NEW YORK CITY
HOUSING
AUTHORITY

Housing Choice Voucher Program Administrative Plan

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Housing Choice Voucher Program

May 2026 Administrative Plan

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I. INTRODUCTION

The purpose of this Administrative Plan is to establish local policies for the administration of the Section 8 Housing Choice Voucher Program (HCVP) in accordance with United States Department of Housing and Urban Development (HUD) requirements. Definitions not otherwise defined herein or in the U.S. Housing Act of 1937 as amended ("1937 Housing Act") and its associated regulations shall have the meaning set forth in the Glossary attached herein.

On December 17, 2024, HUD published PIH Notice 2024-38 entitled "Housing Opportunity Through Modernization Act (HOTMA) Sections 102 and 104: Updated Guidance to Public Housing Agencies (PHAs) on Compliance". According to this notice, PHAs must comply with certain income and assets provisions from sections 102 and 104 of HOTMA by no later than July 1, 2025. HUD is requiring PHAs to comply with the following HOTMA provisions by July 1, 2025: (1) Income exclusions (24 CFR 5.609(b)); (2) certain definitions (24 CFR 5.100, 5.403, 5.603); and (3) De Minimis Errors (24 CFR 5.609(c)(4); 982.516(f)). For all other HOTMA provisions not identified in this notice, HUD will issue further guidance on the deadline to comply with any outstanding provisions of Sections 102 and 104.

A. Covered Programs

The New York City Housing Authority (NYCHA) administers the HCVP, including project-based vouchers (PBV), Rental Assistance Demonstration (RAD) and several special assistance programs. The policies described herein apply to the HCVP, except in specified cases which are described later for which special rules pertain.

B. Changes to the Administrative Plan

On an ongoing basis, NYCHA may make minor, non-substantive modifications to the Administrative Plan to clarify existing policies and procedures and/or to correct editing errors. The NYCHA Board will approve proposed substantive changes to the Administrative Plan. The Administrative Plan is a supporting document to NYCHA's Annual Plan and is available for public review.

II. FAIR HOUSING AND EQUAL OPPORTUNITY

A. Non-Discrimination

NYCHA must comply with applicable federal, state, and local non-discrimination and fair housing laws ensuring equal access to housing in HUD programs regardless of race, color, religion, national origin, sex, disability, sexual orientation, age, familial status, marital status, partnership status, lawful occupation, lawful source of income, military status, alienage or citizenship status, or on the grounds that a person is a victim of domestic violence, dating violence, sexual assault or stalking.

During the family briefing session, NYCHA will provide information to applicants and participants about the program; family and owner responsibilities; and leasing options. NYCHA will also include

information that will assist them in pursuing housing discrimination complaints with local, state, or federal entities, including the Fair Housing Information and Discrimination Complaint Forms, as part of the voucher holder's briefing packet. NYCHA also displays fair housing posters in its offices.

B. Discrimination Complaints

In the event a person alleges discrimination in their housing search, the case will be forwarded to NYCHA's Department of Equal Opportunity for further action, as appropriate. Additionally, NYCHA will provide a list of outside agencies with which the voucher holder can file claims.

C. Access for Persons with Limited English Proficiency

NYCHA provides language assistance to persons with Limited English Proficiency (LEP) to promote their meaningful access to NYCHA's programs and activities, in accordance with the HUD notice entitled "Final Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient (LEP) Persons," published in the Federal Register at 72 Fed. Reg. 2732 (Jan. 22, 2007). NYCHA has a standard procedure implementing the HUD Guidance regarding language assistance, which applies to the HCVP. Available services include oral interpretation, written translation and sign language interpretation at no cost to LEP persons. NYCHA also utilizes Google Translate for its website to maintain meaningful access for LEP persons.

D. Policies Related to Persons with Disabilities

NYCHA will make reasonable accommodation to persons with disabilities to ensure that they may fully access and use the HCVP and related services. NYCHA will provide an opportunity for an applicant or participant to request an accommodation on the application and other forms. This policy is intended to afford persons with disabilities equal opportunity to obtain the same results and gain the same benefits as those who do not have disabilities and is applicable to all situations described in this Plan. The individual making the request must meet requirements outlined in the Fair Housing Amendments Act of 1988, Section 504 of the 1973 Rehabilitation Act, the Americans with Disabilities Act, and the New York State and New York City Human Rights Laws as such may be amended or any successor legislation thereto.

NYCHA will review all requests and make a determination based on the information provided. In accordance with Section 504 of the 1973 Rehabilitation Act, if the need for the accommodation is not readily apparent, the household must explain the relationship between the requested accommodation and the disability. In order for NYCHA to approve a request for reasonable accommodation, the applicant or participant may be required to submit documentation from a medical professional to support the request.

NYCHA may deny the request if, among other reasons, it will cause an undue financial or administrative burden or will change the fundamental nature of the program. NYCHA will notify applicants and participants in writing if it denies the request.

Under Section 504, a housing provider is required to provide and pay for the structural modification as a reasonable accommodation unless it amounts to an undue financial and administrative burden or a fundamental alteration of the program. If an undue burden or fundamental alteration exists, the housing provider is still required to provide any other reasonable accommodation up to the point that would not result in an undue financial and administrative burden on the particular housing provider and/or constitute a fundamental alteration of the program.

E. Violence Against Women Act

The Violence Against Women Act (VAWA) is a federal law providing protections for applicants, tenants, and families assisted in the Section 8, public housing, and other HUD-funded programs. Under VAWA, victims of domestic violence, dating violence, sexual assault, and stalking may not be denied admission to, denied assistance under, terminated from participation in, or evicted from Section 8-assisted housing on the basis of or as a direct result of the fact that the applicant or participant is or has been a VAWA victim.

Under the regulations, NYCHA can terminate HCVP assistance to those who commit acts of domestic violence, dating violence, sexual assault, or stalking against household members. VAWA also enables owners to evict abusers by "bifurcating" a lease to remove a person who has committed the abuse.

The regulations also permit NYCHA to terminate HCVP assistance to VAWA victims, or owners to evict VAWA victims, on independent grounds unrelated to their status as VAWA victims.

F. Promoting Deconcentration

NYCHA encourages participation in the HCVP by owners of units located outside areas of low income or minority concentration. NYCHA provides a Housing Opportunities Map which provides information about schools, transportation, and other services in low poverty neighborhoods. NYCHA engages in outreach to owners by hosting owner forums and participating in speaking events and conferences.

NYCHA obtains owner apartment referrals through an established network of public sector and private sector contacts. Interested owners are invited to participate by listing their available vacant units online via the NYCHA Owner Extranet. All owner listed units are posted on the NYCHA Self-Service Portal for voucher holders to view and schedule appointments with owners.

III. SPECIAL ADMISSION PROGRAMS

NYCHA receives HCVP funding for special purposes that entail program-specific administration requirements. Examples of such special purposes are: Mainstream Vouchers, Veterans Affairs Supportive Housing (VASH), Family Unification Program (FUP), Non-Elderly Disabled (NED), Foster Youth to Independence Initiative (FYI), Stability Vouchers (SV) and Tenant Protection Vouchers.

In the event of a funding shortfall in a given calendar year, NYCHA may have to stop issuing vouchers. Should the funding shortfall result in the termination of households, special purpose voucher families will be the last families to be terminated. When NYCHA is able to resume issuing vouchers, special purpose voucher families will be issued first.

A. Mainstream

Mainstream vouchers are designed to assist non-elderly persons with disabilities to rent affordable private housing. Eligible families include: 1) any family with a person with disabilities who is at least 18 years old and not yet 62 years old at the effective date of initial Section 8 assistance; and 2) EHV voucher holders, on the HCV waitlist, with disabilities who are at least 18 years old and not yet 62 years old at the effective date of initial Section 8 assistance. As applicants are selected from the waitlist, NYCHA will ensure that the appropriate designation is assigned to maximize use of the Mainstream vouchers allotted.

B. Veterans Affairs Supportive Housing

Veterans Affairs Supportive Housing (VASH) vouchers are designed to assist homeless veterans and their families in locating stable affordable housing. NYCHA accepts referrals of eligible veterans from the Department of Veterans Affairs (VA). As turnover vouchers become available, NYCHA will accept referrals from the VA. NYCHA could also accept project-based VASH vouchers with approval from the VA.

NYCHA was approved to sponsor a VASH Continuum program. Under this program, NYCHA and the VA may designate up to 15% of the total VASH allocation to provide housing assistance to veterans with an "Other Than Dishonorable" discharge status. NYCHA is partnering with the New York City Department of Veterans' Services to refer homeless veterans for the VASH Continuum program and ensure they receive services and case management.

C. Family Unification Program

Family Unification Program (FUP) vouchers are designed for eligible families with a child(ren) at risk of entering foster care or currently living in foster care due to the lack of adequate housing, and for eligible youth aged 18-24 years old who recently left foster care and lack adequate housing. NYCHA accepts referrals of eligible families and/or youth from the New York City Administration for Children's Services (ACS). As turnover vouchers become available, NYCHA will accept referrals from ACS. FUP youth may receive assistance through a FUP voucher for 36 months, after which they may receive assistance through a regular Housing Choice Voucher.

Eligible FUP youth may receive a two-year extension of their FUP voucher, for a total term of five years, if they participate in NYCHA's Family Self Sufficiency (FSS) Program. Extensions of FUP vouchers are also available for youth who are parents or otherwise responsible for the care of a dependent child under the age of 6 or an incapacitated person; regularly and actively participating in a drug addiction or alcohol treatment and rehabilitation program; or incapable of participating in the FSS program due to a documented medical condition.

Note: NYCHA also participates in HUD's FUP/FSS Demonstration Program. NYCHA and ACS have designated 40 vouchers for this purpose.

D. Non-Elderly Disabled

Non-Elderly Disabled (NED) vouchers are designed to enable non-elderly disabled persons to rent affordable housing. To qualify the head of household or spouse/domestic partner must be non-elderly (under age 62) and disabled. As applicants are selected from the waitlist, NYCHA will assure that the appropriate designation is assigned to maximize use of the NED vouchers allotted.

E. Foster Youth to Independence Initiative

The Foster Youth to Independence (FYI) initiative makes HCV assistance available to youth at least 18 years and not more than 24 years of age (have not reached their 25th birthday), who (1) 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, and (2) are homeless or are at risk of becoming homeless at age 16 or older. NYCHA accepts referrals for FYI assistance from ACS.

F. Stability Vouchers

Stability vouchers (SVs) assist (1) individuals and families who are currently experiencing homelessness; (2) individuals and families at risk of homelessness; (3) individuals and families fleeing or attempting to flee domestic violence, dating violence, stalking, sexual assault; and (4) veterans and families that include a veteran family that meet one of the preceding criteria (1-3). NYCHA accepts referrals for SV assistance from the New York City Continuum of Care and their referring providers.

G. Tenant Protection Vouchers

Tenant protection vouchers (TPV) were designed to subsidize rents for tenants facing certain housing conversion actions such as mortgage prepayments, contract expirations and the sale or foreclosure of HUD-owned property. To qualify for a tenant protection voucher, the household must be an existing resident of the property being converted.

IV. WAITING LIST, APPLICATIONS, AND TENANT SELECTION

This section describes NYCHA's policies for its waiting list, applications, eligibility, and tenant selection processes for the HCVP Program for tenant-based vouchers. Policies for project-based vouchers can be found in Section XXVII.

A. Waiting List

1. Opening and Closing the Waiting List

NYCHA will determine whether the waiting list should be open or closed, in whole or in part, based on available program funding and an assessment of local housing needs and priorities. NYCHA will

advertise the opening or closing of the waiting list, in whole or in part, in accordance with 24 CFR § 982.206. Public notice will be provided on NYCHA's website and appropriate notifications will be placed in English language publications within NYCHA's jurisdiction and in publications in its jurisdiction in other frequently encountered languages, including but not limited to Spanish-language publications. NYCHA will also notify appropriate city agencies, non-profit and for-profit housing providers, and community-based organizations regarding waitlist outreach.

NYCHA's waiting list is open for four categories of referrals: (1) Homeless referrals from a New York City (NYC) agency, which may include the New York City Administration for Children's Services (ACS) for youth in the Family Unification Program (FUP) whose assistance is expiring as a result of the term limit on their voucher without subsequent adequate housing, and the New York City Continuum of Care; (2) referrals from ACS for Foster Youth to Independence (FYI) assistance for youth leaving foster care who are homeless or at risk of homelessness; (3) referrals by a prosecutorial or law enforcement agency for victims of domestic violence and intimidated witnesses; and (4) referrals from NYCHA's Public Housing Operations Department for public housing residents because their unit is not habitable or will become uninhabitable due to planned redevelopment of the public housing development, they are at risk of displacement, they are extremely under occupied or extremely over crowded, or they have been on the public housing transfer waitlist for two years or longer as a domestic violence (VDV), dating violence, sexual assault or stalking victim or seek transfer as a reasonable accommodation. NYCHA will work collaboratively with the appropriate agencies to obtain the required referral information. For example, for FUP youth whose assistance is expiring because of the term limit on their voucher without subsequent adequate housing, NYCHA will work with its local Public Child Welfare Agency (PCWA) to obtain the necessary referral for continued assistance under the HCVP.

2. Updating and Purging the Waiting List

NYCHA will periodically update its HCVP waiting list to ensure that all applicant information is current and timely. Nonresponsive applicants will be removed from the waitlist. The update process is as follows:

- NYCHA will send an initial notice to applicants, via United States Postal Service (USPS) mail, requesting that they: 1) update their application information; or 2) confirm their application is up to date. The notice will indicate the deadline and method for the application update.
- Notices that are returned with an endorsement from the USPS that the notice was undeliverable as addressed will be closed. Staff will update the applicant's electronic file to indicate the reason the notice was returned and will close the case.
- If the notice was not returned by USPS but the applicant did not respond, a final notice will be sent. The application must respond to notice by 1) updating their application information; or 2) confirming their application is up to date. The application will be closed if the applicant does not respond by the final deadline indicated on the notice.

3. Removal from the Waiting List

An applicant may be removed from the waiting list for the following reasons:

- Failure to respond to requests by NYCHA to provide information or updates.
- Failure to complete the online application by the final notification (NYCHA will make two notification attempts).
- Returned application update notice with a USPS endorsement indicating the mail was returned as undeliverable.
- Failure or refusal to appear for eligibility interviews or briefings after two scheduled appointments.
- Denial of admission.
- Failure to rent an apartment before the voucher expired.
- In the event of death of a sole applicant.
- Upon written request from the applicant.

Applicants failing to provide requested information or updates because of a disability may request a reasonable accommodation. If the applicant did not respond timely to NYCHA's request for information or updates because of the household member's disability, NYCHA will reinstate the applicant in the household's former position on the waiting list. The applicant may need to provide supporting documentation as part of this reasonable accommodation request.

B. Tenant Selection

1. Preferences

NYCHA's established preferences for its tenant-based HCVP program, as set forth in NYCHA's Annual Plan, are prioritized in accordance with the following HCVP Priority Codes (1= highest ranking; 6 = lowest ranking):

Preferences	Description
1	Homeless referrals from New York City (NYC) agencies and New York City Continuum of Care. This includes, but is not limited to (1) referrals from ACS for FUP Youth voucher holders at risk for homelessness due to the expiration of FUP Youth assistance and families where there is a lack of adequate housing; (2) referrals from ACS for FYI vouchers for foster youth who are homeless or at risk of homelessness; and (3) EHV voucher holders who are in good standing* but are at risk of homelessness due to lack of funding for the EHV Program.
2	Victim of Domestic Violence or Intimidated Witness - referred by prosecutorial or law enforcement agency

3	NYCHA public housing residents required to move because: (a) their unit is not habitable or will become uninhabitable due to planned redevelopment of the public housing development; (b) they are at risk of displacement; (c) they are extremely under occupied or extremely over crowded in their current apartment; or (d) they have been on the public housing transfer waitlist for two years or longer as a domestic violence (VDV), dating violence, sexual assault or stalking victim or reasonable accommodation.
4	Mobility impaired and residing in inaccessible housing
5	Elderly persons and persons with disabilities
6	All other applicants

*****A participant must have an up-to-date annual recertification and inspection to be considered in "good standing".
Preferences for Project Based Vouchers may vary by property or program requirements.

2. Income Targeting Requirement

In accordance with the Quality Housing and Work Responsibility Act of 1998, each fiscal year NYCHA will reserve a minimum of 75% of its new admissions for households whose income does not exceed the higher of 30% of the area median income (AMI) or the federal poverty guidelines established by the Department of Health and Human Services. HUD refers to these households as "extremely low-income households." HUD will treat multiple PHAs serving one jurisdiction as a single PHA for income targeting purposes. NYCHA will ensure that aggregate admissions comply with the 75% requirement for the jurisdiction. Tenant Protection Vouchers, households that are continuously assisted under the 1937 Housing Act as described at 24 CFR § 982.201, in-place families as described in 24 CFR § 983.251(b), and VASH participants are exempt from this requirement.

3. Selection of Households from Waitlist

Applicants are selected from the HCVP waiting list in order of 1) preference and 2) initial application date on file.

HUD awarded 450 incremental vouchers to NYCHA, effective October 1, 2022. Per Notice PIH 2022-29, incremental vouchers are not special purpose vouchers. In the notice, HUD states that "…PHAs, particularly those that have not received an allocation of Emergency Housing Vouchers, are encouraged to establish local preferences consistent with HCV regulations and statute to reach survivors of domestic violence, or individuals and families who are homeless, as defined in section 103(a) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11302(a)), or at risk of homelessness, as defined in section 401(1) of such Act (42 U.S.C. 11360(1))."

NYCHA will utilize the incremental vouchers to support New York City's homelessness prevention initiatives. Referrals will be considered in accordance with Preference Categories 1 and 2.

4. Screening of Applicants

With the exception of VASH applicants, NYCHA will conduct criminal background checks for all HCVP applicants 16 years of age or older. NYCHA will conduct sex offender checks using a nationwide database for all HCVP applicants 16 years of age and over. Public information is accessed as part of application processing.

V. ELIGIBILITY

NYCHA may only admit eligible households to the program. To be eligible, the applicant must be a ''family'', must be income-eligible, and at least one member of the family must be a citizen or a noncitizen with eligible immigration status.

A. Definitions of Family and Household Members

A family may consist of a single person and/or additional persons, who occupy the assisted unit in accordance with NYCHA's HCVP Occupancy Policy.

Table 1. Definitions of Family and Household Members

Family	A single person or group of two or more persons with or without children who maintain an interdependent relationship and whose income and resources are available to meet the household's needs. A family includes an eligible foster youth who is 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 and is homeless or at risk of becoming homeless at age 16 or older. For the purpose of this document a "family" will be referred to as a "household."
Head of Household	The head of household is the voucher holder. The head of household is responsible for ensuring that the household fulfills all of its responsibilities under the program.
Spouse	Spouse refers to the partner of the head of household in a marriage or domestic partnership recognized within or outside of this jurisdiction. The term "spouse" does not apply to boyfriends, girlfriends, or significant others.

Elderly Family	A household whose 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.
Disabled Family	A household whose head, spouse, or sole member is a person with disabilities; two or more persons with disabilities; or one or more persons with disabilities with one or more live-in aides.
Displaced Family	A household in which each member or the sole member is a person displaced by governmental action (including actions related to compliance with applicable health, safety or environmental laws), or whose dwelling has been extensively damaged or destroyed as a result of a disaster, declared or otherwise formally recognized by federal disaster relief laws.
Remaining Member	For purposes of continued occupancy: the term household also includes the remaining member of a resident household with the capacity to execute a lease. Foster Children, Foster Adults, and Live-in Aides may be members of a household, but they have no rights as remaining family members.

Succession rights to both tenant-based and project-based Section 8 are determined pursuant to NYCHA's Occupancy and Succession Policy. Please see Appendix B.

B. Family Break-Up

Waiting list – When a household on the wait list breaks up into two otherwise eligible households, only one of the new households may retain the original application date. Other former household members may apply for assistance (with a new application date) if the wait list is open.

Program participant – NYCHA shall determine, on a case-by-case basis, which household member(s) remain in the assisted household, and whether the resulting assisted household may remain in the housing unit that it occupies at the time such decision is made. Any such decision must comply with NYCHA's subsidy standards, NYCHA's HCVP succession policy, and NYCHA's compliance with VAWA.

C. General Occupancy Standards

Only the head of household and authorized household members who are listed on the Affidavit of Income (AOI) as part of the household composition are authorized household members permitted to reside in the subsidized apartment, provided they remain in continuous occupancy. Except for births, adoption, and/or court awarded custody of minors no person may join a HCVP household unless NYCHA grants written approval.

Live-in aides and their family members will not be classified as household members and cannot succeed to the Section 8 subsidy. A household that has been approved for a live-in aide by NYCHA is permitted one additional bedroom.

D. Income

1. Income Limits at Admission

Household income at the time of initial eligibility determination and admission shall not exceed HUD's very-low income threshold, which is defined as 50% of the AMI. Exceptions include households that receive enhanced vouchers, low-income households that are continuously assisted under the 1937 Housing Act as described at 24 CFR § 982.201, low-income in-place families as described in 24 CFR § 983.251(b), and low-income households referred to NYCHA as part of the VASH program.

Annual income will be determined in accordance with 24 CFR § 5.609 and includes all amounts, monetary or not, that go to or are on behalf of, the household head or spouse (even if temporarily absent) or to any other household member, or all amounts anticipated to be received from a source outside the household, and assisting the household, during the 12 month period following admission or annual reexamination date. Households must provide verification of income at any time prior to certification, as requested by NYCHA. Except that in accordance with Section 102 of HOTMA, NYCHA, after the initial determination of annual income at admission, may use family income from the preceding year for the annual income review.

2. Adjustments to Income

a) Medical Expenses

Deductions from income for medical expenses are allowed for all household members in households whose head or spouse is elderly or disabled. Households who claim medical expenses will be required to submit proof of the expense. The allowable medical expense is that portion of total medical expenses that exceeds ten percent of annual income.

b) Childcare Expenses

A childcare expense may be deducted from income only when it allows an adult household member to be employed, to actively seek employment, or to further their education. Childcare expenses deducted to permit employment must be reasonable and may not exceed the amount of employment income that is included in annual income. Childcare deductions are applicable to children 12 years old or younger.

c) Income from Full-Time Students

NYCHA will not include in annual income calculations the earnings in excess of $480 for each full-time student 18 years and older. However, financial aid amounts exceeding tuition must be included in annual income with the exception of aid for mandatory education fees or financial aid paid to a student over 23 with dependent children, or to a full-time student residing with their parents.

d) Income of Temporarily Absent Household Members

Generally, an individual who is, or is expected to be, absent from the assisted unit for 180 consecutive calendar days or less and is expected to return is considered temporarily absent and continues to be considered a household member.

Income of household members who are temporarily absent is counted except for full-time students who have documented their absence from the household. This includes the income (pay and allowances) of household members serving in the military except for hazardous duty pay when exposed to hostile fire.

e) Calculating Income

NYCHA will generally determine the income of the household for the previous 12-month period and use this amount as the household's annual income.

Assets *Disposed of for Less than Fair Market Value*

At initial eligibility and annual recertification, NYCHA will determine whether an applicant or participant household has disposed of an asset for less than fair market value within the past two years. As permitted by regulation, NYCHA may adopt a minimum threshold to ignore small amounts that would not be counted toward income.

f) Earned Income Disallowance

Pursuant to 24 CFR § 5.617, NYCHA will disallow the increase in annual income provided by the regulations covering the self-sufficiency incentive for eligible disabled families. The disallowance of increases in income as a result of employment of persons with disabilities will not apply, for purposes of admission to the program.

E. Citizenship/Eligible Immigration Status

In order to receive assistance, at least one household member must be a U.S. citizen or non-citizen with eligible immigration status. Persons with eligible immigration status must fall within one of the immigrant categories as specified by HUD in 24 CFR Part 5. Households that include eligible and ineligible individuals are called "mixed." Such applicant households will be given notice that their assistance will be pro-rated. Eligible statuses according to the U.S. Citizenship and Immigration Services (USCIS) include:

- U.S. Citizen
- Lawful Permanent Resident
- Asylum/Refugee under Section 207 or 208
- Cuban/Haitian Entrant paroled into the United States
- Conditional Entrant, A Refugee-Section 203(a) 7 of INS in effect prior to April 1, 1980
- Individuals self-petitioning under VAWA

Verification of citizenship will be determined by NYCHA staff accessing the U.S. Systematic Alien Verification for Entitlements Program. No verification is required for live-in aides.

Individuals who NYCHA finds are neither citizens nor eligible immigrants may elect to contest NYCHA's determination of their status through an impartial hearing.

F. Mandatory Social Security Numbers

All household members with eligible immigration status are required to submit proof of their Social Security number (SSN). When existing households are adding new members, they will be given 30 days to provide the required documentation.

