



How to Get Section 8 or Public Housing Even with a Criminal Record

**A Guide for New York City Housing Authority
Applicants and their Advocates**



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Introduction

The New York City Housing Authority (NYCHA) administers both a public housing program (the “projects”) and the Section 8 program for New York City. When applying to get in, everyone in the household over the age of 16 must undergo a criminal record check. People with certain criminal records and recent illegal drug use often are denied admission to these programs because NYCHA believes they are a threat to other tenants.

It is possible, however, to get into New York City public housing and Section 8 even though you – or someone in your household – has a criminal record or has recently used illegal drugs. The Legal Action Center has successfully helped many individuals get into NYCHA housing despite their criminal record and/or drug history.

This guide gives you – and your case managers, counselors, and other advocates – the tools you need to:

- Understand whether your convictions or illegal drug use might make you ineligible for NYCHA housing programs; and
- How you can make the best case to convince NYCHA to admit you anyway.

If you would like the Legal Action Center’s help, you can call (212) 243-1313 on Tuesdays and Fridays and ask to speak to a paralegal. Our resources are limited, but we can provide representation at NYCHA hearings for some individuals as well as arrange for free representation by other law firms. Even if we cannot get you an attorney, we might be able to give you advice about your rights and how to fight for yourself.

Remember: even without an attorney, you can increase your chances of getting into NYCHA or Section 8 housing by following the suggestions in this guide.

Note that this guide does *not* discuss how to fight evictions from Section 8 or public housing when a member of the household is arrested or convicted. It focuses only on getting into housing in the first place. For help dealing with an eviction problem, contact your local Legal Aid office at (212) 577-3300 or Legal Services office at (212) 431-7200.

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CHAPTER 1

HOW CAN YOU OVERCOME NYCHA'S CRIMINAL RECORD BARS?

I. How does NYCHA get criminal record information?

NYCHA gets criminal record information about you – and people in your household – three different ways:

1. application form: the application asks about your – and your household members' – convictions;
2. application interview: NYCHA staff will ask you about convictions; and
3. criminal background check through the New York State Office of Court Administration (OCA) based on your name and date of birth. OCA reveals NYS convictions and pending arrests, but *not* out-of-state convictions.

If you have any sealed violation convictions (for example, disorderly conduct), NYCHA likely *will get them* from OCA. This is because under New York State law, violations are open to the public at the courts. They are only “sealed” at the state level on your official rap sheet issued by the state Division of Criminal Justice Services (DCJS).

If you have any sealed arrests that did not lead to conviction, however, they should *not* appear on the OCA report. They are sealed both at the court and state level.

II. Who in my household will need a background check?

NYCHA's criminal record bars apply to *anyone* in your household over the age of 16. They also apply to family members that NYCHA believes will be in your household, even if you did not list them on the application. Therefore, NYCHA performs a background check on –

- all household members aged 16 or over;
- anyone who lives in your household now, even though you tell NYCHA that the person will not live with you in public housing or Section 8;
- anyone who is a parent of all children in the household; and
- anyone who is a parent of the youngest child who lives in your household if

that child is less than 3 years old. (The rules are in [Appendix A](#) pg. 27 (for public housing) and [Appendix B](#) pg. 37 (for Section 8).)

III. Is NYCHA's criminal record information correct?

OCA reports sometimes have mistakes. One reason for mistakes is that the search is done by computer match using name and date of birth, as opposed to by fingerprint-based searches, which are more accurate.

Your first step should be to **know your own criminal history** information. Consider getting a copy of your New York State rap sheet for your own review. To get a copy of your rap sheet, you can call the Legal Action Center at (212) 243-1313 and ask for a rap sheet appointment. While the Center does not always have the resources to serve everyone who needs a rap sheet, the Center might be able to get a copy of your rap sheet from the state, summarize it for you, and tell you if anything can be sealed. Or you can contact DCJS directly and make your own request for a record review. If you believe your rap sheet contains any mistakes, the Center's paralegals might be able to advise you about how to get them corrected. For more information about how to get and clean up your rap sheet, read the Legal Action Center's book, *How to Get and Clean Up Your New York State Rap Sheet*, which you can download off the Center's web site, www.lac.org. (Go to the "free publications" section, and click on "criminal justice")

When reviewing your rap sheet – or filling out your NYCHA application – make sure you understand that a "conviction" includes any criminal or violation offense, *even if you pled guilty* to it. You do not need to have gone to trial to have a conviction!

IV. What can you do if NYCHA's information is wrong?

Once you understand your own record, compare it with what NYCHA found. If NYCHA's information is wrong, you can bring NYCHA a court document called a "disposition slip." **Do not**, however, **show NYCHA your official New York State rap sheet** without first consulting with the Legal Action Center or another attorney. Some information on that rap sheet might be sealed and should not be available to NYCHA. If you show NYCHA that the criminal record information it has is wrong, it should reverse its ineligibility finding and allow you to continue with the application process. (See [Appendix A](#) pg. 30 (for public housing) and [Appendix B](#) pg. 39 (for Section 8).)

V. **What can I do if my OCA report is correct?**

Show NYCHA that you have been rehabilitated!

Even if you – or someone in your household – has a disqualifying conviction, you can become eligible if you convince NYCHA that you (or the household member with the conviction) will not hurt other NYCHA residents, staff or property. This is not easy to do, but depending on the nature of the conviction and proof of what you have done to rehabilitate yourself since the conviction, ***it can be done!*** Read **Chapter 5** for details about the type of evidence you may need to convince NYCHA to lift its criminal record bar for you.

CHAPTER 2

WHAT ARE NYCHA'S CRIMINAL RECORD BARS?

I. Which convictions can disqualify you from public housing and Section 8?

Under federal law, local public housing authorities – including NYCHA – *may not* admit people:

- Convicted of methamphetamine production, or
- Subject to a lifetime sex-offender registration requirement. (24 C.F.R. § 960.204)

In other words, if you – or someone in your household – falls into one of these categories, you may not be admitted to NYCHA public housing or Section 8.

If you – or someone in your household – have been convicted of something other than the two crimes listed above, however, NYCHA may still disqualify you if you might negatively affect the health, safety, or welfare of other tenants, Authority staff, or an Authority development. (24 C.F.R. § 960.203)

NYCHA assumes that people with certain criminal records will harm the health, safety and welfare of others. Therefore, depending on the type of conviction, NYCHA disqualifies individuals with criminal convictions for different lengths of time. (Chapter 1, Section III, has more information on what counts as a “conviction.”) Disqualification is based on the most serious conviction *and* the most recent conviction. The period of disqualification starts after the person has completed his or her sentence. **Anyone** with a disqualifying conviction, however, **can** become eligible if they prove rehabilitation.

The complete list of disqualifying convictions for Public Housing is in [Appendix A pg. 23](#). The list for Section 8 is in [Appendix B pg. 35](#). Here is a summary:

Public Housing

- (1) People subject to a lifetime state **sex offender registration program**: ineligible until they are no longer subject to the lifetime registration requirement.
- (2) **Felonies – Class A, B or C**: ineligible until six years after completion of sentence (including completion of probation or parole and payment of

any fines) and no further convictions or pending charges.

- (3) **Felonies – Class D or E**: ineligible until five years after completion of sentence (including completion of probation or parole and payment of fines) and no further convictions or pending charges.
- (4) **Misdemeanors – Class A**: ineligible for three years after completion of sentence (including completion of probation or parole and payment of fines) and no further convictions or pending charges. However, the ineligibility period extends to four years if the person has been convicted of three or more misdemeanors or any number of felonies within the last ten years.
- (5) **Violations or DWIs**: ineligible for two years after completion of sentence (including completion of probation or parole and payment of fines) and no further convictions or pending charges. However, the ineligibility period extends to three years if the person has been convicted of three or more violations, misdemeanors or felonies within the last ten years.

Section 8. Section 8 has fewer disqualifying convictions than public housing. NYCHA's Section 8 program only disqualifies individuals with –

- (1) felonies for violent behavior or that are related to controlled substances or alcohol, and
- (2) misdemeanors, violations and DWIs related to controlled substances or alcohol. The complete list is in **Appendix B** pg. 35.

NOTE: you do not start counting the number of years until *after* you have completed your sentence.

Example: You were convicted of a Class D felony in 1998, were released from prison in 2000, and were released from parole on October 1, 2004. You are not eligible for public housing or Section 8 until October 1, 2009 – five years after you completed your sentence (when you were released from parole).

Remember that even if you – or someone in your household – has one of these disqualifying convictions, ***you can become eligible*** if NYCHA believes that you (or the household member with the conviction) will not hurt other NYCHA residents, staff or property. Read **Chapter 4** for details about how you can convince NYCHA that you will not hurt others.

II. Does NYCHA ignore any convictions?

NYCHA “overlooks” some felony, misdemeanor and violation convictions. The list of overlooked convictions is in [Appendix C](#) pg. 44.

III. Can NYCHA disqualify you for arrests that did not result in a conviction?

No. NYCHA rules only disqualify individuals with convictions. But if you have a pending arrest, NYCHA will postpone making a decision until there is a disposition in your case. If the pending arrest is for an absent parent, however, NYCHA will consider it a conviction and allow you to try to prove that the person will not be part of your family. (Read the next section for more information on absent parents.)

IV. Can you be disqualified for the convictions of family members who do not live with you?

As explained in Chapter 1, NYCHA will conduct a criminal background check on –

- anyone who is a parent of all children in your household; and
- anyone who is a parent of the youngest child who lives in your household if that child is less than 3 years old.

If the absent parent of your children has a disqualifying conviction or is incarcerated, you will be disqualified too unless you convince NYCHA that the absent parent is not going to join your household. If, however, the absent parent will not be released for at least ten years from the date of your ineligibility interview, then your family should not be disqualified.

CHAPTER 3

HOW CAN YOUR ALCOHOL AND DRUG USE DISQUALIFY YOU FROM NYCHA?

I. When does drug use or alcohol abuse disqualify you?

NYCHA *may* disqualify you from public housing or Section 8 if you (or someone in your household) –

- has used illegal drugs within the last three years and you can not convince NYCHA that you have been rehabilitated; or
- abuses alcohol – or used to abuse alcohol – in a way that threatens the health and safety of NYCHA residents, and you can not convince NYCHA that you have been rehabilitated.

(A copy of the policy for public housing is in [Appendix A](#) pg. 26, and the guidelines for Hearing Officers are in [Appendix D](#) pg. 49. The Section 8 policy is in [Appendix B](#) 36.)

If you have used illegal drugs within the last three years, you may still become eligible if you provide –

- (1) written proof from a state-licensed drug treatment program that you have been drug-free for at least twelve months; you also will need to provide NYCHA with a current clean toxicology (urine test) report, **OR**
- (2) “substantial evidence” that you no longer use illegal drugs, AND that you have been rehabilitated.

If you are in a methadone program or other medically-assisted form of drug treatment, you can still be considered drug free. NYCHA’s concern is with the illegal use of drugs, and not with the legal, supervised use of drugs like methadone.

If you cannot provide evidence from a state-licensed drug treatment program that you have been drug-free for at least one year (number “1,” above), then you can give NYCHA other “substantial evidence” of your rehabilitation (number “2,” above). Chapter 5 explains the kind of evidence NYCHA considers “substantial.”

II. How does NYCHA find out about your alcohol or drug problem? Your illegal drug use?

The NYCHA application asks if you (or household members) have used illegal drugs within the last three years. For example, if you used cocaine or marijuana in the

last three years, you would have to write that on the application.

Here are some questions, however, that the NYCHA application does *not* ask because they are illegal under anti-discrimination laws:

- if you have ever abused alcohol or drugs or had an alcohol or drug problem; and
- if you have ever been in alcohol or drug treatment.

Example: You used drugs four years ago, and then went into treatment, but have not used drugs at all during the last three years. You may answer “no” to the question about your illegal drug use during the past three years and do not have to disclose your treatment.

Example: You were in alcoholism treatment last year. You do not have to disclose that to NYCHA because they are not permitted to ask.

NYCHA might find out about your alcohol or drug problem, however, if you have a conviction that is drug or alcohol related, for example, drug possession or sale, or a DWI. (Chapters 1 and 2 discuss NYCHA’s criminal record check and bars.) After it finds out about the conviction, NYCHA may ask you to explain the circumstances surrounding those convictions. For example, why did you get arrested? What were you doing? If you tell NYCHA that you got arrested because you were selling drugs to support your own habit, then NYCHA will find out about your drug problem. Or, if you were convicted of assault because you got into a fight when you were drunk, you may end up disclosing your alcohol problem to NYCHA.

If you have alcohol- or drug-related convictions, you should be prepared to discuss your history and, more importantly, how you have overcome it (if you have).

[Chapter 5](#) explains how you can do that.

III. **Should you try to hide your illegal drug use from NYCHA?**

No. If NYCHA finds out that you lied to them about your drug use, you will have a much harder time convincing NYCHA to let you in.

Example: On the housing application, you said you never used illegal drugs. When NYCHA did a criminal background check on you, it found a drug-related conviction. A NYCHA employee then asked you about the conviction, and you admitted you had, in fact, used illegal drugs. NYCHA might deny your application because you lied about your drug use, even if you could show that you had been rehabilitated.

Chapter 4

When Can You Show NYCHA that You are Rehabilitated or that the Absent Parent Will Not Live With You?

You have at least three chances to show NYCHA that – even though you have a disqualifying criminal record or have used illegal drugs within the last three years – you are rehabilitated and would not hurt other NYCHA residents or property. If the conviction is for a family member who no longer lives with you, you have the same three chances to convince NYCHA that the person will not live with you in public housing or Section 8.

I. **First Chance: 30-day Notice**

If your background check turns up any disqualifying convictions, or if NYCHA learns that you – or someone in your household – used illegal drugs within the last three years, NYCHA will send you a letter saying that you will be ineligible for public housing or Section 8 if, within 30 days, you do not bring in evidence of your rehabilitation or evidence that the “offending person” will not live in your household. A sample of this letter is in [Appendix E](#). It will list the convictions that will disqualify you from housing.

II. **Second Chance: 90-day Notice**

If after getting the 30-day notice, you did not convince NYCHA of your rehabilitation, you will get another notice. This notice will say that NYCHA has found you ineligible and that you have 90 days to request a hearing. The notice says that any time before the hearing, or within six months of the date of the letter, whichever comes first, you may give NYCHA more information. (A sample of this 90-day notice is in [Appendix E](#) pg. 53.)

Fill out and send in the “Request for Informal Hearing” form so you can get a hearing and, hopefully, get into public housing or Section 8!!! (A sample “Request for Informal Hearing” form is in [Appendix F](#) pg. 57.) It is best to *leave blank the section on the second page asking for an explanation of why your application should be granted*. You have a better chance of winning if you save your arguments for the hearing. It may not be worth submitting any evidence to NYCHA prior to the hearing. NYCHA applications office staff told the Legal Action Center that after the hearing request is made, NYCHA will not review any evidence of rehabilitation until the hearing itself.

III. Third Chance: the Hearing

It might take several months to get your hearing date, but eventually, you should get a notice with your hearing date. (A sample Notice of Public Hearing is in [Appendix G pg. 60.](#)) The notices usually come just before the hearing, so start gathering your evidence as soon as you ask for the hearing!!! (**Chapter 5** explains how to gather evidence for the hearing.)

If you have a lawyer to represent you at the hearing, you – or your lawyer – will need to tell NYCHA because they only hold hearings with attorney representation on certain days the week. They may need to give you a new hearing date.

CHAPTER 5

HOW CAN YOU WIN YOUR HEARING?

I. Can you win your hearing without a lawyer?

While a good lawyer will probably improve your chances of winning, you can also improve your chances by following the suggestions in this guide. If you have a case manager, social worker, or other advocate working with you, share this guide with them. They can also come with you to the hearing and help you there. The hearing is in an office, not a courthouse, and is very informal. Read **Chapter 6** for information about what happens at the hearing.

II. How can you get a lawyer to help?

The Legal Action Center has limited resources, but can represent some individuals in these hearings. You can call the Legal Action Center at (212) 243-1313 to see what help is available. The Center also might be able to refer you to another law firm who could represent you. Or you can call Legal Services at (212) 431-7200 or Legal Aid at (212) 577-3300. They also sometimes represent individuals at these hearings. One more choice is to visit www.probono.net. This web site lists free legal services.

Even if the Center cannot represent you at your hearing, the Center might be able to advise you – or your case manager or other advocate – about how to gather good evidence of rehabilitation. Due to the Center’s limited funding, you may be told you need to call back the next month. If you or someone in your household has HIV/AIDS, however, the Center may be able to help you right away due to special funding sources the Center has for people with or affected by HIV.

III. How can you get ready for the hearing?

A. Review your application. Make sure you know what you wrote on your application about your criminal record, illegal drug use, or whatever it was that made you ineligible. For example, what did you say in response to the question about your convictions? What did you say about your illegal drug use? Whom did you say would live in your household? If the answer you gave on your application is not exactly the same as the answer you would give today, you must be able to explain why.

