.

## g) Interim Recertifications

An Interim Recertification is the re-examination required when there is a change in a household's composition, income, disability, senior citizenship status, or student status, that occurs between Annual Recertification periods. An interim recertification reviews the anticipated income for the upcoming twelve (12) months.

Residents are **required** to report the following changes within thirty (30) calendar days of the change occurring, which may result in a change in resident rent:

- A household member moves out of the apartment;
- Addition of a member(s) to the household (refer to Chapter 6(j), Authorized Occupants, for more information); or
- An adult member of the family who was reported as unemployed on the most recent Annual or Interim Recertification obtains employment.

Residents are not required to, but may report (**optional**) the following changes, which may result in a change in resident rent:

- Decreases in income including, but not limited to, loss of employment, reduction in number of hours worked by an employed household member, and loss or reduction of benefits income;
- Increases in allowances including, but not limited to, increased medical expenses, and higher childcare costs; and
- Other changes affecting the calculation of a household's annual or adjusted income including, but not limited to, a family member turning 62 years old, becoming a full-time student, or becoming a person with a disability.

Refer to Chapter 7, Rent Calculation and Verifications, for more information.



Residents may initiate an Interim Recertification via the NYCHA Self-Service Portal. Residents also have the option of requesting a paper packet to submit their Interim Recertification. To submit an Interim Recertification in person, residents must indicate the following information and provide their supporting documentation in person to property management staff:

- Type of change;
- Reason for the change;
- Household member who experienced the change; and
- Date of the change.

NYCHA will update the resident on the status of their Interim Recertification throughout the process via email or mail. NYCHA may request missing and/or additional information from the resident to process the Interim Recertification.

NYCHA's established threshold for requesting an Interim Recertification for decreases in adjusted income is any amount more than a zero percent adjusted income decrease. Therefore, NYCHA will conduct an interim recertification of family income if the family's adjusted income decreases by any amount. NYCHA must conduct an interim recertification of family income when NYCHA becomes aware that the family's adjusted income has increased by 10 percent or more. NYCHA will not conduct an interim recertification for increases in the last three months of a certification period. NYCHA may not consider any increase in earned income of the family when estimating or calculating whether the family's adjusted income has increased unless the family has previously received an interim recertification for a decrease in the family's income during the year following the completion of their annual recertification.

NYCHA must process an immediate interim recertification of income in cases where the lump sum addition to assets would lead to imputed income which is unearned income, and would increase the family's annual adjusted income by 10 percent or more unless the addition takes place in the last three months of the family's income certification period (effective date of HOTMA provisions: December 1, 2024).

The effective date of the rent change depends on whether the resident reported the Interim Recertification request in a timely manner (within 30 calendar days of the change occurring), and whether the rent will increase or decrease.

If the resident reported the change within 30 calendar days:

- If a resident's rent **increases** after an Interim Recertification, the new rent will go into effect on the first of the month commencing at least one calendar month from when the interim was approved.
- If a resident's rent **decreases** after an Interim Recertification, the new rent will go into effect on the first day of the first month after the date of the actual change leading to the interim recertification of family income.

If the resident did not report the change within 30 calendar days:

- If a resident's rent **increases** after an Interim Recertification, the new rent is retroactive to the first of the month following the date of the change leading to the interim.
- If a resident's rent **decreases** after an Interim Recertification and the tenant **can provide proof** of when the change occurred, the decrease will apply retroactively to the date the change occurred. If the resident did not report within 30 days of the change and **cannot provide proof** of when the change occurred, the new rent will go into effect on the first day of the month following the NYCHA's completion of the interim recertification.

NYCHA must process an interim review within 30 calendar days from the date the change is reported by the resident. While an interim is pending, NYCHA may not serve a rent demand, commence a non-payment proceeding, or bring new chronic rent delinquency charges against the tenant. If the interim is approved, NYCHA must wait until 14 days after issuance of the ensuing lease addendum and rent notice to proceed. Any new interim request based on the same change in household income as a prior closed request will not preclude NYCHA from commencing a non-payment proceeding or serving a chronic rent delinquency charge while the new interim is pending. If there are existing non-payment proceedings in Landlord and Tenant Court or administrative chronic rent delinquency charges against a tenant and the tenant submits an interim recertification request for the time period covered in the proceeding or charges, the court or administrative proceeding must be adjourned until the interim is processed.

## h) Rent Hardship

A household may qualify for a rent reduction based on rent hardship if all the following conditions are met:

- There is a five percent reduction to gross income;
- Current rent is more than 30 percent of the gross income; and
- Reduction in income has lasted at least two months.

## i) Over-Income Residents

Residents whose annual income exceeds the over-income limit (defined below) for 24 consecutive months may remain in the unit if they sign a non-public housing over-income lease and pay the alternative non-public housing rent (alternative rent). After signing the new lease, the resident will no longer be considered a participant of the public housing program and will be considered a Non-Public Housing Over Income (NPHOI) resident. The alternative rent is the greater of the applicable Fair Market Rent (FMR) for each unit size established by HUD or the amount of monthly subsidy provided for the unit (i.e., the amount of funding NYCHA receives from HUD per public housing unit each year).

### i. Over-Income Limits

NYCHA calculates the over-income limits each year based on HUD's income limits for program eligibility. For each unit size, NYCHA multiplies HUD's income limit for a very low-income family by a factor of 2.4. Refer to NYCHA's website for details on the over-income and general income limits.

### ii. Determining Over-Income Status and 24-Month Clock

NYCHA determines a resident's household annual income and compares it to the over-income limits at each Annual Recertification and Interim Recertification:

- An Annual Recertification is the scheduled process of determining a resident's continued eligibility for public housing and calculating the resident's rent-based income and family composition. NYCHA must complete an Annual Recertification for each resident at least once every twelve (12) months.
- An Interim Recertification is the process of determining a resident's continued eligibility for public housing and calculating the resident's rent based on changes in the resident's income, household composition, disability, senior citizenship status, or student status that occur between Annual Recertification periods. Residents must report any income and household composition changes to NYCHA as outlined in this Chapter, Section(f), Interim Recertifications.

The 24-month clock will start after NYCHA determines through an Annual Recertification or Interim Recertification that a resident's household annual income exceeds the over-income limit. During the 24 consecutive month grace period, the resident will continue to pay the appropriate public housing rent. If NYCHA becomes aware of a decrease in income that results in the resident's household annual income falling below the over-income limit, the resident is no longer considered over-income and the 24-month clock stops; this may also result in a new public housing rent depending on the total household annual income and family composition. A new 24-month clock starts if the resident's household annual income later increases above the over-income limit.

### iii. Notification of Over-income Status

#### *(1) Initial Notification*

NYCHA will provide written notice to the resident when they have exceeded the over-income limit no later than 30 days after NYCHA's initial determination of over-income status. This notice will explain: a) the resident has exceeded the over-income limit during the Annual Reexamination or an Interim Reexamination process; and b) if their household annual income remains over the limit for 24 consecutive months, they will be required to sign a non-public housing over income

lease and pay the alternative rent. Residents will also be informed that they have the right to file a rent grievance. Refer to Chapter 12(d), Grievances for Residents, for more information.

*(2) Twelve (12)-Month Notification*

NYCHA reexamines the resident's household annual income and will provide written notice to the resident when they have exceeded the over-income limit for 12 consecutive months after the initial over-income determination. NYCHA must send written notice no later than 30 days after NYCHA has reexamined income and determined continued over-income status. The notice will explain: a) the resident has exceeded the over-income limit for 12 consecutive months; b) if their household annual income remains over the limit for the next 12 consecutive months, they will be required to sign a non-public housing over income lease and pay the alternative rent; and c) the estimated alternative rent. Residents will also be informed that they have the right to file a rent grievance. Refer to Chapter 12(d), Grievances for Residents, for more information.

*(3) Twenty-Four (24)-Month Notification*

NYCHA reexamines the resident's household annual income and will provide written notice to the resident when they have exceeded the over-income limit for 24 consecutive months after the initial over-income determination. NYCHA must send written notice no later than 30 days after NYCHA has reexamined income and determined continued over-income status. The notice will explain: a) the resident has exceeded the over-income limit for 24 consecutive months; b) if the resident wishes to remain, the resident will be required to sign the non-public housing over income lease and pay the alternative rent; c) the effective date of the alternative rent (i.e., no more than 60 days after the date of this 24-month notification); and the estimated alternative rent. Residents will also be informed that have the right to file a rent grievance. Refer to Chapter 12(d), Grievances for Residents, for more information.

NYCHA will initiate eviction proceedings if resident fails to sign the NPHOI lease.

#### **iv. Lease and Alternative Rent**

Along with the final 24-month notification, NYCHA will offer the resident a new non-public housing over-income (NPHOI) lease that includes the alternative rent. The resident must sign the lease within 60 days after the date of the 24-month notification. Under the new lease, the resident is considered a NPHOI resident and no longer a public housing resident.

## v. Household Declining NPHOI Lease

If a resident declines to sign the NPHOI lease with the alternative rent within 60 days of the 24-month notification, NYCHA will proceed to initiate a holdover proceeding in Landlord and Tenant court. The resident will continue to be a public housing program participant with their public housing rent in the period before eviction. NYCHA is required to evict the household no later than six months after the date of the 24-month notification.

## vi. Other Applicable Policies

Once a NPHOI resident has signed the NPHOI lease, NPHOI residents are required to adhere to the terms of that lease. NPHOI residents may not participate in programs that are only for public housing residents such as participation in a resident council or Section 3 opportunities. NYCHA does not complete Annual Recertifications/Interim Recertifications or apply utility allowances for NPHOI residents.

NPHOI residents will be required to complete a household composition survey annually and their rent will be set using HUD's fair market rent calculations.

NYCHA will issue a new NPHOI lease each year for NPHOI residents which will inform them of their new rent. The NPHOI resident will need to accept the lease renewal by signing the new lease.

NPHOI residents will still be able to:

- Access NYCHA's Customer Contact Center (CCC) and the MyNYCHA App to submit work order requests for their apartment.
- Submit a transfer request. Requests can be made via NYCHA Self-Service Portal or in person with property management staff. Refer to Chapter 10, Transfers, for more information.
- NPHOI residents also have the right to file a grievance based on the following:
  - apartment remaining family member rights,
  - denial of reasonable accommodation, or
  - denial of a request to add a member to the household.

## Chapter 7 and Chapter 8: Current State Rent Calculation and Verifications and Current State Reexaminations and Continued Occupancy

### a) Overview

The accurate calculation of Annual Income and Adjusted Income will ensure that families are not paying more or less money for rent than their obligation under the regulations.

HUD regulations require that the factors of eligibility and Total Tenant Payment be verified by NYCHA. Applicants and program tenants must furnish proof of their statements whenever required by NYCHA, and the information they provide must be true and complete. NYCHA's verification policies are designed to meet HUD's requirements and to maintain program integrity.

### b) 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 (HUD-9886-A), or any updated version, and other consent forms as needed to permit NYCHA to collect information relevant to the family's initial eligibility as well as eligibility for continued occupancy. Executed consent forms will remain effective until the family is denied assistance, the assistance is terminated, or the family provides written notification to NYCHA revoking consent. Verification of income is required to maintain a subsidy.

Households that revoke consent for NYCHA to access EIV in whole or in part will result in termination of their assistance and subject the household to termination of tenancy procedures.

After all adult family members have signed and submitted a consent form on or after January 1, 2024, family members do not need to sign and submit subsequent consent forms at the next interim or regularly scheduled recertification except under the following circumstances:

- When any person 18 years or older becomes a member of the family, that family member must sign and submit a consent form.
- When a member of the family turns 18 years of age, that family member must sign and submit a consent form
- As required by HUD or the PHA in administrative instructions.

### c) Anticipated Annual Income

Annual adjusted income is used to determine rent and eligibility for continued occupancy. It is defined as the anticipated yearly gross income from all sources

received by the lessee or co-lessee (even if they are temporarily absent), and each authorized household member, less any applicable deductions.

There are eight (8) general categories of income included in annual income:

- Employment;
- Own business net income;
- Asset income;
- Full amount of recurring sums received from Social Security (SS), annuities, insurance policies, retirement funds, pensions, disability or death benefits, and other similar types of periodic receipts (excluding lump sum SS and Supplemental Security Income [SSI] payments). Refer to Section (d)(i) of this chapter, [Nonrecurring or Sporadic Income or Benefit Reimbursement](#), for more information;
- Income received in place of earnings (e.g. unemployment, workers compensation);
- Welfare assistance payments;
- Alimony and child support; and
- Military pay. Refer to Section (c)(xi) of this chapter, [Military Pay](#), for more information.

The lessee's, co-lessee's, and authorized household members' current earned income will be used to project their income for the year.

If there is a change to any household member's income later in the year, the lessee may submit an Interim Recertification request, and the household's rent may be recalculated.

## ix. Wages and Related Compensation

Income from employment consists of the gross amount of salaries, wages, tips, commissions, bonuses, and overtime wages before payroll deductions. Each employed household member must submit at least two paystubs from his or her employer which shows the current rate of pay. If he or she is unable to produce two paystubs, the employed household member must have NYCHA Form 040.013, *Verification of Employment – Employer*, completed and signed by his or her employer to verify the current income.

Property Management staff may telephone or mail the employer for additional information or clarity concerning information submitted by the tenant on NYCHA Form 040.013, *Verification of Employment – Employer*.

For full-time students 18 years of age and older, income equal to or less than \$480 is included, and any income in excess of \$480 is excluded, except for the lessee, co-lessee, or spouse. Refer to Section (d) of this chapter, [Excluded Income Sources](#), for more information.



## x. Business and Self-employment Income

Examples of self-employment or privately-owned business activities include but are not limited to:

- Child care;
- Cosmetology (beauticians/barbers);
- Car service/taxi drivers/ride sharing;
- Street vending;
- Housekeeping;
- Independent contractors; and
- Computer-based business.

## xi. Social Security

### *(4) Old Age Survivor's Insurance (OASI)*

The Social Security Administration (SSA) provides a monthly benefit that retired employees receive based on their employment history. The benefits are payable to the insured employee, as well as to other household members (i.e. spouse, dependent, surviving children, or dependent parents). Lump sum deferred periodic payments are **not** included as income.

### *(5) Social Security Disability (SSD)/Old Age Survivor's Disability Insurance (OASDI)*

SSD/OASDI is a monthly benefit received from the federal government if a tenant or authorized household member is not eligible for regular SS benefits, but must stop working because of a disability. Minor children may be entitled to a small portion of their parent's benefits.

Medicare, a Federal health insurance program, is available for OASI, SSD, OASDI recipients who are 65 years of age; or are disabled, regardless of age, provided they have been entitled to the benefits for 2 or more consecutive years.

Medicare premiums are included in gross income calculations, but not if the recipient also receives SSI.

## xii. Supplemental Security Income

SSI, administered by the SSA, pays a monthly benefit to people with low incomes and limited assets who are 65 years of age or older, blind, or disabled.



### xiii. Treatment of Overpayment Deductions from Social Security Benefits

Reduction in a periodic payment because of prior overpayment is not considered a deduction. Only the actual amount received during the reduction period is included as income.

### xiv. Veteran's Disability Benefits

The federal government pays disability benefits to disabled individuals who have served in the Armed Forces of the United States. The widow(er) of a veteran entitled to a pension may also receive benefits from the United States Department of Veterans Affairs (VA).

### xv. Pensions, Annuities and Other Periodic Benefits

Pensions and annuities are retirement benefits received by the tenant on a regularly scheduled basis. Military pensions are included in this category.

### xvi. Unemployment, Disability, Worker's Compensation and Severance Pay

#### *(5) State Unemployment Insurance Benefits (UIB)*

UIB are compensation paid to a lessee or authorized household member who is not working due to a layoff or strike. Benefit rates and eligibility are based upon the household member's recent history of employment. Benefits are payable for 6 months, unless Extended or Emergency Benefits are granted.

#### *(6) Non-Governmental Unemployment Insurance Benefits*

Employees may receive unemployment benefits from unions, fraternal organizations, or other non-governmental sources. These benefits are included in the employee's income in addition to any other unemployment benefits they receive.

#### *(7) Workers' Compensation*

Workers' compensation may be paid due to an on-the-job injury. Awards may be for total or partial disability, and the employee may continue to work. If the employee dies, the award may go to their dependent(s).

#### *(8) New York State Disability*

New York State Disability Insurance program provides weekly cash payments to protect employees against total wage loss from an off-the-job accident and/or illness. The weekly benefit is paid during temporary total disability. The benefit is based on the employee's average weekly wages for the 8 weeks prior to the disability.

## xvii. Public Assistance Income

A full-public-assistance household is one where public assistance is the **only** source of income. If there are authorized household members who are not listed on the Human Resources Administration (HRA) Budget Letter, they receive no income.

The rent for a full-public-assistance household is set based on the HRA shelter allowances table. The HRA Shelter Allowance is different for families with and without children. Full-public-assistance households do not receive income deductions.

If the tenant or an authorized household member has been sanctioned by public assistance, the full amount the tenant or authorized household member should receive must still be counted.

## xviii. Alimony and Child Support

Payments are determined by court order or a written agreement between the parties.

### *(1) Alimony*

Alimony is financial support paid to an adult by another adult who is not a household member.

### *(2) Child Support*

Child support is payment for the support of a child or children in the household made by an adult who is not a household member.

When a lessee or authorized household member receives public assistance, the court can elect to have the alimony or child support paid to the tenant through HRA. Regardless of the amount of money paid to HRA for child support or alimony, that household member will receive only \$50 per month in addition to the basic allowance.

However, if the household member receives the money directly, the basic allowance is reduced to reflect the additional income received.

## xix. Military Pay

### *(3) Included in income*

Regular pay, special pay, and allowances a member of the Armed Services, who is a lessee or authorized household member, receives.

### *(4) Excluded from income*

Special pay to a lessee or authorized household member serving in the Armed Forces who is exposed to hostile fire. This is the **only** income earned by service persons who are lessees or authorized household members that is **not** included in household income.

## xx. Regular Contributions

Monetary support a lessee or authorized household member receives regularly from an outside source, either from individuals or organizations. Contributions are not necessarily monetary amounts given directly to the household; but also include regular payments of a bill or expense.

## xxi. Odd Jobs/Non-traditional Income without Expenses

Longshoremen's Earnings – Longshoremen who qualify receive pay for any day of work they are clocked in for, regardless of whether there is work for them. If work is available, the worker is paid for the work performed, which may include overtime.

## xxii. Lottery Winnings

Amounts that include lottery or sweepstakes winnings paid in installments.

## xxiii. Income from Assets

Assets include anything that has monetary value. The value of a permanent authorized household member's assets may affect the household's annual income and rent. Actual or imputed income generated from an asset is included in household income in calculating rent. In the Public Housing Program, there are no asset limits, and lessees and authorized household members are not required to convert any of their assets to cash. All asset income must be verified.

Refer to Section (e) of this chapter, [Assets](#), for more information.

### *(5) Actual Income from Assets*

Actual anticipated income from assets is the amount of income the assets are expected to produce in the next 12 months. Some assets may not produce any income.

### *(6) Cash Value of Asset*

The cash value of an asset is the market value minus any verified "reasonable costs" that would be incurred by the lessee or authorized household member when disposing of real property, savings, stocks, bonds, or other forms of capital investment.

### *(7) Imputed Asset Income*

Imputed asset income is the income that would be received from an asset if it were converted to cash, and the cash were placed in a savings account earning a set passbook interest rate.

### *(8) Market Value of an Asset*

The market value of an asset is the worth of the asset if it were offered for sale on the open market.

## d) Excluded Income Sources

To reflect an accurate record of the household's income, the lessee and all authorized household members must report all income, even if it is from an excluded source. These exempt income sources are excluded from the household's net income, which is used to set rent.

Property Management staff must **not** count any excluded income when calculating household rent even if the **only** monies a household receives are from an excluded source.

Households in which the only income source is from an excluded source are not required to complete NYCHA Form 040.481, *Zero Income Questionnaire*. The *Zero Income Questionnaire* must only be completed for households that have no reported income.

The housing assistant must make every effort to verify income documentation. If staff finds that the household has no other income after using all the verification levels to verify, the rent will be set at the minimum rent, zero (\$0). The lessee must complete NYCHA Form 040.481, *Zero Income Questionnaire*, on a quarterly basis. Refer to Section (g)(iii)(12) of this chapter, [Zero Income](#), for more information.

### i. Nonrecurring or Sporadic Income or Benefit Reimbursement

- Casual, nonrecurring, or sporadic income is defined as income that is unpredictable, not reliable or periodic, or unlikely to reoccur. This includes occasional weekend, holiday work, or irregular gifts.
- Payments specifically for, or in reimbursement of, the cost of medical expenses. This includes prescription drug discount card benefits.
- Lump sum assets such as inheritances, insurance payments (including payments under health and accident insurance, and workers' compensation), capital gains, and settlement for personal property losses.
- Hazardous duty pays to a lessee or authorized household member in the Armed Forces away from home and exposed to hostile fire.
- Compensation from the Mustering-out Payment Act or Lump Sum Death Benefits from military service.
- One-time recovery payments to beneficiaries of SS, SSI, unemployment, certain railroad retirement programs, veterans' retirement, and disability under programs such as the American Recovery and Reinvestment Act (ARRA) and the Coronavirus Aid, Relief, and Economic Security Act (CARES).
- Income from Persons with Temporary Permission to Live in Household
  - Temporary Permission  
The income of persons with temporary permission to live in the household does not have to be reported to NYCHA and is not included in the income calculation. The tenant must have written permission from the property manager via NYCHA Form 040.297D, *Request to*

*Add a New Household Member (Permanent/Temporary)*, for the person to live in the household on a temporary basis only.