NYCHA will first attempt to obtain from the household a valid SSN card issued by the Social Security Administration (SSA) or an original document issued by a federal or state government agency that contains the name of the individual and the SSN of the individual, along with other identifying information of the individual. If the household cannot provide the information, NYCHA will document why the other SSN documentation was unavailable and accept self-certification of SSN. NYCHA's acceptance of self-verification will require a self-certification statement *and* at least one third-party document containing the individual's name, such as a bank statement, cell phone bill, or benefit letter.

Applicant households, adding a household member under the age of six years old, will be given a 90-day period to provide documentation necessary to verify the member's SSN. If it is determined that failure to comply with the documentation requirement was due to circumstances beyond the applicant's control, then NYCHA may use discretion to provide an extension of one additional 90-day period. NYCHA will follow 24 CFR § 5.218 for any applicant household that does not comply with the documentation requirements.

VI. VERIFICATION

NYCHA must verify all information that is used to establish the household's eligibility and level of assistance and is required to obtain the household's consent to collect the information. All adult applicants and participants 18 years of age and over will be required to sign a *Third-Party Verification— Consent to Release form*, NYCHA's version of HUD's Authorization for Release of Information (HUD9886), 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 subsidy procedures.

If any household member who is required to sign a consent form fails to do so, NYCHA will deny admission to applicants and terminate assistance of participants. Applicants and program participants must cooperate

with the verification process as a condition of receiving assistance. NYCHA will not pass on the cost of verification to the household.

All information provided by the participant regarding amount and source of income, deductions from income, admission preferences and household composition will be verified in accordance with HUD program regulations. Upfront Income Verifications (UIV), i.e. HUD's Enterprise Income Verification (EIV) system, the Welfare Management System (WMS) or Veterans Affairs hotline, and third-party verifications obtained directly from the household (check stubs, award letters, etc.) are preferred for verification in the order referenced. If a written third-party form or oral third-party verification cannot be obtained, NYCHA may review participant (household) declared information. NYCHA will document its reasons for utilizing a method other than UIV, written third party, third party written form, or oral verification. NYCHA will verify income from sources not available in EIV, using the same time period for both wage and non-wage income. For income that is completely excluded pursuant to 24 CFR § 5.609(c), NYCHA will rely on self-certified information for verification.

Level	Verification Type *(also referred to as Verification Technique by HUD)*	HUD Ranking	Description
6	Upfront Income Verification (UIV) using HUD's Enterprise Income Verification (EIV) system* *EIV is not available for new admissions	Highest *(Mandatory)*	EIV can be utilized to confirm employment; however, other verification levels must be used for calculation purposes. (PHAs are no longer permitted to use actual past income from the EIV system to calculate employment income).
5	Upfront Income Verification (UIV) using non-HUD system	Highest	Annual Income can be determined based on income received or as reported in a non-HUD UIV system. *(e.g., WMS, Veterans Affairs Hotline)*
4	Written Third-Party Verification	High	An original document provided by the participant that is generated by a third party source, dated within 120 days of the date received by NYCHA. *(e.g., a pay stub, an award letter, a printout of benefits)*
3	Written Third-Party Verification Form	Medium-Low	A standardized form used to collect income information from a third-party source. (e.g., NYCHA MD-34 form)

2	Oral Third-Party Verification	Low	NYCHA staff calls a third-party source to follow up on a written third-party verification form submitted.
1	Tenant Declaration	Low	A statement of reported income and/or expense signed by the participant. This verification level is used if no other documentation is provided.

VII. DENIAL OF ASSISTANCE

A. Mandatory Denial of Assistance

Pursuant to HUD regulations, NYCHA must deny HCVP assistance to an applicant under any of the following circumstances:

1. The household does not meet program eligibility criteria (e.g., preference category, income eligibility, enhanced voucher conversion residence requirements).
2. Any household member has ever been convicted of manufacturing or producing methamphetamine on the premises of federally assisted housing.
3. Any household member is subject to a lifetime registration requirement under a state sex offender registration program.
4. Any member of the household fails to sign and submit consent forms for obtaining information in accordance with 24 CFR Part 5.
5. No household member can establish either citizenship or eligible immigration status (i.e., at least one member of the household must establish either citizenship or eligible immigration status).

B. Other Permissible Grounds for Denial

1. NYCHA has previously terminated HCVP assistance based on HUD's mandatory reasons for denial for any member of the household.
2. Any member of the household on the HCVP application was evicted from federally assisted housing in the last five years.
3. A HUD EIV search for an existing participant indicates that a participant or a member of the participant's household is receiving a subsidy in another housing program.
4. The household or a guest of the household has engaged in or threatened abusive or violent behavior toward NYCHA personnel.

5. Any household member owes a debt to NYCHA or another PHA.
6. A household member has been evicted from federally assisted housing for drug-related criminal activity. Any member of the household has committed fraud, bribery, or any other corrupt or criminal act in connection with any federal housing program.
7. The head of household violates a repayment agreement with NYCHA.
8. A household member has engaged in criminal activity, including drug-related criminal activity.

C. Screening

1. Screening for Eligibility and Suitability as a Tenant

Listing a household on NYCHA's waiting list or selecting a household for participation in the HCVP, is not a representation by NYCHA to the owner about the household's suitability for tenancy. Owners are encouraged to screen households on the basis of their tenant application standards.

In an effort to prevent future criminal activity, as well as other patterns of behavior that pose a threat to the health, safety or right to peaceful enjoyment of the premises by other residents, and as required by federal regulations, NYCHA will perform the required criminal background check and sex offender check for all heads of household and household members who are 16 years of age or older. NYCHA uses a nationwide database to perform its sex offender check. NYCHA does not provide this information to owners, who are responsible for conducting their own screening.

Persons evicted from federally assisted housing because of drug-related criminal activity are ineligible for admission to the HCVP for a three-year period beginning on the date of such eviction. However, NYCHA may admit the household if, after considering the individual circumstances of the household, NYCHA determines:

a. The evicted household member who engaged in drug-related criminal activity has successfully completed a supervised drug rehabilitation program, the documentation of which has been approved by NYCHA; or
b. The circumstances leading to eviction no longer exist because the evicted household member is no longer a member of the household (e.g., death or another permanent situation).

D. Ineligibility Determinations

1. Notice of Denial of Assistance

If an applicant is denied HCVP assistance, NYCHA will give the applicant an Ineligibility Notice at the time of the eligibility interview, which states the basis of that ineligibility determination. The Ineligibility Notice will explain the applicant's right to an informal review and how to obtain the review. NYCHA will enclose copies of its procedure and the Request for an Informal Review form with the Ineligibility Notice.

2. Where and When such Informal Reviews are Available

An applicant is eligible to request an informal review in person, using mail, electronic mail, telephonically or via video call. NYCHA will ensure that electronic information stored or transmitted is secure and meets the requirements for accessibility for persons with disabilities and persons with LEP.

If an applicant has an informal review, NYCHA will give the written notification of the determination to the applicant at the time of the informal review. If the applicant claims a disability, NYCHA will supply a copy of the NYCHA ADA/Section 504 Grievance Procedure.

NYCHA conducts informal reviews for the denial of assistance (24 CFR 982.554) remotely either via a video conference platform or over the telephone. If an applicant is unable to participate in an informal review via video conference or telephone, then the informal review will be postponed to a later date when the informal review can be conducted in-person. NYCHA will ensure that electronic information stored or transmitted is secure and meets the requirements for accessibility for persons with disabilities and persons with LEP.

E. NYCHA Discretion

In deciding whether to deny program admission (or terminate assistance as described below) because of criminal activity by members of the household, NYCHA has discretion to consider all of the circumstances in each case, including the seriousness of the activity, the extent of participation or culpability of individual household members, the length of time since the criminal activity occurred, the household's more recent history, the household's record of compliance with program requirements, and the effects that denial of program admission (or termination of assistance) may have on other household members who were not involved in the action or failure to act.

VIII. PAYMENT STANDARDS

A. Establishing Payment Standards

In general, the payment standard will be between 90% and 110% of the most recently published HUD fair market rent (FMR) for the assisted unit.

B. Modifying Payment Standards

NYCHA will review its payment standard annually upon HUD's publication of FMR. NYCHA may request HUD approval of payment standard adjustments outside the basic 90-110% range when circumstances warrant.

NYCHA's annual review of its payment standard will consider:

1. Percentage of annual income households pay for rent under the voucher program (rent burdens);
2. Program utilization rates;
3. Rents for units currently leased;
4. Size and quality of units leased under the program;
5. Rental vacancy rates and rents in the market area;
6. Success rates of voucher holders in finding units; and
7. Annual federal appropriations.

If NYCHA determines that the existing payment standard presents an obstacle to finding an affordable rental unit or that households are generally renting low-quality units, NYCHA may adopt a revised payment standard within the 90-110% basic range. NYCHA may approve an exception payment standard up to 120% of the applicable fair market rent without HUD approval if requested by a qualifying household as a reasonable accommodation.

NYCHA may also reduce a payment standard for a specific bedroom size or for all bedroom sizes if a significant percentage of leased units, of moderate to high quality, have rents substantially below NYCHA's existing payment standard.

Before revising the payment standard, NYCHA will conduct a financial feasibility analysis to ensure that adequate funds will be available to assist households in the program utilizing the proposed payment standard.

If the HUD FMR decreases from the prior year, NYCHA may choose not to reduce the payment standard for households under a current Housing Assistance Payments (HAP) contract until they move from that unit.

C. Exception Payment Standards

Per 24 CFR § 982.503(b)(1)(iii), PHAs "may establish exception payment standards for a ZIP code area above the basic range for the metropolitan FMR based on the HUD published Small Area FMRs". NYCHA has adopted exception payment standards for high opportunity neighborhoods to increase housing opportunities for voucher holders in the search process and reduce potential rent burden for voucher holders residing in these neighborhoods. The exception payment standards will be updated annually in partnership with the New York City Department of Housing & Preservation Development.

IX. FAMILY SHARE

A. Calculating Family Share

Households will pay the highest of the following amounts:

1. 30% of the household's monthly adjusted income;
2. 10% of the household's monthly income;
3. If the household is receiving payments for welfare assistance from a public agency and a part of those payments, adjusted in accordance with the household's actual housing costs, is specifically designated by such agency to meet their housing costs (including tenant-paid utilities), the portion of those payments which is so designated;

   Note: If the household's welfare assistance is ratably reduced from the standard of need by applying a percentage, the payment amount is the amount resulting from one application of the percentage.
4. NYCHA's minimum rent for the HCVP ($50.00); or
5. Enhanced voucher minimum rent (see description below).

For participants who are responsible for paying for their own utilities, their share is first applied to the utility expense, up to the amount of the utility allowance in effect, and the remainder goes to the owner as rent. If the utility allowance exceeds the family share, NYCHA will pay the difference in the form of a monthly or annual utility reimbursement payment. NYCHA may choose to adopt HUD's change to the Utility Reimbursements Policy, which permits PHAs to make utility reimbursement payments quarterly, rather than monthly, if the total quarterly reimbursement payment due to a household is equal to or less than $45 per quarter. PHAs may make reimbursement payments retroactively or prospectively. Under this policy, NYCHA will permit a household to request a hardship exemption, in accordance with 24 CFR § 5.630(b)(2). If a household receives a hardship exemption, then NYCHA may either reimburse the household on a monthly basis or it may make prospective payments to the household, on a quarterly basis.

The payment standard that applies to a household when their initial lease is approved will be the payment standard in effect when the lease is approved and executed by the participant and owner. The payment standard that applies for a household when a scheduled recertification occurs will be the payment standard in effect on the effective date of their annual review. The payment standard that applies to a household during an interim recertification will be the same payment standard which was in effect at the last regular recertification, restoration or lease up.

If the household is unable to pay the minimum rent requirement because of financial hardship, NYCHA will grant an exception to the minimum rent requirement. Examples of financial hardship include:

1. When the household has lost eligibility for or is awaiting an eligibility determination for a federal, state, or local assistance program, including a household that includes a member who is a non-citizen lawfully admitted for permanent residence under the Immigration and Nationality Act who would be entitled to public benefits but for Title IV of the Personal Responsibility and Work Opportunity Act of 1996;
2. When the household would be evicted because it is unable to pay the minimum rent;

3. When the income of the household has decreased because of changed circumstances, including loss of employment;
4. When a death of an income earner in the household has occurred; or
5. Other circumstances determined by NYCHA or HUD on a case-by-case basis.

Note: Households receiving enhanced voucher HCVP assistance have a special statutory minimum rent requirement.

B. Increase in Payment Standard Amount during Contract Term

If the payment standard amount is increased during the term of the HAP contract, the increased payment standard will be used to calculate the monthly housing assistance payment for the household beginning at the effective date of the household's first regular recertification on or after the effective date of the increase in the payment standard, or if the participant moves to a new unit.

C. Change in Family Voucher Size

If the family voucher size increases or decreases during the HAP contract term, the new family voucher size must be used to determine the payment standard amount for the household beginning at the household's first annual reexamination following verification of the change in the family voucher size. If the household is residing in a unit larger than that approved according to their household size, the household will be required to pay any additional cost that is over and above their payment standard.

D. Contract Rent over the Payment Standard

A household may select a unit with a contract rent that is over their applicable payment standard. However, the household's share at the time of rental cannot exceed 40% of the household's monthly adjusted income.

There are instances where a rent increase results in the participant's gross contract rent being over the payment standard. In such instances, a participant may pay more than 30% of their income for rent. There is no restriction on percentage of rent contribution after the initial rental. A participant may request a transfer if their rent share becomes burdensome as a result of their gross contract rent going over the payment standard.

E. Applying Utility Allowance

The utility allowance that applies to a household when their initial lease is approved will be the utility allowance in effect when the lease is executed by the tenant and owner. As per 24 CFR § 982.517, the utility allowance for a household shall be the lower of: 1) the utility allowance amount for the family unit size; or 2) the utility allowance amount for the size of the unit rented by the household. In cases where the unit size leased exceeds the family unit size due to a reasonable

accommodation, NYCHA will use the appropriate utility allowance for the actual size of the dwelling unit leased by the household.

The utility allowance that applies to a household when a scheduled recertification occurs will be the utility allowance in effect at completion of the annual recertification. When utility allowances have been changed, the new allowances will be applied to the household's rent and subsidy calculations at the first regular recertification, after the allowance is adopted. For example, during an interim recertification, if the utility allowance was revised since the last regular recertification, NYCHA will not apply the new utility allowance until the next regular recertification.

X. THE VOUCHER

A. Voucher Issuance

When funding is available, NYCHA issues a tenant-based voucher to the household after the household has been determined eligible and briefed on program requirements. The voucher represents an agreement between NYCHA and the household, specifying the rights and responsibilities of each party, and is the household's authorization to search for an eligible unit. A voucher does not constitute admission to the program, and a voucher-holder is not considered a program participant until a lease and HAP contract are executed.

B. Voucher Term

In accordance with 24 CFR § 982.303, NYCHA has established a voucher term of 180 days for applicants. This includes an initial voucher term of 120 days plus an automatic 60-day extension. If a voucher has expired and the household has not submitted a rental package for NYCHA's approval, the household will be removed from the waiting list and required to reapply when NYCHA is accepting applications.

C. Good Cause Extensions

NYCHA, at its discretion, may extend a voucher beyond 180 days for good cause. Good cause may include, but is not limited to, approving a request for a reasonable accommodation to make the program accessible to a household member with a disability. Any request for a voucher extension must be made prior to the expiration of the voucher.

For FUP and FYI vouchers, after the voucher term of 180 days and upon request by the voucher holder, NYCHA will approve a 90-day extension without a showing of good cause. For any additional extensions, FUP and FYI voucher holders are required to show good cause as described above.

D. Suspension of the Term of the Voucher

During the initial or extended term of the voucher, the household is required to submit a Request for Tenancy Approval (Form HUD-52517) (RFTA). See section XV, below. The term of the voucher is suspended starting when the RFTA is submitted to NYCHA until NYCHA notifies the household in

writing whether the assisted tenancy has been approved or denied. This provision applies to all households who are leasing a unit (not just to households under portability). Suspension applies even if a household that submits a Request for Tenancy Approval decides to cancel such request. In such cases, the suspension ends when NYCHA learns of the cancellation. Under portability procedures, the requirement to suspend the term of the voucher applies to the receiving PHA only.

XI. OCCUPANCY STANDARDS

Voucher bedroom sizes are based on NYCHA's occupancy standards below.

Table 2: HCVP OCCUPANCY STANDARDS CHART

# of People	Household Composition	Certified Bedroom Size
1	Single Person	1
2	Head of Household & Spouse/Domestic Partner	1
	2 Persons of the Same Sex	1
	2 Persons of Different Sexes	2
3	Head of Household & Spouse/Domestic Partner and 1 Person (any sex)	2
	3 Persons of the Same Sex	2
	2 Persons of the Same Sex and 1 Person of a Different Sex	2
	3 Persons of Different Sexes	3
4	Head of Household & Spouse/Domestic Partner and 2 Persons of the Same Sex	2
	Head of Household & Spouse/Domestic Partner and 2 Persons of Different Sexes	3
	4 Persons of the Same Sex	2
	2 Persons of the Same Sex and 2 Persons of a Different Sex	2
	2 Persons of the Same Sex and 2 Persons of Different Sexes	3
	3 Persons of the Same Sex and 1 Person of a Different Sex	3
5	Any 5 Person Combination	3
6	Any 6 Person Combination	3
7	Any 7 Person Combination	4
8	Any 8 Person Combination	4

Applicants with pregnant household members may be eligible for an increased voucher size dependent

upon total household composition as stated in the HCVP Occupancy Chart.

Exceptions to the Occupancy Standards may be applied in the following circumstances:

- PBV and LLC II conversion units in regard to household composition and approved voucher size (e.g., senior properties with one-bedroom units, single occupant residing in a one-bedroom unit where there are no studios, inclusion of the living room as a sleeping room, HUD approved Part 200 waivers).
- RAD and HUD approved LLC II units where in-place tenants are converting to Section 8 (e.g., occupancy standards for the Public Housing program are applied).
- HUD approved waivers for the above occupancy standards (e.g., LLC II units).
- PBV units may also exercise the flexibility of renting an apartment with fewer bedrooms than their voucher size indicates, provided that the occupancy standards meet the requirements of 24 C.F.R. § 982.401(d)(2)(ii).

Tenant based applicants and participants may rent a unit with more bedrooms if the apartment's rent is equal to or lower than the approved payment standard for applicants or the current contract rent for participants. Applicants and participants may also rent an apartment with fewer bedrooms than their voucher size indicates, provided that the occupancy standards meet the requirements of 24 C.F.R. § 982.401(d)(2)(ii). If an applicant or participant rents an apartment smaller than their voucher size, NYCHA will pay subsidy based on the payment standard for the smaller apartment size.

A household that has been approved for a live-in aide by NYCHA is permitted one additional bedroom.

XII. HOUSING QUALITY STANDARDS (HQS)

Housing Quality Standards (HQS) are minimum standards established by HUD for all units receiving assistance under HCVP. NYCHA is required by federal regulations to ensure that each unit occupied by a subsidized household is "decent, safe, and sanitary". To meet this requirement, NYCHA conducts inspections (either in-person or remotely) prior to providing assistance on behalf of a participant and biennially throughout the term of the assisted tenancy. However, if the unit fails its biennial inspection, it will be automatically scheduled for the following year for an annual inspection until a satisfactory inspection is recorded in HUD's Public and Indian Housing Information Center (PIC) Information system. NYCHA also reserves the right to schedule an inspection at any time for quality assurance purposes or if requested by the tenant or a third party.

By February 1, 2027 (unless extended by HUD), inspections will be conducted using the National Standards for the Physical Inspection of Real Estate (NSPIRE). The NSPIRE standards are found in 24 CFR Part 5, Subpart G. However, NSPIRE standards for smoke alarms and carbon monoxide alarms are already in effect for all units and buildings, pursuant to federal statutory requirements.

A. Remote Visual Inspections (RVI)

Remote inspections are referred to as remote visual inspections (RVI). RVI is an inspection performed with the property owner or owner's representative ("proxy") at the physical location and an inspector directing the inspection remotely using visual technology. RVI adheres to current inspection requirements and standards, including lead-based paint requirements. Units eligible for

RVI are determined pursuant to NYCHA's RVI Policy.

B. Inspection Types

Whether conducted remotely or in-person, inspections fall into one of the following six categories:

1. Initial

This inspection is conducted after NYCHA receives an approved Request for Tenancy Approval form for new admissions and transfers to ensure the unit passes inspection before rental assistance can begin.

For all project-based units, the initial inspection results of "pass" are valid for six months for any Request for Tenancy Approval form for new admissions and transfers. If a unit is not rented within six months of passing the initial inspection, a new inspection is required.

2. Alternative

In accordance with PIH Notice 2017-20 (HA) (January 18, 2017 Notice), at NYCHA's discretion, alternative inspections may be used to: (i) allow initial occupancy; and (ii) to enter into a HAP agreement as long as the inspection is completed within 30 calendar days of receipt of the approved Request for Tenancy Approval.

HUD allows the use of alternative inspections conducted for the HOME program, the Low-Income Housing Tax Credit program, any inspection conducted by HUD's Real Estate Assessment Center, and other programs subject to HUD approval.

3. Biennial

This inspection must be conducted within 24 months of the last completed inspection to determine if the unit continues to meet the inspection standard. Units that fail the inspection must be scheduled for inspection on an annual basis until a satisfactory inspection result is recorded in HUD's PIC system.

4. Special

This inspection is requested by a participant or a third party, for any reason, before their next periodic scheduled inspection.

5. Restoration

This inspection is requested by a former HCVP participant seeking restoration of Section 8 subsidy.

6. Quality Control

For quality assurance purposes, NYCHA will randomly re-inspect units as required by the Section Eight Management Assessment Program (SEMAP).

C. Inspection Violations

NYCHA has adopted HUD's definition of non-life-threatening (NLT) as well as life-threatening (LT) HQS deficiencies for all unit inspections in accordance with PIH Notice 2017-20 (HA) (January 18, 2017 Notice) found at 82 FR 5458. See Section F below for HAP suspension/abatement timeframes.

1. Life-Threatening Violations

HUD's definition of LT conditions includes specific conditions as described in the January 18, 2017 Notice, including:

(i) Gas (natural or liquid petroleum) leak or fumes;

(ii) Electrical hazards that could result in shock or fire;

(iii) Inoperable, improperly installed, or missing smoke detector;

(iv) Interior air quality (missing, improperly installed, or non-functioning carbon monoxide detector);

(v) Gas/oil fired water heater or a heating, ventilation, or cooling system with missing, damaged, improper, or misaligned chimney or venting;

(vi) Lack of alternative means of exit in case of fire or blocked egress;

(vii) Other interior hazards.

(viii) Deteriorated paint surfaces as defined by 24 CFR § 35.110 in a unit built before 1978 that is to be occupied by a household with a child under six years of age;

(ix) Any other condition subsequently identified by HUD as LT in a notice published in the Federal Register; and

(x) Any other condition identified by the administering PHA as LT in the PHA's administrative plan prior to April 18, 2017. These conditions include:

1. Building in imminent danger of collapse.
2. Illegal window gates on fire escape.

Life-threatening conditions requiring owner correction within 24 hours of NYCHA's notification to the owner (also known as 24-hour violations) include, but are not limited to:

(i) Smoking/sparking/exposed wiring that could result in shock or fire

(ii) Severe fire damage

(iii) Missing fuses or knockouts in electrical breaker boxes

(iv) No secondary means of egress

(v) Gas/oil fired water heater or heating, ventilation, or cooling system with missing, damaged, improper, or misaligned chimney or venting

(vi) Missing or inoperable smoke detectors/alarms

(vii) Smoke and carbon monoxide detectors/alarms are required in every unit. Building owners are responsible for installing the detectors/alarms in accordance with the law, while participants are responsible for maintaining them in working order.

Carbon monoxide detectors/alarms must meet the NSPIRE Carbon Monoxide Alarm Standard and the requirements of sections 915 and 1103 of the 2018 International Fire Code (IFC). Generally, carbon monoxide detectors/alarms are required inside units and inside areas that contain a fuel- burning appliance or a fireplace or are adjacent to an attached garage. Smoke alarms must also comply with the NSPIRE Smoke Alarm Standard inside units and throughout the building. Smoke alarms must be installed on each level of the property, inside and immediately outside of each sleeping area, and be either hard-wired or have a sealed 10-year battery.

i. If the detectors/alarms are present but are inoperable because the participant has removed or damaged them, the failure will be considered a tenant-caused violation. The tenant has 24 hours to correct the violation. NYCHA will commence termination action against the tenant if repairs are not confirmed within 30 calendar days.

ii. If a hearing-impaired person is occupying the unit, the alarms/detectors must have an alarm system designed for hearing-impaired persons, as specified in the National Fire Protection Association Standards 72.

