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MANAGEMENT MANUAL**

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I. Purpose

This Chapter delineates policies and procedures that govern the occupancy of New York City Housing Authority (NYCHA) apartments, including the following:

- Receipt of certified applications and transfer requests
- Selection for rental
- Occupancy standards
- Proper use of facilities
- Move-out processing

II. Policy

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

NYCHA's Tenant Selection and Assignment Plan (TSAP), approved by the United States Department of Housing and Urban Development (HUD), governs the selection for rental of certified applications and transfer requests. The TSAP Plan is available in the Forms and Reference Library.

NYCHA also strives to provide a healthful living environment through the enforcement of occupancy standards that emphasize families residing in proper size apartments.

III. Waiting List Administration

A. Referral Documents

The Applications and Tenancy Administration Department (ATAD) processes and provides referral documents, i.e., certified applications and transfer requests, which may be selected for rental. For detailed information on the responsibilities of ATAD, refer to *Applications and Tenancy Administration Manual, located in NYCHA's Forms and Reference Library*.

Referral documents apply to the following, where applicable:

- NYCHA form 070.002, *Application for Project Apartment*
- NYCHA form 040.050, *Transfer: Tenant Request for Transfer*
- NYCHA form 040.050C, *Transfer: Tenant Transfer Record Card*
- NYCHA form 040.923, *Emergency Transfer Request Form: VAWA Victim*

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- NYCHA form 040.922, *Emergency Transfer Request Form: Victims of a Traumatic Incident*
- NYCHA form 040.920OL, *Emergency Transfer Request Form for Intimidated Victims*
- NYCHA form 040.921OL, *Emergency Transfer Request Form for Intimidated Witness*
- NYCHA form 040.050G¹, *Transfer: PSS/GFA-Tenant Request for Transfer*
- NYCHA form 040.050H², *Transfer: PSS/GFA-Tenant Transfer Record Card*
- NYCHA form 070.257, *Relocation Transfer Request*
- NYCHA form 070.258, *Relocation Transfer Card*
- NYCHA form 040.670, *Transfer: Intra-Project Transfer Request (Movarix form)*
- NYCHA form 040.715, *Transfer Card: City/State Developments*
- NYCHA form 040.716, *Transfer Request: City/State*

B. TSAP System

All certified applicants and transferees are assigned by the computerized Tenant Selection Assignment Plan (TSAP) System, to ensure the rental of apartments in the proper order.

The TSAP System assigns certified applicants and transferees by apartment size to the following waiting lists:

1. General Population Waiting List

Used for a general population development or for all general population components of a consolidation

2. Senior Citizen Waiting List

Used for senior citizen developments,³ whether part of a consolidation or not, and for senior citizen buildings within a general population development

3. Mobility Impaired Waiting List

Used for developments with accessible apartments for the mobility impaired

4. Section 8 New Construction and Property Disposition Program Waiting List

¹ For use by applicants for the Grandparent Family Apartments Program

² For use by applicants for the Grandparent Family Apartments Program

³ For persons 62 years of age or older

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Used for buildings/developments funded by Section 8 Housing Assistance when managed in consolidation with conventional developments. Staff may not transfer applications between waiting lists without authorization from ATAD.

5. Borough Waiting List

Used for certified applicants and transferees eligible for Borough choice only, for vacancies at any appropriate development in the assigned borough

NOTE: For information about the Waiting List Administration in City/State Section 8 developments, refer to SP 040:08:2, *City/State Section 8 Transition Program* and SP 040:08:3, *City/State Section 8 Transition Program-Occupancy Procedures*

6. Exceptions to TSAP

The TSAP System does not apply to the following developments, programs, and residents:

- Quincy – Greene Apartments
- Stanton Street Apartments
- Grandparent Family Apartment Program
- Multi-Family Home Ownership Program (MHOP)
- Non-tenant residents, i.e., Resident Police Officers, Senior Resident Advisors, and Resident Employee-Resident Site Caretakers

NOTE: Refer to the *Tenant Selection & Assignment Plan (TSAP) System, User Guide*, available in NYCHA's Forms and Reference Library, in "Manuals," for detailed instructions on using the TSAP System.

C. Entry and Receipt of Referral Documents

1. Entry of Referral Documents into TSAP System

Upon certification of an application or transfer request, referral documents are entered into the TSAP System and integrated into a unified waiting list:

- The ATAD's Field Liaison Division (FLD) enters all borough choice referral documents inter- and intra - project transfers into the TSAP System.
- The ATAD's Central Division enters all development choice referral documents into the TSAP System.

2. Receipt of Referral Documents

a. Transmittal to Developments

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Development staff receives referral documents from the following:

(1) ATAD - FLD

- Intra-Project transfers after approval by the Housing Manager
- Inter-Project transfers after approval by Management Department
- Borough choice referral documents that have been selected by the TSAP System the previous day, except for Relocated Families and emergency transfers⁴
- Relocated Families and emergency transfers, upon notification by development staff that the apartment offered has been accepted

(2) ATAD - Central Division

Development staff receives referral documents from ATAD's Central Division if an applicant chooses a development.

b. Data Entry

Development staff must immediately enter the receipt of each referral document into the TSAP System.

c. Certification Review

Development staff must review each referral document upon receipt, to ascertain that:

- It was certified and sent to the correct development.
- Applicant or transferee information matches the information in the TSAP System.
- The application contains citizenship status forms and immigration documentation of non-alien with eligible immigration status. Refer to Section IV. H. *Citizenship*, for further information regarding citizenship requirements.
- Applicant or transferee appears eligible for tenancy at the development.

FLD must be contacted for guidance if the referral document:

- Is not certified
- Has been sent to the incorrect development
- Contains information that does not match information in the TSAP System
- Is missing citizenship documentation

⁴ Emergency transfers are defined as Victim of Domestic Violence (VDV), Intimidated Victim (IV), Child Sexual Victim (CSV), Intimidated Witness (IW), and Victim of a Traumatic Incident (VTI) referrals.

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- Contains information indicating the applicant/transferee may not be eligible for tenancy at the development

d. Changed Circumstances

Applicants/Transferees may notify NYCHA of changed circumstances that affect their eligibility for public housing and/or their entitlement to the preference and priority assigned to their application/transfer before selection in TSAP. Refer to Section III. E. *Eligibility Review of Applications*, for guidance.

e. Confidential Reports

If the referral document contains a confidential report, staff must remove it from the referral document and file it in the Housing Manager's confidential file. If the referral document must be returned to FLD or, in the case of an inter-project transfer, an initiating development, staff must reinsert the confidential report in the referral document.

D. Selection of Referral Documents for Rental

NYCHA rents vacancies to applicants with Need Based Preferences, Working Family Preferences, and current tenants with approved transfer requests.

NYCHA has implemented a Dual Preference Priority System (Working Family and Need Based) in which it ranks each applicant. An applicant is assigned a Priority in either, both, or neither, Preference. The Priority ultimately assigned is the one that first gains the applicant an eligibility interview.

Within each Priority category, all applicants are equal in rank, e.g., an applicant who qualifies for the Need Based priority code N4 due to an overcrowded apartment is equal in rank to one who qualifies for the Need Based priority code N4 due to substandard housing.

NOTE: Refer to Appendix A, *Applicant Priority Codes and Permissible Choices*.

1. Order of Selection

The TSAP System selects Applicants/Transferees referral documents for rental in the following rotation:

- a. Conventional (Non-Accessible) Apartments⁵

⁵ Non-accessible to mobility impaired persons

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The TSAP System assigns the Applicants/Transferees with the highest priority and earliest certification date.

The TSAP System initially searches for a transferee with T0 Priority. If none are available in the TSAP System, the following rotation applies:

First Vacancy	Transferee with the highest transfer priority and earliest certification date
Second Vacancy	Transferee with the highest transfer priority and earliest certification date for extremely overcrowded or overcrowded apartments
Third Vacancy	New applicant with the highest Working Family priority and earliest certification date
Fourth Vacancy	New applicant with the highest Need Based priority and earliest certification date

b. Accessible Apartments

For each vacancy, the TSAP System selects mobility-impaired referrals, as follows:

- (1) Intra-Project transferee with the highest priority and earliest certification date. If none exists, then
- (2) Inter-Project transferee with the highest priority and earliest certification date. If none exists, then
- (3) The applicant with the earliest certification date

2. Referral Selection Guidelines

For all selections for rental, the Housing Manager ensures that staff:

- a. Selects referrals only from the TSAP System, except for those indicated in Section III. B. 6. *Exceptions to TSAP*
- b. Files referral documents in permanent tenant folders
- c. Writes an entry on NYCHA form 040.006, *Interview Record*, attached to the referral document, for each step in the selection and rental process
- d. Conducts a sex offender website search for all household members 16 years old and older (Refer to Section III. E. 6. *Standards for Admissions* and Appendix R – *National Sex Offender Public Website Check for Applicants and Resident Transfers Selected by TSAP.*)
- e. For applicants and transferees selected from TSAP, development staff must check the HUD Enterprise Income Verification System (EIV) Existing Tenant

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Report prior to mailing the rental call-in letter to determine if applicant is receiving multiple subsidies. If there is a multiple subsidy situation, ATAD's Income Verification Unit must be contacted for further instructions.

- f. Contacts the applicant or transferee immediately by telephone, when possible, in addition to mailing letters, except for emergency transfers:
 - For emergency transfer referral documents, staff **never** contacts the transferee directly, **either by telephone or by mail**. All communication with transferees in this category must be made through an appropriate referring agency only.

NOTE: For details on processing emergency transfers, refer to Section VI.A. 7. *Transfers: Emergency*.

3. Selecting the Next Available Referral

In the event an applicant or transferee refuses an apartment offer, does not respond, or no longer qualifies to rent this vacancy, staff selects the next referral for a vacant apartment as follows:

- a. Enters all required information about the vacant apartment into the TSAP System
- b. Retrieves the referral document, if available, from the waiting list file drawer or if an emergency transfer, contacts FLD to request referral document
- c. Notifies the selected applicant or transferee, **except** emergency transfers, immediately by telephone, and by mailing the letter, NYCHA form 040.050F, *Notification of Available Apartment ("Notification Letter")*, via First Class Mail. Attach a copy of the *Notification Letter* to the referral document.
 - If an inter-project transfer, send a copy of the *Notification Letter* and call the initiating development, **except** for emergency transfers.
- d. If there is no response to the *Notification Letter* within seven **(7)** business days, change the referral document's status in the TSAP System to Inactive **(I)** and select the next referral document. If a **Relocated Family**, notify ATAD, Relocation Assistance Division, immediately.
 - The Housing Manager reviews inactive referral documents monthly using the Inactive **(I)** Referrals Listing in the TSAP System. If there is no response within forty-five **(45)** days, development staff must access the TSAP System and update the status of the referral document to Dead **(D)**.
 - If the applicant or transferee contacts the Management Office within forty-five **(45)** days, the Housing Manager returns the Inactive **(I)** referral to

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Active **(A)** status but does not offer an apartment **until** the TSAP System has selected the referral document for a subsequent vacancy.

- e. If there is a response, schedule a rental interview within three **(3)** business days of the response.
 - Inform the applicant or transferee of all documents and required payment needed for the rental interview.

NOTE: Developments with Applicant Review and Orientation Committees (AROC) mail NYCHA form 040.487, *Notification of Available Apartment /AROC Interview Letter* instead of NYCHA form 040.050F, *Notification of Available Apartment*. Refer to SP 088:01:1, *Applicant Review and Orientation Committees (AROC)*, for guidance on processing AROC applicants.

E. Eligibility Review of Applications

Eligibility may change if there are changed circumstances in the following categories:

1. Citizenship and Immigration Status

Applicants who report a change in their citizenship status may be required to submit immigration documentation, as indicated in Section IV. H. *Citizenship*.

When updating the immigration status of family members who report changed circumstances, staff notes that:

- A family consisting entirely of non-citizens without eligible immigration status is ineligible for public housing until at least one member of the family is a United States citizen or a non-citizen with eligible immigration status.
- NYCHA is not permitted to grant rental assistance to individuals who are non-citizens without eligible immigration status and must pro-rate the rent of applicants with mixed families.
- The pro-rated rental assistance is calculated at the development at the time the applicant is contacted for an apartment.

Upon notification of changes in the citizenship status of applicants/transferees, staff contacts the designated FLD liaison for guidance.

NOTE: For Transfers, refer to Section VI. A *Public Housing Policy* for details on eligibility requirements and processing.

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2. Residence

An applicant for public housing with a Need Based preference is required to live, work, or have a commitment for a job in New York City. Upon notification of changes in the residence of the applicant, staff contacts the designated FLD liaison for guidance.

There is no residency requirement for an applicant with a Working Family preference.

3. Minimum Age and Family Composition

a. Minimum Age

The applicant, or co-applicant, must be 18 years of age or older in order to be eligible for public housing. If a change in family composition is reported indicating that the family does not meet this criteria, then the family is ineligible for public housing.

b. Family Composition

The family composition determines the:

- Apartment size for which the applicant can be considered
- Income limit to be applied
- Income projection
- Rent calculation

Upon notification of changes in the family composition, staff contacts the designated FLD liaison for guidance.

4. Rent Payment Record

An applicant must have an acceptable record of meeting its rent payment obligations with allowances for special circumstances that are beyond the control of the family.

An acceptable record of rent payments consists of a pattern of prompt payments over a period of *six months* to one year, verified by rent receipts.

If there has been a record of rent delinquency or a landlord has evicted the family for non-payment of rent within the last *three* years, careful consideration is given to the applicant's explanation.

Upon determination that the rent payment record might not be acceptable, staff contacts the designated FLD liaison for guidance.

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5. Income and Assets

For admission to public housing, a family's annual gross income may not exceed the current Admission Limits established by HUD. Applicants may be deemed ineligible due to excess, non-verifiable, or unrealistic income.

Upon a determination that the income might deem the applicant ineligible for admission, staff contacts the designated FLD liaison for guidance.

6. Standards for Admission

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

In the event of the receipt of unfavorable information with respect to an applicant, NYCHA gives 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.

Refer to the Applications and Tenancy Administration Department (ATAD) Manual, Chapter V, *Eligibility Division – Public Housing Program*, for details on eligibility factors for Standards for Admission.

Upon receipt of unfavorable information that indicates an applicant might not meet the Standards for Admission, staff contacts the designated FLD liaison for guidance.

NOTE: Staff must conduct a nationwide Dru Sjodin National Sex Offender Public (NSOPR) Website search for all applicant and transferee (referrals) household members 16 years old and older when selected by TSAP for a vacancy. Referrals are not to be called in for a rental until the website search is completed and cleared.

Refer to Appendix R – *National Sex Offender Public Website Check for Applicants and Resident Transfers Selected by TSAP* for instructions accessing the website.

7. Preference and Priority Code

Applicants may provide information to Management staff indicating changed circumstances that appear to affect their Priority Code or Preference Category. The following policy should be followed in such instances:

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a. Priority Code Upgrades

Development staff may give priority code upgrades for Working Families, as defined in Appendix A as follows:

- If an applicant whose priority is **W2** or **W3** reports an increase in annual income that may result in a priority upgrade (**W3** to **W2**; **W2** to **W1**), verification of income must be requested.

Upon verification of the increased income, staff changes the income amount in TSAP. TSAP automatically upgrades the Working Family priority.

- If an applicant whose priority is **N5** reports an increase in annual income that may result in a priority upgrade because the income is now within Tiers II and III, verification of income must be requested.

Upon verification that the income is now Tier II or Tier III, and otherwise eligible for public housing, staff changes the income and the priority to **N4**. The TSAP System does not automatically upgrade a Need Based priority.

NOTE: If an applicant reports a decrease of income, do not make any changes as this may lower the priority.

b. Priority Code Downgrades

Upon receipt of information that indicates the applicant may no longer qualify for any Preference category, staff contacts the designated FLD liaison for guidance.

F. Annual Update of Development Choice Waiting Lists

Development choice waiting lists are reviewed annually. This is accomplished by canvassing all applicants and inter- and intra-project transfers (referrals) with an **Active (A)** or **First Refusal (R1)** status on the waiting list.

1. Canvass Letters

During the second five business days of January, the Annual Canvass Letter option is activated in the TSAP System. Each of the **three** canvass letters is specifically worded to address:

- Inter- or intra-project transfers
- Working Family Preference applicants, or
- Need Based Preference applicants

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The referral's partial Social Security Number, mobility apartment status, priority code, and selected Map Number are printed within the referral response section of each canvass letter.

2. Preparation and Mailing

a. Before printing the canvass letters, the names from the TSAP development waiting list must be compared to the *Tenant Transfer Record Card*, the *Tenant Request for Transfer*, or *Application for Project Apartment* in development files. If an applicant or inter-project transfer referral does not appear on the waiting list, contact the designated FLD liaison for guidance.

b. Generate the annual canvass letters in TSAP:

- Access the *Letters* tab
- Highlight *Annual Canvass Letters*
- Click *Generate Report*, and then
- Submit.

After the report is displayed, click *Print*. Two letters will print for each transfer and applicant referral. Send one copy of the letter via first class mail to each referral, and file one copy in the "*TSAP Annual Canvass Letter: 20__*" folder.

c. To print the Checklist:

- Access the *Reports* tab
- Highlight *Canvass Letter Checklist*
- Click *Generate Report*, and then
- Submit.

After the report is displayed, click *Print*.

d. Write the date of mailing at the top of the Checklist and file it in the "*TSAP Annual Canvass Letter: 20__*" folder.

3. Return of the Canvass Letter

For each canvass letter returned, staff must:

- a. Log in the response date on the Checklist
- b. Compare the referral's response to the data in TSAP and to the referral documents

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- c. Make corrections in TSAP regarding spelling, address, and apartment or phone number. File the letter with the original application or transfer.
- d. If there has been a change in family size or composition regarding:
 - An applicant or inter-project transfer, do not change in TSAP without contacting the FLD liaison for guidance.
 - An **intra**-project transfer, Management staff must evaluate if the transfer Priority Code and Type are still valid. Contact FLD for assistance. Refer to Section VI. A. 5. for Intra-project processing.
- e. If an applicant reports an increase in annual income and the new income amount exceeds the income limit for the family size, change the referral status to Pending Recertification (**PC**), enter the Return Date in TSAP, and return all referral documents to FLD.
- f. If an applicant reports an increase in annual income and their priority is **W2**, **W3**, or **N5**, follow the appropriate instructions below:

(1) **W3** and **W2** Priorities

If an increase of income may result in a priority upgrade (**W3** to **W2**; **W2** to **W1**), verification of income must be requested. Upon verification of the increased income, change the income amount in TSAP. TSAP automatically upgrades the Working Family priority.

Refer to Appendix A, *Applicant Priority Codes and Permissible Choices* for an explanation of Working Family priorities and income ranges.

(2) **N5** Priority

(a) Increase of Income to Tiers II or III

If the increase of income may result in a priority upgrade because the income is now within Tiers II or III, verification of income must be requested. Upon verification that the income is now Tier II or Tier III, change the income and the priority to N4. TSAP will not automatically upgrade a Need Based priority.

(b) Income Tier I and Change in Income Source

If the income remains within Tier I but the source of income might meet the definition of "Working Family" (Refer to Appendix A), staff must consult FLD to determine whether the priority can be upgraded to the **N4** priority.

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NOTE: If transfer priorities are not affected by income or admission limits, changes in TSAP are not required.

- g. If an applicant reports a decrease of income, do **not** make any changes in TSAP as this may lower a referral's priority.
- h. If the referral **does not wish to remain on the waiting list** or is **no longer interested** in public housing or a transfer, make the referral Dead (**D**) and enter the Return Date in TSAP. An entry should be made on NYCHA form 040.006, *Interview Record*.
- All applicant and inter-project referral documents must be sent to FLD.
 - All documents for an intra-project transfer must be filed in the tenant's folder.
4. No Response to Canvass Letter or Undeliverable Returned Mail
- All telephone and mail contacts, whether they are successful or not, must be documented on NYCHA form 040.006, *Interview Record* sheet and filed with the referral documents.
- a. Compare the address on the canvass letter to the original referral documents. A missing apartment number may cause the post office to return the letter. If necessary, update TSAP, resend the letter with the corrected address and record the new mailing date on the checklist. Make a copy of the corrected letter. File any returned envelopes with the referral's documents.
- (1) Staff must telephone the referral using all phone numbers available on the referral documents, including the emergency phone number, within three (3) weeks after the original date of mailing.
- (2) If after forty-five (45) calendar days from the date of last mailing for each referral there is still no response:
- Write the final entry on NYCHA form 040.006, *Interview Record*.
 - Make the referral Dead (**D**).
 - Enter the Return Date in TSAP.
 - Forward all the applicant and inter-project transfer documents to FLD.
 - File all documents for an intra-project transfer in the tenant's folder.
- (3) For all "Dead" applicant and inter-project transfer referrals, FLD staff sends a letter advising the referral that their application or inter-project transfer request is no longer active in TSAP. For all "Dead" intra-project transfers, development staff sends NYCHA form 040.675, *Transfer Intra File Letter*, to the tenant.

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(4) Tenants

If a tenant responds to their Management Office within 30 days of this letter and is still eligible for the transfer, the request may be restored in TSAP.

(a) Inter-Project Transfers

Staff must write a detailed entry indicating reasons for restoration on NYCHA form 040.006, *Interview Record*, and return the original *Transfer Card* and all documents to FLD for review.

(b) Intra-Project Transfers

Staff must write a detailed entry indicating reasons for restoration on NYCHA form 040.006, *Interview Record*, and then call their FLD Liaison to restore the transfer to Active (A) in TSAP.

(5) Applicants

If an applicant responds to the Application Information Office (AIO) within 30 days of this letter, the application may be restored in TSAP. ATAD staff writes a detailed entry indicating reasons for restoration on NYCHA form 040.006, *Interview Record*, and returns the original application and all documents to FLD for review.

For all “dead” applicant and inter-project transfer referrals restored in TSAP, FLD staff makes an entry on NYCHA form 040.006, *Interview Record*, and mails a new certification letter, acknowledging that the referral has been re-certified to the waiting list. A copy of the letter is filed with the referral documents.

5. Active Referrals on Waiting List for More than Two Years

Referrals who have been on the waiting list for more than two years without any apartment offers may contact the Management Office if they wish to move their application or transfer request to a different waiting list.

Staff gives the referral a copy of the current Working Family or Need Based Guide, whichever is appropriate, and advises them that they may select a development from any of the five boroughs that have anticipated vacancies (“A” or “AA”) for the appropriate bedroom size.

Non-mobility impaired transfers with a **T1** priority may select any development, whether or not it is available on the *Guide*.

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Other transfers may select a development if the new development choice is consistent with the reason for the original transfer.

NOTE: If a tenant selects to move their intra-project transfer request to a different waiting list, Management staff must review and determine if the tenant qualifies for an inter-project transfer.

After selection of another development, the referral must sign his/her name next to the new development choice. In the TSAP system, staff must enter a Return Date and change the status to Pending Certification (**PC**). Staff also makes an entry on NYCHA form 040.006, *Interview Record*, and returns all referral documents to FLD.

Upon receipt of the referral documents, FLD will make an entry on NYCHA form 040.006, *Interview Record*, indicating the date that the referral is assigned to the new development waiting list. This will allow staff to determine how long a referral has been on a specific waiting list. Unless a change of circumstances has occurred, the referral must remain on the new development waiting list for at least two more years before being eligible to move to another waiting list.

Applications and Tenancy Administration Department's Field Liaison Division (FLD):

- Switches the referral to the newly selected waiting list with the original certification date
- Sends a new certification letter
- Forwards the referral documents to the new development choice

NOTE: Referrals requesting an accessible apartment may switch to another accessible waiting list, **at any time**, if the development has rented all its accessible vacancies and is not anticipating any additional vacancies.

Staff gives the referral a copy of the current *Guide to Vacancies - Accessible Apartment* for their new development selection and follows the instructions noted above.

G. Development Outreach

1. Housing Manager's Request

If a Housing Manager has no referral documents (including transfer requests) for apartments of four bedrooms or less, or has a vacancy for such an apartment that all certified referrals have refused, the Housing Manager may ask FLD to initiate a project outreach.

2. ATAD Approval and Outreach

If ATAD approves the request, it conducts a development Outreach by mailing canvass letters to all certified applicants and transferees who qualify for the needed apartment size.

The canvass letter advises applicants and inter-project transferees that they may choose to have their referral documents transferred to the borrowing development's waiting list or have their referral documents remain at the lending development without penalty. Applicants are requested to return the letters with their choice to ATAD.

If the applicant or transferee agrees to have their referral documents transferred, ATAD retrieves the documents and enters them on the borrowing development's waiting list in the TSAP System.

IV. Rental Interview

The Housing Assistant conducts a rental interview as follows:

A. Review of Rent Payment History

Applicants must bring to the interview their last rent receipts to verify that rent payments to their former landlords were made on a timely basis. Rent receipts indicating consistently late rent payments may be a basis for returning the application to FLD, with the exception of emergency transfers.

For transferees, development staff must contact the sending development, prior to sending NYCHA form 040.152, *Appointment Letter Call - In*, to check for poor rent payments, non-payment or termination actions.

Housing Managers may consult with their Management Department Directors or designees before taking further action.

B. Review of Referral Documents

The Housing Assistant reviews the information contained in the *Application for Apartment* or *Tenant Transfer Record Card* with the prospective tenant.

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1. Family Composition

The Housing Assistant determines whether changes in family composition have occurred since the certification of the referral document. If the family composition has changed or a different size apartment is required (due to age of family members and/or family size), the Housing Assistant contacts FLD for further instructions (Refer to Appendix F, *Transfers-Tenant Selection and Assignment Plan (TSAP) Transfer Guide and NYCHA Occupancy Standards for Families-Public Housing*).

2. Family Income

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

Verification of income is based upon documents provided by the prospective tenant. *Third Party Verification of a prospective tenant's income is not required.*

If the current income projection indicates that an applicant's family income exceeds NYCHA's Admissions Limits, the Housing Assistant contacts FLD for further instructions (Refer to Appendix C, *Admissions Income Limits – All Programs*).

C. Eligibility Review

The Housing Assistant determines if the selected applicant is still eligible for public housing, based upon eligibility factors indicated in Section III. E. *Eligibility Review*.

D. Apartment Offer

The prospective tenant must be shown the apartment and all the terms and conditions of occupancy must be fully explained.

The Housing Assistant conducts a Pre-Occupancy Inspection of the premises (Refer to Section XIII. *Apartment Inspections*).

If the prospective tenant indicates that (s) he will rent with the intent of requesting a transfer to another apartment or development, the Housing Assistant should explain that there is a low probability of obtaining a transfer.

E. Apartment Refusal

When a referral refuses an assigned apartment, the applicant must sign NYCHA form 040.063, *Refusal of Apartment*.

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1. Non-Accessible Apartments

a. Development Waiting List

Applicants on the development waiting list for non-accessible apartments only get **one** apartment offer.

If the applicant refuses the apartment offer (non-accessible apartment) and no verified temporary emergency exists that prevents a move at the time of offer, the referral profile in TSAP should be updated. When updating the referral profile in TSAP, the referral status automatically changes to Dead (D). The referral documents are returned to FLD.

b. Borough Wide Waiting List

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

(1) **First Refusal**

If the referral refuses the first apartment offer (non-accessible apartment), the referral profile in TSAP should be updated, which automatically changes the referral status to First Refusal (**R1**). The referral is returned to the appropriate waiting list.

(2) **Second Refusal**

If the referral refuses the second apartment offer (non-accessible apartment) and no verified temporary emergency exists that prevents a move at the time of offer, the referral profile in TSAP should be updated, which automatically changes the referral status to Dead (**D**). The referral documents are returned to FLD.

If the referral refuses the second apartment offer (non-accessible apartment) due to a temporary emergency condition, the referral profile in TSAP should be updated and the referral status automatically changes to Emergency (**E**).

2. Accessible Apartments

Applicants and Transferees get **two** apartment offers.

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a. First Refusal

If the referral refuses the first apartment offer (accessible apartment), the referral profile in TSAP should be updated, which automatically changes the referral status to First Refusal (**R1**). The referral is returned to the appropriate waiting list.

b. Second Refusal

If the referral refuses the second apartment offer (accessible apartment) and no verified temporary emergency exists that prevents a move at the time of offer, the referral profile in TSAP should be updated and the referral status automatically changes to Dead (**D**). The referral documents are returned to FLD.

3. Refused Project

If the referral refuses the development:

- The referral must sign NYCHA form 040.063, *Refusal of Apartment*.
- The referral profile in TSAP should be updated to Refused Project which automatically changes the referral status to Dead (**D**).
- The referral documents are returned to FLD.

F. Eligible for Development Change

The referral is eligible for a development change if:

- The referral was on the development's waiting list for more than two years with no apartment offer prior to selection for rental.

G. Apartment Cancellation

Referrals may cancel the apartment assignment if the following two conditions are met:

- Apartment is not ready for occupancy, and
- Rental fees have not been processed, i.e., sent to the Lockbox Provider.

If these two conditions are met, the referral signs NYCHA form 040.157, *Cancellation of Apartment Assignment*.

NOTE: An apartment cancellation is considered a refusal in TSAP. Refer to Section IV.E. *Apartment Refusal*.

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If the apartment is ready and the rental fees have been processed, a move-in and move-out must be processed, whether or not a lease was signed. Vacancy loss, if applicable, is charged in this case.

NOTE: Staff returns the application to FLD only after the applicant refuses the permissible number of apartment offers, as noted in Section IV. E. If returning the referral documents to FLD, NYCHA form 070.029, *Return and Disposition of Application*, must be attached with NYCHA form 040.006, *Interview Record*, identifying the development and indicating the reasons for cancellation.

H. Citizenship

HUD requires that the citizenship/eligible immigrant status of each member of the household be determined **on a one-time basis**. NYCHA form 040.601, *Declaration of Citizenship Status*, is used for this purpose. It includes an authorization for release of information.

Each member of the household, 18 years of age or older, must complete and sign a *Citizenship Status* form. The parent / guardian must sign for all members of the household under 18 years of age. Additional family members that join the household must also sign this form.

If the application/tenant folder does **not** contain the following *Citizenship Status* forms, with all required signatures, a current NYCHA form 040.601, *Declaration of Citizenship Status*, must be obtained:

- NYCHA form 070.163, *Verification of Citizenship/Eligible Immigration Status*, which is completed by applicants

NOTE: Non-citizens with eligible immigration status are required to submit documentation of their eligible immigration status, and photocopies of this documentation must be filed in the application/tenant folder. If the application/tenant folder does not contain required immigration documentation, staff must follow procedures indicated in Appendix Q, *Systematic Alien Verification for Entitlements (SAVE) Program*.

I. Alternate Identification Numbers

All citizens in the household, regardless of age, are required to submit verification that they have a valid Social Security Number or a HUD-generated Alternate Identification Number. Refer to Appendix E, *Alternate Identification Numbers for Family Members*, for detailed information regarding processing requests for Alternate Identification Numbers.

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NOTE: Staff must not delay Annual Reviews if the Social Security Number or a HUD-generated Alternate Identification Number is currently not available. Annual Reviews must be completed, and additional information requests monitored for compliance.
Alternate Identification Numbers must be requested, and replaced with Social Security Numbers, upon receipt of verification.

J. Income Review and Setting of Rent

If the last income projection was more than six months before the rental interview, the Housing Assistant conducts an Income Review. If more than six months have elapsed since the last income projection, the referral must submit up-to-date income verification.

Verification of income is based upon documents provided by the prospective tenant. *Third Party Verification of a prospective tenant's income is not required.*

In cases where the applicant's income exceeds the income limits, the application must be returned to FLD. Development staff informs the applicant of the reason for this action.

K. Emergency Contact

The new tenant must provide the names, addresses and phone numbers of two close relatives or friends who can be contacted in an emergency.