- Permanent Permission

Income for new authorized household members with permission to live in the household on a permanent basis must be reported.

## ii. Disabled or Elderly Assistance

### *(4) Care of Foster Adults*

Payments made to the tenant or authorized household members who care for individuals, unrelated to the foster household, who have disabilities, and are unable to live alone.

### *(5) State Homecare Payments*

Payments made to offset the cost of equipment and services needed to keep a developmentally disabled tenant or authorized household member at home.

### *(6) Plan for Achieving Self-support (PASS)*

Payments made to persons pursuing a PASS which has been approved by the Secretary of the U.S. Department of Health and Human Services (HHS).

### *(7) Live-in Aide's Income*

A person who resides with an elderly, disabled, or handicapped person(s) and who NYCHA has determined:

- Is essential to the care and well-being of the person;
- Is not obligated for the support of the person; and
- Would not be living in the unit except to provide necessary support services.

The Live-In Aide receives temporary permission only, not permanent permission. The income of a person with temporary permission is not included in household income.

### *(8) Title V Employment, funded under Title V of the Older Americans Act of 1965*

Service community employment programs for unemployed persons who are 55 years of age or older.

### *(9) Title II Employment, Subtitle A, of the Americans with Disabilities Act*

Service community employment programs for unemployed people with disabilities.

### iii. Educational Assistance

#### *(4) Title IV Scholarships*

Scholarships funded under Title IV of the Higher Education Act of 1965 that are used to cover the cost of attendance at an educational institution.

#### *(5) Other Scholarships*

Scholarships paid directly to the student or the educational institution, and used for tuition, fees, books, equipment, materials, supplies, transportation, and/or miscellaneous personal expenses.

#### *(6) Veterans' Benefits*

Payments by the government to veterans, and used for tuition, fees, books, equipment, materials, supplies, transportation, and/or miscellaneous personal expenses.

#### *(7) Student Assistance*

All payments received from scholarships, educational entitlement, grants, work study programs, and/or financial aid packages, even if earmarked for general living expenses.

#### *(8) LIHTC Full-Time Student Eligibility*

A household must qualify under the full-time student rule to get a LIHTC unit.

- A full-time student is someone who attends (or plans to attend) school on a full-time basis for at least 5 months out of the current year.
  - The 5 months do not need to be consecutive.
  - NYCHA must verify the full-time status of the student with the educational institution he or she attends.
  - A child in grades K-12 is considered a full-time student.
- An unborn child is counted as a household member for selecting the household's income limit. An unborn child is included as a household member when applying the student rule.
- Development staff must use NYCHA Form 040.824, *Student Status Verification*, to document a tenant's compliance with the full-time student rule at every Initial Certification and Annual Recertification. A family that is no longer in compliance with the full-time student rule cannot get a tax credit unit.

#### iv. Income Received by/for Children

##### *(5) Employment*

Earned income of children under 18 years of age; includes foster children, but not the lessee, co-lessee, or spouse.

##### *(6) Foster Care*

Payments to an adult in the household for the care of foster children by the child services agency.

##### *(7) Adoption Assistance Payments*

All payments for the care of adopted children **over \$480** per adopted child.

##### *(8) Kinship Guardian Assistant Payments (Kin-GAP) and Other Kinship Care*

Payments for children living with a related legal guardian.

#### v. Training and Service

##### *(7) National Volunteer Programs*

Programs that assist small businesses and promote volunteer service by persons with business experience. This includes:

- Service Corps of Retired Executives (SCORE); and
- Active Corps of Executives (ACE).

##### *(8) Tenant Service Stipends*

Payments made to the tenant and/or authorized household members, **not exceeding \$200** per month, for performing services for NYCHA to enhance tenants' quality of life.

If the stipend exceeds \$200/month, **include the full amount** in the income calculation; **not** just the portion that exceeds \$200.

A household may receive more than one stipend; however, **only** one stipend per tenant and/or authorized household member can be excluded.

##### *(9) Training Programs*

Payments received under a state or local employment or tenant management training program that is a component of a program with clearly defined goals, such as on-the-job training or an apprenticeship.

**Only** the compensation that is received as part of the program is excluded.



*(10)JTPA*

Payments to trainees.

*(11)Comprehensive Grant*

Payments for training funded by Comprehensive Grant.

*(12)Domestic Volunteer Service Act of 1978*

Payments to volunteers.

vi. **Earned Income Disallowance**

**(24 CFR 960.255)**

NYCHA grants qualified residents and household members an EID so that the household does not receive a rent increase after experiencing **one of three qualifying events**: (i) earning income from employment after unemployment; (ii) earning income from employment during participation in an economic self-sufficiency or job training program; or (iii) earning income from employment after receiving welfare.

Based on 2016 regulatory changes at 24 CFR 5.617 and 960.255, eligible residents who experience a “qualifying event” after May 9, 2016 will have increased earnings excluded from their household’s rent calculations for a one-time, 24-month period.

EID is a per-member, not per-household, benefit. Therefore, a single household may receive multiple income disallowances if multiple family members qualify for EID.

The disallowances run for 24 consecutive months: 100 percent of the household member’s earned income is excluded for the first 12 months and 50 percent of the household member’s earned income is excluded for the second 12 months.

**i. Elimination of EID**

No new families may be enrolled in EID after January 1, 2024.

**ii. Eligible Persons**

A head of household, co-head of household (if applicable) or household member is eligible for EID prior to January 1, 2024, if they meet the following requirements at the time of a qualifying event. They must be:

- A United States citizen or have eligible non-citizen status;
- An adult (18 years or older);
- Paying income-based rent or welfare rent; and
- A first-time EID beneficiary.



### iii. Ineligible Persons

Persons ineligible to receive EID:

- Applicants;
- Individuals with temporary permission, ineligible non-citizen status, or under 18 years of age;
- Individuals in households that did not sign a public housing lease (i.e. resident employees, resident police officers, resident site caretakers, and resident superintendents);
- Individuals who already received EID under the old policy; and
- Individuals from households where the household rent is set at the flat rent.
- Individuals who seek to enroll in EID on or after January 1, 2024.

### iv. Baseline Income

Baseline Income is the eligible resident's or household member's annual income immediately before the EID start date. The baseline income does not change during the duration of the EID period.

### v. EID Start Date

EID begins on the first of the month following the date of the qualifying event. The EID start date remains the same even if NYCHA does not learn of the qualifying event until months later.

### vi. EID Exclusion Time Periods

The EID exclusion period is 24 consecutive months.

- For the first 12 months after the qualifying event (i.e., starting on the EID start date), 100 percent of the income above the baseline income is excluded from the rent calculation.
- For the second 12 months, 50 percent of the income above the baseline is excluded from the rent calculation.

### vii. Household Member Moveout with EID

An eligible resident, co-resident (if applicable) or household member who started EID in one apartment and leaves before the 24 months expired can benefit from the remaining EID balance when he or she comes back to the same apartment or transfers to another public housing apartment.

If the person that moves out or transfers had an existing four (4) year EID, he or she may leave the household and either (a)

return to the same household or (b) transfer to another public housing household. The unexpired portion of EID will continue until it expires.

vii. **Miscellaneous**

*Holocaust Reparations*

Payments made by a foreign government pursuant to claims filed under the laws of that country's government by persons who were persecuted during the Nazi era.

*Agent Orange Settlement Fund (AOSF)*

Payments to Vietnam-era Veterans exposed to Agent Orange.

*State Rent Credits and Rebates for Property Taxes*

Full amount of payments.

*Grants or Contributions for Elder/Disabled Care*

*Payments or allowances made under the HHS' Low-Income Home Energy Assistance Program (HEAP)*

viii. **Supplemental Nutrition Assistance Program (SNAP) Food Stamps**

The value of the allotment provided to an eligible household for coupons under the Food Stamp Act of 1977.

ix. **Reparations to Native Americans**

- Income derived from the disposition of funds of the Grand River Band of Ottawa Indians.
- The first \$2000 of per capita shares received from judgment funds awarded by the Indian Claims Commission and the Court of Claims, or from funds held in trust for an Indian tribe by the Secretary of the Interior.
- Maine Indian Claims Settlement Act of 1980 (MICSA).
- Payments received under the Alaska Native Claims Settlement Act (ANCSA).
- Income derived from certain sub-marginal land of the United States that is held in trust for certain Indian tribes.

x. **Income Derived Solely from Excludable Sources**

If a tenant or authorized household member derives income solely from excludable sources, this income does **not** count.

**e) Assets**

**Asset Definition**

Assets include anything that has monetary value. The value of a permanent authorized household member's assets may affect the household's annual income and rent. Actual or imputed income generated from an asset is included in household income in calculating rent. If the total cash value of the household's assets is \$5,000 or greater, the income used for income verification is the greater of: a) the actual income from the assets, or b) The imputed income from the assets. Effective 1/12/2022, imputed income is calculated by multiplying the total cash value of a household's assets by an interest rate of 0.06%. In the Public Housing Program, there are no asset limits, and lessees and authorized household members are not required to convert any of their assets to cash. All asset income must be verified.

Examples of assets include:

- Checking accounts;
- Savings accounts;
- Cash;
- Certificates of deposit;
- Stocks, bonds, mutual funds, and other investments;
- Life insurance policies that have a monetary value, such as Whole Life
- Real estate;
- Mortgages or deeds of trust;
- Personal investment property;
- Personal property held as an investment;
- Retirement funds;
- Annuities; and
- Trust funds to which a household member has access.

#### i. Assets Greater than \$1,000 Disposed of for Less than Fair Market Value

Assets greater than \$1,000 that were disposed of for less than fair market value during the two (2) years prior to the effective date of the Certification are counted as assets. Business assets disposed of for less than fair market value are processed under own business income. Assets disposed of under the following circumstances are excluded:

- In a foreclosure of bankruptcy sale; and
- As part of a separation or divorce settlement when the individual disposing of the asset receives "important consideration not measurable in dollar terms".

#### ii. Jointly Owned Assets

Assets may be owned by more than one person. If any lessee or authorized household member has unrestricted access or can legally dispose of the jointly owned asset, the full value of the asset and any income it produces is counted.

An asset owned by more than one person may be prorated according to the percentage of ownership. If no percentage is specified or provided by state or local law, the asset is prorated evenly among all owners.

## f) Deductions

### i. Income-based Rent

Income-based rent (generally 30% of the household's monthly adjusted income) is calculated based on the household's income, deductions, and the development's funding source.

- Deductions do **not** apply to households that receive full public assistance. Refer to of this chapter, [Scheduled HRA Rent](#), for more information.
- Deductions do apply to dual-income (i.e. public assistance plus other income sources) households.
- The age of the individual determines elderly deductions as of the cutoff date.
- The age of the individual determines minor deductions as of the cutoff date.

### ii. Flat Rent

Once income-based rent is calculated, it is compared to the applicable flat rent. The lower of the two is always set as the tenant's rent.

### iii. Mixed Households

Mixed-citizen households are those that contain both U.S. citizens and/or eligible non-citizens, as well as ineligible non-citizens. In these situations, HUD requires housing authorities to prorate the household's rental assistance, and grant a rent subsidy only to tenants and authorized household members who are either U.S. citizens or non-citizens with eligible immigration status. Ineligible non-citizens will not receive a rental subsidy. NYCHA uses the ratio of citizen/immigration eligible household members compared to the total number of household members (i.e., the tenant(s) and all authorized household members) in determining eligibility for public housing and rent calculation. Refer to Section (g)(vi)(4) of this chapter, [Citizenship or Eligible Immigration Status](#), for more information.

### iv. Deduction Types and Amounts

NYCHA must deduct the following amounts from annual income:

- \$480 for each dependent that is:
  - Under the age of 18; or
  - Disabled (any age); or
  - A full-time student (of any age).Live-in aides, foster children, and foster adults are not entitled to this deduction.

- \$400 for any elderly family or disabled family where:
  - The applicant, co-applicant, or sole member is at least 62 years of age or is a person with disabilities; or
  - Two or more persons are at least 62 years of age or are disabled.

Each applicant family with elderly or disabled family members is limited to one \$400 deduction regardless of the number of elderly or disabled family members.

- The sum of the following, to the extent that the sum exceeds 3% of annual income:
  - Unreimbursed reasonable medical expenses of any elderly family or disabled family; and
  - Unreimbursed reasonable attendant care and auxiliary apparatus expenses for each member of the family who is a person with disabilities, to the extent necessary to enable any member of the family (including the member who is a person with disabilities) to be employed. This deduction may not exceed the earned income received by family members who are 18 years of age or older who are able to work because of such attendant care or auxiliary apparatus.
- Any reasonable childcare expenses necessary to enable the family member to be employed or to further his/her education (see [24 CFR 5.611](#)). The child must be under 13 years of age.

Refer to Section (g)(v) of this chapter, [Verifying Deductions](#), for more information.

## g) Verifications

[\(24 CFR 960.259\)](#)

### iii. General Verification Requirements

HUD has six (6) levels of income verification. Staff must make a maximum effort to obtain verification at the highest levels, including EIV and Upfront Income Verification (UIV). Third-party documents must be dated within 60 calendar days prior to the recertification or additional information request date.

In order of priority, the forms of verification that NYCHA uses are detailed in the table below.

### Verification Levels

<b>6</b>	HUD Enterprise Income Verification (EIV)	Highest/Mandatory	EIV provides a comprehensive online system for the determination and verification of various tenant information. EIV, while mandatory, is only used as a method of verifying information provided through other sources.
<b>5</b>	Upfront Income Verification Using Non-HUD Systems	Highest (Highly Recommended)	Data received through an independent source that systematically and uniformly maintains income information in a computerized form, such as access to NYCHA's Data Verification System (DVS) in order to get Welfare Management System (WMS) and Office of Payroll Administration (OPA) information.
<b>4</b>	Written Third-party Verification (Documents)	High	An original document provided by the tenant that is generated by a third-party source such as a paystub, award letter, or a printout of benefits statement.
<b>3</b>	Written Third-party Verification Form (Requests)	Medium/Low	A third-party verification form completed by a third-party source, such as NYCHA Form 040.013, <i>Verification of Employment – Employer</i> .
<b>2</b>	Oral Third-party Verification	Low	Phone call by NYCHA staff to a third-party source following up on the submission of a written third-party form.
<b>1</b>	Tenant Declaration	Lowest (only use after verification cannot be made at any higher levels)	Statement of reported income and/or expenses signed by applicant or tenant on NYCHA forms.

#### iv. Enterprise Income Verification (EIV) System

HUD's EIV system is a web-based application which provides NYCHA with employment, wage, unemployment compensation, and SS benefit information for tenants and authorized household members who participate in the Public Housing program under the jurisdiction of the Office of Public and Indian Housing (PIH). This system is available to all PHAs nationwide.

Information in EIV is derived from computer matching programs initiated by HUD with the SSA and the HHS, for all tenants with valid personal identifying information (name, date of birth, and SSN reported on the form HUD-50058.

NYCHA uses EIV in its entirety, including all reports, as required by HUD, to accomplish the following:

- As a third-party verification source for all sources of household income and deductions when processing Annual Recertifications, Interim Recertifications, additional household member requests, current household member requests, rentals, and transfers;
- To verify the citizenship status for U.S. citizens and non-citizens; and
- As disclosure and verification of the SSN for all applicable members of the household.

HUD EIV Reports	Reason to Use Report	When to Use Report
1) Summary Report	To verify identity status of each tenant and authorized household member and a tenant and/or authorized household member with a duplicate subsidy status.	Mandatory use when processing Annual Recertification or Interim Recertification.
2) Income Report	To confirm and validate tenant-reported income as third-party verification of income and employment.	Mandatory use when processing Annual Recertification or Interim Recertification.
3) Existing Tenant Search Report	To identify applicants who may be receiving rental assistance at another multifamily or PIH location.	Prior to signing leases with new tenants, transferring tenants, or Remaining Family Member (RFM) claimants.  When processing permanent additional household member requests.
4) Former Tenant Search	To identify tenants that a PHA has reported for an adverse termination and/or debt owed.	Prior to signing leases with new rentals or RFM Claimants.  When processing permanent additional household member requests.

HUD EIV Reports	Reason to Use Report	When to Use Report
5) Deceased Tenant Report	To identify tenants reported by the SSA as being deceased.	Monthly to review and correct deficiencies.
6) Immigration Report	To monitor compliance with the SSN disclosure and verification requirements and program and proration assistance for mixed families.	Monthly to review and correct deficiencies.
7) Identity Verification Reports: a) Pre-Screening Report; and b) SSA Screening Report.	a) To identify overdue Annual Recertifications and tenants who need to disclose an SSN. b) To identify tenants whose personal identifiers (last name, date of birth, SSN) do not match the SSA database.	Monthly to review and correct deficiencies.
8) Multiple Subsidy Report	To identify tenants who may be receiving rental assistance at more than one location.	Monthly to review and correct deficiencies.
9) Income Validation Tool Report	To identify families that may have substantially under-reported SS/SSI benefits, wages, and/or unemployment compensation.	Mandated use when processing Annual Recertification or Interim Recertification.  Monthly to review and correct deficiencies.

## vii. Verifying Income

For income (as described in Section (c) of this chapter, [Anticipated Annual Income](#)) NYCHA will follow the hierarchy as noted above. An exception to this rule applies when a public housing unit is funded through multiple sources (i.e. is a combo unit). In such a situation, staff will follow the verification hierarchy for tax credit units; however, staff will still run EIV for households in public housing units, even when the unit has other funding sources.

### *(13) Wages and Related Compensation*

Acceptable Third-Party Documents are listed below.

- Pay stubs.  
Each employed lessee and authorized household member must submit at least two (2) paystubs from his or her employer which



shows the current rate of pay. If he or she is unable to produce two (2) paystubs, the employed lessee or authorized household member must have NYCHA Form 040.013, *Verification of Employment – Employer*, completed and signed by his or her employer to verify the current income.

- A payroll summary report.
- NYCHA Form 040.013, *Verification of Employment – Employer*, or a letter of hire or termination from the employer.
- Employees of New York City.  
OPA Reports, which provide the current rate of an employee's pay, are official employment verification. OPA Reports, along with EIV, satisfy Third-party employment verification.

#### *(14)Business and Self-employment Income*

Self-employed lessees and authorized household members must maintain a record of daily receipts or sales, register readings, and expenses in one ledger.

#### *(15)Social Security and Supplemental Security Income*

SS and SSI recipients who are already tenants are not required to provide benefit verification letters since SSA electronically provides HUD with benefit information. However, if the SS and/or SSI recipient submitted a SS/SSI Award Letter with his/her AOI, this can be used as proof of SS benefits and/or SSI income.

If a SS and/or SSI recipient does not have available EIV data and did not submit an award letter, or disputes the EIV income data, staff must initiate Third-party Written Verification (Level 4) to request written proof of the income via an award letter, dated within 60 calendar days of the request. This request is made via NYCHA Form 040297B, *Annual Recertification Additional Forms Cover Letter*.

#### *(16)Unemployment*

- Unemployment monetary benefit letter.
- NYCHA Form 040.589, *Verification of Unemployment Benefits*.

#### *(17)Public Assistance Income*

- Electronic budget letter for public assistance recipients.  
NYCHA may obtain budget letters indicating public assistance benefits received by a tenant or authorized household member via the DVS.

If the electronic budget letter is not available the tenant must provide a copy of the HRA budget letter.

- Welfare Management System verification for new tenants.

The WMS is used for the verification of public assistance income for new tenants, applicants, and inter-project transferees. Data is available for all recipients of public assistance in New York City.

- NYCHA Form 040.591, *Third Party Verification of Public Assistance*.

#### *(18)Alimony and Child Support*

- Child support payment stubs.
- NYCHA Form 040.584, *Third Party Verification of Contributions/Support/Alimony*.

#### *(19)Pensions and Annuities*

NYCHA Form 040.592, *Third Party Verification of Pension and Annuities*.

#### *(20)Disability and Worker's Compensation*

NYCHA Form 040.587, *Third Party Verification of Workers Compensation*.

#### *(21)Veteran's Administration Benefits*

NYCHA Form 040.588, *Third Party Verification of Veterans Administration Benefits*.

#### *(22)Military Pay*

NYCHA Form 040.585, *Third Party Verification of Military Pay*.

#### *(23)Regular Contributions*

NYCHA Form 040.584, *Third Party Verification of Contributions/Support/Alimony*.

#### *(24)Zero Income*

Zero (\$0) income households are those that have **no** income. This does not include households where the source(s) of income is/are an excluded income type.

If a tenant reports zero (\$0) household income, they must attend a personal interview with NYCHA staff and complete NYCHA Form 040.481, *Zero Income Questionnaire* quarterly.

### **iv. Verifying Assets**

The verification of asset income must be conducted on assets that the household currently possesses and that generate income.