Example: Your application said that you had no criminal convictions, but in fact, you once pled guilty to a misdemeanor. Be ready to tell NYCHA why your application says you had no convictions. Maybe the reason is that you did not understand that a guilty plea was a conviction.

B. Appointment of representative form. If someone is going to represent you at the hearing, make sure they sign an “Appointment of Representative” form. A sample form, along with a Freedom of Information request for your records and a release is in [Appendix H](#) pg. 64.

C. Gather terrific evidence! The reason why many people lose their hearings is that they do not get their best evidence. ***Your evidence is the key to your getting housing!*** If you were denied housing because of a criminal record of someone in your household, read section “i,” immediately below. If you were denied housing because of the criminal record of an absent parent, read section “ii.”

i. Get evidence of your rehabilitation

The more serious your crime, and the more recent it was, the harder time you will have proving your rehabilitation. Nevertheless, even people with serious convictions can win if they have the right evidence of rehabilitation. Following is the evidence that NYCHA needs to see as proof of your rehabilitation. (This information also appears in [Appendix C](#) pg. 47 (for convictions) and in [Appendix D](#) pg. 50 (for illegal drug use)). Try to get **at least one** item on the following list. If you cannot do so, you will have to work very hard – and creatively – at getting other evidence.

Make sure that the letters you get are detailed and really, really positive about you. A weak, short letter is almost as useless as no letter at all. There are some excellent sample letters in [Appendix I](#) pg. 64. Share them with the people who are going to write about you. NYCHA’s requirements are listed first. Our suggestion for how to produce the best evidence you can are listed afterward.

School: you stayed in school for at least 6 months and have a positive school record. Proof could be in a transcript or letter from teacher or school administrator.

Our suggestion: If school administrators or teachers can say the following things truthfully, these letters should say that you –

- Were in school for at least six months;
- Had great attendance and punctuality;
- Had excellent grades; and
- Are motivated to learn and get ahead in life.

Job training: you stayed in a job training program for at least 6 months and have a positive record. Proof could be through a letter from a program supervisor or administrator.

Our suggestion: If true, ask your teacher or the program administrator to say that you –

- Participated for at least six months;
- Had great attendance and punctuality;
- Are motivated to learn and get ahead in life;
- Have learned useful skills to apply to a job; and
- Get along well with others.

A sample letter from a job developer is in [Appendix I](#) pg. 68.

Employment: you kept a job for at least 6 months and had a positive work record. Proof could be a letter from a supervisor or other person at the job.

Our suggestion: These letters should not just state how long you have worked. If possible, they should also say:

- How well you have performed your job;
- Whether you have been promoted;
- That you have an excellent attendance record and come to work on time; and
- That you are motivated, responsible, and get along well with others.

Sample letters from employers are in [Appendix I](#) pgs. 69-70.

If you worked while you were incarcerated and can get a good letter from a supervisor, do it! This can be useful if you went beyond what was required in your prison job. A sample letter of reference from a correctional facility employment supervisor is in [Appendix I](#) pg. 71.

Counseling or social service program: you spent at least 6 months in a counseling or other social service program to deal with the problem that led you into criminal behavior. If you were in drug treatment or had a drug problem, NYCHA might require a clean drug test. You also have to show that you have done well in the program. Proof could be a letter from your counselor, therapist or doctor.

Our suggestion: These letters should do a lot more than simply state the dates you were in treatment and the fact that you completed treatment. If your counselors in social service, mental health, and/or alcohol and drug programs can say the following things truthfully, then they should also say that you –

- had great attendance;
- had positive drug tests for at least 12 months (and provide the test results);

- showed excellent motivation and desire to change;
- participated fully in programs;
- got along well with others;
- understand the causes of your past behaviors and are committed to positive growth;
- are not a risk to the safety of others; and
- no longer hang out with the same peers that got you into trouble.

If you have a disability that has prevented you from working (for example, your drug or alcohol problem or a mental health or physical problem), make sure your counselor explains that!! Perhaps your counselor can explain that your treatment plan calls for you to get stable housing before you seek work. Sample letters from drug treatment and mental health care providers are in [Appendix I pgs. 72-73](#) . A sample consent form that your drug or alcohol program can use to disclose to NYCHA information about your treatment in [Appendix J pg. 76](#).

Certificate of Relief from Disabilities or **Certificate of Good Conduct** These certificates help show your rehabilitation. If you have no more than 1 felony conviction and any number of misdemeanors, you might be eligible for a Certificate of Relief from Disabilities. If you have more than 1 felony, you might be eligible for a Certificate of Good Conduct. For more information about whether you qualify for a certificate and how to get them, read the Legal Action Center’s booklet, [Certificate of Relief from Disabilities and Certificate of Good Conduct](#), which you can download off the Center’s web site, www.lac.org. (Go to the “free publications” section, and click on criminal justice.) A sample Certificate of Relief from Disabilities is in [Appendix K pg. 78](#).

What if you are disabled, and have not been in school, a job training program, or work?

If you have a disability that prevents you from going to school or working, then you still will need to show that you had at least six months of counseling, such as mental health treatment or drug or alcohol treatment. (As described above, your counselor should explain in a letter that you are too disabled to work.) Also get other proof of your disability, such as a letter from your doctor, saying that you are too disabled to work or go to school. If you are on SSI or SSDI, you should provide proof.

If you do not have at least six months of counseling, work, school, or job training, then you will have a much harder time convincing NYCHA to find you eligible. One idea is to prove that you are too disabled to commit more crimes (for example,

you are homebound). You can also win if you get enough of evidence listed just below.

Other helpful evidence. While NYCHA is not as persuaded by the following type of evidence, the following evidence can work if the letters are detailed and make you look like you are doing all you can to move your life in a positive direction and be a productive member of society:

Certificates from programs in or after prison, like anger management and drug or alcohol treatment. Remember that any programs in prison count!!

Letter from your Parole Officer.

Our suggestion: If your Parole Officer can say the following things truthfully, ask him/her to comment on your –

- Positive drug tests for at least 12 months;
- Positive outlook;
- Compliance with all requirements of parole; and
- Exceptional motivation.

Letters from clergy:

Our suggestion: These letters are most helpful if they show that you play a leadership role in your community and volunteer.

Letters from landlords or building superintendents.

Our suggestion: Ask them to say that you –

- Always paid your rent on time;
- Respected your neighbors; and
- Treated the property well

A sample letter of reference from a superintendent is in [Appendix I pg. 74](#).

Letters from neighbors:

Our suggestion: they should discuss what a good neighbor you are – for example, that you are quiet, respectful, and/or helpful to the building or street community.

Letters from your volunteer work:

Our suggestion: Have you helped out at your children’s school? At their daycare center? Have you been a mentor to a child? Helped a senior citizen? Volunteered in any other way? Get a letter saying that you –

- Are responsible;
- Have made a major contribution; and/or
- Are dedicated to your volunteer work.

Also get a letter from anyone you have helped. Have them say what an important role you played for them. Be specific!!

Letters from people you have helped:

Our suggestion: It can be very moving to read a letter from someone whose life you have touched in a positive way. Have you helped someone through your church? In your neighborhood? Through work? A sample letter from a young woman who was helped by a counselor for “at risk” youth is in [Appendix I pg. 75](#).

Proof about your children’s successes:

Our suggestion: If your children have done impressive things, convince NYCHA that your parenting had something to do with it. Examples of what you might give NYCHA are –

- Letter from your child’s teacher about his/her great work or good grades and your own role in making sure your child does homework and encouraging your child to do his/her best;
- Letter from your child’s coach in sports – similar to the letter from a teacher, above

What about letters from family?

These letters are not helpful because NYCHA assumes that your family members would write anything to help you get housing.

ii. Get evidence that the absent parent will not live with you.

NYCHA assumes that if someone is the parent of your small children or of all your children, that person might be back in your life at some point and might live with you in your public housing or Section 8 apartment. Your job is to convince NYCHA

that this person does not live with you and will not live with you ever again.

Try to get as much of the following evidence as possible, showing the absent parent at a different address for as far back in time as possible:

- Lease naming the absent parent at a different address;
- Bills addressed to the absent parent at a different address (gas, electric, cable TV);
- Tax returns noting the absent parent's different address;
- Pay stubs or other employment documents showing the absent parent's different address;
- Government benefits documents (Medicaid, public assistance, Food Stamps, SSI/SSDI) listing the parent at a different address; and
- Voter registration papers listing the absent parent's different address.

Also try to get proof the absent parent has a new romantic attachment or is married to someone else and/or that you are involved with someone else. Proof might be:

- Court papers regarding child custody, visitation, or child support;
- Divorce or separation papers;
- Affidavit or notarized letter from the absent parent and/or his/her new romantic partner. Proof that the absent partner lives with his/her new love interest is good too; and
- A marriage certificate for the absent parent and someone else.

This is not a complete list. NYCHA will consider a range of information to show that the person will not live with you in the future. Generally, the more serious the crime the absent parent has committed the more proof NYCHA will require to show that the absent parent will not live with you.

CHAPTER 6

WHAT HAPPENS AT THE HEARING?

I. Who is at the Hearing?

The hearing takes place in an office at the NYCHA headquarters. The following group of people sits around a table.

- “Hearing Officer” in regular clothes (not a judge in robes);
- Someone from the NYCHA Applications Office;
- A NYCHA lawyer (but only if you have a lawyer also);
- You;
- Your representative, if you have one; and
- An interpreter, if you need one.

There is no stenographer recording the session. The hearing is informal.

II. What happens at the hearing?

First, the person from the NYCHA Applications office will explain NYCHA’s reasons for denying your application. This person will read parts of your application out loud as well as some NYCHA’s notes about why it denied you housing. This is why you need to review your own application before the hearing (see [Chapter 5](#))! You do not want NYCHA read something from your application that you do not remember you wrote.

Dress in nice clothes. This shows that you respect the process and know how to act appropriately.

Try not to take it personally or get mad when the NYCHA employee makes it sound like you are a bad person and do not deserve NYCHA housing. This is what they generally do to anyone with a disqualifying conviction. If you get mad or insulted, it will make it harder for to do your job, which is – *show the Hearing Officer why NYCHA was wrong, and you have changed.*

The Hearing Officer will not have read your file before the hearing. So anything that you gave to NYCHA before the hearing, you should give again at the hearing. The Hearing Officer will ask you some questions about your conviction, including the circumstances of your arrest. In other words, what did you do? Be prepared to talk about what happened and take responsibility for it. Even if you believe you did not commit the crime for which you were convicted, it is often a good idea to say you take

IV. What happens if you lose?

You can file a lawsuit in court appealing the decision, ***but you must file the lawsuit within four months from the date of the decision.*** This kind of lawsuit is called an “Article 78 proceeding” and is very hard to win because the judge will only overrule NYCHA if the Hearing Officer ignored substantial evidence you presented or made a legal mistake. For example, you might win if you convinced the Court that the Hearing Officer ignored your evidence of one successful year in drug treatment. But winning an Article 78 proceeding is not easy.

You can also reapply to NYCHA and make sure you have better evidence of rehabilitation the next time around.

responsibility for what happened and have changed your life. For example, maybe you do not hang out with the same friends that got you into trouble.

Talk about your rehabilitation!!! This is the time to give the Hearing Officer the terrific letters and other documents you have collected from your counselors, employer, landlord, school, and anyone else discussed in [Chapter 5](#). Tell the Hearing Officer how you have changed:

- Describe your success in school, work, or counseling;
- Explain that you do not hang out with the same crowd that got you into trouble; and/or
- Say that you really are ready to move forward in your life; that you made mistakes in the past, but are now on the right path.

If you have not worked or gone to school or job training for at least six months since the conviction, be ready to explain why. NYCHA really likes to see work, job training, and school, and often pays little attention to other important activities like counseling. So explain:

- Have you been in counseling for at least six months and done very well? Is counseling your first step getting ready to join the workforce?
- Are you too disabled (physically or mentally) to work? If so, what is your proof?

Remember: a sob story about how badly you need housing will not get you into NYCHA or Section 8. Most other applicants also really need housing. You need to prove that you (or the household member with the conviction) have turned your life around will not hurt your neighbors or NYCHA property.

If you have a representative with you, your representative can speak too. That person can also help by asking you some questions about topics that you may have forgotten to bring up on your own.

III. When do you get a decision?

The Hearing Officer likely will tell you when you will get a decision (usually about four to eight weeks after the hearing), but it could take longer. Also note that even if you win your hearing, you still have to get processed for an apartment, and that could take a lot more time. A sample decision in favor of the applicant is in [Appendix L pg. 81](#). Read it to see what happens at the hearing as well as the kind of evidence that can help someone win!

Appendix A:

**Public Housing
Eligibility Requirements:
convictions and illegal drug use**

Public Housing

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An applicant will be declared ineligible, based on income, in the following circumstances:

a. Excess Income (XD)

Applicants whose total family income exceeds the admissions limit for public housing will be ineligible until the total family income is within the admissions limit.

b. Non-Verifiable or Unrealistic Income (XF)

Where total family income is unrealistic, or all or part of the total family income is non-verifiable, applicants will be ineligible for *two years* from the date they are declared ineligible.

F. Standards for Admission

1. General Policy

The Authority has adopted Standards for Admission to exclude persons who, based on their past behavior, might adversely affect the health, safety or welfare of other tenants, Authority staff, or an Authority development.

The Authority will not declare any applicants ineligible under these Standards for Admission prior to their eligibility interview. The Authority will evaluate applicants under these Standards for Admission based on information from the interview and any further inquiry that may be necessary to obtain relevant information.

The Department of Housing Applications has the basic responsibility for determining eligibility under these Standards for Admission, but it may call upon Tenancy Administration of the Operations Services Department when a social worker's evaluation is required.

The Department of Housing Applications conducts a Criminal Background Check on each person 16 years of age and older.

2. In the Event of the Receipt of Unfavorable Information

In the event of the receipt of unfavorable information with respect to an applicant, the Housing Authority will give consideration to the time, nature, and extent of the applicant's conduct and to factors that might indicate a reasonable probability of favorable future conduct. For example:

- Evidence of rehabilitation
- Evidence of the applicant family's participation in or willingness to participate in social service or other appropriate counseling service programs and the availability of such programs

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If the family presents such evidence at or prior to the eligibility interview, the Housing Authority will consider it prior to any determination of eligibility.

3. Notice of Pending Ineligibility Based on Penal Convictions, Lifetime Registration Requirement Under a State Sex Offender Registration Program or Illegal Use of Controlled Substances

Prior to finding an applicant ineligible based on penal convictions, a lifetime registration requirement under a State Sex Offender registration program, or the illegal use of controlled substances, the Authority will mail to the applicant the form, *30-Day Notice of Pending Ineligibility*, NYCHA 070.162, inviting the applicant to visit the Applications Information Office (AIO) to review and discuss the unfavorable information. In the case of penal convictions, the Authority will include a copy of the conviction record.

Applicants in a State Sex Offender registration program will be provided with a copy of the registration information and also invited to visit AIO for a review and discussion of the unfavorable information.

If the applicant does not respond to the notice within 30 days, the applicant shall be found ineligible. If the applicant does respond to the letter, AIO staff will consider factors described in Section F.2. above and any evidence or documents the applicant may provide, and return the application to the Eligibility Division for appropriate action.

4. Bases for Ineligibility (XG)

Subject to the provisions of Section F.2. above, families containing persons within the categories below will be found ineligible for the period of time specified for each category. If the family falls within more than one category below, the family shall be ineligible for the longest applicable time period.

a. Persons with Conviction Records

The Housing Authority may choose to overlook convictions for certain offenses. If so, the Department of Housing Applications will issue written instructions to staff to overlook the specified offenses.

NOTE: Refer to EXHIBIT F—Standards for Admission: XG - Conviction Factors and End of Ineligibility Periods (EIP) and EXHIBIT H - Overlooked Offenses

- (1) Persons Subject to a Lifetime Registration Requirement Under a State Sex Offender Registration Program

Such families shall be ineligible until the convicted person is no longer subject to the lifetime registration requirement.

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(2) Convictions for Class A, B, or C Felonies

Such families shall be ineligible until the convicted person has served the sentence (including the completion of probation and/or parole and the payment of any fine), and has also completed *six years* after the sentence with no further convictions or pending charges.

However, where the convicted person is currently imprisoned and cannot be released earlier than *ten years* from the date of the eligibility interview, the family shall not be ineligible on this ground.

(3) Convictions for Class D or E Felonies

Such families shall be ineligible until the convicted person has served the sentence (including the completion of probation and/or parole and the payment of any fine), and has also completed *five years* after the sentence with no further convictions or pending charges.

However, where the convicted person is currently imprisoned and cannot be released earlier than *ten years* from the date of the eligibility interview, the family shall not be ineligible on this ground.

(4) Convictions for Class A Misdemeanors

Such families shall be ineligible until the convicted person has served the sentence (including the completion of probation and/or parole and the payment of any fine), and has also completed *four years* after the sentence with no further convictions or pending charges.