L. Preparation of NYCHA Resident Lease Agreement

1. Staff provides a detailed review and discussion of NYCHA form 040.507, *NYCHA Resident Lease Agreement*, with the prospective tenant.
2. Staff enters data on screen in the required document fields, according to Table A:

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TABLE A - NYCHA Resident Lease Agreement Data Entry	
Field	Entry
Development	Development Name
Account #	The 9-digit apartment account number
AIR Quarter	The Annual Income Review Quarter 1= First Quarter 2= Second Quarter 3= Third Quarter 4= Fourth Quarter
Tenant 1	First Name, Middle Name or Initial, Last Name of lessee signing
Tenant 2	First Name, Middle Name or Initial, Last Name of co-lessee signing
Apartment Number	Apartment number
Street Address	The address of the building: number and street name
Borough	Bronx, Brooklyn, Manhattan, Queens, Staten Island, as appropriate
Beginning	The next month (word), year (yyyy), after the lease is signed (only after keys are given)
Terminating	The month (word), year (yyyy), before the next Annual Income Review date for the building assigned: If 1st Quarter - April If 2nd Quarter - July if 3rd Quarter - October If 4th Quarter - January
Monthly Rent	Enter the amount of the tenant's monthly rent
Pro-Rata Rent	Enter the amount of rent calculated for the partial month between the rent starting date and the end of that month

3. If the rental interview takes place **before** the Ready Date, staff does not enter a date for the “**Beginning**” field and the “**Pro-Rata Rent**” field. These fields cannot be entered until the rent starting date is determined.
4. Staff enters these fields and reprints the first page of the lease on the day that the new tenant picks up the keys and gives it to the lessee(s).
5. Staff prints two complete original leases.
6. All lessees (tenant and co-tenant, as applicable) must sign two leases at the Rental Interview, each with an “original” signature, using blue or black ink (preferably with blue ink). The Housing Assistant signs as the Witness.
7. After all fields are entered on the first page, staff submits the new lease to the Housing Manager. The Housing Manager must review each lease for completeness before signing.

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8. In the absence of the Housing Manager, the Acting Manager (Superintendent) is authorized to sign the new lease in his/her own name under the title of Acting Manager.
9. After the Housing Manager has executed the lease, staff mails one original to the tenant and files the other in the tenant folder.

M. Documents for Tenant's Signature

Prepare the following documents for the tenant's signature:

- *Dog, Cat and Service Animal Registration*, NYCHA form 040.505, if applicable, after discussion of NYCHA's pet policy (Refer to Section XVI. E *Registration of Dogs, Cats and Service Animals.*)
- *Window Guard Annual Survey*, NYCHA form 040.389
- *What Every Tenant Should Know About Local Law1-Preventing Childhood Lead Poisoning*, NYCHA form 060.300
- *NYCHA/EPA Lead-Free Paint Booklet*, NYCHA form 060.284
- *Lease/Commencement of Occupancy Notice for Prevention of Lead-Based Paint Hazards-Inquiry Regarding Child*, NYCHA form 060.299a
- *Disclosure of Information on Lead-Based Paint and/or Lead-Based Paint Hazards*, NYCHA form 060.275
- *Child Health Clinics Fact Sheet*, NYCHA form 040.626
- *Lead Based Paint Nutritional Fact Sheet*, NYCHA form 060.301
- Lead Disclosure Summary Letters
- Other required documents, as applicable

N. Other Information for Distribution

Staff distributes tenant handbooks, Fire Safety Plans, Customer Contact Center Stickers, in English and Spanish, as applicable, and requests that the new tenant reads the contents carefully.

In addition, *A Home To Be Proud Of* handbooks are available in the Forms and Reference Library.

O. Notification of Proposed Modifications to NYCHA's Lease

If required by law, NYCHA provides tenants a 30 day written notice of proposed modifications to its Lease, prior to implementation. Tenants may present written comments for consideration prior to the proposed modification.

P. Community Service

Staff distributes NYCHA form 040.564, *Community Service Policy Overview*, and discusses the community service requirements, if applicable.

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Q. Identification

Prior to signing the lease, each lessee must show two (2) pieces of signature identification, one of which must contain a photograph. Staff photocopies the identification and attaches the copy to the back of the lease. If the signature does not appear on the same side as the photograph, staff must copy both sides.

R. Charges

Each new rental must pay in advance the following charges:

- First full month's rent
- Security deposit (refer to Section IV. T. *Security Deposit* for requirements)
- Smoke detector⁶
- Carbon monoxide detector⁶
- Shades⁶
- Lobby door keys
- Parking stickers, as applicable

After all rental information is entered and the Tenant Data System (TDS) has computed the new rent and charges, a *Bank Acceptance Slip*, a computer generated form, is used for payment.

1. Tenant Payments Received in Person at Development Management Offices

Whenever a Housing Assistant, or supervisor, receives tenant payments in the form of checks or money orders (cash is not accepted) in person from, or on behalf of, an applicant, current tenant, transfer tenant or vacated tenant, he/she calls into the office an Assistant Manager, Housing Manager or another Housing Assistant to witness the receipt of check(s) or money order(s) as tenant payments.

The Housing Assistant, or supervisor, in receipt of payment processes the received tenant payment as follows:

- a. Prepares NYCHA form 040.765, *Payment Receipt*, and ensures that the following information is completed within the form:
 - Name of person submitting tenant payment
 - Appropriate box indicating if payment is for an Applicant, Current Tenant, Transfer Tenant or Vacated Tenant is checked.
 - Name of Lessee
 - Lessee's address
 - Account Number
 - Amount paid

⁶ not required for Relocation transfers

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- Date of payment/Date mailed to Lockbox Provider
- Appropriate box indicating Form of payment is checked: Check/Money Order Number, Check/Money Order Date and Bank/Issuer Name are listed.
- Appropriate box for Nature of Payment is checked.
- Tenant or other person submitting payment prints and signs the *Payment Receipt* form.
- Housing Assistant, or supervisor, receiving payment prints and signs their name and enters their title.
- NYCHA employee witnessing the receipt of payment prints and signs their name and enters their title. Gives the tenant or other person submitting the payment the original copy of NYCHA form 040.765, *Payment Receipt*, and files copies in the tenant folder and Housing Manager's permanent file labeled Development Payment Receipts.

If a vacated tenant folder is not available at the development, filing of the *Payment Receipt* in the Housing Manager's permanent file is sufficient.

- b. The Housing Assistant makes an appropriate tenant folder entry: for example: "Received (1) money order for \$800, M.O. # 200200200200 and (1) bank check for \$675, check # 300300300300 for rental fees." Entry includes date received and date mailed to Lockbox Provider.

If a vacated tenant folder is not available at the development, the Housing Assistant must keep a copy of NYCHA form 040.006, *Interview Record*, in the Housing Manager's permanent file, attached to the *Payment Receipt* copy.

- c. Files copies of all check and money order payments received from, or on behalf of applicants or tenants, in the tenant folder

2. Tenant Payments Received by Mail at Development Management Offices

Whenever a Housing Assistant, or supervisor, receives tenant payments in the form of checks or money orders (cash is not accepted) by mail from, or on behalf of, an applicant, current tenant, transfer tenant or vacated tenant, he/she calls into the office an Assistant Manager, Housing Manager or another Housing Assistant to witness the recording of the payment(s) on NYCHA form 040.765, *Payment Receipt*, as detailed in Section 5.

The Housing Assistant, or supervisor, in receipt of payment processes the mailed tenant payment as follows:

- a. Prepares NYCHA form 040.765, *Payment Receipt*, and ensures that the following information is completed within the form:

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- In the “Name of Person Submitting Payment” and “Tenant/Payer Signature” fields on form, enters the phrase “Payment Received by Mail.”
- Housing Assistant, or supervisor, receiving payment prints and signs their name and enters their title.
- NYCHA employee witnessing the receipt of payment prints and signs their name and enters their title.
- Mails the original copy of *Payment Receipt* form to the tenant who submitted the payment and files copies in the tenant folder and Manager’s permanent file

NOTE: Tenant folder entries and placement of payment checks and money orders in tenant folders are performed as described in Sections 5. c. and d.

- b. If the Housing Assistant, or supervisor, cannot identify the payment received at the development to an applicant, current tenant or transfer tenant, or is a payment from a vacated tenant, he/she enters the check information on NYCHA form 040.765, *Payment Receipt*, including checking the Unknown box in the “Tenancy Status” section and files the form in the Manager’s permanent file.

Both unknown and vacated tenant payments must be mailed immediately to the Deputy Director in the Accounting and Fiscal Services Department, Revenue and Receivables Division, 90 Church Street, 6th Floor, New York, N.Y, 10007, with a memo indicating the Development name, Manager’s name, and reason for submission of payment, if known (e.g., vacated tenant, or unknown payer).

3. Cash Payments

If the payment is made with cash, the tenant must submit payment with the *Bank Acceptance Slip* to an In Person Cash Payment Center and provide a copy of the receipt to the development **before** issuance of keys.

4. Unidentified Payments

If payments received at the Development cannot be identified to a current resident, staff enters the check in the *Development Payment Log*, and immediately mails the payment to the Deputy Director of the Revenue & Receivables Division, 90 Church Street, 6th Fl, NY, NY, 10007 with a memo indicating the Development name, Housing Manager’s name and reason for the submission of the payment, e.g., vacated tenant, unidentified payer.

5. Posting of Tenant Payment and Refund Policy Notices

NYCHA’s tenant payment and refund policies must be permanently posted inside every management office and/or waiting room and must state the following:

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“All checks and money orders submitted for tenant payments must be made payable to NYCHA. The tenant’s first name, last name, address, and apartment number must be written on the face of the check or money order.”

NOTE: For details on the Lockbox System for rent collection, refer to NYCHA Management Manual, Chapter II, *Rent and Rent Collection*.

S. New Tenant Visit Discussion

Staff discusses the requirement for a New Tenant Visit within the first month and attempts to schedule the visit during the rental interview. Refer to Section XIV. C. *New Tenant Visit*.

T. Security Deposit

The following security deposit requirements apply:

1. New Tenants

Each new tenant must pay the greater of a full month’s rent or the scheduled security deposit (Refer to Table B, *Schedule of Security Deposits*, in this Section).

A public assistance recipient may submit the *Human Resources Administration (HRA) Security Agreement* in lieu of the prescribed security deposit, a copy of which must be kept in the tenant’s folder. The *Agreement* is forwarded with a *Bank Acceptance Slip* to the Lockbox Provider.

A non-public assistance recipient, who submits the *HRA Security Agreement* in lieu of a security deposit, must pay the prescribed security deposit in full when the HRA Security Agreement expires (Refer to Section IV. T. 3. *Expired HRA Security Agreements after Move-In*, regarding the expiration of HRA Security Agreement).

2. Transfers

If HRA or the tenant originally paid a cash security deposit, the paid security deposit should be transferred to the new apartment account for an intra-project transfer.

NOTE: For transfer types that are **exempt** from paying an additional security deposit, refer to Table C, *Transferees Exempt from Increased Security Deposit*, in this Section.

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A tenant who transfers to another NYCHA apartment, either intra-project or inter-project, must pay the difference between the existing security deposit paid on the old apartment and the **greater** of a full month's rent or the scheduled security deposit.

The Housing Manager or designee requests a *HRA Security Agreement* from HRA for the difference between the security deposit paid and the new security for tenants moving to a larger apartment. The *Security Agreement* is credited to the account with a *Bank Acceptance Slip*.

NOTE: **Non-tenant residents**, e.g., Senior Resident Advisors, Resident Employee-Resident Site Caretakers, are not required to pay a security deposit.

TABLE B	
Schedule of Security Deposits	
Apartment Size	Amount
Efficiency	\$ 154.00
3 ½ Rooms	\$ 174.00
4 ½ Rooms	\$ 194.00
5 ½ Rooms	\$ 212.00
6 ½ Rooms	\$ 223.00
7 ½ Rooms	\$ 230.00

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TABLE C Transferees Exempt from Increased Security Deposit		
Priority Code	Transfer Type	Reason For Transfer
T0	A	Apartment uninhabitable through no fault of the tenant (e.g., fire, flood)
T0	B	Court or Management Department Director ordered a family returned to apartment after eviction or lockout but apartment was given to another family.
T0	C	Displaced due to development renovation and wishes to return (must file request before the renovation is completed)
T0	D	Displaced for development renovation and must move within six months
T0	E	As a result of a stipulation approved by the NYCHA Board members, tenant's apartment is Underoccupied, or soon to be underoccupied
T1	A	Displaced for development renovation and must move after six months
T1	B	Displaced for development use of apartment
T1	C	Resides in an apartment as part of a special program and must leave because program is ending or because family no longer qualifies for the program. Includes tenants forced to leave Multi-Family Home Ownership Program (MHOP) program because of a reduction in the size of the program
T1	D	Living in an extremely Under occupied apartment
T2	A	Living in an Under occupied apartment

3. Expired *HRA Security Agreements* after Move -In

HRA issues a *Security Agreement* in lieu of cash security deposits to public assistance recipients. This *Agreement* expires upon the closing of a tenant's public assistance case. Upon expiration of the *HRA Security Agreement* after move-in, the tenant must pay a security deposit in the amount of one month's rent or an amount according to the schedule (Refer to Table B -*Schedule of Security Deposits*, in this Section), whichever is greater.

4. Collection of Security Deposits - Expired *HRA Security Agreements*

- a. Staff prepares NYCHA form 040.517, *Security Deposit Due-Expired HRA Security Agreement*, and enters the Security Deposit Requirement in the Rent Collection System (RCS). After entry in RCS, the form is signed and returned to the Housing Manager as a Transaction Confirmation, which is filed in the tenant folder with the *NYCHA Lease Agreement*.

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- b. Staff prepares and sends NYCHA form 040.517A, *Cash Security Deposit Letter*, to the tenant, which indicates the amount of security deposit that must be paid.
 - c. Refer to Section IV. R. 1. for Check and Money Order payments
 - d. If the tenant fails to pay the security deposit, the full amount owed is collected in a Summary Non-Payment proceeding.
5. One-Shot Assistance Cases

HRA Security Agreements, issued as part of “one-shot” assistance, granted to secure a NYCHA apartment at rental, are valid while the client is a public assistance recipient and for a six-month period following the closing of the case.

One-shot cases close immediately after the six month period. Accordingly, staff must collect security deposits from these tenants.

If the tenant vacates the apartment during the six-month period only, HRA pays the unpaid rent and damages up to the amount of the unpaid security deposit. Therefore, all security deposits for these tenants must be collected within six months.

6. Annual Interest Earned on Tenant Security Deposits

The interest earned on tenant paid security deposits is credited to tenant accounts on or about February 1 of each year. The Accounting and Fiscal Services Department annually determines the applicable interest rate and the Information Technology – Business Solutions Technology Department (IT-BST) processes credits to tenant accounts, based upon the applicable interest rate and the amount of the security deposit.

A General Management (GM) directive is issued annually that provides information about the applicable interest rate.

U. Data Entry of Rentals and Security Deposits

During the rental process, staff enters data into the following databases:

- 1. Tenant Selection Assignment Plan (TSAP) - Staff enters the account number of the vacant apartment in TSAP. An applicant/transferee is selected. Refer to Section III. D. *Selection of Referral Documents for Rental*, regarding the selection process.
- 2. Tenant Data System (TDS) - Staff assigns the applicant/transferee the vacant apartment in TDS. After acceptance of the apartment, all rental information is entered in the Move-in Collect Notice window.

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3. Rent Collection System (RCS) - The information from the Move-in Collect screen posts automatically on the new tenant's account in RCS. A *Move-in Collect Notice* automatically prints and is filed in the new tenant folder. A *Bank Acceptance Slip* prints when the transaction is complete. Shade, smoke detector and other charges, including the Security Deposit requirement, have been posted to the account in RCS.

When the keys are given to the new tenant, staff moves the tenant in TSAP and indicates the charge-from date.

NOTE: All relevant information regarding a move-in must be entered in the *Turnover Tracking Log*.

V. Move-In

A. Charge-From Date

1. Apartment is ready

The Housing Assistant informs the new tenant at the rental interview whether the apartment is ready for occupancy. The applicant is charged from the date (s)he is notified that the apartment is ready.

2. Apartment is not ready

If the apartment is not ready for occupancy at the time of the rental interview, the Housing Assistant informs the new tenant the (s)he will receive notification upon completion of apartment preparation and that rent is charged from the date of notification.

When the apartment is ready for occupancy, the Housing Assistant notifies the new tenant by phone. If phone contact is not possible, notification is completed by mail.

B. Keys Issued

Keys are issued to the tenant who signed the lease. All appropriate charges or Security Agreements must be received **prior** to issuance of keys.

C. Move-In Hours

Staff informs move-in tenants at the rental interview or when keys are issued that:

- It is recommended that actual physical move-in is to take place during the hours of 10:00 am - 4:00 p.m., Monday through Friday.
- Vehicles and moving trucks are **NOT** permitted on NYCHA grounds.

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Staff completes NYCHA form 040.006, *Interview Record*, indicating that the tenant was informed.

NOTE: Entries on NYCHA form 040.006, *Interview Record*, must be made for all interactions between residents and staff until the move-in is approved in TDS. After move-in is approved, the hand written interview record entries must be typed into the TDS Interview Records program.

VI. Transfers: Public Housing Program

A. Public Housing Policy

Tenants are permitted to apply for a transfer to another apartment within the development of residence or to another development. Tenants may apply for a transfer during any period of occupancy. Tenants must choose a development or borough, as applicable, at the time the transfer request is submitted.

In the selection of families for transfers, there shall be no discrimination against any person on the grounds of race, color, religion, national origin, sex, sexual orientation, age, familial status, marital status, partnership status, military status, disability, lawful occupation, alienage or citizenship status, or status as a victim of domestic violence, dating violence, or stalking.

This section delineates the transfer process and indicates the conditions under which transfers may be approved.

Transfers may only be approved for reasons prescribed in TSAP. NYCHA does not transfer tenants for non-TSAP reasons, since NYCHA has already met the primary obligation to the tenant of providing a standard apartment, and in view of the fact that tenant turnover results in management costs, maintenance costs and vacancy loss.

1. Definitions

a. Intra-Project Transfer

An intra-project transfer occurs when a tenant moves to an apartment within the development of residence, e.g., the same Map Number and same apartment type, e.g., general population to general population, but not general population to Senior Citizen. Such transfers require the approval of the Housing Manager only.

- Transfers between main developments and their developments listed as “included” on the *Guide to Anticipated Vacancies* are considered intra-project transfers.

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b. Inter-Project Transfer

An inter-project transfer occurs when a tenant moves to an apartment in a development other than the development of residence, i.e., to a different Map Number and may be to a different apartment type. Inter-project transfers require Management Department Director's or designee's approval.

- Transfers between developments listed as “managed by” in the “Remarks” column of the Guide to Anticipated Vacancies are considered inter-project vacancies.
- Transfers between developments listed as “consolidated with” in the “Remarks” column of the *Guide to Anticipated Vacancies* are considered inter-project vacancies.

c. Emergency Transfer

An emergency transfer occurs when a tenant moves to a different development, based on a family member qualifying as a:

- Victim of Domestic Violence (VDV)
- Intimidated Victim (IV)
- Intimidated Witness (IW)
- Child Sexual Victim (CSV)
- Victim of a Traumatic Incident (VTI)

NOTE: Refer to Section VI.A.7. *Transfers: Emergency* for details on Emergency Transfer definitions, eligibility requirements and processing.

2. General Transfer Eligibility Requirements

a. Residency Period

Tenants may request a transfer during **any period of occupancy** after they move to an apartment within the development of residence.

b. Income

When determining eligibility for transfers, staff conducts an Income Review to determine the transferring tenant's eligibility for transfer to the requested development, if more than six months have lapsed since the last Income Review.

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c. Criminal Background Checks

Criminal background checks are based on NYCHA's Standards of Admission see the Applications and Tenancy Administration Department Manual, Chapter V-Eligibility, Section II. (F) and Exhibits F and H]. Criminal background checks are conducted for individuals 16 years of age or older during the transfer review process for inter-project transfers, except for the following exception:

- Staff shall **not** request a Criminal Background Check for a relocation transfer at locations where the transfer of all residents is imperative, **and** where the possibility of relocating residents within the development does not exist.

Victims of Domestic Violence, Intimidated Victims, Intimidated Witnesses, and Child Sexual Victims are **not** considered ineligible for transfer based on conviction records, unless a family member of the household was convicted of a felony within the last three years.

Development staff completes NYCHA form 040.418, *Request for Criminal Background Check*, during the transfer review process.

- If the Criminal Background Check deems the tenant eligible, the transfer is processed, if there is no other basis for disapproval.
- If the Criminal Background Check deems the tenant ineligible, the transfer request is disapproved.
- If the Housing Manager receives information that indicates that the Criminal Background Check may be incorrect, (s)he may submit the information to the ATAD for review and/or request a new Criminal Background Check.

3. Reasons for Transfer

Transfers may be requested for specified reasons, as indicated in the *TSAP Transfer Guide (Transfer Guide)*. Refer to Appendix F, *Transfers-Tenant Selection and Assignment Plan (TSAP) Transfer Guide and NYCHA Occupancy Standards for Families-Public Housing*.

The *Transfer Guide* also specifies Priority Codes, Transfer Type Codes, and Transfer Options for each transfer condition. These Codes determine the priority assigned to each transfer request in the TSAP System.

Transfer requests must be made in writing to the Housing Manager, using the following forms, as appropriate:

- *Transfer: Tenant Request for Transfer*, NYCHA 040.050

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- *Transfer-Emergency: Tenant Request for Transfer*, NYCHA 040.050D
- *Relocation Transfer Request*, NYCHA 070.257

4. Documentation

Transfer requests must be accompanied by supporting documentation, as appropriate, for the transfer condition, e.g., letters from health care providers, social service agencies, Police Reports, and Court documents.

5. Transfers: Non-Emergency (except Underoccupancy)

a. Transfer: Tenant Request for Transfer Form

When a tenant requests a transfer, the Housing Assistant:

- (1) Provides the tenant with NYCHA form 040.050, *Transfer: Tenant Request for Transfer*
- (2) Instructs the tenant to return the completed *Transfer: Tenant Request for Transfer* with all letters and documents that verify the need for the requested transfer
- (3) Upon receipt of the *Tenant Request for Transfer*, provides the tenant with the current *Interviewer's Guide to Anticipated Vacancies* or *Interviewer's Guide to Accessible Apartments*, as applicable, and requests the tenant to select a development or borough, as applicable
- (4) Examines the *Transfer: Tenant Request for Transfer* returned by the tenant for completeness
- (5) Determines that the tenant's needs correspond with one of the reasons for transfer listed in the *Transfer Guide*
- (6) Enters the Transfer Type (letter designation) and Priority Code (letter – number designation) listed in the *Transfer Guide* on the *Transfer: Tenant Request for Transfer*
- (7) If more than one Transfer Type applies to the transfer request, processes the transfer for the highest priority (**T0** is highest, **T4** is lowest)
- (8) Indicates all permissible Transfer Options (Refer to Appendix F, *Transfers-Tenant Selection and Assignment Plan (TSAP) Transfer Guide and NYCHA Occupancy Standards for Families-Public Housing*) in the proper spaces on the second page of the form, *Tenant Transfer Options and Conditions*, as follows:
 - (a) Checks the box (es) for INTRA and/or INTER depending on the tenant's eligibility
 - (b) Checks the BOROUGH box if eligible for borough choice only
 - (c) Checks the PROJECT box and writes ANY to the immediate right of the word PROJECT if eligible for any development

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- (d) Checks the PROJECT box and writes NYCHA in the box beneath the word PROJECT if the tenant is eligible only for a development to be designated by NYCHA, i.e., needs a development near a specific facility or family member, or is returning to a development after being displaced
 - (e) Checks the PROJECT box and writes GUIDE to the immediate right of the word PROJECT if eligible to choose from the *Interviewer's Guide*
- (9) Explains to the tenant the options for which the tenant is eligible as written in Section I. *Transfer Options* on the second page of the *Transfer: Tenant Request for Transfer* form
- (10) Explains Transfer Conditions to the tenant
- (11) If the tenant is eligible to choose from the *Interviewer's Guide*, writes the tenant's choice from the **current** *Guide* in the box beneath the word PROJECT
- (12) If the tenant is eligible for borough choice only, writes the borough(s) chosen in the box beneath the word BOROUGH
- (13) If the tenant is eligible to choose any development, writes the name of the development chosen in the box beneath the word PROJECT and indicates the tenant's transfer choice on the line in box II
- The tenant must indicate his/her acceptance of the type of transfer for which (s)he is eligible and select from the **current** *Guide* only and may not indicate any other preference
 - If the tenant refuses all developments then designated as anticipated vacancies on the *Guide*, or fails to choose a development, their transfer request is deemed "DEAD."
- The Housing Assistant writes on the line in box II. *Tenant Declines Appropriate Transfer Options* and ceases transfer processing
 - The tenant cannot re-submit the same transfer request for one year from the Transfer Option Interview date, unless the tenant changes his/her mind and agrees to the appropriate option within 30 days of the Transfer Option Interview, or subsequently applies for a new transfer as priority code T0, T1, or T2 and states a different need for transfer than the prior request.
 - The tenant must sign the bottom of the form, and file *the Transfer: Tenant Request for Transfer* in the tenant folder. Electronically record the tenant's decision in the TDS Interview Records program.
- (14) Obtains tenant signature on the Tenant Transfer Options and Conditions Section
- (15) Reviews and signs the *Tenant Transfer Options and Conditions Section* of NYCHA form 040.050, *Transfer: Tenant Request for Transfer*

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- (16) Submits each *Transfer: Tenant Request for Transfer* with documentation, if available, to the Housing Manager for review
- (17) For INTRA-Project transfers, the Housing Assistant completes the Movaris e-form NYCHA 040.670, *Intra-Project Transfer Request*, and forwards the e-form, using the Movaris Dashboard, to the Housing Manager for approval or disapproval. If approved, the e-form is forwarded to FLD for review and TSAP entry.

b. FLD Review of the Intra-Project Transfer Request

FLD reviews the intra-project transfer request upon receipt of the e-form.

(1) Tenant Eligible for Transfer

If the tenant is deemed eligible for a transfer, FLD staff enters the transfer data into TSAP and approves the e-form.

Upon approval, FLD staff prepares and mails the letter NYCHA 070.081A, *Waiting List Letter-Transfer Request*, to the transferee.

(2) Tenant Ineligible for Transfer

If the tenant is deemed ineligible for a transfer, FLD staff rejects the e-form, indicating the reason for disapproval and returns the e-form to the Housing Manager.

c. Housing Manager's Review

The Housing Manager or designee reviews each *Transfer: Tenant Request for Transfer*, or *Intra-Project Transfer Request*, confirming that the Transfer Type and Priority Code entered by the Housing Assistant are correct, and that the tenant has submitted sufficient verification in support of the request.

(1) Insufficient Verification

If the tenant has submitted insufficient verification, or FLD requests additional information or documentation, the Housing Manager returns the form, *Transfer: Tenant Request for Transfer*, to the Housing Assistant who must request additional information from the tenant, using NYCHA form 040.050A, *Transfer: Additional Information Request*.

The tenant is required to submit the additional information within **10 days**.

Upon receipt of additional information for intra-project transfer requests, the Housing Manager resubmits the intra-project transfer request to FLD via Movaris.

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(2) Disapproval

The Housing Manager disapproves the *Transfer: Tenant Request for Transfer* for any of the following reasons:

- (a) The reason for the transfer does not correspond to any of the reasons for transfer listed in the *Transfer Guide*.
- (b) The tenant failed to provide additional information requested to verify the need for transfer.
- (c) The family has an unsatisfactory record of tenancy due to any of the following reasons:
 - Under legal action for non-payment of rent or meets criteria for chronic delinquency in the payment of rent
 - Chronic delinquency in the payment of rent is defined as failure or refusal to pay rent within the month due, at least three times during any 12 month period.
 - Case submitted for Termination of Tenancy, or Bawdy House Proceeding

NOTE: The tenant may submit a new *Transfer: Tenant Request for Transfer* if the above charges are resolved in favor of the tenant as follows: Eligible, Eligible with permanent exclusion, Probation period expired, or Bawdy House Proceeding did not result in an adverse decision against the tenant.

- The NYCHA Board has terminated tenancy.

If disapproved, the Housing Manager:

- Writes or types the reason for disapproval in the appropriate space on the *Transfer: Tenant Request for Transfer* and electronically enters the reason in the TDS Interview Records program
- Signs the disapproved *Transfer: Tenant Request for Transfer*
- Completes and mails NYCHA form 040.050B, *Transfer: Disapproved Request*, to the tenant

The Housing Assistant files each disapproved *Transfer: Tenant Request for Transfer* and a photocopy of the *Transfer: Disapproved Request* form in the appropriate tenant's folder.

If FLD disapproves the intra-project transfer request, the Housing Manager notifies the tenant of the disposition, using NYCHA form 040.050B, *Transfer: Disapproved Request*.

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(3) Approval

The Housing Manager approves each *Transfer: Tenant Request for Transfer* that meets the following conditions:

- (a) The reason for transfer corresponds to one of the valid transfer categories indicated in the *Transfer Guide*.
- (b) The request for transfer includes sufficient verification, as appropriate.
- (c) The family has a satisfactory record of tenancy.

The Housing Assistant also does the following:

- Prepares a *Transfer: Tenant Transfer Record Card* for each tenant who has chosen and is eligible for an Inter-Project Transfer
- Files the approved *Transfer: Tenant Request for Transfer* in alphabetical order in the application file
- Files a copy of the approved *Transfer: Tenant Request for Transfer* in the tenant folder

(4) Changes in TSAP Intra-Project Transfer Data

Management staff is authorized to change the following intra-project transfer data in TSAP:

- **Personal Information**: Gross income and date income reviewed
- **Mailing Address**: Address, City, State, Zip Code, Phone
- **Project Information**: Return Date, Received Date

Development staff must contact and request FLD to change all other data.

For all dead intra-project transfers, development staff:

- Updates the Status Code in TSAP
- Prepares and mails NYCHA form 040.675, *Transfer Intra File Letter*, to the tenant advising them of the reason their transfer request is no longer active

(5) Changes in TSAP Inter-Project or Application Data

Management staff is authorized to change all inter-project transfer TSAP fields except the elderly and mobility impaired selection criteria, source account number, transfer, and referral type (i.e., inter to intra).

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For applications, Management is authorized to change all TSAP fields except the elderly and mobility impaired selection criteria, applicant preference (i.e., Working Family to Need Based or Need Based to Working Family), and within the Need Based preference, staff may only upgrade from N5 to N4 priority.

d. Tenant Transfer Record Card

The Housing Manager or designee prepares NYCHA form 040.050C, *Transfer: Tenant Transfer Record Card*, for each Inter-Project Transfer approved by the Housing Manager. Staff completes all applicable sections of the card.

NOTE: Consolidated developments must use the Managing Development's name.

In the Account Number section, consolidated developments must use the actual Map Number for the development in which the tenant resides, NOT the Managing Development's Map Number.

The Housing Assistant:

- Submits each *Transfer: Tenant Transfer Record Card* to the Housing Manager for disposition
- Sends each approved *Transfer: Tenant Transfer Record Card* to the Management Department, or if the tenant requested an accessible apartment, to ATAD for disposition. Attaches a copy of the *Tenant Request for Transfer: Transfer* and all supporting documents

NOTE: The form, *Criminal Background Check –Transfers*, NYCHA 040.050C, must be attached to the *Tenant Transfer Record Card*, for each household member 16 years of age or older, **except** for Section 504 mobility impaired residents in non-accessible apartments transferring to Section 504 accessible apartments.

- Files a copy of each approved *Transfer: Tenant Transfer Record Card* and all substantiating documentation in the appropriate tenant folder

e. Management Department Processing

Upon receipt, the Management Department Director or designee immediately reviews *the Transfer: Tenant Transfer Record Card* and does the following:

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- Forwards a disapproved *Transfer: Tenant Transfer Record Card* for Traumatic Incident to the Management Department Director or designee for review. If the Management Department Director or designee concurs with the disapproval, (s)he returns the *Transfer: Tenant Transfer Record Card* to the initiating development after signing disapproval and citing the reason(s).

If the Management Department Director or designee approves the transfer request, (s)he forwards the *Transfer: Tenant Transfer Record Card*, with the *Criminal Background Check* form, to FLD after signing approval.