For initial inspections, NYCHA will not approve the tenancy, execute the HAP contract or in case of PBV, approve occupancy and execution of a lease or make subsidy payments until the LT conditions are corrected.

In addition, for initial inspections, under NYC local law, rooms measuring less than 80 square feet will be categorized as another living space, not as a bedroom. If the room is categorized as a living space it will not be considered a bedroom for subsidy purposes.

If a 24-hour LT condition is discovered during a periodic or special inspection, the owner must cure the LT condition within 24 hours or subsidy payments will be abated.

2. Window Guard Violations

Pursuant to local law, all Section 8 property owners with buildings that have three or more units and are occupied by a child 10 years old or younger must ensure window guards are properly installed in the unit in which the child resides and in any public areas in the building. Owners must install or repair window guards within 21 calendar days from the date of a failed inspection to avoid the abatement of subsidy.

3. Lead-Based Paint Violations

During an initial, periodic, or special inspection of buildings constructed before 1978, peeling, curled, cracked, scaled, flaked, blistered, or chipped paint observed in the unit or public space will be cited by the inspector, resulting in a failed inspection. The inspector will cite the deficiency on their handheld device accordingly.

For units with tenant-based vouchers, lead-based paint violations are applicable to units where there is a child six years old or younger. However, for PBV buildings, the violations are applicable to all units.

a. Periodic or Special Inspections

For violations found in the unit, the owner will be informed via the *Letter to Owner - Hazardous Conditions NE-1 Inspection*. The owner will also receive two certifications, *the NE-2 Certification* and the *Owner Lead-Based Paint Certification*. If the violations are cited in public space areas, the owner will receive two certifications, the *Certification of Completed Building Repairs* and the *Owner Lead-Based Paint Certification*. All NYCHA certifications will be sent to the owner via regular mail and made available on the Owner Extranet.

The owner will have 90 calendar days to make the required repairs to avoid the abatement of subsidy. The owner can provide proof of repairs by submitting a signed NE2 certification signed by both the tenant and owner, a completed work order tickets or a satisfactory re-inspection by a Section 8 inspector. The Owner Lead-Based Paint Certification must be returned and approved by NYCHA for the owner to avoid abatement. If the subsidy was already abated, the subsidy will only be reinstated upon signature approval of both the NE2 certification and the Owner Lead Based Paint Certification. Once the subsidy is abated, the owner is not entitled to retroactive payment once repairs are verified by NYCHA. Payments will resume prospectively only.

b. Elevated Blood Lead Level (EBLL)

NYCHA will adhere to the requirements of 24 CFR § 35.730 and § 35.1225 when notified of a child with an environmental intervention blood lead level.

i. Department of Health and Mental Hygiene Data Matches

On a monthly basis, NYCHA's Leased Housing Landlord Outreach Unit shall send the Department of Health and Mental Hygiene (DOHMH) a master building file list of Section 8 addresses through a secured DOHMH website, in accordance with the Memorandum of Understanding (MOU) between NYCHA's Leased Housing Department and the DOHMH. DOHMH will perform a building data match of their records to identify units with children with confirmed EBLL registering 3.5 micrograms per deciliter (µg/dL) or greater. The NYCHA master building list includes unit addresses; tenant/vendor contact information and Building Identification Numbers (BINs). If DOHMH confirms a Section 8 address match, DOHMH staff will contact the Leased Housing Landlord Outreach Unit (LOU) manager via a secure email.

ii. EBLL Notifications other than DOHMH and Medical Professionals

If NYCHA receives information from another source (i.e., tenant informed, nonmedical professional) regarding a child in the household with an EBLL, NYCHA will make two attempts to verify the information with DOHMH or other medical health care provider.

If the two attempts are not successful, NYCHA will notify the HUD field office representative and/or Office of Lead Hazard Control and Healthy Homes (OLHCHH) at LeadRegulations@hud.gov.

iii. Verification of EBLL Status

Upon verification from DOHMH or other medical professional, NYCHA will collaborate with the owner on their obligation to notify the HUD field office representative and OLHCHH at LeadRegulations@hud.gov.

iv. Investigation of EBLL Status

NYCHA will retrieve any applicable DOHMH Commissioner of Health Orders to Abate (COTA).

Nuisance for verified EBLL cases. Attached to the Order to Abate will be the assessment, Lead Hazard Report, performed on the subject unit. For units where DOHMH is unable to produce a COTA, NYCHA will collaborate with the owner to obtain a lead hazard assessment and/or report of the unit.

Upon receipt of the Order to Abate Nuisance or other lead hazard report for the unit, NYCHA will issue notice to the owner and tenant via the *Notice of Child with an Elevated Blood Lead Level Residing in Apartment with DOHMH Violation*.

The owner will have 30 calendar days of receipt of the COTA to make the required repairs to avoid suspension of subsidy (i.e., withholding of payment with the opportunity for the owner to receive the withheld payment upon cure of violations) or abatement (i.e., no opportunity for the owner to receive withheld payments upon cure of violations). The owner must submit an Environmental Protection

Agency (EPA) certified contractor's work order, also known as a clearance report, as proof of the repairs.

NYCHA will collaborate with the owner to assure that DOHMH is notified of the clearance report. Once confirmed by the DOHMH, NYCHA will collaborate with the owner to assure that the HUD field office is notified of the repairs and subsequent clearance. Additionally, NYCHA will consider the hazard cleared, reinstating and paying withheld subsidy as necessary.

v. Other Assisted Units

For all confirmed EBLL cases received from the DOHMH, NYCHA will collaborate with the owner to assure that assessments are performed on all other Section 8 units in the building where children under the age of six reside (including units designated as housing for the elderly and/or persons with disabilities where a child under six years old resides or is expected to reside).

In buildings where there are 20 or fewer assisted units, the assessments must be completed within 30 calendar days and repairs must be completed within 30 calendar days of the assessment results. In buildings with more than 20 assisted units, the assessments must be completed within 60 calendar days and repairs must

be completed within 90 calendar days of the assessment results.

NYCHA will collaborate with the owner to assure that DOHMH is notified of the clearance report. Once confirmed by the DOHMH, NYCHA will collaborate with the owner to assure that the HUD field office is notified of the repairs and subsequent clearance. Additionally, NYCHA will consider the hazard cleared, reinstating and paying withheld subsidy as necessary.

vi. Monitoring and Enforcement

NYCHA will collaborate with the owner as necessary to assure compliance with the Lead Safe Housing Rule as codified at 24 CFR Part 35. This includes the owner's ongoing compliance during the periodic inspection. For PBV properties, NYCHA will monitor the owner's HAP contract for the resident's return to full occupancy of their housing unit if applicable.

If the owner fails to abate the lead condition(s) within the required timeframes in this section, the tenant is entitled to an emergency transfer voucher. NYCHA will apply enforcement actions for any owner who does not comply with the evaluation and lead hazard control work for the index unit or other covered units within the established timeframes.

NYCHA will inform all Section 8 owners of the new HUD lead paint reporting requirements through various communications (e.g. LHD owner newsletter, email blasts, Owner Extranet, and webinars).

4. Non-Life-Threatening (NLT) Violations

An NLT condition is defined as any condition that would fail to meet the inspection standard and is not an LT condition as defined by HUD. For initial inspections, NYCHA adopted HOTMA's initial inspection provision in accordance with PIH Notice 2017-20 (HA) (January 18, 2017 Notice) found at 82 FR 5458. If the initial inspection fails for NLT conditions and the voucher holder accepts the unit with the NLT deficiencies, NYCHA will execute the HAP contract, and the landlord will have 30 days to complete the repair. See Section F below for HAP suspension/abatement timeframes.

D. No Access

1. At Time of Scheduled Inspection

Participants are required to allow access to their apartments for a Section 8 inspector to conduct an inspection. If a participant fails to provide access either to a specific room or the entire unit, on two separate attempts, the household has breached its program obligations and may be terminated from the program.

2. At time of repair and/or verification of repair

If the participant fails to provide access to a Section 8 inspector to verify that the violations have been corrected by the owner or if the participant fails to provide access for the owner to make the required repairs, NYCHA may terminate the participant's Section 8 subsidy.

If the participant fails to allow access to an owner to make repairs to violations, the owner must

document attempts to gain access and notify NYCHA. NYCHA requires that owners send written notices via certified mail to the participant to document attempts to gain access to the unit. NYCHA will require written proof of such attempts prior to commencement of termination action against the participant.

Once an owner submits valid documentation that attempts were made to make repairs and the participant did not provide access for repairs, NYCHA will send the participant a termination warning letter regarding their failure to fulfill household obligations. Once the repairs are made and verified by NYCHA, the subsidy payments will be reinstated prospectively, and retroactive payment will not be paid. Submission of certified notices sent to the tenant to gain access does not prevent suspension or abatement of subsidy payments or trigger reinstatement. In order for subsidy payments to be restored, NYCHA must confirm all repairs in the unit.

E. Participant's Cancellation of an Inspection

A participant may only reschedule a regularly scheduled inspection (e.g., Annual, Biennial, and Quality Control) one time. Unless there is an emergency situation, NYCHA will not approve a tenant's request to cancel an inspection with less than 48-hours' notice or if the inspection is overdue in the HUD PIC system and will deem it a missed appointment.

F. Suspension, Abatement and Termination of the HAP Contract for Inspection Failure

If an owner fails to correct the deficiencies within the timeframes outlined below, HUD requires suspension (i.e., withholding of payment with the opportunity for the owner to receive the withheld payment upon cure of violations) or abatement (i.e., no opportunity for the owner to receive withheld payments upon cure of violations) of the HAP contract. The suspension or abatement will take effect the first of the calendar month following the correction period and will continue until the owner corrects and NYCHA verifies the repairs. NYCHA will suspend or abate subsidy payments during this time. If subsidy payment is made to an owner beyond the correction period, NYCHA is required to recoup the subsidy payments. The recoupment amount is deducted from the owner's next regularly scheduled HAP subsidy payment.

1. <u>Owner-caused 24-hour Life-Threatening (LT) Failures</u>

For units with owner-caused 24-hour LT failures, the owner must notify NYCHA that the failed items have been corrected. Failure to correct outstanding violations within 24 hours will cause the subsidy to be abated for periodic/biennial, alternative, special, and quality control inspections.

For an initial (new rental/transfer), or restoration inspection, the rental or reinstatement will not be completed until the correction is made. The owner must notify the NYCHA Customer Contact Center (CCC) in order for a re-inspection to be scheduled. If the unit passes re-inspection, the rental will be completed.

All corrections of 24-hour LT failures must be verified by NYCHA staff before the subsidy can be reinstated. For an initial failed inspection of a vacant unit, it is the owner's responsibility to notify NYCHA that all LT failures have been corrected before a reinspection can be scheduled.

2. Owner-caused Non-Life-Threatening (NLT) Violations

For owner-caused, NLT violations, owners may certify in writing that the violations have been corrected or may request to have the unit re-inspected by a Section 8 inspector. NYCHA form, Certification of Completed Repairs (NE-2 Certification), may be completed and signed by both participant and owner and submitted in its entirety to NYCHA by regular mail or by online submissions via the Owner Extranet, within 90 calendar days of the failed inspection (21 calendar days for window guards) to avoid abatement of subsidy.

a. If the owner has made repairs but is unable to obtain the signature of the participant on the NE-2 Certification, the owner may submit other documentation to support proof of repair of all the violations. Acceptable documentation includes a completed work order ticket or paid invoice that matches the violations on NYCHA's NE-2 Certification of Completed Repairs form. The work order must include the Section 8 address, apartment number, all repairs completed, completion date and signature of the person who completed the work. If the signature is missing on the work order, NYCHA may verify repairs by contacting the tenant, scheduling a Quality Control inspection or may reject

   the NE-2 Certification if the repairs cannot be verified. If the work order is not submitted, the NE-2 Certification will be rejected. A re-inspection can also be requested in lieu of a Certification. NYCHA will make reasonable attempts to re-inspect the unit within 21 business days.

For an initial failed inspection of a vacant unit, it is the owner's responsibility to notify NYCHA that all the violations have been corrected before a reinspection can be scheduled. If the tenant accepts the unit with the NLT conditions, the owner will have 30 calendar days from the HAP contract effective date to correct the conditions to avoid withholding the subsidy payments. If the conditions are not corrected within 90 calendar days, the subsidy will be abated.

3. Tenant-Caused Failures

NYCHA distinguishes tenant-caused and owner-caused violations on the inspection failure report provided to both the tenant and owner. Unless provided for in the lease agreement, owners are not responsible for the correction of violations that NYCHA determines were tenant-caused. Damages to the apartment in excess of normal wear and tear by a household member will be considered a tenant-caused violation. If NYCHA determines the violations are tenant-caused, NYCHA may commence termination of subsidy proceedings against the tenant.

Examples of tenant-caused violations include but are not limited to:

(i) No electricity or gas when the tenant is responsible for paying utilities;

(ii) No heat in the unit, in conformance with local code, when the tenant is responsible for this utility per the lease agreement;

(iii) Evidence of poor housekeeping, including heavy accumulation of refuse or debris in the unit;

(iv) Smoke/carbon monoxide detector/alarm is missing or damaged after initial rental.

(v) Installation of illegal wall partitions

(vi) Removal of window guards for units with children ten years old or younger

4. Abatement of HAP Payments

NYCHA will abate HAP payments for an owner's failure to correct any LT and NLT violations within the required time frames specified by NYCHA.

a. Inspections with LT only or a combination of LT and NLT violations

i. Initial or Restoration Inspection

NYCHA will notify the owner and the voucher holder of the inspection results in writing. The rental will not be completed if the unit fails for an LT condition. Upon completion of LT conditions, refer to 4.b. for NLT conditions.

ii. Periodic inspections (Biennial, Alternative, Special, and Quality Control Inspection)

Subsidy payments will be abated for any LT violations requiring correction within 24 hours that are not corrected within such timeframe. If NYCHA confirms the LT violation was corrected within 24 hours, the subsidy will not be abated.

Owners must cure window guard violations within 21 calendar days and NLT violations within 90 calendar days to avoid abatement of subsidy.

After a subsidy is abated, to prevent termination of the HAP contract, owners must correct the conditions as follows: LT violations within 60 calendar days, window guard violations within 80 calendar days, and NLT violations within 180 calendar days.

b. Inspections with NLT violations only

i. Initial Inspection

NYCHA will notify the owner and the voucher holder of the inspection results in writing. The voucher holder will be given the choice to accept or decline the unit and continue their housing search, except as may otherwise be permitted by HUD.

- Accepted: The owner will be notified of the approval and correction requirements. If the NLT conditions are not corrected within 30 calendar days of the HAP contract effective date, NYCHA will withhold HAP subsidy payments until those conditions are corrected and the unit complies with the inspection standards. If the conditions are not corrected within 90 calendar days, the subsidy will be abated (i.e., no retroactive payment of withheld subsidy). Any payments will only be prospective.

  If the conditions are not corrected within 180 calendar days from the HAP contract effective date, the HAP will be terminated.

- Declined: The voucher holder will be notified of the remaining search time. NYCHA will consider reasonable accommodation requests for additional search

time from voucher holders with disabilities.

ii. Periodic Inspections (Biennial, Alternative, Special and Quality Control Inspection)

Owners will be granted 90 calendar days to confirm correction of all NLT violations and 21 calendar days for window guard violations before payments are abated (i.e., no retroactive payment of withheld subsidy).

If subsidy payment for a unit is abated for a failed inspection for 60 consecutive days for a window guard violation or a NLT violation for a regular, special or quality control inspection, NYCHA will issue a transfer voucher and rental packet to the voucher holder. If the unit becomes compliant before the transfer voucher expires, the participant can remain in the unit and NYCHA will reinstate subsidy payments to the current owner prospectively.

G. Quality Control Inspection

For quality assurance purposes, NYCHA will randomly re-inspect units. If a random quality assurance re-inspection reveals that violations were not corrected, the unit will fail inspection and the owner will be required to make the repairs to avoid abatement or withholding of subsidy. If the owner submitted a Certification that was approved by NYCHA and the unit subsequently fails a quality assurance re-inspection for the same violations, NYCHA reserves the right to abate or withhold the subsidy, recoup the HAP payments and charge a nominal fee. Any fraudulent owner activity confirmed by NYCHA with regard to the self-certification process may lead to criminal prosecution. The owner will also be prohibited from submitting self-certification of completed repairs in the future.

XIII. RENT REASONABLENESS

NYCHA determines whether rent is reasonable to ensure that subsidized rents do not exceed rental values in the private market for similar unassisted units. The term “reasonable” means the owner’s proposed rent is consistent with that for unassisted units. NYCHA determines whether rent is reasonable by comparing the proposed rent to rent charged for other comparable unassisted units. Among the factors used in determining reasonable rent are the location, unit size and amenities in accordance with 24 CFR § 982.507. NYCHA utilizes an independent third-party vendor to collect data for rent comparables.

NYCHA will not approve or execute a HAP contract until it determines that the initial rent to the owner is reasonable as compared with similar unassisted units in the area within a ¼ mile radius. If there are not enough qualified rent comparables within the ¼ mile radius, NYCHA can choose to use valid comparables outside this range for rent approval.

During the initial term of the lease, the owner may not raise the rent. In all cases, the rent to owner may not exceed the rent charged by the owner for similar unassisted units on the premises, or in the surrounding area.

A. Rent Reasonableness Determinations

Rent reasonableness determinations are made:

1. when units are placed under HAP contract for the first time;
2. when owners request annual or special contract rent adjustments;
3. when there is a 10 percent decrease in the FMR in effect 60 days before the contract anniversary (for the unit size rented by the household) as compared with the FMR in effect one year before the contract anniversary; or
4. when directed by HUD.

Each participant file will contain documentation that a rent reasonableness review has been conducted for the assisted tenancy, except in cases such as project based and conversion projects where rent reasonableness studies are conducted for entire developments and documentation is kept separately.

B. Units Receiving Low-Income Housing Tax Credits (LIHTC) or HOME funding

For a unit receiving low-income housing tax credits (LIHTCs) pursuant to section 42 of the Internal Revenue Code of 1986 or receiving assistance under HUD's HOME Program (for which the regulations are found in 24 CFR part 92), a rent comparison with unassisted units is not required if the voucher rent does not exceed the rent for other LIHTC- or HOME-assisted units in the project that are not occupied by households with tenant-based assistance.

If the rent requested by the owner exceeds the LIHTC rent for non-voucher households, NYCHA will perform a rent comparability study and the rent shall not exceed the lesser of the:

1. Reasonable rent as determined pursuant to a rent comparability study; or
2. The payment established by NYCHA for the size of unit in question.

C. Annual Adjustments to Rent

After the initial term of the lease, an owner may request an increase in the approved rent once per year or in accordance with the terms of the lease. The owner must provide NYCHA with a copy of the new lease agreement executed by both parties at least 60 calendar days before the proposed effective date of the rent increase. All rent increases are subject to funding availability.

For all requested annual adjustments, NYCHA will perform a rent reasonableness analysis using the same methodology as for approving initial rents. The adjusted rent to the owner will equal the lesser of:

1. The reasonable rent as determined by NYCHA; or
2. The amount requested by the owner.

NYCHA will notify the owner and the participant in writing when NYCHA has reached a final decision on a rent increase request. All rent increases are subject to funding availability.

D. Other Contract Rent Changes

In addition to the standard annual adjustments in rent, landlords are permitted to apply for other specialized types of contract rent changes through the New York State Division of Housing and

Community Renewal (DHCR), the New York City Department of Housing Preservation and Development (HPD), and HUD. The owner must provide NYCHA with a copy of the approval letter within 30 days after issuance. NYCHA will review the contract rent change and determine if the new contract rent is reasonable. All rent increases are subject to funding availability.

Note: There are instances where an owner will be mandated to reduce their contract rent by HCR or HPD. NYCHA will review and process these reductions in contract rent as required.

XIV. GENERAL LEASING POLICIES

A. Initial Screening

NYCHA has no liability or responsibility to the owner or other persons for the household's behavior or suitability for tenancy. Screening and selection of a household are the owner's responsibility.

NYCHA does not screen HCVP applicants for suitability for tenancy. NYCHA will provide the owner with the household's current and prior addresses, as shown in NYCHA's records, and with the name and address of the owner at the household's current and prior addresses, if known.

Under applicable federal and state privacy laws and regulations, including N.Y. Public Housing Law § 159, NYCHA may not disclose to owners other information provided by a HCVP applicant or participant, or by a third party regarding the applicant or participant, except as provided under applicable law.

B. Housing Types

NYCHA participates in the HCVP with respect to the following special housing types enumerated in 24 CFR § 982.601(a): Single Room Occupancy, Shared Housing, and Cooperative Housing.

C. Lease and Tenancy Addendum

All private leases submitted for HCVP assistance must comply with state and local law and must be reviewed and approved by NYCHA staff.

D. HAP Contract Renewal

Once an owner has accepted a participant's voucher and signed a HAP contract that establishes a HCVP tenancy in a rent regulated unit, NYCHA considers that the owner has agreed to the acceptance of the participant's voucher for subsequent lease renewals, or month to month tenancy, so long as the participant remains in the HCVP.

E. Overcrowded Unit

If the addition of a household member(s) would create an overcrowded situation in the household's current unit, the household may request a transfer voucher for the bedroom size appropriate for the household in accordance with NYCHA's transfer policies and procedures. Reference Section XXVII.S.4 for requirements for overcrowding in a project-based Section 8 unit.

F. Absence from Unit

In accordance with 24 CFR § 982.312(a), the household may not be absent from the unit for a period of more than 180 consecutive calendar days, in any circumstance or for any reason. If the household is absent from the unit for more than 180 consecutive calendar days, the HAP contract automatically terminates.

G. Continuously Assisted Family

A family is "continuously assisted" under the 1937 Housing Act if the household is already receiving, or has received, assistance under any 1937 Housing Act program, such as public housing or assistance under the former Section 236 housing program and FUP youth with expiring FUP vouchers, when the household is admitted NYCHA's HCVP and continues to receive assistance thereafter. Pursuant to 24 C.F.R. Section 982.201(d)(2), the PHA must establish policies concerning whether and to what extent a brief interruption between assistance under the 1937 Housing Act and admission to the voucher program will be considered a break in continuity of assistance. For low income public housing households continuously residing in units in developments that convert from Section 9 to Section 8 under the 1937 Housing Act, any brief interruption of assistance under Section 9 to Section 8 of the 1937 Housing Act cannot exceed (1) the thirty-six (36)-month period following the effective date such units were removed from Section 9 or reasonable timeframe determined by NYCHA; or (2) for over income tenants who opt off the project-based HAP contract at conversion, the term of the HAP contract, inclusive of any renewal period ("Brief Interruption Period"). For public housing households that are to be converted to non-RAD Section 8 assistance in connection with a RAD project, such public housing households retain the same waivers and alternative requirements as households converting under RAD as set forth in Rad Rev. 4 Notice H 2019-09 PIH 2019-23 (September 5, 2019), as may be amended. Thus, NYCHA will admit such non-RAD households whose break in assistance between Section 9 and Section 8 does not exceed the Brief Interruption Period to the voucher program even if such households are not low-income.

H. Changes in Lease Agreement

If a tenant and owner agree to alter the current lease agreement, changes must be in writing, dated, and signed by both parties. The owner must provide a copy of the updated lease to NYCHA. NYCHA will approve any mutually agreed-upon modifications to the lease agreement, as long as the lease still complies with HUD requirements. A new lease and HAP contract are required for changes in tenant/owner supplied utilities. A new lease and HAP contract are not required when the household composition changes, subsidy to the owner changes and for ownership changes while the tenant occupies the apartment.

I. Separate Agreements

Owners and tenants may execute separate agreements for services, appliances and other items, or amenities outside those that are provided under the lease, if the agreement is in writing and approved by NYCHA. If the tenant and owner agree on charges for an additional item, as long as those charges are reasonable and not a substitute for a higher rent, NYCHA will permit them. All

agreements for special items or services must be attached to the lease approved by NYCHA. If agreements are executed at a later date, they must be approved by NYCHA and attached to the lease.

Any appliance, service, or other item that is routinely provided to unassisted tenants on the premises or permanently installed in the unit may not be placed under a separate agreement and must be included in the lease. To qualify for a separate agreement, the service, appliance, or item must be an optional amenity.

J. Security Deposits

The owner may collect a security deposit from the tenant in accordance with local law. Security deposits charged by owners may not exceed those charged to unassisted tenants or the maximum amount indicated on the lease. NYCHA does not pay or provide assistance for security deposits and/or moving fees. NYCHA will pay broker fees only in the case where the tenant or a family member requires a reasonable accommodation for a disability.

K. Termination of the Lease

The owner may terminate the lease with the tenant; however, non-payment of the housing assistance payments by NYCHA is not grounds for termination of the lease because the family is not responsible for the subsidy portion under an active HAP contract.