However, if the convicted person has been convicted of three or more Class A misdemeanors and/or felonies within the last *ten years*, the family shall be ineligible until the convicted person has completed *five years* after all the sentences with no further convictions or pending charges.

(5) Convictions for Class B or Unclassified Misdemeanors

Such families shall be ineligible until the convicted person has served the sentence (including the completion of probation and/or parole and the payment of any fine), and has also completed *three years* after the sentence with no further convictions or pending charges.

However, if the convicted person has been convicted of three or more misdemeanors and/or felonies within the last *ten years*, the family shall be ineligible until the convicted person has completed *four years* after all the sentences with no further convictions or pending charges.

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(6) Convictions for Violations or Driving While Intoxicated (DWI) Infractions

Such families shall be ineligible until the convicted person has served the sentence (including the completion of probation and/or parole and the payment of any fine), and has also completed *two years* after the sentence with no further convictions or pending charges.

However, if the convicted person has been convicted of three or more felonies and/or misdemeanors and/or violations and/or infractions within the last *ten years*, the family shall be ineligible until the convicted person has completed *three years* after all the sentences with no further convictions or pending charges.

b. Persons Who Have Started Fires

The following types of fires shall make a family ineligible:

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

Such families shall be ineligible until they have completed *four years* from the date of the fire without causing another fire.

The Housing Authority will give special consideration to two kinds of cases:

- Fires started by children, where the responsible child(ren) may have been under six years of age
- Fires started by an accident, e.g., electrical fires. This category does not, however, include cases where the family placed combustible materials too close to a heat source, or where the family left a pot unattended on a stove or where smoking is involved.

In these cases, families shall be ineligible as in subsection b. above if the Housing Authority finds:

- That they have previously started another fire or have a prior history of playing with a heat source, or

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- That child(ren) started the fire while unsupervised by any adult or baby-sitter, or
- That a child six years of age and older started the fire by playing with a heat source

Otherwise, they shall be eligible.

c. Persons Who Within the Last Three Years Have Behaved Violently or Have Destroyed Property

Such families shall be ineligible for *three years* from the date they are declared ineligible. However, if the Authority has evidence of three or more such incidents within the last *three years*, the family shall be ineligible for *four years* from the date the family is declared ineligible.

If the latest possible date of the offending behavior can be approximately established, the period of ineligibility shall begin from that date, instead of from the date the family is declared ineligible.

d. Persons Who Within the Last Three Years Have Disturbed Neighbors

Such families shall be ineligible for *two years* from the date they are declared ineligible. However, if the Authority has evidence of three or more such incidents within the last three years, the family shall be ineligible for *three years* from the date they are declared ineligible.

If the latest possible date of the offending behavior can be approximately established, the period of ineligibility shall begin from that date, instead of from the date the family is declared ineligible.

e. Persons With Grossly Unsanitary or Hazardous Housekeeping Habits, Based on Information from a Home Visit

Such families shall be ineligible for *two years* from the date they are declared ineligible. However, if a qualified agency is working with the family to improve its housekeeping, and the agency reports that the family shows potential for improvement, the Department of Housing Applications will consider this information prior to deciding the family's eligibility.

This category does not include families whose housekeeping is superficially unclean or disorderly, if such conditions do not adversely affect the health, safety or welfare of other tenants.

f. Persons Who Within the Last three Years Have Illegally Used a Controlled Substance Including Marijuana

If the Housing Authority has reasonable cause to believe that a member of the applicant family has engaged in the illegal use, or pattern of illegal use, of a

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controlled substance within the last *three years*, the family is ineligible until the earliest of:

- *Three years* after the date of the ineligibility finding (if the latest date of illegal drug use can be established by objective evidence, the period of ineligibility shall begin from that date instead of from the date the family is declared ineligible)
- Until the family provides both written verification from a state-licensed drug treatment agency that the offending person has been drug-free for 12 months and also a current clean toxicology report
- Until the Housing Authority is convinced, based on all of the information presented, that the offending person is no longer engaging in the illegal use of a controlled substance and has otherwise been rehabilitated successfully so as not to interfere with the health, safety, or right to peaceful enjoyment of the premises by other Housing Authority residents.

g. Persons Permanently Excluded from a NYCHA Apartment

Such families shall be ineligible until the excluded person has completed *five years* without violating the stipulation of permanent exclusion. (As always under this policy, if the offending person falls into any other category above, the family shall be ineligible for the longest applicable time.)

h. Persons Terminated from NYCHA Employment Following a General Trial, for Behavior That Would Constitute a Felony, Misdemeanor or Violation, or for Intoxication on the Job

Such families shall be ineligible until *three years* from the date of the person's termination. (As always under this policy, if the offending person also falls into any other above category, the family will be ineligible for the longest applicable time period.)

5. Family Composition Questions

- a. If, at any time during the applications process, the Authority has concerns or questions with regard to whether an offending person is or will be a member of the applicant family, the Authority may further investigate the composition of the applicant family.

Pursuant to this policy, the Department of Housing Applications will further investigate family composition when there is a "questionable family member". A questionable family member ("QFM") is generally defined as someone who:

- (1) The applicant claims will not be part of the household in public housing;

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- (2) Is 16 years of age or older and
- (3) Falls into one or more of the following categories:
 - (a) At the eligibility interview, the family reported that the person is a member of the household.
 - (b) The family reports that the person is now a member of the household but will not join the household in public housing.
 - (c) The person is listed as a member of the household on an application, and the family reports that the person moved out within three years before the interview.
 - (d) The person is listed as a member of the household on an application, and the family reports that the person is currently in prison.
 - (e) The Welfare Management System (WMS) lists the person as part of the household within the last three years, but the person's case is currently not active.
 - (f) The person is a parent of all the children in the family, or a parent of the youngest child who is less than three years old.
- b. If the Housing Authority determines that the QFM is an offending person under the Standards for Admission, or if the QFM faces pending charges that would make the QFM an offending person, or if the Housing Authority cannot perform a criminal background check on the QFM because the applicant fails to provide the QFM's date of birth and fails to give a credible reason for this failure, the application will be referred to the Family Composition Review Unit ("FCRU"). The FCRU will determine whether a reasonable basis exists to believe that the QFM is or will be a member of the applicant's household. (In other cases, the Housing Authority does not consider the QFM as part of the household.)

The FCRU will complete the form, *Family Composition Review*, and reach a recommended disposition. The FCRU will consider as many of the following factors as each case presents:

- (1) Official court records of the QFM
- (2) Information in the Welfare Management System (WMS) regarding the applicant family and/or the QFM
- (3) The time, nature and extent of the offense, if any
- (4) The nature and extent of the QFM's relationship with the applicant family, including, but not limited to:

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- (a) Whether the QFM is a parent of any child in the applicant family
 - (b) Whether and when the QFM has resided with the applicant family
 - (c) The duration of the QFM's relationship with any member of the applicant family
 - (d) Evidence of recent changes in the relationship of the QFM to the applicant family
- (5) Information gathered in one or more home visits to the applicant family
- (6) Any information or documents provided by the applicant family
- (7) Any documents with respect to the residence of the QFM or the family composition of the applicant family
- (8) The credibility of the applicant family in providing information to the Authority
- c. In cases where the FCRU determines that a reasonable basis exists to believe that the QFM is or will be a member of the applicant's household:
- (1) If the QFM is an offending person, the form, *30-Day Notice of Pending Ineligibility*, NYCHA 070.162, is mailed to the applicant, as described in Section F.3. above.
 - (2) If the QFM is not otherwise an offending person but there are pending charges, the applicant will be asked to provide the final disposition of the charges.
 - (3) If the QFM is not otherwise an offending person, but the Housing Authority was unable to perform a criminal background check on the QFM because the applicant failed to provide the QFM's date of birth and failed to give a credible reason for this failure, the applicant is found ineligible based on non-verifiable family composition and income.
- d. If the FCRU determines that the QFM will not be part of the applicant family, the applicant must complete the form, *Affidavit of Family Composition*, NYCHA 070.128, stating that the QFM will not reside in the apartment. However, if the Housing Authority receives subsequent information that the QFM is part of the household, such as from a WMS check, a home visit, or a landlord contact, the application is processed as described in Section 5.c. above.

6. Reversing Findings of Ineligibility

- a. By the Department of Housing Applications

The Department of Housing Applications will reverse a finding of ineligibility

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in the following circumstances:

- (1) The Department learns that the information upon which the finding was based is incorrect.
- (2) The applicant family presents substantial evidence to indicate a reasonable probability that the offending person's future behavior will not adversely affect the physical or financial health, safety, or welfare of other tenants, Authority staff, or an Authority development.

If the applicant family requests a McNair hearing in a timely manner, the Department of Housing Applications will consider any such evidence presented prior to the McNair hearing.

In considering such evidence, the Authority will also consider any instances of misrepresentation by the family during the application process.

b. By a McNair Hearing Officer

A McNair hearing officer may reverse a finding of ineligibility upon a proper showing at a McNair hearing.

III. Occupancy Standards

Family size and family composition govern occupancy standards for all apartments. Different types of buildings and apartments, such as general population developments, Senior Citizen developments/buildings and accessible apartments, have specific standards for determining apartment assignment.

A. Family Size

When considering family size as a factor in determining the apartment size to be assigned, the following principles apply:

1. Pregnancy

If the pregnancy is verified, the expected child is counted as a member of the family for apartment size assignment if the child is expected within three months of the date of the eligibility interview. A family consisting of a pregnant woman and no other persons will be designated as a two person family.

2. Absence of Applicant or Co-Applicant

If the applicant or co-applicant must remain away from home for extended periods of time, (s)he is considered a full-time member of the household in determining the apartment size unless there is evidence that (s)he will spend less than four months of

EXHIBIT F - STANDARDS FOR ADMISSION: XG - CONVICTION FACTORS & END OF INELIGIBILITY PERIODS (EIP) - PUBLIC HOUSING PROGRAM

CONVICTION FACTOR	INELIGIBILITY PERIOD	EXPLANATION
PERSONS SUBJECT TO A LIFETIME REGISTRATION REQUIREMENT UNDER A STATE SEX OFFENDER REGISTRATION PROGRAM	INDEFINITE	UNTIL THE CONVICTED PERSON IS NO LONGER SUBJECT TO THE LIFETIME REGISTRATION REQUIREMENT.
FELONIES		
CLASS A, B, or C	6 YEARS	AFTER convicted person has served his/her sentence (including the completion of probation and/or parole and the payment of any fine), and has no further convictions or pending charges. However, where the convicted person CANNOT be released EARLIER THAN TEN YEARS from the date of the eligibility interview, the family shall not be ineligible on this ground.
CLASS D or E	5 YEARS	
MISDEMEANORS CLASS A	4 YEARS	FOR ONE OR TWO CONVICTIONS - AFTER the convicted person has served his/her sentence (including the completion of probation and/or parole and the payment of any fine), and has no further convictions or pending charges.
CLASS B or UNCLASSIFIED	5 YEARS	FOR THREE OR MORE CONVICTIONS - (Class A Misdemeanors and/or Felonies within the last TEN years) - AFTER the convicted person has served his/her sentence (including the completion of probation and/or parole and the payment of any fine), and has no further convictions or pending charges.
	3 YEARS	FOR ONE OR TWO CONVICTIONS - AFTER the convicted person has served his/her sentence (including the completion of probation and/or parole and the payment of any fine), with no further convictions or pending charges.
	4 YEARS	FOR THREE OR MORE CONVICTIONS - (Misdemeanors and/or Felonies within the last TEN years) - AFTER the convicted person has served his/her sentence (including the completion of probation and/or parole and the payment of any fine), and has no further convictions or pending charges.
VIOLATIONS or DWI INFRACTIONS	2 YEARS	FOR ONE OR TWO CONVICTIONS - AFTER the convicted person has served his/her sentence (including the completion of probation and/or parole and the payment of any fine), and has no further convictions or pending charges.
	3 YEARS	FOR THREE OR MORE CONVICTIONS (Felonies, Misdemeanors, Violations or Driving While Intoxicated (DWI) Infractions within the last TEN years) - AFTER the convicted person has served his/her sentence (including the completion of probation and/or parole and the payment of any fine), and has no further convictions or pending charges.
MULTIPLE CONVICTIONS	LONGEST APPLICABLE PERIOD	

11/1/01

Appendix B:

Section 8

Eligibility Requirements: convictions and illegal drug use

SECTION 8

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Applicants may be referred to the appropriate HRA - Income Support Center for assistance.

NOTE: Though not included in the income projection the value of excluded income such as food stamps is calculated to determine whether total family income is realistic. Refer to Exhibit EE: HRA Basic and Maximum Shelter Allowances

7. Ineligibility (XD, XF, XG)

Applicants are declared ineligible as follows:

a. Excess Income (XD)

Applicants whose total family gross income exceeds the admissions limit for Section 8 Housing Assistance will be ineligible until the total family income is within the admissions limit.

b. Non-Verifiable or Unrealistic Income (XF)

Where total family income is unrealistic, or all or part of the total family income is non-verifiable, applicants will be ineligible for *two years* from the date they are declared ineligible.

c. Concealment or Misrepresentation of Income (XG)

Where the applicant family willfully conceals or fraudulently submits income documents, applicants will be ineligible for *three years* from the date they are declared ineligible.

E. Standards for Admission

1. General Policy

The Authority has adopted Standards for Admission to exclude persons who, based on their past behavior, might adversely affect the health, safety or welfare of other tenants or Authority staff.

The Authority will not declare any applicants ineligible under these Standards for Admission prior to their eligibility interview. The Authority will evaluate applicants under these Standards for Admission based on information from the interview and any further inquiry that may be necessary to obtain relevant information.

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The Department of Housing Applications conducts a Criminal Background Check on each person 16 years of age and older.

2. In the Event of the Receipt of Unfavorable Information

In the event of the receipt of unfavorable information with respect to an applicant, the Housing Authority will give consideration to the time, nature, and extent of the applicant's conduct and to factors that might indicate a reasonable probability of favorable future conduct. For example:

- Evidence of rehabilitation
- Evidence of the applicant family's participation in or willingness to participate in social service or other appropriate counseling service programs and the availability of such programs

If the family presents such evidence at or prior to the eligibility interview, the Housing Authority will consider it prior to any determination of eligibility.

3. Notice of Pending Ineligibility Based on Penal Convictions, Lifetime Registration Requirement Under a State Sex Offender Registration Program, or Illegal Use of Controlled Substances

Prior to finding an applicant ineligible based on penal convictions, a lifetime registration requirement under a State Sex Offender registration program, or the illegal use of controlled substances, the Authority will mail to the applicant the form, *30-Day Notice of Pending Ineligibility*, NYCHA 070.178, inviting the applicant to visit the Applications Information Office (AIO) to review and discuss the unfavorable information. In the case of penal convictions, the Authority will include a copy of the conviction record.

Applicants in a State Sex Offender registration program will be provided with a copy of the registration information and also invited to visit AIO for a review and discussion of the unfavorable information.

If the applicant does not respond to the notice within 30 days, the applicant shall be found ineligible. If the applicant does respond to the letter, AIO staff will consider factors described in Section F.2. above and any evidence or documents the applicant may provide, and return the application to the Eligibility Division for appropriate action.

4. Bases for Ineligibility (XG)

Subject to the provisions of Section F.2. above, families containing persons within the categories below will be found ineligible for the period of time specified for each category. If the family falls within more than one category below, the family shall be ineligible for the longest applicable time period.

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a. Persons with Conviction Records

The Housing Authority may choose to overlook convictions for certain offenses. If so, the Department of Housing Applications will issue written instructions to staff to overlook the specified offenses.

NOTE: Refer to EXHIBIT FF—Standards for Admission: XG - Conviction Factors and End of Ineligibility Periods (EIP) and EXHIBIT HH - Overlooked Offenses

(1) Persons Subject to a Lifetime Registration Requirement Under a State Sex Offender Registration Program

Such families shall be ineligible until the convicted person is no longer subject to the lifetime registration requirement.

NOTE: Refer to EXHIBIT G—Section 8 Program - New York State Penal Code and Traffic Law With respect to Violent Felonies, Controlled Substances and Alcohol Related Offenses

(2) Class A, B, or C Felonies for Violent Behavior, Controlled Substances or Alcohol Related Offenses

Such families are ineligible until the convicted person has served the sentence (including the completion of probation and/or parole and the payment of any fine), and has no further convictions or pending charges for *six years* after completing the sentence.

However, if the convicted person is currently imprisoned and can be released no earlier than *ten years* from the date of the eligibility interview, the family is not ineligible on this ground.

(3) Class D or E Felonies for Violent Behavior, Controlled Substances or Alcohol Related Offenses

Such families are ineligible until the convicted person has served the sentence (including the completion of probation and/or parole and the payment of any fine), and has no further convictions or pending charges for *five years* after completing the sentence.

However, if the convicted person is currently imprisoned and can be released no earlier than *ten years* from the date of the eligibility interview, the family is not ineligible on this ground.

(4) Class A Misdemeanors Based on Controlled Substances or Alcohol Related Offenses

Such families are ineligible until the convicted person has served the sentence (including the completion of probation and/or parole and the payment of any fine), and has no further convictions or pending charges for *four* years after completing the sentence.