- Approves or disapproves, as appropriate, all other types of transfers
- Forwards an approved *Transfer: Tenant Transfer Record Card* with all documentation attached, to FLD after signing approval
- Returns a disapproved *Transfer: Tenant Transfer Record Card*, except VDV/IV/IW/CSV, to the initiating development after signing disapproval and citing the reason(s)

- Upon receipt of a disapproved *Tenant Transfer Record Card*, the Housing Manager completes and mails NYCHA form 040.050B, *Transfer: Disapproved Request*, to the tenant. A copy of the *Disapproved Request* form is filed in the tenant folder.

f. Field Liaison Division (FLD)

Upon receipt of the transfer package, FLD staff reviews each *Transfer: Tenant Transfer Record Card* and certifies it to a development or Management Department waiting list based on the Tenant Selection and Assignment Plan.

FLD staff:

- Conducts a Criminal Background Check
- Enters data in the TSAP System
- Sends a certification letter to the tenant
- Sends a copy of the front of the *Tenant Transfer Record Card* with a copy of the certification letter to the originating development
- Sends the certified *Tenant Transfer Record Card* to the receiving development
- Maintains borough choice Transfer Cards until selected

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g. Ineligibility Based on Criminal Background Check

If the Criminal Background Check conducted by ATAD deems the tenant ineligible for a transfer, ATAD does **not** certify the transfer. The transfer request is returned to the initiating development with the result of the Criminal Background Check.

Upon receipt of a Criminal Background Check with a determination of ineligibility, the Housing Manager:

- Rescinds prior approval for the transfer by writing on the *Tenant Request for Transfer* and the *Tenant Transfer Card*, “INELIGIBLE BASED UPON CRIMINAL BACKGROUND CHECK”.
- Completes and mails NYCHA form 040.050B, *Transfer: Disapproved Request*, to the tenant.

NOTE: The resident has the right to file a grievance, utilizing the NYCHA Grievance Procedure, to contest the disapproval of the transfer request. Refer to the Management Manual, Chapter IV., *Termination of Tenancy*, for grievance procedures.

h. Receiving Development

Upon receiving a *Transfer: Tenant Transfer Record Card* from FLD, the receiving development staff enters the “received date” in the TSAP System.

i. Sending Development’s Responsibility After Certification

The Housing Manager of the sending development or designee must update the *Transfer: Tenant Transfer Record Card*, when there are changes in the record of tenancy that affect eligibility for a transfer.

The following tenancy information is submitted by memorandum to the Housing Manager of the receiving development (for development choice transfers) or the Manager of FLD (for borough choice transfers):

- Changes in family composition
- Changes in income affecting eligibility for the development requested
- Initiation of court action
- Withdrawal of transfer request or tenant move-out
- Any other change affecting the tenant’s eligibility for transfer

Upon notification from the sending development, the receiving development or FLD, as appropriate, conducts an eligibility review as indicated in Section III. E. *Eligibility Review of Applications*

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6. Transfers: Non-Emergency – Underoccupancy

a. Purpose

This policy applies to tenants living in underoccupied apartments with more rooms than are designated for the family size based on NYCHA occupancy standards.

Refer to Management Manual, Chapter I, Appendix F, *Tenant Selection and Assignment Plan (TSAP) Transfer Guide and NYCHA Occupancy Standards for Families – Public Housing* .

The policy sets guidelines regarding transfers based on underoccupancy, and also explains exceptions to those transfer requirements.

b. Definitions:

(1) Underoccupied

An apartment having **one extra room** above the room size specified for standard occupancy.

(2) Extremely Underoccupied

An apartment having **two or more extra rooms** above the room size specified for standard occupancy.

(3) Standard Occupancy

The number of persons approved by NYCHA to reside in an apartment on permanent basis. NYCHA uses this standard when assigning apartments, determining whether to approve permanent family additions and deciding whether right sizing transfers are permitted or required.

(4) Development

A building or group of buildings managed under a single management office.

(5) Consolidated Development

Several developments managed under a single management office.

c. Policy Highlights

Highlights of the policy are as follows:

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- (1) **Underoccupied:** Except as may be required by a stipulation of settlement or a Hearing Officer's decision resolving a termination of tenancy proceeding, NYCHA will not ask tenants residing in underoccupied apartments to move to a smaller apartment, and will not require them to move. Staff shall not send to a tenant NYCHA Form 040.906, *Underoccupancy Notice* (made obsolete 12/7/2015). An underoccupied tenant on his/her own, however, can initiate a request to transfer to a smaller apartment.
- (a) **Transfer Options:** If an underoccupied tenant on his/her own initiates a request to transfer, the transfer options are the following:
- within his/her current development, or
 - to a different development, provided that an apartment of correct size exists in the development he/she chooses, or
 - be placed on a borough waiting list, in the borough he/she chooses.
- (2) **Extremely Underoccupied:** NYCHA will require tenants residing in extremely underoccupied apartments to move to smaller apartments.
- (a) Transfer Options:
- i. **Tenant chooses location:** An extremely underoccupied tenant may choose to transfer:
 - within his/her current development, or
 - to a different development, provided that an apartment of correct size exists in the development he/she chooses, or
 - be placed on a borough waiting list, in the borough he/she chooses.
 - ii. **Tenant fails to choose location:** If an extremely underoccupied tenant fails to select a transfer option, the tenant shall be placed on a waiting list for an apartment within his/her current development. If an apartment of the correct size does not exist within his/her current development, the tenant shall be placed on the borough waiting list for a correct sized apartment.
- (3) **Exceptions to Moving - Reasonable Accommodation:** A tenant may request that his/her family remain in their current, underoccupied apartment as a Reasonable Accommodation of a disability of the tenant or authorized household member. If NYCHA grants the request, the requirement to move may be delayed or eliminated. A tenant may also request a Reasonable Accommodation which would affect the selection of an appropriate apartment.

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- (4) **Exceptions to Moving - Adding Family Members:** A tenant in an underoccupied apartment may request permanent permission to add an individual as an authorized household member. If NYCHA grants this request and if the addition of the new household member makes the occupancy of the apartment either underoccupied or standard occupancy, then the tenant will not be required to move.
- (5) **Grievances:** At certain times a tenant may request a grievance to contest: (a) the requirement to move, or (b) the denial of a reasonable accommodation request, or (c) the denial of a request to add a family member on a permanent basis.
- (6) **Termination of Tenancy Proceeding: Charge of Failure or Refusal to Move after Apartment Offer:**
- (a) Tenant may avoid termination of his/her tenancy by agreeing to transfer (i.e., agreeing to cure the breach) before the conclusion of the tenancy termination hearing.
- (b) If tenant violates an agreement to transfer, in any subsequent termination of tenancy proceeding for refusing to move, tenant cannot cure, except: (i) by resolving the underoccupancy or extreme underoccupancy through additions to the household by ‘family growth,’ or (ii) by NYCHA’s grant of a request for reasonable accommodation based on changed circumstances arising after the first termination of tenancy proceeding.
- (7) **Termination of Tenancy Proceeding - No Underoccupancy Charges but Transfer Required:**
- (a) **Stipulations of Settlement:** As a result of a stipulation of settlement resolving a Termination of Tenancy Proceeding, a tenant residing in an (i) “underoccupied,” apartment, (ii) “extremely underoccupied” apartment, or (iii) a soon to become underoccupied apartment due to the permanent exclusion of a household member, may be required to move.
- (b) **Hearing Officer Decision:** Termination of Tenancy charges may include general language informing the tenant that: as a result of a Termination of Tenancy Proceeding Hearing Officer decision, a tenant subject to permanent exclusion may be required to move to a correct size apartment, if the apartment is or soon will become “underoccupied” or “extremely underoccupied.”

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The tenant may resolve or cure the underoccupancy with reasonable accommodation requests or permanent permission requests (see Management Manual Chapter I, Section XI. B *Family Composition Changes*) if made by the earlier of (i) the tenant's acceptance of the keys for the new apartment, or (ii) within seven (7) business days after the date printed on the NYCHA form 040.050J, *Notification of Available Apartment – Move Required by NYCHA*.

- (8) **Apartment Offers:** The number of apartment offers a tenant receives depends upon the waiting list: (i) tenants on a development waiting list receive only one apartment offer, (ii) tenants on a borough waiting list receive two apartment offers.

See Appendix V: Overview of Right Sizing Requirements

d. Applicability

This procedure applies to public housing tenants in all NYCHA developments, including public housing tenants living in the LLC I and LLC II developments

Note that a criminal background check is not required for any ('intra' or 'inter'-project) transfer.

e. Identifying Underoccupancy

(1) Identifying Underoccupied Apartments

The Housing Assistant analyzes the family composition of each tenant to determine if the apartment is underoccupied or extremely underoccupied and should be processed for transfer:

- During a tenant's Annual Review Quarter processing, and
- Upon removal of a family member.

NOTE: For rules applicable to tenants who are required to move as a result of a Termination of Tenancy case, see Sections j. and l.

(2) Underoccupied Apartments

Staff shall not send to a tenant NYCHA Form 040.906, *Underoccupancy Notice*. Note that effective 12/7/2015, the form was made obsolete.

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Except as may be required by a stipulation of settlement or a Hearing Officer's decision resolving a termination of tenancy proceeding, if property management staff during an income review quarter identifies an underoccupied apartment, staff takes no action to either request or compel the tenant to transfer to a smaller apartment. An underoccupied tenant on his/her own, however, can initiate a request to transfer to a smaller apartment.

(3) Extremely Underoccupied Apartments

During each income review quarter, property management staff sends the following letter as notification to each extremely underoccupied tenant reviewed:

(a) Extreme Underoccupancy Notice

Property management staff mails NYCHA form 040.907, *Extreme Underoccupancy - Notice of Requirement to Move to a Correct Size Apartment* and NYCHA form 040.050, *Transfer – Tenant Request for Transfer*, to all tenants living in extremely underoccupied units, unless circumstances for delay or an exception to moving exists (see Section h.).

The NYCHA form 040.907, *Extreme Underoccupancy- Notice of Requirement to Move to a Correct Size Apartment* describes the transfer process and informs the tenant he/she must move to an apartment of the correct size for the family composition.

- i. The notice informs the tenant that NYCHA will commence a termination of tenancy proceeding if he/she fails to accept an apartment NYCHA offers.
- ii. Within 14 calendar days from the date printed on the NYCHA form 040.907, *Extreme Underoccupancy-Notice of Requirement to Move to a Correct Size Apartment* the tenant may file a written request for a **grievance hearing** regarding the requirement to move.

The tenant may discuss the transfer requirement with property management staff. The tenant may request a Reasonable Accommodation of a disability.

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NOTE: Grievances: The tenant is entitled to one grievance to challenge the mandatory move requirement.

In that grievance the tenant must raise all reasons he or she believes will exempt him/her from moving, including:

- The general requirement to move
- A reasonable accommodation related to the mandatory move, and
- A request to permanently add a family member.

The grievance regarding the requirement to move must be requested within 14 calendar days from the date printed on the NYCHA form 040.907, *Extreme Underoccupancy-Notice of Requirement to Move to a Correct Size Apartment*.

Refer to NYCHA form 040.302, *Grievance Procedures, Subdivision "A"*. Development Management shall respond to all tenant grievance requests in writing using NYCHA form 040.302A, *Project Grievance Summary*, a copy of which must be sent to the tenant.

(b) Tenant Responds-Transfer Choices

When a tenant in an extremely underoccupied apartment visits the Management Office and agrees to transfer to an appropriate size apartment, the Housing Assistant informs the tenant of the following transfer choices:

- An intra-project transfer, except for LLC II developments (see note box below), or
- An inter-project transfer to any development (see note box below), whether or not the selection is listed on the current *Guide to Anticipated Vacancies for Tenant Transfers* (available on the public drive in the "Guides" folder), or
- A borough waiting list.

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- NOTE:**
- If the appropriate size apartment does not exist at the tenant's development of choice, the tenant must select a development in which the correct size apartment does exist. Staff refers to the *Guide to Anticipated Vacancies for Tenant Transfers* to determine whether an appropriate size apartment exists at a particular development.
 - The tenant may be eligible to select an LLC I development only if he/she meets the development's income or transfer requirements.
 - A public housing tenant living in an LLC II development cannot transfer within the LLC II development.
 - No public housing tenant can transfer to an LLC II development.

During the interview, the Housing Assistant ensures the tenant completes and signs the NYCHA form 040.050, *Transfer: Tenant Request for Transfer*.

Property Management staff processes the completed NYCHA form 040.050, *Transfer – Tenant Request for Transfer* and NYCHA form 040.050C, *Transfer: Tenant Transfer Record Card* in accordance with current procedure.

(c) Tenant Fails to Respond

If at least 14 calendar days have passed since the date printed on the NYCHA form 040.907, *Extreme Underoccupancy-Notice of Requirement to Move to a Correct Size Apartment* and the tenant has failed to respond, or the tenant responds but fails to sign the NYCHA form 040.050, *Transfer – Tenant Request for Transfer*, the tenant must be placed on a waiting list for an appropriate size apartment in the tenant's current development. If the tenant's current development does not contain apartments of the appropriate room size or if the tenant resides in an LLC II development, staff shall place the tenant on a borough-wide waiting list.

- i. Property management staff completes NYCHA form 040.050C, *Transfer: Tenant Transfer Record Card* (keeping a copy in the tenant folder):
 - aa. On the front side of the card, in the *Tenant's Transfer Choice* section:
 - In the "Transfer Type" box, insert "D"

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- In the “Priority Code” box, insert “T1”
- Staff checks “Intra” (same development), or “borough wide as specified in paragraph (c) above.

bb. On the reverse side of the card, in the Reason for Transfer section, staff writes: “Mandatory Transfer. Extremely Underoccupied Tenant failed to submit NYCHA form 040.050, *Transfer – Tenant Request for Transfer* and is being placed on a waiting list for his/her current development.”

ii. Transfer Processing:

- aa. Property management staff mails NYCHA form 040.908, *Extreme Underoccupancy - Notice of Waiting List Placement* to the tenant, and
- bb. Property Management staff sends ATAD the NYCHA form 040.050C, *Transfer: Tenant Transfer Record Card*.
- cc. Once the transfer is approved by ATAD and the tenant’s name is placed on a waiting list for either a specific development or a borough, the tenant is notified by computer generated letter (NYCHA form 070.081A, *Waiting List Letter – Transfer Request*).

(d) Changes in Development Choice:

The tenant has the option of choosing a different development to which he/she will transfer, until the date printed on NYCHA form 040.050J, *Notification of Available Apartment – Move Required by NYCHA*. If the tenant asks to change his/her selection, staff shall check TSAP to determine whether a tenant has been selected for an apartment. If not, staff shall change the development choice to a different development as the tenant requested.

If the tenant changes development choice, the tenant will retain both the high TSAP transfer priority (i.e., the TSAP priority code for extremely underoccupied tenants is T1, Transfer Type D) and original certification date. Staff shall consult with the Field Liaison Division (FLD) regarding the mechanics of the transfer.

(e) Process of a Changed Transfer Option Request:

When the tenant is permitted to request a different development:

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- i. The tenant must sign the NYCHA form 040.050, *Transfer – Tenant Request for Transfer* indicating the different development.
- ii. Staff notes on a photocopy of the NYCHA form 040.050C, *Transfer: Tenant Transfer Record Card* by writing in the *Reason for Transfer* section: “Tenant has selected a different development. Tenant’s new development selection is: _____.” Staff initials and dates any change.
- iii. Staff does not have to complete a new NYCHA form 040.050C, *Transfer: Tenant Transfer Record Card*.

After the property manager’s review and approval, the NYCHA form 040.050C, *Transfer: Tenant Transfer Record Card* is sent to ATAD-FLD for transfer processing.

f. Selection of Available Apartment

- (1) When TSAP selects a new apartment for a tenant who is mandated to transfer (extremely underoccupied tenants (Section e. (3)) and tenants who are required to transfer as a result of a termination of tenancy proceeding (Section I.), property management staff of the development where the new apartment is selected will generate and mail by regular first class mail NYCHA form 040.050J, *Notification of Available Apartment – Move Required by NYCHA*. If the transfer is within the same development, staff will file a copy in the tenant’s folder. The *Notification* calls the tenant in for a rental interview at the development management office where the available apartment is located. Staff shall also attempt to contact the tenant by telephone or in person to explain that an apartment is available and that the tenant must now transfer.
- (2) Explaining the Requirement to Transfer: For inter-project transfers, property management staff at the development of the newly selected apartment shall send a copy of the *Notification* to the tenant’s development of residence, requesting that property management staff attempt additional contacts to explain the mandatory transfer requirements and file a copy of the *Notification* in the tenant’s folder.
- (3) Apartment Offers: The waiting list on which the tenant is placed determines the number of apartments the tenant will be offered:
 - (a) Tenants on a development waiting list will receive only one apartment offer.
 - (b) Tenants on a borough waiting list will receive two apartment offers (i.e. if the tenant rejects the first apartment offered, a second apartment will be offered).

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- (4) Apartment Inspection: A tenant subject to a mandatory transfer can request a pre-move inspection of the new apartment. The tenant will not be required to move into an apartment until it is in move-in condition.
- (5) Staff holds the apartment for seven (7) business days after the date printed on the NYCHA form 040.050J, *Notification of Available Apartment – Move Required by NYCHA*, to give the tenant an opportunity to contact the development to view the apartment. Once a tenant views an apartment, the tenant has three (3) business days to accept the apartment.

(6) Tenant Fails or Refuses to Move

If the tenant fails or refuses to accept the apartment or refuses to move, staff will ask the tenant to sign (when possible) NYCHA form 040.063A, *Refusal of Apartment: Mandatory Transfer*. Staff must commence termination of tenancy proceedings, provided that no exceptions to moving exist (See Section h.).

Document all refusals in the tenant folder.

(a) For Inter-Project Transfers:

- i. Notify the property manager at the tenant's development of residence that the tenant failed or refused to move.
- ii. Within three (3) business days after the refusal, scan to the manager of the tenant's development of residence a copy of the NYCHA form 040.063A, *Refusal of Apartment: Mandatory Transfer*, if signed by the tenant.
- iii. Within 30 calendar days of the refusal or failure to accept the apartment, staff at the tenant's development of residence must call in the tenant (using NYCHA form 040.185, Termination of Tenancy & Possible Subsidy – Call-In Letter: Public Housing and Section 8: TENANT or PROJECT Based) and send the folder to the Office of the Tenancy Administrator (OTA) to commence termination of tenancy proceedings.

(b) Tenant Fails or Refuses to Move - TSAP Disposition

- i. Disposition the case in TSAP as "Refused Apartment" (attach paperwork to Siebel first before you update the transfer status in TSAP).
- ii. Indicate in TSAP the reason for the refusal. Indicate: "Failed to respond" or "Refused to move."
- iii. DO NOT disposition the case in TSAP as "*Inactive*."
- iv. Commence termination of tenancy proceedings.

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NOTE:

- Refer to Section j. for Termination of Tenancy Proceedings
- Refer to Section e. (3) (d), for permissible changes in development choice before tenant is selected for an apartment.

g. Moving Incentives/Requirements

All tenants in underoccupied or extremely underoccupied apartments who transfer to an appropriate size apartment are entitled to the following moving incentives:

(1) Moving Expense Allowance

NYCHA provides \$350.00 in rent credit to tenants moving from underoccupied or extremely underoccupied apartments to smaller apartments of the proper size for their family composition.

The \$350.00 rent credit is posted on the ledger card of the new apartment after the tenant has moved, returned the keys to the former apartment and a property manager has inspected the former apartment to determine that NYCHA has regained possession of the apartment (i.e., no one continues to live in the former apartment).

NOTE:	Full public assistance recipients are not eligible for the \$350.00 moving expense allowance. Instead, the property manager informs the tenant that the NYC Human Resources Administration (HRA) may provide moving assistance, and provides the tenant with contact information for the appropriate HRA office.
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(2) Waiver of Maintenance Charges for the Old Apartment

The tenant will not be charged with NYCHA maintenance costs needed to repair and restore the old apartment for rental, unless the tenant has caused damage to the old apartment beyond normal wear and tear.

(3) Waiver of Smoke/CO Detector Charges in the New Apartment

The tenant will not be charged with the cost of providing smoke detectors and carbon monoxide detectors in the new apartment.

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(4) Security Deposit in the New Apartment

- (a) The security deposit in the new apartment shall be the amount specified by the Lease - the greater of one month's rent or the schedule amount listed in the Lease, based on apartment room size.
- (b) The security deposit in the old apartment shall be applied first to pay for any unpaid rent due from the old apartment and any tenant-caused damage to the old apartment beyond normal wear and tear. Any remaining security deposit balance will be transferred to the new apartment.
- (c) HRA Rent Security Voucher:
 - i. The HRA Rent Security Voucher is not transferrable from the old apartment to the new apartment. If the tenant submitted an HRA Rent Security Voucher in the old apartment, the tenant must obtain and submit a new HRA Rent Security Voucher for the new apartment.
 - ii. If the tenant submitted an HRA Rent Security Voucher in the old apartment, but cannot obtain a new HRA Rent Security Voucher for the new apartment, the tenant must pay a security deposit for the new apartment in the amount provided in the Lease for the new apartment.

NOTE:	A tenant can enter into a payment plan with NYCHA if he/she cannot pay the entire amount of an additional security deposit at once.
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(5) Calculating Rent / Vacancy Loss for Transferring Tenants

- (a) Rent for the NEW Apartment: The tenant must pay rent for the new apartment from the Charge-From Date, - meaning the date property management staff notifies the tenant that the apartment is ready for occupancy and that the keys for the apartment are ready for tenant pick-up. (See **Management Manual, Chapter I (Occupancy) Section V**).
- (b) Rent for the OLD Apartment – The tenant must pay rent for the old apartment while he/she is still in possession of the old apartment, and not beyond that date. The Charge-Thru Date is the date NYCHA acquires possession of the old apartment. NYCHA will not charge rent or “vacancy loss” for the old apartment once the tenant has vacated the old apartment and returns possession (meaning that everyone vacated the apartment) and returns the keys of the apartment to NYCHA.

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NOTE:	When a tenant is in possession of two apartments: <ul style="list-style-type: none">• The property manager in the new apartment's development shall not sign a lease with the tenant for the new apartment until staff verifies that the tenant has vacated and returned possession of the old apartment to NYCHA.• If the tenant holds two apartments for more than 30 calendar days, within 7 days after the 30th day staff in the old apartment's development shall start termination of tenancy proceedings against the tenant to regain possession of the old apartment.
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h. Exceptions to Moving

Under certain circumstances, a mandatory transfer may not be required or, may be delayed, or there may be a change affecting the appropriate apartment size, type or location to which the tenant must move. These circumstances occur when:

- NYCHA grants a tenant's request for a reasonable accommodation of a disability, where remaining in the current apartment is the reasonable accommodation.
- NYCHA grants a tenant's request for permission to add a person to the household on a permanent basis, and as a result of the addition of the new permanent household member, the apartment is no longer extremely underoccupied.

NOTE:	See Section i. , <i>Timing of Exceptions to Moving – Reasonable Accommodation or Permanent Permission Requests</i> , for the timing of a tenant's request for a reasonable accommodation or request for permanent permission for a person to join the household during the transfer process.
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(1) Reasonable Accommodation

- (a) A tenant may need to remain in the extremely underoccupied apartment as a reasonable accommodation of a disability of the tenant or authorized family member. A disability can be a physical, mental, or psychological impairment. A disability of a tenant or authorized family member may require a reasonable accommodation affecting the selection of an appropriate apartment.

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Under these circumstances, a tenant must be asked to complete NYCHA form 040.422, *Disability Status and Notice of Reasonable Accommodation Request (NYCHA Resident)*, and his/her health care provider must complete NYCHA form 040.426, *Reasonable Accommodation Request-Disability Verification*.

- (b) Some examples of reasonable accommodation which may modify a mandatory move to a smaller apartment are:
- i. An extra bedroom due to large medical equipment required by the disability, for example, a hospital bed. (Typically, a wheelchair would not be considered “large medical equipment.”).
 - ii. An extra bedroom for another reason required by the disability; or
 - iii. A need for an accessible unit; or
 - iv. A need to defer the move either temporarily or permanently, to accommodate the disability.
- (c) Staff can refer reasonable accommodation cases to the Family Services Department for assessment to determine whether additional assistance can or should be provided to help facilitate an apartment transfer and within what time period.
- (d) A tenant is not subject to mandatory transfer, even if the family resides in an extremely underoccupied apartment, if (i) NYCHA has previously granted the tenant an extra bedroom as a reasonable accommodation of a disability; (ii) the tenant continues to occupy the same size apartment; (iii) there has been no change in circumstances; and (iv) the person for whom the extra room was needed is still part of the family composition.

NOTE:	See Standard Procedure 040:12:1, <i>Reasonable Accommodations In Housing For Applicants, Section 8 Voucher Holders, and NYCHA Residents</i> , regarding NYCHA’s reasonable accommodation policy.
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(2) Permanently Adding a Family Member

In some circumstances, depending upon the family composition and the size of the apartment a tenant occupies, a tenant can resolve the extreme underoccupancy if NYCHA grants the tenant’s request to add a family member(s) to the household on a permanent basis.

All procedures relating to the permanent addition to the household apply. (See *Management Manual , Chapter I, Section XI*). Note that development staff must respond to all permanent permission requests in writing. Note further that temporary additions to a household cannot resolve underoccupancy or extreme underoccupancy.

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(3) Termination of Tenancy and Bawdy House Actions Pending

During the pendency of a termination of tenancy proceeding for non-desirability or a Bawdy House case against the tenant, staff should not offer or require the tenant to transfer to another apartment.

(4) Tenancy Terminated or Warrant of Eviction Issued

A tenancy is terminated if NYCHA has issued a Determination of Status terminating the tenancy, or if a court has issued a warrant of eviction. If a tenancy has been terminated in either of those ways, staff should not offer or require the tenant to transfer to another apartment.

NOTE:	<p>The property manager must make detailed entries in the tenant folder (electronic interview record) when approving or disapproving a tenant's request for an exception to mandatory transfer requirements.</p> <p>When any of the above exceptions cease to exist, the property manager processes the extreme underoccupancy transfer as specified in this section.</p>
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i. Timing of Exceptions to Moving – Reasonable Accommodation or Permanent Permission Requests

If the occupancy issue has been resolved after NYCHA grants a tenant's reasonable accommodation request or permanent permission request, the tenant will no longer be required to move. If the tenant did not make a reasonable accommodation request or permanent permission request, or the request was made but was denied by NYCHA, the following applies:

(1) Tenants not required to move as a result of a prior termination of tenancy proceeding (where no prior termination of tenancy proceeding resulting in a Determination of Status required the tenant to transfer to a smaller apartment- see Section e. (3)):

(a) Grievance requests within the initial 14-calendar day grievance period: the 14 days starting from the date printed on the NYCHA form 040.907, *Extreme Underoccupancy- Notice of Requirement to Move to a Correct Size Apartment*.

The tenant may request a grievance. In that grievance the tenant must raise all reasons he or she believes will exempt him/her from moving (i.e., (i) the general requirement to move, (ii) the denial of a reasonable accommodation request, or (iii) the denial of a request for permission to permanently add a family member.)

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- (b) After the 14-day period has expired, the tenant may grieve a denial of a reasonable accommodation request based on changed circumstances arising after the 14-day period. The tenant may also make a permanent permission request based on facts or circumstances arising after the 14-day period.
- (2) Tenants who are required to move as a result of a termination of tenancy proceeding where there are no underoccupancy charges, but the move is required as a term of a stipulation of settlement or in a Hearing Officer's decision resulting in a Determination of Status may:
- (a) Make a request for reasonable accommodation of a disability related to the move; or
- (b) Make a permanent permission request to add a family member to the household.

The request must be made by the earlier of:

- i. The tenant's acceptance of the keys for the new apartment, or
- ii. Within seven (7) business days after the date printed on the NYCHA form 040.050J, *Notification of Available Apartment – Move Required by NYCHA* notifying the tenant that he/she was selected in TSAP for a new apartment.

If property management requests additional supporting documentation in response to the tenant's request for reasonable accommodation or for permanent permission to add a household member, the tenant must submit the additional documentation within **7 business days** from the date of the document request from property management.

NOTE: See **Section j.** for rules relating to reasonable accommodation requests or permanent permission requests made by a tenant who has been served with termination of tenancy charges based on his/her failure or refusal to move, after a proper sized apartment has been offered.

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NOTE: If the tenant's move to the newly selected apartment is being delayed due to property management's consideration of the tenant's *Reasonable Accommodation* or *Permanent Permission* request, the newly selected apartment shall not be held for more than **seven (7) business days** after the date printed on the NYCHA form 040.050J, *Notification of Available Apartment – Move Required by NYCHA*.

The property manager of the tenant's current development informs the property manager of the newly selected development to release the apartment ('PC' or Pending Certification) in TSAP.

If NYCHA denies the tenant's reasonable accommodation or permanent permission request, the property manager of the tenant's current development will create a new transfer Service Request in Siebel, attach transfer documents and add a note requesting to restore the original transfer request in TSAP.

- j. Termination of Tenancy Proceedings: Charge of Failure or Refusal to Move after Apartment Offer
- (1) A tenant who is required to move to a smaller apartment, either because his/her apartment is extremely underoccupied or because a transfer was required as a result of a prior tenancy termination proceeding, is subject to a termination of tenancy proceeding if:
- The tenant refuses the apartment offered, or
 - The tenant accepted the offer to move, but refused or failed to move into the new apartment.
- Note that a tenant may refuse to move to an apartment that is not habitable.
- (2) If the tenant refuses the apartment offer or accepts it and refuses or fails to move, the property manager calls in the tenant to the development management office for an informal discussion. Use NYCHA form 040.185, *Termination of Tenancy & Possibly Subsidy - Call-In Letter: Public Housing and Section 8: TENANT or PROJECT Based*.

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- (3) The call-in and submission of the tenant folder to the Office of the Tenancy Administrator (OTA) for the commencement of termination of tenancy proceedings must be made within 30 calendar days from the date printed on the NYCHA form 040.050J, *Notification of Available Apartment – Move Required by NYCHA*, if the tenant fails or refuses to accept the apartment, or if the occupancy issue is not resolved.
- (4) The applicable termination of tenancy charges are: “Breach of Rules/Breach of Lease,” and either:
- (a) “‘Underoccupied,’ or ‘Extremely Underoccupied’ where a transfer was required by a prior termination of tenancy proceeding and Failed to Transfer to an Appropriate Sized Apartment after receiving notice of an available apartment,” or
- “‘Extremely Underoccupied’ and Failed to Transfer to an Appropriate Sized Apartment after receiving notice of an available apartment.”
- (b) Violation of Probation: The tenant should also be charged with “Violation of Probation” if the requirement to move was mandated by a prior termination of tenancy proceeding placing the tenant on probation.

NOTE:	<ul style="list-style-type: none">• See Section k. for further information about coordinating termination of tenancy proceedings with the tenant-initiated grievance process.
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- (5) Curing the Breach during Termination of Tenancy Proceeding
- (a) First Time Termination Hearing for Failure to Move: At any time during the termination of tenancy process and until the Hearing Officer closes or concludes the hearing, a tenant who is not required to move as a result of a prior termination of tenancy proceeding may resolve the proceeding and avoid termination of tenancy by entering into a stipulation with NYCHA in which (s)he agrees to transfer to a correct sized apartment.
- (b) Subsequent Termination Proceedings: A tenant who settles a termination of tenancy proceeding by agreeing to move, but afterwards refuses to move, may not resolve a subsequent charge of failure to move or violation of probation by agreeing to move in a stipulation of settlement, except if:
- i. The tenant developed a need for reasonable accommodation based on changed circumstances that occurred after settlement of the first termination of tenancy proceeding and NYCHA grants the request; or

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- ii. Family growth has occurred (i.e., birth, legal adoption, court ordered guardianship), and the family now requires an extra room or rooms.

(c) Such stipulations of settlement shall be subject to NYCHA's customary terms, including a probationary period.

k. Sequence of Termination and Grievance Proceedings

Reasonable accommodation requests and permanent permission requests must be addressed before a termination of tenancy proceeding for underoccupancy is commenced. The timing is important because, in some instances, the granting of a reasonable accommodation or a permanent permission request may eliminate the need for a termination proceeding.

(1) **Commencing a Termination of Tenancy Proceeding:** Law Department staff shall not serve termination of tenancy charges for a tenant's failure to comply with a mandatory transfer requirement if there is a pending tenant initiated grievance proceeding on the mandatory move requirement or based on NYCHA's denial of the tenant's:

- (a) Request for reasonable accommodation which, if granted, would exempt the tenant from moving; or
- (b) Request to permanently add a family member which, if granted, would resolve the underoccupancy issue.