If the owner intends not to renew a lease or not to accept a renewal HAP contract, the owner must give NYCHA 60 days' notice prior to the end of the current lease term, so that NYCHA can offer the participant a voucher to move. However, under rent stabilization guidelines, owners must offer tenants in good standing a renewal lease that includes the material terms of the previous lease. The acceptance of HCVP subsidies is a material term of the lease; therefore, owners of rent-stabilized units are obligated to accept HCVP in their renewal leases.

In addition, Local Law 10 of 2008 prohibits owners from discriminating against participants based on "lawful sources" of income. Lawful sources of income include social security, and any federal, state, or local public assistance or housing assistance such as HCVP subsidy.

XV. REQUEST FOR TENANCY APPROVAL FOR INITIAL RENTAL OR TRANSFER

A. Approval of the Request for Tenancy Approval (RFTA)

During the term of the voucher, the household must submit the RFTA signed by the owner and tenant, and a copy of the proposed lease, including the HUD-mandated tenancy addendum.

The household must submit the RFTA in the form and manner required by NYCHA. NYCHA will not permit the household to submit more than one RFTA at a time.

NYCHA will not approve a unit if the owner (including a principal or other interested party) is the parent, child, grandparent, grandchild, sister, or brother of any member of the household, unless NYCHA determines approving the unit would provide a reasonable accommodation for a household member who is a person with disabilities.

Owners must provide an employer identification number or SSN with the W-9. Ownership will be verified through assessor's office records or a review of the grant deed. NYCHA will request a copy of the management agreement for owners represented by a management company. NYCHA may request documentation of ownership such as a grant deed, copy of the current tax bill, or other documentation.

NYCHA will review the proposed lease and the RFTA documents and will approve the RFTA if the below conditions are met. NYCHA will promptly notify the household and owner whether the assisted tenancy is approved.

1. The unit is an eligible type of housing;
2. The unit meets federal requirements, and any additional inspection criteria identified in this Plan;
3. The rent is reasonable (NYCHA will certify the rent charged to the housing choice voucher participant is not more than the rent charged for other unassisted comparable units);
4. The household's share of the rent does not exceed 40% of the household's adjusted income;
5. The proposed lease complies with HUD requirements;
6. There is no owner conflict of interest;
7. The owner has not been debarred by HUD or NYCHA;
8. There are no shared utilities, with the exception of some special housing types, "flat rate" apartment complexes, and mobile home parks;
9. The household is not leasing a unit owned by a parent, child, grandparent, grandchild, sister or brother of any household member, except if NYCHA waives this restriction as a reasonable accommodation for a household member with disabilities under appropriate circumstances; and
10. The owner's address unit is not the same as the assisted unit.

B. Disapproval of the RFTA

If NYCHA does not approve the RFTA, it will 1) notify the owner and the household; and 2) provide the household with another RFTA form to permit the household to continue to locate eligible housing.

XVI. HOUSING ASSISTANCE PAYMENT (HAP) CONTRACTS

The HAP contract must be in the form required by HUD. The terms of the HAP contract are described in 24 CFR §§ 982.451-455. A copy of the HUD-mandated HAP contract may be found at HUD's website. Note: For Project Based Voucher (PBV) HAP contracts, see Section XXVII.P.

A. Termination of HAP Contract and Payment

The HAP contract and the housing assistance payments will terminate if:

1. The lease is terminated by the owner in accordance with the terms of the lease;
2. The HAP contract terminates;
3. NYCHA terminates assistance for the household;
4. When 180 calendar days have elapsed since the last housing assistance payment to the owner; or
5. Owner breaches terms of the HAP contract.

If NYCHA determines that available program funding is not sufficient to support continued assistance for households in the program, NYCHA may terminate the HAP contract.

If an owner has commenced the process to evict the tenant and the household continues to reside in the unit, NYCHA must continue to make housing assistance payments to the owner in accordance with the HAP contract until the owner has obtained a judicial determination allowing the owner to evict the tenant. NYCHA will continue such payments until the household is evicted from the unit or moves out.

B. Family Move-out

If a Section 8 participant dies and there are no eligible remaining family members in the unit, NYCHA will end the housing assistance payments to the owner at the end of the month in which the Section 8 participant died.

If a household moves to a new unit with continued Section 8 assistance, NYCHA will end the housing assistance payments to the owner of the former unit at the end of the month in which the HAP contract terminates. Pursuant to 24 C.F.R. § 982.311(d)(2), NYCHA may on a case by case basis make an additional HAP payment.

Any overpayments of HAP will be recouped with or without notice to the landlord.

XVII. OWNERS

A. Definition of Owner

Any person or entity with the legal right to lease or sublease a unit to a participant.

B. Disapproval of Owner

Pursuant to 24 CFR § 982.306(a), NYCHA must not approve a unit if it has been informed by HUD or other government agency with relevant jurisdiction that the owner is debarred, suspended, or subject to a limited denial of participation under 2 CFR Part 2424. Pursuant to 24 CFR § 982.306(b), when directed by HUD, NYCHA will not approve a unit if:

1. The federal government has instituted an administrative or judicial action against the owner for violation of the Fair Housing Act or other federal equal opportunity requirements, and such action is pending; or
2. A court or administrative agency has determined that the owner violated the Fair Housing Act or other federal equal opportunity requirements.

NYCHA will also disapprove a unit if NYCHA determines:

1. The owner has engaged in drug-trafficking, as defined in 24 CFR § 982.4; or
2. There exists a conflict of interest due to the owner's status as:
    a. A NYCHA employee or a member of the household of any such employee, unless the owner obtains NYCHA's written approval; or
    b. A relative of the prospective assisted household, as defined in 24 CFR § 982.306(d), unless such tenancy is expressly permitted by that subsection.
3. The owner has violated obligations under a housing assistance payments contract under Section 8 of the 1937 Act, 42 U.S.C. § 1437f;
4. The owner has committed fraud, bribery, or any other corrupt or criminal act in connection with any federal housing program;
5. The owner has a history or practice of non-compliance with the inspection standards for units leased under the tenant-based HCVP, or with applicable housing standards for units leased with project based HCVP assistance, or leased under any other federal housing program;
6. The owner has a history or practice of renting units that fail to meet state, or local housing codes;
7. NYCHA has been advised by another government agency that the prospective owner has outstanding arrears in the payment of a state or local real estate tax, fine or assessment; or
8. In accordance with 42 U.S.C. § 1437f(o)(6)(c), the owner refuses, or has a history of refusing, to take action to terminate tenancy for activity engaged in by the participant, any member of

the participant's household, any guest, or any other person under the control of any member of the household that:

a. Threatens the health, safety, or right to peaceful enjoyment of the premises by other tenants, NYCHA employees, the owner, or other manager of the housing;
b. Threatens the health or safety of, or right to peaceful enjoyment of the residences by, persons residing in the immediate vicinity of the premises; or
c. Engages in drug related or violent criminal activity

C. Change in Ownership

Where ownership is to be transferred, NYCHA may approve the assignment of a HAP contract to the new owner at the prior owner's request. NYCHA may also disapprove the assignment of the contract for any of the reasons listed in section XVII (B). Prior owners must request assignment of their HAP contract(s) in writing and receive NYCHA's written consent before the HAP contract can be assigned and subsidies can be paid to the new owner.

NYCHA will process a change in ownership only if the request is accompanied by the executed documents required for a change in ownership. A list of the required documents can be found on NYCHA's website.

D. New Owners to the Section 8 Program

New owners will have 60 days to submit documents before NYCHA cancels the request for change in ownership and issues a transfer voucher to the Section 8 participant to enable them to move to another unit. NYCHA will begin making payments prospectively to the new owner once it has reviewed and approved the documents submitted. NYCHA must receive a separate written request from the new owner in order to change the payee and/or the address to which payment is to be sent.

E. Payment Method

NYCHA will make all HAP payments via electronic fund transfer (EFT). Each owner will be required to enroll online in NYCHA's Owner Extranet portal to complete the EFT enrollment registration. Failure to enroll in direct deposit will result in a delay of housing assistance payments.

XVIII. ANNUAL RECERTIFICATIONS

NYCHA conducts recertifications of income and household composition annually. Participants in the HCVP are required to complete annual recertifications. To ensure timely completion of annual recertifications, participants will receive notification to submit the required information for the recertification 150 days in advance of their annual recertification due date. Participants will submit income and household composition information through NYCHA's online Self-Service Portal. The Self-Service Portal is NYCHA's primary access point for submission of annual recertification documents. NYCHA will make arrangements

as necessary for participants that cannot complete the annual recertification online, including submitting the recertification documents by mail.

NYCHA opts to conduct triennial, streamlined reexaminations of income for fixed sources of income per 24 CFR § 982.516, known as Fast Act. In a streamlined reexamination, NYCHA will recalculate household incomes by applying any published cost of living adjustment (COLAs) or current rate of interest to the previously verified or adjusted income amount.

Fixed income includes income from Social Security benefits, Supplemental Security Income (SSI), and

Supplemental Security Disability Insurance (SSDI); federal, state, local, and private pension plans; and

other periodic payments received from annuities, insurance policies, retirement funds, disability or death benefits, and other similar types of periodic receipts; or income sources subject to adjustment by a verifiable COLA or current rate of interest.

NYCHA will obtain third-party verification of all household assets. During the annual reexaminations, NYCHA has the discretion under 24 CFR § 982.516 to obtain third-party verification every three years after the initial verification.

The participant must submit their completed recertification, including all required third-party verifications, to NYCHA on or before the return date printed on the Annual Recertification Notification or in Section A.4 of the Affidavit of Income. If NYCHA does not receive the recertification within this time frame, it will commence termination of subsidy proceedings against the participant.

NYCHA uses all available resources HUD Enterprise Income Verification (EIV) and Income Validation Tool (IVT)) to obtain an accurate representation of a participant's annual income and will analyze and verify all information included in the recertification (including income discrepancies such as unreported and underreported income). NYCHA will contact the participant to address any income discrepancies. If NYCHA does not receive the participant's response to the inquiry regarding the income discrepancy within ten days of the request for additional information, it will commence termination of subsidy proceedings against the participant.

Upon completion of the analysis and verification NYCHA will recalculate the household share of the rent and notify the participant and the owner in writing of the new rent amount to be paid by the participant and new housing assistance payment to be paid by NYCHA. The notices will include effective dates of the new housing assistance payment amount, household share, and new rent to owner.

XIX. INTERIM RECERTIFICATIONS

In addition to regular annual reporting requirements, participants may request an interim recertification. NYCHA will initiate an interim recertification upon receipt of a complete electronic or written notification of a change in household income or household composition, or when NYCHA otherwise deems it appropriate.

Households are required to report with supporting documentation all changes in income and household composition within 30 days of the date of such change. Households that report a change in income or household composition that is incomplete will be advised to forward written documentation as appropriate. NYCHA uses all available resources (HUD EIV and IVT) to obtain an accurate representation of a participant's income and will analyze and verify all information included in the recertification (including income discrepancies such as unreported and underreported income). NYCHA will contact the participant to address any income discrepancies. If NYCHA does not receive the participant's response to the inquiry, regarding the income discrepancy within ten days of the request for additional information, NYCHA may commence termination of subsidy proceedings against the participant.

Upon receiving the interim request and supporting documentation from the household, NYCHA will process an interim recertification in the following circumstances only:

1. Recertification requests by a participant which result in a decrease in the monthly tenant rent;
2. Recertification due to an increase in yearly household income which would result in an increase in the monthly tenant rent; or
3. Recertification that is a result of a change in household composition and result in either an increase or decrease in the monthly tenant rent as described above.

NYCHA will not reduce the household share of rent when the household reports a loss of welfare benefits due to fraud or a failure to participate in self-sufficiency or work activity.

NYCHA will conduct an interim recertification whenever there is an addition of a new household member. If the new member added is six years of age or younger, an interim reexamination of income will be performed to assure that the required dependent deduction is provided.

Note: All new members will be subject to other aspects of program eligibility (e.g., SSN, criminal history, etc.).

A. Effective Date of Changes

Increases in the tenant share of rent will become effective the first of the month after the household receives a Voucher Payment Change Notification providing 30-days' notice.

Decreases in the tenant share of rent will become effective the first day of the month following the date the change occurs, provided the participant reported the change within 30 days of the change and timely supplied all requested documentation. If the household does not report the change within 30 days, the rent change will be effective the first day of the following month after receipt of supporting documentation for the change.

NYCHA will issue written notification to the participant and the owner of any changes in the household share of the rent and the housing assistance payment.

XX. GENERAL REQUIREMENTS FOR ADDING PERSONS TO THE HCVP HOUSEHOLD

Participants must request permission to add individuals to the household except for children born to or adopted by the participant and the authorized occupants of the household during the subsidized tenancy. All the requirements below must be met for NYCHA to approve the addition of any person to a HCVP-subsidized unit:

1. The request must be made by the Head of Household;
2. The Head of Household must reside in the unit on the date of the request;
3. The request must be made in writing;
4. The household must be in good standing when the request is made, meaning there is no administrative action pending against the household to terminate the subsidy; and
5. The proposed additional person must meet the standards for admission.

   See Appendix B for additional information regarding NYCHA's Occupancy and Succession Policy.

XXI. PORTABILITY

Portability is a feature of the HCVP under which voucher holders may use their vouchers in jurisdictions other than the jurisdiction issuing the voucher. Voucher holders may live anywhere in the U.S., Puerto Rico, or the U.S. Virgin Islands as long as there is a HCVP administered in that area.

Voucher holders may request a transfer to another jurisdiction by submitting a signed portability request form by mail, personally to any NYCHA walk in center via an appointment, online via the NYCHA Self-Service Portal or by email (noted on NYCHA's website). In order to be approved for a transfer outside NYC, the tenant must be in good standing with no pending subsidy termination or eviction proceedings from the landlord.

As of August 1, 2025, NYCHA started exercising its discretion to bill PHAs sending portability cases to NYCHA for the Section 8 subsidy associated with those cases. NYCHA will automatically add 30 calendar days to the initial PHA's voucher expiration date upon receipt of the sending PHA's approved port in package or voucher extension and has the discretion to extend the voucher beyond the HUD required 30 calendar days for the voucher holder as part of a reasonable accommodation.

NYCHA performs criminal background and sex offender checks for incoming portability applicants in line with screening policies, including all household members 16 years old or older. The tenant of record must sign the consent form on behalf of any household members 16 or 17 years of age to authorize the criminal background review.

XXII. TRANSFERS

HCVP participants seeking to move to a different unit must submit a completed and signed transfer request form. NYCHA then determines if the participant is eligible to receive a transfer voucher. Transfer requests are reviewed and prioritized as an "emergency" or "non-emergency".

A. Non-Emergency Transfers

A participant will receive a non-emergency transfer for any voluntary move. The transfer voucher is valid for 180 days. Voucher extensions require NYCHA approval.

All non-emergency transfers must be cost neutral. As such, transferring participants cannot transfer to a new rental unit that exceeds the contract rent of their existing rental unit.

B. Emergency Transfers

A participant will receive an emergency transfer for a move. The emergency transfer voucher is valid for 180 days. Voucher extensions require NYCHA approval. A transfer is prioritized as an "emergency" if it falls into one of the following categories:

1. 24-hour failed inspection – such as a gas leak or fire.
2. Natural Disaster – such as a hurricane or earthquake.
3. Court Action – Holdover proceeding in Housing Court based on a landlord's choice not to renew a lease.
4. Foreclosure Action and Order to Vacate – owner fails to be financially responsible for the property.
5. Reasonable Accommodation – participant or household member qualifies as disabled, and the disability requires a change in housing. A reasonable accommodation form and a letter from a health provider are needed.
6. VAWA– a Section 8 participant, including the head of household, a household member, or an affiliated individual[1], meets the definition of a VAWA victim, as described below.
    a. *Victim of Domestic Violence* (VDV) – A victim of a felony or misdemeanor crime of violence committed by a household member, 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

[1] An Affiliated Individual is defined as a spouse; parent; brother; sister; child; or a person to whom the tenant stands in the place of a parent or guardian, i.e., a person in the tenant's care, custody, or control.

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. HUD considers the definition of domestic violence to include economic abuse and technological abuse, as defined below.

b. *Stalking Victim* – A victim of a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's individual safety or the safety of others; or suffer substantial emotional distress (24 C.F.R. § 5.2003). OVW further clarifies that this course of conduct can be repetitive, and may include frightening communications, direct or indirect threats, and harassing a victim through the internet. Additionally, it is not limited to situations where the perpetrator is someone with whom the victim was in any specific type of relationship. HUD considers the definition of stalking to include economic abuse and technological abuse, as defined below.

c. *Economic Abuse* – The term "economic abuse" means 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 coercion, fraud, or manipulation to –

    i Restrict a person's access to money, asset, credit, or financial information;
    ii Unfairly use a person's personal economic resources, including money, assets, and credit, for one's own advantage; or
    iii 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.

d. *Technological Abuse* - The term "technological abuse" means an act or pattern of behavior intended to harm, threaten, intimidate, control, stalk, harass, impersonate, exploit, extort, or monitor, except as otherwise permitted by law, another person, that occurs 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, or communication technologies, or any other emerging technologies.

e. *Dating Violence Victim* – A 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 a relationship shall be determined based on a consideration of the following factors: the length of the relationship; the type of relationship; and the frequency of interaction between the persons involved in the relationship (24 C.F.R. § 5.2003). The U.S. Office on Violence Against Women (OVW) further clarifies that dating violence covers a variety of actions and can include physical abuse, physiological and emotional abuse, and sexual abuse. It can also include "digital abuse," the use of technology, such as smartphones, the internet, or social media, to intimate, harass, threaten, or isolate a victim.

f. *Sexual Assault Victim* – A victim of any nonconsensual sexual act proscribed by Federal, tribal, or State law, including when the victim lacks capacity to consent (24 C.F.R. §

5.2003). OVW further clarifies that the definition includes sexual activity such as forced sexual intercourse, sodomy, molestation, incest, fondling, and attempted rape. It includes sexual acts against people who are unable to consent either due to age or lack of capacity.

7. Intimidated Victim (IV) – To qualify as an IV, the participant is the victim of a violent crime or a 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 the participant or their immediate household has suffered actual physical injury or threat of injury and will continue to suffer by continuing to live in current residence.
8. Intimidated Witness (IW) – Participant cooperates with a law enforcement agency in the arrest and prosecution of an individual who committed a crime and then the participant or their immediate family suffered actual physical injury or threat of injury.

XXIII. EMERGENCY TRANSFER POLICIES

NYCHA will provide an emergency transfer to Section 8 participants who meet any of the categories listed in Section XXII.B. Active Section 8 participants (i.e., not terminated) who are not in good standing may request an emergency transfer.

A. VAWA Victims

1. Victims Other Than the Voucher Holder

   If the perpetrator of the abuse is the voucher holder (sole signatory of the lease) and the victim is an authorized occupant of the voucher household, the victim may seek an emergency transfer under VAWA. When a victim who is an authorized occupant of the voucher household seeks an emergency transfer under VAWA, the authorized occupant must first establish eligibility to become the voucher holder and staff must initiate proceedings to terminate the subsidy of the perpetrator. Authorized occupants have 90 calendar days from the date of the perpetrator's subsidy termination to establish eligibility to succeed to the voucher or to find alternative housing.

2. VAWA Victims without Eligible Immigration Status (Only Applicable to Section 8 Participants Eligible under the VAWA Victim Category)

   Under VAWA, if the perpetrator is the sole voucher holder and the victim is an authorized household member without eligible immigration status, the victim can self-petition for eligible status if they are the spouse, parent or child of an abusive U.S. citizen or permanent resident and have been subjected to "battery or extreme cruelty."

3. VAWA Victims in PBV Units

   If a household has been living in a PBV unit for less than a year and must move to protect the health and safety of a household member who is a VAWA victim, the household is not required to give advanced written notice of intent to vacate and will receive priority to receive the next

available opportunity for tenant-based assistance. If tenant-based assistance is not available at the time the household must move, the household has priority to receive the next available opportunity for tenant-based assistance.

4. VASH Vouchers and VAWA

   If the VASH voucher holder is the perpetrator and the VASH voucher is terminated due to the perpetrator's VAWA acts, the victim will be given a regular HCV voucher if one is available, and the perpetrator's VASH voucher should be used to assist another eligible veteran household. If a regular HCV voucher is not available for the victim, NYCHA must terminate the perpetrator's assistance and allow the victim to continue to utilize the VASH voucher. If the victim leaves the Section 8 program, the VASH voucher must be issued to another eligible veteran household upon turnover.

5. Household Move for Health and Safety

   NYCHA will not terminate assistance to a household if the household moves out of an assisted unit in violation of a lease, with or without prior notice to NYCHA, if (i) the household moved to protect the health or safety of a household member who is a VAWA victim; (ii) the VAWA victim reasonably believed they were imminently threatened by harm from further violence if they remained in the unit; or (iii) if any household member was the victim of sexual assault on the premises during the 90 calendar day period preceding the household's move or request to move.

B. Required Forms & Documentation

1. NYCHA Forms

   Section 8 participants that meet the definition of one of the categories in Section XXII.B above and wish to request an emergency transfer must submit either a *Voucher Holder Request for Transfer* form or a *Voucher Holder's Request for Portability* form. Reasonable accommodations will be provided for individuals with disabilities that are requesting an emergency transfer.

   For VAWA-related emergency transfer requests, the form requires Section 8 participants to certify that:

   a. The victim reasonably believes that there is a threat of imminent harm from further violence if they remain within the same dwelling unit that they currently occupy; or

   b. For victims of sexual assault, the sexual assault incident occurred on the premises during the 90-calendar day period preceding the date of the request for emergency transfer.

2. VAWA Form

   Section 8 participants who meet one of the VAWA victim definitions may opt to submit the Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking (HUD-5382). NYCHA will accept this form in lieu of the Voucher Holder Request for Transfer and/or Voucher Holder's Request for Portability.

3. Additional Documentation

VAWA victims are not required to submit third-party documentation to verify they are VAWA victims, except in two circumstances:

a. If a participant submits an emergency transfer request and certification with conflicting information; or

b. If NYCHA receives cross-complaints: requests from two or more members of a household, each claiming to be a victim and naming one or more of the other petitioning household members as the perpetrator.

Section 8 participants eligible for an emergency transfer in any other category under Section XXII.B are required to submit additional documentation as described in the *Tenant Transfer Fact Sheet*.

C. Approval of Emergency Transfer Requests

1. Timing of Approval

Emergency transfer requests receive priority over regular non-emergency transfer requests. NYCHA cannot guarantee that an emergency transfer request will be approved or how long it will take to process a transfer request. NYCHA also cannot guarantee the safety or security of individuals and households who choose to apply and/or who are transferred under this program. Pending the review and/or processing of the participant's emergency transfer request, the participant is urged to take reasonable precautions to be safe.

2. Conflicting Information & Cross-Complaints

NYCHA may request additional documentation if an emergency transfer request includes conflicting information or if a cross-complaint is received.

a. If a VAWA-related emergency transfer request has documentation that identifies a victim and perpetrator, NYCHA will process the transfer for the victim and commence termination proceedings against the perpetrator.

b. If a VAWA-related emergency transfer request has documentation that does not identify a victim and a perpetrator, NYCHA will deny both of the conflicting or cross-complaint emergency transfer requests. NYCHA will not take any adverse action against the tenancy based on the emergency transfer requests.

c. NYCHA is not permitted to bifurcate a voucher.

3. No Discrimination in Approval/Disapproval Determination

In making its determinations regarding emergency transfers, NYCHA does not discriminate on the basis of any protected characteristic, including race, color, religion, national origin, sex, disability, sexual orientation, age, familial status, marital status, partnership status, lawful occupation, lawful source of income, military status, alienage or citizenship status, or on the

grounds that a person is a victim of domestic violence, dating violence, sexual assault or stalking. NYCHA makes assistance available to all otherwise eligible individuals regardless of actual or perceived protected status.

D. Moving to A New Unit with an Emergency Transfer

Section 8 participants who are found eligible for an emergency transfer must move to the new apartment along with other authorized household members in order to receive continued Section 8 assistance. The transfer must result in only one subsidized apartment for the household. For VAWA victims, the perpetrator may remain in the previous apartment, resulting in two subsidized apartments until the termination is complete.

If a transferring tenant seeks to apply for housing in a different NYCHA program or seeks to apply for housing with a different housing provider, NYCHA will provide the tenant with information on Alternative Housing Resources, which identifies other programs and housing providers the tenant may contact for assistance.

E. Confidentiality

NYCHA will keep confidential any information and documentation that the participant submits in requesting an emergency transfer, including their new location and status as a victim, unless

1) the participant signs the VAWA: Consent to Release Documents form and provides permission to release information, 2) disclosure of the information is required by law, or 3) disclosure is required for use in a termination.