*(7) Checking/Savings Accounts, Certificates of Deposit, Stocks, Bonds, Mutual Funds, Pensions and Retirement Accounts, Individual Retirement Account, Annuities, and Other investment Accounts*

Copy of the most recent financial statement for each account. The statement must list the asset type for each account, the account number(s), current balance, and the interest or dividends earned for each account.

*(8) Cash*

None – Use amount indicated on AOI.

*(9) Life Insurance (Whole Life or Universal Life), Does not include Term Life Insurance*

Copy of the most recent annual insurance policy statement, including the account number(s), total monetary value of the insurance policy, and the full name of the business institution with their contact information.

*(10) Real Property*

If the property is sold: Use Fair Market Value, less the mortgage, less selling costs to determine the cash value of the property.

If the property was not sold: The lessee or authorized household member submits a notarized statement for each property indicating the type of property; address; percent of ownership; date of purchase; original purchase price; and amount of existing loan with the name of the lender, current value, and income, if any, for the upcoming 12 months.

*(11) Mortgages or Deeds of Trust*

Original mortgage or deed of trust documents detailing the terms, the remaining balance, and interest earned.

*(12) Personal Property Held as an Investment*

Written appraisal from a licensed appraiser, indicating the current market value and income, if any, for the upcoming 12 months.

*(13) Trust Funds that a Household Member has Access to*

Statement from the Trustee of the account detailing the terms for dispersion of the trust.

**v. Verifying Deductions**

Deduction verification must follow the same hierarchy (levels) as income verification, as applicable.

Deduction verifications includes determination of eligibility for deductions and verification of the amount of deductions (e.g. childcare and medical expenses).

#### *(1) Dependents*

A mandatory deduction of \$480 is applied for each dependent(s) in the household.

A dependent is an authorized household member other than the lessee, co-lessee, or spouse (except foster children and foster adults) who fits any of the following criteria:

- A person under 18 years of age;
- A person over 18 years of age who is disabled; or
- A full-time student, 18 years old or older.

The status of a new authorized household member that is a minor may be verified with a Social Security card and a birth certificate showing full name, date of birth, and relationship to the lessee.

#### *(2) Elderly*

An elderly household is defined as a household whose lessee and/or co-lessee, or spouse (or sole member) is a person who is at least 62 years of age or older. Elderly households receive **one** \$400 deduction.

If the lessee is new, a birth certificate or other appropriate documentation, such as receipt of SS retirement benefits or Medicare, is required to verify this deduction.

#### *(3) Student Status*

A full-time student is defined as a person who is attending school or vocational training on a full-time basis, and is 18 years of age or older (except the lessee, co-lessee, or spouse). It is the responsibility of the lessee to submit documentation supporting the authorized household member's full-time student status.

This status must be verified by a third party such as his or her school or program, using NYCHA Form 040.578, *Third Party Verification of Full-Time Student Status*, or an original school letter verifying school full-time attendance.

#### *(4) Disability*

A disabled household is defined as a household whose lessee and/or co-lessee, or spouse (or sole member) is a person with disabilities. It may include one or more persons with disabilities living in a single apartment, or one or more persons with disabilities living with one or more live-in aides.

A person with disabilities is defined as a person who is determined, pursuant to HUD regulations, to have a physical, mental, or emotional impairment that:

- Is expected to be of long-term continued and indefinite duration;
- Substantially impedes his or her ability to live independently; and
- Is of such a nature that the ability to live independently could be improved by more suitable housing conditions.

If the lessee or co-lessee is disabled, then the entire household is entitled to one \$400 deduction verified with any of the following:

- Up-front income verification – receipt of SSD benefits;
- Written third-party verification request – NYCHA Form 040.582, *Third Party Verification of Disability*, completed by a qualified professional with knowledge of the tenant's disability status; or
- Written third-party verification document – an award letter, indicating proof of receipt of disability benefits from the SSA.

#### *(5) Medical Expenses*

If the head of the household is elderly or disabled, the tenant and all authorized household members qualify for medical expense deductions.

The most current IRS Publication 502, *Medical and Dental Expenses*, is used to determine which expenses are qualifying medical expenses. Refer to <https://www.irs.gov/forms-pubs/about-publication-502>, for more information about acceptable medical expenses.

To verify medical expenses, staff must follow Level 1 Verification: Tenant Declaration. All medical expenses must be paid and unreimbursed. Receipts must be provided for:

- Fees paid for medical care and treatment;
- Medical bills for services from healthcare facilities and healthcare professionals;
- Medical insurance premium documents;
- Printouts from pharmacies for out-of-pocket expenses for prescription and nonprescription medicines; and
- Proof of purchase for medical equipment.

#### *(6) Disability Assistance Expense*

Reasonable expenses for attendant care and auxiliary apparatuses for a disabled tenant or authorized household member may be deducted if:

- They are necessary to enable a tenant or authorized household member who is 18 years or older to work;

- The expense is not paid to a tenant or an authorized household member, or reimbursed by an outside source;
- The expense, in combination with any other medical expenses, exceeds three percent (3%) of the annual household income; and
- The expense does not exceed the earned income received by the tenant or authorized household member(s) who is enabled to work.

The deduction amount is the portion of the expenses that exceeds three percent (3%) of the household's annual income. This amount must be verified by a third party, using NYCHA Form 040.580, *Third Party Verification of Handicap Assistance Expenses*, or original documents verifying unreimbursed attendant care and/or auxiliary apparatus expenses.

Auxiliary apparatus items must be directly related to permitting the disabled person to be gainfully employed, or to enabling the tenant or an authorized household member to go to work. Examples include: wheelchairs, ramps, adaptations to vehicles, and special equipment to enable a blind or visually impaired person to read or type.

#### *(7) Child Care/Dependent Care/Handicap Care Expenses*

A deduction for unreimbursed child-care, dependent-care, or handicap-care expenses must be verified using NYCHA Form 040.581, *Third Party Verification of Child/Dependent Care and Handicap Care*, or original documents verifying the unreimbursed expenses.

The household may only claim deductions if:

- The care is necessary to enable a tenant or an authorized household member to work, seek employment, or further their education;
- There is no one, including the tenant and all authorized adult household members, who is capable of providing care during the hours care is needed;
- The expenses are not paid to a tenant or an authorized household member;
- The amount does not exceed the earned income of the lowest earning household member;
- The expenses are not reimbursed by an agency or individual outside the household; and
- For childcare, the child is younger than 13 years old (including foster care children).

## vi. Verifying Family Information

### *(6) Legal Identity*

The tenant and authorized household members' last names and first names must be verified via their original Social Security cards. The full

names must match **exactly** with their full names as they appear on their Social Security cards or SSA records.

If a tenant or authorized household member is ineligible for a Social Security card, verify his or her last name and first name via an original birth certificate, marriage certificate, certificate of domestic partnership, passport, state identification card, driver's license, or name change order, as appropriate.

#### *(7) Social Security Numbers*

- Acceptable forms of verification of Social Security Numbers

One of the following documents must be submitted as SSN verification when processing an Annual Recertification, Interim Recertification, additional household member request, RFM claimant request, rental, or transfer:

- An original Social Security card issued by the SSA;
- An original SSA issued document containing the tenant's or authorized household member's name and SSN; **or**
- An original document issued by a federal, state, or local government agency containing the tenant's or authorized household member's name and SSN.

- Adding new household members under the age of 6 years old:

- Applicant households

If a child under six years old was added to the applicant household within the six-month period prior to the household's date of admission, applicant household may be admitted, so long as the documentation required above is provided to NYCHA within 90 calendar days from the date of admission into the program. NYCHA must grant an extension of one additional ninety 90-day period only if NYCHA determines that the applicant's failure to comply was due to circumstances that could not reasonably have been foreseen and were outside the control of the applicant. If the applicant household fails to produce the documentation required within the required time period, but NYCHA determines that the applicant is otherwise eligible to participate in the program, the applicant may retain their place on the waiting list for the program but cannot become a resident until they can provide the documentation required in this section to verify the SSN of each member of the household.

- Existing tenant households

When a resident requests to add a new household member who is under the age of six and does not have an SSA-assigned SSN, the resident must disclose the SSA-assigned SSN and provide NYCHA with the documents referenced above within 90 calendar days of the child being added to the household. If the



family is unable to disclose and provide evidence of the SSN within 90 calendar days, NYCHA is required to grant the family an additional 90-day period to comply with the SSN disclosure and documentation requirement, only if NYCHA determines the family was unable to comply with the requirements due to circumstances that could not have reasonably been foreseen and were outside the control of the family. Examples include, but are not limited to, delayed processing of SSN application by SSA, natural disaster, fire, death in family, etc. If a resident requests to add an individual to the household but is unable to provide the required documentation, the request will be denied. Refer to Chapter 11(g), Terminations Related to Failure to Disclose or Document Social Security Numbers, for more information.

#### *(8) Documentation of Age*

Verify date of birth through an original birth certificate. If the birth certificate is unavailable, the following documents are acceptable forms of verification for date of birth: baptismal certificate, marriage certificate, certificate of domestic partnership, passport, state identification card or driver's license, military discharge papers, or SSA award letter.

#### *(9) Citizenship or Eligible Immigration Status*

All applicants and family members 18 years of age or older must sign the appropriate sections of NYCHA Form 070.163, *Declaration of Citizenship Status*, declaring their citizenship or immigration status. The applicant or legal guardian must sign the appropriate sections on behalf of each family member 17 years of age or younger.

- Applicants and/or family members who declare that they are citizens of the United States
  - *The declaration of citizenship is sufficient; further documentation is not required.*
- Applicants and/or family members who declare that they are non-citizens with eligible immigration status
  - *Must provide documentation verifying immigration status.*
- To verify immigration status, staff may use the SAVE Program, a web based intergovernmental database that provides NYCHA with verification of the immigration status of non-citizens. This information is required to determine the eligibility of non-citizens for housing assistance. Proof of Eligible Non-Citizenship is described below.
  - For Permanent Resident Aliens, Form I - 551, *Alien Registration Receipt Card*.



- Form I - 94, *Arrival - Departure Record*, with one of the following annotations:
  - Section 207 – Admitted as Refugee Pursuant;
  - Section 208 – Asylum;
  - Section 243(h) – Deportation Stayed by Attorney General; or
  - Paroled Pursuant to Section 212(d)(5) of the Immigration and Nationality Act.
- If Form I - 94, *Arrival - Departure Record*, is not annotated, then it must be accompanied by one of the following documents:
  - A final court decision granting asylum;
  - A court decision granting withholding of deportation;
  - If the application was filed on or after October 1, 1990, a letter from an Immigration and Naturalization Service (INS) asylum officer granting withholding of deportation must be included; or
  - If the application was filed before October 1, 1990, a letter from an INS district director granting withholding of deportation must be included.
- Form I - 688, *Temporary Resident Card*; must be annotated Section 245A or Section 210.
- Form I - 688B, *Employment Authorization Card*; must be annotated Provision of Law 274a.12(11) or Provision of Law 274a.12.
- A Department of Homeland Security issued receipt indicating the submission of an application for replacement of one of the above listed documents, including verification from the Department of Homeland Security that the member(s) is/are entitlement to the document.

#### (10) Family Relationships

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.

- Marriage
  - Any of the following verifies that a marriage occurred:
    - Civil or religious certificate of marriage;
    - Statement from family court verifying the marriage;
    - Documentation from a government agency; or
    - Registered domestic partner.
- Minors
  - Every minor (a person under 18 years) for whom a request is made to include the minor to the application must 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. Acceptable forms of verification are listed below for each item.

- Birth/natural child
  - A birth certificate identifying the applicant, co-applicant, or family member as the birth/natural parent.
  - Court papers identifying the applicant, co-applicant, or family member as the birth/natural parent.
- Adoptive child
  - Court papers showing that the applicant, co-applicant, or family member has adopted the minor.
- Judicially declared ward
  - Court papers showing that the applicant, co-applicant, or family member has permanent legal custody or guardianship of the minor.
- Joint custody of dependents
 

Dependents that are subject to a joint custody arrangement will be considered family members if they live with the applicant family 51% or more of the year (i.e., at least 183 days out of the year). The determination to include dependents will be at the discretion of NYCHA and based on available documents, such as court orders or school records.
- Pregnancy
 

Pregnancies are verified by a written statement from a doctor, hospital, or maternity clinic stating the expected date of delivery. The housing assistant records the expected birth date of the unborn child. The unborn child is counted when determining room size assignment.
- Temporary absence
 

Family members temporarily absent from the household in the situations listed below may be included on the application, and are counted when determining room size assignment.

  - Absence of the applicant or co-applicant due to employment
 

If the applicant or co-applicant must remain away from home for extended periods of time, he/she is considered a full-time member of the household unless there is evidence that he or she will spend less than 120 days of the time in the apartment during the course of the year.

Reasons for the absence of the applicant or co-applicant include, but are not limited to:

    - Employment in the Merchant Marines;
    - Employment as a traveling salesman; or
    - Employment outside of New York City.
  - Temporary absence due to military service

A family member who is in military service, whether by enlistment or induction, may be considered part of the household unless:

- The family member marries while in the service and establishes a separate household;
- The family member obtains a legal separation or divorce; or
- The family member dies while in service.

- Temporary absence of full-time students

A family member who is a full-time student attending school outside of New York City is considered part of the household unless:

- The family member marries while in school; or
- The family member establishes a separate household.

- Questionable Family Member (QFM)

If, at any time during the applications process, NYCHA has concerns or questions with regard to whether a person is or will be a member of the applicant family, NYCHA may further investigate the composition of the applicant family.

Pursuant to this policy, the ATAD shall thoroughly investigate family composition when there is a questionable family member.

A QFM is generally defined as someone who:

- The applicant claims will not be part of the household in public housing; and
- Falls into one or more of the following categories:
  - At the eligibility interview, the family reported that the person is a member of the household;
  - The family reports that the person is now a member of the household but will not join the household in public housing;
  - The person is listed as a member of the household on an application, and the family reports that the person moved out within 2 years before the interview;
  - The person is listed as a member of the household on an application, and the family reports that the person is currently in prison; and/or
  - The WMS lists the person as part of the household within the last 2 years, but the person's case is currently not active.

- Family composition evaluation

NYCHA will consider as many of the following factors as each case presents:

- Information in the WMS regarding the applicant family and/or QFM;
- Information gathered from contacts with landlords, social workers, or other government agencies;
- Any information or documents provided by the applicant family;

- Any documents with respect to the residence of the QFM or the family composition of the applicant family;
- The credibility of the applicant family in providing information to NYCHA; and
- The nature and extent of the QFM's relationship with the applicant family, including, but not limited to:
  - Whether the QFM is a parent of any child in the applicant family;
  - The duration of the QFM's relationship with any member of the applicant family; and
  - Evidence of recent changes in the relationship of the QFM to the applicant family.
- If NYCHA determines that a reasonable basis exists to believe that the QFM is or will be a member of the applicant's household, the applicant will be ineligible for 2 years based on non-verifiable family composition and income.
- If NYCHA determines that the QFM will not be part of the applicant family, the applicant must complete NYCHA Form 070.579, *Eligibility Interview Declaration*, stating that the QFM will not reside in the apartment.
- An unauthorized occupant is a person who resides in an apartment without NYCHA's authorization or permission. A tenant or co-tenant may be subject to termination of tenancy proceedings if an unauthorized occupant resides in the apartment.

## h) Rent Calculation

Rent is determined by using the household's adjusted net income (the household's total gross income minus total deductions). The appropriate rent is set based on one of the following possible rent categories:

### ix. Income-based Rent

Income-based rent is 30% of the adjusted net income for rent. The adjusted net income for rent is calculated by subtracting statutory deductions from the household's gross income.

Income-based rent does not include additional charges, such as recurring electricity fees for a major appliance.

NYCHA requires all public housing tenants to recertify their income on a yearly basis in order to be in compliance with HUD regulations.

### x. Public Housing Flat Rent

For public housing tenants, flat rent is the highest amount of rent a tenant can be charged for a particular size apartment. Flat rent is based on a percentage of the Fair Market Rent for the New York City area, with different amounts set based on the apartment size. Refer to

<https://www.nyc.gov/site/nycha/residents/pay-rent.page> for NYCHA's flat rent schedule.

Flat rent does not include additional charges, such as recurring utility (e.g. electricity) fees for a major appliance.

Tenants paying flat rent are now entitled to the utility allowance, starting with the 2014 Fourth Quarter Annual Recertification's, effective 2/1/2015.

**xi. Income-based Rent versus Flat Rent**

Once income-based rent is calculated, it is compared to the applicable flat rent. The lower of the two is always set as the tenant's rent.

**xii. Minimum Rent**

The lowest monthly rent NYCHA charges a tenant for living in a unit. For public housing developments, the minimum rent is zero (\$0).

**xiii. Maximum Rent (Flat Rent)**

The maximum rent is the flat rent for a specific unit size.

**xiv. Scheduled HRA Rent**

Welfare or public assistance rent is set based on a fixed HRA rent schedule.

All households receiving full public assistance have their rent set at a fixed amount by NYCHA's software, based upon the number of persons on the HRA Budget.

**xv. Full Rent Subsidy**

Tenants and authorized household members in the following statuses qualify for the full subsidy amount to be factored into the rent (i.e., paying 30% of the adjusted net income for rent, but not less than the minimum rent and not more than the flat rent):

- United States citizens;
- Non-citizens with an eligible immigration status;
- Members with a citizenship status of "Pending Verification"; and
- Certain mixed citizenship families admitted to NYCHA **before** June 20, 1995.

**xvi. Over-income Rent**

Households whose income exceeds the 120 percent AMI for 2 consecutive years will pay the over-income rent.

NYCHA will notify the household when they have exceeded the 120 percent AMI for 1 year. This notice will explain that the household will be asked to pay the over-income rent if they remain above 120 percent AMI for an additional year.

NYCHA will notify the household when they have exceeded the 120 percent AMI for a second consecutive year. This notice will explain that the household will be charged the over-income rent.

If the household falls below 120 percent AMI at any point during the initial 2 years, and then subsequently exceeds 120 percent AMI again, the 2 years start over.

## xvii. De Minimis Tenant Protections

NYCHA has established procedures that are appropriate and necessary to assure that income data provided by applicants and residents is complete and accurate. NYCHA will not be considered out of compliance with the requirements solely due to de minimis errors in calculating family income but is still obligated to correct errors once NYCHA becomes aware of the errors. A de minimis error is an error where NYCHA's determination of family income deviates from the correct income determination by no more than \$30 per month in adjusted income.

### Corrective Action

NYCHA must take any corrective action necessary to credit or repay a family if the family has been overcharged for their rent or family share as a result of de minimis error in the income determination, but families will not be required to repay NYCHA in instances where NYCHA has miscalculated income resulting in a family being undercharged for rent or family share. NYCHA's corrective action for households that are overcharged will consist of a credit applied to the family's rent ledger.

## i) Utility Allowance

In certain developments that are individually metered, tenants pay for their own utility usage directly to the utility company. NYCHA grants these tenants a monthly utility allowance based on the estimated usage to the tenant.

The utility allowance is deducted from the tenant's monthly rent. If the deduction causes the monthly rent amount to be a negative amount (i.e., the utility reimbursement amount is larger than the rent), a utility reimbursement payment is issued to the tenant.

Most NYCHA buildings are master metered, not individually metered. Tenants in master-metered buildings do not pay a utility bill to the utility company. They do not receive a utility allowance.

## j) Prorated Rent for Families with Immigrants with Non-Eligible Status

The subsidy is prorated for households in which one or more members are non-citizens with ineligible immigration status. The rent will be higher than the income-based rent but can be no more than the flat rent.

### i. Mixed Citizenship Families Admitted to NYCHA Before June 20, 1995

HUD granted continued full subsidy assistance to mixed citizenship households that were receiving full subsidy **prior to June 20, 1995**, if:

- The lessee, co-lessee, or spouse was a citizen or had eligible immigration status; and
- The household did not include any member without eligible immigration status, except for the lessee, co-lessee, spouse, parents of the lessee, parents of the spouse, or children of the lessee or spouse.

The eligibility for continued assistance **must** have been established **prior to November 29, 1996**.

If, as of November 29, 1996, anyone is added to the household, including a lessee, co-lessee, spouse, parents of the lessee, parents of the spouse, or children of the lessee or spouse, the household is **no longer eligible** for continued full assistance and the subsidy must be appropriately prorated.

## Chapter 8: Current State: Reexaminations and Continued Occupancy

### Overview

HUD requires the re-examination of every tenant's income and household composition at least once every twelve (12) months. NYCHA fulfills this requirement by conducting an Annual Recertification based on information provided by the tenant in the AOI. After reviewing and verifying the information submitted by the tenant, NYCHA determines the tenant's rent.

### k) Annual Reexamination and Continued Eligibility

In order to be recertified, families are required to provide current and accurate information on income, assets, allowances and deductions, and family composition through related forms. Refer to Chapter 7, [Rent Calculation and Verifications](#), for more information).



The AOI can either be completed online or on paper. For tenants that are scheduled for an Annual Recertification and have opted-out of the online process a paper AOI packet is mailed directly to the tenant one month before it is due to be returned.

Tenants who complete their Annual Recertification online are not mailed a paper packet. They are sent a notification letter informing them to complete their Annual Recertification with instructions on how to complete it online via the NYCHA Self-Service Portal. The notification letter is mailed to the tenant one calendar month before it is due to be returned.