NOTE:

- Staff can commence or continue a termination of tenancy proceeding based on the tenant's failure to move to a right sized apartment once NYCHA denies the tenant's grievance.
- Staff can commence or continue a termination of tenancy proceeding at any time for issues unrelated to the mandatory transfer, if any.

(2) **Pending Termination of Tenancy Proceeding:** A tenant may request a grievance while there is a pending termination of tenancy proceeding for failure to move to a proper size apartment. The grievance may be based on (i) NYCHA's denial of a reasonable accommodation request which, if granted, would exempt the tenant from moving, or (ii) NYCHA's denial of a request to add a permanent member to the household which, if granted, would exempt the tenant from moving.

Staff should take the following actions, depending upon the status of the termination of tenancy proceeding:

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- (a) If a hearing before a Hearing Officer has not yet started: do not start the hearing until the grievant has the opportunity to conclude the pre-hearing steps (development and borough) of the grievance process. The Hearing Officer will address both the grievance and the termination of tenancy issues in one hearing.
 - (b) If a hearing before a Hearing Officer has started: The Hearing Officer will address both the grievance and the termination of tenancy issues. The pre-hearing steps of the grievance process are not required.
- I. Termination of Tenancy Proceedings: Transfer Required but No Underoccupancy Charges
- (1) Applicability: A termination of tenancy proceeding in which charges are not related to underoccupancy may nevertheless involve a family residing in an underoccupied or extremely underoccupied apartment.
 - (a) Hearing Officer Decision: Termination of Tenancy charges may include general language informing the tenant of the following requirement: If the case is resolved by Hearing Officer decision requiring the permanent exclusion of a household member, the tenant may be required to move to an apartment of the correct size for the tenant's family composition when the apartment is or will soon become underoccupied or extremely underoccupied, or
 - (b) Stipulation of Settlement: The disposition of the termination of tenancy proceeding may contain, among other terms, the following requirement: If the case is resolved by a stipulation of settlement resolving the termination of tenancy proceeding, the tenant may be required to move to an apartment of the correct size for the tenant's family composition when the apartment is underoccupied or extremely underoccupied.
 - (2) Resolution: The tenant may resolve or cure the underoccupancy if NYCHA grants a reasonable accommodation or a permanent permission request by the earlier of (i) the tenant's acceptance of the keys for the new apartment, or (ii) within seven (7) business days after the date printed on the NYCHA form 040.050J, *Notification of Available Apartment – Move Required by NYCHA* (see Section i. (2)).
 - (3) Transfer Processing - Development staff waits seven (7) calendar days after the date printed on the Determination of Status before initiating the tenant transfer:

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- (a) OTA staff reviews all resolved termination of tenancy proceedings (both Hearing Officer decisions and Stipulations of Settlement) to determine whether the decision or stipulation requires the tenant to move to a correct size apartment. OTA staff notifies the tenant and development staff of the transfer requirement.
- (b) Upon receipt of the OTA transfer notice for a particular tenant, development staff confirms whether the tenant resides in either an underoccupied or extremely underoccupied apartment and has no previously granted exceptions from moving. If so, staff calls-in the tenant to the management office and provides him/her with NYCHA form 040.050, *Transfer – Tenant Request for Transfer*, and instructs the tenant to complete and return the form to the development management office within seven (7) calendar days. The Housing Assistant reviews the submitted NYCHA form 040.050, *Transfer – Tenant Request for Transfer* and ensures the tenant has signed and completed the form.
- (c) If the tenant does not submit the NYCHA form 040.050, *Transfer – Tenant Request for Transfer*, the Housing Assistant completes the form, indicating on the tenant signature line that it was completed by development staff.
- (d) Unless otherwise required by the stipulation of settlement, or Hearing Officer decision, the transfer choices are (1) an intra-project transfer or (2) an inter-project transfer to any development provided the selection is listed on the current *Guide to Anticipated Vacancies for Tenant Transfers* or (3) a borough waiting list, with the following exceptions:
 - i. If the tenant fails to respond or fails to select a development, staff shall process the transfer as an intra-project transfer for the tenant's current development, except to an LLC II development.
 - ii. The tenant can still choose a different development (inter-project transfer) until TSAP selects the tenant for an apartment.
 - iii. If the appropriate size apartment does not exist at the tenant's development of choice, the tenant must choose a development where the correct size apartment does exist.
 - iv. If the appropriate size apartment does not exist at the tenant's development and the tenant failed to choose another development with correct sized apartments, the tenant's name shall be placed on the borough waiting list in the tenant's borough of residence.
 - v. If the tenant's transfer choices are limited or restricted by the Hearing Officer's decision or the stipulation of settlement, then the tenant may not make any other transfer choices.

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(e) The TSAP Priority Code is: Priority T0, Transfer Type E (“T0-E”): When the tenant is Underoccupied or Extremely Underoccupied and required to move pursuant to a Termination of Tenancy proceeding.

(f) Staff completes NYCHA form 040.050C, *Transfer: Tenant Transfer Record Card*, keeping a copy in the tenant folder:

i. On the front side of the card, in the *Tenant’s Transfer Choice* section:

- In the “Transfer Type” box, insert “E”
- In the “Priority Code” box, insert “T0”
- Staff checks “Intra” (same development), unless tenant selects a different development. If a different development is selected, staff checks “Inter.”

ii. On the reverse side of the card, in the *Reason for Transfer* section, staff writes: “Termination of Tenancy Proceeding - Mandatory Transfer, and is being placed on a waiting list for his/her current development.”

(g) Staff sends to ATAD-FLD:

After the property manager’s review and approval, staff sends to ATAD-FLD for transfer processing the:

- i. NYCHA form 040.050C, *Transfer: Tenant Transfer Record Card*.
- ii. Stipulation of settlement or Hearing Officer’s decision resolving the termination of tenancy proceeding.

NOTE: Tenants required to transfer to a correct sized apartment as a result of a termination of tenancy proceeding:

- may not request a grievance regarding the mandatory transfer
- may request a reasonable accommodation of a disability, or may apply to add a person to the household on a permanent basis (see Section h.)
- are entitled to moving incentives (see Section g.)

m. Related Forms

The following forms are referenced in this section:

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- NYCHA form 040.050, *Transfer: Tenant Request for Transfer*
- NYCHA form 040.050C, *Transfer: Tenant Transfer Record Card*
- NYCHA form 040.050J, *Notification of Available Apartment – Move Required by NYCHA*
- NYCHA form 040.063A, *Refusal of Apartment: Mandatory Transfer*
- NYCHA form 040.185, *Termination of Tenancy & Possibly Subsidy - Call-In Letter: Public Housing and Section 8: TENANT or PROJECT Based*
- NYCHA form 040.302, *Grievance Procedures, Subdivision “A,” – Tenant Initiated Grievances*
- NYCHA form 040.302A, *Project Grievance Summary*
- NYCHA form 040.422, *Disability Status and Notice of Reasonable Accommodation Request (NYCHA Resident)*
- NYCHA form 040.426, *Reasonable Accommodation Request-Disability Verification*
- NYCHA form 040.906, *Underoccupancy Notice* (made obsolete effective 12/7/2015)
- NYCHA form 040.907, *Extreme Underoccupancy - Notice of Requirement to Move to a Correct Size Apartment*
- NYCHA form 040.908, *Extreme Underoccupancy - Notice of Waiting List Placement*
- NYCHA form 070.081A, *Waiting List Letter – Transfer Request*

n. Sources Referenced

The following documents are referenced in this section:

- Management Manual, Chapter I, Appendix F, *Tenant Selection and Assignment Plan (TSAP) Transfer Guide and NYCHA Occupancy Standards for Families*
- Standard Procedure 040:12:1, *Reasonable Accommodations In Housing For Applicants, Section 8 Voucher Holders, and NYCHA Residents*
- Management Manual, Chapter I, Section XI.B., *Family Composition Changes*
- Management Manual, Chapter I, Section V, *Apartment Move-In*

7. Emergency Transfer Program and Plan

a. Introduction

NYCHA’s Emergency Transfer Program allows tenants (lessee or co-lessee) to apply for an emergency transfer if they believe they, or other individuals covered under the definitions below, qualify as a victim under one of the four emergency transfer categories:

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- (1) Victim under the Violence Against Women Act (VAWA): victim of domestic violence, dating violence, sexual assault, or stalking
- (2) Intimidated Witness
- (3) Intimidated Victim
- (4) Victim of a Traumatic Incident

This plan is based on a model emergency transfer plan published by the U.S. Department of Housing and Urban Development (HUD), the Federal agency that oversees NYCHA.

In making its eligibility determinations regarding emergency transfers, NYCHA does not discriminate on the basis of any protected characteristic, including race, color, religion, national origin, sex, disability, sexual orientation, age, familial status, marital status, partnership status, lawful occupation, lawful source of income, military status, alienage or citizenship status, or on the grounds that a person is a victim of domestic violence, dating violence, sexual assault, or stalking. NYCHA makes assistance available to all otherwise eligible individuals regardless of actual or perceived protected status in the above-listed groups.

This section outlines NYCHA's eligibility criteria, documentation requirements, and procedures for processing emergency transfer requests for each emergency transfer category. Additionally, this section provides guidance on alternative housing options, confidentiality protections, and safety and security.

NYCHA will provide reasonable accommodations to this policy for individuals with disabilities.

b. Emergency Transfer Process and Categories

NYCHA cannot guarantee that an emergency transfer request will be approved or how long it will take to process an emergency transfer request.

NYCHA will review each emergency transfer request to determine if the tenant meets the eligibility requirements for the requested transfer category. Eligible tenants who meet the emergency transfer requirements will be placed on NYCHA's waiting list and given a T2 transfer priority in the Tenant Selection and Assignment Plan (TSAP). NYCHA will act as quickly as possible to transfer eligible tenants; however, NYCHA's ability to transfer an eligible tenant to a new apartment depends on the availability of a unit based on the tenant's family composition and transfer preferences, the tenant's transfer priority, the size of NYCHA's waiting list, turnover rate, and the availability of vacant apartments.

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To qualify for an emergency transfer, a tenant must meet the eligibility requirements and submit the requisite documentation under one of the transfer categories below.

(1) VAWA Victims

(a) Eligibility Standard

To qualify for an emergency transfer as a VAWA victim:

- i. The tenant, an authorized household member, or an affiliated individual⁷ must qualify as a victim under one of the following VAWA categories:
 - **Domestic Violence:** Victim of a felony or misdemeanor crime of violence committed by a family member, current or former spouse or intimate partner, a person similarly situated to a spouse under New York’s domestic or family violence laws, or by a person against a victim protected under New York’s domestic or family violence laws.
 - **Dating Violence:** Victim of violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such relationship is to be determined based on length and type of relationship and frequency of interaction between the persons involved in the relationship.
 - **Sexual Assault:** Victim of any nonconsensual sexual act proscribed by Federal, tribal, or State law, including when the victim lacks the capacity to consent.
 - **Stalking:** Victim of a course of conduct directed at a specific person that would cause a reasonable person to fear for his/her individual safety or the safety of others, or suffer substantial emotional distress.

NOTE: If a tenant requests an emergency transfer based on an incident involving an individual who is not a tenant or authorized household member, staff will review the request to determine whether the individual qualifies as an “affiliated individual” and whether the tenant qualifies for emergency transfer under VAWA.

⁷ An Affiliated Individual is defined as a spouse; parent; brother; sister; child; or a person to whom the tenant stands in the place of a parent or guardian, i.e., a person in the tenant’s care, custody, or control.

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- ii. A tenant, authorized household member, or affiliated individual, who meets any of the above definitions must also reasonably believe that he or she is threatened with imminent harm from further violence if he or she remains in his or her current apartment. This means the victim has reason to fear that if the victim does not receive a transfer the victim would suffer violence in the very near future.

Victims of sexual assault may also qualify if the sexual assault occurred on the premises of the property from which the tenant is seeking to transfer, and that assault happened within the 90-calendar-day period before submission of a transfer request form.

NOTE: The ability to request a transfer under VAWA is available regardless of sex, gender identity, or sexual orientation.

(b) Co-Lessees

If the perpetrator and the victim are co-lessees, the perpetrator still resides in the NYCHA apartment, and the victim seeks an emergency transfer, Property Management staff must first inform the victim that he or she must initiate a process to bifurcate the lease. Property Management staff must provide the victim with NYCHA Form 040.683, *VAWA: Victim Certification-HUD Form No. 5006*, and advise him or her to submit the form with the transfer request. Property Management staff must submit any bifurcation documentation to FLD. See Section XXI., *Compliance With Violence Against Women Act (VAWA)*, for information on bifurcation.

(c) Authorized Occupants

If the perpetrator is the sole lessee (sole signatory of the lease) and an authorized occupant seeks an emergency transfer under VAWA, the authorized occupant must first establish eligibility to succeed to the lease under Section XXI., *Compliance With Violence Against Women Act (VAWA)*, and staff must initiate proceedings to terminate the tenancy of the perpetrator. If at least one authorized occupant has eligible immigration status, the family has 90 calendar days from the date of bifurcation to establish eligibility to succeed to the lease or to find alternative housing. See Section XXI., *Compliance With Violence Against Women Act (VAWA)*, for information on this process. If no authorized occupants have eligible immigration status, the family is limited to 30 calendar days from the bifurcation to establish eligibility, unless the authorized household member-victim is a VAWA self-petitioner. See below for the rules regarding VAWA self-petitioners.

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See Section XII.B., *Eligibility for a Lease/Occupancy of a NYCHA Apartment*, for information on establishing eligibility.

(d) VAWA Self-Petitioners

If the perpetrator is the sole lessee with eligible immigration status, an authorized occupant may qualify for eligible immigration status as a VAWA self-petitioner.

- i. To apply as a VAWA self-petitioner, the authorized occupant must submit INS Form I-360, INS Form I-130, or INS Form 797 to Property Management.
- ii. If Property Management receives one of these forms from an authorized occupant, it must treat the individual as having satisfactory immigration status during the verification process.
 - During this time, Property Management should not delay, deny, reduce, or terminate assistance to the authorized occupant and should proceed with transferring the lease to the authorized occupant if he or she is otherwise eligible.
 - If the self-petitioner seeks an emergency transfer, Property Management must provide him or her with the emergency transfer application, and advise him or her that he or she can only apply for a transfer once he or she is a lessee.
 - If a self-petitioner has become a lessee and submits an emergency transfer request during the verification process, staff must process the emergency transfer request.
- iii. To verify the self-petitioner's status, staff must initiate verification in the DHS SAVE system in accordance with HUD PIH 2017-02 (HA). Once Property Management has entered the requisite information into the SAVE system, staff must wait for a final determination from the SAVE system.
 - If Property Management receives a final determination from the SAVE system denying the individual's VAWA self-petition, Property Management must cancel the bifurcation, cancel or deny the emergency transfer request, if applicable, and notify the self-petitioner.
 - If Property Management receives a final determination granting the self-petition, Property Management must proceed with processing any outstanding requests.

iv. Documentation

To establish eligibility for a VAWA emergency transfer, the tenant must submit a completed NYCHA Form 040.923, *Emergency Transfer Request Form: VAWA Victim*, including the signed certification establishing that the tenant, authorized household member, or affiliated individual meets the above eligibility standard. The form can be submitted online using NYCHA's Self-Service Portal, or to the Property Management office.

If a tenant submits a completed, signed *Emergency Transfer Request Form for VAWA Victims*, NYCHA cannot require the tenant to submit additional third-party documentation. See the third party documentation requirement exceptions listed below. Tenants may submit additional third-party documentation if they choose, but it is their option.

Exception: Third party documentation is required in three situations: (i) If a tenant submits an emergency transfer request and certification with conflicting information, (ii) if a tenant submits documentation that conflicts with existing information NYCHA already has, or reliable information NYCHA regularly receives, such as police reports or surveillance footage, or (iii) if NYCHA receives cross-complaints: requests from two or more members of a household, each claiming to be a victim and naming one or more of the other petitioning household members as the perpetrator. See Section VI.A.7.d.(3), *Conflicting Information and Cross-Complaints*, below for more information on processing cross-complaints.

v. Initiating a Transfer

If a tenant visits the Property Management office and requests an emergency transfer under VAWA, Property Management staff gives the tenant NYCHA Form 040.923, *Emergency Transfer Request Form: VAWA Victim*, generated under the case record in Siebel to record the request. The "Requested For" field, identifying the person making the request, must be indicated on the document tracking record. A sample form is also available online on NYCHA's website under the "Residents" section.

To initiate a VAWA transfer request in person:

- The tenant must complete NYCHA Form 040.923, *Emergency Transfer Request Form: VAWA Victim*, using NYCHA's Self-Service Portal or by submitting a hard copy to Property Management.

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- If the form is submitted to Property Management, the property manager shall immediately create the Emergency Transfer Service Request in Siebel and upload the emergency transfer request form. If the tenant submits any additional documents to Property Management, these must also be uploaded to Siebel as per the current transfer process procedure. This includes any bifurcation documentation, if applicable.
- If the Transfer Request is submitted online, the system will forward it to the property manager for review. Property managers must check their Transfer queues for all outstanding Service Requests.
- Once the emergency transfer request has been submitted, the case will automatically be flagged as sensitive in Siebel and will be assigned to Property Management for review.
- Property Management staff must review the request to FLD within 2 business days from when the tenant submits the request. They must ensure that all the required information is included on the Service Request.
- If there are issues regarding the family composition or the status of the tenancy due to a termination of tenancy or warrant of eviction being issued, a note is made on the Service Request followed up by a communication to the FLD supervisor.
- The Approval Activity on the service request must then be completed and the request assigned to ATAD (FLD) for processing.
- FLD staff will review and approve or disapprove the Transfer Request. Follow up may be required if there are any issues that would result in the disapproval of the request or unresolved issues related to a reasonable accommodation.
- Notification of the approval/disapproval of the request will be sent to the tenant's address, unless he or she indicates a preferred alternate address. Tenants can also check the status of their request on the Self-Service Portal.

(2) Intimidated Witnesses

(a) Eligibility Standard

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To qualify for an emergency transfer as an Intimidated Witness (IW), a tenant or authorized household member must demonstrate that he or she meets one of the following definitions:

i. Intimidated Witness – NYPD Referral:

A tenant or authorized household member is referred by, and cooperates with, the NYPD in the anticipated arrest and/or prosecution of an individual who committed a crime, and as a result of such cooperation: (i) the NYPD anticipates that (s)he will suffer threat or physical injury once his or her cooperation with law enforcement becomes known to the perpetrator and/or the perpetrator's associates, (ii) the perpetrator or the perpetrator's associates know where the tenant or authorized household member lives, and (iii) the NYPD anticipates that the tenant or authorized household member will suffer if (s)he continues to live in the current residence.

ii. Intimidated Witness – N.Y. District Attorney/ NYC Corporation Counsel/ U.S. Attorney Referral:

A tenant or authorized household member is referred by and cooperates with the N.Y. District Attorney's Office/ NYC Corporation Counsel (if the perpetrator is a minor), or U.S. Attorney's office in the arrest and prosecution of an individual(s) who committed a crime, and as a result of such cooperation: (i) the tenant or authorized household member suffered actual physical injury or the threat of injury against him or herself or immediate family due to cooperation in the arrest and/or prosecution of the perpetrator, and the perpetrator or perpetrator's associates know where the tenant or authorized household member lives, and (ii) the tenant or authorized household member will continue to suffer if (s)he continues to live in the current residence.

(b) Documentation

To establish eligibility for an IW transfer, the Referring Agency (N.Y.P.D., N.Y. District Attorney, NYC Corporation Counsel or U.S. Attorney) must submit the following documents through NYCHA's Self-Service Portal:

- i. NYCHA Form 040.921OL, *Emergency Transfer Request Form for Intimidated Witness*.
- ii. Referring Agency Advocacy Letter establishing that the tenant or authorized household member meets the above eligibility standard.

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(c) Initiating a Transfer

If a tenant visits a Property Management office and requests an emergency transfer as an IW, Property Management staff gives the tenant NYCHA Form 040.921A, *Tenant Consent Form for Intimidated Witness*, generated under the case record in Siebel to record the request. The “Requested For” field, identifying the person making the request, must be indicated on the document tracking record. A sample form is also available online on NYCHA’s website under the “Residents” section. Along with the consent, the tenant should be given NYCHA Form 040.921B, *Emergency Transfer Information Sheet for Intimidated Witness*, and NYCHA Form 088.121, *IW Transfer-Emergency: NY District /US Attorney Offices/NYPD*.

To initiate an IW transfer request:

- i. The tenant must be referred by a Referring Agency, such as the NYPD, N.Y. District Attorney, NYC Corporation Counsel, or U.S. Attorney.
- ii. If the Referring Agency agrees to refer the tenant for an IW transfer, the tenant must provide consent for the Referring Agency to submit a referral to NYCHA on the tenant’s behalf either by signing the online Intimidated Witness Consent Form on NYCHA’s Self-Service Portal under the Transfer tab, OR obtaining a hard copy of NYCHA Form 040.921A, *Tenant Consent Form for Intimidated Witness*, generated in Siebel under the contact record from Property Management and submitting it at the Property Management office.

If the consent form is submitted at the Property Management office, staff must upload the form in Siebel under the tenant’s case record. This will enable the referring agency to proceed with the referral.

- iii. To complete an IW emergency transfer request, the Referring Agency must complete NYCHA Form 040.921OL, *Emergency Transfer Request Form for Intimidated Witness*, on NYCHA’s Self-Service Portal, upload all required documentation to the portal, and submit the referral online.
- iv. Upon submission of the referral by the Referring Agency, a Service Request is immediately created in Siebel for Property Management review. Property managers must ensure they monitor their Transfer queue for new Service Requests.

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- v. Once the emergency transfer request has been submitted, the case will be flagged as sensitive in Siebel and will be assigned to Property Management for review.
- vi. Property Management staff must review the request and any supporting documentation, verify income and household composition, and submit the request to FLD within 2 business days from when the tenant submits the request. They must ensure that all the required information is included on the Service Request.
- vii. If there are issues regarding the family composition or the status of the tenancy due to a termination of tenancy or warrant of eviction being issued, a note must be made on the Service Request, followed up by a communication to the FLD supervisor.
- viii. The Approval Activity must then be completed and the request assigned to ATAD (FLD) for processing.
- ix. FLD staff reviews and approves or disapproves the Transfer Request. Follow up may be required if there are any issues that would result in the disapproval of the request or unresolved issues related to a reasonable accommodation.
- x. Notification of the approval/disapproval of the request is sent to the tenant at the tenant's address, unless he or she indicates an alternate address, and to the Referring Agency. Tenants and Referring Agencies can also check the status of the request on the Self-Service Portal.
- xi. For approved emergency transfer requests, an apartment notification letter is sent to the tenant and an email is sent to the Referring Agency once an apartment becomes available.

(3) Intimidated Victims

(a) Eligibility Standard

To qualify for an emergency transfer as an Intimidated Victim (IV), a tenant or authorized household member must demonstrate that he or she meets the following definition:

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A tenant or authorized household member who is the victim of a violent crime or the threat of a violent crime and such crime was committed in a non-random manner as a result of a relationship between the victim and the perpetrator, and as a result of such crime the victim suffered actual physical injury or the threat of injury against him or herself or immediate family, and the victim will continue to suffer if (s)he continues to live in the current residence.

To be eligible, the crime must have occurred within 12 months of the submission date of the emergency transfer request.

A tenant or authorized household member who meets any of the above standard must also reasonably believe that he or she is threatened with immediate harm from further violence if the tenant remains in his or her current apartment. This means the victim has reason to fear that if he or she does not receive a transfer, he or she would suffer violence in the very near future.

(b) Documentation

To establish eligibility for an IV transfer, Safe Horizon must submit the following documents through NYCHA's Self-Service Portal:

- i. NYCHA Form 040.920OL, *Emergency Transfer Request Form for Intimidated Victims*
- ii. A Safe Horizon Emergency Transfer Advocacy Letter
- iii. One form of the following third-party documentation:
 - An order of protection (OOP) from a Criminal Court documenting a criminal offense of physical violence or threat of violence against the victim that occurred within 12 months of the submission date of the emergency transfer request; OR
 - A Police Report (Complaint 61) documenting a criminal offense of physical violence or threat of violence against the victim that occurred within 12 months of the submission date of the emergency transfer request.

(c) Initiating a Transfer Request

If a tenant visits the Property Management office and requests an emergency transfer as an IV, staff must give the tenant NYCHA Form 040.920A, *Tenant Consent Form for Intimidated Victims*, generated under the case record in Siebel to record the request. The “Requested For” field, identifying the person making the request, must be indicated on the document tracking record. A sample form is also available online on NYCHA’s website under the “Residents” section. Along with the consent form, the tenant should be given NYCHA Form 040920B, *Emergency Transfer Information Sheet for Intimidated Victims*.

To initiate an IV transfer request:

- i. The tenant must be referred by Safe Horizon.
- ii. If Safe Horizon agrees to refer the tenant for an IV transfer, the tenant must provide consent for Safe Horizon to submit a referral to NYCHA on the tenant’s behalf either by signing the Intimidated Victim Consent Form online on NYCHA’s Self-Service Portal under the Transfer tab, OR obtaining a hard copy of NYCHA Form 040.920A, *Tenant Consent Form for Intimidated Victims*, generated in Siebel under the contact record from Property Management and submitting it at the Property Management office.

If the consent form is submitted at the Property Management office, staff must upload the form in Siebel under the tenant’s contact record. This will enable the referring agency to proceed with the referral.

- iii. To complete an IV emergency transfer request, the Referring Agency must complete NYCHA Form 040.920OL, *Emergency Transfer Request Form for Intimidated Victims*, on NYCHA’s Self-Service Portal, upload all required documentation to the portal, and submit the referral online.
- iv. Upon submission of the referral by the Referring Agency, a Service Request is immediately created in Siebel for Property Management review. Property managers must ensure they monitor their Transfer queue for new Service Requests.
- v. Once the emergency transfer request has been submitted, the case will automatically be flagged as sensitive in Seibel and will be assigned to Property Management for review.

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- vi. Property Management staff must review the request and any supporting documentation, verify income and family composition, and submit the request to FLD within 2 business days from when the tenant submits the request. They must ensure that all the required information is included on the Service Request.
- vii. If there are issues regarding the family composition or the status of the tenancy due to a termination of tenancy or warrant of eviction being issued, a note must be made on the Service Request followed up by a communication to the FLD supervisor.
- viii. The Approval Activity must then be completed and the request assigned to ATAD (FLD) for processing.
- ix. FLD staff reviews and approves or disapproves the Transfer Request. Follow up may be required if there are any issues that would result in the disapproval of the request or unresolved issues related to a reasonable accommodation.
- x. Notification of the approval/disapproval of the request is sent to the tenant's address, unless he or she indicates a preferred alternate address. Tenants and Safe Horizon can also check the status of the request on the Self-Service Portal.
- xi. For approved requests, an apartment notification letter is sent to the tenant and an email is sent to the Referring Agency once an apartment becomes available.

(4) Victims of a Traumatic Incident

(a) Eligibility Standard

To qualify for an emergency transfer as a Victim of a Traumatic Incident (VTI), a tenant or authorized household member must demonstrate that he or she meets the following definition:

A tenant or authorized household member who is either the victim of a violent felony on development grounds or witnessed a violent felony committed against another household or family member (as defined in Section XI.B.2.a.(2))⁸ on development grounds, and as a result of the violent felony suffered trauma and will continue to suffer if (s)he continues to live in the current residence.

⁸ Family members include the following: husband, wife, son, daughter, stepson, stepdaughter, father, mother, stepfather, stepmother, brother (including half-brother), sister (including half-sister), grandfather, grandmother, grandson, granddaughter, son-in-law, daughter-in-law, father-in-law, mother-in-law, or a person registered as the domestic partner of the tenant.

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(b) Documentation

To establish eligibility for a VTI transfer, the tenant must submit the following documents through NYCHA's Self-Service Portal or to the Property Management office:

- i. NYCHA Form 040.922, *Emergency Transfer Request Form: Victims of a Traumatic Incident*.
- ii. NYCHA Form 088.165, *Transfer – Victim of Traumatic Incident*, or documentation submitted by a psychiatrist or a licensed social worker documenting the traumatic effects of a violent felony on the tenant or authorized household member and recommending a transfer.
- iii. A police report identifying NY Penal Law Section of offense on *Violent Felony List for Victims of a Traumatic Incident* (see Appendix W for this list), and address and date indicating the offense took place at the tenant's development no more than 6 months before the date the tenant submitted the emergency transfer request.

(c) Initiating a Transfer Request

If a tenant visits the Property Management office and requests an emergency transfer as a VTI, Property Management staff must give the tenant NYCHA Form 040.922, *Emergency Transfer Request Form: Victims of a Traumatic Incident*, generated under the case record in Siebel to record the request. The "Requested For" field, identifying the person making the request, must be indicated on the document tracking record. A sample form is also available online on NYCHA's website under the "Residents" section.

To initiate a VTI transfer request:

- i. The tenant must complete NYCHA Form 040.922, *Emergency Transfer Request Form: Victims of a Traumatic Incident*, using NYCHA's Self-Service Portal or by submitting a hard copy to Property Management. The tenant must also submit NYCHA Form 088.165, *Transfer – Victim of Traumatic Incident*, and a copy of a qualifying police report by uploading them to the Self-Service Portal or submitting them with their hard copy application.

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- ii. If the form is submitted to Property Management, the property manager shall immediately create the Emergency Transfer Service Request in Siebel and upload the emergency transfer request form along with the required documents. Property Management must not accept the form unless all required documents are included.
- iii. If the Transfer Request is submitted online, the system will forward it to the property manager for review. Property managers must check their Transfer queues for all outstanding Service Requests.
- iv. Once the emergency transfer request has been submitted, the case will automatically be flagged as sensitive in Siebel and will be assigned to Property Management for review.
- v. Property Management staff must review the request and any supporting documentation, verify income and household composition, and submit the request to FLD within 2 business days from when the tenant submits the request. They must ensure that all the required information is included on the Service Request.
- vi. If there are issues regarding the family composition or the status of the tenancy due to a termination of tenancy or warrant of eviction being issued, a note must be made on the Service Request followed up by a communication to the FLD supervisor.
- vii. The Approval Activity must then be completed and the request assigned to ATAD (FLD) for processing.
- viii. FLD staff reviews and approves or disapproves the Transfer Request. Follow up may be required if there are any issues that would result in the disapproval of the request or unresolved issues relating to a reasonable accommodation.
- ix. Notification of the approval/disapproval of the request is sent to the tenant's address, unless he or she indicates a preferred alternate address. Tenants can also check the status of their request on the Self-Service Portal.
- x. For approved requests, apartment notification letters are sent to the tenant once an apartment becomes available.

c. Emergency Transfer Options

Tenants who are eligible for an emergency transfer have the option to be placed on a NYCHA-wide waiting list that includes developments in all five boroughs. Alternatively, a tenant can select a borough-specific waiting list, where they can choose to be placed on the waiting list for a single borough.

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Tenants can also have the option of excluding areas in which they would not feel safe transferring to by selecting up to two zip codes to exclude from NYCHA's apartment selection process. Tenants are not required to exclude any zip codes, including the zip code where they currently reside, if they feel they can safely transfer to an apartment in their current zip code.

d. Evaluation of Transfer Requests

Once an emergency transfer request has been submitted by Property Management or through NYCHA's Self-Service Portal, ATAD shall:

- Review the request and any supporting documentation, including bifurcation documentation, if applicable, to determine whether the tenant is eligible for an emergency transfer in the designated category.
- Ensure that all the information required to process the transfer is updated and correct on the Service Request.
- Verify any reasonable accommodation requests and documentation.
- Verify immigration status for VAWA Self-Petitioners in the SAVE system, if applicable.
- Approve or disapprove the request based on VAWA requirements and NYCHA tenancy standards (no warrant of eviction or termination of tenancy has been issued).

(1) Approvals

- (a) ATAD shall place approved transfers on the appropriate TSAP waiting list and enter excluded zip codes, if indicated.
- (b) ATAD shall ensure NYCHA Form 040.050B, *Public Housing Transfer Determination Letter*, is sent to the tenant at the address indicated in the application.