However, if the convicted person has been convicted of three or more class A misdemeanors involving drugs, alcohol, or violent felonies within the last ten years, the family is ineligible until the convicted person has served the most recent sentence, and has no further convictions or pending charges for *five* years after completing the last sentence.

(5) Class B or Unclassified Misdemeanors Based on Controlled Substances or Alcohol Related Offenses

Such families are ineligible until the convicted person has served the sentence (including the completion of probation and/or parole and the payment of any fine), and has no further convictions or pending charges for *three* years after completing the sentence.

However, if the convicted person has been convicted of three or more misdemeanors involving drugs, alcohol, or violent felonies within the last ten years, the family is ineligible until the convicted person has served the most recent sentence, and has no further convictions or pending charges for *four* years after completing the last sentence.

(6) Violations or Driving While Intoxicated (DWI) Infractions Based on Controlled Substances or Alcohol Related Offenses

Such families are ineligible until the convicted person has served the sentence (including the completion of probation and/or parole and the payment of any fine), and has no further convictions or pending charges for *two* years after completing the sentence.

However, if the convicted person has been convicted of three or more misdemeanors involving drugs, alcohol, or violent felonies within the last ten years, the family is ineligible until the convicted person has served the most recent sentence, and has no further convictions or pending charges for *three* years after completing the last sentence.

b. Persons Who Within the Last three Years Have Illegally Used a Controlled Substance Including Marijuana

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If the Housing Authority has reasonable cause to believe that a member of the applicant family has engaged in the illegal use, or pattern of illegal use, of a controlled substance within the last *three years*, the family is ineligible until the earliest of:

- *Three years* after the date of the ineligibility finding (if the latest date of illegal drug use can be established by objective evidence, the period of ineligibility shall begin from that date instead of from the date the family is declared ineligible)
- Until the family provides both written verification from a state-licensed drug treatment agency that the offending person has been drug-free for 12 months and also a current clean toxicology report
- Until the Housing Authority is convinced, based on all of the information presented, that the offending person is no longer engaging in the illegal use of a controlled substance and has otherwise been rehabilitated successfully so as not to interfere with the health, safety, or right to peaceful enjoyment of the premises by other Housing Authority residents.

5. Family Composition Questions

- a. If at any time during the applications process, the Authority has concerns or questions with regard to whether an offending person is or will be a member of the applicant family, the Authority may further investigate the composition of the applicant family.

Pursuant to this policy, the Department of Housing Applications further investigates family composition when there is a "questionable family member." "Questionable family member" ("QFM") is generally defined as someone who:

(1) The applicant claims will not be part of the household;

(2) Is age 16 or older and

(3) falls into one or more of the following categories:

(a) At the eligibility interview, the family reported that the person is a member of the household.

(b) The family reports that the person is now a member of the household but will not join the household in Section 8 housing.

- b. If the Housing Authority determines that the QFM is an offending person under the Standards for Admission, or if the QFM faces pending charges that would make the QFM an offending person, or if the Housing Authority cannot perform a Criminal Background Check on the QFM because the applicant fails to provide the QFM's date of birth and fails to give a credible reason for this failure, the application is sent

DEPARTMENT OF HOUSING APPLICATIONS MANUAL - CHAPTER VI

ELIGIBILITY DIVISION—SECTION 8 HOUSING ASSISTANCE PROGRAM

to the Family Composition Review Unit ("FCRU"). The FCRU will determine whether a reasonable basis exists to believe that the QFM is or will be a member of the applicant's household. (In other cases, the Housing Authority does not consider the QFM as part of the household.)

The FCRU will complete the form, *Family Composition Review*, and reach a recommended disposition. The FCRU will consider as many of the following factors as each case presents:

- (1) Official court records of the QFM.
 - (2) Information in the Welfare Management System (WMS) regarding the applicant family and/or the QFM.
 - (3) The time, nature and extent of the offense, if any.
 - (4) The nature and extent of the QFM's relationship with the applicant's family, including, but not limited to:
 - (a) Whether the QFM is a parent of any child in the applicant family.
 - (b) Whether and when the QFM has resided with the applicant family.
 - (c) The duration of the QFM's relationship with any member of the applicant family.
 - (d) Evidence of recent changes in the relationship of the QFM to the applicant family.
 - (5) Information gathered in one or more home visits to the applicant family.
 - (6) Any information or documents provided by the applicant family.
 - (7) Any documents with respect to the residence of the QFM or the family composition of the applicant family.
 - (8) The credibility of the applicant family in providing information to the Authority.
- c. In cases in which the FCRU determines that a reasonable basis exists to believe that the QFM is or will be a member of the applicant's household:
- (1) If the QFM is an offending person, the form, *30-Day Notice of Pending Ineligibility*, NYCHA 070.178, is mailed to the applicant, as described in Section F.3. above.

ELIGIBILITY DIVISION—SECTION 8 HOUSING ASSISTANCE PROGRAM

- (2) If the QFM is not otherwise an offending person but there are pending charges, the applicant is asked to provide the final disposition of the charges.
 - (3) If the QFM is not otherwise an offending person, but the Housing Authority was unable to perform a criminal background check on the QFM because the applicant failed to provide the QFM's date of birth and failed to give a credible reason for this failure, the applicant is found ineligible based on non-verifiable family composition and income.
- d. If the FCRU determines that the QFM will not be part of the applicant family, the applicant must complete the form, *Affidavit of Family Composition*, NYCHA 070.128, stating that the QFM will not reside in the apartment. However, if the Housing Authority receives subsequent information that the QFM is part of the household such as through a WMS check, a home visit, or a landlord contact, the application is processed as described in Section 5.c. above.

6. Reversing Findings of Ineligibility

- a. By the Department of Housing Applications

The Department of Housing Applications will reverse a finding of ineligibility in the following circumstances:

- (1) The Department learns that the information upon which the finding was based is incorrect.
- (2) The applicant family presents substantial evidence to indicate a reasonable probability that the offending person's future behavior will not adversely affect the safety, or welfare of other tenants, or Authority staff.

If the applicant family requests a McNair hearing in a timely manner, the Department of Housing Applications considers any such evidence presented prior to the McNair hearing.

In considering such evidence, the Authority also considers any instances of misrepresentation by the family during the application process.

- b. By a McNair Hearing Officer

A McNair hearing officer may reverse a finding of ineligibility upon a proper showing at a McNair hearing.

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EXHIBIT FF - STANDARDS FOR ADMISSION: XG - CONVICTION FACTORS & END OF INELIGIBILITY PERIODS (EIP) - SECTION 8 HOUSING ASSISTANCE PROGRAM

CONVICTION FACTOR	INELIGIBILITY PERIOD	EXPLANATION
<p><u>PERSONS SUBJECT TO A LIFETIME REGISTRATION REQUIREMENT UNDER A STATE SEX OFFENDER REGISTRATION PROGRAM</u></p>	<p>INDEFINITE</p>	<p>AFTER convicted person is no longer subject to the lifetime registration requirement.</p>
<p><u>VIOLENT BEHAVIOR, CONTROLLED SUBSTANCES OR ALCOHOL RELATED OFFENSES</u></p> <p><u>CLASS A, B, or C FELONIES</u></p> <p><u>CLASS D or E FELONIES</u></p>	<p>6 YEARS</p> <p>5 YEARS</p>	<p>AFTER convicted person has served his/her sentence (including the completion of probation and/or parole and the payment of any fine), and has no further convictions or pending charges. However, when the convicted person CANNOT be released EARLIER THAN TEN YEARS from the date of the eligibility interview, the family shall not be ineligible on this ground.</p>
<p><u>CONTROLLED SUBSTANCES OR ALCOHOL RELATED OFFENSES</u></p> <p><u>CLASS A MISDEMEANORS</u></p>	<p>4 YEARS</p> <p>5 YEARS</p>	<p>FOR ONE OR TWO CONVICTIONS - AFTER the convicted person has served his/her sentence (including the completion of probation and/or parole and the payment of any fine), and has no further convictions or pending charges.</p> <p>FOR THREE OR MORE CONVICTIONS - (Class A Misdemeanors and/or Felonies within the last TEN years) - AFTER the convicted person has served his/her sentence (including the completion of probation and/or parole and the payment of any fine), and has no further convictions or pending charges.</p>
<p><u>CLASS B OR UNCLASSIFIED MISDEMEANORS</u></p>	<p>3 YEARS</p>	<p>FOR ONE OR TWO CONVICTIONS - AFTER the convicted person has served his/her sentence (including the completion of probation and/or parole and the payment of any fine), with no further convictions or pending charges.</p> <p>Continued on page 2</p>

DEPARTMENT OF HOUSING APPLICATIONS MANUAL

EXHIBIT FF - STANDARDS FOR ADMISSION: XG - CONVICTION FACTORS & END OF INELIGIBILITY PERIODS (EIP) - SECTION 8 HOUSING ASSISTANCE PROGRAM

CONVICTION FACTOR	INELIGIBILITY PERIODS	EXPLANATION
<p><u>CONTROLLED SUBSTANCES OR ALCOHOL RELATED OFFENSES</u></p>	<p>4 YEARS</p>	<p>FOR THREE OR MORE CONVICTIONS - (Misdemeanors and/or Felonies within the last TEN years) - AFTER the convicted person has served his/her sentence (including the completion of probation and/or parole and the payment of any fine), and has no further convictions or pending charges.</p>
<p><u>VIOLATIONS, DWI INFRACCTIONS</u></p>	<p>2 YEARS</p>	<p>FOR ONE OR TWO CONVICTIONS - AFTER the convicted person has served his/her sentence (including the completion of probation and/or parole and the payment of any fine), and has no further convictions or pending charges.</p>
<p><u>MULTIPLE CONVICTIONS</u></p>	<p>3 YEARS</p>	<p>FOR THREE OR MORE CONVICTIONS - (Felonies, Misdemeanors, Violations and/or Driving While Intoxicated (DWI) Infractions within the last TEN years) - AFTER the convicted person has served his/her sentence (including the completion of probation and/or parole and the payment of any fine), and has no further convictions or pending charges.</p>
		<p>LONGEST APPLICABLE PERIOD</p>

DEPARTMENT OF HOUSING APPLICATIONS MANUAL

EXHIBIT G - SECTION 8 PROGRAM NEW YORK STATE PENAL CODE and TRAFFIC LAW SECTIONS WITH RESPECT TO VIOLENT FELONIES, CONTROLLED SUBSTANCES AND ALCOHOL-RELATED OFFENSES

<u>Code</u>	<u>Type</u>	<u>Class</u>	
511.03	Traffic Law		Operation while license or privilege is suspended or revoked (operation of vehicle while under the influence of alcohol or drugs, see 511 of Traffic law, section 3)
1192	Traffic Law		Operating a vehicle while under the influence of alcohol or drugs
120.03	F	E	Vehicular assault in the second degree
120.04	F	D	Vehicular assault in the first degree
120.05	F	D	Assault in the second degree
120.06	F	C	Gang assault in the second degree
120.07	F	B	Gang assault in the first degree
120.08	F	C	Assault on a peace officer, police officer, fireman, or emergency medical services professional.
120.10	F	B	Assault in the first degree
120.11	F	B	Aggravated assault upon a police officer or a peace officer
125.12	F	D	Vehicular manslaughter in the second degree
125.13	F	C	Vehicular manslaughter in the first degree
125.20	F	B	Manslaughter in the first degree
125.25	F	A-I	Murder in the second degree
125.27	F	A-I	Murder in the first degree
130.35	F	B	Rape in the first degree
130.50	F	B	Sodomy in the first degree
130.65	F	D	Sexual abuse in the first degree
130.66	F	D	Aggravated sexual abuse in the third degree
130.67	F	C	Aggravated sexual abuse in the second degree
130.70	F	B	Aggravated sexual abuse in the first degree
130.75	F	B	Course of sexual conduct against a child in the first degree
130.80	F	D	Course of sexual conduct against a child in the second degree
135.20	F	B	Kidnapping in the second degree
135.25	F	A-I	Kidnapping in the first degree
140.25	F	C	Burglary in the second degree
140.30	F	B	Burglary in the first degree
150.15	F	B	Arson in the second degree
150.20	F	A-I	Arson in the first degree
160.10	F	C	Robbery in the second degree
160.15	F	B	Robbery in the first degree
178.10	M	A	Criminal diversion of prescription medications and prescriptions in the 4th degree
178.15	F	E	Criminal diversion of prescription medications and prescriptions in the 3rd degree
178.20	F	D	Criminal diversion of prescription medications and prescriptions in the 2nd degree
178.25	F	C	Criminal diversion of prescription medications and prescriptions in the 1st degree
215.16	F	D	Intimidating a victim or witness in the second degree
215.17	F	B	Intimidating a victim or witness in the first degree
220.03	M	A	Criminal possession of a controlled substance in the seventh degree
220.06	F	D	Criminal possession of a controlled substance in the fifth degree
220.09	F	C	Criminal possession of a controlled substance in the fourth degree
220.16	F	B	Criminal possession of a controlled substance in the third degree
220.18	F	A-II	Criminal possession of a controlled substance in the second degree
220.21	F	A-I	Criminal possession of a controlled substance in the first degree
220.31	F	D	Criminal sale of a controlled substance in the fifth degree
220.34	F	C	Criminal sale of a controlled substance in the fourth degree
220.39	F	B	Criminal sale of a controlled substance in the third degree
220.41	F	A-II	Criminal sale of a controlled substance in the second degree
220.43	F	A-I	Criminal sale of a controlled substance in the first degree
220.44	F	B	Criminal sale of a controlled substance in or near school grounds

DEPARTMENT OF HOUSING APPLICATIONS MANUAL

EXHIBIT G - SECTION 8 PROGRAM

**NEW YORK STATE PENAL CODE and TRAFFIC LAW SECTIONS WITH RESPECT TO
VIOLENT FELONIES, CONTROLLED SUBSTANCES AND ALCOHOL-RELATED OFFENSES**

<u>Code</u>	<u>Type</u>	<u>Class</u>	
220.45	M	A	Criminally possessing a hypodermic instrument
220.46	F	E	Criminal injection of a narcotic drug
220.50	M	A	Criminally using drug paraphernalia in the second degree
220.55	F	D	Criminally using drug paraphernalia in the first degree
220.60	F	E	Criminal possession of precursors of controlled substances
220.65	F	C	Criminal sale of a prescription for a controlled substance
221.05	Violation		Unlawful possession of Marijuana
221.10	M	B	Criminal possession of Marijuana in the fifth degree
221.15	M	A	Criminal possession of Marijuana in the fourth degree
221.20	F	E	Criminal possession of Marijuana in the third degree
221.25	F	D	Criminal possession of Marijuana in the second degree
221.30	F	C	Criminal possession of Marijuana in the first degree
221.35	M	B	Criminal sale of Marijuana in the fifth degree
221.40	M	A	Criminal sale of Marijuana in the fourth degree
221.45	F	E	Criminal sale of Marijuana in the third degree
221.50	F	D	Criminal sale of Marijuana in the second degree
221.55	F	C	Criminal sale of Marijuana in the first degree
240.36	M	B	Loitering in the first degree
240.36			(loitering for the purpose of unlawfully using or possessing a controlled substance)
240.40	Violation		Appearance in public under the influence of narcotics or a drug other than alcohol
240.46	F	E	Criminal nuisance in the first degree
240.46			(conducts or maintains any premises, place or resort where persons come or gather for purposes of
240.46			engaging in the unlawful sale of a controlled substance in violation of section 220.39, 220.41, 220.43)
265.02	F	D	Criminal possession of a dangerous weapon in the third degree
265.03	F	C	Criminal possession of a dangerous weapon in the second degree
265.04	F	B	Criminal possession of a dangerous weapon in the first degree
265.08	F	C	Criminal use of a firearm in the second degree
265.09	F	B	Criminal use of a firearm in the first degree
265.12	F	C	Criminal sale of a firearm in the second degree
265.13	F	B	Criminal sale of a firearm in the first degree
265.14	F	C	Criminal sale of a firearm with the aid of a minor

Note:

The attempt to commit the above offenses (penal code 110.00) should also be processed for ineligibility.

An attempt to commit a crime is a:

1. Class A-I felony when the crime attempted is the A-I felony murder in the first degree, criminal possession of a controlled substance in the first degree or criminal sale of a controlled substance in the first degree;
2. Class A-II felony when the crime attempted is a class II felony;
3. Class B felony when the crime attempted is a class A-I felony;
4. Class C felony when the crime attempted is a class B felony;
5. Class D felony when the crime attempted is a class C felony;
6. Class E felony when the crime attempted is a class D felony;
7. Class A misdemeanor when the crime attempted is a class E felony;
8. Class B misdemeanor when the crime attempted is a misdemeanor.