XXIV. TERMINATION OF ASSISTANCE

A. General Procedures

If NYCHA decides to terminate assistance, NYCHA must give the participant written notice of the intent to terminate, with reasons, and must notify the household of their right to an informal conference or an impartial hearing prior to the proposed date of termination in accordance with federal regulations, the Williams consent judgment, and the Section 8 Existing Housing Program – Termination of Subsidy Procedures.

In addition, a participant may decide to stop receiving HCVP assistance at any time by notifying NYCHA in writing. In the event a participant chooses to stop receiving assistance, there is no need for NYCHA to terminate the subsidy as set forth in this section.

NYCHA must terminate program assistance or the HAP contract under any of the following circumstances:

1. The household is under a HAP contract and 180 days have elapsed since NYCHA's last housing assistance payment. NYCHA reserves the right to terminate the HAP contract prior to this timeframe.
2. The household 1) fails to submit required documentation concerning any household member's citizenship or immigration status; 2) submits evidence of citizenship and eligible immigration status in a timely manner, but USCIS primary and secondary verification does not verify eligible immigration status of the household; or 3) has knowingly permitted another individual who is not eligible for assistance to reside (on a permanent basis) in the unit.
3. The household fails to disclose the complete and accurate social security numbers of each household member and the documentation necessary to verify each SSN. For households otherwise eligible for continued program assistance, NYCHA will determine if the household's failure to meet the SSN disclosure and documentation requirements was due to circumstances that could not have been foreseen and were outside of the household's control. The termination of these households will be deferred to provide an opportunity to comply with the requirement within a period not to exceed 90 calendar days from the date of the notice of noncompliance.
4. The household fails to meet ongoing eligibility requirements for students as specified in 24 CFR § 5.612.
5. The household is evicted from the assisted unit for serious or repeated violation of the lease.
6. Any member of the household fails to sign and submit consent forms for obtaining information in accordance with 24 CFR part 5, subpart B.
7. Any household member has ever been convicted of manufacturing or producing methamphetamine on the premises of federally assisted housing.
8. Any member of a household is subject to a lifetime registration requirement under a state sex offender registration program.

NYCHA may terminate program assistance for a participant under any of the following circumstances:

1. The violations discovered during annual inspection are tenant-caused and corrections are not made by the re-inspection date.
2. Any household member or guest engages in illegal use of a drug in the assisted unit.
3. Any member of the household commits drug-related criminal activity; violent criminal activity; criminal activity directly relating to domestic violence, sexual violence, dating violence, sexual assault or stalking; or other criminal activity.
4. NYCHA has reasonable cause to believe that a household member's alcohol or illegal drug use, or a pattern of alcohol or illegal drug, use may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents.

5. The household currently owes rent or other amounts to NYCHA or another PHA in connection with the HCVP or public housing assistance under the 1937 Housing Act.
6. The household has breached a repayment agreement with NYCHA or another PHA.
7. The household has committed serious or repeated violations of the lease.
8. The household failed to promptly provide NYCHA with a copy of any owner eviction notice.
9. The household failed to disclose ownership or interest in the assisted unit.
10. The household received duplicate subsidy through another federal, State or local housing assistance program.
11. The household, or a guest of the household, has engaged in or threatened abusive or violent behavior toward NYCHA personnel.
12. The household has misrepresented income, household members, or any other reported information on, or accompanying, the HCVP application or annual recertification.
13. The household has violated one of the household's obligations listed on the voucher, NYCHA's briefing booklet, or NYCHA's Administrative Plan.
14. The household has failed to provide information requested by NYCHA or keep an appointment.
15. The household has not reimbursed any PHA for amounts paid to an owner under a HAP contract for rent, damages to a unit, or any other amounts owed under the lease.
16. A household member has engaged in activity that may threaten the health or safety of the owner, property management staff, or persons performing the contract administration function or responsibility on behalf of NYCHA, including a NYCHA employee, contractor or agent.
17. The household fails to occupy the unit as its sole residence.
18. The household leaves the assisted unit without prior written approval to move by NYCHA.
19. Any member of the household has committed fraud, bribery, or any other corrupt or criminal act in connection with any federal housing program.

A Section 8 participant may not be terminated from participation in, or evicted from, Section 8assisted housing on the basis of or as a direct result of the fact that the participant is or has been a VAWA victim, an Intimidated Victim, or and Intimidated Witness.

B. NYCHA Discretion

In deciding whether to terminate assistance because of criminal activity by members of the household, NYCHA has discretion to consider all the circumstances in each case. NYCHA may impose, as a condition of continued assistance for other household members, a requirement that household members who participated in or were culpable for the action or failure to act, will not reside in the unit. NYCHA may permit the other members of a household to continue in the program.

C. Informal Conferences and Impartial Hearings for Participants

NYCHA will afford an informal conference and an impartial hearing to a participant who may be terminated from the HCVP based on their failure or refusal to meet program obligations or requirements, and who makes a timely request for a conference or a hearing. NYCHA will also afford an informal conference and/or an impartial hearing to a participant who makes a timely request to dispute NYCHA's determination regarding the household's share of the rent. Refer to 24 CFR § 982.555 for circumstances under which a participant is not entitled to a hearing.

If the participant requests an impartial hearing in order to resolve a termination or rent grievance issue, a conference will be scheduled.

NYCHA conducts informal conferences to resolve a termination or rent grievance issue remotely via telephone. If a participant is unable to participate in an informal conference via telephone, then the informal conference will be postponed to a later date when the informal conference can be conducted in-person. NYCHA will ensure that electronic information stored or transmitted is secure and meets the requirements for accessibility for persons with disabilities and persons with LEP.

If the participant is not satisfied after the informal conference, NYCHA will schedule an impartial hearing. If the informal conference resolves the issue, NYCHA will not schedule an impartial hearing.

NYCHA will send written notice to the participant of the hearing date, along with a copy of the hearing procedures. NYCHA conducts impartial hearings in-person and remotely via video conference. Please see the Office of Impartial Hearings ("OIH") Remote Hearings Procedure for additional information on remote hearings. If the participant makes a timely request for a hearing, then NYCHA will continue to make housing assistance payments while the hearing is pending.

The Hearing Officer may make the following dispositions:

1. Termination of subsidy;
2. Termination of subsidy on a certain date unless specified conditions have been corrected or fulfilled; or
3. Continuation of subsidy.

NYCHA will notify the participant and their representative if the NYCHA Board conducts a review. The Board will issue a written statement if its determination is less favorable to the participant than the Hearing Officer's determination.

XXV. PROGRAM INTEGRITY

A. Preventing, Detecting, and Investigating Errors and Program Abuse

NYCHA seeks to ensure the integrity of its HCVP by taking action against applicants, participants, and owners who commit fraud, bribery, or other corrupt or criminal acts. In appropriate circumstances, NYCHA may work in conjunction with the New York City Department of Investigation, Office of the Inspector General (OIG) and HUD with respect to these matters or may

refer these matters to the OIG for further action.

B. Corrective Measures and Penalties

If an error has been made in determining household income, household share of the rent or household composition, NYCHA will correct the tenant record and notify the household and the owner.

For subsidy corrections, the notice will include an amendment to the HAP contract via a Voucher Change Notice (VCN). For changes in household size, the correction may require the household to move to a new unit. Unless the owner requires a new lease, execution of a new HAP contract is not required. The specific corrective action NYCHA takes depends upon the fault of the party in causing the error.

C. Managing Access to Sensitive Personally Identifiable Information (PII)

NYCHA is committed to safeguarding the confidentiality of personally identifying information (PII) maintained in electronic and/or paper form. NYCHA's Privacy Policy (Standard Procedure 002:12:1) promotes the privacy best practices and policy directives established by HUD in PIH Notice 2015-06 and establishes written standards to be used by all NYCHA employees, consultants, and vendors with respect to handling PII. NYCHA will periodically review HCVP operations to ensure business processes align with the requirements of NYCHA's Privacy Policy.

Under NYCHA's Privacy Policy, NYCHA employees, consultants, and vendors are responsible for maintaining the confidentiality of PII and are prohibited from accessing PII of NYCHA residents, applicants, and employees unless required as part of their NYCHA job duties. Further, NYCHA employees, consultants, and vendors are required to only collect the minimum necessary PII needed to accomplish the intended business purpose and must secure PII from unauthorized disclosure both in transit and in storage. Additionally, the policy requires that NYCHA's Law Department be consulted before PII is released to external parties.

HCVP personnel are instructed to take steps to avoid improper internal and external disclosure of sensitive PII. HCVP personnel are expected to take the following precautions:

(1) Avoid leaving sensitive PII displayed on your computer screen when unattended;

(2) Avoid leaving voicemails containing sensitive PII;

(3) Avoid discussing sensitive PII if there are unauthorized staff or guests who may overhear;

(4) Avoid including both Section 8 participants/applicants and Section 8 participating owners on the same email communication unless necessary, and if necessary, confirm no sensitive PII of either party is disclosed;

(5) Avoid disclosing sensitive PII to other employees unless the release is authorized, proper and necessary;

(6) Only use PII for the business purpose for which it was collected and never access or use PII for personal reasons; and

(7) Report any suspected or confirmed privacy incidents to a supervisor who must then promptly report the incident to the Chief Privacy Officer via email to privacy@nycha.nyc.gov.

HCVP Management will take disciplinary action, up to and including termination of employment, in response to any failure of the above guidelines.

XXVI. REPAYMENT AGREEMENTS

Pursuant to 24 CFR § 982.552(c)(1)(v), if the household owes any amount to NYCHA or to another housing agency in connection with any program administered pursuant to the 1937 Housing Act, NYCHA may deny eligibility or terminate participation. If a current participant in NYCHA's HCVP owes less than $25,000, NYCHA may permit the household to enter into a written agreement to repay the debt, either in whole or in monthly installments that includes a downpayment. The tenant's monthly repayment agreement portion may not exceed 40% of the household's total adjusted gross income.

However, as per NYCHA's Office of Inspector General (IG), in no event will NYCHA enter into a repayment agreement if the debtor is also an employee of any federal, state, county or local government department or agency. These cases will be referred to the IG to investigate the feasibility of criminal prosecution.

Pursuant to 24 CFR § 982.552(c)(1)(vii), the failure to make payments under the agreement will result in proceedings against the household to terminate its participation in the HCVP.

If a household leaves the program without having satisfied a debt, NYCHA will refer the matter for collection. NYCHA will also maintain a record of unsatisfied debt to NYCHA's public housing or HCVP, so that if the household reapplies to NYCHA for public housing or HCVP assistance, NYCHA will require payment of any unsatisfied balance before considering the household's eligibility for readmission to assisted housing. Debts owed will also be reported to HUD as required.

XXVII. PROJECT BASED VOUCHERS

This section of the Administrative Plan describes NYCHA's policies related to implementation of the PBV program pursuant HUD regulations at 24 CFR Part 983.

A. Applicability of Tenant-Based Voucher Program Policies to Project-Based Voucher Program

Except as otherwise noted in this section, or unless specifically prohibited by PBV Program regulations, NYCHA's policies for the tenant-based voucher program described in the HCV Administrative Plan will also apply to the PBV program administered by NYCHA.

B. Program Size

The total number of PBV units will not exceed 20% of NYCHA's authorized units. NYCHA may project-base an additional ten percent of its authorized units (above the 20% limit) for units that meet specific requirements as described in HUD PIH Notice 2017-21 (Oct. 30, 2017). These include units for homeless households, veterans, persons with disabilities, seniors (62 and older), and units located in a census tract with a poverty rate at 20% or less. For those units providing supportive housing under the increased program cap, a disabled or elderly family member must be eligible for one or more of the supportive services at the time the family first occupies the unit. The family may

continue to reside in such unit, where through circumstances beyond the control of the family (e.g., death of the elderly family member or family member with a disability or long term or permanent hospitalization or nursing care), the elderly family member or family member with a disability no longer resides in the unit. The unit will continue to count under the increased program cap category for as long as the family resides in that unit.

Units that previously received a long-term housing subsidy from HUD or were subject to certain federal rent restrictions do not count toward the 20% limit when PBV assistance is attached to them, as long as the unit is covered under a PBV HAP contract that was effective on or after April 18, 2017 and received the subsidy or was subject to the rent restriction in the 5 years prior to the date the PHA selected the project or issued the RFP under which the project was selected. The specific housing subsidies and rent restrictions for which this applies are described in HUD PIH Notice 2017-21 (Oct. 30, 2017).

VASH PBV set-aside vouchers and RAD awards also do not count toward the 20% limit.

C. Eligible Unit and Project Types

PBV assistance may be attached to existing housing, newly constructed or rehabilitated housing. A housing unit is considered an existing unit for purposes of the PBV program if, at the time of notice of NYCHA selection, the building is occupied with units that substantially comply with the inspection standards. A PBV project can be a single building, multiple contiguous buildings, or multiple buildings on contiguous parcels of land. “Contiguous” in this definition includes “adjacent to,” as well as touching along a boundary or a point.

D. Limits on Number of PBV Units in a Project or Building

Pursuant to HUD regulations, NYCHA will not provide PBV assistance for units in a project if the total number of dwelling units in the building that will receive PBV assistance during the term of the PBV HAP contract is the greater of 25 units in the project or 25% of the units in a project. Exceptions to this requirement are described below in part E.

Owners under HAP contracts that were in effect before April 18, 2017 are still obligated by the terms of those HAP contracts with respect to the requirements that apply to the number of excepted units in a multifamily project. The owner must continue to designate the same number of contract units and assist the same number of excepted households as provided under the HAP contract during the remaining term of the HAP contract, unless the owner and the PHA mutually agree to change those requirements.

E. Exceptions to PBV Unit Cap in a Project or Building

The following are units that are exempt from the cap on the number of PBV units in a project.

1. Units are in a single-family building (with four or fewer units).
2. Units exclusively serving elderly families. The term elderly families (defined in 24 CFR § 5.403) means a household whose head, spouse, or sole member is a person who is at least 62 years of age. It may include two or more persons who are at least 62 years of age living together, or one or more persons who are at least 62 years of age living with one or more live-in

aides.

3. Units in projects with supportive services available to all households receiving PBV assistance in the project. The project must make supportive services available to all assisted households in the project (but the household does not have to accept and receive the supportive service for the exception to apply to the unit). Households eligible for supportive services under this exception to the project cap would include households with a member with a disability, among other populations. Such supportive services need not be provided by the owner or on-site but must be reasonably available to the households receiving PBV assistance in the project no later than 60 days after being requested by the household and designed to help the households in the project achieve self-sufficiency or live in the community as independently as possible.
4. Projects that are in a census tract with a poverty rate of 20% or less, as determined in the most recent American Community Survey 5-Year Estimates, are subject to a higher 40% cap.

F. Projects Not Subject to a Project or Building Cap

PBV units that were previously subject to certain federal rent restrictions or receiving another type of long-term housing subsidy provided by HUD are not subject to the 25% or 25 unit cap, as long as the unit is covered under a PBV HAP contract that was effective on or after April 18, 2017 and received the subsidy or was subject to the rent restriction in the five years prior to the date the PHA selected the project or issued the RFP under which the project was selected. The specific housing subsidies and rent restrictions for which this applies are described in HUD PIH Notice 2017-21 (Oct. 30, 2017). Units that were previously receiving PBV assistance are not covered by this exception.

G. Selection of Project Based Owner Proposals

1. Competitive Application

   NYCHA may advertise the release of a competitive application soliciting proposals from owners/developers of affordable rental housing developments within the five boroughs who are interested in receiving project-based voucher program assistance. This application will be announced via NYCHA's website and in publications of general circulation.

   NYCHA's criteria in reviewing project-based applications will be included in public notices or applications. Project-based vouchers will be allocated in accordance with all current and applicable guidelines and program regulations.

   The NYCHA may allow for entities that have site control to submit proposals provided the entity will be the owner prior to entering into the AHAP or HAP contract.

   Additionally, and in accordance with HUD regulations at 24 CFR Part 983.51, NYCHA may choose to competitively select PBV proposals in conjunction or in combination with other awarded federal, state, or local government housing assistance, community development, or supportive services competitive selection processes.

2. Non-competitive Application

   In accordance with HUD regulations at 24 CFR Part 983.51, NYCHA may also engage in noncompetitive selection of proposals for project-based vouchers for projects selected to receive assistance under a competitively awarded federal, state, or local government housing

assistance, community development, or supportive services program within three years of NYCHA's project-based voucher proposal selection date. In addition, the project will be ineligible for NYCHA's project-based program if the prior competitive selection proposal included any consideration that the project would receive a project-based voucher allocation.

In accordance with HUD PIH Notice 2017-21 (Oct. 30, 2017), NYCHA may attach PBV assistance to projects where the PHA has ownership interest or control, without following a competitive process, in cases where the PHA is engaged in an initiative to improve, develop, or replace a public housing property or site

For each of these projects, the project partner will undertake a comprehensive rehabilitation program pursuant to a NYCHA-approved scope of work.

In accordance with 983.51, NYCHA may select for PBV assistance a project currently under the public housing program, or a project that is replacing the public housing project, in which a PHA has no ownership interest, or which a PHA has no control over, without following a competitive process.

NYCHA may also attach assistance on a project consisting of PHA-owned units as defined at 24 CFR 982.4 without following a competitive process.

Additionally, NYCHA may select for PBV assistance a project that underwent an eligibility event within five years of the project selection date, in which a family (or families) qualifies for enhanced voucher assistance under Section 8(t) of the Act and provides informed consent to relinquish its enhanced voucher for PBV assistance, without following a competitive process.

H. Notification of Owner Selection

NYCHA will notify selected owners in writing within 60 calendar days of its final decision to select the owner's proposal for PBV. NYCHA will maintain records of its evaluation and selection process which will be available upon request to the public. Such records will be maintained for a one-year period. NYCHA will perform a site inspection prior to owner selection to confirm site selection standards.

I. Subsidy Layering

NYCHA will only provide PBV assistance in accordance with HUD's subsidy layering requirements under 24 CFR § 4.13 in accordance with PIH Notice 2013-11. NYCHA will submit the necessary documentation to HUD or an independent entity approved by HUD, for a subsidy layering review. NYCHA will not enter into an Agreement to enter into a Housing Assistance Payment Contract (AHAP) until HUD (or an independent entity approved by HUD) has conducted the subsidy layering review and determined that the PBV assistance is in accordance with HUD subsidy layering requirements.

J. Site and Neighborhood Standards

NYCHA will select units or sites for PBV assistance only where NYCHA has determined that housing on the site:

1. Is consistent with the goal of deconcentrating poverty and expanding housing and economic opportunities consistent with regulations and NYCHA's Administrative Plan; will facilitate and

further comply with the applicable provisions of Title VI of the Civil Rights Act and other relevant provisions as cited at 24 CFR § 983.57;

2. Meets the site selection requirements described in 24 CFR § 8.4(b)(5); and
3. Meets the site inspection standards at 24 CFR § 982.401(l). NYCHA will limit approval of sites for PBV assistance with census tracts that have poverty concentrations greater than 20%, except where NYCHA determines that the PBV assistance will complement other local redevelopment activities designed to deconcentrate poverty and expand housing and economic opportunities in census tracts with poverty concentrations greater than 20%. NYCHA has determined that PBV assistance issued to complement RAD, Part 200, or Section 18 of 1937 Housing Action conversions of existing public housing will expand housing and economic opportunities in census tracts with poverty concentrations greater than 20%.

K. Existing Housing

NYCHA will not provide PBV assistance for existing housing until it has determined that the site complies with the:

1. Lead-based paint risk assessment requirements at 24 CFR § 35.715 for any building constructed prior to 1978.
2. HUD required site and neighborhood standards. The site must:
    a. Be adequate in size, exposure, and contour to accommodate the number and type of units proposed;
    b. Have adequate utilities and streets available to service the site;
    c. Promote a greater choice of housing opportunities and avoid undue concentration of assisted persons in areas containing a high proportion of low-income persons; and
    d. Be accessible to social, recreational, educational, commercial, health facilities and services, and other municipal facilities and services equivalent to those found in neighborhoods consisting largely of unassisted similar units; and be located so that travel time and cost via public transportation or private automobile from the neighborhood to places of employment is not excessive.
    e. Full compliance with the inspection standards.

L. New Construction / Rehabilitated Housing

In order to be selected for PBV assistance, a site for newly constructed housing or rehabilitated housing must meet the following HUD required site and neighborhood standards:

1. The site must be adequate in size, exposure, and contour to accommodate the number and type of units proposed;
2. The site must have adequate utilities and streets available to service the site;
3. The site must not be located in an area of minority concentration unless NYCHA determines that sufficient, comparable opportunities exist for housing for minority families in the income range to be served by the proposed project outside areas of minority concentration or that the project is necessary to meet overriding housing needs that cannot be met in that housing market area;

4. The site must promote a greater choice of housing opportunities and avoid undue concentration of assisted persons in areas containing a high proportion of low-income persons;
5. The neighborhood must not be one that is seriously detrimental to family life or in which substandard dwellings or other undesirable conditions predominate;
6. The housing must be accessible to social, recreational, educational, commercial, and health facilities and services and other municipal facilities and services equivalent to those found in neighborhoods consisting largely of unassisted similar units; and
7. Except for new construction, housing designed for elderly persons, the housing must be located so that travel time and cost via public transportation or private automobile from the neighborhood to places of employment is not excessive.

M. Environmental Review

NYCHA activities under the PBV program will be conducted in conformance with HUD environmental regulations at 24 CFR Part 50, 24 CFR Part 58, and 24 CFR § 983.58. The responsible entity is responsible for performing the federal environmental review under the National Environmental Policy Act of 1969.

N. Inspections

1. Pre-Selection Inspections

   Inspection of site. NYCHA must examine the proposed site before the proposed selection date. NYCHA may not enter into an agreement if commencement of construction, prep work for construction or rehabilitation has commenced after developer proposal submission. .

2. Pre-Lease-Up Inspections

   NYCHA will inspect each contract unit and public space areas before execution of the HAP contract. NYCHA will not enter into a HAP contract until the proposed PBV units and public space areas fully comply with the inspection requirements. NYCHA may enter into a PBV HAP contract if the units and public space areas have passed an alternative inspection method approved by HUD within the previous 24 months. In these cases, the units/public space must have a satisfactory inspection within 30 calendar days of the effective date of the HAP contract. If a unit or public space area fails the inspection, the subsidy will be suspended until the repairs have been confirmed by NYCHA. HUD allows the use of inspections conducted for the HOME program or Low-Income Housing Tax Credit program, any inspection conducted by HUD's Real Estate Assessment Center, and other methods subject to HUD approval.

   Pursuant to 983.103, NYCHA will utilize the initial inspection non-life-threatening deficiency option. NYCHA may execute the HAP contract and begin making assistance payments for all of the assisted units, including units that failed the initial inspection, provided that no units have life-threatening deficiencies and the owner agrees to this option. After completing the inspections and determining there are no life-threatening deficiencies, for any unit with non-life- threatening deficiencies, the NYCHA will provide both the owner and the family a list of the nonlife-threatening deficiencies identified by the initial inspection. NYCHA will also explain that the owner will have 30 calendar days of the effective date of the HAP contract for the unit to

pass inspection. After those 30 days, NYCHA will withhold payment during the following 60 calendar days until the violation(s) is resolved. If the violation(s) is resolved within this 60 calendar days period, the owner may be entitled to receive withheld payments. If violations are still not addressed after 90 calendar days from the HAP effective date, NYCHA will abate payments, meaning the owner will not receive payment, including previously withheld payments, for the period the violation(s) was not addressed. NYCHA will terminate the HAP contract if the unit remains in abatement for 180 days.

3. Biennial Inspections

NYCHA will inspect units biennially consisting of at least 20% of the PBV contract units in each building to determine if the contract units and the premises are maintained in accordance with the inspection requirements in Section XII. Units that fail the inspection will be inspected annually until the unit passes inspection. Turnover inspections are not counted toward meeting this annual inspection requirement. If more than 20% of the annual sample of inspected PBV contract units in a building fails the initial inspection, NYCHA will reinspect 100% of the PBV contract units in the building.

NYCHA will abate the HAP, including amounts that had been withheld, for the PBV unit with deficiencies if the owner fails to make the repairs within the applicable cure period (within 24 hours from notification for life-threatening deficiencies and within 90 calendar days from notification for non-life-threatening deficiencies).

In the case of deficiency that NYCHA determines is caused by the tenant, any member of the household, or any guest or other person under the tenant's control, other than any damage resulting from ordinary use, the NYCHA may waive the owner's responsibility to remedy the violation. Housing assistance payments to the owner will not be withheld or abated if the owner responsibility has been waived.

In the case of an inspection deficiency that is caused by fire, natural disaster, or similar extraordinary circumstances, the NYCHA may permit the owner to undertake substantial improvement in accordance with § 983.212. However, so long as the contract unit with deficiencies is occupied, NYCHA will withhold the HAP and may eventually remove units from the Contract pursuant to standard procedures if the deficiencies are not corrected as required.