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- (c) Based on their placement on the waiting list, tenants are contacted by the selecting development once an apartment is available. To facilitate safe transfers, eligible tenants are given two apartment offers. If a tenant receives and rejects two offers because the tenant believes the proposed transfers would not be safe, the tenant must submit a signed statement to Property Management from the tenant or an advocate providing a concrete and reasonable explanation for why the prior apartment offers were unsafe. If the tenant feels unsafe submitting the request to his or her current development, the tenant can submit the request to the development office where the second apartment offered is located. Property Management staff must upload the request to Siebel and create a Record Update Service Request (sub-type: Transfer Change). The request is evaluated by FLD to determine if the tenant qualifies for a third offer. FLD notifies the tenant by mail once a determination has been made.

NOTE: Tenants who are found eligible for an emergency transfer and accept an offered apartment must move to the new apartment along with other authorized household members. No one may remain in the old apartment. The transfer must result in only one subsidized apartment for the household.

(2) Disapprovals

- (a) Tenants may be found ineligible for the transfer if, at the time of review of the request, they do not meet the requirements for the type of transfer requested, there is an issue with the family composition, the tenancy has been terminated following administrative proceedings, or a warrant of eviction has been issued.
- (b) NYCHA Form 040.050B, *Public Housing Transfer Determination Letter*, is sent to the tenant advising them of the disapproval. They have 14 days to appeal the decision at the Property Management office through the standard grievance process. If a tenant also files a complaint regarding an emergency transfer with NYCHA's Department of Equal Opportunity (DEO), DEO will wait for the tenant to complete the grievance process before investigating the complaint. Tenants may again be found ineligible upon apartment selection when the tenancy evaluation is conducted if there is an issue with the family composition, the tenancy has been terminated following administrative proceedings, or a warrant of eviction has been issued.

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(3) Conflicting Information and Cross-Complaints

If Property Management receives conflicting information or cross-complaints, Property Management staff must immediately notify the FLD supervisor. If FLD receives conflicting information or cross-complaints from two or more tenants, FLD staff must follow the procedures below:

- (a) Place an immediate hold on any emergency transfer requests that are submitted.
- (b) Immediately send NYCHA Form 040.926, *VAWA Cross-Complaints: Request for Third-Party Documentation*, to all tenant(s) or cross-complainants requesting additional third-party documentation within 30 calendar days of the date of the request. Tenants must be directed to submit additional documentation to their Property Management office. If Property Management receives additional documentation, staff must upload it to Siebel and create a Record Update Service Request (sub-type: Transfer Change).
 - i. If third-party documentation is not provided by either tenant within 30 calendar days, both emergency transfer requests must be denied.
 - ii. If one or both tenants submit third-party documentation, staff must evaluate the documentation to determine if the additional documentation identifies the victim and perpetrator.
 - If documentation identifies a victim and perpetrator, staff must proceed with processing the transfer for the victim and notifying Property Management to commence termination proceedings against the perpetrator.
 - If the documentation does not identify a victim and a perpetrator, staff must send both complainants NYCHA Form 040.927, *VAWA Cross-Complaints: Denial Based on Insufficient Verification*, notifying both complainants that their conflicting requests for emergency transfers are denied because NYCHA was unable to make a determination based on the documentation provided. Property Management must be notified not to take any adverse action against the tenancy based on the emergency transfer requests.
 - If one or both complainants submit additional documentation after the new documentation identifies a victim and a perpetrator, staff must proceed as indicated in the first bullet point on this page.

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e. Move-In and Move-Out Process

- (1) Property Management staff must exercise extreme caution to prevent a tenant's inadvertent move-out in TDS during the processing of an emergency transfer. A tenant who notifies Property Management staff that (s)he is leaving the NYCHA apartment while the transfer is pending must be advised not to turn in keys or sign NYCHA Form 040.032, *Notice of Intent to Vacate*. If an emergency transfer is in process, an apartment must not be considered abandoned based on reports that the tenant no longer resides there.
- (2) Tenants who do not wish to reside in their NYCHA apartments while their transfers are pending must be advised by development staff that they are still responsible for paying rent.
- (3) If a tenant has moved into an apartment at another development based on an emergency transfer, (s)he must turn in the keys to the old apartment within 15 days of receiving the keys to the new apartment and sign NYCHA Form 040.032, *Notice of Intent to Vacate*, at the Receiving Development. The Receiving Development forwards both items to FLD. FLD notifies the Originating Development that the tenant has moved. Failure to turn in keys within 15 days may result in charges for both apartments.
- (4) The Receiving Development must not charge rent for the new apartment until the tenant has signed the lease for the new apartment and the 15-day period has expired.

f. Confidentiality

Staff must maintain the confidentiality of all information and documentation pertaining to a tenant's emergency transfer request, including the tenant's new location and the tenant's status as a victim, unless the tenant: (1) gives written permission to NYCHA to release the information on a time limited basis, (2) NYCHA needs to use the information in an eviction or termination proceeding, or (3) a law requires NYCHA to release the information.

Access to information and records pertaining to emergency transfer requests will be restricted and only granted to staff on a need-to-know basis.

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g. Safety and Security

NYCHA's Emergency Transfer Program is not intended to be a witness protection program and NYCHA cannot guarantee the safety or security of individuals and families who choose to apply and/or who are transferred under this program. Pending the review and/or processing of the tenant's emergency transfer request, tenants should be urged to take reasonable precautions to be safe.

Tenants seeking additional guidance on safety and security must be given a copy of *Resources for VAWA Victims* (Appendix X). This form is also available on NYCHA's website under the "Residents" section and must be made available at the Property Management office upon request.

h. External Transfers and Resources

If a tenant seeks to apply for housing in a different NYCHA program, other than NYCHA's public housing program, or seeks to apply for housing with a different housing provider, Property Management must give the tenant a copy of *Alternative Housing Resources* (Appendix Y), which identifies other programs and housing providers the tenant may contact for assistance. A tenant may apply simultaneously for an emergency transfer and for housing in a different NYCHA program.

B. 21 LLC Developments (Formerly City/State Developments)

1. Transfer Requests During Section 8 Tenancy

Residents in the LLC⁹ developments who participate in the Section 8 program may request one of the following transfer types:

- NYCHA transfers within the same or another LLC development as intra- or inter-project transfers in accordance with TSAP procedures.
- Private Housing transfers to private housing in the LHD's Section 8 Program or outside New York City to another Section 8 Program (Portability) in accordance with the Section 8 Transfer procedures as indicated in LHD19990017, *Revised Transfer Policy and Procedure* and LHD20060009, *Designation of Emergency Transfer Categories*.

⁹ LLC developments include Marlboro, Bushwick, Bayview, Manhattanville, Rutgers, Drew-Hamilton, Chelsea, Amsterdam Addition, Frederick E. Samuel, Marble Hill, Castle Hill, St. Mary's Park, Stapleton, Boulevard, Linden, Williams Plaza, Independence Towers, Wise Towers, 344 East 28th St., Baychester, and Murphy.

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2. NYCHA Transfers

Section 8 tenants in the LLC developments requesting intra- or inter-project transfers may only transfer to Section 8 apartments at LLC developments.

a. Non - Emergency transfers

The TSAP System is for intra- and inter-project transfers within the LLC developments subject to Section 8 Occupancy Standards as indicated in Appendix S.

Intra- and inter-project transfer requests are processed in accordance with TSAP Priority Codes, Transfer Types, and eligibility requirements.

b. Emergency Transfers-Victims under the Violence Against Women Act (VAWA Victims defined as victims of domestic violence, dating violence, sexual assault, or stalking), IVs, IWs, and VTIs.

For emergency transfers within the LLC developments, follow the procedures indicated in Section VI. A.7., *Emergency Transfer Program and Plan*.

Tenants in LLC developments may transfer to another LLC development within the same or a different borough or request an emergency transfer to private housing.

If ETU approves the emergency transfer, it is forwarded to:

- FLD if another LLC development is selected
- LHD's Landlord/Tenant Relations Rental Unit if a transfer to private housing is selected. Refer to Section VI. B. 3. for more information about transferring to private housing.

c. Transfers Due to Underoccupancy

Tenants in the LLC Section 8 Transition Program are required to transfer to an apartment of the proper bedroom size if the number of bedrooms in the apartment exceeds the *Section 8 Occupancy Standards* (Appendix S).

(1) Underoccupancy Letter

Staff mails the forms, *City/State Section 8 Transition Program Underoccupancy Letter*, NYCHA form 040.695, and *Transfer Request: City/State*, NYCHA form 040.716, to all underoccupied tenants.

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Tenants are instructed to complete and bring *the Underoccupied Apartment Response* form (an attachment to the Underoccupancy Letter) and Tenant Request for Transfer to the Management Office within two weeks.

(2) Tenant Responds

The tenant has the following choices, as indicated on the *Underoccupied Apartment Response* form:

- An Intra-Project Transfer (Priority Code T0, Transfer Type I), or
- An Inter-Project Transfer (Priority Code T0, Transfer Type I) to any LLC Section 8 development, whether or not the selection listed is in the current appropriate *Guide to Anticipated Vacancies*, or
- A Section 8 Transfer Voucher to move to a privately owned building

(3) Tenant Fails to Respond

If the tenant fails to respond to the Underoccupancy Letter or fails to sign the Tenant Request for Transfer, the tenant must be placed on a “waiting list” for an appropriate size LLC Section 8 apartment that becomes available in the tenant’s borough of residence (Priority Code T0, Transfer Type I).

Staff completes NYCHA form 040.715, *Transfer Card: City/State Developments*:

- The boxes indicating “City / State Section 8 Tenant” must be checked off.
- In the Tenant’s Transfer Choice section, staff checks “Borough Chosen” and inserts the tenant’s borough of residence. In the box, “Project Chosen”, staff indicates, “NONE - see Reverse.”
- On the reverse side of the card, in the “Reason for Transfer” section, staff writes, “Tenant is underoccupied and failed to submit Tenant Request for Transfer.”
- The Tenant Transfer Record Card is otherwise processed according to current procedure.

(4) Rent Increase Due to Refusal of Apartment Offer or Delayed Move-Out

A Section 8 voucher holder who is a tenant in a LLC apartment, who refuses an apartment offer or fails to move from an underoccupied apartment to the proper size apartment within 30 days of notification of the availability of an appropriate size apartment, is subject to a rent increase. The tenant pays rent equal to:

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- 30% of adjusted income (net income) plus the difference between the Voucher Payment Standard based upon family size and the Contract Rent for the actual apartment size, even if the tenant's share of rent exceeds 40% of adjusted income.

Rent increases due to underoccupancy are processed as an Interim Change in TDS. Data entry of the appropriate reduced voucher bedroom size must be completed in order to accurately adjust the rent. A calendar month's notice is required.

d. Section 8 Voucher Administration

Since Section 8 Vouchers assigned to LLC developments are tenant-based:

- For intra-project vouchers, the voucher used for the old apartment can be re-issued for the new apartment.
- For inter-project transfers, the transferring tenant retains the same voucher during the transfer process.

3. Private Housing Transfers

Residents are permitted to request a transfer to private housing in the LHD's Section 8 Program in New York City or outside New York City to another Section 8 Program (Portability) in accordance with the Section 8 Transfer procedures as indicated in LHD19990017, *Revised Transfer Policy and Procedure* and LHD20060009, *Designation of Emergency Transfer Categories*. The TSAP System is not applicable for such transfers.

a. Non-Emergency Transfers

Non-Emergency transfers to LHD's Section 8 Program may be requested for any reason, after the expiration of the initial lease term. The tenant moves out of a NYCHA building to a privately owned apartment and LHD issues a transfer voucher to continue the Section 8 subsidy at the new location.

b. Emergency Transfers

Tenants in LLC developments may request an emergency transfer for the following reasons in accordance with LHD20060009, *Designation of Emergency Transfer Categories*.

- (1) Victims under the Violence Against Women Act (VAWA Victims), Intimidated Victims, and Intimidated Witnesses, and Victim of Traumatic Incident.

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Residents requesting emergency transfers within the LHD's Section 8 Program are subject to the same criteria and documentation that are applicable to the Public Housing Program, as defined in Section VI. A. 7. *Transfers: Emergency.*

- (a) The resident is required to submit all required documentation of emergency status, as defined in Section VI. A. 7. *Transfers: Emergency*, to the Management Office.
- (b) If the SSD-ETU approves the emergency transfer, the Housing Manager is notified of the approved status and submits dummy folder documents as indicated in Section VI. B. 2. a., *Non-Emergency Transfers*, to the LHD, Landlord/Tenant Relations Rental Unit.
- (c) Upon receipt of the transfer request package, LHD schedules a briefing and a rental interview with the resident.
- (d) LHD informs the Management Office of the progress of the transfer, while maintaining required confidentiality regarding the transferee's new residence.

NOTE: Victims under the Violence Against Women Act (VAWA Victims), Intimidated Victims, Intimidated Witnesses, and Victims of Traumatic Incident may:

- Transfer to another LLC development,
- Transfer to Private Housing in NYC or,
- Transfer to Private Housing outside NYC (Portability)

Refer to Section VI. B. 2. b. for more information regarding NYCHA Emergency Transfers.

(2) Uncorrected HQS Deficiencies

If the third party vendor notifies NYCHA that staff has failed to correct HQS deficiencies that were previously reported to NYCHA, the subsidy received by NYCHA must be suspended within 30 days of the inspection. Upon suspension of NYCHA's share of the rent, development staff sends the letter, *City/State Emergency Transfer Letter*, NYCHA form 040.740. This letter informs the resident of the reason for the subsidy suspension and advises the resident that (s)he may apply for an emergency transfer voucher, which entitles them to one of the following:

- The resident may transfer to the first available appropriate size apartment within the development.

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- If no appropriate size apartment exists at the development, or no appropriate size apartment becomes available at the development 15 days after the approval date of the transfer request and the resident does not wish to wait any longer, NYCHA will assign an appropriate size apartment at another LLC development within the five boroughs.
- The tenant may also elect to transfer to a private market apartment.

The tenant must complete NYCHA form 040.716, *Transfer Tenant Request for Transfer*, to request an emergency transfer that is processed as follows:

- Inter- and Intra-Project Transfers are processed in the same manner as public housing transfers.
- Private Market Transfers are processed in the same manner as non – emergency transfers to Private Housing. Refer to Section VI B. 3. for detailed information about processing non-emergency transfers to private housing.

The TSAP transfer code is Priority Code T0, Transfer Type A. Refer to Appendix F- *Transfers-Tenant Selection and Assignment Plan (TSAP) Transfer Guide and NYCHA Occupancy Standards for Families-Public Housing*).

(3) Reasonable Accommodation - Tenant or household member qualifies as disabled and the disability requires a change in housing.

(4) Rent Hardship – At the time of the Annual Review or thereafter, a Section 8 Tenant may be eligible for an emergency transfer if their portion of the rent exceeds 50% of adjusted gross income.

c. Transfers and Voucher Payment Standard

Families requesting a private housing transfer may rent an apartment with a contract rent exceeding the allowable Voucher Payment Standard if:

- Family pays 30% of adjusted income (net income) plus the difference between the Voucher Payment Standard based upon family size and the Contract Rent for the actual apartment size, and
- Family monthly rent/income calculation is less than or equal to 40% of the family's adjusted income.

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(1) Processing Transfer Requests to Private Housing

Residents requesting a transfer to LHD's Section 8 Program must complete and submit the NYCHA form 040.712, *Transfer: Tenant Request for Transfer to Leased Housing Section 8 Program or Portability Transfer*. This form is for both non-emergency and emergency transfers.

(2) Transfer Interview

During non-emergency transfer interviews, development staff must confirm that the resident's initial lease term has expired.

(3) Eligibility

The Housing Manager reviews the transfer request. A transfer request to private housing is subject to the Section 8 transfer procedures as indicated in LHD19990017, *Revised Transfer Policy and Procedure* and LHD20060009, *Designation of Emergency Transfer Categories*.

(4) Transmittal to Leased Housing Department

Upon approval of the transfer request, the Housing Manager forwards the approved Request for Transfer form in a dummy tenant folder to the LHD, Landlord/Tenant Relations Rental Unit, attaching a transmittal form, *Transmittal – Application for Section 8 Transition Program*, NYCHA form 040.713, to the front of the application package.

The dummy folder must also include:

- Completed Section 8 application
- Copies of Interview Records from past 12 months
- Copy of current Income Review transcript
- Copy of NYCHA form 040.727, *City/State Section 8 Transition Program: In-Place Transition Form*, if applicable

LHD conducts a preliminary review of the application package.

(5) Transmittal to ATAD's Office of the Director

Upon completion of the preliminary review, LHD forwards the application package to ATAD's Office of the Director. A transmittal form, *Transmittal – Application for Section 8 Transition Program*, must be attached to the front of the application package.

ATAD enters data from the Section 8 application in the Housing Applications Tenant Selection (HATS) System.

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(6) Return of Application to Leased Housing Department

Upon completion of the HATS data entry, ATAD returns the application package to the LHD, Landlord/Tenant Relations Rental Unit. A transmittal form, *Transmittal – Application for Section 8 Transition Program*, NYCHA form 040.713, must be attached to the front of the application package.

(7) Briefing and Rental Interview

LHD schedules and conducts a briefing and rental interview with the resident.

(8) Section 8 Voucher Package

Prior to issuance of the voucher, LHD contacts the development to confirm that there are no outstanding arrears. Issuance of the voucher must be delayed until arrears are paid.

A Section 8 voucher Package is given to the resident for review, form completion, and signatures, as applicable.

(9) Voucher Time Limit

The Section 8 Voucher is active for 180 days. Extensions may be granted, on a case-by-case basis, upon tenant's request, to LHD.

(10) Signing of Lease

Once a tenant locates a private apartment, LHD must approve the rental before subsidy begins. The voucher holder must sign a lease with a private landlord in addition to completing other Section 8 rental forms.

(11) Notice of Intent to Vacate

Upon completion of the rental, LHD provides the tenant with NYCHA form, 040.032, *Notice of Intent to Vacate*, for completion. LHD staff informs the resident to submit the *Notice of Intent to Vacate* immediately to the Management Office. Staff emphasizes to the tenant that all persons must vacate the apartment and that any personal possessions remaining will be discarded. Apartment keys must be returned to the Management Office upon move-out.

NOTE: If the development becomes aware that a resident has failed to vacate an apartment after the Section 8 rental has been completed, staff immediately contacts LHD Landlord/Tenant Relations Rental Unit.

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(12) Notification of Development

LHD staff notifies the development Housing Manager of the rental date by transmitting NYCHA form 059.602, *Request to Move Out Public Housing Resident for Section 8 Payment Processing*.

(13) Move-out Processing in TDS

Upon receipt of keys, development staff must promptly process a move-out in TDS as soon as the charge-through date is determined.

NOTE: The determination of the charge-through date follows the same rules that are applicable to move-outs in the Public Housing Program.

4. Processing Section 8 Transfers Outside New York City (Portability)

Residents are permitted to request a transfer outside the five boroughs, within the United States or its territories, where local Section 8 Housing Choice Voucher Programs are administered.

a. Request for Portability Transfer

Residents requesting a portability transfer must complete and submit the form, *Transfer: Tenant Request for Transfer to Leased Housing Section 8 Program or Portability Transfer*, NYCHA form 040.712.

b. Eligibility

The Housing Manager reviews the transfer request. A transfer request to private housing is subject to the Section 8 transfer procedures as indicated in LHD19990017.

Once the resident is found eligible to transfer, the form, *Portability Fact Sheet*, NYCHA form 059.600, is issued to the resident. Development staff informs the resident that they are responsible for obtaining the contact person, telephone/fax number, name and address of the housing agency in the locality they wish to move.

Development staff is provided a HUD listing of all housing agencies that administer a Section 8 Housing Choice Voucher program, in order to assist residents that are unable to identify the appropriate jurisdiction of a particular housing agency.

c. Disapproval of Portability Transfer Request

If the portability transfer request is disapproved, the Housing Manager notifies the resident with the form, *Disapproval of Section 8 Portability Transfer Request*, NYCHA form 040.710.

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d. Issuance of Section 8 Voucher by Development Staff

Upon receipt of the resident's portability information, development staff prepares and issues a Section 8 voucher using the resident's current voucher number and family composition in the TDS system. The resident and their spouse (or co-head) must sign the voucher. Development staff must advise the resident of the following:

- The Section 8 voucher is valid for 180 days from the date of issuance.
- The resident must contact the receiving housing agency within 10 days. The receiving housing agency will not contact the resident.
- The resident must complete a *Notice of Intent to Vacate*. However, the resident should be advised not give up the keys or vacate their current apartment until their portability rental is approved by the new housing agency.

NOTE: A copy of the signed Section 8 voucher must be filed in the resident's folder.

e. Processing

Upon approval of the resident's portability transfer request, development staff forwards two sets of the following portability package to LHD's Portability Unit at 90 Church Street, 9th floor:

- *Voucher Portability*, NYCHA form 059.223
- Copy of the signed Section 8 voucher
- Copy of current Income Review transcript

One set of the package must be filed in the resident's folder.

f. Portability Unit

LHD Portability Unit is responsible for all communications with the receiving housing agency. This includes forwarding the required portability documentation and any additional follow up.

Upon receipt of confirmation of a successful portability rental by the receiving housing agency, the Portability Unit Manager sends a confirmation e-mail to the development Housing Manager verifying the rental effective date. The Portability Manager also sends a confirmation e-mail to the development Housing Manager for all portability cases that have been cancelled.

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g. Tenant Data System Processing

Upon receipt of keys, development staff must promptly process a move-out in TDS as soon as the charge-through date is determined.

C. PIMS Automated Inter-Project Transfer Program

The PIMS Automated Inter-Project Transfer Program electronically forwards a transferring tenant's records from the sending (or originating) development to the Receiving development.

In order for the automated inter-project transfer program to function properly, development staff must perform PIMS data entries and approvals in a timely manner during the transfer process.

NOTE: Refer to Appendix H, *Instructions –PIMS Automated Inter-Project Transfer and Rental Charges Programs*, and the PowerPoint tutorial located in the Automated Transfer folder on the “**P Drive**,” for detailed instructions on how and when to perform PIMS computer functions for the automated transfer process.

For **emergency transfers**, follow the procedure in Section VI. A. 7. The sequence of the automated transfer process for **non-emergency transfers** is the following:

1. Initiating the Transfer (Receiving Development)

In order to initiate a transfer, the staff at the Receiving development:

- Selects the referral from the TSAP System
- Contacts the sending development to confirm the eligibility of the transferring tenant, and determines the tenant's rent payment status
- Sends NYCHA form 040.050F, *Notification of Available Apartment*, to the transferring tenant with a copy to the sending development
- Requests the sending development to approve any annual income review or interim change that is awaiting approval on the Housing Manager's Approval Screen. For emergency transfers, FLD requests that the sending development approves any annual income review or interim change that is awaiting approval.

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NOTE: TDS will not allow the transfer to be entered if there is a transaction awaiting approval.
A retroactive charge or credit with an effective date on or after the transfer-out effective date (the monthly rent posting following the Housing Manager's approval of the transfer-out) will not be posted in RCS.
Refer to Section VI. C. 7. *Completing the Transfer (Sending Development)* for responsibilities of Sending development concerning transactions pending approval.

2. Rental Interview (Receiving Development)

When the transferring tenant appears for a rental interview, staff at the Receiving development:

- Verifies that the transferring tenant is eligible for the transfer and will accept the apartment
- Enters the Inter-project transfer into PIMS
- Collects payment for rent, charges and security deposit. The tenant must submit payment in the form of a check or money order only. The Housing Manager or designee must mail the payment with a *Bank Acceptance Slip* to the Lockbox Provider.
- Instructs the tenant(s) to sign the new lease
- Notifies the sending development (or only FLD, if an emergency transfer, in accordance with the procedure in Section VI. A. 7.e. *Field Liaison Division (FLD)*), by telephone or e-mail, of the tentative move-in date

3. Issuing the Keys (Receiving Development)

After the transferring tenant has paid all required charges to the Receiving development, staff at the Receiving development:

- Issues the keys to the tenant for the new apartment
- Changes the tenant's status from "A" (Assigned) to "M" (Move-in) in the TDS
- Notifies the sending development (or only FLD, if an emergency transfer, in accordance with the procedure in Section VI. A. 7.f. *Move - In and Move - Out*) of the move-in date
- Approves the transfer-in in TDS
- Changes the tenant's status from "S" (Select) to "M" (Move-in) in TSAP
- The Housing Manager of the Receiving development should not sign the lease until after the tenant has returned the keys for the old apartment. For non-emergency transfers, the sending development must notify the Receiving development that the vacated apartment keys have been received.

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4. Taking Possession of Transfer-Out Apartment (Sending Development)

After receiving keys to the vacated apartment (or if an emergency transfer, receiving notification from FLD that the keys were turned in to the Receiving development), staff at the Sending development:

- Verifies that the apartment has been vacated
- Creates Move Out Work Orders in Maximo
- Notifies the Receiving development that the keys have been received
- Determines the Charge Through Date
- Approves the transfer-out in TDS

5. Completing the Transfer (Receiving Development)

After receiving notification that the vacated apartment keys have been received at the sending development (or if an emergency transfer, receiving notification from FLD that the apartment has been fully vacated) staff at the Receiving development:

- Executes the leases
- Sends the new tenant a copy of the signed lease
- Files the lease in the new tenant folder

6. End of Month Process

a. Receiving Development

After the Housing Manager at the Receiving development approves the transfer-in in TDS, the following automated actions take place in the Rent Collection System (RCS):

- Rent starts posting at the Receiving development.
- Transfer-in prorated rent is posted at the next rent posting.
- Monthly billing for the transfer-in commences, effective with the following month's billing.

b. Sending Development

After the Housing Manager at the sending development approves the transfer-out in TDS, the following automated actions occur in RCS:

- Rent stops posting.
- Transfer-out rent credit pro-ration is posted to the tenant's account at the Sending development, at the next rent posting.

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- Monthly billing for the vacated apartment ceases, effective with the following month's billing.

7. Completing the Transfer (Sending Development)

To complete the Inter-Project transfer in the Maximo and Rent Collection Systems, the sending development must:

- Enter all move-out work order charges in Maximo
- Apply the move-out charges to the tenant's account in RCS
- Review the tenant folder to determine if any approved retroactive charge or credit was not posted in RCS. If a charge or credit was not posted, staff must process the charge or credit as a retroactive charge or credit by accessing the RCS Administrative Functions Menu, Option 8 – Charges/Credits, Option 3 – Work with Tenant Moved out of NYCHA. An electronic entry should be made in the TDS Interview Records program explaining this transaction.
- Certify that all charges and credits have been posted to the tenant's account and approve the transfer-out in RCS

The balance and security deposit transfers to the tenant's account in RCS at the Receiving development immediately.

D. Charges

1. Reasons Other than Underoccupancy or Specific Needs of Development

Tenants who transfer, for reasons other than underoccupancy or for specific needs of the development, must pay the following charges:

a. Security Deposit

Refer to Section IV. T. for details regarding security deposits.

b. Painting Charges

Tenants are required to pay painting charges as follows:

- The full cost of painting, if the transfer occurs within six months after the last painting
- Half the cost of painting, if the transfer occurs between six months and one year after the last painting
- One third the cost of painting, if the transfer occurs one to three years after the last painting

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c. Vacancy Loss

The development from which the tenant is moving shall charge for the actual vacancy loss sustained as a result of the transfer, up to a maximum of 15 days.

However, the 15-day vacancy loss charge does not commence until the date the keys are turned in, after actual move out, or until the Housing Manager has possession of the apartment, whichever is earlier.

d. Other Charges

Staff shall assess charges when repairs or replacement are due to unreasonable wear and tear, or extraordinary and abnormal usage. All other charges are to be made as directed in NYCHA Management Manual, Chapter II, Appendix A – *Schedule of Charges to Tenant Accounts*.

2. Underoccupancy or Specific Needs of Development

Tenants who transfer for underoccupancy or for specific needs of the development may be subject to the following charges:

a. Security Deposit

Refer to Section IV. T. for details regarding security deposits.

b. Painting Charges

Tenants who transfer for underoccupancy or for specific needs of the development are not required to pay painting charges of their former apartment unless there is evidence of unreasonable wear and tear.

If there is evidence of unreasonable wear and tear, the tenants are charged a pro-rated amount of the cost of painting the apartment. Pro-rated costs are determined on the length of occupancy and when the apartment was last painted. Refer to NYCHA Management Manual, Chapter II, Appendix A – *Schedule of Charges to Tenant Accounts*, for the schedule of painting charges.

c. Vacancy Loss

Vacancy loss is not charged for transfers based on rent hardship, moving to a smaller apartment, or specific needs of the development. Rent at the development from which the tenant is moving is prorated up to, but not including, the day of scheduled move-out. The tenant is charged rent at the new development beginning with the day the move-in is scheduled.

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If the tenant is unable, through no fault of NYCHA, to move to the new development on the date scheduled, rent is charged at the previous development up to, but not including, the date of the actual move-out. The tenant is also charged rent at the new development beginning with the day the move-in was scheduled.

d. Other Charges

Staff shall assess charges when repairs or replacement are due to unreasonable wear and tear, or extraordinary and abnormal usage. All other charges are to be made as directed in NYCHA Management Manual, Chapter II, Appendix A – *Schedule of Charges to Tenant Accounts*.

VII. Smoke Detectors

A. Local Law 62 of 1981

New York City Local Law 62 of 1981 requires landlords, including NYCHA, to install at least one battery-operated smoke detecting device in each apartment. More than one smoke detector shall be installed in apartments with two distinct bedroom areas.

Since the law mandates this device, tenants may not refuse installation unless the proper numbers of operative and approved type (battery-operated) devices are already installed in that apartment.

B. Installation

1. Charge

The tenant shall be charged for each smoke detector provided and installed by NYCHA.

The tenant must pay these charges in full within one year from the date of installation.

NOTE: Residents in Section 8 Project based developments are not charged for smoke detectors on move-in.

2. Tenant's Responsibility

Tenants are responsible for maintaining their detectors in good operating condition. Proper maintenance includes:

- Testing the detector weekly
- Battery replacement
- Following manufacturer's instructions for installation and maintenance

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- Replacing smoke detectors missing or rendered inoperative during occupancy

3. Replacement

NYCHA shall replace any smoke detector that becomes inoperative within one year of installation due to manufacturer's defect and through no fault of the tenant.

4. Tenants Who Refuse Installation

Proceed as follows, if a tenant refuses the installation of a smoke detector:

- a. The Housing Assistant shall make personal contact with the tenant to reinforce the requirement that installation of a smoke detector is mandated by New York City law.
- b. The Housing Assistant shall send a letter to the tenant, reiterating the need for compliance with the law.
- c. If all efforts to secure the tenant's cooperation and compliance fail, the Housing Manager shall initiate Termination of Tenancy proceedings for Breach of Rules and Regulations.

VIII. Carbon Monoxide (CO) Detectors

A. Local Law 7 of 2004

New York City Local Law 7 requires all landlords, including the NYCHA, to install Carbon Monoxide (CO) detectors in every apartment where a fossil fuel burning furnace or boiler is located within the building, or located in an adjacent building, and in all apartments adjacent to, or one floor above or below a parking garage, or grounds shop where gas powered vehicles are stored.

In addition, the NYCHA installs CO detectors in community facilities and NYCHA Offices that meet the same criteria as in dwelling units and/or if there is a gas stove present.

NYCHA is required to post general notices in all lobby areas, informing residents of this initiative, and to provide CO detector guidelines concerning usage and maintenance to all residents whose dwelling units require the installation of these devices.

Residents and Sponsored Community facility providers are charged \$25 for each CO detector provided and installed by NYCHA.

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B. Installation Requirements

1. Applicability

CO detecting devices are installed in the following locations:

- All dwelling units
- All community facilities, e.g., Community Centers, Day Care or Senior Centers, Tenant Association Rooms, and NYCHA Offices, if there is a **gas** stove present

2. Specifications

a. All CO detectors must comply with the following requirements:

- Have the Underwriter's Laboratories (UL) mark in compliance with the requirements outlined in Standard UL-2034
- Be in compliance with the New York City Department of Buildings (DOB) Regulations

NOTE: Combination smoke/CO detectors may be installed to eliminate the need for two separate units. Combination detectors must comply with all applicable New York City Administrative Codes. Residents and sponsored community facility providers are charged \$25 for each combination detector provided and installed by the NYCHA.

b. Hearing Impaired Residents

Hearing impaired residents require an audio-visual CO detector. A combination audio-visual Smoke/CO detector may be installed to eliminate the need for two separate units.