Appendix C:

**Guidelines for Hearing Officers:
individuals with convictions.**

Includes "Overlooked Offenses"

GUIDELINES FOR AIO STAFF AND McNAIR HEARING OFFICERS
WHEN CONSIDERING APPLICANTS FOUND INELIGIBLE
BECAUSE OF PENAL OFFENSES

In cases of penal offenses, AIO staff and McNair hearing officers should reverse a finding of ineligibility in the following two situations:

1. The applicant can show that the only basis for the original charges against the offender was an offense that the Housing Authority has chosen to overlook as a basis for ineligibility.

Currently, the Housing Authority chooses to overlook the following offenses:

FELONIES

Unlawful use of secret scientific material
Trademark counterfeiting in 1st degree
Trademark counterfeiting in 2nd degree
Manufacture of unauthorized recordings in 1st degree
Unauthorized recording of a performance in 1st degree
Advertisement or sale of unauthorized recordings in 1st degree
Failure to disclose origin of recording in 1st degree

MISDEMEANORS

Subway fare evasion: first or second offense within the last ten years
Self-abortion in 1st degree
Self-abortion in 2nd degree
Consensual sodomy
Fortune telling
Trademark counterfeiting in 3rd degree
Unauthorized recording of performance in 2nd degree
Advertisement or sale of unauthorized recordings in 2nd degree
Failure to disclose origin of recording in 2nd degree
Improper labeling of "stereo" or "stereophonic" recordings of sound

VIOLATIONS

Hazing in 2nd degree
Unlawfully posting advertisements
Littering on railroad tracks and rights-of-way

First offense for theft of cable television service, or
for avoiding payment for admission to a theater or
a concert hall or a ski lift
Misconduct by a juror in 2nd degree
Unlawful prevention of public access to records
Offensive exhibition

To support a claim that one of these offenses was the only basis for the original charges, the applicant must present a copy of the arrest report containing the original charges. (This is a public record obtainable from the clerk of the court in the county where the offender was charged.)

The Authority has determined that applicant families containing persons who have committed offenses other than those listed above might adversely affect the health, safety or welfare of other tenants, Authority staff, or an Authority project.

2. Other Offenses

For all other offenses, consult the time periods of ineligibility set forth in the Applications Manual, Chapter I, Section VI, Subsection H(3) (a).

If applicants have not satisfied the time periods of ineligibility, you may nevertheless reverse the finding of ineligibility in your discretion if, after considering all of the relevant evidence, you are convinced that there is a reasonable probability that the offender's future conduct would not be likely to affect adversely the health, safety or welfare of other tenants, and would not be likely to affect adversely the physical environment or the financial stability of an Authority project.

Factors you may consider include, but are not limited to:

- a. The seriousness of the offense(s).
- b. The frequency of the offense(s).
- c. When the offense(s) occurred.
- d. Evidence about the conduct underlying the offense(s).

NOTE: You are not required to conduct an independent investigation or a de novo determination of the conduct underlying convictions.

- e. Evidence of the offender's rehabilitation since the offense, including but not limited to:

- (1) Documentary proof that since the offense, the offender has enrolled in school, has remained in school for at least six months, and has compiled a positive school record, as demonstrated by a registrar's record and/or a positive letter from a teacher or a school administrator.
 - (2) Documentary proof that since the offense, the offender has enrolled in a job-training program, has remained in the program for at least six months or has completed it, and has compiled a positive record, as demonstrated by a positive letter from a program supervisor or administrator.
 - (3) Documentary proof that since the offense, the offender has gotten a job, has kept it for at least six months, and has compiled a positive work record, as demonstrated by a positive letter from a supervisor and/or employer.
 - (4) A letter from the prosecutor's office or the sentencing judge indicating that the offender has been fully rehabilitated.
- f. Evidence of the offender's participation in or willingness to participate in counseling or social service programs designed to correct the offending behavior, and the availability of such programs. Such evidence might include, but is not limited to, documentary proof that since the offense, the offender has enrolled in a counseling program designed to correct the offending behavior, has remained in the program for at least six months, and has compiled a positive record, as demonstrated by a positive letter from a program supervisor or administrator.

NOTE: Parole does not count as such a program, and parole officers do not count as counseling program supervisors or administrators.

The evidence supporting a claim that the offender's future conduct would not be likely to affect adversely the Authority's tenants or the Authority's property must be relevant and credible.

You should give more weight to objective documentary evidence than to unsupported testimony from the applicant, or letters or testimony from friends, advocates, or parole officers.

Uncorroborated testimony purporting to explain away, excuse, or justify the offense, without more, should ordinarily be insufficient to reverse a finding of ineligibility.

Any misrepresentations made to the Authority by the applicant family or the offender in the applications process, including concealing the fact of the penal offense, should be weighed against the applicant family.

Appendix D:

Guidelines for Hearing Officers: Users of Illegal Drugs

GUIDELINES [FOR AIO STAFF AND MCNAIR HEARING OFFICERS]
WHEN CONSIDERING MITIGATING CIRCUMSTANCES
FOR APPLICANTS WHO HAVE ILLEGALLY USED A
CONTROLLED SUBSTANCE WITHIN THE LAST THREE YEARS

1. If a member of an applicant family has illegally used a controlled substance within the past three years, the family will be ineligible until the earliest of

- (a) three years after the date of the ineligibility finding (or three years after the latest date of illegal drug use, if that date can be established by objective evidence); or
- (b) until the family provides written verification from a state-licensed drug treatment agency that the offending person has been drug-free for 12 months and also a current clean toxicology report; or
- (c) until the family provides substantial evidence that the offending person
 - (1) is no longer engaging in the illegal use of a controlled substance; and
 - (2) has been rehabilitated successfully so as not to interfere with the health, safety, or welfare of other tenants.

2. In determining whether there is substantial evidence that the offending person is no longer engaging in the illegal use of a

controlled substance under paragraph 1(c)(1), staff, in its discretion, may require proof such as a current clean toxicology report.

3. To find that the offending person has been rehabilitated under paragraph 1(c)(2), the applicant family must show that the offending person has made significant positive changes in his or her behavior since his/her illegal use of a controlled substance. Staff must consider any evidence submitted by the applicant family. However, greatest weight should be given to the following types of evidence:

- a. Documentary proof that since the illegal use, the offender has enrolled in school, has remained in school for at least six months, and has compiled a positive school record, as demonstrated by a registrar's record and/or a positive letter from a teacher or a school administrator.
- b. Documentary proof that since the illegal use, the offender has enrolled in a job-training program, has remained in the program for at least six months, and has compiled a positive record, as demonstrated by a positive letter from a program supervisor or administrator.
- c. Documentary proof that since the illegal use, the offender has gotten a job, has kept it for at least six months, and has compiled a positive work record, as demonstrated by a positive letter from a supervisor and/or employer.

As a general rule, staff should require at least one of the items on the above list, and a clean record otherwise.

Less weight should be given to other kinds of evidence, such as unsupported testimony from the applicant family, and letters or testimony from friends, advocates, or parole officers.

Staff should consider as significant any misrepresentations made to the Housing Authority in the applications process, including concealing the fact of the illegal use of a controlled substance.

Appendix E:

**Sample NYCHA
Ineligibility Notices and
Hearing Decision**

NEW YORK CITY HOUSING AUTHORITY
DEPARTMENT OF HOUSING APPLICATIONS

Bronx Applications Office
1 Fordham Plaza, 5th fl.
Bronx, NY 10458
(718) 329-7859

Brooklyn Applications Office
350 Livingston Street, 2nd fl.
Brooklyn, NY 11217
(718) 250-5900

Manhattan Applications Office
55 West 125th Street, 7th fl.
New York, NY 10027
(212) 828-7100

Queens Applications
120-34 Queens Blv
Kew Gardens, NY 115
(718) 286-7500

Staten Island Applications Office
120 Stuyvesant Place, 2nd fl.
Staten Island, NY 10301
(718) 448-7326

Atte: Sebastian
Sebastian

[REDACTED]

Date: _____

Soc. Sec # [REDACTED]

Dear Applicant:

Our investigation and evaluation show that:

- A member of your household has been convicted of a penal offense which would make your family ineligible for public housing, as detailed below.
- A member of your household is otherwise an offending person under our Standards for Admission, which would make your family ineligible for public housing, as detailed below.

(212)

- 1) Violation 240.20 Disorderly conduct sentence imposed 7/19/04
- 2) Violation 240.20 Disorderly conduct sentence imposed 7/19/04

If you wish to challenge our evaluation, you may visit the Application Information Office for your home borough checked above, any weekday from 8:30 A.M. to 4:30 P.M., except Wednesdays, when they are closed to the public. You may also bring an attorney or other representative. A member of our staff will be glad to review your application with you.

If you intend to dispute the accuracy or relevance of this information, please bring with you any information you have to support that claim.

If you intend to claim that the offender will not present a problem in the future, please bring with you any information you have which might indicate a reasonable probability of the offender's favorable future conduct, such as evidence of the offender's rehabilitation since the offense, or evidence of the offender's participation in or willingness to participate in social service or other appropriate counseling service programs and the availability of such programs.

If you intend to claim that the offender will not live with you in public housing, please bring with you any information you have about whether and when the offender has resided with your family, the duration of the offender's relationship with any member of your family, evidence of recent changes in the offender's relationship to your family, and any other information about the offender's current residence or the composition of your family.

We generally find government or business documents more persuasive than unsupported statements or letters from family or friends. We will, however, consider any information you provide, including any special circumstances that prevent you from obtaining documents or information. Please note that we retain the discretion to determine whether you are eligible for public housing.

IF YOU DO NOT APPEAR WITHIN 30 DAYS FROM THE DATE OF THIS LETTER, WE WILL FIND YOU INELIGIBLE FOR PUBLIC HOUSING BASED ON OUR INVESTIGATION AND EVALUATION.

NEW YORK CITY HOUSING AUTHORITY
DEPARTMENT OF HOUSING APPLICATIONS

Bronx Applications Office
1 Fordham Plaza, 5th fl.
Bronx, NY 10458
(718) 329-7859

Brooklyn Applications Office
350 Livingston Street, 2nd fl.
Brooklyn, NY 11217
(718) 250-5900

Manhattan Applications Office
55 West 125th Street, 7th fl.
New York, NY 10027
(212) 828-7100

Queens Applications Office
120-34 Queens Blvd., 2nd fl.
Kew Gardens, NY 11415
(718) 286-7500

Staten Island Applications Office
120 Stuyvesant Place, 2nd fl.
Staten Island, NY 10301
(718) 448-7326

Date 9/17/04

Application Number 

ESTE ES UN DOCUMENTO IMPORTANTE QUE AFECTA SU SOLICITUD PARA VIVIENDA PUBLICA (Y SECCION 8 SI INDICADO). SI UD. NO LO ENTIENDE COMPLETAMENTE, FAVOR ASEGURARSE DE QUE ALGUIEN SE LO TRADUZCA O EXPLIQUE LO ANTES POSIBLE. IGUALMENTE, UD. TIENE DERECHO A OBTENER UNA TRADUCCION COMPLETA EN ESPANOL Y POR ESCRITO CUANDO UD. VISITE NUESTRA OFICINA DENOMINADA APPLICATIONS INFORMATION OFFICE.

Dear Applicant:

We have carefully reviewed your application for an apartment in public housing and determined that you do not meet the eligibility requirements for the reason(s) checked below:

1. Your Total Family Income is \$ _____, as detailed below:

If you have also applied for Section 8 Housing Assistance, this makes you ineligible for that as well.

This total income is above the established limit for your household consisting of _____ persons. The established limit for a _____ person household is \$ _____.

2. Your Family Income is unverifiable because:

If you have also applied for Section 8 Housing Assistance, this makes you ineligible for that as well.

3. Your Family Composition is unverifiable because:

If you have also applied for Section 8 Housing Assistance, this makes you ineligible for that as well.

4. Your Family does not meet the standards for admission to public housing, as detailed below:

Our investigation reveals that  pled guilty to: 1) Disorderly conduct sentenced 7/19/04
2) Disorderly conduct sentenced 7/19/04

5. Your Family has a poor rent payment record as detailed below:

6. Other:

If you have also applied for Section 8 Housing Assistance, this makes you ineligible for that as well.

You will remain ineligible for public housing (and Section 8 if indicated) until you have cured the reason(s) for ineligibility. If you submit a new application, we will not process it until you have cured the reason(s) for ineligibility.

To discuss this finding of ineligibility (including how long it will last and how you can cure it), you may visit our Applications Information Office checked on the reverse side of this letter, any weekday from 8:30 A.M. to 4:30 P.M. except Wednesday. You may bring with you any additional information which you would like the Authority to consider. You may also bring an attorney or other representative. A member of our staff will be glad to review your application with you.

IF AFTER APPEARING AT THE APPLICATIONS INFORMATION OFFICE, YOU ARE STILL FOUND TO BE INELIGIBLE, YOU MAY OBTAIN, ON REQUEST MADE WITHIN NINETY (90) DAYS OF THE DATE OF THIS LETTER AN INFORMAL HEARING BEFORE AN IMPARTIAL HEARING OFFICER. YOU MAY REQUEST THE HEARING AT THE TIME YOU APPEAR FOR A REVIEW OF YOUR APPLICATION, OR YOU MAY MAIL A REQUEST FOR A HEARING TO THE ADDRESS CHECKED ON THE REVERSE SIDE.

Prior to the Informal Hearing, or within six months of the date of this letter, whichever comes first, you may submit any further information you would like the Authority to consider to our Applications Information Office, as described above.

You will have these rights at the informal hearing:

- The hearing officer will be impartial.
- You may be represented, at your own expense, by a lawyer or other representative. If you cannot afford a lawyer, you may contact one of the agencies which provide free legal services.
- Subject to the direction of the hearing officer, you may present evidence or witnesses in support of your application and examine any witness or evidence presented by the Housing Authority.
- You will receive a written decision, based only on the proof presented at the hearing, stating the basis for the final decision.

Sincerely yours,

Department of Housing Applications

THIS IS A VERY IMPORTANT DOCUMENT WHICH AFFECTS YOUR APPLICATION FOR PUBLIC HOUSING (AND SECTION 8 IF INDICATED). IF YOU DO NOT COMPLETELY UNDERSTAND IT, PLEASE HAVE IT TRANSLATED FOR YOU AS SOON AS POSSIBLE. YOU MAY ALSO OBTAIN A COMPLETE, WRITTEN SPANISH TRANSLATION WHEN YOU VISIT THE APPLICATIONS INFORMATION OFFICE.

Appendix F

Sample Request for an Informal Hearing

NEW YORK CITY HOUSING AUTHORITY
DEPARTMENT OF HOUSING APPLICATIONS

Bronx Applications Office
1 Fordham Plaza, 5th fl.
Bronx, NY 10458
(718) 329-7859

Brooklyn Applications Office
350 Livingston Street, 2nd fl.
Brooklyn, NY 11217
(718) 250-5900

Manhattan Applications Office
55 West 125th Street, 7th fl.
New York, NY 10027
(212) 828-7100

Queens Applications Office
120-34 Queens Blvd, 2nd fl.
Kew Gardens, NY 11415
(718) 286-7500

Staten Island Applications Office
120 Stuyvesant Place, 2nd fl.
Staten Island, NY 10301
(718) 448-7326

REQUEST FOR AN INFORMAL HEARING

Name: [REDACTED]
Address: [REDACTED]
Application No.: [REDACTED]
Date: 10/8/04

(NOTE: You may complete this request now, or take it with you and consult with an attorney or representative before completing it. You must return the form, or mail it, to the DEPARTMENT OF HOUSING APPLICATIONS, at the address checked above, within ninety (90) days from the date of the letter you received informing you that you were ineligible for public housing/Section 8.

You may *also* request copies of the documents in your file related to the finding of ineligibility by writing, separately, to: LAW DEPARTMENT, NEW YORK CITY HOUSING AUTHORITY, 250 Broadway, 9th floor, New York, N.Y. 10007, Attn: *Applicant Hearing Documents.*)

I have received an explanation of the status of my application and a copy of the document in my records entitled "BASIS FOR INELIGIBILITY." I wish to request an Informal Hearing to review the determination that I am ineligible for admission to an apartment in public housing/Section 8. I understand that, at my request, I will be provided with other documents which will be used at the hearing. I understand that the hearing will be conducted in accordance with the following procedures:

- The hearing officer will be impartial.
- I may be represented at my own expense, by a lawyer or other representative. If I cannot afford a lawyer, I may contact one of the agencies which provide free legal services.
- Subject to the direction of the hearing officer, I may present evidence or witnesses in support of my application and examine any witnesses or evidence presented by the Housing Authority.
- I will receive a written decision, based only on the proof presented at the hearing, stating the basis for the final decision.

(See page 3)

EXPLANATION OR REBUTTAL: *(Attach additional sheets if necessary and any supporting documents if needed.)*

EXPLICACIÓN O REFUTACIÓN: *(Adjunte hojas adicionales si es necesario y cualquier documento que apoye su caso).*

SIGNATURE _____ DATE _____
(FIRMA) (FECHA)

REMARKS - For Office Use Only
COMENTARIOS - Para uso de oficina solamente

Appendix G

Sample Notice of Public Hearing

NEW YORK CITY HOUSING AUTHORITY
Notice of public hearing
CONVENTIONAL

8/10/2004

Re: Application N [REDACTED]

Dear Applicant:

Please be advised that an informal hearing regarding your application for Public Housing / Section 8 Housing assistance will be held at the New York City Housing Authority, 90 Church Street, 12th floor, New York City on 9/16/2004 at 09:00 AM VA

A copy of the procedures followed at the hearing is enclosed.