O. Special Requirements for Newly Constructed or Rehabilitated Housing

This section describes specific requirements that apply to PBV assistance for newly constructed or rehabilitated housing that do not apply to PBV assistance in existing housing.

1. Agreement to Enter into HAP (AHAP)

NYCHA will enter into an AHAP contract with the owner/developer after receiving confirmation from HUD or a Housing Credit Agency (HCA) approved by HUD that subsidy layering review and environmental review requirements have been met, and before construction or rehabilitation work has started, unless emergency work has been approved by the PHA. The AHAP contract will be in the form required by HUD.

However, at NYCHA's discretion, NYCHA may enter into a PBV HAP contract for newly

constructed or rehabilitated housing without first entering into an AHAP, where NYCHA will subsequently enter into a HAP contract, or may enter into an AHAP after construction or rehabilitation that complied with applicable requirements of § 983.153 has commenced. In such circumstances: (a) the owner of the project must be able to document its compliance with all applicable requirements of § 983.153 from the date of proposal submission (for housing subject to competitive selection) or from the date of NYCHA's board resolution approving the project basing of assistance at the project (for housing excepted from competitive selection); and (b) for housing subject to competitive selection, NYCHA will confirm prior to the proposal selection date that the owner has complied with all applicable requirements of §983.153 from the date of proposal submission. For housing excepted from competitive selection, NYCHA will confirm prior to executing the Agreement (if applicable) or HAP contract that the owner has complied with all applicable requirements of § 983.153 from the date of NYCHA's board resolution approving the project-basing of assistance at the project.

2. Labor Standards

   If an AHAP contract covers the development of nine or more PBV contract units (whether or not completed in stages), the owner and the owner's contractors and subcontractors must pay Davis-Bacon wages to laborers and mechanics employed in the development of housing. The HUD-prescribed form of the AHAP will include the labor standards clauses required by

   HUD, such as those involving Davis-Bacon wage rates. The owner, contractors, and subcontractors must also comply with the Contract Work Hours and Safety Standards Act, Department of Labor regulations in 29 CFR § 5.8, and other applicable federal labor relations laws and regulations.

3. Owner Disclosure

   The AHAP and the HAP contract will include a certification by the owner that the owner and other project principals are not on the U.S. General Services Administration list of parties excluded from federal procurement and non-procurement programs. The owner must also disclose any possible conflict of interest that would be a violation of the AHAP, the HAP contract, or HUD regulations.

4. Owner Certification

   The owner must submit evidence and certify to NYCHA as prescribed in the AHAP that development activity or substantial improvement has been completed, and that all such work was completed in accordance with the applicable requirements pursuant to the AHAP. NYCHA will review the evidence to determine whether the development activity or substantial improvement was completed in accordance with the applicable requirements.

   For NYCHA-owned units, the NYCHA will submit evidence and certify to an independent entity via email that development activity or substantial improvement has been completed, and that all such work was completed in accordance with the applicable requirements. The independent

entity will review the evidence to determine whether the development activity or substantial improvement was completed in accordance with the applicable requirements.

P. Housing Assistance Payment (HAP) Contract

NYCHA will enter into a HAP contract for each PBV project for a maximum initial term of 20 years. NYCHA may extend the term of the contract for an additional term of up to 20 years if NYCHA determines an extension is appropriate to continue providing affordable housing for low-income households.

Subsequent extensions are subject to the same limitations. All extensions must be on the form and subject to the conditions prescribed by HUD at the time of the extension.

The HAP contract must provide that the contractual commitment is subject to the availability of sufficient appropriated funding as determined by HUD or by NYCHA in accordance with HUD instructions. For these purposes, sufficient funding means the availability of appropriations, and of funding under the Annual Contributions Contract (ACC) from such appropriations, to make full payment of housing assistance payments payable to the owner for any contract year in accordance with the terms of the HAP contract. If it is determined that there may not be sufficient funding to continue housing assistance payments for all contract units and for the full term of the HAP contract, NYCHA may terminate the HAP contract by notice to the owner. The termination must be implemented in accordance with HUD instructions.

If, in accordance with program requirements, the amount of rent to an owner for any contract unit is reduced below the amount of the rent to owner at the beginning of the HAP contract term, NYCHA shall establish the initial rent as the rent floor for all HAP contracts with this election. For HAP contracts without a rent floor election, the owner may terminate the HAP contract by giving notice to NYCHA. In this case, households living in the contract units will be offered tenant-based assistance.

NYCHA will abate and terminate PBV HAP contracts for non-compliance with the inspection standards in accordance with the policies applicable to the HCV voucher program.

The HAP contract year is the period of 12 calendar months preceding each annual anniversary of the HAP contract during the HAP contract term. The initial contract year is calculated from the first day of the first calendar month of the HAP contract term.

The annual anniversary of the HAP contract is the first day of the first calendar month after the end of the preceding contract year. There is a single annual anniversary and expiration date for all units under a particular HAP contract, even in cases where contract units are placed under the HAP contract in stages (on different dates) or units are added by amendment. The anniversary and expiration dates for all units coincide with the dates for the contract units that were originally placed under HAP contract.

Q. Changes to HAP Contract to Substitute, Add or Subtract PBV Units

At NYCHA's discretion and subject to all PBV requirements, the HAP contract may be amended to substitute a different unit with the same number of bedrooms in the same PBV project for a previously covered contract unit. Before any such substitution can take place, NYCHA must inspect and pass the proposed unit/public space areas. At NYCHA's discretion and subject to the restrictions on the number of dwelling units that can receive PBV assistance per project, a HAP contract may be amended to add additional vacant or occupied PBV units in the same project. This type of amendment is subject to all PBV program requirements except that a new PBV proposal is not required. If any PBV units have been vacant for 120 calendar days, NYCHA may give notice to the owner that the HAP contract will be amended to reduce the number of contract units that have been vacant for this period. The amendment to the HAP contract will be effective the first day of the month following the date of NYCHA's notice. The substitution of units pursuant to this section is in effort to maintain or increase the amount of affordable, safe, and sanitary housing in New York City.

For units that were excepted from the building, project, or program cap but are no longer qualified for excepted status or increased program cap status, NYCHA may, if possible, substitute the unit for another unit so that the overall number of excepted units or units under the increased program cap in the project remains the same. NYCHA also may, in conjunction with such substitution, add the original unit to the HAP contract when possible without special status.

When such substitution is not possible, NYCHA may remove the unit from the HAP contract and provide the family with tenant-based assistance if they are eligible. The family and the owner may agree to use the tenant-based voucher in the unit; otherwise, the family must move from the unit with the tenant-based voucher. If the family later vacates the unit, the PHA may add the unit to the PBV HAP contract upon the owner's request.

NYCHA also may change the unit's status to remove it from the project or program cap exception if possible.

R. Vacancy Payments

Project-based voucher contracts have vacancy loss provisions.

1. Payment for Move-Out Month

   If an assisted household moves out of the unit, the owner may keep the housing assistance payment payable for the calendar month when the household moves out or passes away. However, the owner may not keep the payment if NYCHA determines the vacancy is the owner's fault or an erroneous overpayment.

2. Vacancy Payment

At its discretion, NYCHA will make a vacancy payment to an owner not to exceed two-full months contract rent following the move-out month. In order to claim vacancy loss, the unit must be re-rented to a Section 8 voucher holder and the owner must:

a. Notify NYCHA of the vacancy: Notification of PBV vacancy must be sent to the LHD Project Based Unit within five calendar days to ensure timely completion of the inspection and applicant referrals to the owner by the NYCHA Leased Housing Department (LHD).

b. Make a written request to NYCHA for a vacancy payment.

Within ten calendar days of re-rental, the owner must submit the *Project Based Vacancy Request* form to LHD for review. LHD will provide a vacancy payment, for qualifying PBV vacancies, for a maximum of two months. If the unit was vacant for more than 120 days prior to re-rental, LHD will not approve the vacancy payment.

Note: Any approved vacancy payment amount will be minus any portion of the rental payment received by the owner (including any amounts available from the tenant's security deposit).

Example A: Unit 1A was vacated on 4/19/2025. Based on this:

- Notification of Vacancy is due by 4/24/2025.
- The inspection is scheduled within ten calendar days.
- LHD will provide applicants for interview from the development's PBV site based waiting list, or direct owner referral if the list was exhausted.
- Re-rental is completed by 6/1/2025.
- Vacancy Payment Request form is due to LHD by 6/11/2025.

Example B: Unit 1B was vacated on 1/19/2025. Based on this:

- Notification of Vacancy is due by 1/24/2025.
- The inspection is scheduled within ten calendar days.
- LHD will provide applicants for interview from the development's PBV site based waiting list, or owner direct referral if the list was exhausted.
- Re-rental is completed by 6/9/2025.
- No vacancy payment will be paid if the vacancy period extended beyond 120 calendar days, regardless of re-rental.

S. Waiting List and Occupancy of PBV Housing

1. Site-Based Waiting Lists

NYCHA will create and utilize separate site-based waiting lists for admission to projects selected to receive PBV assistance.

Once a project is selected for PBV assistance, applicants listed on NYCHA's waiting list for tenant-based assistance will be offered the opportunity to apply for placement on the development site-based PBV waiting lists maintained by NYCHA, limited to two development selections. Placement on a site-based PBV waiting list has no effect on the applicant's standing on the tenant-based waiting list. NYCHA will also accept referrals from the owner to populate site-based waiting lists and fill units with applicants meeting agreed upon preferences at initial rental and subsequent re-rentals to fill vacancies due to lack of applicant referral interest at the location. Once an applicant leases a PBV unit, their name will be removed from all prior PBV site-based waitlist development selections, including RAD developments.

If units are designated for the homeless, NYCHA will accept referrals directly from NYC Agencies for such units and the site-based PBV waiting list.

All applicants who wish to be placed on site-based PBV waiting lists must meet income and eligibility criteria for the Project.

Applicants on NYCHA's tenant-based waiting list will be placed on the PBV site-based waiting list according to the date and time of their Section 8 application to the tenant-based waiting list. Referrals from the owner will be placed on the site-based waiting list according to the date and time NYCHA receives the Section 8 application from the owner. For Existing and Rehab units, the current resident must be added to the PBV site-based waiting list and must be given absolute preference for selection as long as the PBV eligibility criteria are met.

NYCHA will replenish the existing PBV site-based waiting lists by canvassing the tenant-based waiting list.

NYCHA currently maintains PBV site-based waitlists for the non PACT developments in Appendix C.

2. Preferences

NYCHA will announce preferences for PBV site-based waiting lists on a development by development basis via the self-service portal and/or the developer's advertisement, or via other appropriate method. These preferences may include:

- A preference for applicants with a demonstrated need for specialized services offered by the particular project;
- A preference for homeless referrals from the Department of Homeless Services or the owner;
- A preference for public housing residents*;

- A preference for elderly households 62 years old and older; and/or
- A borough residency preference.

Applicants with the same preference will be selected according to the date and time of their application. Applicants with multiple preferences for a project (i.e., a public housing preference and a borough preference) will be selected ahead of those with a single preference; then ordered by the date and time of their application.

Subject to NYCHA's approval, owners may request to establish preferences for supportive housing different than those listed in NYCHA's priority code list. All such owner requests for preferences must meet federal and local Fair Housing standards.

*Public housing resident preferences will be applied to the entire household. Splitting of the household is not an option under this preference.

3. Vacancies

The owner must promptly fill vacancies utilizing the NYCHA PBV site-based waiting list. The owner must lease vacant units in a project to eligible households on NYCHA's PBV site-based waiting list for that project. Selection from the PBV site-based waiting list will be based on date and time of application submission, particular eligibility requirements (for example, senior only), and available unit size.

4. Occupancy Standards

In determining family unit size, NYCHA will apply its Section 8 occupancy standards. In certain circumstances, and upon the request of the financing agency, NYCHA will apply the financing agency's occupancy standards as long as they are in compliance with Section 8 regulations. Where NYCHA's Section 8 occupancy standards are applied, NYCHA may grant an exception to its established subsidy standards if it determines that the exception is justified by the age, sex, health, disability, or relationship of household members or other personal circumstances.

In accordance with 24 CFR § 983.260, if a household is occupying either (i) a wrong-size unit based on NYCHA's occupancy standards, or (ii) a unit with accessibility features that the household does not require, and the unit is needed by a household that requires the accessibility features, NYCHA must notify the owner and the household of such determination and offer the household continued housing assistance in the form of:

a) Project-based voucher assistance in an appropriate-sized unit in the same project or in another project; or

b) Tenant-based voucher assistance (based on funding availability).

If NYCHA offers the household the opportunity to receive tenant-based rental assistance under the voucher program, NYCHA must terminate the housing assistance payments for a wrong-sized or accessible unit at the earlier of the expiration of the term of the household's voucher

(including any extension granted by NYCHA) or the date upon which the household vacates the unit. If the household does not move out of the wrong-sized unit or accessible unit by the expiration date of the term of the household's voucher, NYCHA must remove the unit from the HAP contract.

If NYCHA offers the household project-based voucher assistance in an appropriate-sized unit and the household does not accept such offer for continued housing assistance or does not move out of the wrong-sized PBV unit within a reasonable time as determined by NYCHA, or both, NYCHA must terminate the housing assistance payments for the wrong-sized or accessible unit, at the expiration of a reasonable period determined by NYCHA and remove the unit from the PBV HAP contract.

5. Rejection of Offer

When a family rejects an offer without "good cause," or the owner rejects the family, the family's name is removed from the project's waiting list. The family's position on any other project-specific PBV waiting list or any other waiting list administered by NYCHA is not affected.

"Good cause" for rejecting a unit includes:

- The family determines the unit is not accessible to a household member with a disability or otherwise does not meet the member's disability-related needs;
- The unit has deficiencies found during the inspection;
- The family is unable to accept the offer due to circumstances beyond the family's control (such as hospitalization, temporary economic hardship, or natural disaster); or
- The family determines the unit presents a health or safety risk to a household member who is or has been a victim of domestic violence, dating violence, sexual assault, or stalking.

6. Mobility

One of the key features of the PBV program is the mobility component, which provides that if the household has elected to terminate the assisted lease at any time after the first year of occupancy in accordance with program requirements, NYCHA must offer the household the opportunity for continued tenant-based rental assistance, in the form of either assistance under the voucher program or other comparable tenant-based rental assistance. If NYCHA offers voucher assistance to the family and the search term expires, NYCHA must issue the voucher to the next eligible family.

If a voucher or other comparable tenant-based rental assistance is not immediately available to the family upon the family's request to the PHA, the PHA must give the family priority to receive the next available opportunity for continued tenant-based rental assistance. Families must use the self-service portal to request tenant-based assistance; if such assistance is not available at the time of the request, the family will be given priority and added to the tenant-based waitlist.

T. Leasing of Project-Based unit

NYCHA will make housing assistance payments to the owner in accordance with the HAP contract for contract units leased and occupied by eligible project-based voucher households during the HAP contract term. Per HUD regulations, payments will not begin on behalf of a PBV participant until:

1. Participant submits all required documents to confirm income and program eligibility;
2. All units and building public space areas pass the Inspection or an approved alternative inspection method; and
3. Owner has submitted all required PBV forms and lease agreements to NYCHA.

U. Contract Rent to Owner

The contract rent to owner must not exceed the lowest of the following amounts:

1. An amount determined by NYCHA, not to exceed 110% of the applicable fair market rent (or any HUD-approved exception payment standard) for the unit bedroom size minus any utility allowance;
2. The reasonable rent determined by NYCHA; and
3. The rent requested by the owner.

On a regular basis, NYCHA will publicly post information on its website regarding the requirements governing contract rent increases for PBV projects.

V. Rent Reasonableness

NYCHA will redetermine rent reasonableness:

1. Whenever there is a five percent or greater decrease in the published FMR in effect 60 calendar days before the contract anniversary for the unit sizes specified in the HAP contract as compared with the FMR in effect one year before the contract anniversary.
2. Whenever NYCHA approves a change in the allocation of responsibility for utilities between the owner and the participant.
3. Whenever the HAP contract is amended to add a contract unit or substitute a different contract unit in the same building or project.
4. Whenever the PHA accepts a completed unit after development activity that is conducted after HAP contract execution.

The reasonable rent of a unit receiving PBV assistance will be determined by comparison to rent for other comparable unassisted units within a quarter mile radius (or more if comps are not available within this range). At any time, NYCHA may require the owner to submit information on rents charged by the owner for other unassisted units in the premises or elsewhere. For a unit receiving LIHTCs pursuant to Section 42 of the Internal Revenue Code of 1986 or receiving assistance under HUD's HOME Program (for which the regulations are found in 24 CFR Part 92), a rent comparison with unassisted units is not required if the voucher rent does not exceed the rent for other LIHTC- or HOME-assisted units in the project that are not occupied by households with tenant-based

assistance. Rent reasonableness will be determined based on the condition of the assisted unit at the time of the determination, not on anticipated future conditions.

W. Contract Rent Increases

Requests for a rent increase for PBV assisted units must be made in writing by the owner prior to the HAP anniversary date. If the request is received after the HAP anniversary date, the rent increase will be processed prospectively to the first of the following month with no retroactive payment to the HAP anniversary date. The contract rent to owner must not exceed 110% of FMR, (or any HUD-approved exception payment standard). In accordance with 24 CFR § 983.302(c)(2) and 983.303(a), NYCHA elects not to reduce rents below the initial rents to owner listed on exhibit A of the initial PBV HAP contract, except as required by law and regulations as further described in 24 CFR § 983.302(c)(2)(i)-(iii).

A rent increase may also occur through automatic adjustment by an operating cost adjustment factor (OCAF) by agreement of NYCHA and the Owner in the Contract. There is no written rent request by the owner to take into account since NYCHA redetermines the rent automatically under that option pursuant to annual adjustments published annually by HUD and applied at the Contract anniversary.

X. Supportive Services

The type of services that would meet the supportive service requirements for developments with PBV assisted units under the program and project exceptions include but are not limited to:

- Meal service adequate to meet nutritional need;
- Housekeeping aid;
- Personal assistance;
- Childcare;
- Transportation services;
- Health-related services;
- Case management;
- Job training;
- Educational and employment counseling services;
- Substance/alcohol abuse treatment or counseling;
- Household skill training;
- Homeownership counseling;
- Youth development;
- Recreation; or

Other services designed to help the recipient live in the community as independently as possible. Supportive services must be available to qualifying families within a reasonable time, not to exceed 60 calendar days after the family's request.

XXVIII. ENHANCED VOUCHERS

NYCHA receives enhanced vouchers to preserve housing units that might otherwise be lost due to housing conversion actions such as mortgage prepayments or owner opt-outs. In a housing conversion action, HUD provides vouchers to assist those households affected by a housing conversion or "decoupling," as set forth in section 236(e)(2) of the National Housing Act. Only households residing in the project at the time of conversion are eligible for enhanced voucher assistance. For eligibility purposes, the time of conversion or decoupling is the effective date of prepayment or voluntary termination of mortgage or refinancing insurance. For eligible households remaining in the conversion project, the enhanced voucher payment standard equals the approved gross rent of the occupied unit (subject to rent reasonableness determinations). The gross rent is equal to the rent the tenant pays to the owner plus any tenant-paid utility allowance where tenants are responsible for payment of utilities. The regular NYCHA payment standard does not apply.

Enhanced assistance only applies if the household remains in the conversion project. According to Notice PIH 2001-41 (HA), "a family that receives an enhanced voucher has the right to remain in the project as long as the units are used for rental housing and are otherwise eligible for HCV assistance. The owner may not terminate the tenancy of a family that exercises its right to remain, except for a serious or repeated lease violation or other good cause. If an owner refuses to honor the family's right to remain, the family may exercise any judicial remedy that is available under state and/or local law." If the household moves outside the project, the voucher reverts to a regular tenant-based voucher and the regular program rules and payment standards apply.

A. Over-housed Enhanced Voucher Families

1. If the bedroom size of the household's unit exceeds the number of bedrooms for which the household qualifies under NYCHA subsidy standards, the household is an over-housed family unless the household qualifies for a reasonable accommodation because one or more household member(s) need an additional bedroom.
2. If an over-housed family chooses to move from the project at any time, the tenant-based voucher program rules apply to the subsidy calculation for the new unit. In such a case, the payment standard is the lower of the payment standard for the family unit size under the applicable subsidy standards or the payment standard for the actual size of the unit rented by the household (see 24 CFR § 982.402(c)).
3. If an over-housed family wishes to remain at the project, the enhanced voucher payment standards are not applicable, and the provisions of HUD Notice 2016-02 apply.

4. Once NYCHA determines the household is over-housed, the Agency will inform the household and explain the requirements as per HUD rules.
5. If the household indicates it wishes to remain at the project with enhanced voucher assistance, NYCHA will inform the owner of the project that the household is in an over-sized unit.
6. NYCHA will provide the owner with the bedroom size for which the household qualifies under NYCHA's subsidy standards (i.e., the appropriate size unit). The owner must then identify all appropriate size units that are available in the project.
7. If an appropriate-sized unit is available in the project, the over-housed family must move to the appropriate size unit within thirty days to continue to receive enhanced voucher assistance.
8. If an over-housed enhanced voucher family refuses to move to the appropriate size unit, and one exists and is available for occupancy, the PHA will calculate the household's housing assistance payment for the over-sized unit based on the normally applicable voucher subsidy formula using the applicable payment standard.
9. The household will be responsible for any amount of the gross rent not covered by the housing assistance payment.

XXIX. RENTAL ASSISTANCE DEMONSTRATION (RAD)

The RAD is a HUD tool created for housing authorities to make necessary improvements and ensure the long-term affordability of their housing. Under this program, major repairs are made to a specific development, and the federal subsidy supporting the development shifts from the public housing program to Section 8 rental assistance contracts. PHAs may choose between two forms of Section 8 HAP Contracts: PBV or project-based rental assistance (PBRA). As of the date of this Administrative Plan, NYCHA has chosen to convert certain public housing developments to PBV assistance pursuant to RAD.

NYCHA's policies as described below are consistent HUD's rules governing the RAD program, as set forth in H-2019-09 PIH-2019-23 (HA), REV-4 issued on September 5, 2019, and as may be further amended or superseded ("RAD Notice"). Terms not otherwise defined in this Section, shall have the meaning set forth in the RAD Notice. The RAD program is also referred by NYCHA as "PACT" (Permanent Affordability Commitment Together)

A. PBV Contract Terms

1. Length of Contract

   RAD projects shall have an initial HAP Contract term of 20 years. Project Owners are required to make available for occupancy by eligible tenants the number of assisted units under the terms of the contract and may not reduce the number of assisted units without HUD approval.

2. Mandatory Contract Renewal

In accordance with the RAD Statute, upon expiration of the initial contract and each renewal contract, NYCHA must offer, and the Project Owner must accept, renewal of the contract subject to the terms and conditions applicable at the time of renewal and the availability of appropriations each year for such renewal.

3. RAD Use Agreement

Pursuant to the RAD Statute, a "Covered Project" (the Project that converted under RAD) shall have an initial RAD Use Agreement that will:

i. Be recorded in a superior position to all liens on the property. The Use Agreement shall be recorded prior to the Security Instrument or any other mortgage or security instrument relating to an FHA-insured loan or a Risk-share loan;

ii. Run until the conclusion of the initial term of the HAP Contract, automatically renew upon extension or renewal of the HAP Contract for a term that coincides with the renewal term of the HAP Contract, and remain in effect even in the case of abatement or termination of the HAP Contract (for the term the HAP Contract would have run, absent the abatement or termination), unless the Secretary approves termination of the RAD Use Agreement in the case of a transfer of assistance;

iii. Provide that in the event that the HAP Contract is removed due to breach, noncompliance or insufficiency of Appropriations, for all units previously covered under the HAP Contract new tenants must have incomes at or below 80% of the AMI at the time of admission and rents may not exceed 30% of 80% of AMI for an appropriate size unit for the remainder of the term of the RAD Use Agreement; and require compliance with all applicable fair housing and civil rights requirements, including the obligation to affirmatively further fair housing.

4. Initial Contract Rent Setting

HUD has calculated initial contract rents for every public housing project based on each project's subsidy under the public housing program. Notwithstanding HUD's calculation, initial PBV contract rents are subject to the statutory and regulatory PBV requirements governing contract rents, as well as any applicable RAD notices issued by HUD. For RAD/Section 18 blends, the initial contract rent will be as determined by the RAD notice as amended and is currently the lower of (i) 110% of the applicable FMR or (ii) the reasonable rent.

5. Method of Adjusting Contract Rents

   Contract rents for all units will be adjusted only by HUD's OCAF at each anniversary of the HAP Contract, subject to the availability of appropriations for each year of the contract term.[2] The rent to owner may at no time exceed the reasonable rent charged for comparable unassisted units in the private market, in accordance with 24 CFR § 983.303.[3] However, the rent to owner shall not be reduced below the initial rent to owner for dwelling units under the initial HAP Contract.