The \$25 charge also applies to this type of CO detector.

3. Installation Instructions

Development Maintenance Staff must:

a. Install CO detectors in the following manner:

(1) Dwelling Units

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Detectors must be installed within **fifteen (15)** feet of any room lawfully used as a sleeping area. This may require the installation of more than one detecting device per dwelling unit. Housing Managers and Superintendents should consult their rental drawings to determine the best installation location for each apartment line, and spot check CO detector installations to ensure compliance. Rental drawing plans are located in the Site Plans folder of the “P” Drive.

(2) Community Facilities

One CO detector must be installed for every existing smoke detector in Community Centers, Day Care or Senior Centers, Tenant Association Rooms, and NYCHA Offices. CO detectors must be installed in kitchens, halls, and large assembly rooms. They must also be installed in all classrooms of Day Care Centers.

NOTE: For resident or community facility owned CO detectors, staff must confirm that the detector is “UL Approved,” properly installed, and fully operational. The results of the inspection must be noted on a completed work order.

(3) Installation Specifications

Manufacturer’s installations specifications recommend that wall mounted detectors are installed:

- At least **four (4) inches** from the ceiling, and
 - At least **five (5) feet** from a gas stove, and
 - At least **ten (10) feet** from an extremely humid area, i.e., bathroom, humidifier, and vaporizer
- b. Immediately test detectors upon installation, to ensure that the device is in proper operating condition
- c. Have an adult tenant/facility representative sign NYCHA form 040.618, *Carbon Monoxide Detector Instructions*, verifying that a CO detector has been installed. **Staff must provide a copy of the form and the manufacturer’s instructions that are provided with each detector.**

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NOTE: For new and all transfer tenants, a copy of the manufacturer's instructions for the CO detector must be issued to the applicant/tenant. Also, NYCHA form 040.618, *Carbon Monoxide Detector Instructions*, and the notification of charges (including the new CO detector, if installed) are completed during the Rental Interview.

The CO detector, if operable, should **not** be removed from an apartment during move-out preparation. If operable or missing, the vacating tenant is not charged for replacement.

Upon completion of the move-out, the Superintendent returns NYCHA form 040.033, *Notice of Apartment to be Vacated*, to the Housing Manager, noting in the "Remarks" area, the presence and condition of the existing CO detector, and if the new tenant is to be charged for the installation of a new CO detector.

- d. Complete a work order for all installations; refer to Section VIII. B. 3. for special instructions
- e. Notify their supervisor of a tenant/facility representative who refuses installation of a CO detector

4. Common Area/Public Space Notices

Metal, plastic, or decal *CO Detector Notices* are to be posted in all common areas, e.g., lobbies of affected buildings, explaining the New York City law requiring installation of CO detection devices. The *CO Detector Notice* is posted next to the Lobby Fire Safety Notice and replaced, as needed.

The *CO Detector Notice* is located in the Carbon Monoxide folder in the "P" drive.

The *CO Detector Notice* may initially be obtained from the Technical Services Department.

A work order must be completed for all lobby notice/sign installations and filed in the Superintendent's permanent CO Detectors file (refer to Section VIII. F. 1. *CO Detectors File*).

5. Tenant Information/Instructions

Written information is provided to a minimum of one adult occupant, or one community facility employee, for each affected dwelling unit or community facility. The written material provided by the manufacturer may satisfy this requirement if the following information is included:

- Testing and maintenance of the detector
- Instructions to follow if the alarm is activated

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- Signs and symptoms of CO poisoning

NYCHA form 040.618, *Carbon Monoxide Detector Instructions*, and the manufacturer's instructions are distributed to residents or community facility employees during the installation process and Rental Interviews. A signed copy of the form is filed in the Superintendent's permanent CO Detectors file.

6. Maintenance of CO Detectors

- a. NYCHA is responsible for maintaining CO detectors in proper operating condition by:

- Replacing missing or defective CO detectors prior to a new occupancy
- Replacing defective detectors within thirty (30) days of notification, *if the defect occurs within one year of installation and is not the result of resident negligence*
- Inspecting the CO detectors during routine apartment visits and apartment inspections, replacing batteries, if needed, and charging the resident for the replacement of missing, damaged or defective CO detectors

NOTE: CO detectors installed during apartment inspections must be entered into the *Apartment Inspection Ticket Parts'* section when it is closed out [entering all actuals (labor hours)] If during an apartment inspection, it is found that the apartment has a tenant-owned CO detector, the type of detector must be indicated on the work order and it should be noted on the work order that it is tenant-owned.

- Maintaining records of CO detector installation in each affected dwelling unit and providing these records upon request (refer to Section VIII. F. *Recordkeeping*)
- In NYCHA operated community facilities, NYCHA Offices, and boiler rooms, inspecting CO detectors on a quarterly basis, and replacing batteries annually, or as needed

- b. Responsibilities of Resident and Sponsored Community Facility Providers

Residents and sponsored community facilities staff are responsible for maintaining the CO detector in proper operating condition by:

- Testing the detector weekly
- Replacing batteries, as needed
- Adhering to manufacturer's guidelines for proper care and maintenance

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- Replacing the device, if it is stolen, removed, missing, or rendered inoperable, as a result of resident negligence. If NYCHA installs a new detector for any of these reasons, the resident or community facility is charged \$25 for each unit installed.

7. Activation Response Plan

a. Apartments, Community Facilities, and NYCHA Offices

Upon notification of the activation of the CO detector, development, Management Department, or Emergency Services Department (ESD) staff advises residents and staff to take the following actions:

- Stay Calm
- Silence the alarm by pressing the reset/silence button
- Ventilate the area by opening windows
- Call 911
- Evacuate the affected area and wait for emergency responders (Fire Department)
- Follow the directions of the Fire Department before reentering the affected area
- Repair and replace (NYCHA Staff) CO detector and other equipment, as needed, within 48 hours

b. Boiler Rooms

In the event of the activation of the CO detector, development, Management Department, or ESD staff takes the following actions:

(1) Regular Working Hours

- Shutdown all fossil fuel burning equipment
- Silence the alarm by pressing the reset/silence button
- Ventilate affected area
- Evacuate the affected area
- Contact the Management Department Heating Supervisor and ESD immediately
- Test (Management Department Heating Staff) air quality
- Adjust/Replace CO detector or boiler plant equipment, as needed
- Monitor boiler plant operations to ensure that the boiler plant is operating satisfactorily

(2) After-Hours

Emergency Services Department staff takes the following actions:

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- Calls 911 and arranges for Fire Department access
- Follows the directions of the Fire Department regarding safe reentry into the affected area
- Contacts Management Department staff to adjust/replace CO detector or boiler plant equipment, as needed
- Monitors (Management Department staff) boiler plant operations to ensure that the boiler plant is operating satisfactorily

C. Procurement of CO Detectors

Detectors are available as a catalogue item in the NYCHA Procurement System (HA Number: 1610934857).

Community facilities with zoned, annunciated fire alarm systems are permitted to add a CO detector component to the fire alarm system.

- The amended system must be inspected to ensure adherence to the new Department of Buildings (D.O.B.) regulations.

D. Charges

NYCHA charges each tenant **\$25** per CO detector, regardless of the type of CO detector installed. This charge may be paid within twelve months of the installation date. Sponsored community facility providers are also charged **\$25** for each CO detector.

- There is no replacement charge if the detector is deemed defective within one year of installation.
- There is a replacement charge of **\$25** per detector for all detectors in use for more than one year, or if the detector was damaged by the tenant.

NOTE: Residents in Section 8 Project based developments are not charged for CO detectors on move-in.

E. Violations

The following steps are to be taken if a tenant refuses installation of a CO detector:

1. Housing Assistant makes personal contact with the tenant to reinforce requirement that installation is mandated by law or regulation.
2. Housing Assistant sends a letter to the tenant, reiterating the need for compliance with the law and the consequence of non-compliance.
3. If all efforts to secure the tenant's cooperation fail, the Housing Manager initiates Termination of Tenancy proceedings based on a Breach of the Lease.

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F. Recordkeeping

Work orders are printed, filed and maintained after the installation of a CO detector is completed. Completed work orders are the development's record of proof of installation.

1. CO Detectors File

Originals of the completed work order and NYCHA form 040.618, *Carbon Monoxide Detector Instructions*, for each affected apartment, Community facility, NYCHA Office and boiler room are filed in a permanent file entitled "CO Detectors" and maintained in the Superintendent's office in stairhall and account order. Completed work orders must provide the following information:

- Date of detector installation and testing
- Type of detector installed
- Battery powered
- Plug-in Type
- Hard wired
- Location of each installed detector within the dwelling unit

2. Additional File Information

Files must maintain information on:

- Maintenance required for each alarm
- Date(s) residents requested repair or replacement of any detector
- Date *CO Detector Notices* were posted in the building

3. Requested Records

All records noted in Section VIII. F. 1. and 2. above, must be produced immediately, upon request, to inspectors from the following New York City agencies:

- Department of Buildings (DOB)
- Department of Health and Mental Hygiene (DOHMH)
- Department of Housing Preservation and Development (HPD)
- Fire Department (FDNY)

IX. Window Guards

The New York City Health Code requires owners of multiple dwellings to provide, install, and maintain window guards on the windows of each apartment in which a child 10 years of age or under resides, and on the windows of the public halls of a multiple dwelling.

In addition, window guards must be installed on the windows of an apartment whenever a tenant or occupant requests that they be installed, regardless of whether a child 10 years of age or under resides in the apartment. Window guards are provided to tenants free of charge.

The New York City Health Code states that no tenant or occupant of a multiple dwelling unit or any other person shall obstruct or interfere with the installation of window guards, where required.

A. Window Guard Policy

1. Where Installation is Required

Except as noted below, window guards must be installed in:

- All windows in residential apartments, including windows leading to a terrace or balcony. This requirement includes windows in bathrooms and in first floor apartments.
- All windows in public hallways

NOTE: This policy applies to windows in all apartments, including all move-outs prior to occupancy, without regard to occupant's age or residency status.

2. Where Installation Is Not Required

a. Secondary Egress Windows

Secondary egress windows are windows in non-fireproof (combustible) buildings. These windows provide a direct exit to the exterior of a building and are required in all apartments in buildings with fire escapes.

Window guards are **not** required for the following types of secondary egress windows:

- (1) A window(s) providing access to a fire escape

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(2) A designated secondary egress window in a first floor apartment, in buildings with fire escapes on upper floors

- NYCHA staff selects which secondary egress window shall be unguarded.
- Windows used for secondary egress must have an opening of 24 inches wide by 30 inches high, preferably in the same line as the windows providing egress to the fire escapes on the upper floors.

NOTE: N.Y.C. Fire Department approved security gates must be installed in all secondary egress windows, including fire escape windows.

b. Windows in Public Hallways

Window guards are not required on windows in public hallways with approved devices that limit the ability of the window to open more than 4½ inches.

NOTE: All other windows must have window guards. If there are any questions about egress requirements, contact the Technical Services Department, Fire Safety Unit, at (718) 707-5306

B. New York City Health Code

The New York City Health Code requires that window guards meet the following specifications:

- A minimum of fifteen (15) inches high with horizontal bars spaced so that they reject the passage of a five (5) inch sphere
- The Manufacturer's approval number must be imprinted on a vertical stile of the guard, e.g., HDWG # 03-77-15.
- Guards must be appropriate for the type of window in which they are installed, e.g., double hung, casement, and slider.

Housing Managers and Superintendents must ensure that the window guards ordered and installed conform to these specifications.

NOTE: Decorative or security gates are not permitted as alternatives to window guards.

C. Window Guard Installation

Requirements for proper installation are:

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- Approved window guards must be firmly and securely fastened into sound, non-rotted window frames.
- There may be no open unguarded space anywhere in the window opening greater than 4½ inches.
- Where 15-inch window guards are used, “stops” must be installed in the tracks of the window so that the lower sash cannot be raised more the 4½ inches above the lower half of the horizontal bar of the guard.
- Where window guards higher than the minimal 15 inches are used, no stops are necessary provided there is no open unguarded space greater than 4½ inches.
- The installation must be made so that the top sash cannot be lowered more than 4½ inches.
- Tri-wing screws must be used for installation.

NOTE: NYCHA personnel may not remove installed window guards. Window guards must be installed in all windows of vacant apartments during move-out preparation.

D. Air Conditioners as Window Guard Alternatives

1. Installation Criteria

Permanently installed air conditioners are an acceptable alternative to window guards only if they meet the following installation criteria:

- Except as otherwise permitted below, the air conditioner unit must fit the entire width of the window. There cannot be any open unguarded spaces greater than 4½ inches.
- Two “L” shaped stops are required in the window track when the space between the air conditioner and the fully raised window sash is greater than 4½ inches.
- “L” shaped stops must be installed in both sides of the inside window track to prevent the window from lifting upward.
- Air conditioner is to be permanently attached into the window opening.
- Structurally sound barriers must be installed in one or both sides of the air conditioner when the air conditioner does not fill the entire width of the window and the unguarded space or spaces would otherwise exceed 4½ inches.
- In non-fireproof buildings, air conditioners cannot be installed in windows providing access to a fire escape or a designated secondary egress window.
- Bricks, wood, insulation, or any other object, other than the manufacturer’s specified brackets, placed under the air conditioner, are prohibited.

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2. Resident and Staff Requirements

Prior to installation of an air conditioner in an apartment, the tenant(s) of record (“resident”) must sign NYCHA form 150.110, *Appliance Agreement: (Air Conditioner/Dishwasher/Freezer/Washing Machine(Clothes))*, that has been executed by the Housing Manager or designee.

The terms of this *Agreement* require that the resident notifies NYCHA within three (3) days after the installation of an air conditioner has been completed. NYCHA may inspect the installation to determine that it is properly installed (Refer to Section IX. F. *Window Guard Inspections*).

Air conditioners must be installed at the resident’s cost and expense in accordance with the manufacturer’s specifications. *NYCHA personnel are **not** required to install air conditioners.*

Residents must immediately notify the Housing Manager when any air conditioner is to be removed from any window. Upon this notification, the resident must schedule an appointment with the Customer Contact Center (CCC) during business hours for a Maintenance Worker to be present when the air conditioner is removed, in order to immediately replace the air conditioner with a window guard in compliance with the New York City Health Code.

E. Window Guard Survey

1. Current Residents

NYCHA form 040.507, *NYCHA Residential Lease Agreement*, requires that residents, “Comply with and do everything necessary and proper to permit the Landlord to comply with applicable laws, rules and regulations concerning the installation and maintenance of...window guards.”

As part of each resident’s Annual Review, current residents are required to complete the *Annual Window Guard Survey* contained on page 9 of NYCHA form 040.297, *Occupant’s Affidavit of Income*. If the *Survey* is incomplete, development staff shall send the resident the following letters:

- Additional information request letter(s) in accordance with the Management Manual, Chapter III, *Income Review and Verification & Interim Changes*. If the resident fails to comply, the Housing Manager shall initiate termination of tenancy proceedings in accordance with the Management Manual, Chapter IV, *Termination of Tenancy*.
- Window guard warning letter(s). If the resident fails to comply, the DOHMH shall be notified.

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NOTE: If all other required documentation for the Annual Review has been received, staff completes the Annual Review.

2. New Residents

a. New Tenants

New tenants are required to sign NYCHA form 040.389, *Window Guard Annual Survey*.

The rental is considered incomplete if the applicant fails to complete the *Survey*. Keys are not issued nor the lease executed until the *Survey* is submitted.

b. Additional Persons Joining Household

Current residents shall be requested to complete a *Window Guard Annual Survey*, at the time:

- Management is notified of an addition to the family through family growth (i.e., birth, legal adoption or court-ordered guardianship), or
- A request is made for additional persons to join the household on a temporary or permanent basis.
- Installation of window guards must be completed prior to processing the request to join the household.

3. Other Occupants

Whenever a Housing Manager distributes letters to residents with information on the New York City Health Code requirements for window guards, the Housing Manager shall address the letter to “resident or occupant” and distribute copies to all apartments in the development.

F. Window Guard Inspections

Maximo automatically generates annual apartment inspection and semi-annual air conditioner/window guard inspection work orders. Development supervisors may also manually create an air conditioner/window guard inspection work order in MAXIMO at any time as a result of a complaint or an incident. Maintenance workers perform either an air conditioner inspection or a window guard inspection or both.

1. Annual Apartment Inspections

The Maintenance Worker inspecting any apartment:

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- Determines if window guards or air conditioners are properly installed, or missing, in all windows
- Installs new window guards or properly installs existing window guards or air conditioners, as indicated in Section IX. C. *Window Guard Installation*
- Records in the handheld device or on the work order if the inspection is satisfactory or unsatisfactory
- If any window guard is improperly installed, a corrective work order is created in Maximo and an email alert is sent to the Housing Manager
- If any air conditioner is improperly installed, an email alert is sent to the Housing Manager

NOTE: Special attention should be given to open spaces between the air conditioner and the window frame, as noted in Section IX. D. *Air Conditioners as Window Guard Alternatives*

a. Window Guards Required by the New York City Health Code

- (1) Staff performing apartment inspections who identify missing, defective or improperly installed window guards must confirm with the resident if any children 10 years of age or younger reside in the apartment. If installation of window guards is required, the Maintenance Worker must radio the Superintendent who manually creates a child work order in Maximo and dispatches a development Maintenance Worker to install the window guards.

If there are **no** children 10 years of age or younger who reside in the apartment, the resident shall be advised to call the Customer Contact Center to schedule an appointment for the installation of window guards.

- (2) In the event that a resident refuses the installation or repairs of window guards, where required, the Maintenance Worker must do the following:
- Complete NYCHA form 060.001A, *Apartment Inspection Supplementary Report*, noting resident refusal
 - Give the *Supplementary Report* to the Housing Manager for review, who will check the tenant folder to determine if children 10 years of age or younger are on record as residing in the apartment
- (3) If after reviewing the tenant folder, it is determined that there are children 10 years of age or younger residing in the apartment, the Housing Manager immediately creates a child work order for window guards in Maximo. This provides the resident with an additional opportunity to comply with window guard regulations of the New York City Health Code.
- (4) If the resident fails to provide access or refuses repairs, designated staff:

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- Notifies the Housing Manager immediately
- Makes detailed electronic entries in TDS Interview Records program, e.g., name of worker and dates that resident was not home or refused access.
- Retains all related correspondence and work orders
- Commences non-compliance actions, as noted in Section IX. G. *Non-Compliance*

b. Air Conditioners

- Air conditioners improperly installed that present a *clear danger* of falling out of the window must be immediately removed by the resident or NYCHA personnel, and a window guard installed in its place. An email alert must be sent to the Housing Manager, who, due to the emergency nature of the violation, may authorize access to the apartment by Maintenance Workers if the resident is not home. The Housing Manager creates a Window Guard/Air Conditioner Inspection Work Order in Maximo and closes the Work Order after the work has been completed.
- If the air conditioner does not fill the entire width of the window, leaving open space greater than 4½ inches, and there are children 10 years of age or younger who reside in (as reported in a *Window Guard Annual Survey*) the apartment, the resident or NYCHA personnel shall immediately install a permanent, structurally-sound barrier, e.g., plywood and “stops” (where necessary), to comply with New York City Health Code specifications.
- If other air conditioner deficiencies exist, the resident shall be advised that corrective action must be taken at the resident's cost and expense *within three days*. A follow-up visit by the Housing Assistant is required to ensure compliance.
- If the resident fails to provide access or refuses repairs:
 - Notify the Housing Manager immediately.
 - Make detailed electronic entries in TDS Interview Records program, e.g., name of worker, and dates that resident was not home or refused access.
 - Retain copies of all related correspondence and work orders.
 - Commence non-compliance actions, as noted in Section IX. G. *Non-Compliance*.
 - Monitor apartment inspections to ensure compliance with NYCHA's window guard policies through random monthly inspections of completed apartment inspections.

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2. Interim Apartment Inspections and Apartment Visits

During other apartment visits during the year, development staff should observe if any window guard or air conditioner installation deficiencies exist, and immediately follow-up, as indicated in Section IX. F. 1. *Annual Apartment Inspections*.

3. Window Guard Inspections

a. Window guard inspections are conducted during the following periods each year:

- April 1st - April 30th, July 15th-August 15th **and** November 1st - November 30th

Development staff performs exterior visual inspections of **all** apartments to ascertain those apartments that have missing, defective **or** improperly installed window guards or air conditioner.

- If any window guard is improperly installed, a corrective work order is created in Maximo and an email alert is sent to the Housing Manager.
- If any air conditioner is improperly installed, an email alert is sent to the Housing Manager.

In order to maximize accurate reporting:

- Each apartment “line” is appropriately identified by markings on the exterior of the building, and
- A report of the inspection is noted on the MAXIMO WG Inspection form.

b. Upon completion of the inspection, development staff reviews:

- The tenant folders of residents residing in apartments with missing window guards, and
- The Window Guard Status Report – Apartment with Children 10 Years Old or Younger, available in the Project Information Management System (PIMS) to compare with the inspection results.

c. Follow-up shall be made immediately with any resident whose apartment requires window guards.

G. Non-Compliance

1. Window Guards

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a. Failure to Submit *Window Guard Annual Survey*

In cases where the resident fails to submit a properly completed *Window Guard Annual Survey* and does not comply with requests for additional information, in accordance with Management Manual, Chapter III - *Income Review and Verification & Interim Changes* and Chapter IV - *Termination of Tenancy*, Housing Managers shall promptly commence Termination of Tenancy proceedings based on Breach of Rules and Regulations.

b. Failure to Permit Installation of Window Guards

In cases where the resident refuses to permit NYCHA staff to install window guards, and children 10 years or younger reside (as reported in a *Window Guard Annual Survey*) frequently visit the apartment, Housing Managers shall promptly commence termination of tenancy proceedings based on breach of rules and regulations.

NOTE: In cases where there are no children 10 years or younger residing in the apartment, termination of tenancy actions are not required.

c. Notification to Department of Health and Mental Hygiene (DOHMH)

The DOHMH must be notified of tenants who fail to comply with window guard regulations.

The Housing Manager, upon transmittal of the case to the Applications and Tenancy Administration Department for administrative termination, also sends NYCHA form 040.549, *Window Guards: Notification to Department of Health and Mental Hygiene*, to the DOHMH.

- One copy of the form is maintained in the Housing Manager's files.

d. Continuing Compliance Actions

Development staff must make ongoing attempts to obtain a completed *Window Guard Annual Survey* and/or install window guards on a monthly basis.

2. Air Conditioners

In cases of non-compliance, refer to Section IX. F. 1. c. *Air Conditioners* and Section X. N. 11. *Violations*, for corrective action.

In addition, Housing Managers shall commence termination of tenancy proceedings or take such other action, as may be appropriate.

H. Communication

The Housing Manager informs residents and occupants regarding NYCHA's requirements by:

- Sending NYCHA form 040.554, *Notice to Tenants, Installation of Window Guards and Air Conditioners* to residents and occupants
- Meeting with resident leaders
- Informing residents at Tenant Association and Tenant Patrol meetings, resident visits and apartment inspections, and
- Placing articles in the development's newsletter

X. Appliances

A. General Policy

NYCHA regulates the use of large appliances and collects charges for additional consumption of electricity and/or water usage. During tenant interviews relating to the installation or purchasing of appliances, staff must stress the conservation of energy by encouraging the purchase of appliances with a high Energy Efficient Rating (EER).

B. Installation of Appliances

Tenants are permitted to install the following appliances in their apartments, subject to the limiting conditions listed below:

- Air conditioners
- Freezers
- Portable dishwashers
- Refrigerators
- Washing machines
- Gas ranges

The limiting conditions are as follows:

- Each building and apartment must have sufficient electrical capacity.
- For apartments that are not individually metered, tenants must pay a fixed amount for the additional consumption of electricity.
- Tenants must request permission prior to installing an appliance.
- Installation must conform to NYCHA specifications.

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C. Prohibited Appliances

The following appliances are prohibited for use within the apartment or on the common grounds, unless specific permission in writing is granted by NYCHA:

- Appliances that operate on gas-either bottled gas or connected to the natural gas line. This prohibition does not include the gas cooking stove/oven supplied by NYCHA.
- Any appliance, heater or barbecue grill that operates on kerosene, wood, coal or charcoal.
- Electric clothes dryers – even if clothes dryer is a combination unit with a clothes washing machine.
- Any appliance or device whose maintenance or operation violates applicable law, rule or regulation.

NOTE: Appliance(s) may not be placed or installed in a manner that:

- Blocks access to a room
- Prevents egress from a window
- Creates a fire hazard, or
- Reduces the safety of occupants

D. Appliance Agreement and Installations

All new and existing appliance owners must sign NYCHA form 150.110, *Appliance Agreement: Air Conditioner/Dishwasher/Freezer/Washing Machine (Clothes)*, and the applicable appliance installation instructions. The Housing Manager prints and attaches to every *Appliance Agreement* a copy of the applicable appliance installation instructions.

Whenever a tenant acquires a new appliance, in addition to a previously existing appliance, a new NYCHA form 150.110, *Appliance Agreement: Air Conditioner/Dishwasher/Freezer/Washing Machine (Clothes)* must be signed. The new agreement must be updated to include all previously existing appliances as listed in NYCHA form 150.110, *Appliance Agreement: Air Conditioner/Dishwasher/Freezer/Washing Machine (Clothes)*.

When entering any appliance charge in the Tenant Data System, staff examines the tenant folder for the presence of an updated *Appliance Agreement: Air Conditioner/Dishwasher/Freezer/Washing Machine (Clothes)*.

If such *Appliance Agreement* is not found, the Housing Manager informs the tenant that a new agreement is required, which must be signed and returned to the Housing Manager within **15 days** of the request. The completed *Appliance Agreement: Air Conditioner/Dishwasher/Freezer/Washing Machine (Clothes)* is filed in the tenant folder.

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Any previously signed *Appliance Agreements*, *Air Conditioner Agreements*, or signed installation instructions, e.g., NYCHA form 060.007, *Washing Machine Installation Instructions*, must be retained in the tenant folder.

E. Right of Inspection by NYCHA

The tenant must notify NYCHA in writing within three (3) business days of the date the appliance(s) is installed. Upon installation, NYCHA inspects the installation and operation of the appliance. Periodic inspections may be conducted at NYCHA's discretion.

F. Maintenance and Operation

Tenants must maintain and operate appliances in a safe and responsible manner. Maintenance and operation of appliances are the sole responsibilities of the tenant at his/her own cost and expense. Tenants must not operate or run appliances continuously when there is no reasonable need for such operation. Tenants must comply with all applicable laws, rules and regulations regarding the installation, use, and maintenance of appliances.

In the event that NYCHA determines that appliances have been improperly installed, create a safety hazard, are not operating properly, or that their presence is a violation of law, NYCHA may require the tenant to correct the objectionable conditions, or to remove the appliances. Upon notification, tenants have **three (3) business days** to remove the appliances.

G. Right of Emergency Removal of an Appliance by NYCHA

In the event that NYCHA determines that an appliance is installed or operated in a manner that is dangerous and may cause immediate serious harm to person or property, NYCHA reserves the right to IMMEDIATELY enter the apartment and remove the appliance(s) or abate the emergency. NYCHA is not required to give prior notice of its determination to the tenant. NYCHA may remove the appliance even if the tenant is not present at the time of entry.

H. Termination of Agreement – NYCHA

NYCHA may terminate the *Appliance Agreement* and request in writing that the tenant must stop using and/or remove an appliance from the apartment. Termination of the *Appliance Agreement* may be due to the tenant's violation of its terms, non-payment of the Usage Fee, or for some other reason determined by NYCHA. If the tenant fails to stop using and/or remove the appliance from the apartment, or fails to pay the Usage Fee, NYCHA may commence a proceeding to terminate the tenancy for breach of rules and regulations.

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In addition, if the *Appliance Agreement* is terminated for non-payment of monthly Usage Fees, NYCHA may collect such sum due by including it in a non-payment of rent summary proceeding.

I. Termination of Agreement – Tenant

Tenants may cancel and terminate the *Appliance Agreement* by giving written notice to NYCHA. Tenants may terminate the *Appliance Agreement* for some or all appliances, which they must specify. Upon termination of the *Appliance Agreement*, tenants must remove all specified appliance(s) from the apartment and properly dispose of the appliance(s).

The apartment must be inspected by NYCHA and the removal confirmed by NYCHA before terminating this *Agreement*. The requirement to pay the monthly Usage Fee(s) or Wiring Fees ends with the termination of the *Agreement*.

J. Reimbursement for Damages

Tenants are responsible for all damages and claims resulting from improper installation and use of appliances.

K. Electricity Usage

- Only appliance(s) that operates on Alternating Current (A/C) may be used. Appliance(s) that operates on Direct Current (D/C) is prohibited.
- In apartments with **standard electrical outlet**, only air conditioners that require an electrical circuit of no more than **110/115 volts, 7.5 amperes and 8,000 B.T.U.'s** shall be installed.
- In apartments with **special appliance outlets** (those designed for use with a single appliance only) – only air conditioners that require an electrical circuit of no more than **110/115 volts, 15 amperes and 10,000 B.T.U.'s** shall be installed.
- Installation of an air conditioner requiring more than **7.5 amperes** is permitted only if Management inspects and determines that a special air conditioner outlet exists, which can accept the increased electrical current. **Air conditioners requiring more than 15 amperes are not permitted under any circumstances.**

L. Electrical Connection/Plug Adapter/Extension Cord

The appliance(s) must be connected directly to an electrical outlet with the electric cord supplied by the manufacturer.

- **The use of a plug adapter (that converts a 3-prong plug to a 2-hole wall outlet) is prohibited.**

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- **The use of an extension cord to connect an appliance(s) to an electrical outlet is prohibited**, except if the extension cord is a special three-wire heavy duty extension cord with a three-prong plug for high wattage appliances, with a marked rating of A/C current 125 volts, 15 amperes and minimum wire gauge of 14/3. No other electrical device shall be connected to the electrical outlet or extension cord.

M. Appliance Usage Fees

1. Payment of Usage Fees

Tenants must pay the electricity and/or water usage charge for the appliance(s), on a monthly basis, in addition to monthly rent, per the *Appliance Agreement: Air Conditioner/ Dishwasher/Freezer/Washing Machine (Clothes)*. Upon default in payment, NYCHA collects such arrears by including it in a non-payment of rent summary proceeding.

2. Rate of Usage Fee

- With the exception of air conditioners, appliance usage fees are charged at the monthly rate specified for each appliance.
- Air conditioner usage fees, for additional electricity usage, are charged at the yearly rate, per each air conditioner. For the convenience of the tenant, the yearly charge per each air conditioner may be paid in equal monthly installments over a **twelve (12) month** period.
- In the event of an increase in electricity/water rates, NYCHA reserves the right to increase/decrease its usage fee charge to the tenant, upon **30 days** written notice.

3. Electricity Usage Metering

An Appliance usage fee for **electricity** use is charged only at locations where the cost of electricity is included in the apartment's monthly rental charge, i.e., a master metered apartment.

If the tenant's apartment is individually metered and the tenant pays the electric bill directly to the utility, then a separate electric usage charge does NOT apply.

4. Timing of Usage Fees – Air Conditioners

a. Commencement of Fees

Usage Fees are charged, as follows:

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- **Between May 1st and September 30th** (“Air Conditioning Season”) If the *Appliance Agreement* is signed or an air conditioner is discovered during this time period, the tenant is charged retroactively to the May 1st of the current calendar year, unless the tenant provides proof that the air conditioner was installed at a later date. A sales receipt is acceptable proof of purchase installation date. If such proof is provided, the charge commences the first of the month following the month of installation.
- **Between October 1st and April 30th** If the *Appliance Agreement* is signed or an air conditioner is discovered during this time period, the tenant is charged commencing the following May 1st.

b. Termination of Fees

When the *Appliance Agreement* is terminated and notice is given to NYCHA that the air conditioner(s) was removed from the apartment – and NYCHA reserves the right to verify the air conditioner(s) removal by apartment inspection – the tenant’s obligation to pay the monthly usage fee(s) **continues until the following April 30th.**

Once the air conditioner charge commences, the tenant remains obligated to pay the charge until the following April 30th, even if the tenant moves-out prior to May 1st.