The Housing Authority will provide an interpreter; however, you have the right to bring your own interpreter. Please notify this Department at least three (3) days in advance as to whether you need a language interpreter. In the case of a sign language interpreter, we require additional time to arrange for one, so please notify this Department as soon as possible after you receive this notice of hearing. The number to call is (212) 306-6912.

If you have an attorney to represent you at the hearing, that attorney must submit a letter confirming their representation to this office no later than three (3) working days before the date of the hearing, as hearings with legal representation are only held on Mondays. If you were originally scheduled for a day other than a Monday, your hearing will need to be rescheduled. Failure to give notice of an attorney may result in an undue delay in rescheduling your hearing.

If you wish to request a different hearing date or time, please telephone (212) 306-6912. If you fail to appear at the hearing, the hearing officer will enter a default decision against you, which means you will remain ineligible for Public Housing. A request for a second hearing must be made within 30 days of the above date. If you fail to appear at the second hearing, we will schedule no more hearings for you, unless you can provide documentation within 30 days verifying that you had a justifiable reason for missing the second hearing.

Very truly yours,



Mildred Velez/ Administrator
Operations Services
Applicant Appeals Unit

NEW YORK CITY HOUSING AUTHORITY

APPELLANT'S GUIDE TO FAIR HEARINGS

It may be beneficial for you to bring the following documents to your informal hearing: **THIS LIST OF DOCUMENTS IS NOT EXHAUSTIVE, AND THE HOUSING AUTHORITY RETAINS THE DISCRETION TO EITHER REVERSE OR SUSTAIN THE FINDING OF INELIGIBILITY, IN ACCORDANCE WITH ITS POLICIES AND PROCEDURES, REGARDLESS OF WHETHER OR NOT YOU PRODUCE DOCUMENTS ON THE LIST.**

A. IF YOU HAVE BEEN FOUND INELIGIBLE BECAUSE OF UNVERIFIABLE FAMILY COMPOSITION:**1. To prove that each family member is part of your household, the following documents may be helpful:**

- Notarized statement from your landlord; lease showing who is in the household.
- Budget letter from DOSS (Public Assistance) listing members of your household.
- Utility bills, postmarked envelopes addressed to this family member at his residence, notarized letter from employer showing address of employee, library card, driver's license, etc.
- Letter from social agencies verifying who will be in your household in public housing.

2. To prove that each family member in question is not, or will not be, part of your household, the following documents may be helpful:

- Lease showing where family member is living, notarized statement from landlord of family member.
- Utility bills, postmarked envelopes addressed to this family member at his residence, notarized letter from employer showing address of employee, budget letter of DOSS (Public Assistance) showing address of family member, driver's license.
- Notarized letter from family member stating that person does not plan to be part of your household.
- Letter from prison officials verifying address family member will be released to when leaving prison.

B. IF YOU HAVE BEEN FOUND INELIGIBLE BECAUSE OF UNVERIFIABLE OR UNREALISTIC INCOME:**1. To prove your income, the following documents may be helpful:**

- Notarized statement from your employer indicating amount of earnings of family members.
- Most recent W2 Form.
- Bankbook showing amount of savings and interest earned.
- Most recent pay stubs showing amount of earnings during the past year.
- Proof of Unemployment Benefits, Pension Benefits, Social Security Benefits, Welfare Benefits, SSI Benefits received, EPFT Voucher showing amount of food stamps received.
- Notarized statement from source of "off the book" earnings, verifying what those earnings are.
- Notarized statement of funds, food, clothing, etc., being provided by friends and/or relatives.

2. To prove your expenditures the following documents may be helpful: (a) rent receipts; (b) utility bills, etc.**C. IF YOU HAVE BEEN FOUND INELIGIBLE BECAUSE OF POOR RENT PAYMENT HISTORY, THE FOLLOWING DOCUMENTS MAY BE HELPFUL TO PROVE REGULAR AND ON TIME RENT PAYMENTS:**

- Rent receipts from landlord for the past 12 months.
- Proof of regular and on time rent payments made before you experienced financial difficulties.
- Court Stipulations showing decision made by judge in landlord vs. tenant cases, and proof that you adhered to decision made by court.
- Proof of payment of additional rent not paid by DOSS (Public Assistance).

D. IF YOU HAVE BEEN FOUND INELIGIBLE BECAUSE YOU DO NOT MEET THE STANDARDS OF ADMISSION, THE FOLLOWING DOCUMENTS MAY BE HELPFUL:

- Documentary proof that since committing a penal offense, the offender has either enrolled in school, a job training program, or gotten a job; has remained in school, job-training, or on the job for at least 6 months; and has compiled a positive record, as demonstrated by a positive letter from a registrar, teacher, school administrator, program supervisor or administrator, or employee supervisor or employer.
- Documentary proof that since committing a penal offense, the record has been sealed.
- Notarized statements from social workers, drug counselors, homemaker services, landlords, etc., indicating that you are able to adhere to NYCHA's rules and regulations, properly supervise your children, and not create problems for neighbors and/or management.
- Verification from the Fire Department confirming the cause of any fire in your apartment, as well as any contributing factors.
- Verification from the Fire Department that you completed a fire safety/fire prevention class.
- Written verification from a state-licensed drug treatment agency that the offending person has been drug free for 12 months and a current clean toxicology report.

(Ver Traducción al Español al Dorso)

NEW YORK CITY HOUSING AUTHORITY
PUBLIC HOUSING AND SECTION 8 APPLICANTS
DISCUSSION, REVIEW AND INFORMAL HEARING PROCEDURES

1. INELIGIBILITY NOTICE: When an applicant for admission to public housing or for Section 8 housing assistance is determined to be ineligible for such assistance, the Eligibility Division of the Department of Housing Applications shall write the applicant a letter stating the basis of that ineligibility determination ("Ineligibility Notice"). The Ineligibility Notice shall also state that the Applications Information Division of the Department of Housing Applications is available to discuss and review the ineligibility determination with the applicant ("Informal Discussion"), it shall state where and when such Informal Discussions are available, and it shall advise the applicant of his or her right to an Informal Hearing. Copies of this procedure and the Request for an Informal Hearing form shall also be enclosed with the Ineligibility Notice. In addition, if the applicant claims a disability, a copy of the Housing Authority ADA/Section 504 Grievance Procedure shall be supplied.

2. OBTAINING AN INFORMAL DISCUSSION: After receiving an Ineligibility Notice, an applicant may go without an appointment to the Applications Information Division of the Department of Housing Applications for an Informal Discussion. The applicant, at his or her expense, may bring an attorney or other representative to the Informal Discussion and may present documentation pertinent to his or her eligibility claim.

3. THE INFORMAL DISCUSSION: At the Informal Discussion, the Applications Information Division shall discuss the ineligibility determination with the applicant and his or her attorney or representative, if any; it shall give the applicant a copy of the Basis for Ineligibility form prepared by the Eligibility Division; it shall explain to the applicant how to file a request for an Informal Hearing, and, if the applicant requests one, it shall give the applicant an additional copy of the Request for an Informal Hearing form.

4. AFTER A FAVORABLE INFORMAL DISCUSSION: On the basis of the discussion and the documents submitted by the applicant, the Applications Information Division may return the application file to the Eligibility Division for further investigation. If it does so, the Applications Information Division shall advise the applicant in writing that the application has been reopened for further investigation and that, if after that investigation the applicant is still found to be ineligible on the same grounds as originally determined to be ineligible, the applicant may make a request by mail for an Informal Hearing.

5. AFTER AN UNFAVORABLE INFORMAL DISCUSSION: If after the Informal Discussion, the Applications Information Division has not resolved the matter to the applicant's satisfaction, the applicant may, by submitting a completed Request for an Informal Hearing form, or by sending a letter, request an Informal Hearing. Such written requests may be submitted to the Applications Information Division after the Informal Discussion, or mailed to it at a later date. The written request must, however, be submitted in person or postmarked within 90 days of the date of the Ineligibility Notice. If after an Informal Discussion with an applicant claiming a disability-related right, the Department of Housing Applications still intends to issue an unfavorable decision, the case will automatically be reviewed by the designated ADA/Section 504 coordinator who shall consult the Applications office in determining the appeal.

6. SCHEDULING AN INFORMAL HEARING: Upon receipt, the Department of Housing Applications will forward the Request for an Informal Hearing to the Division of Tenancy Administration of the Operations Services Department, and the latter shall schedule an Informal Hearing. The applicant will receive written notice of the date, time and place of the Informal Hearing at least fourteen days before its scheduled date.

7. OBTAINING COPIES OF THE RELEVANT DOCUMENTS: Following submission of a written request for an Informal Hearing, the applicant or the applicant's authorized attorney or other representative may request, in writing, copies of the additional documents, if any, that are contained in his or her application file and that were relevant to the determination of ineligibility. The request shall be directed to the office address listed on the Request for an Informal Hearing form, and copies of the relevant documents, if any, will be provided, free of charge, within five business days of the receipt of the written request. The names and addresses of those who provided the information to the Authority may be deleted from the documents provided to the applicant, if the Authority has determined that deleting such information is necessary to protect the physical safety or the rights and privileges of such sources or of any other person. Any dispute about the disclosure documents from the application file or about the redactions of the documents shall be submitted to the hearing officer at the Informal Hearing.

8. HOW INFORMAL HEARINGS SHALL BE CONDUCTED:

a) The Informal Hearings shall be held before a hearing officer appointed by the New York City Housing Authority. The hearing officer shall be an Authority employee is not below the equivalent of Assistant Manager; the hearing officer shall be employed in the Division of Tenancy Administration of the Operations Services Department, and the hearing officer shall not have participated in the determination of ineligibility.

b) The applicant, at his or her expense, may be represented by an attorney or other representative.

c) The Authority shall first present the basis for the ineligibility determination. The applicant shall then have the opportunity to present his or her position. Subject to the direction of the hearing officer, the applicant and the Authority may offer documentation and may present and question witnesses. Technical rules of evidence shall not be enforced, but the proof offered shall be relevant to the grounds of ineligibility specified in the Ineligibility Notice.

d) The hearing officer's determination shall be issued in a written decision, and a copy of the decision shall be furnished to the applicant or his or her representative. The decision shall summarize the facts and state the basis of the determination. The decision shall be based solely on the facts adduced at the hearing.

9. THE TWO POSSIBLE DISPOSITIONS OF AN INFORMAL HEARING:

The hearing officer may make the following determinations:

a) Determination of Ineligibility Sustained; or

b) Determination of Ineligibility Reversed.

In the event the Ineligibility Determination is reversed, the hearing officer shall return the application the Department of Housing Applications for action consistent with that determination.

10. FINALITY: The hearing officer's decision shall be final.

Appendix H

Preparing For and Conducting the Hearing

July 29, 2004

Larry Roth
FOIL Officer
New York City Housing Authority
250 Broadway, 9th Floor
New York, NY 10007

Re: File for XXX SSN XXX

Dear Mr. Roth:

We are representing XXX in her application for housing with NYCHA/Section 8 and hereby request a copy of her application file. A Release and Appointment of Representative form is attached.

Please feel free to contact me for additional information at 212.243.1313, or sfriedman@lac.org.

Thank you very much.

Sincerely,

Sally Friedman
Senior Staff Attorney

Enc.

RELEASE AND APPOINTMENT OF REPRESENTATIVE

I, XXX, hereby authorize Sally Friedman, Esq., Mariella Martinez, and any other attorneys, legal assistants, or legal interns of the Legal Action Center, to obtain a copy of my application file for housing with NYCHA/Section 8.

I further authorize the Legal Action Center to represent me an any proceedings relating to my application for housing with NYCHA/Section 8.

Dated: July , 2004
New York, NY

XXXX

Appendix I

Sample Letters of Reference

SAMPLE LETTER FROM JOB DEVELOPER



INSTITUTE FOR CHILDREN AND POVERTY
36 COOPER SQUARE, FIRST FLOOR
NEW YORK, NEW YORK 10003
TELEPHONE: 212-674-2607
FAX: 212-674-4217

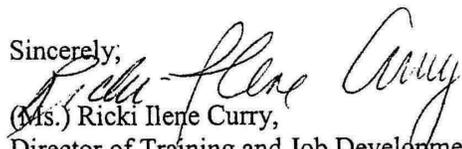
June 5, 2002

To Whom It May Concern:

I have worked with Ms. [REDACTED] as a job developer for the past four months. I find her to be a determined and hardworking individual. Ms. [REDACTED] seems to have overcome her past mistake. She strives to improve her life and to create a successful future for herself and her family.

Ms. [REDACTED] is actively seeking employment and has signed with a staffing agency for temporary placement. She has diligently worked on her mock interview skills and will be attending our Job Fair on June 11th. She is seeking employment stability and hopes to secure a position with an opportunity for advancement. I am recommending [REDACTED] based upon her current behavior and attitude.

If I can be of further assistance please contact me at (212) 674-2607.

Sincerely,

(Ms.) Ricki Ilene Curry,
Director of Training and Job Development

*TAG works to identify dependable, long-term employees for your company
and dependable, long-term employment for our graduates. SM*

SAMPLE LETTERS FROM EMPLOYERS

Dear Mr. Becker:

I write this letter on behalf of [REDACTED], whom I have known for almost fifteen years. I can say with conviction that [REDACTED] is an indispensable member of the MOSAIC Beacon program's team.

I first met [REDACTED] in 1988 when I was working with the Teen Opportunity Program in the Bronx. The program served homeless children who suffered from a wide variety of serious and complex problems. When we interviewed [REDACTED], he was honest and forthcoming about his conviction history. Due to this history, we decided to hire him on a trial basis as an Activity Specialist. He specialized in recreational activities, running mostly sports programs. [REDACTED] proved to be excellent at communicating with and reaching out to the children. He was able to handle even the most troubled children. [REDACTED] easily passed his trial period and was hired as full time Activity Specialist.

When we started the MOSAIC program in the summer of 1991, [REDACTED] had already proven himself to be one of the most reliable staff members at Teen Opportunity, and was asked to help found MOSAIC with Bill Yakowicz, Inocencia Astor and myself. [REDACTED] proved to be a vital part of our team. He was hired as an activity specialist, but over the years he served in almost every aspect of the program. He worked with the community to develop programming, acted as a liaison with community groups, performed administrative duties and took kids on recreational outings. There was no official security at the time, but [REDACTED] assumed that responsibility informally until he was promoted to Security Supervisor in 1993.

[REDACTED] ability to work with a troubled population was important. MOSAIC is located in the Highbridge neighborhood in the South Bronx, which at that time was one of the poorest congressional districts and had one of the highest crime rates in the city. We needed someone whom we could trust and on whom we could rely. Just as important, we needed someone who was aware of the issues and needs within the community. [REDACTED] excelled in all of these roles.

I never saw any evidence of [REDACTED] being aggressive or dangerous in all the years we worked together. On the contrary, there were many situations where people would test him to the limit, and he would remain calm and collected. I remember one situation when [REDACTED] observed some staff members taking children off the premises without parental permission. He confronted the individuals, and reported them. Some of these individuals began to scream at [REDACTED] step towards him aggressively and insult him. [REDACTED] did not raise his voice, but instead just repeated, "I'm not getting into this," and stepped away.

Nobody understands the Beacon program as well as [REDACTED]. He has dedicated his life to the program for more than a decade. [REDACTED]'s dismissal would be a terrible loss to MOSAIC and to the community at large.

Sincerely,

James Chen
[REDACTED]

OCEAN PARKWAY DEVELOPMENTAL CENTER

550 OCEAN PARKWAY
P.O. BOX 180257
BROOKLYN N.Y. 11218
(718) 851-9177

MAGDA MANELA
DIRECTOR

ELAYNE YUDENFREUND, M.S.
PRINCIPAL

October 12, 2001

To whom it may concern:

I have had the privilege of knowing [REDACTED] for the past three years. He has always conducted himself professionally and respectfully. [REDACTED] had mentioned that he was studying to be an Occupational Therapist and I suggested that he would do well working on his pediatric internship at the preschool I worked at. [REDACTED] welcomed the suggestion and this past year he spend three months in our school.

[REDACTED]'s performance with the staff and children was professional and loving. [REDACTED]'s behavior and temperament has always been pleasant and respectful. I respect his judgement and rely on his knowledge when dealing with difficult children and handling them for effective treatment.

I consider him a good friend and treasure his friendship. Mr. [REDACTED] an honest and gentle person. I am proud to know and had the opportunity to work with him.

Mr. [REDACTED] has shared his past problems with me, regarding past arrests and recovery from substance abuse and today he is a more mature and responsible man. Therefore, I thank you in advance for any consideration of Mr. [REDACTED] in this matter.