6. Agreement Waiver and RAD Rehab Assistance Payments (RAP)

   For conversions of existing public housing units to PBV an AHAP contract is not required. Instead, the PHA and Project Owner typically will enter into a HAP Contract before construction begins. Until the work is complete, standard HAP Contract funding procedures will be used for occupied units. Units that are not occupied at any point during the period of work identified in the approved Financing Plan and RAD Conversion Commitment (RCC) may be eligible for Rehab Assistance Payments equal to the Public Housing Operating Fund and the Capital Fund amounts that formed the basis for the calculation of initial contract rents.

7. Inspections

   When work is occurring under RAD, HUD requires that all units (both RAD PBV units and non-RAD PBV units) undergo an inspection no later than the date of completion of the work as indicated in the RAD Conversion Commitment (the contract executed by HUD, the PHA and, as applicable, the post-conversion Owner and describes the terms and conditions of the conversion).

B. RAD Resident Rights, Participation, Waiting List and Grievance Procedures Section 1.6(C) of RAD Notice

1. No Re-screening of Tenants Upon Conversion

   Pursuant to the RAD Statute, at conversion, current authorized households cannot be excluded from occupancy at the Covered Project based on any rescreening, income eligibility, or income targeting. With respect to occupancy in the Covered Project, current authorized households in the Converting Project will be grandfathered for application of any eligibility criteria to conditions that occurred prior to conversion but will be subject to any ongoing eligibility requirements for actions that occur after conversion.[4] Post-conversion, the tenure of all residents of the Covered Project is protected pursuant to PBV requirements regarding

[2] OCAFs are calculated and published each year by HUD in the Federal Register and are applied to the portion of a contract rent that is not committed to debt service payment in order to calculate the contract rent for the project in the following fiscal year. For the most recent guidance on OCAF, please see: http://www.gpo.gov/fdsys/pkg/FR-2011-10http://www.gpo.gov/fdsys/pkg/FR-2011-10-26/pdf/2011-27816.pdf26/pdf/2011-27816.pdf.

[3] If the Covered Project is deemed to be PHA-owned pursuant to HUD guidance, an independent entity will need to perform the rent-setting and inspection functions set out in 24 CFR § 983.59.

[4] These protections (as well as all protections in this Notice for current households) also apply when a household is relocated to facilitate new construction or repairs following conversion and subsequently returns to the Covered Project.

continued occupancy unless explicitly modified in this Notice (e.g., rent phase-in provisions).

Once the grandfathered household moves out, the unit must be leased to an eligible household from the NYCHA waiting list. Further, so as to facilitate the right to return to the assisted property, this provision shall apply to current public housing residents of the Converting Project that will reside in non-RAD PBV units or non-RAD PBRA units placed in a project that contain RAD PBV units or RAD PBRA units. Such households and such contract units will otherwise be subject to all requirements of the applicable program, specifically 24 CFR Part 983 for non-RAD PBV units and the PBRA requirements governing the applicable contract for non-RAD PBRA units.[5]

2. Right to Return

Any residents that may need to be temporarily relocated to facilitate rehabilitation or construction will have a right to return to an assisted unit at the development once rehabilitation or construction is completed. Where the transfer of assistance to a new site is warranted and approved, residents of the converting development will have the right to reside in an assisted unit at the new site once rehabilitation or construction is complete. Residents of a development undergoing conversion of assistance may voluntarily accept an offer to permanently relocate to another assisted unit, and thereby waive their right to return to the development after rehabilitation or construction is completed. Permanent involuntary displacement of residents may not occur as a result of a project's conversion of assistance. See section 1.4.A.5(ii) of the RAD Notice and the RAD Fair Housing, Civil Rights, and Relocation Notice PIH 2016-17, issued on November 10, 2016, regarding a resident's right to return.

3. Renewal of Lease

Under RAD, the owner must renew all leases upon lease expiration, unless good cause exists not to renew. This provision must be incorporated into the tenant lease or tenancy addendum, as appropriate.

4. Phase-in of Tenant Rent Increases

If a tenant's monthly rent increases by more than the greater of ten percent or $25 purely as a result of a PACT conversion, the rent increase will be phased in over five years. For purposes of this section "standard TTP" refers to the Total Tenant Payment (TTP) calculated in accordance with regulations at 24 CFR § 5.628 and the "most recently paid TTP" refers to the TTP recorded on line 9j of the household's most recent HUD Form 50058. If a household in a development was paying a flat rent immediately prior to conversion, NYCHA shall use the flat rent amount to

[5] For non-RAD PBV households, applicable program requirements include the requirement that any admission to the project must be initially eligible for a HAP payment at admission to the program, which means their TTP may not exceed the gross rent for the unit at that time.

calculate the phase-in amount for Year 1, as illustrated below. Households will not pay more than 30% of their adjusted gross household income for rent.

Five Year Phase in:

- Year 1: Any recertification (interim or annual) performed prior to the second annual recertification after conversion – 20% of difference between most recently paid TTP or flat rent and the standard TTP
- Year 2: Year 2 AR and any IR prior to Year 3 AR – 25% of difference between most recently paid TTP and the standard TTP
- Year 3: Year 3 AR and any IR prior to Year 4 AR – 33% of difference between most recently paid TTP and the standard TTP
- Year 4: Year 4 AR and any IR prior to Year 5 AR – 50% of difference between most recently paid TTP and the standard TTP
- Year 5 AR and all subsequent recertifications – 100% (Full standard TTP)

Once the calculated PBV TTP is equal to or less than the previous TTP, the phase-in ends, and tenants will pay full TTP from that point forward.

5. Public Housing Family Self Sufficiency (PH-FSS) and Resident Opportunities and Self Sufficiency Service Coordinator (ROSS-SC) Programs

   NYCHA does not have PH-FSS participants but residents will be able to enter into the Housing Choice Voucher (HCV) FSS program after conversion. Current ROSS-SC grantees will be able to finish out their current ROSS-SC grants once their housing is converted under RAD. However, once the property is converted, it will no longer be eligible to be counted towards the unit count for future public housing ROSS-SC grants, nor will its residents be eligible to be served by future public housing ROSS-SC grants.

6. Resident Participation and Funding

   Residents will have the right to establish and operate a resident organization for the purpose of addressing issues related to their living environment and be eligible for resident participation funding in accordance with the Notice. The owner must provide $25 per occupied unit annually for resident participation, of which at least $15 per occupied unit shall be provided to a legitimate tenant organization at the covered property. These funds must be used for resident education, organizing around tenancy issues and training activities.

7. Resident Procedural Rights

   At a minimum, residents will have the following procedural rights, which NYCHA has expanded by incorporating the RAD Guiding Principles for the benefit of residents.

   a. Termination Notification

HUD has incorporated additional termination notification requirements to comply with section 6 of the U.S. Housing Act of 1937 as may be amended (Act) for public housing projects that convert assistance under RAD. In addition to the regulations at 24 CFR § 983.257, related to owner termination of tenancy and eviction, the termination procedure at a minimum for RAD conversions to PBV will require that the owner provide adequate written notice of termination of the lease which shall be:

i. A reasonable period of time, but not to exceed 30 days:
   - If the health or safety of other tenants, Project Owner employees, or persons residing in the immediate vicinity of the premises is threatened; or
   - In the event of any drug-related or violent criminal activity or any felony conviction;

ii. Not less than 14 days in the case of nonpayment of rent; and

iii. Not less than 30 days in any other case, except that if a State or local law provides for a shorter period of time, such shorter period shall apply.

b. Grievance Process

HUD is incorporating additional resident procedural rights to comply with the requirements of Section 6 of the Act.

For issues related to tenancy and termination of assistance, PBV program rules require the owner to provide an opportunity for an informal hearing, as outlined in 24 CFR § 982.555. RAD will specify alternative requirements for 24 CFR § 982.555(b) in part, which outlines when informal hearings are not required, and require that:

i. In addition to reasons that require an opportunity for an informal hearing given in 24 CFR § 982.555(a)(1)(i)-(vi), an opportunity for an informal hearing must be given to residents for any dispute that a resident may have with respect to an owner action in accordance with the individual's lease or the contract administrator in accordance with RAD PBV requirements that adversely affect the resident's rights, obligations, welfare, or status.
   - For any hearing required under 24 CFR § 982.555(a) (1) (i)-(vi), NYCHA as the contract administrator will perform the hearing, as is the current standard in the program. The hearing officer must be selected in accordance with 24 CFR § 982.555(e) (4) (i).
   - For any additional hearings required under RAD, the owner will perform the hearing.

ii. An informal hearing will not be required for class grievances or for disputes between residents not involving the owner or contract administrator.

iii. The owner gives residents notice of their ability to request an informal hearing as outlined in 24 CFR § 982.555(c)(1) for informal hearings that will address circumstances that fall outside of the scope of 24 CFR § 982.555(a)(1)(i)-(vi).

iv. The owner provides opportunity for an informal hearing before an eviction.

8. Earned Income Disregard (EID)

Tenants who are employed and are currently receiving the Earned Income Disregard (EID) exclusion at the time of conversion will continue to receive the EID after conversion, in accordance with regulations at 24 CFR § 5.617. Upon the expiration of the EID for such households, the rent adjustment shall not be subject to rent phase-in, as described in Section 1.6.C.4 of the RAD Notice; instead, the rent will automatically rise to the appropriate rent level based upon tenant income at that time.

Under the HCVP, the EID exclusion is limited to only persons with disabilities (24 CFR §5.617(b)). In order to allow all tenants (including non-disabled persons) who are employed and currently receiving the EID at the time of conversion to continue to benefit from this exclusion in the PBV project, the provision in 24 CFR § §5.617(b) limiting EID to only disabled persons is waived. The waiver and resulting alternative requirement only apply to tenants receiving the EID at the time of conversion. No other tenant (e.g., tenants that move into the property following conversion or tenants who at one time received the EID but are not receiving the EID exclusion at the time of conversion due to loss of employment) is covered by this waiver.

9. Jobs Plus

Jobs Plus grantees awarded FY 2014 and future funds that convert the Jobs Plus target projects(s) under RAD will be able to finish out their Jobs Plus period of performance at that site unless significant relocation and/or change in building occupancy is planned. If either is planned at the Jobs Plus target project(s), HUD may allow for a modification of the Jobs Plus work plan or may, at the HUD Secretary's discretion, choose to end the Jobs Plus program at that project.

10. When Total Tenant Payment Exceeds Gross Rent (Section V, PIH Notice 2023-19)

Under normal PBV rules, NYCHA may only select an occupied unit to be included under the PBV HAP Contract if the unit's occupants are eligible for housing assistance payments (24 CFR § 983.53(c)). Also, NYCHA must remove a unit from the contract when no assistance has been paid for 180 days because the household's TTP has risen to a level that is equal to or greater than the contract rent, plus any utility allowance, for the unit (i.e., the Gross Rent) (24 CFR § 983.258).

Pre-Conversion Residents. Since the rent limitation under the Notice may result in current residents having TTPs that exceed the Gross Rent, 24 CFR §983.53(c) does not apply in order to provide RAD PBV assistance to residents who were living in the converting development prior to conversion. As necessary to further implement the alternative requirements described

below, HUD is waiving 24 CFR §983.258 and §983.211, as well as the provisions of Section 8(o)(13)(H) of the Act and the implementing regulations at 24 CFR § 983.301 as modified by Section 1.6.B.5 of the Notice.

HUD is establishing an alternative requirement that the unit for a family with a TTP that equals or exceeds Gross Rent must be placed on the PBV HAP Contract and the family shall be admitted to the PBV program. In such cases the resident is considered a participant under the PBV program and all the family obligations and protections under RAD and PBV apply to the resident. During any period when the family's TTP is equal to or above the Gross Rent, the zero-HAP family will pay an alternate rent to owner that is the lower of:

a. the family's TTP less the Utility Allowance, subject to any required phase-in pursuant to Section 1.6.C.3 of the Notice; or

b. the Zero-HAP Rent Cap, which is the lower of either:

   i. 110% of the applicable FMR less the Utility Allowance; or

   ii. In the event the units are subject to more restrictive rent setting requirements under the LIHTC or HOME programs, or other programs approved by HUD on a project-specific basis, the rent to owner set to comply with such requirements.

During any period that the family's TTP falls below the Gross Rent, the normal PBV requirements apply and the family would pay 30% of adjusted income, less utility allowance.

After a family has paid the Zero-HAP Rent Cap for a period of 180 days, NYCHA will remove the unit from the HAP Contract and the family's participation in the PBV program ends. If the unit is located in a development that is fully assisted and the family subsequently leaves the property, NYCHA will reinstate the unit back onto the HAP Contract and admit an eligible family. If the development is partially assisted and the family subsequently leaves the property, the unit must be reinstated back onto the HAP Contract unless NYCHA previously substituted a different unit on the HAP Contract in accordance with 24 CFR § 983.207 or, where "floating units" have been permitted.

Additionally, if the family continues to reside in the development after the family's unit was removed from the HAP Contract, the family may request to return to the PBV program if the family's income subsequently decreases to the extent that the family's TTP is less than the Zero-HAP Rent Cap set by this section and the family is otherwise eligible for PBV assistance. NYCHA will, at the earliest opportunity, reinstate the family's unit back onto the HAP Contract to provide rental assistance to the family. All PBV requirements with respect to the unit, such as compliance with the inspection standards, apply while the unit is under the HAP Contract or added back to the HAP Contract.

New Admission Families. Unless NYCHA requests and receives the required waiver, any new admission to the converted development must meet the eligibility requirements at 24 CFR §

982.201 and require a subsidy payment at admission to the PBV program, which means the family's TTP may not equal or exceed the Gross Rent for the unit at that time. Furthermore, NYCHA must remove a new admission family's unit from the PBV HAP Contract when no assistance has been paid for 180 days because a new admission family's TTP subsequently increased to equal or exceed the Gross Rent. However, HUD is imposing an alternative requirement in such cases. If the development is fully assisted and the family subsequently leaves the property, NYCHA must reinstate the unit on the HAP Contract and admit an eligible family. If the development is partially assisted, NYCHA may substitute a different unit for the unit on the HAP Contract in accordance with 24 CFR § 983.207 or, where "floating units" have been permitted.

11. Under-Occupied Unit (Apt too large)

    If a household is in an under-occupied unit under 24 CFR § 983.260 at the time of conversion, the household may remain in this unit until an appropriate-sized unit becomes available, as determined by NYCHA. When an appropriate-sized unit becomes available, the household living in the under-occupied unit must move to the appropriate-sized unit within the development in a reasonable period of time, as determined by NYCHA. In order to allow the household to remain in the underoccupied unit until an appropriate-sized unit becomes available, HUD has waived 24 CFR § 983.2602.

12. Establishment of Waiting List

    HUD allows NYCHA to consider the best means to transition applicants from the current public housing waiting list, including:

    i. Transferring an existing site-based waiting list to a new site-based waiting list.
    ii. Transferring an existing site-based waiting list to a PBV program-wide or HCV program wide waiting list.
    iii. Transferring an existing community-wide public housing waiting list to a PBV program wide or HCV program-wide waiting list, an option particularly relevant for PHAs converting their entire portfolio under RAD.
    iv. Informing applicants on a community-wide public housing waiting list how to transfer their application to one or more newly created site-based waiting lists.

    NYCHA will utilize the project-specific waiting list that exists at the time of conversion. The waiting list must be established and maintained in accordance with PBV program requirements.

    If a project-specific waiting list for the project does not exist, NYCHA will establish a waiting list in accordance with 24 CFR § 903.7(b)(2)(ii)-(iv) to ensure that applicants on NYCHA's public housing community-wide waiting list have been offered placement on the converted project's initial waiting list. For the purpose of establishing the initial waiting list, NYCHA will determine the most appropriate means of informing applicants on the public housing waiting list given the

number of applicants, NYCHA's resources, and community characteristics of the proposed conversion under RAD. Such activities should be pursuant to NYCHA's policies for waiting list management, including the obligation to affirmatively further fair housing.

NYCHA currently maintains site-based waitlists for the PACT developments in Appendix C.

13. Vacancies

Prior to reaching stabilization (meaning 95% authorized occupancy), vacancies at the PACT development should be filled in the following order of priority: (1) reasonable accommodation transfer requests at the development; (2) emergency transfer requests at the development; (3) site-based wait list new admissions; (4) rightsizing transfers at the development; and (5) voluntary transfers at the development.

Once a PACT development has reached stabilization, vacancies at the PACT development should be filled in the following order of priority: (1) reasonable accommodation transfer requests at the development; (2) emergency transfer requests at the development; (3) rightsizing transfers at the development; (4) Inter PACT Transfers; (5) voluntary transfers at the development; and (6) site-based wait list new admissions.

Notwithstanding the orders of priority above, NYCHA may, at its discretion, immediately place PACT households whose dwelling units have been deemed unsafe or uninhabitable by NYCHA, the New York City Department of Buildings, or any other City agency, due to extraordinary circumstances, including but not limited to fire or flood in available units at PACT developments both before and after stabilization. Prior to placing PACT households in the manner described above, NYCHA may first direct the Project Owner of the development from where PACT households were displaced to utilize available appropriately sized vacant units within the same development, or other developments managed by the Project Owner. NYCHA also may offer displaced PACT households Tenant-Based Vouchers (TBVs).

C. Other Miscellaneous Provisions

1. Choice Mobility

One of the key features of the PBV program is the mobility component, which provides that if the household has elected to terminate the assisted lease at any time after the first year of occupancy in accordance with program requirements, NYCHA must offer the household the opportunity for continued tenant-based rental assistance, in the form of either assistance under the voucher program or other comparable tenant-based rental assistance (based on funding availability).

If as a result of participation in RAD a significant percentage of NYCHA's HCV program becomes PBV assistance, it is possible for most or all of NYCHA's turnover vouchers to be used to assist those RAD PBV households who wish to exercise mobility. While HUD is committed to ensuring mobility remains a cornerstone of RAD policy, HUD recognizes that it remains important for NYCHA to still be able to use tenant-based vouchers to address the specific housing needs and priorities of the community. Therefore, HUD is establishing an alternative requirement for PHAs where, as a result of RAD, the total number of PBV units (including RAD PBV units) under HAP

contract administered by NYCHA exceeds 20% of the PHA's authorized units under its HCV ACC with HUD.

The alternative mobility policy provides that an eligible voucher agency would not be required to provide more than three-quarters of its turnover vouchers in any single year to the residents of covered projects. While a voucher agency is not required to establish a voucher inventory turnover cap, if such a cap is implemented, the voucher agency must create and maintain a waiting list in the order in which the requests from eligible households were received. In order to adopt this provision, this alternative mobility policy must be included in NYCHA's administrative plan.

2. Inter PACT Transfers

Active PACT residents are permitted to submit an Inter PACT Transfer request in certain circumstances to place themselves on the Inter PACT transfer wait list. Additional information regarding this transfer option can be found on NYCHA's PACT website.

In the event of extraordinary circumstances, including but not limited to fire or flood, that makes a PACT unit uninhabitable, NYCHA may prioritize the relocation of the affected household to the first available appropriately sized vacant unit within the same development. Under these circumstances, NYCHA further reserves the right to authorize the transfer of the household to an appropriately sized unit in any PACT development.

3. Pilot Programs

NYCHA, at its discretion, may implement pilot programs to address additional needs related to PACT conversions, including but not limited to adding eligible "in-place" families to the project based HAP contract pursuant to 24 C.F.R. § 983.251(b).

XXX. LLC DEVELOPMENTS

In March 2010, NYCHA entered into a mixed-finance transaction with NYCHA Public Housing

Preservation I, LLC (LLC I) and NYCHA Public Housing Preservation II, LLC (LLC II), transferring ownership of 13 of its 21 city or state-built developments to LLC I, and transferring ownership of the remaining eight of its city or state-built developments to LLC II.

As of March 2020 NYCHA, as the managing partner of LLC I and LLC II, entered into a private partnership for the day-to-day management of the eight LLC II developments. Currently, NYCHA continues to manage 11 LLC I developments. The 11 LLC I developments contain public housing units as well as units assisted under the Section 8 program.

On an ongoing basis, NYCHA is converting units in the 11 LLC developments to HCVP up to a maximum of 8,400 units. Upon turnover, vacant units can be filled from the waiting list and will be assisted under the project-based voucher program or tenant-based vouchers. All HCVP assisted tenancies in the 11 LLC developments must meet applicable income and other requirements under the HCVP.

XXXI. FAMILY SELF-SUFFICIENCY PROGRAM (FSS)

Under the FSS program, low-income households are provided opportunities for education, job training, counseling and other forms of social service assistance, while living in assisted housing, so they can obtain skills necessary to achieve self-sufficiency. In accordance with HUD 24 CFR Part 984, NYCHA facilitates its FSS program for HCVP residents through the Office of Resident Economic Empowerment and Sustainability (REES). REES offers a variety of job-training, workforce development, and financial management programs designed to encourage, assist, train, and facilitate the economic independence of NYCHA households. NYCHA has been approved to participate in a FUP-FSS demonstration program to better serve youth aging out of foster care.

XXXII. HUD WAIVERS

To the extent that HUD issues to NYCHA any waivers of the Section 8 requirements, those waivers and any changes to this Plan necessary to implement such waivers will be deemed incorporated into this Plan as of the date of issuance of the waiver(s).

Optional waivers permitted by Notice PIH 2020-05, which was superseded by Notice PIH 2020-13, Notice PIH 2020-33, and Notice PIH 2021-14, have been rescinded via Notice PIH 2021-34 except to grant PHAs the discretion to continue using the income verification hierarchy, remote video inspections, and PHA oral briefing waivers without prior HUD approval.

Glossary

Affiliated Individual under VAWA. A spouse; parent; brother; sister; child; or a person to whom the tenant stands in the place of a parent or guardian, i.e., a person in the tenant's care, custody, or control.

Applicant (Applicant Family). A household that has applied for admission to a program but is not yet a participant in the program.

Authorized Occupant. An authorized occupant is a member of the voucher household approved by NYCHA under either permanent, conditional, court appointed guardian, or temporary status.

***Dependent*.** A member of the household (except foster children and foster adults) other than the household head or spouse or live-in aide who is under 18 years of age, or is a person with a disability, or is a full-time student.

Disabled Person. Any person who has a physical or mental impairment that substantially limits one or more major life activities; has a record of such impairment; or is regarded as having such an impairment.

***Elderly Person*.** An individual who is at least 62 years of age.

***Eligible Family*.** A household that is income eligible and meets the other requirements of the 1937 Act and Part 5 of 24 CFR.

Existing Housing. Housing units that already exist on the proposal selection date and that substantially comply with the NSPIRE on that date (24 CFR § 983.3). Substantially complies means that the unit does not have LT violations as described herein.

Extremely Under Occupied. Households in apartments with two or more extra bedrooms.

Extremely Overcrowded. Households in apartments that have two or more bedrooms less than the applicable occupancy standard.

Fair Housing Act. Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988.

Fair Market Rent (FMR). The rent, including the cost of utilities (except telephone), as established by HUD for units of varying sizes (by number of bedrooms), that must be paid in the housing market area to rent privately owned, existing, decent, safe and sanitary rental housing of modest (non-luxury) nature with suitable amenities. See periodic publications in the Federal Register in accordance with 24 CFR Part 888.

HAP Contract. Housing Assistance Payments Contract (HAP Contract). A written contract between the PHA and an owner for the purpose of providing housing assistance payments to the owner on behalf of an eligible household.

Head of Household. The adult member of the household who is the head of the household for purposes of determining income eligibility and rent.

Housing Assistance Payment. The monthly assistance payment by a PHA, which includes: 1) a payment to the owner for rent to the owner under the household's lease; and 2) an additional payment to the household if the total assistance payment exceeds the rent to owner.

Housing Agency (HA). A state, county, municipality or other governmental entity or public body (or agency or instrumentality thereof) authorized to engage in or assist in the development or operation of low-income housing. (“PHA” and “HA” mean the same thing.)

Housing Authority ADA/Section 504 Grievance Procedure. The procedure outlined in the Referral to PHRAC or SERAC Reasonable Accommodation Coordinator section of the NYCHA Standard Procedure Manual SP040:12:1

Housing Quality Standards (HQS). The HUD minimum quality standards a unit must meet to be housing assisted under the voucher program.

HUD. The United States Department of Housing and Urban Development.

Lease**.** A written agreement between an owner or an owner’s agent and a tenant for the leasing of a dwelling unit to the tenant. The lease establishes the conditions for occupancy of the dwelling unit by a household with housing assistance payments under a HAP contract between the owner and the PHA.

Minor**.** A member of the household other than the household head or spouse, who is under 18 years of age.

NSPIRE. National Standards for the Physical Inspection of Real Estate.

New Construction Housing. Housing units that do not exist on the proposal selection date and are developed

after the date of selection pursuant to an Agreement between the PHA and owner for use under the PBV program (24 CFR § 983.3).