Refer to Chapter 2(c), [Reasonable Accommodations](#), for information related to program accessibility and Limited English Proficiency accommodations.

NYCHA staff verifies the information provided, including the household's composition and income, and mails the *Public Housing Lease Addendum and Rent Notice* directly to the tenant via USPS.

The Public Housing Lease Addendum and Rent Notice contains the following information:

- New rent and its effective date: The rent may have increased, decreased, or remained the same;
- Household Composition and Occupancy Notice: Lists all permanently authorized household members, and notifies the tenant how a person may receive permanent residency permission;
- Choice of Rent Calculation: Informs the tenant that household rent is being calculated at the lower of income-based rent or the flat rent; or the LIHTC rent if applicable for tenants living in an LLC I development;
- Projected Income: Projects the income of each household member;
- Allowances and Deductions: Lists applicable deductions for dependent, child care, disability assistance, elderly/disabled household, or medical deductions;
- Additional Monthly Rent for Amenities: Posted on the rent account as a recurring rent charge; this is a utility charge, for tenants living in a master metered building who use one or more of the designated major appliances;
- Utility Allowance: Credit given for tenants living in an individually metered building, who pay a utility company directly, for tenant consumption of utilities; and
- An explanation of any retroactive charge or retroactive credit.

## I) Failure to Complete Reexamination

If a tenant fails to submit the required documents and/or information for an Annual Recertification, a termination action will be initiated. Examples of required documents include the AOI form, Third Party Consent form, supporting documents for earned income, etc.



## m) Interim Reviews

An Interim Recertification is a change in a household's composition, income, disability, senior citizenship status, or student status, that occurs between Annual Recertification periods. The event causing the Interim Recertification must be one that will last more than one month. Regardless of the type of change, tenants are required to report all income and household composition changes as they occur.

Tenants may initiate an Interim Recertification via the NYCHA Self-Service Portal. Tenants also have the option of requesting a paper packet to submit their Interim Recertification. They must indicate the following information and provide their supporting documentation in order to submit the request:

- Type of change;
- Reason for the change;
- Household member who experienced the change; and
- Date of the change.

The effective date of the subsequent rent change depends on whether the tenant reported the Interim Recertification request in a timely manner, and whether the rent will increase or decrease. NYCHA will follow its procedures when determining the effective date of the change.

NYCHA staff must complete processing an interim review within 60 calendar days of the date that all information or documentation is received.

## n) Rent Hardship

A household may qualify for a rent reduction based on rent hardship if all the following conditions are met:

- There is a 5% reduction to gross income;
- Current rent is more than 30% of the net income; and
- Reduction in income has lasted at least two months.

## Chapter 9: Inspections

### a) Overview

Inspections provide an opportunity for NYCHA to identify potential problems in the apartment, ensure residents continued access to safe and quality housing, and support resident compliance with NYCHA rules and regulations. Residents, in turn, have the opportunity to interact with staff and inquire about the proper methods of maintaining an apartment. This chapter provides NYCHA's policies for inspections.

### b) Key Acronyms

- HUD: U.S. Department of Housing and Urban Development
- NYCHA: New York City Housing Authority

### c) Types of Inspections

#### i. Pre-Occupancy Inspections/Move-in Inspections

NYCHA and the prospective resident must inspect the apartment prior to signing the lease to determine and document the condition of the apartment and inventory equipment in the apartment at the time of move-in. NYCHA staff and the prospective resident will sign the relevant inspection form(s).

#### ii. New Resident Visit

During the first month of occupancy, NYCHA staff will visit the apartment to welcome the new resident to their new surroundings and check-in on resident compliance with NYCHA rules and regulations.

#### iii. Annual Inspections

NYCHA periodically inspects each apartment to determine the condition of the apartment, make minor repairs during the inspection, and schedule additional visits when more extensive repairs are needed. NYCHA's goal is to inspect each public housing apartment at least once every two years.

NYCHA inspects all occupied apartments using HUD's National Standards for the Physical Inspection of Real Estate (NSPIRE) model, which prioritizes health, safety, and functional defects over appearance. It implements inspections that better reflect the physical conditions of the property. Residents must be present at these inspections and are required to cooperate with HUD and NYCHA in completing these inspections.

#### iv. Pre-Move-out/Vacate Inspections

NYCHA inspects each apartment when a resident moves out to determine and document the condition of the apartment. NYCHA schedules the appointment date for the move-out inspection with the resident. NYCHA inspects the vacated apartment with the resident who is moving out if the

resident has given prior notice. The resident who is moving out may refuse to be present at the scheduled inspection.

NYCHA records conditions found in the apartment that require charges. Any disagreement by a resident about an existing condition will be noted on the appropriate NYCHA inspection form.

The resident and NYCHA staff sign the inspection form, and a copy is given to the resident.

## d) Scheduling of Inspections

Residents will receive two written notices and one phone call in advance of the scheduled inspection. The first notice will be delivered at least 21 calendar days prior to the inspection date and the second notice will be delivered at least seven calendar days prior to the inspection date. In addition, residents will receive a robocall at least 24 hours prior to the apartment inspection.

## e) Entry into Apartments for Scheduled Inspections

- For scheduled inspections, residents must make sure that an adult (18 years of age or older) is home at the scheduled time and must allow NYCHA staff into all rooms and areas of the apartment to perform the inspection and any repairs that are needed.
- If NYCHA is not able to complete an inspection on the first attempt, the inspection will be rescheduled. If NYCHA is not able to complete the inspection on a second attempt, NYCHA may start the termination of tenancy process.
- If it is not possible for an adult to be home on the scheduled inspection date, residents must reschedule the inspection by contacting their property management office as soon as possible and by no later than 4 p.m. on the business day prior to the scheduled inspection date. Residents may reschedule an inspection only one time.

## f) Inspection Results and Re-inspections

### i. Failed Inspections

An apartment will fail a periodic inspection if the apartment does not meet NYCHA's housekeeping or maintenance standards. Either of these conditions will trigger future visits by NYCHA staff. Refer to NYCHA's "A Home to be Proud Of" handbook located on NYCHA - Policies Procedures webpage for details regarding these standards.

If a maintenance issue is identified, NYCHA staff will repair the deficiency. If this cannot be accomplished during the inspection, NYCHA staff will return to make the necessary repair.

If a housekeeping issue is identified, NYCHA staff will schedule a future inspection to ensure that the issue is resolved.

## ii. Re-Inspections

If an apartment fails an inspection due to identified housekeeping issues, NYCHA staff will schedule a re-inspection approximately two weeks after the date of the failed inspection.

If an apartment fails three consecutive inspections due to housekeeping issues (an initial inspection and two related re-inspections), NYCHA may start proceedings to terminate the household's lease.

## Chapter 10: Transfers

### a) Overview

Residents are permitted to apply for a transfer to another apartment within their current development or to another development. Residents may apply for a transfer during any period of tenancy. Residents must choose a development or borough, as applicable, at the time they submit a transfer request.

Transfers may only be approved for reasons that comply with NYCHA policy. NYCHA does not transfer residents for reasons other than those prescribed in NYCHA policy. This chapter describes NYCHA's transfer policy.

### b) Key Acronyms

- HUD: U.S. Department of Housing and Urban Development
- NYCHA: New York City Housing Authority
- NYPD: New York Police Department
- VAWA: Violence Against Women Act

### c) Types of Transfers

Transfers are either voluntary or mandatory.

#### i. Voluntary Transfers

NYCHA residents are permitted to apply for a transfer from one apartment to another. To do so, they must submit NYCHA Form 040.050, Transfer-Tenant Request for Transfer. This form can be submitted online via NYCHA Self-Service Portal or in person at their property management office. If additional information is needed for NYCHA to make a decision on a resident transfer request, NYCHA will mail the resident NYCHA Form 040.050A, Additional Information Request. NYCHA will inform the resident of the decision on their transfer request in writing via NYCHA Form 040.050B, Transfer Request Determination.

#### ii. Mandatory Transfers

Some transfers are required by NYCHA. The resident is informed by NYCHA of the reason the transfer is required. NYCHA explains the transfer policy and procedure and asks the resident to complete a transfer request, including selecting where they want to transfer. If the resident does not complete the transfer request, NYCHA will initiate the transfer on behalf of the resident. If NYCHA initiates the transfer on behalf of the resident, the request is automatically assigned for a transfer within the development where they are currently living (i.e., intra-development). When NYCHA approves the transfer request, the transfer process begins, and the resident will be notified.

Mandatory transfers occur if:

- Resident resides in an uninhabitable apartment;
- Resident lives in an extremely underoccupied or soon to be extremely under-occupied apartment (one with two or more rooms in excess of what is needed for household size based on NYCHA's occupancy standards) and is required to move to a properly sized apartment due to a Termination of Tenancy process, stipulation of settlement, or Hearing Officer decision; or
- Resident must move due to development renovation or development use; or
- Resident lives in an elderly development and is no longer qualified to reside in an elderly development; or
- Resident lives in an extremely underoccupied apartment (an apartment with two or more rooms in excess of what is needed for household size based on NYCHA's occupancy standards).

All other transfers are voluntary, for example reasonable accommodations and VAWA related transfers.

#### d) Transfer Reasons and Priorities

Transferees will be placed on a borough or development waiting list along with applicants, and selected for an apartment based upon assigned priority, date the transfer request is certified, and the size and type of apartment they require, all according to the selection rules described in this section. Refer to Chapter 4, Waiting List Management, for more information. Among all transfer categories, NYCHA selects intra-development transfers of equal priority by certification date before inter-development transfers eligible for that apartment size.

The priority transfers described below are ranked from highest to lowest. T0 transfers have priority over all other transfers and new applicants on the certified waiting lists.

##### i. First Priority

PRIORITY CODE	FIRST PRIORITY TRANSFERS
T0-A	Residents whose apartments have become uninhabitable or NYCHA determines expeditious relocation is required to address health, safety, or environmental concerns in the unit, building or development, which may include construction to address these concerns. NYCHA will assign the tenant a suitable vacancy to accomplish the relocation as expeditiously as possible.

## ii. Second Priority

PRIORITY CODE	SECOND PRIORITY TRANSFERS
T0-E	Residents residing in apartments that are under-occupied or soon to be under-occupied are required to move to a properly sized apartment pursuant to a Termination of Tenancy proceeding stipulation of settlement or Hearing Officer decision.

## iii. Third Priority

The priorities described below are equal in rank.

PRIORITY CODE	THIRD PRIORITY TRANSFERS (equal in rank)
T0-C	Tenants of the affected public housing development or building who were required by NYCHA to relocate due to renovation; health, safety, or environmental concerns; or uninhabitable conditions, and who wish to accept NYCHA's offer of return to the development, building, or unit from which they were relocated once the renovations or repairs are complete. When NYCHA notifies the tenant that the development, building, or unit is ready to be reoccupied, the tenant must respond within the applicable timeframe NYCHA specifies, to qualify for this transfer.
T0-D	Residents relocated for development, building, unit, or other renovation repair; or due to the requirements of a special program.
T0-G	Residents in need of continuing health and medical care where a specific health care provider or facility is not within 60 minutes travel time from the current development.
T0-H	Residents 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-I	Residents 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 household member.
T0-J	Residents with disabilities who live in a non-elevator building who wish to move to any floor of an elevator building.
T0-K	Residents with disabilities who wish to move to first or second floor apartments in either an elevator or a non-elevator building. These residents may choose their current development or the borough in which they wish to live.



T0-L	Residents who qualify for and request 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 vacancies from a list NYCHA provides, or a borough in which they wish to live.
T0-M	Residents with disabilities who request a transfer based on reasonable accommodation. The transfer options vary based on the circumstances of the transfer request.

#### iv. All Other Applicants and Transferees

After filling vacant apartments with residents with first, second, and third transfer priorities as defined above, where there are no referrals remaining, NYCHA offers vacant apartments to other transferees and applicants on the waiting lists, who fall into the five categories listed below. Of these five categories, three are for other transferees and two are for applicants. NYCHA rotates among these five other transferee and applicant categories as defined in the table below when offering apartments. There are multiple priority codes within each of the five other transferee and applicant categories; these priority codes are also ranked in order of priority within each category.

<b>CATEGORY</b> (equal in rank)	<b>PRIORITY CODE</b> (codes listed first have higher priority within the relevant category)	<b>ALL OTHER TRANSFEREES AND APPLICANTS</b>
1	T1-D  T2-A	Residents in extremely under-occupied apartments.  Residents in under-occupied apartments.
2	T3-A  T4-A	Residents in extremely overcrowded apartments.  Residents in overcrowded apartments.  Overcrowded is defined as more people living in an apartment than NYCHA's occupancy standards state (refer to Chapter 5(c), <a href="#">Occupancy Standards</a> )

3		<p>Transferees other than the two categories above, including:</p> <p>T1-F Residents living in a building/development for the elderly and who are no longer qualified to reside in a building/development for the elderly.</p> <p>T2-B,C,G Emergency transferees described in section (e) below.</p> <p>T2-H Residents residing in an apartment in which a household member died. The transfer request must be submitted no later than six calendar months after the death.</p> <p>T2-I Residents referred by the NYC Administration for Children's Services for the purpose of family unification. The family has a child(ren) (natural or adopted) in foster care and needs a larger apartment before the child(ren) is released to the family.</p> <p>T3-B Residents with long-term friction with neighbors.</p> <p>T3-H Residents willing to provide continuing home aid to a relative in a different development which <b>NO</b></p>
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		member of the relative's household can provide, and that is not within 60 minutes travel time from the resident's development.
	T4-B	Residents required to travel to work more than 90 minutes due to a change in work location.
	T4-C	Residents living in a general population development who wish to move to an elderly development/building.

Refer to Chapter 4, Waiting List Management, for more information on Working Family and Need Based applicant preferences and priorities.

## e) Emergency Transfers

NYCHA's Emergency Transfer Program allows residents (lessee, co-lessee, and authorized household members) to apply for an emergency transfer if they believe they, or other individuals covered under the definitions below, qualify under one of the four emergency transfer categories:

- Victim under Violence Against Women Act (VAWA): victim of domestic violence, dating violence, sexual assault, or stalking;
- Intimidated Witness;
- Intimidated Victim; or
- Victim of a Traumatic Incident.

Refer to Chapter 2(g), Violence Against Women Act (VAWA), for more information on VAWA. Refer to this chapter, Section (d)(iv) All Other Applicants and Transferees, for information on priority ranking of emergency transfers.

This section outlines NYCHA's eligibility criteria, documentation requirements, and procedures for processing emergency transfer requests for each emergency transfer category:

i. **Victim under Violence Against Women Act (VAWA): victim of domestic violence, dating violence, sexual assault, or stalking**

The resident (lessee or co-lessee), an authorized household member, or an affiliated individual qualifies as a victim under one of the following VAWA categories:

- **Domestic Violence:** includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction. The term "spouse or intimate partner of the victim" includes a person who is or has been in a social relationship of a romantic or intimate nature with the victim, as determined by the length of the relationship, the type of the relationship, and the frequency of interaction between the persons involved in the relationship.  
Domestic violence also includes economic abuse and technological abuse. Please see below for definitions of these terms;
- **Dating Violence:** Victim of violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such relationship is to be determined based on length and type of relationship and frequency of interaction between the persons involved in the relationship;
- **Economic Abuse:** Behavior that is coercive, deceptive, or unreasonably controls or restrains a person's ability to acquire, use, or maintain economic resources to which they are entitled including using coercion, fraud, or manipulation to: restrict a person's access to money, assets, credit, or financial information; unfairly use a person's personal economic resources, including money, assets, and credit, for one's own advantage; or exert undue influence over a person's financial and economic behavior or decisions, including forcing default on joint or other financial obligations, exploiting powers of attorney, guardianship, or conservatorship, or failing or neglecting to act in the best interests of a person to whom one has a fiduciary duty.
- **Sexual Assault:** Victim of any nonconsensual sexual act proscribed by federal, tribal, or State law, including when the victim lacks the capacity to consent; or
- **Stalking:** Victim of a course of conduct directed at a specific person that would cause a reasonable person to fear for their individual safety or the safety of others or suffer substantial emotional distress. Stalking also

includes economic abuse and technological abuse. Please see above for the definition of economic abuse. Please see below for the definition of technological abuse.

- **Technological Abuse:** An act or pattern of behavior that is intended to harm, threaten, intimidate, control, stalk, harass, impersonate, exploit, extort, or monitor another person, except as otherwise permitted by law, using any form of technology including but not limited to: Internet enabled devices, Online spaces and platforms, Computers, Mobile devices, Cameras and imaging programs, Apps, Location tracking devices, Communication technologies, and Other emerging technologies.

A resident, authorized household member, or affiliated individual who meets any of the above definitions must also reasonably believe that they are threatened with imminent harm from further violence if they remain in their current apartment. This means the victim has reason to fear that if the victim does not receive a transfer the victim would suffer violence in the very near future.

Victims of sexual assault may also qualify if the sexual assault occurred on the premises of the property from which the resident is seeking to transfer, and that assault happened within the 90-calendar-day period before submission of a transfer request form. See Chapter 2(g)(ii)(4), Documentation, for documentation required for VAWA protections to apply.

## ii. **Intimidated Witness**

To qualify for an emergency transfer as an Intimidated Witness, a resident or authorized household member must demonstrate that they meet one of the following definitions:

- **Intimidated Witness – New York Police Department (NYPD) Referral:** A resident or authorized household member is referred by, and cooperates with, the NYPD in the anticipated arrest and/or prosecution of an individual who committed a crime, and as a result of such cooperation:
  - The NYPD anticipates that the resident or authorized household member will suffer threat or physical injury once their cooperation with law enforcement becomes known to the perpetrator and/or the perpetrator's associates;
  - The perpetrator or the perpetrator's associates know where the resident or authorized household member lives; and
  - The NYPD anticipates that the resident or authorized household member will suffer if they continue to live in the current residence.

### iii. Intimidated Victim

To qualify for an emergency transfer as an Intimidated Victim, a resident or authorized household member must demonstrate that they meet the following definition:

- A resident or authorized household member who is the victim of a violent crime or the threat of a violent crime and such crime was committed in a non-random manner as a result of a relationship between the victim and the perpetrator, and as a result of such crime the victim suffered actual physical injury or the threat of injury against themselves or immediate family, and the victim will continue to suffer if they continue to live in the current residence.
  - To be eligible, the victim must be referred by Safe Horizon and the crime must have occurred within 12 months of the submission date of the emergency transfer request.

A resident or authorized household member who meets any of the above standards must also reasonably believe that he or she is threatened with immediate harm from further violence if the resident remains in their current apartment. This means the victim has reason to fear that if they do not receive a transfer, they would suffer violence in the very near future.

### iv. Victim of a Traumatic Incident

To qualify for an emergency transfer as a Victim of a Traumatic Incident, a resident or authorized household member must demonstrate that they meet the following definition:

- A resident or authorized household member who is either the victim of a violent felony on development grounds or witnessed a violent felony committed against another household or family member on development grounds, and as a result of the violent felony suffered trauma and will continue to suffer if they continue to live in the current residence.

## f) General Transfer Eligibility Requirements

### i. Residency Period

Residents may request a transfer during **any period of occupancy**; however, residents who have previously requested a transfer request will not be considered for a transfer for one (1) year from the date the prior transfer request was closed, unless the new transfer request states a different need than the prior request.

### ii. Family Composition

When determining eligibility for transfers, NYCHA conducts a review of the household to confirm a resident has not been terminated or whether a warrant of eviction has been issued. The family composition is also reviewed to

determine the transferring resident's continued eligibility for an apartment size. If the family no longer meets the occupancy standard for the apartment they were originally selected for, NYCHA will determine if the applicant or transferee still qualifies for the apartment they were selected for or if they need to be moved to a different waitlist.

### iii. Criminal Background Checks

NYCHA does not require a Criminal Background Check when a resident requests a transfer to another apartment.

## g) Requesting a Transfer

Transfer requests can be made online via NYCHA's Self-Service Portal or a paper version can be requested and submitted in person to property management staff. For emergency transfers, residents must access and submit the appropriate transfer request form in-person at their property management office. Residents must submit the following forms, as appropriate:

- Transfer: NYCHA Form 040.050, Tenant Request for Transfer;
- Intimidated Victim:
  - NYCHA Form 040.920, Emergency Transfer Request - Intimidated Victim,
  - NYCHA Form 040.920A, Tenant Consent Form for Intimidated Victims, or
  - NYCHA Form 040.920B, Emergency Transfer Information Sheet for Intimidated Victims;
- Intimidated Witness:
  - NYCHA Form 040.921, Emergency Transfer Request - Intimidated Witness,
  - NYCHA Form 040.921A, Tenant Consent Form for Intimidated Witness, or
  - NYCHA Form 040.921B, Emergency Transfer Information Sheet for Intimidated Witness;
- Victim of Traumatic Incident:
  - NYCHA Form 040.922, Emergency Transfer Request Form - Victims of Traumatic Incident,
  - NYCHA Form 040.922B, Victim of Traumatic Incident – Emergency Transfer Information and Emergency Transfer Request Form, or
  - NYCHA Form 088.165, Emergency Transfer – Victim of Traumatic Incident Mental Health Professional Verification Form;
- VAWA Victim:
  - NYCHA Form 040.683, VAWA: Victim Certification - HUD Form No. 5382,

- NYCHA Form 040.923, Emergency Transfer Request - VAWA Victims, or
- NYCHA Form 040.923A, Emergency Transfer Information Sheet for VAWA Victims.