5. Timing of Usage Fee – Appliances **Other Than** Air Conditioners

a. Commencement of Fees

Usage Fees are due commencing the first of the month following the month in which the *Appliance Agreement* is signed by the tenant. In the event that NYCHA determines that the appliance was installed prior to the *Agreement* being signed, NYCHA, at its discretion, may retroactively charge the tenant from the date of discovery of the appliance.

b. Termination of Fees

The tenant’s obligation to pay the monthly usage fee(s) ends on the first of the month following the month in which the *Appliance Agreement* is terminated and notice is given to NYCHA that the appliance(s) was removed from the apartment. NYCHA reserves the right to verify the appliance(s) removal by apartment inspection.

N. Air Conditioner Requirements

1. Number of Air Conditioners

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A maximum of **two (2)** air conditioners may be installed in an apartment. The Management Department Director or designee approves a waiver permitting additional air conditioners if the resident submits a doctor's letter demonstrating that their current medical condition necessitates additional air conditioners, and there is sufficient wiring, outlet and electrical capacity in the apartment.

2. Air Conditioner Outlets

a. Master List

Generally, most developments have sufficient electrical capacity for air conditioning in each apartment but may require the installation of a special individual appliance branch circuit outlet.

Each Management Department is required to establish a master list with technical data indicating whether each building has sufficient electrical capacity for air conditioners.

If the Housing Manager is uncertain as to whether a specific apartment has sufficient electrical capacity for air conditioners, it is advisable that electricians make the final determination. NYCHA may restrict additional air conditioner installations if there is insufficient electrical capacity.

b. Standard Grounded Electrical Outlets

- Air conditioners may be operated with standard grounded (three pronged) electrical outlets if there is sufficient building and apartment electrical capacity.
- Residents who do not have **grounded outlets** must request installation by NYCHA staff at no cost to them.
- No other electrical device may be utilized on a standard electrical circuit when the air conditioner is in operation.
- In apartments with fuse type electrical panels, a current limiting, tamper resistant fuse of appropriate amperage must be installed. Residents who do not have current limiting, tamper resistant fuses may request installation by NYCHA staff at no cost to them.

c. Special Appliance Outlets

If the Superintendent or designee determines that a building or development requires a special appliance outlet, then the air conditioner must be operated with a special appliance outlet.

No more than **two (2)** special appliance outlets per apartment can be installed, except for medical reasons, as described in Section X. N. 1. *Number of Air Conditioners.*

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3. *Appliance Agreements* and Installation Instructions
 - a. Air conditioners are installed at the resident's expense and must be installed in accordance with installation instructions as noted in Section X. N. 5. a. *Interior Installation Requirements*. NYCHA personnel are not authorized to install tenant owned air conditioners.
 - b. Prior to installation, NYCHA form 150.110, *Appliance Agreement: Air Conditioner/Dishwasher/Freezer/Washing Machine (Clothes)*, which should be filled out online, must be signed by the tenant(s) of record.
 - c. Upon signature of the *Appliance Agreement* by the tenant(s), the Housing Manager:
 - Photocopies the signed *Appliance Agreement*, and writes on the bottom of the copy's last page, "Approval pending inspection of proper air conditioner installation." The *Appliance Agreement* should not be executed by the Housing Manager at this time
 - Gives the copy of the *Appliance Agreement* with the notation to the tenant(s) of record
 - Gives NYCHA form 040.577, *Air Conditioner Installation Instructions*, to the tenant(s) of record
 - d. The *Air Conditioner Installation Instructions*, completed and signed by the tenant(s) of record, is returned to the Housing Manager within **three (3)** days after physical installation of the air conditioner is completed.
 - e. In addition to the completed *Air Conditioner Installation Instructions*, the tenant must provide NYCHA with a copy of the bill of sale or other document(s) acceptable by NYCHA, if available, that discloses the Appliance(s) make, model, serial number, and electricity or B.T.U. usage.
 - f. NYCHA is authorized to inspect the apartment to determine if the air conditioner is properly installed. For unacceptable air conditioner installations, Management staff must promptly follow-up on all violations, as indicated in Section X. N. 11. a. *Correcting Violations*.
 - g. Upon receipt of the signed *Air Conditioner Instructions* **and** timely confirmation of proper installation, the Housing Manager executes the *Appliance Agreement: Air Conditioner/Dishwasher/Freezer/Washing Machine (Clothes)*.

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4. Removal of Air Conditioners

Residents must notify the Housing Manager before air conditioners are removed from windows. Upon notification, the resident must schedule an appointment during business hours for a Maintenance Worker to be present when the air conditioner is removed, in order to re-install window guards in compliance with DOHMH.

5. Air Conditioner Installation Requirements

a. Interior Installation Requirements

All air conditioners must be permanently installed and meet the following installation criteria:

- Except, as noted below, the air conditioner unit must fit the entire width of the window. **There cannot be any open unguarded space or spaces greater than 4½ inches.**
- Two “L” shaped stops are required in the window track when the space between the air conditioner and the fully raised window sash is greater than 4½ inches.
- “L” shaped stops must be installed in both sides of the inside window track to prevent the window from lifting upward.
- Air conditioner is to be permanently attached into the window opening.
- Air conditioner must have permanent, structurally sound barrier installed on one or both sides when the air conditioner does not fill the entire width of the window and the unguarded space or spaces would otherwise exceed 4½ inches.
- In non-fire proof buildings, air conditioners cannot be installed in windows providing access to a fire escape or a designated secondary egress window.

NOTE: Removal of the window guard during the installation of the air conditioner is the responsibility of the tenant.

b. Exterior Installation Requirements

All air conditioners must be safely installed, properly braced, and conform to the manufacturer’s installation specifications.

NOTE: Loose objects, e.g., bricks, and wood, are not permitted on the window exterior to support or level air conditioners. Fasteners (screws, bolts, etc.) shall not be fastened to brickwork or windowsills.

c. Air Conditioner Sleeves

Developments constructed with specific provisions for air conditioning must utilize the sleeve provided for the air conditioning unit. The air conditioner must be directly plugged into the existing designated air conditioner outlet with no additional wiring or installation cost required.

A second air conditioner may be installed in a window only when there is no additional air conditioner sleeve and the building and apartment have sufficient electrical capacity.

6. Air Conditioner Outlet Installation

If the Development Superintendent or designee determines that an apartment requires a special appliance outlet, development staff arranges for special appliance outlet installation utilizing one of the following methods:

a. Management Department Skilled Trades Staff

Housing Manager or designee advises the resident to contact the Customer Contact Center to schedule an appointment for an electrician to install a special appliance outlet.

b. Blanket Purchase Agreements (Requirement Contracts)

If a Blanket Purchase Agreement is available and after receiving Maximo Work Orders from five (5) or more residents, the Housing Manager or Superintendent enters a request for special appliance outlets in the NYCHA Procurement System. Refer to Standard Procedure 008:03:1, *Procurement of Materials and Services*, for details regarding Blanket Purchase Agreements.

c. Capital Improvements – Pre-Installation Survey

If a development is undergoing a major electrical upgrade that includes the installation of electrical outlets, the Housing Manager determines in Maximo if there are any outstanding Maximo Work Orders for special appliance outlet installations.

The outstanding Maximo Work Orders for special appliance outlets are forwarded to the contractor for installation. A count of the number of special appliance outlets installed by the contractor is maintained by the Housing Manager or designee to ensure compliance with contract limits.

7. Air Conditioner Charges

a. Outlet Charges

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Effective September 1, 2009, NYCHA will no longer charge **tenants \$2.00** monthly for each special appliance outlet and will forgive (not collect) any past due outlet charge. Outlet charges already paid for periods prior to September 2009 shall not be refunded.

b. Air Conditioner Electrical Consumption Charges

NOTE: **Air conditioner** utility charges are for the additional consumption of electricity. This charge only applies to tenants residing in apartments that are ‘master metered.’ The charge does not apply to tenants residing in individually metered apartments, who directly pay a utility company for their electricity usage.

Effective June 1, 2006, the additional utility charges are:

- **For senior citizens and disabled families**¹⁰: the annual charge for each air conditioner is **\$96.00**, payable in monthly installments of **\$8.00**.
- **For non-Flat Rent (Ceiling Rent) residents and NYCHA Project-based or City/State Section 8 residents**: the annual charge for each air conditioner is **\$96.00**, payable in monthly installments of **\$8.00**.
- **For Flat Rent (Ceiling Rent) residents**: the annual charge for each air conditioner is **\$120.00**, payable in monthly installments of **\$10.00**.

NYCHA reserves the right to change these rates, as outlined in the Air Conditioner Agreement.

c. Tenant Data System Changes

Management Office staff must process an interim change in a timely manner to add or remove these additional charges.

d. *Appliance Agreement* Cancellation

An *Appliance Agreement* cannot be cancelled during the five-month air conditioning season, even if the tenant removed the air conditioner during that period. Therefore, if a tenant has an air conditioner in the window on May 1st and removes it soon thereafter, the tenant **still** owes the entire annual charges. The sum is to be paid in equal installments.

¹⁰ Age 62 years or older, or a disabled family is defined as a family whose head, spouse or sole member is a person with disabilities.

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Those tenants who inform the Management Office during the air conditioning season that the air conditioner has been permanently removed must submit a written notice of cancellation between October 1st and April 30th of the following year, at which time the necessary inspection will be made. If removal is verified, the electricity charges will be discontinued effective May 1st.

Tenants who move-out between October 1st and April 30th and who used the air conditioner during the air conditioning season (May 1st through September 30th) must be charged. In other words, the tenant has actually paid only a portion of the total charges due to NYCHA and must be charged for the remainder.

e. Window Alterations

Tenants may make window alterations to casement windows to accommodate the installation of an air conditioner. This alteration is the responsibility of the tenant. The tenant is expected to pay for the cost and expense of this alteration. The installation must be safe, properly braced, conform to applicable laws, rules and regulations and be acceptable to NYCHA.

Installation of air conditioners in a casement window requires removal of a glass pane in the stationary portion of the window or removal of a swing or hopper window. Tenants are responsible for the proper removal of the swing or hopper window as a unit and ensure no damage to the mullions, munitions rails or metal strips.

8. Inspections

Maximo automatically generates annual apartment inspection and semi-annual air conditioner/window guard inspection work orders. Development supervisors may also manually create an air conditioner/window guard inspection work order in MAXIMO at any time as a result of a complaint or an incident. Maintenance Workers perform either an air conditioner inspection or a window guard inspection or both.

a. Post Installation Inspections

As noted in NYCHA form 150.110, *Appliance Agreement: Air Conditioner/Dishwasher/Freezer/Washing Machine (Clothes)*, the tenant must notify NYCHA within three (3) days of an air conditioner installation. A Maintenance Worker inspects the apartment to determine if there are any deficiencies, and notes on NYCHA form 040.577, *Air Conditioner Installation Instructions*, handheld device, or paper Work Order, the results of the inspection. Child Work Orders are created by Maximo for any deficiencies noted in the inspection.

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b. Inspections of Air Conditioners

Management staff shall conduct three visual inspections of all buildings for air conditioners during the following periods each year:

- April 1st - April 30th, July 15th-August 15th **and** November 1st - November 30th

The purposes of the inspections are to check for proper exterior installation and to determine which tenants have air conditioners.

In order to maximize accurate reporting:

- Each apartment “line” should be appropriately identified by markings on the exterior of the building; and
- A report of the inspection is noted on the MAXIMO Window Guard Inspection form.
- All observed violations are noted on inspection reports.
- If any air conditioner is improperly installed, an email alert is sent to the Housing Manager.

c. Annual Apartment Inspections

(1) Maintenance Worker’s Responsibilities

During the annual apartment inspection, the Maintenance Worker inspects and determines that there is proper installation of air conditioners in all windows. The Maintenance Worker notes the presence of the following items in the handheld device, or paper Work Order:

- Number of unit(s) in the apartment
- Location of unit(s)
- Type of electrical outlet used, i.e., grounded or special appliance outlet
- Whether or not a heavy-duty extension cord is used
- Whether or not air conditioner(s) is properly installed, e.g., permanently attached to window, and no loose objects
- Whether corrective action has been taken, if any

(2) Supervisor’s Responsibilities

Maintenance supervisors are to review all *Apartment Inspection Supplementary Reports* and *Air Conditioner Installation Instructions* forms and refer all violations immediately to the Housing Manager for follow-up. Refer to Section X. N. 11. *Violations* for more information regarding violations follow-up.

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Supervisory staff shall monitor apartment inspections to ensure compliance with NYCHA air conditioner policies through random monthly inspections of completed apartment inspections.

NOTE: Special attention should be given to open spaces between the air conditioner and the window frame, as noted, in Section X. N. 5. *Air Conditioner Installation Requirements*.

d. Interim Apartment Inspections and Apartment Visits

During other apartment visits during the year, development staff shall observe if any air conditioner violations exist, and immediately follow-up, as indicated in Section X. N. 11. *Violations*.

9. Controls and Reconciliation

The findings of the annual and semi-annual apartment inspections are compared with the PIMS Rent Roll Report to ensure that no additional air conditioners have been installed without prior written permission from the Housing Manager.

Upon completion of all inspections, development staff members:

- Review the tenant accounts to determine if the tenant of record account is properly charged. Each development is to maintain an updated Additional Charges Log. This log may be created from the PIMS Rent Roll Report by sorting the Excel Spreadsheet to only include additional charges greater than zero.
- Review the tenant folder to ensure that NYCHA form 150.110, *Appliance Agreement: Air Conditioner/Dishwasher/Freezer/Washing Machine (Clothes)*, is on file
- Process interim rent changes for all accounts not previously charged for air conditioners, retroactive to the start of the air conditioning season (May 1st): Refer to Section X. N. 7. *Air Conditioner Charges*.

10. Management Department Review

Management Department staff periodically reviews the semi-annual Inspections of air conditioners and PIMS reports to ensure compliance with NYCHA air conditioner policies.

11. Violations

a. Correcting Violations

Housing Managers must promptly follow-up on all violations:

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- If the air conditioner is improperly installed and presents a clear and present danger, or a Local Law 11 violation has been issued, this air conditioner shall be immediately removed by the resident or NYCHA personnel, and a window guard installed in its place. Staff shall advise the tenant of the proper air conditioner installation procedure. An email alert is sent to the Housing Manager who, due to the emergency nature of the violation, may authorize access to the apartment by Maintenance Workers if the resident is not at home. The Housing Manager creates a Window Guard/Air Conditioner Inspection Work Order in Maximo and closes the work order after the work has been completed.
- If the air conditioner does not fill the entire width of the window, leaving open space greater than 4½ inches, and there are children 10 years of age or younger who reside in or visit the apartment, the resident or NYCHA personnel shall immediately install a permanent, structurally sound barrier, e.g., Plexiglas, to comply with Department of Health specifications.
- If other air conditioner deficiencies exist, the resident shall be advised that corrective action must be taken at the resident's expense **within three days**. A follow-up visit by the Housing Assistant is required to ensure compliance.

b. Termination of Tenancy

If the resident fails to comply with NYCHA's appliance policy, including signing the *Appliance Agreement* and all applicable instructions forms, the Housing Manager initiates proceedings to terminate the tenancy for breach of rules and regulations, as indicated in the Management Manual, Chapter IV.

If the tenant then complies with NYCHA's appliance policy, the Housing Manager may discontinue the termination of tenancy action.

O. Other Appliance Types

1. Freezers

A tenant requesting to install a freezer in the apartment must first submit NYCHA form 040.308, *Request for Tenant-Owned Appliance Installation – Freezers & Dishwasher*. Effective June 1, 2006, the additional utility charges are:

NOTE: Freezer utility charges are for the additional consumption of electricity. This charge only applies to tenants residing in apartments that are 'master metered.' The charge does not apply to tenants residing in individually metered apartments, who directly pay a utility company for their electricity usage.

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- **For senior citizens and disabled families¹¹ and non-Flat Rent (Ceiling Rent) residents and NYCHA Project-based or City/State Section 8 residents:** the monthly charges for each freezer is **\$8.00**
- **For Flat Rent (Ceiling Rent) residents:** the monthly charges for each freezer is **\$10.00**

2. Refrigerators

Tenants who request to replace NYCHA's refrigerator and install their own refrigerator shall be permitted to do so subject to the following conditions:

- a. A tenant-owned refrigerator may be installed only in the kitchen. The overall dimensions of height, width and depth must be such as to permit the refrigerator to fit into the space occupied by NYCHA, without the need to alter NYCHA property, and without causing damage to adjacent fixtures or cabinets. The maximum size permitted is 18 cubic feet (Manual Defrost or Frost Free).
- b. Before a tenant-owned refrigerator is installed, the tenant must submit NYCHA form 040.168, *Request for Tenant-Owned Refrigerator Installation*.
- c. The refrigerator must be connected directly to the outlet by a wire of no more than six feet in length. Extension cords or similar devices may not be used between the refrigerator and wall outlet.
- d. The maintenance and repairs shall be the exclusive responsibility of the tenant.
- e. There will be no charge for any type of tenant-owned refrigerator up to **18 cubic feet**. No tenant-owned refrigerator in excess of **18 cubic feet** is permitted.
- f. Tenants who have installed their own refrigerator (maximum size permitted **18 cubic feet**), in addition to NYCHA's refrigerator, will be retro-charged at the rate of **\$6.50** per month for the additional electricity consumed. NYCHA's refrigerator must be removed as soon as NYCHA personnel become aware of a tenant-owned refrigerator. The charge will apply up to the month NYCHA's refrigerator is removed by Maintenance.

Refer to Standard Procedure 060:68:2, *Refrigerator Replacement and Repair*, Section III. E. for more information about installation of tenant-owned refrigerators.

¹¹ Age 62 years or older, or a disabled family is defined as a family whose head, spouse or sole member is a person with disabilities.

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3. Dishwashers

Only portable dishwashers are permitted. Tenants must first submit NYCHA form 040.308, *Request for Tenant-Owned Appliance Installation – Freezer & Dishwashers*, and NYCHA form 150.110, *Appliance Agreement: Air Conditioner/Dishwasher/Freezer/Washing Machine (Clothes)*. Effective June 1, 2006 and upon approval of the installation, the additional utility charges are:

NOTE: **Dishwasher** utility charges are for the additional consumption of electricity. This charge only applies to tenants residing in apartments that are ‘master metered.’ The charge does not apply to tenants residing in individually metered apartments, who directly pay a utility company for their electricity usage.

- **For senior citizens and disabled families¹² and non-Flat Rent (Ceiling Rent) residents:** the monthly charge for each dishwasher is **\$4.00**.
- **For Flat Rent (Ceiling Rent) residents:** the monthly charge for each dishwasher is **\$5.00**.

4. Washing Machines

Effective June 1, 2006, the additional utility charges are:

NOTE: **Washing machine** utility charges are for the additional consumption of **water**. This charge applies to any tenant with a washing machine, without regard to whether the apartment is master metered or individually metered.

- **For senior citizens and disabled families¹³ and non-Flat Rent (Ceiling Rent) residents:** the monthly charge for each washing machine is **\$4.60**.
- **For Flat Rent (Ceiling Rent) residents:** the monthly charge for each washing machine is **\$5.75**.

Tenants must first submit NYCHA form 150.110, *Appliance Agreement: Air Conditioner/Dishwasher/Freezer/Washing Machine (Clothes)*, and NYCHA form 060.007, *Washing Machine Installation Instructions*, and then follow-up with an installation that conforms to the instructions thereon.

¹² Age 62 years or older, or a disabled family is defined as a family whose head, spouse or sole member is a person with disabilities.

¹³ Age 62 years or older, or a disabled family is defined as a family whose head, spouse or sole member is a person with disabilities.

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5. Tenant-Owed Gas Ranges

New York State law requires that all-new ranges be equipped with electric ignitions. These ranges must be connected to a special outlet. If such outlet is not already in the apartment, tenants are not permitted to install their own or use extension cords.

Tenant-owned gas ranges may be installed provided the following criteria are met:

- Range must be installed by a licensed plumber.
- Range must be of the type approved by the American Gas Association.
- It must fit into the space provided for the range without alterations.
- Tenant must understand that NYCHA is not responsible for repairs.

Refer to Standard Procedure 060:67:2, *Range Replacement and Repair*, Section VII. for more information about installation of tenant-owned ranges.

P. Installation Request

Maintenance supervisors are to review all *Appliance Installation Request* forms and refer all violations immediately to the Housing Manager for follow-up. The Superintendent will return all *Appliance Installation* forms to the Housing Manager if excess utility charges are involved. The Housing Manager or designee charges the tenant effective the first of the month after the appliance has been installed. The form is then filed in the tenant folder.

Q. Appliances Controls and Inspections

1. Controls

Each development is to maintain an updated *Additional Charges Log*. This *Log* can be created from the PIMS Rent Roll Report by creating a customized Excel Spreadsheet to only include additional charges greater than zero.

2. Routine Inspections

Maintenance Workers inspect all appliances and note in the handheld device, or paper Work Order, the presence of any dishwasher, freezer or tenant-owned refrigerator over **18 cubic feet** and indicate if the appliances were improperly installed. The Housing Manager or designee checks tenant accounts or a current *Additional Charges Log* to determine whether the appliances found were authorized, and if proper charges were imposed. The Housing Manager must take prompt follow-up action on all violations. Refer to Section X. N. 11. *Violations* for more information on violations.

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Housing Assistants must check during new tenant visits for the presence of any appliances and indicate whether they have been properly installed. They should also check tenant accounts or a current *Additional Charges Log* to determine if the appliances found have been duly authorized, and, if not, inform the Housing Manager so that proper charges may be imposed.

3. Charges for Appliances Found During Inspections

If a tenant fails to inform the Management Office about the installation of an appliance (freezers, dishwashers, and additional refrigerators), the tenant is to be charged retroactively to the first day of the month of discovery of the appliance. If the charge is to go back to the date of installation, the tenant must show proof of that date and a copy of such proof is filed in the tenant folder.

4. Unacceptable Appliance Installation

If the appliance or installation thereof is not acceptable and the tenant does not remove the appliance or correct the infraction of rules after being given a reasonable time to do so, termination of tenancy proceedings shall be initiated. The Housing Manager shall make a recommendation for payment of all charges. These will have to be imposed by the Hearing Officer after a hearing is held, or by stipulation. The Housing Manager will process these charges when the case is returned to the development.

XI. Family Composition

A. Original Family Composition

The applicant or other persons recorded on the Housing Application (on paper or online) who are authorized to reside in the apartment at initial rental and move-in are the *original tenant household members*. These individuals may occupy the apartment, provided, among other things, they lawfully remain in continuous occupancy.

The original tenant household members are designated as follows:

- The “Head” or “Head of Household” signs the lease and is designated as the tenant (lessee, or signatory to the lease).
- The “Co-Head” or “Co-Head of Household”, if any, co-signs the lease and is designated as the co-tenant (co-lessee, or co-signatory to the lease).
- All other family members are designated as authorized permanent household members.

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B. All Residency Permission Requests (Permanent or Temporary)

1. **Tenant's Permission Request:** Only a tenant (lessee) or co-tenant (co-lessee) may request permission for a proposed additional person to reside in his or her apartment, on either a permanent or temporary basis. The request can be made any time during the year and online during the annual review process by completing and submitting to property management NYCHA Form 040.297D, *Request to Add a New Household Member (Permanent/Temporary)*, along with all required documentation. The form must be signed by the tenant or co-tenant, and the prospective additional person, if age 18 or older.

Residency permission requests must be in writing. If a tenant or co-tenant requests permission informally, property management staff instructs them to complete NYCHA Form 040.297D.

If a tenant or co-tenant needs assistance completing the form, property management staff provides it. For guidance consult Standard Procedure 040:12:1, *Reasonable Accommodations in Housing for Applicants, Section 8 Voucher Holders, and NYCHA Residents*.

2. **Property Manager's Response:** The property manager or designee reviews the permission request and all supporting documentation within **30 days** from the date NYCHA Form 040.297D and all supporting documents are received by property management. The review may include a personal interview with the tenant or co-tenant and/or the proposed additional person.

If the property manager fails to approve a permission request within the 30 day time frame, the request is denied.¹⁴

After review, the property manager or designee approves or disapproves the permission request on NYCHA Form 040.914, *NYCHA Response to Request to Add a New Household Member (Permanent/Temporary)*, and sends a copy to the tenant and co-tenant.

- a. If the property manager or designee approves the permission request, the proposed additional person may reside in the apartment.
- b. If the property manager or designee disapproves the permission request, the proposed additional person may not reside in the apartment.

(1) The property manager indicates the reason on NYCHA Form 040.914.

(2) The tenant or co-tenant is entitled to a grievance hearing to review the property manager's decision.

¹⁴ Effective November 24, 2002, NYCHA eliminated any acquisition of permanent or temporary residency permission due to the property manager's failure to act after the submission of a residency permission request. Residency permission may be acquired only upon the written approval of the property manager.

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C. Permanent Residency Permission Requests – Family Growth

1. Relationship Criteria: A person may be added to the household through *Family Growth* if (s)he is either:
 - a. Born to; or
 - b. Legally adopted by; or
 - c. Judicially declared to be the ward (under the legal custody or guardianship) of, the tenant, co-tenant, or an authorized permanent family member during the time that the tenant, co-tenant, or authorized permanent family member resides in the apartment.
 2. Required Documentation: Along with NYCHA Form 040.297D the tenant or co-tenant must submit valid legal proof of the relationship to the proposed additional person, as follows:
 - a. Birth: Valid legal proof shall be either one of the following:
 - (1) A birth certificate identifying the tenant, co-tenant, or an authorized permanent household member as the birth parent; or
 - (2) Court papers identifying the tenant, co-tenant, or an authorized permanent household member as the birth parent.
 - b. Legal Adoption and Court-Ordered Wards: Valid proof shall be court documents approving the adoption or authorizing the guardian/ward status
- NOTE:** All adoptees and wards 16 years old or older must also be eligible based upon a Criminal Background Check.
3. Property Manager's Response: If the tenant or co-tenant submits the required documentation, and the proposed additional person meets the relationship criteria and does not fail a Criminal Background Check (if applicable), the property manager shall grant the permanent permission request using NYCHA Form 040.914.
 4. Occupancy Issue – Transfer Permitted: For requests to add through the *Family Growth* category, if the proposed additional person overcrowds or extremely overcrowds the apartment (as defined in Appendix F, *Transfer Priorities and Occupancy Standards for Families*), the property manager does not deny the addition to the household due to overcrowding or extreme overcrowding, but can approve the permanent residence request and offer the tenant and co-tenant the opportunity to transfer to a larger apartment of appropriate size.

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D. Permanent Residency Permission Requests - Other than Family Growth

1. Status of Current Tenant or Co-Tenant

For the categories of Permanent Residency Permission Requests – Other Than Family Growth, the person making the permission request must be:

- a. The tenant or co-tenant; and
- b. In current occupancy; and
- c. In good standing, i.e.:
 - Is not subject to a pending non-payment of rent case; and
 - Is not in violation of any NYCHA rule or regulation; and
 - Is not subject to a pending Termination of Tenancy proceeding.

2. Status of a Proposed Additional Person

In addition to Permanent Residency Permission Requests for *Family Growth* (Section XI.C.), the following three categories are the only other categories of proposed additional person(s) for whom a tenant or co-tenant may request permanent Residency Permission:

a. **CATEGORY 1: Spouse or Domestic Partner of the Tenant or Co-Tenant and Their Minor Children**¹⁵

(1) Relationship Criteria: For a person to qualify for permanent residency permission under this category, the person must have one of the following relationships with the tenant or co-tenant. All relationships must be verified. Note that a relationship listed below does not qualify if it is with another authorized permanent household member, but not with the tenant or co-tenant.

(a) Spouse (husband or wife) of the tenant or co-tenant

(b) Registered domestic partner of the tenant or co-tenant

(c) A minor (person under age 18): naturally born to, legally adopted by, or who is the judicially declared ward (under the legal custody or guardianship) of either:

i. The tenant or co-tenant; or

¹⁵ This category of *Spouse or Domestic Partner of the Tenant and Their Minor Children* was created by a change in NYCHA policy through DGM #2001-0006-Revised, *Expansion of Permanent Permission Grant: To Include Spouses and Minor Children*, dated January 27, 2011.

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ii. The tenant or co-tenant's spouse or registered domestic partner.

(2) Occupancy Issue – Transfer Permitted: For requests to add a person under this category, if the proposed additional person overcrowds or extremely overcrowds the apartment (as defined in Appendix F, *Transfer Priorities and Occupancy Standards for Families*), the property manager does not deny the addition to the household due to overcrowding or extreme overcrowding, but can approve the permanent residence request and offer the tenant and co-tenant the opportunity to transfer to a larger apartment of appropriate size.

b. **CATEGORY 2: Specific Relatives of the Tenant or Co-Tenant Other Than Spouse or Domestic Partner of the Tenant or Co-Tenant and Their Minor Children**

Relationship Criteria: For a person to qualify for permanent residency permission under this category, the person must have one of the following relationships with the tenant or co-tenant. All relationships must be verified. Note that a relationship listed below does not qualify if it is with another authorized permanent household member, but not with the tenant or co-tenant.

Son, daughter, stepson, stepdaughter, father, mother, stepfather, stepmother, brother (including half-brother), sister (including half-sister), grandfather, grandmother, grandson, granddaughter, son-in-law, daughter-in-law, father-in-law, mother-in-law.

Occupancy Issue – Permission Denied, Transfer Prohibited: For requests to add a person under this category, if the proposed additional person overcrowds or extremely overcrowds the apartment (as defined in Appendix F, *Transfer Priorities and Occupancy Standards for Families*), the property manager must disapprove a permanent residency permission request due to overcrowding or extreme overcrowding. The tenant is not eligible to request a transfer to a larger apartment.

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NOTE: Examples: A single tenant and a child less than six years old reside in a one bedroom apartment. Their occupancy is standard occupancy:

- 1) If the tenant marries and submits a permanent permission request for the spouse to join the household, the property manager shall not disapprove the addition to the household due to overcrowding. The tenant is eligible to request a transfer to a larger apartment of appropriate size.
- 2) If the tenant submits a permanent permission request for an adult child (over age 18) to join the household, the property manager shall disapprove the permanent permission request due to overcrowding. The tenant is not eligible to request a transfer to a larger apartment due to the anticipated overcrowding.

c. **CATEGORY 3: A Formerly Authorized Permanent Household Member**

A formerly authorized permanent household member who moved out¹⁶ and seeks permission to rejoin the household does **not** automatically obtain permanent residency permission by virtue of his or her former occupancy, notwithstanding NYCHA's actual or constructive notice of the person's return to the apartment. Such a person may obtain permanent residency permission only if the tenant or co-tenant submits a permanent residency permission request which is approved by the property manager.

Occupancy Issue and Relationship Criteria: If the proposed additional person overcrowds or extremely overcrowds the apartment (as defined in Appendix F, *Transfer Priorities and Occupancy Standards for Families*, the property manager must look to the relationship criteria in determining whether to approve or disapprove the permanent permission request.

- (1) If the formerly authorized household member is one of the same relationships as in Section XI.D.2.a., CATEGORY 1: *Spouse or Domestic Partner of the Tenant or Co-Tenant and Their Minor Children*, the property manager shall not disapprove the addition to the household due to overcrowding or extreme overcrowding, but can grant permission and offer the tenant or co-tenant the opportunity to transfer to a larger apartment of appropriate size.

¹⁶ Formerly authorized permanent household members are persons who initially joined the household as: (a) Original household members, (b) Persons added through *Family Growth*, or (c) Persons who previously received the property manager's written permanent residency permission. A formerly authorized permanent household member would not be barred from receiving permanent permission solely because he or she does not fall within one of the family member relationship categories listed in this section.

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- (2) If the formerly authorized permanent household member is a relation other than in Section XI.D.2.a., CATEGORY 1: *Spouse or Domestic Partner of the Tenant or Co-Tenant and Their Minor Children*, the property manager shall disapprove the addition to the household due to overcrowding or extreme overcrowding. The tenant or co-tenant is not eligible to request a transfer to a larger apartment.