Occupancy Standards. Standards established by a PHA to determine the appropriate number of bedrooms and amount of subsidy for households of different sizes and compositions.

***Owner/Property Manager*.** The agent assigned to manage the unit or property. This may be either the owner of the property or the owner's representative or managing agent or the management agent's representative, as designated by the owner.

PACT Principles. Principles for the Rental Assistance Demonstration: Supplemental Resident Rights and Protections Under RAD Conversion dated as of June 13, 2016.

Participant (Participant Family). A household that is currently receiving assistance under HVCP.

Payment Standard. An amount established by the PHA that represents the maximum monthly assistance payment for a household assisted in the voucher program (before deducting the total tenant payment by the household). Payment standards are based on the HUD published established FMRs for the voucher program.

***Portability*.** Renting a dwelling unit with a Section 8 housing choice voucher outside the jurisdiction of the initial PHA.

Project. Multiple buildings on contiguous parcels of land.

***Public Assistance*.** Welfare or other payments to households or individuals, based on need, which are made under programs funded, separately or jointly, by federal, state, or local governments.

Rehab Assistance Payments (RAP) Units that are not occupied at any point during the period of work identified in the approved Financing Plan and RAD Conversion Commitment (RCC) may be eligible for Rehab Assistance Payments equal to the Public Housing Operating Fund and the Capital Fund amounts that formed the basis for the calculation of initial contract rents.

***Reasonable Rent*.** A rent to owner that is not more than rent charged for: 1) comparable units in the private unassisted market; and 2) comparable unassisted units in the premises.

***Recertification*.** Sometimes called reexamination. The process of securing documentation of total household income used to determine the rent the participant will pay for the next 12 months.

Remote Visual Inspection (RVI). RVI is an inspection performed with the property owner or owner's representative ("proxy") at the physical subject location and an inspector directing the inspection remotely.

Security Deposit. A dollar amount (maximum set according to the regulations) which can be used by the owner or the owner's agent for unpaid rent or damages to the owner upon termination of the lease.

Social Security Number (SSN). The nine-digit number that is assigned to a person by the Social Security Administration and that identifies the record of the person's earnings reported to the Social Security Administration. The term does not include a number with a letter as a suffix that is used to identify an auxiliary beneficiary.

Tenant. The person or persons (other than a live-in aide) who execute the lease as lessee of the dwelling unit.

Tenant Share. The portion of rent and utilities paid by the household. For calculation of household share, see 24 CFR § 982.515(a).

Third Party Verification – Consent to Release form. Consent form, approved by HUD, to be signed by assistance applicants and participants to obtain income information from employers and State Wage Information Collection Agencies (SWICAs); return information from the Social Security Administration (including wages, net earnings from self-employment, and retirement income); and return information for unearned income from the IRS. Consent forms expire after a certain time and may authorize the collection of other information to determine eligibility or level of benefits.

Unit. Residential space for the private use of a household. The size of a unit is based on the number of bedrooms contained within the unit and generally ranges from zero bedrooms to six bedrooms.

Utility Allowance. If the cost of utilities (except telephone) and other housing services for an assisted unit is not included in the tenant rent but is the responsibility of the household occupying the unit, an amount equal to the estimate made or approved by a PHA or HUD of the monthly cost of a reasonable consumption of such utilities and other services for the unit by an energy-conservative household of modest circumstances consistent with the requirements of a safe, sanitary, and healthful living environment.

Veteran. A veteran is an individual who has served in the United States armed forces. This includes veterans who are assisted through the New York City Department of Veterans Services with any other than dishonorable discharge status and are ineligible for healthcare provided through the Veterans Health Administration.

Violent Criminal Activity. Any illegal criminal activity that has as one of its elements: the use, attempted use, or threatened use of physical force against the person or property of another.

Voucher (Housing Choice Voucher). A document issued by a PHA to a household selected for admission to the housing choice voucher program, or to a current participant household approved for a transfer. This document describes the program and the procedures for PHA approval of a unit selected by the household. The voucher also states obligations of the household under the program.

Voucher Holder. A household who has been issued a voucher with an unexpired term (search time). This applies to transfers and certified applicants.

Voucher Program. The Housing Choice Voucher Program.

Appendix A: EMERGENCY HOUSING VOUCHER PROGRAM

Under the Emergency Housing Voucher Program (EHV), and pursuant to Notice PIH 2021-15 (HA): Emergency Housing Vouchers – Operating Requirements, dated May 5, 2021 (EHV PIH Notice), emergency housing vouchers (EHVs) are tenant-based rental assistance under Section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)).

NYCHA administers its EHV Program in accordance with 24 CFR § 982 and NYCHA's HCV tenant-based Section 8 policies and procedures detailed in this HCV Administrative Plan, including HCV policies with regards to annual and interim recertifications, inspections, and termination of assistance. Limited exceptions to 24 CFR § 982 and NYCHA's HCV tenant-based Section 8 policies and procedures that apply to the EHV Program only are detailed below.

A. Eligibility Categories and Direct Referrals for EHV Assistance

The Continuum of Care for New York City (the "NYC CoC"), through its coordinated entry (CE) system, determines which households are potentially eligible for EHV assistance and refers them to NYCHA. To be eligible to be referred by the "NYC CoC" for EHV assistance, an individual or family must meet one of four eligibility categories, as defined in the EHV PIH Notice:

- Homeless
- At risk of homelessness
- Fleeing, or attempting to flee, domestic violence, dating violence, sexual assault, stalking, or human trafficking
- Recently homeless and for whom providing rental assistance will prevent the family's homelessness or having high risk of housing instability

In general, verification that an individual or family being referred to NYCHA for EHV assistance is within one of the four eligible categories is conducted by the NYC CoC or other partnering agencies. NYCHA is required to accept referrals for EHV assistance directly from the NYC CoC's CE system, which is called the Coordinate Assessment and Placement System (CAPS) in NYC.

B. EHV Waiting List

Pursuant to the EHV PIH Notice, NYCHA has a separate waiting list for EHV referrals/applicants.

EHV referrals/applicants will be selected from the EHV waiting list in accordance with the application date.

NYCHA works directly with the NYC CoC and other partnering agencies to manage the number of referrals and the size of the EHV waiting list.

C. Denial of EHV Assistance

Pursuant to the EHV PIH Notice, HUD has established alternative requirements with respect to mandatory and permissive prohibitions of admissions for EHV applicants. In accordance with the EHV PIH Notice, NYCHA will only deny assistance based on the mandatory denials of assistance detailed above in Section VII(A). The mandatory denials of EHV assistance are the same as NYCHA's HCV program.

D. Verification of Income, Assets, and Expenses

Pursuant to the EHV PIH Notice, HUD has granted discretion for PHA's to utilize self-certification of income, assets, and expenses as the highest form of verification at admission. NYCHA will accept an affidavit certifying the EHV household's income, assets, and expenses at admission only. Follow up verification of income via the EIV Income and Income Validation Tool (IVT) is still required within 90 days of admission to the program.

E. Pre-inspection of Units

Upon request from the owner, NYCHA will pre-inspect available units that an EHV family may be interested in leasing in order to maintain a pool of eligible units.

A unit that passes a pre-inspection may be rented by an EHV applicant if the family selects the unit within 45 days of the passed inspection date and there is not an intervening period of occupancy of the unit.

All other NYCHA HCV policies and procedures as detailed in Section XII, above, apply to the EHV program.

F. Initial Search Term of EHV

Pursuant to EHV PIH Notice, the initial search term of an EHV is 120 days. Effective September 1, 2022, extensions will be provided in 60-day increments for a maximum search term of 300 days. All extensions beyond 300 days are in accordance with NYCHA's HCV voucher extension policy in Section X, above.

G. Initial Lease Term

The initial lease term for an EHV applicant may be less than 12 months in order to facilitate a greater range of housing options.

H. Exception Payment Standards

NYCHA has adopted exception payment standards (EPS) for its EHV Program. The EPS values are set at the ZIP code level and use HUD's Small Area Fair Market Rents (SAFMR) for certain ZIP codes in New York City. The EPS is intended to expand housing opportunities in zip codes that have lower rates of poverty and crime and have well-resourced schools.

I. Portability

The standard HCV portability federal regulations and NYCHA policies, as detailed in Section XXI, above, apply to EHVs with limited exceptions which are found in the EHV PIH Notice under Section 9(o).

J. EHV Service Fee Uses

a. Housing Search Assistance

All EHV voucher holders will be entitled to the following housing search assistance, if needed, to lease-up in unit under the EHV program:

- Broker's fee (up to 15% of annual rent)
- Support of the NYC Mayor's Public Engagement unit (PEU) in outreach to owners and brokers to identify available units through the HOME system and support through to lease-up/move in
- Scheduling apartment viewings through PEU
- Moving cost assistance
- One month's security voucher
- Support of a Housing Navigator for housing location services
- Hold fee equivalent to one month's contract rent. Effective January 1, 2023, all owners executing a new EHV rental will be entitled to a hold fee upon execution of the Housing Assistance Payments (HAP) contract.

K. Termination of Funding

Due to insufficient federal funding, the EHV program will terminate in late 2026. NYCHA will terminate all remaining EHV HAP contracts when federal funding for the program runs out. No other program or HAP contract administered by NYCHA LHD will be affected by this termination, as the termination solely relates to the available funding for EHV.

In order to offer current EHV households the opportunity for continued subsidized housing in the City of New York, NYCHA will require all EHV households to complete an application to NYCHA's Public Housing program. NYCHA will offer those EHV households in good standing—those who are up to date on their annual recertification and HQS inspection—who have completed a Public Housing application the opportunity to transition to a different housing option in NYCHA's portfolio in the order they were first admitted to the E**HV** Program. NYCHA will provide opportunities to EHV households based on the household size and other information on the household's most recent recertification and may preference studio apartments for single adult households. Notwithstanding any previous sections of this Plan, this includes NYCHA's private project-based Section 8, PACT, and LLC portfolios. NYCHA will, pursuant to a waiver of 24 CFR § 982.204 granted by HUD, give an absolute preference to EHV households on its PBV waitlists in order to successfully transition these households from the EHV program while continuing to provide these households an opportunity for subsidized housing.

Appendix B: OCCUPANCY AND SUCCESSION POLICY

In accordance with 24 CFR § 982.551, the composition of the assisted family residing in the unit must be approved by the Public Housing Agency (PHA). The family must inform the PHA of the birth, adoption, or court-awarded custody of a child within 30 days of that event. The family must request PHA approval to add any other individual as an occupant of the unit. No other person may reside in the unit, except for a foster child or live-in aide as detailed below. This means that only authorized members of the assisted family may occupy the unit. The family must also promptly notify the PHA if any household member no longer resides in the unit. This Occupancy and Succession Policy applies to both tenant-based and project-based Section 8.

A. Occupancy Categories

LHD has four types of occupancy: permanent, conditional, court appointed guardian, and temporary:

1. **Permanent:** Persons added at admission, through family growth (e.g., adoption of minors, birth, marriage, or domestic partnership), and persons with conditional status who remained in the household for 12 consecutive months from the notice of approval:
    a) Children added through family growth must be born to or adopted by the HOH or a household member with permanent permission status
    b) The Voucher Holder must notify LHD of the birth, adoption, or court awarded custody of a minor child and of a marriage or domestic partnership within 30 days of the event and submit all requested documentation.
    c) Persons with permanent status are afforded succession rights and their income is included in the household income (unless otherwise excluded in the Code of Federal Regulations at 24 CFR § Part 5).
    d) To succeed the voucher, the individual must have the legal capacity to sign a lease and other tenancy documents.
        (1) If the individual has not reached the age of 18 (age of majority under New York law) or is mentally incapacitated, the individual must have an acceptable guardian.
        (2) A guardian is acceptable if he/she/they meets all eligibility criteria and is willing to sign the lease and other tenancy documents on behalf of the HOH.
2. **Conditional**: Persons that are added to the household and do not meet the initial conditions to be permanent members of the household, including, but not limited to:
    a) A child who is not currently residing in the household and is 18 years or older born to or adopted by the HOH;
    b) Children added through family growth, born to, or adopted by a household member with conditional status; and
    c) Any other individual the HOH seeks to add to the Section 8 household.

d) Persons who were permanent household members and were removed from the household or left the household, and are seeking to return to the household.

After one year of continuous occupancy in the household under conditional status, persons with conditional permission become permanent household members. Continuous occupancy is determined from the notice's effective date of approval to join the household.

3. **Court Appointed Guardian**: Reserved for court appointed guardians who reside or will reside in the subsidized unit. Court appointed guardians are added conditionally and their income is counted towards the total household income. Persons with this permission type are also considered when determining the number of contract bedrooms for the voucher. Persons with Court Appointed Guardian status are not afforded succession rights:

   a) Court appointed guardians will be removed from the household once their guardianship ends.

   b) When the relationship ends, and if there is not another court appointed guardian, the family will select an authorized adult family member within 30 days of the relationship end date, with legal capacity, to succeed to the voucher.

      (1) If the family cannot reach agreement, LHD will designate the oldest eligible adult household member as the Voucher Holder. The family may make a request to add additional household members in accordance with LHD policy.

4. **Temporary**: Used for foster children/adults, live-in aides, home attendants and persons seeking guardianship through the court system for children under 18 whose HOH is no longer present. Persons with temporary status do not have succession rights and their income is not counted in total household income:

   a) LHD will not increase the number of contract bedrooms assigned for approved temporary permission requests, except for foster children/adults and live-in aides.

   b) Temporary status may be applied in additional situations at LHD's discretion. LHD also reserves discretionary approval for households where the foster child(ren) remains in place after aging out.

B. Eligibility

Proposed additional persons in any of the above categories must meet the standards for admission as set forth in the HCV Administrative Plan.

Additional requirements include:

1. The request to add a household member must be made by the Voucher Holder
2. The Voucher Holder must reside in the apartment on the date of the request
3. The Voucher Holder must make the request in writing by submitting either a signed NYCHA Affidavit of Income – New Members or NYCHA Section 8 Request for Interim Change – Addition to Household

a) The family must have a current annual recertification on file

4. LHD may deny the request is there is a pending termination action against the family.

C. Overcrowding

If the addition of the proposed household member would create an overcrowded condition in the apartment, LHD shall grant the request. For households with Project-Based Section 8 Assistance (PBV), the household will be required to right size in accordance with LHD PBV right sizing and transfer policies and procedures. A household will be notified of their requirement to right size during the annual recertification process. A household that adds a member via an interim recertification will be notified of the right sizing requirement during their next annual recertification. For households with tenant-based Section 8 assistance, the household may request a transfer voucher in accordance with LHD transfer policies and procedures to transfer to an appropriate-sized unit.

D. Voucher Payment Standard

Staff will not change the voucher payment standard until the next scheduled annual recertification.

E. Notification

LHD will provide the HOH a written decision on the request to add household members. The Owner will also receive a copy of these notices.

F. Household Member Removal

Requests to remove a household member must be made in writing by the Voucher Holder. The Voucher Holder may submit either a signed NYCHA Affidavit of Income – Section 8 – Head of Household, NYCHA Section 8 Request for Interim Change – Addition to Household, or a written statement.

G. Succession to the Voucher

Requests to remove a Voucher Holder/HOH who has vacated/plans to vacate the unit and surrender the voucher must be made in writing by the current Voucher Holder/HOH. If the Voucher Holder/HOH is deceased, then the remaining household member(s) must submit a copy of the death certificate within 30 days of the date of the death. The remaining household member identifying him/herself/themselves as the next HOH must also submit a signed NYCHA Affidavit of Income – Section 8 – Head of Household, NYCHA Section 8 Request for Interim Change – Addition to Household, or a written statement. The remaining household member(s) must be eligible to continue receiving subsidy.

The Remaining Family Member must also meet all the following requirements:

1. The individual is an active household member with permanent status at the time the head of household dies or otherwise ceases to be a member of the assisted household.

2. The individual has the legal capacity to sign a lease and other tenancy documents. If the

individual has not reached the age of majority under New York law or is mentally incapacitated, the individual must have an acceptable guardian. A guardian is acceptable if he/she/they meets all the following conditions. He/she/they must:

a) Be the parent of the individual or a relative or other responsible adult who is willing and able to care for the individual.

b) Have reached the age of majority and may not be mentally incapacitated.

c) Submit a court order or written permission of the parent or other legal guardian confirming his or her status as the legal guardian.

d) Pass a Criminal Background Check.

e) Be willing to sign the lease and other tenancy documents on behalf of the minor or mentally incompetent person.

f) Be willing to continue as guardian during the duration of the subsidized tenancy until the minor reaches the age of majority or if the individual remains mentally incapacitated.

Note: If the remaining household members do not elect a new head-of-household, LHD will default to the eldest, eligible household member.

H. Challenges to Denials of Subsidy Succession

A Remaining Family Member (RFM) may challenge the denial of succession to the HOH's voucher by requesting an informal conference. The informal conference will be conducted by a Leased Housing Department employee at the title of Assistant Manager or higher. If the RFM fails to appear for the informal conference, the Leased Housing Department employee conducting the informal conference shall review the documents attached to the RFM service request and issue a written determination. Within 30 days of the informal conference (or the review of the documents in cases where the RFM fails to appear), the Leased Housing Department shall issue a written determination notifying the RFM of the outcome of the informal conference.

Appendix C: PBV SITE-BASED WAITLISTS

Non-PACT Developments

PBV Development	Total S8 Applicants
162nd Street Apartments	283
1850 Second Avenue	1
1880 Boston Road Apartments	438
2600 Briggs Avenue, HDFC	274
37 Hillside	328
Amsterdam Addition	896
Baychester	538
Bayview	434
Beach Channel Senior Residence	242
Betances Senior Residence	211
BETANCES VI- Family Residence	390
Bishop Valero Senior Residence	264
Boulevard	428
Brookdale Village	244
Buff	406
Bushwick	531
Casa Celina Senior Apartments	222
Castle Hill	651
Chelsea	903
Coney Island Site 9 Houses	282
Creston Heights	66
Creswalt Cluster LLC	582
Crotona Park	255
Crown Heights Apartments	381
Crystal Tower	637
Diego Beekman	453
Draper Hall	409
Drew Hamilton	682
East 99th Street	497
Emerald Green	370
Ennis Francis	611
Fountain Avenue	36
Green	578
Henry Apts	513
Ingersoll Senior Residence	4
Kings County Senior Residence	298

PBV Development	Total S8 Applicants
Knickerbocker Village	625
Linden Grove	21
Manhattanville	776
Marble Hill	744
Marlboro	379
Metro East 99th Street	1
Mill Brook Terrace	325
Murphy	476
Plaza Residences	408
Prospect Plaza	608
Regina Pacis Housing Corp	304
Rheingold Senior Residence	230
Riverway	268
Rutgers	665
Saint Mary's Park	65
Samuel (City)	723
Serviam Heights	22
Soundview Senior	300
St. Vincent DePaul	240
Stapleton	228
Sunnyside Garden Apts	495
The Atrium at Sumner	289
The Ciena and Hobbs Court	783
The Gilbert	665
The Woodlands	347
Tres Puentes	349
Van Dyke	428
Villa House	270
Webster Ave	320
Wise Towers	73
Woodycrest	441

PACT Developments

RAD PACT Developments	Total Applicants
104-14 Tapscott Street	13832
335 East 111th Street	6380
344 East 28th Street	13612
572 Warren Street	8888
Armstrong I & II	5804

Audubon	12189
Belmont Sutter Area	19492
Berry Street- South 9th Street	6271
Betances I, II, III, IV, V, VI	18026
Betances Senior Residence	225
BETANCES VI- Family Residence	401
Bethune (Senior 62yrs +)	26133
Boston Road Pz-Seniors 62 yrs+	2476
Boston Secor	578
Boulevard Houses	25964
Bushwick IIGroup A, B, C, D ,E	31622
Claremont Pkwy (Senior)	17397
Crown Heights	8487
Davidson (Senior)	11846
Eagle Ave - East 163rd Street	11792
Edenwald	12845
Fenimore-Lefferts	7764
Fiorentino Plaza	19261
Fort Washington Ave Rehab	5858
Franklin Avenue I, II & III	4038
Fredrick Samuels	885
Grampion Houses	5814
Harlem River I & II	19963
Highbridge Rehabs	20771
HOPE GARDENS	6982
Howard Ave - Park Place	7646
Howard Avenue	7682
Independence Towers	23875
Lenox Road -Rockaway Pkwy	7979
Linden Houses	19069
Manhattanville Rehab	5854
Marcy Ave – Green Ave Site A&B	33151
Marshall Pz (Senior 62yrs +)	15155
Middletown Pz-Seniors 62 yrs+	454
Ocean Bay Bayside	3410
Ocean Hill -Brownsville	8135
Palmetto Gardens	6900
Park Ave – East 122nd & 123rd	7963
Park Rock Rehab	9820
Penn Wortman	19843
Public School 139 Conversion	4341

Ralph Ave Rehab	8485
Reid Apartments (Seniors Only)	7109
Rutland Towers	7476
Sack Wern	17206
Saint Johns Sterling	8007
Samuel MHOP I, II & III	3586
South Bronx Area (Site 402)	11392
Stebbins Ave - Hewitt Pl	12063
Sterling Buffalo	7373
Sutter Ave-Union St	7979
Tapscott Street Rehab	6970
Twin Parks West	4091
Union Ave - East 163rd St	21379
Union Ave - East 166th St	11299
Washington Heights Rehab	6202
Weeksville Gardens	25704
West Brighton I	16857
West Brighton II Senior	7433
Williams Plaza	23200
Williamsburg Houses	25819
Wise Towers	12238

Appendix D: SECTION 102/104 HOTMA POLICY UPDATES

This appendix to the NYCHA HCV Administrative Plan includes the policy updates relevant to the implementation of changes passed to comply with provisions in Sections 102/104 of the Housing Opportunity Through Modernization Act (HOTMA). NYCHA will explicitly inform all program participants of the date at which the HOTMA policies will become effective.

Section 102: Income

Area	Previous Regulations	HOTMA Changes	NYCHA Section 8
EIV Requirement	Required for verifying tenant employment/income.	Eliminates EIV requirement during *interim* reexaminations.	NYCHA will update to eliminate the use of EIV requirement for interim reexaminations.
Standard Deductions	Fixed standard deductions.	Increases standard deductions for elderly/disabled households from $400 to $525	NYCHA will increase standard deductions for elderly/disabled households from $400 to $525.
Income and Asset Exclusions	Limited exclusions.	Codifies additional income and asset exclusions.	NYCHA has implemented
Earned Income Disallowance	Household's earned income is disregarded when qualified individuals' earned income increases over a period of up to two years.	EID will no longer be available. EID will be phased out. Only those currently on EID will remain, until the EID expiration date of 12/31/2025.	NYCHA has implemented
Interim Reexaminations	No specific threshold; conducted as needed.	Establishes a 10% adjusted income threshold, reducing frequency.	NYCHA will continue to review interim reexaminations for any income change submitted by residents.

Area	Previous Regulations	HOTMA Changes	NYCHA Section 8
Consent Forms	Adult household members required to sign consent forms annually.	Adults need to sign consent form only once.	NYCHA has implemented
Medical/Disability Expense Allowance	3% of annual income.	Increases allowance to 10% over two years.	NYCHA will increase the allowance for unreimbursed health and medical care expenses from 3% of annual income to 10%, phased-in over two years.
Asset Imputation Threshold	$5,000 threshold.	Raises threshold to $50,000, incentivizing asset building.	NYCHA will raise the imputed asset threshold from $5,000 to $50,000
Hardship Relief	Limited hardship provisions.	Provides hardship relief for expense deductions.	NYCHA will grant hardship relief to families unable to pay rent because of unanticipated medical/disability expenses and families who are no longer eligible for the childcare expense deduction.
De Minimis Errors	Not applicable.	NYCHA will not be considered out of compliance solely due to De Minimis Errors in calculating family income. De minimis errors occur when a PHA determination of a family's income deviates from the correct income determination by no more than $30 per month in monthly adjusted income (or	

		$360 in annual adjusted income).	NYCHA has implemented

Section 104: Assets

Area	Previous Regulations	HOTMA Changes	NYCHA Section 8
Asset Limitation	Variable asset limits, often lower than $100,000.	Imposes a $100,000 asset limit for eligibility and continued assistance. PHAs have options for enforcement/termination.	NYCHA will impose an asset limit for new applicants' eligibility. NYCHA will not impose an asset limit for current residents.
Treatment of Retirement/Educational Funds	Considered as net family assets.	Retirement and educational savings accounts excluded from net family assets.	NYCHA will include any financial assistance (over amounts received for tuition and other required fees) except for a person over 23 with dependent children.
Self-Certification of Assets	Limited self-certification options for asset verification.	Allows self-certification of net assets under $50,000, reducing administrative burden for families and PHAs.	NYCHA will allow self-certification of net assets under $50,000.