## h) Documentation

Transfer requests must be accompanied by supporting documentation, as appropriate, for the transfer condition, e.g., letters from health care providers, social service agencies, police reports, and court documents.

## i) Denial of Request

After review, NYCHA may deny a transfer request for any of the following reasons:

- The reason for the transfer does not correspond with any of the priorities/reasons for transfer included in NYCHA's policy. Refer to Section (d) of this Chapter, Transfer Reasons and Priorities, for more information.
- The resident failed to provide additional information requested to verify the need for transfer.
- The number of rooms needed by the household cannot be determined due to unverified household composition.
- The tenancy ended (the sole resident or both the head of household and co-head of the household either moved out of the apartment or died).
- The household composition is uncertain because of:
  - A pending or ongoing request to permanently add a household member;
  - A household member of the originating development moved out, or indicated that they do not plan to transfer with the rest of the family; or
  - An unauthorized occupant is living in the apartment at the originating development.
- Housing Court proceedings:
  - A warrant of eviction against the resident issued from the court;
  - The resident was evicted from the apartment; or
  - A Bawdy House proceeding was commenced for use of the apartment for lewd purposes, prostitution, or for any illegal trade or manufacture, or other illegal business.
- Administrative termination of tenancy proceeding is pending or there is an ongoing termination of tenancy action against the resident for:
  - Failing to occupy the apartment;
  - Subletting the apartment;
  - Transfer of possession of the apartment; or



- Non-desirability.
- Administrative termination of tenancy proceeding has been completed and:
  - The Hearing Officer issued a decision terminating the tenancy; or
  - The NYCHA secretary issued a Determination of Status terminating the tenancy.
- The transfer request was withdrawn by the resident.

If the transfer request is denied, NYCHA will notify the resident in writing via NYCHA Form 040.050B, Transfer Request Determination, informing them of their right to request a grievance in accordance with NYCHA's grievance procedure. Refer to Chapter 12, Grievances for more information.

## j) Apartment Offer

Transferees on a borough-wide or NYCHA-wide waiting list will be offered up to two (2) apartments of proper size for the family composition.

Transferees who may choose a development (except transferees for accessible apartments) will be offered one apartment of proper size for the family composition.

Transferees requesting accessible apartments will be offered two properly sized apartments regardless of whether the transferees are on the borough or development waiting list.

Transferees eligible for an emergency transfer as a victim of domestic violence may 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.

If a resident requests a Transfer to a 504 Apartment or a Non-504 Apartment in an Accessible Building, and the resident is selected for a Non-Accessible Building, the resident will be restored to the waiting list for their requested development or borough and type of apartment, in the same position as if the resident had not been selected for a Non-Accessible Building, and with their original Certification Date.

For more information on apartment offers, refer to Chapter 5, Resident Selection and Apartment Offers for more information.

## k) Security Deposit and Rental Fees at Transfer

The security deposit from the old apartment will be transferred to the new apartment. A resident who transfers to another NYCHA apartment must pay the difference between the existing security deposit paid on the old apartment, if any, and a full month's rent in the new apartment.

## l) Split Household

The entire household must transfer to the new apartment. The household will not be split to occupy two apartments. Exceptions include VAWA transfers, and bifurcation of the lease as outlined in Chapter 2, Fair Housing and Equal Opportunity.

## m) Leasing the New Apartment

Households transferring to a new apartment will be required to sign a new lease. Refer to Chapter 6, Leasing, for more information.

# Chapter 11: Lease Terminations

## a) Overview

This chapter will describe lease terminations. As defined in the lease agreement and in accordance with NYCHA policies, state and local laws, the resident or NYCHA may terminate the lease and tenancy at any time by providing written 30 calendar days' advance notice to the other party.

## b) Key Acronyms

- CFR: Code of Federal Regulations
- NYCHA: New York City Housing Authority
- SSN: Social Security Number
- VAWA: Violence Against Women Act

## c) Resident Move-Out

### i. Lease Termination by Resident (Move Out)

Residents must give NYCHA 30 calendar days' prior written notice when they intend to move out of their apartment, using NYCHA Form 040.032, Notice of Intent to Vacate, including the date the resident will move out. The notice period must be 30 consecutive calendar days but does not necessarily have to include a calendar month.

NYCHA charges rent until the resident moves out of the apartment, turns in the keys, and NYCHA takes possession of the apartment. If the resident moves out before or after the date listed on the Notice of Intent to Vacate, NYCHA charges the resident up until the date they move out of the unit.

NYCHA inspects the vacated apartment with the resident if the resident has given prior notice and wants to be present for the inspection. Refer to Chapter 9, Inspections, for more information.

## d) Abandoned Apartments

When NYCHA determines that an apartment has been abandoned, NYCHA will charge the resident rent through the date NYCHA gained possession of the apartment.

## e) NYCHA-Initiated Terminations

Termination of tenancy may be required due to prohibited conduct by a resident, a member of the resident's family, or a guest, or for non-payment of rent. NYCHA terminates tenancies pursuant to its Termination of Tenancy Procedures with the opportunity for an administrative hearing that affords residents due process.

## i. Escalera and Tyson-Randolph Decisions

Termination of tenancy for grounds other than nonpayment of rent is governed by a federal consent decree in the case of *Escalera v. New York City Housing Authority*, later modified by the *Tyson-Randolph* cases. NYCHA termination of tenancy procedures were created in response to these decisions. Grounds for termination under these procedures are non-desirability, breach of rules and regulations, chronic breach of rules and regulations, chronic rent delinquency, non-verifiable income, assignment or transfer of possession, and misrepresentation.

Before a tenancy in public housing can be terminated for reasons other than nonpayment of rent, the resident must be offered an administrative hearing held by an impartial Hearing Officer based on written charges served on the resident prior to the hearing. Witnesses may be produced both by NYCHA and the resident and may be examined and cross-examined. Residents may be represented by counsel or other persons of their own choice at the hearing. If the resident cannot afford an attorney, the resident may seek counsel from a legal services organization that provides free services. The Hearing Officer's decision will be made in writing on the charges presented. The Hearing Officer may make a disposition about action to be taken in the case including termination of tenancy, probation, or permanent exclusion, or find the tenant eligible for continued occupancy in public housing.

## ii. Grounds for Termination

There are specific grounds on which termination of tenancy proceedings may be based. These grounds are described below.

### (1) *Misrepresentation*

The willful misstatement to, or concealment from, NYCHA by the resident of any material fact bearing upon or relating to the resident's eligibility for admission or continued occupancy or bearing upon the amount of rent to be paid by the resident.

### (2) *Breach of Rules and Regulations*

The breach by the resident, or any person occupying the resident's apartment, of any applicable rule, regulation, or resolution of NYCHA. The resident will be given an opportunity to cure/resolve the Breach of Rules and/or Regulations.

### (3) *Chronic Breach of Rules and Regulations*

The repeated violation by the resident or any person occupying the resident's apartment of any NYCHA rule or regulation which the resident had previously reported as cured/resolved by compliance. The resident will not be given an opportunity to cure/resolve a Chronic Breach.

#### *(4) Chronic Delinquency in the Payment of Rent*

The resident's repeated failure or refusal to pay rent within the month due, at least four times during any 12-month period ("4 in 12"). Rent need not be in arrears at the time the action is instituted if the record clearly shows repeated failure or refusal to pay.

#### *(5) Non-Verifiable Income*

The resident's failure, neglect, or refusal to provide NYCHA 040.297, Public Housing Affidavit of Income-Annual Recertification and NYCHA 040.297C, Public Housing Affidavit of Income-Active Family Members (when applicable) and the required supporting documentation.

If the resident is self-employed and does not keep proper records, as required, or fails to provide information required, the action to terminate may be based on Breach of Rules and Regulations as well as on Non-Verifiable Income.

#### *(6) Assignment or Transfer of Possession*

The possession and use of an apartment by a person or persons other than the resident of record, without NYCHA permission or consent, after the resident of record has moved from the apartment or no longer resides there. This also includes a NYCHA resident subletting or providing short-term rentals for a NYCHA apartment.

#### *(7) Non-Desirability*

Non-desirability is defined by NYCHA as the conduct or behavior of the resident, their guest, or any other person occupying the apartment of the resident which constitutes:

- A danger to the health and safety of the resident's neighbors;
- Conduct on or in the vicinity of NYCHA premises which is in the nature of a sex or a moral offense;
- A source of danger or a cause of damage to the employees, premises, or property of NYCHA;
- A source of danger to the peaceful occupation of other residents; or
- A common law nuisance.

#### *(8) Failure to sign NPHOI Lease*

If a resident who is over-income for 24 consecutive months declines to sign a NPHOI lease with the alternative rent, NYCHA will proceed to initiate a holdover proceeding in Landlord and Tenant Court. The resident will continue to be a public housing program participant with their public housing rent in the period before eviction. NYCHA is

required to evict the household no later than six months after the date of the 24-month notification. Refer to Chapter 8(h), Over-Income Residents, for more information.

### iii. Notification

NYCHA notifies residents of their breach of lease by mailing or hand delivering the below notices:

- NYCHA Form 040.297B, Annual Recertification Additional Forms Cover Letter (only sent out to residents who did not submit their Annual Recertification, all other breach of lease notifications start with NYCHA Form 040.185)
- NYCHA Form 040.185 Termination of Tenancy & Possibly Subsidy-Call-In Letter
- NYCHA Form 040.186 Termination of Tenancy & Possibly Subsidy-Follow Up Call-in-Letter (sent to resident if they failed to appear/respond to NYCHA Form 040.185)
- NYCHA 040.187 Termination of Tenancy and Possibly Subsidy-Notice to Tenant of Manager's Recommendation to Terminate

If the resident has been found ineligible for continued occupancy, NYCHA Form 040.004, 30 Day Notice to Vacate is served once the Determination of Status and Hearing Officer's decision have been sent to the resident. The 30 Day Notice to Vacate clarifies that the resident is to vacate the premises by a date not less than one calendar month from the date of its mailing or other service. The Notice also informs the resident that failure to vacate will result in the commencement of holdover proceedings leading to eviction.

## f) Terminations Related to Violence Against Women Act (VAWA)

Prior to starting the termination process, NYCHA reviews the resident's records to determine if any household members have submitted documentation claiming protections under VAWA relating to the grounds for termination.

VAWA incidents cannot be the basis for terminating the tenancy of any household member other than the tenancy of the abuser(s), subject to the limitations of VAWA protections described below. In addition, a tenancy cannot be terminated as a direct result of the fact that the resident is or has been a victim of a VAWA incident.

### i. Limitations of VAWA Protections

#### *(1) Charges Against All Residents*

Under VAWA, termination of tenancy charges may be brought against **all** residents, including victims of VAWA incidents, for chronic rent delinquency, non-verifiable income, misrepresentation, breach of rules and regulations, assignment or transfer of possession, and any non-

desirable act other than VAWA incidents, so long as the non-desirable acts are not a direct result of the VAWA incident. VAWA incidents include domestic violence, dating violence, stalking, and sexual assault.

### *3. Charges Against a Resident For Actual And Imminent Threat to Others*

VAWA permits the termination of any resident's tenancy, even the victim's, if that resident presents an actual and imminent threat to other residents, NYCHA property, NYCHA employees, or service providers.

An actual and imminent threat to others, as defined in federal regulations, is a physical danger that is real, would occur within an immediate time frame, and could result in death or serious bodily harm. Factors to consider in determining whether an individual would pose an actual and imminent threat include:

- The duration of the risk;
- The nature and severity of the potential harm;
- The likelihood that potential harm will occur; and
- The length of time before potential harm would occur.

### *(2) Charges Against an Alleged VAWA Victim*

Charges may also be brought against a person who claims to be a VAWA victim but fails to provide necessary documentation to verify they are a VAWA victim; refer to Chapter 2(g)(ii)(4), Documentation, for more information.

### *(3) Mixed Charges*

If charges are brought against the abuser(s) for committing criminal acts directly relating to VAWA incidents, in addition to charges against the tenancy involving non-VAWA incidents, e.g., chronic rent delinquency or non-desirability on non-VAWA related grounds, the VAWA-related charges should specify they are brought against the abuser(s) only, while the other charges should specify that they apply to all residents.

Termination of tenancy charges will not be brought against the victim unless there are no other actions short of termination that may be taken to reduce or eliminate the threat.

Other possible actions short of terminating the tenancy of the victim may include, but are not limited to, the following:

- Transferring the victim if they meet the emergency transfer requirements;
- Working with the victim to remove the abuser from the household;

- Contacting the New York City Police Department (NYPD) to increase patrols or to develop other plans to keep the property safe; or
- Determining if the victim has obtained an order of protection barring the abuser from the property (sometimes known as an “exclusionary order of protection”) or obtained other legal remedies.

In making termination determinations, NYCHA may not subject a victim of a VAWA incident to a more demanding standard than the standard applied to non-victim residents.

VAWA does not change existing grounds for termination of tenancy. Charges based on criminal acts directly relating to VAWA incidents, for example, fall within non-desirability and/or breach of rules and regulations.

### g) Terminations Related to Failure to Disclose or Document Social Security Numbers

NYCHA must terminate the assistance, the tenancy, or both, of a resident and the resident's household, in accordance with the provisions governing the program, if the resident does not meet the applicable Social Security Number (SSN) disclosure, documentation, and verification requirements specified in Chapter 7(h)(vi)(2), Social Security Numbers.

- NYCHA may defer termination and provide the resident with an additional 90 calendar days to disclose a SSN, but only if NYCHA, in its discretion, determines that:
  - Failure to meet these requirements was due to circumstances that could not have reasonably been foreseen and were outside the control of the resident; and
  - There is a reasonable likelihood that the resident will be able to disclose a SSN by the deadline.
- Failure of the resident to disclose a SSN by the deadline specified above will result in termination of the assistance or tenancy, or both, of the resident and the resident's household.



## Chapter 12: Grievances

### a) Overview

NYCHA's informal hearings and grievance procedures are available to residents who dispute a NYCHA action or failure to act in accordance with the resident's lease. The grievance procedures are also available to applicants and residents to challenge NYCHA's application of any rule or regulation that adversely affects an applicant's or resident's rights, duties, welfare, or status.

Grievances will be handled in accordance with NYCHA's Grievance Procedures as outlined below.

### b) Key Acronyms

- CRD: Chronic Rent Delinquency
- HUD: U.S. Department of Housing and Urban Development
- NPHOI: Non-Public-Housing Over-Income
- NYCHA: New York City Housing Authority
- RFM: Remaining Family Member
- SAVE: Systematic Alien Verification for Entitlements
- USCIS: United States Citizenship and Immigration Services
- VAWA: Violence Against Women Act

### c) Hearing Officer

The Hearing Officer is responsible for conducting impartial hearings and making dispositions. These decisions are binding on NYCHA unless the members of NYCHA find that they are contrary to law. The Hearing Officer must be an attorney with at least five years of appropriate experience who has been appointed to the civil service position of Hearing Officer to ensure their independence. The Hearing Officer may be removed only for incompetence or misconduct.

### d) Grievances for Residents

Grievances concerning the obligations of the resident or NYCHA under the provisions of the lease are processed and resolved in accordance with NYCHA's Public Housing Grievance Procedure. This procedure also applies to Non-Public Housing Over Income (NPHOI) residents who have signed the NPHOI lease with NYCHA. Refer to Chapter 8(h), Over-Income Residents, for more information.

## i. Grievance Procedure

### *(1) Scope of Procedure*

The Grievance Procedure is concerned with individual grievances between the resident and NYCHA. Policy questions, class grievances, inter-resident conflicts, personal injury, damage claims or commercial residents are excluded. Also excluded are grievances involving termination of tenancy proceedings based on Non-Desirability, Breach of Rules and Regulations, Chronic Breach of Rules and Regulations, Chronic Rent Delinquency, Non-Verifiable Income, Assignment or Transfer of Possession and Misrepresentation. These grounds are covered in Chapter 11, Lease Terminations.

All residents are entitled to use the Grievance Procedure except:

- Residents to whom 30-day Vacate Notices have been sent after a decision by a Hearing Officer; and
- Residents against whom judgments of possession have been entered and who have not been reinstated as residents.

### *(2) Submission of a Grievance*

- A resident can submit a grievance via NYCHA Self-Service Portal or in person with property management staff.

### *(3) Grievance Types*

A resident can submit a grievance for any of the following:

- Rent;
- Denial of request to add an additional member to the household;
- Denial of a transfer request;
- Denial of a replacement Lobby Door Key;
- Other - Any matter in which a resident is dissatisfied with the decision of a property manager or NYCHA.

### *(4) Rent Grievances*

- Rent Grievance
  - When a resident submits a grievance to dispute their rent, NYCHA staff must not do the following:
    - Initiate non-payment proceedings against the resident;
    - Proceed with existing non-payment proceedings in Landlord and Tenant Court against the resident, unless the monies sought in the non-payment proceeding result from the resident's failure to make rent payments during a period not covered by the rent grievance. If the non-payment does not

result from the resident's failure to make rent payments during a period covered by the rent grievance, the case does not need to be adjourned in Landlord and Tenant Court; or

- Initiate administrative proceedings for the sole charge of Chronic Rent Delinquency (CRD). If the resident meets the criteria for another administrative charge, NYCHA staff will move forward with those administrative charges. If there is an existing administrative charge of CRD in combination with another charge or charges, NYCHA will amend the charge(s) to remove CRD and continue with other administrative charges against the resident.
- Once a decision has been made on a rent grievance, NYCHA proceeds as follows:
  - If the rent grievance is sustained (i.e., property management agrees with the grievance claim) following an informal conference, an interim recertification is to be processed to adjust the rent and apply applicable credit. If, after the credit is applied to the resident's account, rent is still owed by the resident, property management staff can resume or initiate non-payment court proceedings against the resident. If the rent grievance is sustained at the property management level and, after taking into consideration the months the resident may have been late with rent payments due to incorrect rent, it is still determined the resident meets the criteria for CRD, property management staff may initiate or resume CRD administrative proceedings against the resident; or
  - If the rent grievance is denied (i.e., property management does not agree with the grievance claim) at the property management level following an informal conference, and a resident is not satisfied with the explanation of the decision provided, NYCHA Form 042.780A, Tenant Grievance-Property Management Notice to Tenant-Grievance Not-Sustained, must be completed and signed by NYCHA property management staff and the resident. Signing of this form indicates that the resident wants to participate in an impartial hearing with the Office of Impartial Hearings. The case will be sent for further administrative review and referral for an impartial hearing. Once a decision has been made by the Impartial Hearing Officer, property management staff can resume or initiate non-payment court proceedings or CRD administrative proceedings against the resident, if applicable.

- Informal Conference with Property Manager

Within 30 calendar days of receiving the grievance claim, the property manager will schedule an appointment for an informal conference with the resident to discuss the claim. If the resident appears for the scheduled informal conference, the property manager conducts the informal conference, and the resident may submit any additional supporting documents as proof or give oral statements to support their claim.

If a decision cannot be made on the day of the informal conference, the property manager will make a decision on the grievance claim within 14 calendar days of the informal conference. The property manager will inform the resident verbally and by giving them NYCHA Form 042.780, Tenant Grievance - Property Management Notice to Tenant - Grievance Sustained, if their claim has been granted and NYCHA Form 042.780A, Tenant Grievance-Property Management Notice to Tenant – Grievance Sustained if their claim is denied.

- Resident Grievance Sustained

Property management staff will complete any corresponding follow-up action (ex: a rent grievance that is sustained should be followed up with an interim for rent).

- Appeal of Property Manager Decision (Request for further Administrative Review)

If a resident is not satisfied with the decision of the property manager, they can request an appeal. To request an appeal, the resident completes the Resident Section of NYCHA Form 042.780A, Tenant Grievance - Property Management Notice to Tenant-Grievance Not - Sustained, or NYCHA Form 042.780, Tenant Grievance - Property Management Notice to Tenant-Grievance Sustained.

- Resident Fails to Appear for their Scheduled Informal Conference

If a resident fails to appear for their scheduled informal conference with the property manager, the property manager makes a decision based on the information and documents available to the property manager at that time.

If the resident grievance is not sustained based on the information the property manager has available, the property manager sends the resident NYCHA Form 042.780A, Tenant Grievance - Property Management – Notice to Tenant - Grievance Not Sustained. If this notice is hand delivered or slipped under the door, the resident has 10 business days to appeal the decision. If this notice is mailed to

the resident, they have thirteen (13) business days to appeal the decision. If the resident does not appeal within the mentioned time frames the property manager's decision remains in effect and the grievance is not sent for further administrative review.

If a resident does not appear for the informal conference, but the property manager is able to sustain (approve) the grievance based on information and documents available to the property manager, the property manager sustains (approves) the grievance claim and mails NYCHA – Form 042.789A, Tenant Grievance - Property Management Notice to Tenant - Grievance Sustained to the resident. Property management staff will complete any corresponding follow-up action (ex: a rent grievance that is sustained should be followed up with an interim recertification for rent).