Sincerely,

Lynette Hernandez BS/COTA
Lynette Hernandez, BS/COTA
Occupational Therapist

SAMPLE LETTER FROM PRISON EMPLOYMENT SUPERVISOR

STATE OF NEW YORK
DEPARTMENT OF CORRECTIONAL SERVICES
BAYVIEW CORRECTIONAL FACILITY

550 WEST 20th STREET
NEW YORK, NEW YORK 10011
212-255-7590



GLENN S. GOORD
COMMISSIONER

ROBERTA D. COWARD
SUPERINTENDENT

October 19, 2004

Sally Friedman
Legal Action Center
153 Waverly Place
New York, N.Y. 10014

To Whom It May Concern:

Please be advised that [REDACTED] was incarcerated at the New York State Department of Correctional Services from [REDACTED], 1995 thru [REDACTED], 2003. During the period of July 16, 2001 thru January 2, 2003, Ms. [REDACTED] was employed as a teacher's aide in our pre-GED Program. Prior to this, she worked as a porter, laundry helper, and as a forest worker.

Ms. [REDACTED] received satisfactory evaluations, in her job assignments and while incarcerated she attained her GED (2000). In addition to her paid work assignments, Ms. [REDACTED] volunteered to work throughout the facility.

She was recognized for her positive efforts for assisting in Bayview's Re-accreditation Audit through the American Correctional Association.

Sincerely,

Shelda Washington,
Asst. Deputy Supt. of Programs

c: File

SAMPLE LETTERS FROM COUNSELORS/THERAPIST



St. Mark's Place Institute for Mental Health, Inc.
57 St. Mark's Place, New York, NY 10003
Tel: 212 982 3470; Fax: 212 477 0521

June 18, 2003

Re: [REDACTED]
DOB: [REDACTED]

To: The Legal Action Center
153 Waverly Place
New York, N.Y. 10014

Dear Sir or Madam,

I am a Certified Social Worker and Psychotherapist and have treated Mr. [REDACTED] for Polysubstance Dependence and Psychiatric Disorder since 12/3/99. As an integral part of his ongoing rehabilitation program, Mr. [REDACTED] is administered toxicology tests randomly and without prior notification. Since the date of the conviction in question, 1/14/2001, Mr. [REDACTED] has maintained continuous abstinence (see attached reports, all of which were negative for controlled substance). As a result, his prognosis to maintain ongoing sobriety is excellent. Though my 7/19/01 letter to NYCHA stated that Mr. [REDACTED] had maintained abstinence "almost continuously", I was referring to the period before his February 2001 conviction. Again, since this conviction, he has maintained abstinence continuously.

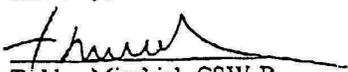
Mr. [REDACTED] is also being treated by our psychiatrist Dr Bukholts, who prescribes the following medications; Depakot 250mg qam, + 2 tabs qhs., Zyprexa 10mg qhs, Trazodone 100mg qhs and Ambien 10mg qhs. for psychiatric conditions caused by severe head trauma which renders him disabled. He survives on Social Security Disability benefits and attends our clinic five times a week. He has exhibited extreme willing to participate in counseling to correct his offending behavior. While in the program, he has compiled a positive record.

Mr. [REDACTED] has not exhibited any behavior that is threatening to the staff or himself and I do not believe that he poses any danger to himself or others. He is cooperative and courteous to staff members and program participants.

Unfortunately, Mr. [REDACTED]'s brain damage left him without the mental capacity to work or enroll in traditional schooling or a job training program. Employment is not a goal of his rehabilitation. Mr. [REDACTED], however, does maintain the following goals:

- (1) Stays mentally stable and not decompensating under stress.
- (2) Maintains long term abstinence.
- (3) Attends church on Sunday.
- (4) Abstains from criminal activities.

Sincerely,


Taddee Miszkiel, CSW-R
Psychotherapist


Dr. Benjamin Bukholts,
Board Certified Psychiatrist

 Visiting Nurse Service OF NEW YORK
HomeCare

A LEADER IN QUALITY HOME HEALTH CARE SINCE 1893
June 16, 2003

Dear Sir or Madam:

I have been providing intensive case management services to [REDACTED] for over one and a half years. I advocate for [REDACTED] with respect to medical, psychiatric and quality of life issues and also conduct weekly counseling sessions with him. Because [REDACTED] is unable to travel alone, the counseling sessions are at his residence.

[REDACTED] has an extensive psychiatric history, including schizophrenia, and has been under the care of a psychiatrist, Dr. Benjamin Bukholts, and a Psychotherapist, Tadee Miskiel. He attends therapy on Monday through Friday at Unitas Day Program in New York City.

He also is physically disabled, which poses great problems in his current 5th floor, walk-up apartment. Both he and his mother, who also is disabled and in a wheelchair, need a home that is either closer to the ground floor or in a building with an elevator. Because of [REDACTED] brain damage, his balance and coordination are inadequate and it is difficult for him to travel and use the staircase in his building. He also has a physical disability in his legs which causes him great pain when walking long distances or up a staircase. His mom is often forced to stay in the house for weeks at a time because she can only travel by wheelchair. At this point, she is unable to stand erect and her condition is expected to worsen.

I have never witnessed any violent or disruptive behavior from [REDACTED]. He has remained compliant with his treatment regimen, which is designed to correct past negative behavior. He has worked hard at and has overcome great obstacles to achieve rehabilitative goals, including quitting smoking, giving his mother her medication, taking his own medication, becoming closer with his family, sharing his emotions in counseling, sharing his problems with clergy, and attending church. Significantly, he also has succeeded in avoiding the peer group with whom he previously got into trouble, even though he still lives in their midst.

I believe [REDACTED] has truly changed his ways and would not engage in any criminal or disruptive behavior in public housing or elsewhere.

Sincerely,

Deidre Summers

Deidre Summers, ICM

Intensive Case Management

1250 BROADWAY ~ NEW YORK, NY 10001-3701 ~ (212) 290-3222

SAMPLE LETTER FROM SUPERINTENDENT

February 25, 2005

To Whom It May Concern:

I, [redacted], Superintendent of the building located at [redacted] [redacted] Owner by [redacted] Management Corporation, certifies that I have known Mr. [redacted], and his family for more than 10 years.

During the time that I have been working in this building Mr. [redacted] and his family have demonstrated to be honest and reliable persons with high degree of responsibilities and obligation.

Mr. [redacted] and his family have been a good tenants and good neighbors with the rest of the people living in this building.

If I can provide additional information, please don't hesitate to ask.

Judy Morvath

Phone: 212 [redacted]

Address: [redacted]
New York, NY. 10032.

Lead on to before me

on 4th Day of March 2005

[redacted signature]

EDDY TAVERAS
Notary Public, State of New York
No. 5006788
Qualified in Westchester County
Commission Expires Jan. 11, 2006

SAMPLE LETTER FROM SOMEONE YOU'VE HELPED

Chairman
Metina Horner

Directors

Abraham Biderman
Allen Boston
Geoffrey Canada
Robert A. Caro
Sally Hernandez-Pinero
Robert G.M. Keating
John M.B. O'Connor
Michael J. O'Neill
Judith Shapiro
Daniel Yankelovich

President

Mary McCormick

Vice Presidents

Barbara J. Cohn
Peter Kleinbard
Alfonso Wyatt

Dear Mr. Becker,

I first met [redacted] in 1993, when I was thirteen. I was in foster care, living with my grandparents in the projects. I was sneaking out of the house a lot, getting into trouble and my life was not going in the right direction. One day I heard about a basketball tournament that [redacted] was organizing. I went to talk to him about getting involved. After that, I began participating in the MOSAIC program. Whenever [redacted] saw me hanging out with someone I shouldn't, he would ask me to come help him out. I got more and more involved, which eventually developed into my career in non-profit work.

When I would come in and there was nothing going on for our age group, [redacted] would pick up a basketball and start playing with us. Afterwards, he would say, "Okay, you guys played enough, let's do some workshops." He would lead workshops such as job preparation, safe sex, and peer mediation. After a while, because [redacted] had so many other responsibilities, he had some of the older kids start running the workshops. I was one of them. Still, [redacted] stayed involved. He wore about 25 hats. He was the driver, made sure no one was coming into the building who could hurt us, made sure we had supplies, acted as the handyman. I always thought they should be paying him a million dollars for what he did.

In 1998 at Christmastime, my grandfather tried to kill me. I ran away from him, with blood on my arms, to the MOSAIC center. [redacted] let me be alone, gave me some food, gave me a T shirt. It was Christmas, so everybody was going home early, but [redacted] stayed with me until someone could come pick me up. I will always remember that at that tragic moment in my life, I had his support. After that I was sent to a group home in Queens, but would still come to the Bronx to participate in MOSAIC. [redacted] would drive me to and from the train so that I could continue to come. Food was always a big issue in my life, and many times he blessed me with food. If he had a lunch, he gave me half.

So many of the things I am thankful for in my life started with him. No matter how much [redacted] gave me, he would tell me, "Don't pay me back. Pay someone else back." I am now a the coordinator for the Community Youth Employment Program as well as a Program Assistant at the Fund for the City of New York. I am 22 years old, the youngest staff here. I have worked with 2500 young people through the CYEP. [redacted] wants to see more young people turn out like me. This is his calling.

I would say in front of ten judges that [redacted] cannot leave. He is MOSAIC. Everyone who is there he has had a part in. He needs to be rewarded for what he has done, not disciplined. If there is anything more I can do or say, please contact me at 212 925 6675. Thank you.

Sincerely,



121 AVENUE OF THE AMERICAS (AT BROOME STREET), NEW YORK, N.Y. 10013-1590

TEL: 212-925-6675

FAX: 212-925-5675

Appendix J

Sample Consent Form for Alcohol and Drug Treatment Records

**CONSENT FOR THE RELEASE
OF CONFIDENTIAL INFORMATION**

I, _____ authorize
(Name of patient)

(Name or general designation of alcohol/drug program making disclosure)

to disclose to _____,
(Name of person or organization to which disclosure is to be made)

the following information:

(Nature and amount of information to be disclosed, as limited as possible)

The purpose of the disclosure authorized in this consent is to:

(Purpose of disclosure, as specific as possible)

I understand that my alcohol and/or drug treatment records are protected under the federal regulations governing Confidentiality of Alcohol and Drug Abuse Patient Records, 42 C.F.R. Part 2, and the Health Insurance Portability and Accountability Act of 1996 (HIPAA), 45 C.F.R. Pts. 160 & 164 and cannot be disclosed without my written consent unless otherwise provided for in the regulations. I also understand that I may revoke this consent at any time except to the extent that action has been taken in reliance on it, and that in any event this consent expires automatically as follows:

(Specification of the date, event, or condition upon which this consent expires)

I understand that I might be denied services if I refuse to consent to a disclosure for purposes of treatment, payment, or health care operations, if permitted by state law. I will not be denied services if I refuse to consent to a disclosure for other purposes.

I have been provided a copy of this form. Dated: _____

Signature of patient

Signature of person signing form if not patient

Describe authority to sign on behalf of patient _____

Appendix K

Sample Certificate of Relief from Disabilities



CERTIFICATE OF RELIEF FROM DISABILITIES

FOR LOOK UP OR BOARD OF PAROLE
Docket, File, or other Identifying No.

certificate is issued to the holder to grant relief from all or certain enumerated disabilities, forfeitures, or bars to his employment automatically imposed by law by reason of his conviction of the crime or of the offense specified herein.

This certificate shall NOT be deemed nor construed to be a pardon.

SEE REVERSE SIDE FOR EXPLANATION OF THE LAW GOVERNING THIS CERTIFICATE

Original Certificate is to be presented to the person to whom awarded. One copy is to be retained by the issuing agency, and copy is to be filed with the N.Y.S. Identification and Intelligence System, Executive Park, Stuyvesant Plaza, Albany, N.Y.

Issued by NYSIS	HOLDER OF CERTIFICATE			3. NYSIS Number (If not known, supply fingerprints to NYSIS. If fingerprints are unobtainable, complete items 15-18 below.)
	2. Last Name	First Name	Middle Initial	
or offense for which convicted Retail Sale of a Controlled Substance, 20				5. Date of arrest
of disposition (Court, Part, Term, Venue) Suffolk County Court Raymond Harrington				6. Date of sentence
his certificate issued March 6, 1998				8. Certificate issued by: <input checked="" type="checkbox"/> COURT INDICATED IN NO. 7 <input type="checkbox"/> STATE BOARD OF PAROLE
				10. If this Certificate replaces Certificate of Relief From Disabilities previously issued, give date of previous Certificate. Date: <input checked="" type="checkbox"/> Not Applicable

CHECK ONE BOX ONLY
This certificate shall:

- a. Relieve the holder of all forfeitures, and of all disabilities and bars to employment, excluding the right to retain or to be eligible for public office, by virtue of the fact that this certificate is issued at the time of sentence. The Date of Sentence in this case must agree with the Date Certificate Issued.
- b. Relieve the holder of all disabilities and bars to employment, excluding the right to be eligible for public office.
- c. Relieve the holder of the forfeitures, disabilities or bars hereinafter enumerated _____

This certificate shall be considered permanent.

This certificate shall be considered temporary until _____ After this date, unless revoked earlier by the issuing court or parole board, this certificate shall be considered permanent. A person who knowingly uses or attempts to use a revoked certificate in order to obtain or exercise any right or privilege that he would not be entitled to obtain or to exercise without valid certificate shall be guilty of a misdemeanor.

Signature of Issuing official(s) 	Print or type name(s) Hon. Richard A. LaPera	14. Title(s) County Court Judge
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Complete the following for N.Y.S.L.I.S., only if fingerprints are not obtainable

15. Sex <input type="checkbox"/> Male <input type="checkbox"/> Female	16. Color	17. Height ft. in.	18. Date of Birth (Month, Day, Year)
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NEW YORK CITY HOUSING AUTHORITY
90 CHURCH STREET · NEW YORK CITY, NY 10007

TEL 212-306-3000 · <http://nyc.gov/nycha>

TINO HERNANDEZ
CHAIRMAN
EARL ANDREWS, JR.
VICE CHAIRMAN
JOANNA ANIELLO
MEMBER
DOUGLAS APPLE
GENERAL MANAGER

DIVISION OF APPLICANT APPEALS

SECTION 8 HOUSING HEARINGS

Report Of Informal Hearing Held January 24, 2005

The Application Of:

[REDACTED]
New York, New York [REDACTED]

[REDACTED]

Present At The Hearing:

Jacqueline Gathers - Hearing Officer
Michael Sills - Housing Authority Presenting Official
[REDACTED]
Arlene Ambert - NYCHA Attorney
Mariella Martinez - Legal Intern
Sally Friedman - Deputy Legal Director

Housing Authority Presentation:

The Housing Authority Presenter reported the appellant was found ineligible for public housing on 7/30/04 for failure to meet the standards for admission. The Authority has adopted Standards to exclude persons who have been convicted of Violent Felonies, Possession, Use or Sale of Controlled Substances, or Alcohol Related Offenses.

Appendix L

Sample Hearing Decision in Favor of the Applicant

Our investigation reveals that [REDACTED] was convicted of the following offense:

- 1) B-Felony Code 160.15 Robbery in the first degree, sentenced 9/28/95, imprisonment 6 years to 12 years, arrest date 9/28/1995.

Based on the above information, you do not meet the New York City Housing Authority's Standards for Admission. You are ineligible until 1/3/2013.

Mr. Sills reported during 8/19/03 interview appellant indicated she had been convicted of robbery in the 1st degree at [REDACTED] in 1995 and was not currently facing prosecution for any offenses.