#### *(5) Remaining Family Member (RFM) Claimant Grievance*

A RFM claimant is an individual who seeks to succeed to the public housing lease after a head of household has died or vacated. .

If within 30 calendar days of NYCHA becoming aware that the resident has died or vacated an apartment, and if NYCHA does not have possession of the apartment, property management staff will hand deliver or slip under the door NYCHA Form 040.342, Remaining Family Member Grievance Claim. The RFM claimants should contact property management staff within 14 calendar days of receiving this form.

Authorized household members can submit NYCHA Form 040.342, Remaining Family Member Grievance Claim online via NYCHA Self-Service Portal or in person to property management staff. An RFM claimant who is not an authorized household member can only submit their RFM grievance claim to property management staff in person.

- Use and Occupancy

RFM claimants are required to pay use and occupancy while their grievance claim is pending. Use and occupancy is determined based on the verified income of the RFM claimant. Property management staff compare the last rent set for the previous head of household with the rate based on the verified income of the RFM claimant. The use and occupancy payment is the lower of the two amounts.

If the RFM claimant reports \$0 income, they are given NYCHA Form 040.481, Zero Income Questionnaire to complete.

#### RFM Claimant Informal Conference with Property Manager

Within 30 calendar days of the RFM claim being submitted by the RFM claimant, the property manager schedules an informal conference with the RFM claimant to discuss the claim. If the RFM claimant appears for the scheduled informal conference, the property manager conducts the informal conference, and the RFM claimant may submit any additional supporting documents as proof or give oral statements to support their claim.

If a decision cannot be made on the day of the informal conference, the property manager makes a decision on the RFM grievance claim within 14 calendar days of the informal conference. The property manager calls the RFM claimant in to provide them with a written decision by giving them either NYCHA Form 042.789, Remaining Family Member (RFM) Grievance: Property Management Notice to RFM Claimant - Grievance Sustained, if their claim has been granted and NYCHA Form 042.789A, Property Management Notice to RFM Claimant - Grievance Not Sustained, if their claim has been denied.

- Appeal of Property Manager Decision (Request for Further Administrative Review)

If a RFM claimant is not satisfied with the decision of the property manager, they can request an appeal. The RFM claimant can request an appeal by completing the Grievant Statement Section of NYCHA Form 042.789A, Property Management Notice to RFM Claimant - Grievance Not Sustained.

The property manager must also sign NYCHA Form 042.789A, Property Management Notice to RFM Claimant - Grievance Not Sustained, as a witness after the RFM claimant has signed the form. If the RFM claimant disagrees with the explanation provided by property management and requests an appeal, their grievance is sent for further review, and they have the opportunity to participate in an informal conference with the Borough Designee or Impartial Hearing with the Impartial Hearing Officer. If the grievant appears for the informal conference but refuses to sign form 042.789A, property management staff has to contact the Law department to initiate a licensee action.

Within three business days of the property manager making a decision on a RFM grievance claim:

- If the RFM grievance claim is sustained (approved) the manager will contact the RFM and schedule an appointment for lease signing; and
- If the RFM grievance claim is not sustained (disapproved), and the RFM claimant requested an appeal, the claim will be sent for

further administrative review to a Borough Designee or to an Impartial Hearing Officer.

RFM grievance claims denied **due to the following reasons** are not entitled to a hearing before an Impartial Hearing Officer:

- Transfer of Tenancy

Any occupant of a NYCHA apartment who remains in the original apartment when a head of household transfers to another NYCHA apartment or an apartment subsidized by NYCHA through the Section 8 program.

- Duplicate Tenancy

Any occupant of a NYCHA apartment who is a resident or authorized occupant of another NYCHA apartment or of any other U.S. Department of Housing and Urban Development (HUD) administered public housing apartment, or a recipient of a Section 8 subsidy.

- Termination of Tenancy

Any remaining occupant of a NYCHA apartment at the time the tenancy is terminated, except:

- If the termination of tenancy against the former resident was based on the former resident's failure to occupy the apartment; or
- If the termination of tenancy "bifurcated" the lease under the Violence Against Women Act (VAWA), terminating the tenancy or occupancy rights of the abuser(s) and leaving intact the tenancy/occupancy rights of the other family members. Refer to Chapter 2(g): Violence Against Women Act (VAWA), for details on bifurcation and on remaining family member rights once the abuser's rights have been terminated.

- Permanent Exclusion

Any member of a resident family who was permanently excluded from the household before the resident moved out or died.

- Resident Employee/Senior Resident Advisor/Resident Police Officer

Any Resident Employee, Senior Resident Advisor, or Resident Police Officer and their family who occupies a NYCHA apartment with a Resident Employee, Senior Resident Advisor, or Resident Police Officer lease only, and not a public housing lease.

- RFM Claimant Appeal to Borough Management



If the RFM claimant requests an appeal after the denial of their RFM grievance due to the reasons above, property management staff will send the RFM grievance claim to the respective Borough Designee for review.

Within 14 calendar days of the RFM Grievance claim being assigned to the Borough Designee, the Borough Designee schedules an informal conference with the RFM claimant. At the informal conference the RFM claimant can submit any additional documents as proof and give oral statements to support their claim. If the Borough Designee agrees with property manager decision to deny the RFM Grievance claim for the reasons listed above, the Borough Designee verbally informs the RFM claimant of their agreement with the property manager denial of their RFM grievance claim and provides the RFM claimant with NYCHA Form 040.302D, Remaining Family Member (RFM) Grievance: Borough Management Department Dismissal. There is no appeal from the decision of the Borough Designee.

If the Borough Designee disagrees with the property manager's decision and determines:

- The RFM grievance claim should be denied due to a reason that should be reviewed by an Impartial Hearing Officer, the RFM Grievance is sent for further administrative review by an Impartial Hearing Officer; or
- The RFM claimant does qualify for tenancy, the RFM Grievance is sent back to the property manager. The property manager contacts the RFM claimant and provides them NYCHA Form 042.789, Remaining Family Member (RFM) Grievance: Property Management Notice to RFM Claimant - Grievance Sustained and conducts a lease signing.
- RFM Claimant Fails to Appear for their Scheduled Informal Conference

If an RFM claimant fails to appear for their scheduled informal conference with the property manager, the property manager will make a decision based on the information and documents available to them at that time.

If the RFM grievance is sustained (approved) the property manager will contact the RFM claimant and schedule an appointment for lease signing.

If the RFM grievance is not sustained (disapproved) the property manager must contact NYCHA Law Department for guidance to regain possession of the apartment in Landlord and Tenant Court.



#### *(6) Document Reproduction*

NYCHA gives the grievant the opportunity to examine before the hearing and, at the expense of the grievant, to copy all documents, records and regulations of the Authority that are relevant to the hearing. At the hearing, NYCHA may not rely on any document not made available to the grievant.

#### *(7) Formal Hearing with Impartial Hearing Officer*

The grievance (brought by resident or RFM claimant) will be heard at the Office of Impartial Hearings before a Hearing Officer. The Hearing Officer's decision will be binding on NYCHA. The resident or RFM claimant has the right to be represented by an attorney or other person they choose and may present evidence and arguments in support of the grievance. If the resident, RFM claimant, or NYCHA fails to appear at a scheduled hearing, the Hearing Officer may make a determination to postpone the hearing for no more than five (5) business days or may make a determination that the party has waived their right to a hearing. Both the resident or RFM claimant and NYCHA must be notified of the determination by the Hearing Officer. A determination that the resident or RFM claimant has waived the resident's or RFM claimant's right to a hearing will not constitute a waiver of any right the resident or RFM claimant may have to contest NYCHA's disposition of the grievance in an appropriate judicial proceeding.

#### *(8) Decision Of the Hearing Officer and Grievance Hearing Records*

The Hearing Officer will prepare a written decision. Copies of the decision will go to the RFM claimant or resident, the resident folder, and to a file at Central Office.

All grievance hearings, informal and formal, will require a summary or log including the names of participants, date, the nature of the proposed disposition of the grievance, and specific reasons for the decision.

A written notification specifying the time, place, and the procedures governing the hearing must be delivered to the grievant and the appropriate NYCHA staff that need to be made aware of the grievance and the reason for decision.

NYCHA maintains a log of all Hearing Officer decisions and makes that log available upon request of the Hearing Officer, a prospective complainant, or a prospective complainant's representative. Property management staff will complete the required follow-up action based on the decision of the Impartial Hearing Officer.

## Chapter 13: Community Service and Self-Sufficiency Requirements

### a) Overview

This chapter describes NYCHA's policy related to the federal requirement for certain residents to perform community service under HUD regulations in 24 CFR Part 960, Subpart F.

### b) Key Acronyms

- AOI: Affidavit of Income
- CFR: Code of Federal Regulations
- HRA: Human Resources Administration
- NYCHA: New York City Housing Authority
- SSD: Social Security Disability
- SSI: Supplemental Security Income
- USC: United States Code

### c) Requirements of Program

Each adult NYCHA household member who is not otherwise exempt is required by federal law to perform eight hours of Community Service per month or participate in an Economic Self-Sufficiency program for eight hours per month, totaling 96 hours per year (unless individually stated, both terms are referred to as "Community Service"). The Community Service provider must verify the household member's performance of Community Service. Community Service hours may be performed on a flexible schedule as long as each household member has completed the total number of hours required by the yearly scheduled Annual Recertification. An excess of Community Service hours performed by a household member during any year may be carried over and applied to that specific household member's Community Service requirement during the next year. However, there is no carry-over of either hours served or hours when a household transfers to a new NYCHA apartment. A new requirement to perform eight hours per month begins after moving into the new apartment.

Satisfactory completion of the required service by all non-exempt household members is a mandatory condition for lease renewal and continued occupancy in public housing.

Household members required to perform Community Service are permitted to choose the method of Community Service that they prefer. They may choose from listings provided by NYCHA or identify other forms of service acceptable to NYCHA.

Community Service participants do not replace regular NYCHA employees and are not to perform work ordinarily performed by NYCHA employees.

NYCHA gives residents a written description of the service requirement, and of the process for claiming status as an exempt person and for NYCHA verification of such status.

#### d) Time Frame for Participation

Each household member who is required to perform Community Service must begin such services as follows:

##### i. Household Members who are on the Initial Lease

Beginning on the household's first Lease Effective Date after move in.

##### ii. Household Members who are Added as Permanent Members after the Initial Lease

Beginning on the household's first Lease Effective Date after permanent permission is granted by NYCHA for the new household member to move into the apartment.

#### e) Economic Self-Sufficiency Program

A household member may satisfy Community Service requirements if they participate in an Economic Self-Sufficiency program. An Economic Self-Sufficiency program is defined by law as any program that is designed to encourage, assist, train, or facilitate the economic independence of its participants and their household. These programs include programs for job training, employment counseling, work placement, basic skills training, education, English proficiency, workfare, financial or household management, apprenticeship, and any program necessary to ready a participant for work (including a substance abuse or mental health treatment program). An Economic Self-Sufficiency program can also provide work for its participants.

#### f) Community Service Activities

Community Service is defined by law as the performance of voluntary work or duties that are a public benefit and that serve to improve the quality of life, enhance resident self-sufficiency, or increase resident responsibility in the community. Community Service is not employment and may not include political activities.

##### i. Providers of Community Service

Residents may choose to fulfill their Community Service requirement at an available provider located either within a NYCHA development or at a non-NYCHA Community Service provider. An individual may not be a Community Service provider.

The following lists examples of activities within a NYCHA development that NYCHA may consider as valid Community Service opportunities:

<ul style="list-style-type: none"> <li>• Resident Patrol</li> <li>• Attendance at Resident Association meetings</li> <li>• Resident Advisory Board Delegate – meeting attendance</li> <li>• Resident Association President</li> <li>• Resident Association Executive Board member</li> </ul>	<ul style="list-style-type: none"> <li>• Attendance at meetings called by NYCHA</li> <li>• Community Center / Senior Center volunteer</li> <li>• NYCHA gardening program</li> <li>• Resident sponsored community clean-up day</li> </ul>
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Alternatively, a resident may choose a non-NYCHA Community Service provider by consulting:

- The **Mayor's Office - Voluntary Action Center** - <http://www.nyc.gov/volunteer>
- New York City Citizen Service Center by calling **311**
- The **Volunteer Match** database, <http://www.volunteermatch.org>

The resident may also choose a Community Service provider that is not on a database listed above, provided that permission is obtained from NYCHA prior to performance of Community Service.

## g) Exemption from Requirements

### i. Qualifying for an Exemption

A household member may qualify for an exemption, which will be verified per NYCHA policy.

	<b>An exempt individual is a person who:</b>
<b>Age</b>	Is 62 years or older (permanent exemption);
<b>Blindness and Disability</b>	Is blind and certifies that due to the disability they are unable to participate in Community Service activities. As defined under 216(i)(1) or 1614 of the Social Security Act (42 USC 416(i)(1); 1382c), blindness is defined as central visual acuity of 20/200, or less, in the better eye with the use of a correcting lens. An eye that is accompanied by a limitation in the fields of vision, such that the widest diameter of the visual field subtends an angle no greater than 20 degrees, will be considered for the purposes of this paragraph as having a central visual acuity of 20/200 or less.

	<p>Is disabled and certifies that due to the disability they are unable to participate in Community Service activities. As defined under 216(i)(1) or 1614 of the Social Security Act (42 USC 416(i)(1); 1382c), disability is defined as an inability to engage in any substantial gainful activity by reason of any medically determined physical or mental impairment that can be expected to result in death, or which has lasted, or can be expected to last, for a continuous period of not less than 12 calendar months. A pregnant person may also qualify as disabled if performing Community Service activities would cause any medically determined impairment or serious injury to the adult or unborn fetus. Household members in a health care facility, such as a hospital or nursing home, must verify their disability to be exempt from Community Service.</p>
	<p>Is receiving payments of either Supplemental Security Income (SSI) or Social Security Disability (SSD).</p>
<b>Caretaker</b>	<p>Is a primary caretaker of a public housing child or of a resident who is exempt from Community Service activities due to blindness, disability, or receipt of SSI or SSD as defined above. A primary caretaker must provide care for not less than 20 hours per week.</p>
<b>Educational Activity</b>	<p>Is enrolled in vocational educational training (available not more than one time per household member).</p>
	<p>Is engaged in job skills training directly related to employment, including attendance in a trade school. The individual might not be currently employed, but employment may be contingent on successful completion of job training.</p>
	<p>Is engaged in education directly related to employment if they do not have a high school diploma or a certificate of high school equivalency. The individual might not be currently employed, but employment may be contingent on successful completion of job training.</p>
	<p>Is enrolled in and has satisfactory attendance at a secondary school or higher.</p>
	<p>Is enrolled in and has satisfactory attendance in a course of study leading to a certificate of general equivalence, if they have not completed secondary school or received such a certificate.</p>
<b>Employment Activities</b>	<p>Is employed in a position that is unsubsidized, subsidized in the private sector, or that is unsubsidized in the public sector.</p>

<b>Public Assistance</b>	Receives public assistance from Human Resources Administration (HRA)
<b>Childcare</b>	Childcare and participation in a non-Human Resources Administration (HRA) welfare program.

### *(1) Automatically Verified Exemptions*

NYCHA regularly maintains resident data that qualifies a resident for certain exemptions. These data are limited to the exemption categories of age, employment activities, Supplemental Security Income (SSI) and Social Security Disability (SSD) income and public assistance from Human Resources Administration (HRA). Generally, a resident is not required to supply additional verification to qualify for any of these exemptions.

### *(2) Exemptions Not Automatically Verified*

If NYCHA does not maintain data relating to an exemption, a resident must provide verification in order to qualify. The exemption categories that require resident supplied verification are blindness and disability (if not receiving SSI or SSD income), caretaker, educational activities, and childcare and participation in a non-HRA welfare program.

## **ii. Effect of an Exemption**

Since NYCHA reviews income, household composition, and Community Service status annually, once a resident submits proof of exempt status, additional proof of the exemption will generally not be required until the next year's Annual Recertification. Once an exemption is permanent, no additional verification is required. The following describes the effect of an exemption:

### *(1) Exemption Verification During the Annual Recertification Process*

The Annual Recertification period begins when NYCHA notifies residents that they must complete their Affidavit of Income for their Annual Recertification and ends the day before the Lease Effective Date (refer to chart below and Chapter 8, Recertifications and Continued Occupancy, for more details). For example: The 1<sup>st</sup> Quarter Annual Review period begins January 1st and ends April 30th.

- Effect of exemption: Acceptable documents verifying an exemption submitted during this time exempts the resident for the entire month during which the exemption is submitted, for the remainder of the Annual Review period, and for the next upcoming one-year term of the Lease.

Annual Recertification Period	Annual Certification	AOI Notification	Annual Recertification	Term of Lease
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	Review Dates	Sent to Residents	and Lease Effective Date	
1 <sup>st</sup> Quarter	1/1 – 12/31	1/1	5/1	5/1 – 4/30
2 <sup>nd</sup> Quarter	4/1 – 3/31	4/1	8/1	8/1 – 7/31
3 <sup>rd</sup> Quarter	7/1 – 6/30	7/1	11/1	11/1 – 10/31
4 <sup>th</sup> Quarter	10/1 – 9/30	10/1	2/1	2/1 – 1/31

## *(2) Exemption Verification After the Annual Review Period*

- Effect of exemption: Acceptable documents verifying an exemption submitted during this time exempts the resident for the entire Lease term during which they are submitted.

NYCHA sends the resident NYCHA Form 040.659, Community Service Policy - Status Notice indicating whether their exemption is granted.

Verification of a **permanent exemption** exempts the resident from any future Community Service obligation.

Verification of **any exemption** cancels: 1) All past due balances of Community Service hours, and 2) Any pending Termination of Tenancy and related court action that may have commenced due to a resident's prior non-compliance with the Community Service requirement.

If a household transfers to a new NYCHA apartment, exemptions verified in the old apartment do not automatically carry over to the new apartment, except for permanent exemptions. New verification for exemptions must be submitted while in the new apartment.

## h) NYCHA Obligations

### i. Verification of Service

Each household member who is required to perform Community Service must provide proof that they performed the required number of hours by submitting a completed NYCHA Form 040.565, Community Service Requirement Performance Verification Log, which will be reviewed by NYCHA during the Annual Recertification process. NYCHA must verify this compliance annually at least thirty (30) calendar days before the end of the twelve-month (12-month) lease term.

### ii. Resident Status Review

#### *(1) Status Notice – Initial Mailing*

NYCHA sends copies of the NYCHA Form 040.659, Community Service Policy - Status Notice, and a chart of Community Service Exemptions for Specific Individuals, to notify residents of their Community Service status when the Affidavit of Income (AOI) forms are sent.



Each household member identified as being required to perform Community Service must visit the Management Office for an explanation of Community Service requirements by development staff.

The Community Service Policy - Status Notice lists, for each household member, the following:

- The **current** Community Service status, either as Exempt or Community Service Required, as of the date the Community Service Policy - Status Notice is printed;
- The **current** number of Community Service hours due, as of the date the Community Service Policy - Status Notice is printed; and
- The **projected** Community Service status, either as Exempt or To Be Determined for the next year.

### *(2) Status Interview*

During an interview, NYCHA staff:

- Reviews hours that are **currently** due – from the previous year(s) through the year ending with the Lease Effective Date. Household members who owe hours are instructed to complete them prior to the household's Lease Effective Date;
- Details the various exemption options or Community Service opportunities;
- Provides necessary forms;
- Explains that the household members' monthly Community Service requirement starts on the household's Lease Effective Date; and
- Informs each household member whose **projected** status is "To Be Determined" of the need to perform Community Service during the upcoming Lease year (the year starting at the Lease Effective Date) unless the household member qualifies for an exemption.

### *(3) Status Notice – Secondary Mailing*

If a household member does not respond to the initial notice an additional Community Service Policy - Status Notice is sent.

The Community Service Policy - Status Notice updates the Community Service status of each household member based on currently submitted Annual Recertification data and additional verified exemptions; informs household members who are required to perform Community Service that they must visit the Management Office (if they have not already done so) for an explanation of Community Service requirements; and informs household members of a right to a grievance if NYCHA does not accept the verification of their exemption.



Refer to Section (J) of this Chapter, Grievance Remedy, for more information.

## i) Failure to Comply

### i. Non-Complying Household Members

NYCHA reviews available information quarterly to identify residents who are out of compliance with the Community Service requirements.

### ii. Notification to Household of Non-Compliance

Households receive NYCHA Form 040.571, Community Service: Determination of Non-Compliance, if any household member is deemed to be non-compliant with their Community Service requirement.

### iii. Household Compliance Options

NYCHA Form 040.571, Community Service: Determination of Non-Compliance describes various compliance options, outlining documents that must be submitted to NYCHA **before the Lease Effective Date**:

- Documentation verifying an exemption for the non-complying household member;
- Documentation verifying that the non-complying household member performed the required number of Community Service hours;
- Documentation verifying that the non-complying household member moved out of the household; or
- NYCHA Form 040.571, Community Service: Determination of Non-Compliance, indicating that the non-complying household member agrees to perform the balance of Community Service hours due during the following Lease year. Both the lessee or co-lessee (if applicable) and non-complying household member (if different than the lessee) must sign the form. This option is **only** available if the balance owed until the Lease Effective Date does not exceed **96 hours**.

### iv. Failure to Comply

If the household member failed to comply with one of the options listed above, they are not in compliance with the Community Service program requirements and are subject to possible termination of tenancy proceedings.

## j) Grievance Remedy

### i. Informal Grievance

At any time during the year, a household may seek a meeting with their Housing Assistant to review their Community Service obligation. If unsatisfied, the household is entitled to meet with the Housing Manager for review and

clarification. Except as modified below, there is no further review either to the Borough Office or to the Office of Impartial Hearings.

## ii. Formal Grievance

A resident can request an administrative grievance commencing with the Housing Manager, and, if unsatisfied with the Housing Manager's determination, the resident can request a review to the Management Department and/or to the office of the Impartial Hearing Officer. The resident may request a grievance at either or both of the following occurrences, as applicable.

- **After** receipt of NYCHA Form 040.659, Community Service Policy - Status Notice that fails to recognize a resident as exempt from Community Service, provided that exemption verification documentation was previously submitted to the Housing Assistant.
- **After** receipt of NYCHA Form 040.571, Community Service: Determination of Non-Compliance, to contest the determination of non-compliance.

## Chapter 14: Assistance Animals and Pet Ownership

### a) Overview

Subject to the policy and requirements described in this chapter, each NYCHA household may have one NYCHA registered cat or dog in their apartment. A NYCHA household also may seek a reasonable accommodation for an assistance animal. Residents must meet all applicable New York City pet registration requirements, (New York City Health Code §161.04), in addition to the NYCHA requirements. New York City requires dogs to be registered and licensed. Tenants can find additional information about New York City's licensing requirements on the Department of Health and Mental Hygiene's (DOHMH) website.

Although New York City law does not require a person to register or obtain a license for their domesticated cat, residents must register their cats with NYCHA.

### b) Key Acronyms

- DOHMH: Department of Health and Mental Hygiene
- FHEO: HUD's Office of Fair Housing and Equal Opportunity
- HUD: U.S. Department of Housing and Urban Development
- NYCHA: New York City Housing Authority

### c) Assistance Animals

There are two types of assistance animals:

- Service animals (trained dogs only), and
- Other (trained or untrained) animals that do work, perform tasks, provide assistance, and/or provide therapeutic emotional support for individuals with disabilities, commonly referred to as "support animals."

The rules for assistance animals include the following:

- A resident may keep an assistance animal in addition to a registered pet (e.g., a "registered pet" can be one cat or one dog).
- A resident and/or authorized household member may have an assistance animal.
- An assistance animal must be registered with NYCHA. See NYCHA Form 040.505, Dog, Cat, and Assistance Animal Registration Form.
- An assistance animal is exempt from dog weight or breed restrictions.

Please note the following for assistance animals:

- Assistance animals must be registered with NYCHA. A resident who fails to register an assistance animal will be subject to termination of tenancy proceedings. See NYCHA Form 040.505; Dog, and Cat, Assistance Animal Registration Form.

## i. Service Animals

The Americans with Disabilities Act, the United States Department of Justice, and HUD's Fair Housing and Equal Opportunity (FHEO) Notice – 2020-01, define a service animal as a dog that is individually trained to do work or perform tasks (i.e., trained to take a specific action when needed) for a person with a disability. Other animals, whether trained or untrained, are not service animals under the law. The task(s) performed by the dog must be directly related to the person's disability.

If it is readily apparent that the dog is trained to do work or perform tasks for the benefit of an individual with disability, no medical documentation is required for the dog to be registered as a service animal. It is considered "readily apparent" when, for example, the dog is observed:

- Guiding a blind individual, or
- Pulling a wheelchair, or
- Alerting individuals to sounds.

If the disability of the individual and no specific work or task to be performed by the dog is identified, the dog is not considered a service animal. However, the dog may be a support animal.

## ii. Other Types of Assistance Animals/Support Animals

Unlike a service animal, other types of assistance animals (i.e., support animals) do not have to be individually trained or certified. Per HUD's FHEO Notice – 2020-01, a support animal is an animal that does work, performs tasks, provides assistance, and/or provides therapeutic emotional support for an individual with disabilities. NYCHA may grant a request for a support animal without additional documentation if the resident has an observable disability or NYCHA has information giving it reason to believe the resident has a disability. If the resident has a non-observable disability, NYCHA may request that the resident provide information from a health care professional confirming the disability. Online certificates issued by a vendor attesting to a resident's disability and need for an assistance animal alone are NOT acceptable. Examples of observable disabilities include impairments with observable symptoms or effects such as intellectual impairments (including some types of autism), neurological impairments (e.g., stroke, Parkinson's disease, cerebral palsy, epilepsy, or brain injury), mental illness, or other diseases or conditions that affect major life activities or bodily functions. An emotional disability with no observable symptoms is an example of a non-observable disability.

## iii. Reasonable Accommodations for Assistance Animals

Residents can make a request for reasonable accommodation to keep an assistance animal in their apartment.

Residents who are seeking a reasonable accommodation for an assistance animal are required to complete NYCHA Form 040.505; Dog, Cat, and Assistance Animal Registration Form. In addition, a resident registering an assistance animal may also be required to complete NYCHA Form 040.426, Medical Verification Form if the resident's disability is not readily apparent or readily observable.

#### iv. Assistance Animal Registration

All assistance animals must be registered with NYCHA. A resident who fails to register an assistance animal is subject to termination of tenancy proceedings. Refer to Chapter 11, Lease Terminations, for more information.

### d) Pet Ownership

#### i. Types of Allowable Pets

Each household is permitted to have either one cat or one dog per apartment, and small caged animals, as follows:

Animal	Requirements
Cat (domestic feline)	The cat must be vaccinated and neutered or spayed. The cat must be registered with NYCHA.
Dog	<p>The following requirements apply to all dogs (even dogs that are assistance animals), regardless of registration date with NYCHA:</p> <p>A dog must be licensed with DOHMH and must wear two tags around the neck: a NYC license tag and stainless steel NYCHA dog tag.</p> <p>A dog must be vaccinated and neutered or spayed.</p> <p>A dog must be registered with NYCHA.</p>
Small domestic pets kept in a cage or an aquarium	Residents may keep a reasonable number of small domestic pets such as hamsters, small birds, and fish, provided the pet is kept in a cage or an aquarium. These pets cannot create a nuisance or an unsafe or unsanitary condition. Registration is not required for these types of pets.

Any dog registered with NYCHA **on or after** February 1, 2010, must meet the following requirements:

- Weight: a dog cannot exceed a maximum weight of 25 pounds in adulthood.
- Breed Restriction: the following dog breeds are prohibited: Pit Bull, Rottweiler, and Doberman Pincher.

Residents who registered a pet **before** February 1, 2010, may be permitted to keep the pet if the pet met the NYCHA rules in place at the time of registration.

However, if a dog or cat registered **before** February 1, 2010, has since been removed from the apartment, any replacement pet must meet the requirements under NYCHA's current pet policy.

The following rules apply to dogs or cats that were registered with NYCHA **before** February 1, 2010:

- Permissible number of pets: A resident may own either one dog or one cat per apartment.
- Dog Weight Restriction: The weight of a dog based on the projected full-grown adult weight, may not exceed 40 pounds.

## ii. Prohibited Animals

Prohibited animals include, but are not limited to:

- Unconventional pets or endangered animals such as barnyard animals (farm animals including, but not limited to, cattle, horses, chickens, turkeys, ducks, geese, pigs, goats, and sheep), reptiles, arachnids (spiders), monkeys, and other animals, as specified by New York State and New York City local laws and health code.
- Animals deemed dangerous, vicious, or threatening also are prohibited. Registered pets or assistance animals that are or become dangerous, vicious, or threatening are not permitted and must be removed from the apartment.

## e) Pet Registration

### i. Requirement

All residents must register their dog, cat, or assistance animal with NYCHA as follows:

- During the lease-up process (new residents).
- As soon as the resident acquires a dog, cat, or assistance animal.

If a resident is adding a new pet or assistance animal to replace a pet or assistance animal that is no longer in the household (e.g., the animal

has passed away), the resident must complete and submit NYCHA Form 040.299B, Animal Removal Agreement.

## ii. Registration Process

Only the resident of record (i.e., person(s) who signed the lease) can register a dog, cat, or assistance/service animal. Residents can apply to register a pet and/or an assistance animal online through the NYCHA Self-Service Portal, the Customer Contact Center at 718-707-7771, or by going to their local property management office and requesting a paper copy of NYCHA Form 040.505, Dog, Cat, and Assistance Animal Registration Form to complete. The registration process is as follows:

- The resident of record must complete NYCHA Form 040.505, Dog, and Cat, Assistance Animal and Service Animal Registration Form, and return it to the local Property Management Office.
- NYCHA reviews and notifies the resident of the decision in writing.

## iii. Pet-Free Zones

NYCHA property managers, in consultation with Resident Association leadership, may designate pet-free zones. A pet-free zone is an area in a development where residents are not permitted to bring their pets.

Assistance animals may enter pet-free zones, as necessary.

## f) Pet Owner Responsibilities

- Residents must follow New York City's requirements to register and license dogs in accordance with the Health Code §161.04.
- Residents must ensure that their cats, dogs, and assistance animals are vaccinated for rabies. Vaccinations must be current and up to date per New York City Health Code §161.06.
- Dogs, cats, and assistance animals must be spayed or neutered. Proof must be submitted with NYCHA Form 040.505, Dog, Cat, and Assistance Animal Registration Form.
- Residents are responsible for all damages caused by their pets and assistance animals. Any fees resulting from such damage are charged to the resident.
- Residents must not leave pets/animals unattended for more than 24 hours. This includes small pets kept in a cage or aquarium (e.g., hamster or fish).
- Residents are not allowed to perform any physical alterations of their apartment or patio to create an enclosure for an animal.
- Residents must secure their pet when NYCHA staff visit the apartment for any reason. This includes, but is not limited to, apartment inspections and maintenance appointments. As part of their communication with residents, NYCHA staff must ask them if there is a pet before entering the apartment. The



pet must be kept secured for the duration of the visit. NYCHA staff will not enter an apartment if the pet is not secured. Securing a pet means confining or restraining the pet so that it cannot roam freely and interfere with or annoy visiting staff. Ways to secure a pet include:

- Keeping the pet in a separate room or in an animal cage away from NYCHA staff;
  - Having a household member physically hold the pet; or
  - Restraining the pet on a leash not more than six feet in length.
- Residents must control the noise of pets and assistance animals so that it does not become a nuisance to other residents by interrupting their peaceful enjoyment of their apartment or the development premises. This includes, but is not limited to, loud or continuous barking, howling, whining, or other similar activities.
  - Residents must take adequate steps to eliminate any odors coming from their pets and/or assistance animals within their apartment and maintain the cleanliness of their apartment at all times.
  - Cats must use litter boxes located inside the resident's apartment. The litter boxes must be cleaned regularly. Residents are not allowed to let waste accumulate. Waste is to be placed in a plastic bag, closed, and disposed of properly (e.g., throwing the bag in the garbage). Residents must not dispose of animal waste, including kitty litter, in the toilet or household drains.
  - Pets must be maintained inside the resident's apartment. When outside of the apartment, pets must be kept on a leash or in a carrier and under the control of the resident or other responsible individual at all times. In accordance with New York City's Leash Law (Health Code §161.05), dogs must be restrained by a leash or chain not more than six feet in length when the animal is in a public place (except in designated off leash areas).
  - Residents must keep dogs, cats, and other animals out of "pet-free zones." Note that a registered assistance animal may enter a "pet-free zone," as necessary, provided the animal is on a leash of not more than six feet in length. Refer to Section (e)(iii) of this Chapter, Pet-Free Zones, for more information.
  - Residents who own a dog must pick up their dog's solid waste and dispose of it in a proper outdoor trash receptacle, as required under the New York City's Canine Waste Law (Health Code §161.03).

## g) Pet Owner Suitability

NYCHA may refuse to admit a pet if a resident has a pending termination of tenancy action for poor housekeeping and/or has demonstrated habits and practices that reasonably determine that the resident is unable to keep a pet in compliance with pet rules and pet owner responsibilities.

## h) Violation of Rules/Non-Compliance

A resident is subject to a termination of tenancy proceedings for any of the following:

- Failure to register a dog, cat, or assistance animal;
- Failure to remove a pet/animal from the apartment within seven calendar days after NYCHA notifies the resident that removal is required;
- Preventing an apartment inspection or preventing a maintenance worker from entering an apartment because an unsecured pet/animal was present in the apartment;
- Possession of a dangerous, vicious, threatening, or prohibited animal;
- Possession of a pet or assistance animal that caused injury or damage to one or more persons, another animal, or property; or
- Breach of the pet policy or Pet Owner Responsibilities (refer to Section (f) of this Chapter, Pet Owner Responsibilities, for more information).

## i) Removal of Dangerous, Vicious, Threatening, or Prohibited Animals

Prohibited or dangerous animals, even if previously registered with NYCHA, must be removed from the apartment.

- Dangerous animals, including those that are vicious, threatening, or have bitten a person or another animal. NYCHA determines if an animal is dangerous based on the circumstances.
- Prohibited animals. Refer to Section (d)(ii) of this Chapter, Prohibited Animals, for more information.

## Appendix A: Glossary

**Accessible Apartments:** Accessible apartments are specially equipped for people with impaired mobility. 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 to qualify for an accessible apartment. NYCHA also works with tenants on accommodations for other needs.

**ACE:** Active Corps of Executives

**ACOP:** Admissions and Continued Occupancy Policy

**ACS:** Administration for Children's Services

**Actual and Imminent Threat:** An actual and imminent threat, as defined in federal regulations, is a physical danger that is real, would occur within an immediate time frame, and could result in death or serious bodily harm. Factors to consider in determining whether an individual would pose an actual and imminent threat include:

- The duration of the risk.
- The nature and severity of the potential harm.
- The likelihood that the potential harm will occur.
- The length of time before the potential harm would occur.

**ADA:** Americans with Disabilities Act

**Affidavit of Income:** HUD requires the re-examination of every public housing resident's income and household composition at least once every 12 months. NYCHA fulfills this requirement by conducting an Annual Recertification based on information provided by the resident in the Affidavit of Income (AOI). After reviewing and verifying the information submitted by the resident, NYCHA determines the resident's rent.

**Affiliated Individual:** An affiliated individual is a spouse, parent, brother, sister, or child of that individual, or a person to whom that individual stands in the place of a parent or guardian (for example, the affiliated individual is a person in the care, custody, or control of that individual); or any individual, tenant, or lawful occupant living in the household of that individual.

**Agent Orange Settlement Funds:** Payments to Vietnam era veterans exposed to Agent Orange.

**Alimony:** An allowance made to one spouse by the other for support pending or after legal separation or divorce

**Alternative Non-Public Housing Rent:** The alternative rent is the greater of the applicable Fair Market Rent (FMR) for each unit size established by HUD, or the amount of monthly subsidy provided for the unit (i.e., the amount of funding NYCHA receives from HUD per public housing unit each year).

**ANCSA:** Alaskan Native Claims Settlement Act

**Annual Adjusted Income:** The anticipated yearly gross income from all sources received by all household members (even if they are temporarily absent), minus any applicable deductions. Annual adjusted income is used to determine rent and initial eligibility, as well as eligibility for continued occupancy.

**Annual Gross Income:** The anticipated yearly gross income from all sources received by all household members (even if they are temporarily absent), as described in 24 CFR § 5.609(a).

**Annual Recertification:** HUD requires the re-examination of every public housing resident's income and household composition at least once every 12 months. NYCHA fulfills this requirement by conducting an Annual Recertification, which is then used to determine resident rent.

**Annuity:** Retirement benefits received by the resident on a regularly scheduled basis.

**AOI:** see Affidavit of Income

**AOSF:** see Agent Orange Settlement Funds

**Area Median Income:** HUD establishes an Area Median Income level and a set of resulting income limits for each geographical area of the U.S. Housing agencies use the income limits to determine the eligibility of applicants to receive housing assistance.

**ARRA:** American Recovery and Reinvestment Act

**Assets:** Real property, savings, bonds, stocks, and other forms of capital investments. They do not include personal property, such as furniture and automobiles.

**ATAD:** Applications and Tenancy Administration Department (NYCHA)

**Authorized Household Members:** Household members in addition to the head of household and co-head of household authorized by NYCHA to live in the apartment on a permanent basis. This excludes persons living in the household with temporary permission.

**CARES:** Coronavirus Aid, Relief, and Economic Security Act

**Certified Applicant:** Applicants who NYCHA determines are eligible for housing (i.e., approved application and passed eligibility interview) and are on a certified waiting list.

**Certified Transferees:** Existing residents who have been approved for transfer and are on a certified waiting list.

**Certified Waiting List:** List of certified residents and transferees who are waiting for a public housing apartment. NYCHA has multiple certified waiting lists, including ones for General Population, Elderly, Accessible, and Borough/Development.

**CFR:** Code of Federal Regulations

**Child:** A member of the family other than the head of household, co-head or spouse who is under 18 years of age.

**Child Support:** Payment for the support of a child or children in the household made by an adult who is not a household member.

**Chronic Rent Delinquency:** Failure or refusal to pay rent within the month due, at least three times during any 12-month period.

**Citizens:** A person born in one of the fifty states of the United States, District of Columbia, Puerto Rico, Guam, Northern Mariana Islands, American Samoa, St. Croix, St. Johns, or St. Thomas; or who became a naturalized citizen; or foreign-born children, under eighteen years of age, residing in the U.S. with their birth or adopted parents, at least one of whom is a U.S. citizen by birth or naturalization.

**Co-Head:** An individual in the household who is equally responsible for the lease with the Head of Household. A co-head never qualifies as a dependent and must sign lease as co-head of household.

**Co-Lessee:** Also known as co-head of household. An individual in the household who is equally responsible for the lease with the Head of Household. A co-head never qualifies as a dependent and must sign lease as co-head of household.

**Community Service:** The performance of work or duties that are a public benefit and that serve to improve the quality of life, enhance resident self-sufficiency, or increase resident self-responsibility in the community. Community Service is not employment and may not include political activities. Community service is a requirement for public housing residents unless they qualify for an exemption.

**Consolidated Development:** Several developments managed under a single management office.

**CRD:** Chronic Rent Delinquency

**CSR:** Community Service Requirements

**Day Laborer:** An individual hired and paid one day at a time without an agreement that the individual will be hired or work again in the future.

**Dependent:** A member of the family (except foster children and foster adults) other than the head or spouse, who is under 18 years of age, or is a person with a disability, or is a full-time student.

**Development:** A building or group of buildings managed under a single management office.

**Disabled Family:** A family whose head, co-head, spouse, or sole member, is a person with disabilities; or two or more persons with disabilities living together; or one or more persons with disabilities living with one or more live-in aides.

**DOHMH:** New York City Department of Health and Mental Hygiene

**Doubled-Up:** Residing with friends or family members.

**DVS:** Data Verification System (NYCHA)

**Earned Income:** Income or earnings from wages, tips, salaries, other employee compensation, and net income from self-employment. Earned income does not include any pension or annuity, transfer payments (meaning payments made or income received in which no goods or services are being paid for, such as welfare, social security, and governmental subsidies for certain benefits), or any cash or in-kind benefits.

**Earned Income Disallowance:** Household does not receive a rent increase after experiencing **one of three qualifying events:** (i) earning income from employment after unemployment; (ii) earning income from employment during participation in an economic self-sufficiency or job training program; or (iii) earning income from employment after receiving welfare.

**Economic Self-Sufficiency Program:** Any program that is designed to encourage, assist, train, or facilitate the economic independence of its participants and their families. An Economic Self-Sufficiency program can also provide work for its participants.

**EID:** see Earned Income Disallowance

**EIV:** Enterprise Income Verification system

**Elderly Family:** A family whose head, co-head, spouse, or sole member is at least 62 years of age. It may include two or more persons, each of whom is at least 62, living together; or one or more persons who are at least 62 living with one or more live-in aides.

**Emergency Transfer:** A resident moves to a different development, based on a family member qualifying as a VAWA victim (victim of domestic violence, dating violence, sexual assault, or stalking), Intimidated Victim, Intimidated Witness, Child Sexual Victim, or Victim of a Traumatic Incident.

**Extremely Underoccupied:** An apartment having two or more extra rooms above the room size specified for standard occupancy.

**Fair Market Rents:** Set by HUD each year to be used to determine standard payment amounts for government housing assistance programs.

**Family:** Includes, but is not limited to, the following, regardless of actual or perceived sexual orientation gender identity, or marital status:

- (1) A single person, who may be an elderly person, displaced person, disabled person, near-elderly person, or any other single person; or an otherwise eligible youth who has attained at least 18 years of age and not more than 24 years of age and who has left foster care, or will leave foster care within 90 days, in accordance with a transition plan described in section 475(5)(H) of the Social Security Act (42 U.S.C. 675(5)(H)), and is homeless or is at risk of becoming homeless at age 16 or older; or
- (2) A group of persons residing together, and such group includes, but is not limited to:
  - (i) A family with or without children (a child who is temporarily away from the home because of placement in foster care is considered a member of the family);
  - (ii) An elderly family;
  - (iii) A near-elderly family;
  - (iv) A disabled family;
  - (v) A displaced family; and
  - (vi) The remaining member of a resident family.