Mr. Sills reported the following documents were submitted:

- 1) A document from the Supreme Court of the State of New York dated 1/20/98, The People of The State of New York vs [REDACTED] Indictment [REDACTED] Sentence date [REDACTED] Present Hon. Goodman, Court Reporter Stanley reads (in parts): The above named defendant has been convicted of the following crime(s) is hereby sentenced to : Robbery 1 ° 160.15 (3), minimum term 6 years Maximum term 12 years as a second violent felony offender, a mandatory surcharge and crime victim assistance fee in the amount of \$155 has not been paid.
- 2) A release to parole supervision form dated January 3, 2003 reads (in parts): [REDACTED] now confined in Bayview C.F. who was convicted of Robbery 1° (B) and sentenced in the county of New York at a term of the superior court Judge Budd Goodman presiding on the [REDACTED] for the term of 6-0-0-/12-0-0 the maximum term of which sentence expires on the 3rd day of January 2007, has agreed to aid by the conditions to which she has signed her name below, and is hereby granted conditional release by the Board of Parole, by virtue of the authority conferred by New York State Law. It is herefore directed that she be released and placed under legal jurisdiction of the Division of Parole until the third day of January 2007. Date of release January 3, 2003, Residence [REDACTED]

Mr. Sills reported that the following documents were submitted for review:

- 1) A typed letter on stationary from the Center For Behavioral Health Services Theresa Towers 2090 Adam Clayton Powell Jr. Blvd. Suite 1101 New York, NY 10027-4990 dated August 10, 2004 signed by Tara Eiseman, M.A. Counselor reads: [REDACTED] is currently an active client of the Work for a New Life Program at the Center for Behavioral Health Services (CBHS). Work for a New Life is a comprehensive case management and rehabilitative vocational program servicing mentally ill individuals referred from within the criminal justice system. Services offered at CBHS include weekly individual counseling sessions, vocational programming, psychiatric services, medication management, Chemical Dependency group, and Double Trouble support groups. Ms. [REDACTED] has been a client of the program since December 23, 2002. Since her acceptance into the program, Ms. [REDACTED] has maintained complete abstinence from illegal substances. She continues to be fully engaged in her treatment schedule, and has maintained quite positive and strong in her recovery. Ms. [REDACTED] maintains regular attendance

for weekly individual counseling sessions with her counselor, and has gained significant insight into her past maladaptive behaviors. The weekly Double Trouble self-help group offered at CBHS assist individuals in dealing with the effects of substance abuse, mental illness, and medication management. Ms. [REDACTED] is a regular participant in the 12-step, client run group, and often offers feedback and support to her peers. Ms. [REDACTED] has demonstrated the ability to get along well with her peers, and currently does not pose a threat to others or their property. Ms. [REDACTED] currently receives her psychiatric treatment at CBHS. Ms. [REDACTED] meets with our staff psychiatrist, Ms. Amy Cohen, on a monthly basis for psychiatric evaluations, prescription refills, and medication management. Ms. [REDACTED] has successfully maintained medication compliance and psychiatric stability since her acceptance into the program. Overall, Ms. [REDACTED] has been an exemplary client. If any further information is needed regarding Ms. [REDACTED] participation and progress at CBHS, please contact me at (212) 663-1501 ext. 12. Thank you.

- 2) A hand written letter on stationary from the State of New York Executive Department , Division of Parole dated September 10, 2004 signed by M. Bacon, Parole Officer RE: [REDACTED] reads: [REDACTED]
[REDACTED] has been on parole supervision with me since 1/3/03, and has been compliant regarding the rules and regulations of parole. All office urine test for drugs have been negative. The subject reports to her parole officer as directed and always makes herself available for positive home visits. To date, the subject appears to be adjusting positively in the community. If you have additional questions, you can reach me at (212) 239-6136.
- 3) A typed letter on stationary from Bayview Correctional Facility 550 West 20th Street New York, New York 10011 dated October 19, 2004 signed by Shelda Washington, Asst. Deputy Supt. Of Programs reads: Please be advised that [REDACTED] was incarcerated at the New York State Department of Correctional Services from October 22, 1995 thru January 3, 2003. During the period from July 16, 2001 thru January 2, 2003, [REDACTED] was employed as a teacher's aide in our pre-GED Program. Prior to this, she worked as a porter, laundry helper, and as a forest worker. Ms. [REDACTED] received satisfactory evaluations, in her job assignments and while incarcerated she attained her GED (2000). In addition to her paid work assignments, Ms. [REDACTED] volunteered to work throughout the facility. She was recognized for her positive efforts for assisting Bayview's Re-accreditation Audit through the American Correctional Association.
- 4) A certificated reads: Certificate of Achievement presented to [REDACTED] [REDACTED] In recognition of Completion of 330 hours ASAT Residential Program May 22, 1996.
- 5) A certificated reads: A Certificate of Achievement Bayview Correctional Facility, State of New York Department of Correctional Services & Voices Unbroken, This certificate is awarded to [REDACTED] for the successful completion of the Pre-College Writing Course Given on June 17, 2002.
- 6) A certificated reads: Care Program, A Certificate of Completion awarded to [REDACTED] for your participation and completion of the nine session workshops concerning HIV/AIDS issues on January 29 through January 31,

- 2001 (16 hours) presented by CARE (Counseling, AIDS, Resource, Education) Program, January 31, 2001.
- 7) A certificated reads (in parts): A Certificate of Completion for successfully completing eight sessions of education in the reach program given to [REDACTED] on the 3rd day of October 1997.
 - 8) A certificated reads: Certificate of Training [REDACTED] has satisfactorily completed the HIV Test Counselor Training Program (32 Hours) Presented by The Women's Prison Association & Home, Inc. This 5th day of February 2001
 - 9) A certificated reads: AVP The Alternatives to Violence Project, Inc. certifies that [REDACTED] has completed a BASIC WORKSHOP in Nonviolence Conflict Resolution, dated 6/22/97.
 - 10) A certificated reads: AVP The Alternatives to Violence Project, Inc. certifies that [REDACTED] has completed an ADVANCED COURSE in Nonviolence Conflict Resolution, dated 9/27/98.
 - 11) A certificated reads: AVP The Alternatives to Violence Project, Inc. certifies that [REDACTED] has completed a BASIC WORKSHOP in Nonviolence Conflict Resolution, dated 6/22/97.
 - 12) A certificated reads: Volunteer Services awarded to [REDACTED] with this Certificate of Participation in the Down On Violence Program dated 6/18/97.
 - 13) A certificated reads: Certificate of Participation awarded to [REDACTED] For participation in non-violence workshop "Christian Perspective on Violence" June 10, 2000.
 - 14) A certificated reads (in parts): Certificate of Completion The Kairos shortcourse is a total immersion three-and-one-half-day instructional introduction to living in Christian community. Forgiveness of others, self examination, goal setting, self esteem, small group interaction, communication, responsibility, trust and respect are intense elements of the curriculum. This certifies that [REDACTED] attended and completed Kairos #7 at Beacon Correctional Facility during April 27 – 30, 2000.
 - 15) A certificated reads: A Certificate of Achievement awarded to [REDACTED] in recognition of Completion of Course One "A Country Called Heaven" dated this 22nd day of January 2001 Presented by The Mailbox Bible Club.
 - 16) A certificated reads: A Certificate of Achievement awarded to [REDACTED] in recognition of Completion of Course Two "The Life of Christ" dated this 9th day of April 2001 Presented by The Mailbox Bible Club.
 - 17) A certificated reads: A Certificate of Achievement awarded to [REDACTED] in recognition of Completion of Course Three "The New Life of Christ" dated this 28th day of January 2002 Presented by The Mailbox Bible Club.
 - 18) A certificated reads: A Certificate of Achievement awarded to [REDACTED] in recognition of Completion of Course 4 "Practical Christian Living" dated this 12th day of August 2002 Presented by The Mailbox Bible Club.
 - 19) A certificated reads: Mid-Hudson Library System hereby presents this citation to [REDACTED] in recognition of the successful completion of the Career Planning Workshop, Job Search Workshop dated Sept 11, 2000, 2 hours.
 - 20) A certificated reads: Center For Behavioral Health Services Work for a New Life, This certificate is awarded to [REDACTED] For successfully completing

the Assisted Competitive Employment Program Dated this 5th day of November, 2003.

21) A High School Equivalency Diploma reads: University of the State of New York Education Department Be it known that [REDACTED] has successfully completed the requirements prescribed by the Commissioner of Education in thereby entitled to this High School Equivalency Diploma In witness whereof the regents issue this diploma under the seal of the University at Albany in August 2000.

Mr. Sills reported on 10/27/04 it was noted in the records that appellant mailed in hearing request form and it was also noted that above documents were received.

Mr. Sills reported on 11/1/04 a supervisor noted in the records documentation submitted is not sufficient to warrant revocation; appellant indicated she is disable and case forwarded to Office of Equal Opportunity for review.

Mr. Sills reported the following was noted in a Memorandum dated November 15, 2004 from Fredika A. Wilson, Director of the Department of Equal Opportunity to Robert E. Nelson, Coordinator, Applicant Appeals Unit, Subject: Fair Housing Discrimination Case #04-172 reads: On November 5, 2004, the Department of Housing Application (DHA) referred the section 8 application of Ms. [REDACTED] to our Department for review based on a disability-related right. The applicant has multiple disabilities.

On July 30, 2004, the applicant was found ineligible for Section 8 due to his criminal background check, which revealed that Ms. [REDACTED] pled guilty to:

Code 160.15, Class B Felony- Robbery in 1st degree; was sentenced on September 28, 1995 to 6-12 years maximum.

DEO recommends sustaining DHA's ineligibility determination. Ms. [REDACTED] was found ineligible based on her criminal record, not her disability.

Hearing Presentation:

Appellant indicated she does not have a stable home but receives her mail at [REDACTED] New York, New York [REDACTED] Appellant indicated she is applying for herself and her source of income is SSI. Appellant indicated her disability prevents her from obtaining employment but provided no documentation indicating she is unable to work.

Appellant indicated September 1995 offense occurred when she was caught stealing at a store in Manhattan. Appellant indicated offense was upgraded to a felony robbery charge because it was believed that appellant had a weapon. Appellant indicated she did not have a weapon. **Appellant indicated at the time**

of the offense she was using drugs and that drugs was the underlying cause of the offense. Appellant indicated she had been using crack/cocaine for the past 17 years. Appellant indicated she was incarcerated and released January 3, 2003.

Appellant indicated since her release she has not worked, attended any schools/training programs or participated in any volunteer work.

Appellant indicated she completed a program with the Center For Behavioral Health Services which she attended from December 23, 2002 and completed the program November 2003. Appellant indicated she still attends Narcotics Anonymous meetings at the Center and sometimes speaks at the meetings. Appellant indicated last week she applied to the [REDACTED] School and is waiting for a response.

Appellant indicated she has been drug free for 11 years and all drug tests have been negative.

Appellant submitted the following documents:

- 1) A typed letter on stationary from the Center For Behavioral Health Services Theresa Towers 2090 Adam Clayton Powell Jr. Blvd. Suite 1101 New Ydrk, NY 10027-4990 dated January 21, 2005 signed by Tara Eiseman, M.A. Counselor reads: [REDACTED] is currently an active client of the Work for a New Life Program at the Center for Behavioral Health Services (CBHS). Work for a New Life is a comprehensive case management and rehabilitative vocational program servicing mentally ill individuals referred from within the criminal justice system. Services offered at CBHS include weekly individual counseling sessions, vocational programming, psychiatric services, medication management, Chemical Dependency group, and Double Trouble support groups. [REDACTED] has been a client of the program since December 23, 2002. Since her acceptance into the program, Ms. [REDACTED] has maintained complete abstinence from illegal substances. Through her counseling and psychiatric treatment, Ms. [REDACTED] has gained significant insight into her past maladaptive behaviors and has maintained quite positive and strong in her recovery. Ms. [REDACTED] currently receives her psychiatric treatment at CBHS. Ms. [REDACTED] meets with Amy Cohen staff psychiatrist Nurse Practitioner, on a monthly basis for psychiatric assessment, prescription refills, and medication management. Ms. [REDACTED] has successfully maintained medication compliance and psychiatric stability since her acceptance into the program. Ms. [REDACTED] graduated from the program in November 2003. She continues to attend CBHS n a bi-weekly basis, and is an active participant in Double Trouble groups. The weekly Double Trouble self-help group offered at CBHS assist individuals in dealing with the effects of substance abuse, mental illness, and medication management. Ms. [REDACTED] often acts as a speaker for the 12-step, client-run group, and offers feedback and support to her peers. Ms. [REDACTED] has demonstrated the ability to get along well with her peers, and currently does not pose a threat to others or their property. Overall, Ms. [REDACTED] has been an exemplary client. If any further information is

needed regarding Ms. [REDACTED]'s participation and progress at CBHS, please contact me at (212) 663-1501 ext. 12. Thank you.

- 2) A letter from Social Security Administration dated June 19, 20-03 addressed to [REDACTED] New York, NY [REDACTED] indicating effective May 2003 the current Supplemental Security Income payment is \$639.00.
- 3) A typed letter on stationery from The Council of The City of New York dated January 13, 2005 signed by Brenda Barret, Administrative Assistant, addressed to Tino Hernandez, Chairman, New York City Housing Authority 250 Broadway New York NY 10007 reads: This is regarding Ms. [REDACTED], social security number [REDACTED] who visited our office seeking assistance with housing. Ms. [REDACTED] committed a felony a few years ago and was incarcerated. Since she has been home the past two years she has been trying to find housing. Ms. [REDACTED] applied for and was denied public housing within the New York City Housing system. I am requesting that you review her application and give it some consideration. Thank you in advance for any assistance you can give.
- 4) A typed letter on plain stationery (no date) from Reverend Gloria Peters Wynn 1300 Prospect Avenue Bronx, NY 10459 (no signature) reads: This letter is written on behalf of [REDACTED]. I have known [REDACTED] for approximately 4 years. She was a member of the congregation during her incarceration at Bayview Correctional Facility. I came to know [REDACTED] as a very sincere person who truly worked towards seeking to make the necessary changes that she has learned to know that she needed to make. She was a very diligent volunteer even though she had many limitations physically; she always tried to do her best. I believe that [REDACTED] will benefit from the section 8 program so that she will be able to seek proper living conditions that will be suitable for her. We have been in constant touch since her release. She continues to seek guidance and responds to feedback. I feel that she deserves consideration for her circumstances. Please help her if you can.

Appellant indicated she really needs help. Appellant indicated she is really sorry for what she did and is really trying to rehabilitate herself from the person she was. Appellant indicated she really needs a place to live.

Mariella Martinez, Legal Intern asked appellant the following questions: How did you address your drug problem and how did you spend your time while incarcerated? Appellant responded as follows:

Appellant indicated she treated her drug problem while incarcerated by attending and volunteering with the Center For Behavioral Health Services. Appellant indicated even after her release she continued to attend group sessions and even spoke at some of the 12-step recovery groups. Appellant indicated she was involved in the Double Trouble organization which is a client run group session. Appellant indicated she has run some of these group sessions and this helps her stay focused and drug free. Appellant indicated while she was incarcerated there

were not a lot of programs but the few programs they had she participated in. Appellant indicated she completed a pre-writing course and obtained her GED.

Appellant indicated before she was incarcerated she only completed the 11th grade so obtaining her GED was a big accomplishment for her. Appellant indicated she worked as a teacher aide while incarcerated to assist others in obtaining their GED. Appellant indicated out of 9 persons who took the GED test she was the only one that passed. Appellant indicated at one point there were no instructors to teach the GED program so the inmates ran the program themselves. Appellant indicated she wants to further her education and study human resources. Appellant indicated because of numerous health problems it is difficult for her to get around.

Tara Eiseman, Senior Counselor made the following statement on behalf of appellant: Ms. Eiseman indicated that she began seeing appellant after work release. Ms. Eiseman indicated appellant gave her a lot of insight as to where she has been and where she wants to go. Ms. Eiseman indicated appellant still attends groups and did one on one sessions with her peers to help them stay on track. Ms. Eiseman indicated she is so very proud of all that appellant has accomplished. Ms. Eiseman indicated she receives favorable reports from appellant's parole officer. Ms. Eiseman indicated it is difficult for appellant to commit to school or a job without a stable home. Ms. Eiseman indicated appellant's parole ends January 2007.

In closing, Ms. Martinez indicated that NYCHA's manual indicates several ways to show rehabilitation through education and programs designed to correct offending behavior and hopefully all of above documentation demonstrates to NYCHA's satisfaction that appellant has changed. Ms. Martinez also noted that since appellants release, she has never tested positive for drugs.

Findings:

I find the Authority made an appropriate determination based on Federal Housing Guidelines.

I find that appellant has presented sufficient evidence to show positive changes in her life since the offense. Appellant was found ineligible for section 8 housing because of a 1995 robbery offense. Appellant was incarcerated from September 1995 to January 2003. While incarcerated appellant obtained her GED in 2002. In addition Appellant worked as a teacher's aid in the pre-GED program from July 2001 to January 2003. Appellant indicated at the time of the offenses she was using crack/cocaine. Appellant attended and completed a program with the Center for Behavioral Health Services and as indicated in a letter dated January 21, 2005 "services offered at CBHS include weekly individual counseling sessions, vocational programming, psychiatric services, medication management, Chemical Dependency group, and Double Trouble support groups." Appellant indicated at the hearing that she continues to attend group at Center for Behavioral Health Services and run some of the group sessions with the Double Trouble group which is a group run by clients. As indicated in the letter dated January 21, 2005 "Since her

acceptance into the program, Ms. [REDACTED] has maintained complete abstinence from illegal substances. Through her counseling and psychiatric treatment, Ms. [REDACTED] has gained significant insight into her past maladaptive behaviors and has maintained quite positive and strong in her recovery. Ms. [REDACTED] has demonstrated the ability to get along well with her peers, and **currently does not pose a threat to others or their property.**" As indicated in a letter from appellant's parole officer all urine submitted has been clean.

Due to the proceeding facts, I believe the appellant has made positive changes in her behavior since the 1995 offense.

Determination:

I am reversing the original determination of ineligibility for Section 8 Assistance.

The Department of Housing Applications will determine when you will be contacted and what further information will be necessary to continue the processing of your application.


Jacqueline Gathers
Hearing Officer
February 17, 2005