**FDNY:** Fire Department of the City of New York



**FHEO:** Fair Housing and Equal Opportunity

**FLD:** Field Liaison Division (NYCHA)

**FMR:** see Fair Market Rents

**Foster Adult:** A member of the household who is 18 years of age or older and meets the definition of a foster adult under State law. In general, a foster adult is a person who is 18 years of age or older, is unable to live independently due to a debilitating physical or mental condition and is placed with the family by an authorized placement agency or by judgment, decree, or other order of any court of competent jurisdiction.

**Foster Adults, Payments for Care of:** Payments made to the resident or household members who care for foster adults who have disabilities and are unable to live alone.

**Foster Child:** A member of the household who meets the definition of a foster child under State law. In general, a foster child is placed with the family by an authorized placement agency (e.g., public child welfare agency) or by judgment, decree, or other order of any court of competent jurisdiction.

**Full-time Student:** A member of the household, other than the head, spouse or co-head, or foster child or adult, 18 years of age or older on the effective date of a certification, who carries a subject load considered full-time for students under the standards and practices of the educational institution attended.

**Gift Income:** Monetary support a household member receives regularly from an outside source, either from individuals or organizations. Contributions are not necessarily monetary amounts given directly to the household; they may also include regular payments of a bill or expense. See also Regular Contributions and/or Informal Support.

**Grievance Hearing:** An administrative hearing accorded to a resident regarding any dispute(s) he/she may have with respect to NYCHA action or failure to act in accordance with resident's lease or NYCHA regulations which adversely affect the resident's rights, duties, welfare, or status, or an administrative hearing involving an individual who claims remaining family member (RFM) status and wants to succeed to a lease.

**Head of Household:** Adult member of the household, designated by the family or by NYCHA policy as the head of household, who is responsible for rent payment and signs the lease.

**Health and Medical Care Expenses:** Any costs incurred in the diagnosis, cure, mitigation, treatment, or prevention of disease or payments for treatments affecting any structure or function of the body. Health and medical care expenses include medical insurance premiums and long-term care premiums that are paid or anticipated during the period for which annual income is computed.

**HEAP:** Home Energy Assistance Program

**HHS:** U.S. Department of Health and Human Services

**Holocaust Reparations:** Payments made by a foreign government pursuant to claims filed under the laws of that country's government by persons who were persecuted during the Nazi era.



**Homeless:** Families or individuals a) residing in homeless hotels, shelters or place not meant for human habitation; b) residing in places not designed for, or ordinarily used as a regular sleeping accommodation, e.g., parks, bus depots, or automobiles; c) exiting health care facilities (e.g., nursing homes, adult homes, mental health facilities) and cannot return to prior housing; or d) residing in transitional or supportive housing.

**HOTMA:** The Housing Opportunity Through Modernization Act of 2016

**Household:** Those listed in household composition, lease addenda, and rent notices.

**HRA:** New York City Human Resources Administration

**HUD:** U.S. Department of Housing and Urban Development

**Income Limits:** HUD establishes an Area Median Income level and a set of resulting income limits for each geographical area of the U.S. NYCHA uses the income limits to determine the eligibility of applicants to receive housing assistance. For admission to public housing, family income must not exceed 80% of area median income as established by federal regulations. For current public housing income limits refer to <https://www.huduser.gov/portal/datasets/il.html>.

**Income Tier:** The income level of each applicant which, to the extent permitted by federal law and regulations, NYCHA uses to advance its goal of income mixing and of avoiding concentrations of extremely low-income families in NYCHA developments.

**Independent Contractor:** An individual who qualifies as an independent contractor instead of an employee in accordance with the Internal Revenue Code federal income tax requirements and whose earnings are consequently subject to the Self-Employment Tax. In general, an individual is an independent contractor if the payer has the right to control or direct only the result of the work and not what will be done or how it will be done.

**Informal Support:** Monetary support a household member receives regularly from an outside source, either from individuals or organizations. Contributions are not necessarily monetary amounts given directly to the household, but also include regular payments of a bill or expense. See also Regular Contributions and/or Gift Income.

**INS:** U.S. Immigration and Naturalization Service

**Inter-Project Transfer:** When a resident moves to an apartment in a development other than the development of current residence.

**Intimidated Witness:** 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.

**Intra-Project Transfer:** When a resident moves to an apartment within the development of current residence.

**IRS:** U.S. Internal Revenue Service

**JTPA:** Job Training Partnership Act

**Kin-GAP:** Kinship Guardian Assistance Payments

**LEP:** Limited English Proficiency

**Lessee:** Persons who have signed a lease with NYCHA. Also known as head of household and co-head of household.

**Live-in Aide:** A person who lives with an elderly person or person with disabilities and who: a) is determined by NYCHA to be essential to the care and well-being of the person(s); b) is not obligated to support the person(s); and c) would not be living in the apartment except to provide necessary supportive services.

**Live-in Guardian:** A person who is willing to move into a NYCHA apartment and provide care for a ward. This caregiver must also be a legal guardian of the ward.

**Longshoremen's Earnings:** Longshoremen who qualify receive pay for any day of work they are clocked in for, regardless of whether there is work for them. If work is available, the worker is paid for the work performed, which may include overtime.

**Lottery Winnings:** Amounts that include lottery or sweepstakes winnings paid in installments.

**Low-income Public Housing Program:** Program created by the U.S. Housing Act of 1937 and monitored and funded through the U.S. Department of Housing and Urban Development (HUD). NYCHA administers the program in New York City.

**LSU:** Language Services Unit (NYCHA)

**Medicare:** A federal health insurance program available for OASI, SSD, OASDI recipients who are 65 years of age or are disabled, regardless of age, provided they have been entitled to the benefits for two or more consecutive years. Medicare premiums are included in gross income calculations, but not if the recipient also receives SSI.

**MICSA:** Maine Indian Claims Settlement Act of 1980

**Minimum Rent:** The lowest monthly rent NYCHA charges a resident. For public housing developments, the minimum rent is \$0.

**Minor:** A member of the family, other than the head of family or spouse, who is under 18 years of age.

**Mixed Family:** Families that include household members with and without eligible immigration status. A family is eligible for assistance as long as at least one member is a U.S. citizen or has eligible immigration status.

**Near-elderly Family:** A family whose head, co-head, spouse, or sole member is at least 50 years of age but below the age of 62; or two or more persons, each of whom are between the ages of 50 and 62, living together; or one or more persons who are between the ages of 50 and 62 living with one or more live-in aides.

**Net Family Assets:** Net family assets represent the cash value of all assets owned by the family, after deducting reasonable costs that would be incurred in disposing of real property, savings, stocks, bonds, and other forms of capital.

**Non-Citizens with Eligible Immigration Status:** A non-citizen with eligible immigration status qualifies for housing assistance if the individual's status is one of the six immigrant categories specified by HUD:

- a) Immigrant status under 101(a)(20) of the Immigration and Nationality Act (INA);
- b) Permanent Residence under 249 of the INA;
- c) Refugee, Asylum, or Conditional Entry status under 207, 208, or 203 of the INA;
- d) Parole status under 212(d)(5) of the INA;
- e) Threat to Life or Freedom under 243(h) of the INA; or
- f) Amnesty under USA of the INA.

**Non-Public Housing Over-Income Family:** A family whose income exceeds the statutory over-income limit for 24 consecutive months, has signed the non-public housing over income lease, and is paying the alternative non-public-housing rent.

**NPHOI:** Non-Public-Housing Over-Income

**NYCHA:** New York City Housing Authority

**NYPD:** New York City Police Department

**OASDI:** see Old Age Survivor's Disability Insurance

**OASI:** see Old Age Survivor's Insurance

**ODEI:** Office of Diversity, Equity, and Inclusion (NYCHA)

**Old Age Survivor's Disability Insurance:** A monthly benefit received from the federal government if a resident or authorized household member is not eligible for regular Social Security benefits but must stop working because of a disability. Minor children may be entitled to a small portion of their parent's benefits.

**Old Age Survivor's Insurance:** The Social Security Administration (SSA) provides a monthly benefit that retired employees receive based on their employment history. The benefits are payable to the insured employee, as well as to other household members (i.e. spouse, dependent, surviving children, or dependent parents). Lump sum deferred periodic payments are **not** included as income.

**OPA:** New York City Office of Payroll Administration

**Overcrowded:** More people living in an apartment than NYCHA's occupancy standards specify (refer to Chapter 5(c), Occupancy Standards).

**Over-income Family:** A family whose income exceeds the statutory over-income limit.

**Over-income Limit:** The over-income limit is determined by multiplying the applicable income limit for a very low-income family, as defined in 24 CFR § 5.603(b), by a factor of 2.4.

**PASS:** Plan for Achieving Self-Support

**Pension:** Retirement benefits received by the resident on a regularly scheduled basis. Military pensions are included in this category.

**Periodic Benefit:** Benefits received by the resident on a regularly scheduled basis.

**Permanent Transfer:** A resident relinquishes tenancy in his/her current (original) apartment and begins a new tenancy in a new apartment. Property management staff processes a

permanent transfer with the applicable TSAP transfer priority code. Note that permanent transfers begin with the resident completing the appropriate NYCHA transfer request form.

**Person with Disabilities:** A person who, as per Title 8, Chapter 1 of the NYC Administrative Code (NYC Human Rights Law), has any physical, medical, mental, or psychological impairment, or a history or record of such impairment. Physical, medical, mental, or psychological impairment means an impairment of any system of the body, including, but not limited to: the neurological system; the musculoskeletal system; the special sense organs and respiratory organs, including, but not limited to, speech organs; the cardiovascular system; the reproductive system; the digestive and genitourinary systems; the hemic and lymphatic systems; the immunological systems; the skin; and the endocrine system; or a mental or psychological impairment.

**PH:** see Low-income Public Housing Program

**PHA:** Public Housing Agency means any State, county, municipality, or other governmental entity or public body, or agency or instrumentality of these entities, that is authorized to engage or assist in the development or operation of low-income housing under the U.S. Housing Act of 1937.

**PHRAC:** Public Housing Reasonable Accommodation Coordinator

**PIH:** HUD Office of Public and Indian Housing

**Plan for Achieving Self-Support (PASS), Payments for:** Payments made to persons pursuing a PASS which has been approved by the Secretary of the U.S. Department of Health and Human Services (HHS).

**Preference:** An applicant's or transferee's place on the certified waiting list is determined in part by NYCHA-defined preferences. An applicant's or transferee's individual attributes determine whether they are eligible for these preferences. The preferences can help an applicant or transferee advance on the waiting list over other applicants or transferees that do not qualify for the preferences. NYCHA has two preferences:

- 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, who will be taken in order of priority regardless of age or disability; and
- 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.

**Premises:** The building or complex in which the apartment is located, including common areas and grounds.

**Priority:** An applicant's or transferee's place on the certified waiting list is determined in part by NYCHA-defined preferences and priorities. An applicant's or transferee's individual attributes determine whether they are eligible for these preferences and priorities. The preferences and priorities can help an applicant or transferee advance on the waiting list over other applicants or transferees that do not qualify for the preferences and priorities. Within the New York City resident preference, NYCHA has adopted a Working Family Priority and a

Need Based Priority, which it uses to rank each applicant or transferee based upon information in the application. If an applicant or transferee qualifies for both types of priority, NYCHA assigns both priorities to the application, and whichever causes the applicant or transferee to be selected for an eligibility interview is the applicant's final priority.

**Prohibited Tobacco Product:** Any item that involves the ignition and burning of tobacco leaves, including cigarettes, cigars, pipes, and water pipes (hookahs).

**Registered Domestic Partner:** A legal relationship permitted under the laws of the State and City of New York.

**Regular Contributions:** Monetary support a household member receives regularly from an outside source, either from individuals or organizations. Contributions are not necessarily monetary amounts given directly to the household, but also include regular payments of a bill or expense. See also Gift Income and/or Informal Support.

**Remaining Family Member:** Persons who were members of an original resident family or who became permanent members of the resident family subsequent to move-in with the written approval of NYCHA, and who thereafter remain in continuous occupancy up to and including the time the resident of record moves or dies. These residents may be offered a lease if they are otherwise eligible for public housing. Refer to Chapter 6(k), Remaining Family Member, for more information.

**RFM:** see Remaining Family Member

**SAVE:** Systematic Alien Verification for Entitlements system

**SCORE:** Service Corps of Retired Executives

**Seasonal Worker:** An individual who is hired into a short-term position and the employment begins about the same time each year (such as summer or winter). Typically, the individual is hired to address seasonal demands that arise for the particular employer or industry.

**Service Animal:** An animal that is individually trained to do work or perform tasks for an individual with a disability. The task(s) performed by the animal must be directly related to the person's disability. An example of a service animal is a guide dog for a blind or visually impaired individual.

**SNAP:** Supplemental Nutrition Assistance Program

**SPD:** Services for People with Disabilities (NYCHA)

**Sporadic Income:** Income that is neither reliable nor periodic.

**SS:** Social Security

**SSA:** Social Security Administration

**SSD:** Social Security Disability. See Old Age Survivor's Insurance.

**SSI:** See Supplemental Security Income

**SSN:** Social Security Number

**Standard Occupancy:** The number of persons approved by NYCHA to reside in an apartment on permanent basis. NYCHA uses this standard when assigning apartments, determining whether to approve permanent family additions and deciding whether right sizing transfers are permitted or required.

**State Homecare Payments:** Payments made to offset the cost of equipment and services needed to keep a developmentally disabled person at home.

**Student Aide/Assistance:** All payments received from scholarships, educational entitlement, grants, work study programs, and/or financial aid packages, even if earmarked for general living expenses.

**Supplemental Nutrition Assistance Program (SNAP) Food Stamps:** The value of the allotment provided to an eligible household for coupons under the Food Stamp Act of 1977.

**Supplemental Security Income:** A monthly benefit from SSA to people with low incomes and limited assets who are 65 years of age or older, or blind, or disabled.

**Title II Employment, Subtitle A, of the Americans with Disabilities Act, Payments for:** Service community employment programs for unemployed people with disabilities.

**Title IV Scholarships:** Scholarships funded under Title IV of the Higher Education Act of 1965 that are used to cover the cost of attendance at an educational institution.

**Title V Employment, funded under Title V of the Older Americans Act of 1965, Payments for:** Service community employment programs for unemployed persons who are 55 years of age or older.

**Tobacco and Marijuana-Restricted Area:** Any public housing apartment and building interior area, including lobbies, hallways, elevators, stairwells, porches, balconies, fire escapes, laundry rooms, management offices, basements, Resident Association spaces, Resident Watch spaces, community facilities (including community centers, senior centers, and sponsored community centers) and day care centers, and outdoor areas within 25 feet of public housing buildings, or to NYCHA's property boundary where that boundary is less than 25 feet from a NYCHA building (for example, where a NYCHA building entrance is right off or close to a public sidewalk).

**TSAP:** Tenant Selection and Assignment Plan

**TTY:** Teletypewriter

**Unauthorized Occupant:** A person who resides in an apartment without NYCHA's authorization or permission.

**Underoccupied:** An apartment having one extra room above the room size specified for standard occupancy.

**Unearned Income:** any annual income, as calculated under § 5.609, that is not earned income.

**UIB:** State Unemployment Insurance Benefits

**UIV:** Upfront Income Verification



**USC:** United States Code

**USCIS:** United States Citizenship and Immigration Services

**VA:** Department of Veteran's Affairs

**VAWA:** Violence Against Women Act

**VAWA Incidents:** Domestic violence, dating violence, stalking, and sexual assault.

**Veterans' Disability Benefits:** The federal government pays disability benefits to disabled individuals who have served in the Armed Forces of the United States. The widow(er) of a veteran entitled to a pension may also receive benefits from the United States Department of Veterans Affairs (VA).

**Veterans' Educational Benefits:** Payments by the federal government to veterans for tuition, fees, books, equipment, materials, supplies, transportation, and/or miscellaneous personal expenses.

**Victims of Domestic Violence:** Victims of felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction. The term "spouse or intimate partner of the victim" includes a person who is or has been in a social relationship of a romantic or intimate nature with the victim, as determined by the length of the relationship, the type of the relationship, and the frequency of interaction between the persons involved in the relationship. Victims of domestic violence also includes victims of economic abuse and technological abuse.

**WMS:** Welfare Management System



## Appendix B: Ineligibility Dispositions

INELIGIBLE DISPOSITION	END OF INELIGIBILITY PERIOD
<b>Registered Sex Offender</b> - Offending member is a sex offender subject to a lifetime registration under a state sex offender registration program.	Until the offending member is no longer required to register as a sex offender.
<b>Persons Convicted of the Manufacture of Methamphetamine on the Premises of Federally Assisted Housing</b>	Lifetime ban from public housing.
<b>Felonies - Class A, B, or C</b>	6 years from the date the convicted person has served his or her sentence (not including parole or probation), and has no further convictions or pending charges.
<b>Felonies - Class D or E</b>	5 years from the date the convicted person has served his or her sentence (not including parole or probation), and has no further convictions or pending charges.
<b>Misdemeanor - Class A</b>	4 years from the date the convicted person has served his or her sentence (not including parole or probation), and has no further convictions or pending charges.
<b>Misdemeanor - Class B or Unclassified</b>	3 years from the date the convicted person has served his or her sentence (not including parole or probation), and has no further convictions or pending charges.
<b>Non-Verifiable Family Composition</b> - Evidence of change or instability in the family composition making it impossible to determine family size.	2 years from the date the applicant is declared ineligible.
<b>Inability to Pay NYCHA Rent</b> - The pro-rated rent of the "mixed family" is 80% or more after allowable deductions. A "mixed family" consists of members who are citizens or have eligible immigration status and members who are not citizens or have no eligible immigration status.	2 years from the date the applicant is declared ineligible.
<b>Non-Verifiable Income</b> - All or part of the total family income is non-verifiable.	2 years from the date the applicant is declared ineligible.
<b>Unrealistic Income</b> - The monthly expense and income declared by the family is unrealistic.	2 years from the date the applicant is declared ineligible.

<b>Unverifiable Residence</b> - The applicant family has misrepresented their current address	2 years from the date the applicant is declared ineligible.
<b>Poor Rent Payment Record Within the Last 3 Years</b> - The applicant or co-applicant has a history of unsatisfactory rent payment or delinquency that was not due to circumstances beyond his/her control.	3 years from the date the applicant is declared ineligible.
<b>Abuse or Violent Behavior Toward NYCHA Staff Within the Last 3 Years</b>	3 years from the date declared ineligible or the date of last incident (if known).
<b>Destruction of Property</b>	3 years from the date declared ineligible or the last incident (if known).
<b>Disturbing Neighbors Within the Last 3 Years</b>	3 years from the date declared ineligible or the date of last incident (if known).
<b>Grossly Unsanitary or Hazardous Housekeeping Habits</b>	3 years from the date declared ineligible.
<b>Commission of Fraud, Bribery, or Any Other Corrupt or Criminal Act in Connection with a Governmental Program</b>	3 years from the date declared ineligible
<b>Misrepresented Information Affecting Eligibility, Preference for Admission, Family Composition, Income, or Allowances</b>	3 years from the date declared ineligible.
<b>Termination of NYCHA Employment Within the Last 3 Years Following a General Trial for Behavior Constituting a Felony, Misdemeanor, Illegal Use of Controlled Substances, or for Intoxication on the Job</b>	3 years from the date the employee is terminated from NYCHA.
<b>Illegal Use of Controlled Substances Within the Last 6 Months</b>	Until the earliest of: (1) 3 years from the date of the ineligibility finding (or the latest date of illegal drug use if established by objective evidence). (2) Until the family provides both written verification from a state-licensed drug treatment facility that the offending person has been drug-free for 12 months and a current, clean toxicology report. (3) Until the family provides substantial evidence that the offending person is no longer engaging in the illegal use of a controlled substance; and has been rehabilitated successfully so as not to interfere with

	the health, safety, or welfare of other tenants.
<b>Fire Within the Last 4 Years</b>	4 years from the date of the fire without causing any subsequent fires.
<b>Permanent Exclusion from NYCHA Apartment Following Administrative Termination Proceeding</b>	5 years from the date of the permanent exclusion stipulation.
<b>Evicted or About to Be Evicted from a NYCHA Apartment Pursuant to a Licensee Action</b>	5 years from the service of the notice of eviction (i.e. warrant was issued) or the date of eviction by the City Marshall, or if the family is still in occupancy, from the date they are declared ineligible (whichever is the latest date).
<b>Eviction or Termination from a Governmental Housing Program or Participation in the Section 8 Program was Terminated as a Result of Failure to Meet Tenancy Obligations</b>	5 years from the termination of tenancy or subsidy, eviction, or termination of participation in the Section 8 program.
<b>Under Age</b> - Both the applicant and co-applicant are less than 18 years of age.	Until the applicant and co-applicant reaches 18 <sup>th</sup> birthday.
<b>Excess Income</b> - Family income exceeds the established HUD Admission Income Limits for public housing.	Until annual family income is within the admissions limit established by HUD.
<b>All Members of Family are Non-Citizens Without Eligible Immigration Status</b> - The entire family is disallowed by HUD to receive any housing assistance.	Until one member of family is a citizen or a non-citizen with eligible immigration status.