3. Minors Rule¹⁷

If the proposed additional person for whom permanent residency permission is requested is a minor (a person under age 18), in addition to the required family relationship (as defined in Categories 1, 2, and 3 above), there must also be a *verifiable care relationship* between the minor and either the tenant, co-tenant, or an authorized permanent household member. The care relationship must be verified by either:

- a. A birth certificate listing at least one parent of the minor as the tenant, co-tenant, or authorized permanent household member. If the birth certificate also lists a non-resident co-parent, then one of the following is also required:
- (1) A letter from the non-resident co-parent recognizing that the minor will be residing with the tenant or co-tenant; or
- (2) Proof that the non-resident co-parent is unable or unwilling to provide such letter.

Examples of such proof include records verifying the non-resident co-parent being deceased, out of the country, missing, incarcerated, not physically or mentally able to provide a letter recognizing the minor's residence, or has committed acts of domestic violence against either the child or the resident co-parent.

- b. Court papers (for an adoptive child, judicially declared ward, or to prove transferred custody from a prior caregiver); or
- c. A marriage license where the minor is a spouse.

4. Additional Requirements for the Proposed Additional Person

- a. Desirability

A person:

¹⁷ The *Minor's Rule* applies to all permanent residency permission requests submitted to property management (in person or online) on or after November 24, 2002. Any pre-existing occupancy rule applies only if a permanent residency permission request was approved in writing by the property manager prior to November 24, 2002.

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- (1) Aged 16 years old or older must be eligible based upon a criminal background check (use NYCHA eForm 040.418A, *Criminal Background Check*).
- (2) Must meet the eligibility standards in the Applications and Tenancy Administration Department (ATAD) Manual (see Chapter VI, *Eligibility Requirements*), including the provisions stating a person in the following categories is ineligible for a period of *five* years from the date of the event, unless a shorter period of ineligibility is specified in the ATAD Manual:
 - (a) A tenant who was evicted from a NYCHA apartment
 - (b) A tenant whose tenancy with NYCHA was terminated
 - (c) A person who was permanently excluded from a different NYCHA household

b. Duplicate Tenancy or Occupancy

The proposed additional person may not be a tenant or authorized occupant of another NYCHA apartment, or of any other HUD-administered public housing apartment, or a recipient of a Section 8 subsidy. Property management staff checks for a duplicate tenancy/occupancy by searching the HUD – EIV system for the *Existing Tenant Search Report*. If a duplicate tenancy or occupancy exists, permanent permission cannot be granted unless the property manager receives proof that the proposed additional person was removed from the other household.

c. Senior Citizen Developments

The proposed additional person shall not receive permanent residency permission for a senior citizen development unless, in addition to other requirements, (s)he would independently meet the age requirements for residence in that development.¹⁸

If the proposed additional person is below the age requirement for a senior citizen development, that person may be granted temporary residency permission until NYCHA offers a transfer to an appropriate apartment even if it takes longer than one year to offer a transfer – provided that:

¹⁸ In senior citizen developments or buildings, the required minimum age for admission is:

- For single person households: at least 62: or
- For multiple person households: Either the tenant (lessee) **or** co-tenant (co-lessee) must be 62. A co-tenant can be younger than 62 as long as the tenant is 62 or older. All other authorized permanent household members must be 62 or older (see ATAD Manual, Section II.D.).

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- (1) In addition to the permanent permission request, the tenant or co-tenant submits a request for the entire family to transfer to a non-senior building within the development¹⁹; and
- (2) The proposed additional person would qualify for permanent residency permission in the non-senior citizen building.

d. Income, Assets, Date of Birth, Social Security Number, and Citizenship Status

The proposed additional person must report their income/assets, date of birth, Social Security number and citizenship status. All information must be verified. The additional person's income/assets, if any, will be included with household income/assets for rent calculation purposes.

NOTE: Income Limits: With the exception of a Section 8 voucher holder in an LLC development (see below) there are no limits to the income/assets of the proposed additional person. Admission income limits do not apply. A limit on total family income/assets (formerly called "continuous occupancy limit") does not apply.

e. Section 8 Voucher Holder (Tenant Based Voucher or Project Based Voucher) Living in an LLC (City/State Built) Development

Occupancy rules for Section 8 voucher holders residing in an LLC development are not covered in this chapter.

5. Property Manager's Approval of Permanent Residency Permission

a. If permanent permission is granted, the additional person:

- (1) Is added to NYCHA's records as an authorized permanent household member acquiring permanent residency status; and
- (2) Is subject to the same conditions of behavior and residence as the rest of the family.

b. The property manager:

- (1) Approves the residency status using NYCHA Form 040.914A, *NYCHA Response to Request to Add a New Household Member (Permanent/Temporary)*, (see Section XI.B.2. above).

¹⁹ If a non-senior building does not exist within the development, an inter-project transfer request must be processed whether or not an anticipated vacancy is indicated on the *Interviewer's Guide* using TSAP Codes: Priority Code T1, Transfer Type F. Failure to accept the transfer can result in revocation of any permission granted.

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- (2) Performs an interim rent change:
- (a) Adding the additional person to the household composition as an authorized permanent household member; and
 - (b) Including the additional person's income/assets, if any, in the total household income/assets and adjusting the rent, if necessary. The date of the new rent is the first day of the month following the date of the property manager's approval on NYCHA Form 040.914, *NYCHA Response to Request to Add a New Household Member (Permanent/Temporary)*.
- (3) Sends the tenant and co-tenant NYCHA Form 040.623, *Public Housing Lease Addendum and Rent Notice*, indicating the revised family composition and the new rent (if changed).
- (4) Notifies the tenant and co-tenant that the household can request a transfer to a larger apartment, if the additional person falls within the *Family Growth* or *Spouse or Domestic Partner of the Tenant or Co-Tenant and Their Minor Children* categories described above, and the approval of the additional person made the occupancy of the apartment overcrowded or extremely overcrowded.

6. Property Manager's Disapproval of Permanent Residency Permission

For information on the property manager's disapproval of permanent residency permission, see Section XI.B.2., *Property Manager's Response*.

7. Revocation of Previously Granted Permanent Permission

If the property manager previously approved permanent residency but subsequently receives information that either the tenant, co-tenant, or proposed additional person misrepresented a material fact when requesting permission, the property manager can revoke permission. The property manager completes NYCHA Form 040.914, indicating that the residency status is disapproved by:

- a. Checking the relevant reason(s) for disapproval; and
- b. Inserting "The previous determination to grant residency permission is revoked" in the 'other' line.

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8. Alternative Temporary Residency Permission

If the property manager disapproves the request for permanent residency permission, the tenant or co-tenant may alternately apply for temporary residency permission (refer to Section XI.E., *Temporary Residency Permission Requests*, below).

E. Temporary Residency Permission Requests

The following requirements apply to the tenant, co-tenant, and proposed additional person, when the tenant or co-tenant requests Temporary Residency Permission (refer to Section XI.B. above).

1. **Status of Current Tenant or Co-Tenant:** For temporary residency permission requests, the person making the permission request must be:

- a. The tenant or co-tenant; and
- b. In current occupancy; and
- c. In good standing, i.e.,:
 - Is not subject to a pending non-payment of rent case; and
 - Is not in violation of any NYCHA rule or regulation; and
 - Is not subject to a pending Termination of Tenancy proceeding.

2. **Status of Proposed Additional Person:** For temporary residency permission requests, the proposed additional person(s) must meet the following criteria:

a. Familial Relationship Status of a Proposed Additional Person

There are no specific requirements for a familial relationship between the tenant or co-tenant and the proposed additional person, except that boarders, lodgers, and paying guests are prohibited.

b. Desirability

A person age 16 years old or older must be eligible based upon a criminal background check (use NYCHA e-Form 040.418A, *Criminal Background Check*).

3. Other Temporary Residency Criteria

a. Length of Stay

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Temporary permission is for **one year** from the date permission is approved on NYCHA Form 040.914, *NYCHA Response to Request to Add a New Household Member (Permanent/Temporary)*, except if a different length of stay is specified.

NOTE: The person granted temporary permission has no succession or remaining family member rights.

- (1) Temporary permission for a Foster Child or Caregiver/Home Care Attendant will automatically renew during the tenancy as long as the Foster Child or Caregiver/Home Care Attendant relationship continues, as specified below.
- (2) For persons other than a Foster Child or Caregiver/Home Care Attendant, if the tenant or co-tenant requests renewal of the temporary residency permission for longer than one year, the request needs the approval of the property manager and the Property Management Department director or designee.

b. Income/Assets

The income and assets of a person who is granted temporary residency permission are not considered for the purposes of adjusting the tenant's rent.

c. Household Size/Transfers

- (1) Overcrowded: The property manager may grant temporary residency permission even if the proposed additional person(s), combined with the existing household, overcrowds the apartment, provided that the apartment does not become extremely overcrowded (see Appendix F, *Transfer Priorities and Occupancy Standards for Families*). The tenant or co-tenant is not eligible to request a transfer to a larger apartment.
- (2) Extremely Overcrowded: The property manager shall deny temporary residency permission if the proposed additional person, combined with the existing household, would extremely overcrowd the apartment (see Appendix F, *Transfer Priorities and Occupancy Standards for Families*).

In a situation where the proposed additional person(s), combined with the existing household, extremely overcrowds the apartment, the property manager may make an exception by granting temporary residency permission to a Caregiver/Home Care Attendant as a reasonable accommodation to an authorized permanent household member.

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d. Senior Citizen Developments – Age Restriction

The proposed additional person who is younger than the age required for residency in a senior citizen development shall be denied temporary residency permission, except as specified in the rules for permanent permission in senior citizen developments (Section XI.D.4.c. above), and rules regarding Foster Children or Caregiver/Home Care Attendants (Section XI.E.3.e. below).

e. Foster Child or Caregiver/Home Care Attendant

(1) Automatic Renewal of Temporary Permission: The property manager may approve temporary residency permission, which automatically renews during the tenancy, for the following individual(s):

(a) A **Foster Child** of the tenant, co-tenant, or an authorized permanent household member – who may or may not be a relative of the foster parent – provided the foster care relationship continues.

(b) A **Caregiver/Home Care Attendant** (full time or part time) for the tenant, co-tenant, or an authorized permanent household member, who may or may not be a relative of the person receiving care, provided the care relationship continues.

(2) Under Age in a Senior Citizen Building: For tenants residing in a senior citizen development, the property manager may approve temporary permission for a Foster Child or Caregiver/Home Care Attendant who is younger than the age required for residence in the senior citizen development.

(3) Permission Disapproval/Revocation: The property manager records the residency status disapproval or revocation per Section XI.D.7. above. Any previously granted temporary permission automatically ends upon the occurrence of any of the following:

(a) The Foster Child or Caregiver/Home Care Attendant relationship ends.

(b) The person receiving temporary residency permission becomes non-desirable.

(c) The Foster Child combined with the tenant's existing household extremely overcrowds the apartment. The tenant or co-tenant is not eligible to request a transfer to a larger apartment.

(d) Either the tenant, co-tenant, or proposed additional person misrepresented a material fact when making the permission request.

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(e) The tenancy ends (the tenant and co-tenant move or die).

NOTE: A Foster Child or Caregiver/Home Care Attendant receives temporary permission only; (s)he does not receive permanent permission unless (s)he independently qualifies as specified for permanent permission.

NOTE: Regarding Foster Children:

- Payments by a public or private foster care agency, made to a family member for the foster care of children, are excluded from family income.
- Foster children do not qualify for rent deductions otherwise given for minority children.
- NYCHA staff may not disclose to the child placement agency tenant data obtained from the HUD Enterprise Income Verification (EIV) system.

4. Property Manager's Response to the Temporary Residency Permission Request

The property manager approves or disapproves (or revokes) the permission request per directions in Section XI.B. above.

F. Unauthorized Occupancy After Permission Is Denied or Revoked

If residency permission was denied or revoked, the person for whom permission was sought:

1. Is considered an unauthorized occupant and may not reside in the apartment; and
2. Must vacate the apartment within 15 days after the date on NYCHA Form 040.914, *NYCHA Response to Request to Add a New Household Member (Permanent/Temporary)*.

G. Removal of Unauthorized Occupants

An unauthorized occupant is a person who resides in an apartment without NYCHA's authorization or permission.

A tenant or co-tenant may be subject to termination of tenancy proceedings if an unauthorized occupant resides in the apartment. Property management staff commences a Termination of Tenancy Proceeding for Breach of Rules and Regulations (see Management Manual, Chapter IV, Termination of Tenancy).

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Property management staff should consult the Law Department before commencing a Termination of Tenancy proceeding for an unauthorized occupant, to check if there is a pending tenant initiated grievance, brought to contest the property manager's denial of a permanent permission request or revocation of permanent permission.

H. Removal of a Co-Tenant or an Authorized Permanent Household Member

1. **Co-Tenant:** NYCHA removes a co-tenant from the household upon receipt of proof that the co-tenant has permanently moved from the apartment. NYCHA requires the co-tenant to sign NYCHA Form 040.032, *Notice of Intent to Vacate*.
2. **Authorized Permanent Household Member:** A tenant or co-tenant may request NYCHA to remove an authorized permanent household member from the family composition, verified by appropriate documentation that the authorized permanent household member has permanently moved from the apartment, as follows:
 - a. The tenant or co-tenant completes NYCHA Form 040.643, *Family Member Removal Notice*, submitted to property management anytime during the year or during annual review processing by checking "remove" next to the person's name – under section O of the Affidavit of Income (online or on NYCHA Form 040.297, *Public Housing Affidavit of Income – Annual Recertification*).
 - b. The tenant or co-tenant must submit required proof that the person has moved from the apartment, documenting one of the following categories:
 - (1) Non-Residency -To verify that the person does not live in the apartment, when the person's new residence is unknown submit documents, such as a Court Order of Protection excluding the person from the apartment, or a Police Report which includes a statement that the person left the apartment.
 - (2) Alternate Residency – To verify that the person lives at another address submit documentary proof listing the alternative address, such as a copy of a lease, utility bill, driver's license, or a non-driver ID.
 - (3) No Proof of Non-Residency or Alternate Residency – The tenant or co-tenant must indicate why proof of non-residency or alternate residency cannot be provided.
3. **Interim Change Rent Adjustment:** Property management staff performs an interim change to remove a person and his or her income from the household, upon receipt of confirmation that the authorized permanent household member vacated the apartment. For more information on interim rent changes, refer to Management Manual, Chapter III, Section XIV., *Interim Rent Changes*.

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4. **Underoccupancy:** After an authorized permanent household member vacates, property management staff reviews the family composition to determine if the family is underoccupied. For more information on underoccupied transfers, refer to Management Manual, Chapter I, Section VI.A.6., *Transfers: Non-Emergency – Underoccupancy*.

I. Absence from the Household

1. The following are various situations where an authorized permanent household member is absent from the household on a temporary basis. The household member does not necessarily lose authorized residency status despite his or her *temporary absence* from the apartment, provided the authorized permanent household member continues to be included on the *Occupant's Affidavit of Income* and his or her income, if any, is included in the household income for rent calculation purposes.
 - a. Institutionalization in a nursing home or alternate care facility: Property management should require proof regarding the name of the care facility and length of stay.
 - b. Incarceration: Property management should require proof regarding the name of the correctional facility, and type and length of conviction. The property manager may terminate residency status by initiating Termination of Tenancy proceedings based on the criminal conduct (e.g., for Non-Desirability). Refer to NYCHA Management Manual, Chapter IV., *Termination of Tenancy*, for guidance.
 - c. Military Service: Property management should require proof regarding the branch of military service, a contact address, and length of service.
2. The property manager can commence a termination of tenancy case for failure to occupy the apartment, if facts indicate that the absence from the apartment will be for an extended or undetermined duration.

XII. Remaining Family Members (Succession Rights)

The Remaining Family Member (RFM) policy defines who may succeed to a lease as a remaining family member after a tenancy ends i.e., the tenants/lessees move out of the apartment or die. This section also contains the remaining family member grievance procedure.

A. Conditions to Acquire Remaining Family Member Status

A person who claims to have RFM Status ("RFM claimant") shall acquire RFM status if (s)he lawfully enters the apartment **and** is in continuous occupancy of the apartment, as follows:

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1. Lawful Entry

An RFM claimant enters the apartment lawfully if (s)he became part of the household as one of the following:

- a. Original Tenant Family member (according to Section XI. A.); or
- b. Joined the household through family growth (the person was born to, legally adopted by, or judicially declared to be the ward (under the legal custody or guardianship) of the tenant or of an authorized permanent family member during the time that the tenant or authorized permanent family member resided in the apartment (according to Section XI., B., 1); or
- c. Obtained Permanent Residency Permission (i.e., written permission) from the property manager (according to Section XI. B. 2.); **and**

2. Continuous Occupancy

The RFM claimant must remain in continuous occupancy in the apartment, including being named on all affidavits of income from the time (s)he lawfully enters the apartment until all tenants/lessees move out of the apartment or die.

a. One Year Requirement

RFM claimants who received the property manager's written Permanent Residency Permission on or after **November 24, 2002**, must remain in continuous occupancy, including being listed on all Occupant's Affidavits of Income from the date of issuance of the property manager's written Permanent Residency Permission for **not less than one year immediately prior to the date the tenant and co-tenant (if any) vacates the apartment or dies**. If the authorized occupancy is less than one year, the RFM claimant is denied RFM status.

b. Acceptable Breaks in Continuous Occupancy

An RFM claimant who *lawfully entered* the apartment (refer to Section XII. A. 1.) and is not removed from the household by the tenant or co-tenant, does not violate the Continuous Occupancy Requirement, if the break in occupancy is for one of the following acceptable reasons:

- (1) The resident is away in military service; or
- (2) The resident is away at college.

Acceptable breaks in continuous occupancy must be verified by submission of valid proof to the property manager.

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B. Eligibility for a Lease/Occupancy of a NYCHA Apartment

An RFM claimant who satisfies the lawful entry and continuous occupancy requirements specified in Section XII. A. shall be eligible for an offer of a lease to, or permanent occupancy in, a NYCHA apartment, provided that (s)he is otherwise eligible for that apartment, as follows:

1. Has Capacity to Sign Lease
 - a. Reached the age of majority (age 18)²⁰; or
 - b. Is an emancipated minor (about age 17)²¹; or
 - c. Has an acceptable guardian²².

NOTE: Family Partnerships Department Referral: In his or her discretion, the property manager may refer for evaluation by the Family Partnerships Department any RFM claimant or guardian, to determine whether the proposed individual is willing to, and capable of, providing care for the RFM as well as complying with NYCHA's tenancy rules.

2. Income

Before a lease can be offered, property management reviews the income of all household members who qualify for RFM status, in order to determine household income and set the rent. If the RFM claimant has a guardian who resides in the apartment, the guardian's income is included in the rent calculation.

Staff calculates income using the same rules as in the ATAD Manual for public housing applicants. Note that HUD's EIV system may be available to verify income only if the RFM claimant was previously in the Tenant Data System (TDS) as a current household member.

If no RFM claimant can provide a verifiable or realistic income, refer to the ATAD Manual, Section VI.G., *Unverifiable Income or Unrealistic Income*, for additional steps to be taken.

²⁰ Age of Majority: NYCHA considers a person who reached the age of majority (age 18) as possessing the maturity, capability and mental capacity to perform the functions of tenancy, unless otherwise indicated.

²¹ Emancipated Minor: NYCHA considers a person who has not yet reached the age of majority but is about age 17 and has the maturity, capability, and mental capacity to perform the functions of tenancy, as confirmed by Department of Social Services evaluation, to be an emancipated minor. NYCHA considers an emancipated minor to have the capacity to sign the lease.

²² Acceptable Guardian: An RFM claimant who lacks the requisite physical age, capability, or mental capacity to sign a lease must instead have an acceptable guardian (a parent or legal guardian). The proposed guardian must meet NYCHA's desirability standards including the passing of a Criminal Background Check.

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RFM claimants who report zero income must, however, provide information about the source of income used to support basic living expenses and cash expenditures.

If there is no income, or if all income is obtained from excludable sources, the rent is set at zero. Claimants should not be denied RFM status because of no income.

There are no admission income limits for RFM claimants in the public housing and City/State Section 8 programs. In Project-based Section 8 program developments, students under the age of 24 years may be subjected to a maximum income limit. For information about student eligibility for Section 8 assistance, refer to Chapter V, *Administration of Section 8 Project-Based Program, Section IX*.

3. Eligibility Factors

Each RFM claimant must meet NYCHA eligibility factors per the Housing Applications Manual. These factors include:

- a. Desirability: see Section XI. B. 2. a. (3) (a), above
- b. Senior Citizen Developments – If an RFM claimant meets all other qualifications for the offer of a lease but does not meet the age requirements for residence in a senior citizen development, the property manager can offer the RFM claimant a lease to the apartment in which (s)he resides, provided (s)he **first** signs a request to transfer to an apartment of correct size within a non-senior development. If the new tenant (former RFM claimant) still does not meet the age requirements for residence in a senior citizen development at the time a proper sized apartment in a non-senior development is offered, but the new tenant fails to accept the transfer offer and move to the new apartment, staff commences proceedings against the new tenant to Terminate Tenancy for Breach of Rules and Regulations (Refer to NYCHA Management Manual, Chapter IV, *Termination of Tenancy*).
- c. Family Size – If an RFM claimant meets all other qualifications for the offer of a lease, the property manager can offer the RFM claimant a lease to the apartment in which (s)he resides. With the exception of senior citizen developments (see Section XII B 3 (b) above), after a lease to the current apartment in which the RFM claimant resides is signed, apartment size/occupancy issues are resolved according to procedure as follows:
 - Correct Size Apartment: If the resulting new tenancy is the correct size for the apartment (defined as ‘standard occupancy’ in Appendix F, *Transfers-Tenant Selection and Assignment Plan (TSAP) Transfer Guide and NYCHA Occupancy Standards for Families-Public Housing*), there is no need to transfer based on apartment size issues.

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- Overcrowded Apartment: If the resulting new tenancy overcrowds the apartment (defined as ‘overcrowded’ or ‘extremely overcrowded’ in Appendix F, *Transfers-Tenant Selection and Assignment Plan (TSAP) Transfer Guide and NYCHA Occupancy Standards for Families-Public Housing*), the property manager informs the new tenant that (s)he may submit a request to transfer to a larger apartment.
- Underoccupied Apartment: If the resulting new tenancy underoccupies the apartment (defined as ‘underoccupied’ or ‘extremely underoccupied’ in Appendix F, *Transfers-Tenant Selection and Assignment Plan (TSAP) Transfer Guide and NYCHA Occupancy Standards for Families-Public Housing*), the property manager requests the RFM claimant to submit a request to transfer to an apartment of proper size. Alternatively, the new tenant may submit a request for *Permanent Residency Permission* on behalf of additional family members. If this request is granted by the property manager, the underoccupancy may have been cured.

C. Right to Grievance

1. Overview

The property manager shall advise an RFM claimant of his/her right to initiate a grievance proceeding as specified in the Grievance Procedure (see Section XII, D, below). The RFM Grievance is commenced with the property manager followed by a Property Management Department review. Some RFM claimants may also be eligible to a grievance hearing before an Impartial Hearing Officer. At any stage in the proceeding, NYCHA may decide to offer the RFM claimant a lease if the claimant complies with requirements of Sections XII (A) and (B) and is not excluded per Section XII (C)(3).

If the claimant does not initiate an RFM grievance within the time limitations and meet the other conditions set forth in the Grievance Procedure, or if the grievance is ultimately decided against him/her, the property manager shall commence (or resume) a holdover licensee proceeding against him/her in the Housing Part of the Civil Court.

2. Evidence

The RFM claimant has the burden of proof to demonstrate that (s)he qualifies for a lease by meeting the requirements of Sections XII (A) and (B) and is not excluded per Section XII (C)(3). At any stage of the grievance proceeding, including at a formal grievance hearing, NYCHA may introduce evidence to show that a claimant does not meet the requirements of Sections XII (A) and (B) above. The RFM claimant shall be denied a lease if the evidence does not establish that the claimant meets the requirements of Sections XII (A) and (B) above.

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3. Exclusions from a Hearing

The following categories of RFM claimants shall not be entitled to a grievance hearing before an Impartial Hearing Officer, and are not entitled to an offer of a NYCHA lease. Accordingly, after the property manager and the Property Management Department denies the RFM claim, the property manager shall commence (or resume) holdover licensee proceedings against the RFM claimant in the Housing Part of the Civil Court:

- a. Transfer of Tenancy: Any occupant of a NYCHA apartment who remains in the original apartment when a tenant of record transfers to another NYCHA apartment.
- b. Duplicate Tenancy: Any occupant of a NYCHA apartment who is a tenant or authorized occupant of another NYCHA apartment or of any other HUD administered public housing apartment, or a recipient of a Section 8 subsidy.
- c. Termination of Tenancy: Any remaining occupant of a NYCHA apartment at the time the tenancy is terminated, except:
 - If the termination of tenancy against the former tenant was based on the former tenant's failure to occupy the apartment, or
 - If the termination of tenancy "bifurcated" the lease under the *Violence Against Women Act (VAWA)*, terminating the tenancy or occupancy rights of the abuser(s) and leaving intact the tenancy/occupancy rights of the other family members. Refer to Section XXI, *Compliance With Violence Against Women Act (VAWA)*, for details on bifurcation and on lease succession rights for other family members once the abuser's rights have been terminated.
- d. Permanent Exclusion: Any member of a tenant family whom NYCHA permanently excludes from the household
- e. Temporary Resident: A family member with temporary residency permission only
- f. Resident Employee/Senior Resident Advisor/Resident Police Officer: Any Resident Employee, Senior Resident Advisor or Resident Police Officer and his/her family who occupies a NYCHA apartment with a Resident Employee, Senior Resident Advisor or Resident Police Officer lease only, and not a public housing lease.

D. Grievance Procedure

1. Property Management Notice to Claimant

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Property management shall provide NYCHA Form 040.342, *Important Notice – Remaining Family Member Claim*, to RFM claimants advising them of the availability of a grievance to determine their claim of entitlement to a NYCHA lease. Staff shall place a copy of this notice in the tenant folder for the subject apartment.

2. Commencing a Grievance – Claimant

To pursue a grievance, claimant must:

- a. Make a claim that he/she is the RFM as defined in Section XII. A. above.
- b. Pay use and occupancy for the subject apartment during the time the grievance is pending. Use and occupancy payments pursuant to this subparagraph shall not be placed in any escrow account.

The rate of use and occupancy to be paid shall be the lower of either:

- the monthly rent due from the former tenant; or
 - a rent rate based on the verified income of all the occupants in the household.
- c. Request a grievance with the property manager within 14 days of receipt of the *Important Notice – Remaining Family Member Claim*.

3. Processing of Grievance – Property Management Office

- a. If the RFM claimant does not comply with the requirements of Section XII. D. 2., staff shall accept no grievance and the property manager shall commence (or resume) licensee proceedings against the claimant(s) in the Civil Court.
- b. If the RFM claimant complies with the requirements of Section XII. D. 2., the grievance shall commence with an interview between the property manager and the claimant(s). At the interview, the claimant(s) may submit any documentary proof or give oral statements that (s)he believes will substantiate his/her claim.

After the interview, if the property manager determines that the claimant:

- (1) Is entitled to a lease because (s)he complies with the requirements of Sections XII. A. and B. above, is not excluded per Section XII C 3 and is paying use and occupancy, the property manager shall offer a NYCHA lease; or

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- (2) Is **not** entitled to a lease because (s)he does not comply with the requirements of Sections XII. A. and B. is excluded per Section XII C 3 or is not paying use and occupancy, the property manager shall note his/her decision on NYCHA form 040.302A, *Development Grievance Summary*, and forward it with the original tenant folder **within two weeks** after the interview to the Property Management Department for automatic review.

NOTE: At this stage of the grievance, the property manager shall not notify the claimant of the adverse decision.

4. Processing of Grievance – Property Management Department

- a. After receipt of the *Development Grievance Summary*, the Property Management Department or designee shall notify the RFM claimant on NYCHA form 040.384, *Management Department: Notice of Pending Review – Remaining Family Member Grievant*, that the claim is under review and that (s)he may submit additional written information to support his/her claim and/or request a personal interview with the Property Management Department director or designee **within ten working days**.

NOTE: In reviewing the claim, the Property Management Department director shall consider the information contained in the tenant folder; and additional documentation submitted or statements presented by the RFM claimant to the Property Management Department, if any. Upon completion of the review, the Property Management Department director shall issue a written decision.

Time Frame: The time frame within which the Property Management Department office completes its review (commencing from the time of receipt of the tenant folder from the development, notifying the RFM claimant of the ability to meet and/or submit additional information and issuing a written decision) is **30 days**.

- b. After the review, if the Property Management Department director or designee determines that the RFM claimant:

- (1) Is entitled to a lease because (s)he complies with the requirements of Section XII (A) and (B), is not excluded per Section XII (C)(3) and is paying use and occupancy, the Property Management director instructs the property manager to offer the claimant a NYCHA lease; or

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(2) Is **not** entitled to a lease because (s)he does not comply with the requirements of Section XII (A) and (B) or is not paying use and occupancy but has made a showing to substantiate his/her claim of RFM status, the Property Management Department director shall inform the RFM claimant and the property manager of the adverse decision on NYCHA form 040.302D, *Management Department: Grievance Summary*. By this form the claimant is notified that (s)he can appeal the Management Department director's ruling within **ten working days** to the Office of Impartial Hearings.

(3) Is **not** entitled to a lease because (s)he:

- does not comply with the requirements of Section XII (A) and (B), and
- has failed to make any showing to substantiate his/her claim of RFM status, or
- is within the group of people excluded from the right to a grievance hearing (per section XII (C)(3)),

the Property Management Department director shall inform the RFM claimant and the property manager of the adverse decision on NYCHA form 040.302D, *Management Department: Grievance Summary*. This notice informs the RFM claimant that the grievance is dismissed and there is no further right of appeal to the Office of Impartial Hearings. Rather, the property manager shall commence (or resume) licensee proceedings against the claimant in Housing Court.

NOTE: If NYCHA form 040.302D, *Management Department: Grievance Summary*, indicates that a claimant may appeal to the Office of Impartial Hearings, the claimant initiates the appeal by sending a letter requesting an appeal to the property manager. Upon receipt of the claimant's request, the property manager submits the former tenant's folder, all related grievance documents and the results of a criminal background check ATAD for transmission to the Office of Impartial Hearings.

- The property manager also initiates a mental competence assessment if he/she believes that the claimant meets the criteria for such assessment, per GM-3742 *Revised, Mental Competence Assessment and Guardians Ad Litem*.

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5. Processing of Grievance – Office of Impartial Hearings

- a. If the RFM claimant requested a grievance hearing, (s)he will be notified in writing of the date to appear for a hearing at the Office of Impartial Hearings. That notice will specify grounds by which NYCHA contends that the RFM claimant is not entitled to a lease.
- b. At the hearing, before the Impartial Hearing Officer, the RFM claimant must clearly demonstrate that (s)he:
 - Meets the standards for "*Remaining Family Member*" status (per Section XII, A) and,
 - Meets the criteria for "*Eligibility for a Lease/Occupancy of a NYCHA Apartment*" (per Sections XII. B.), and
 - Is paying use and occupancy.
- c. After the Hearing Officer considers the grievance, the Office of Impartial Hearings notifies the claimant of its decision, in writing.
- d. Decisions of the Impartial Hearing Officer may be reviewed and revised by the NYCHA Board, who will notify the claimant of its determination.

NOTE: If NYCHA determines that the RFM claimant is **not** entitled to an offer of a NYCHA lease, the property manager shall commence (or resume) a licensee-holdover proceeding against the claimant in Housing Court and seek a final judgment of possession and an eviction.

The licensee-holdover action is commenced by a Ten Day Notice to Quit (instead of the Thirty Day Notice to Vacate used for holdovers after Administrative termination). After the Notice to Quit expires, a holdover licensee-squatter Petition and Notice of Petition are served.

E. Forms Used for Remaining Family Member Grievances

1. *Important Notice - Remaining Family Member Claim* (NYCHA form 040.342)

Development staff sends this form to any RFM claimant before starting any licensee action in Housing Court. It advises the recipient of the availability of an administrative grievance to determine his/her legal status.

Staff may refer outstanding rent account balances of the former tenant for collection or, if the balance is uncollectible, process the balance for write-off (See Standard Procedure 150:99:2, Section II. B).

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2. *Development Grievance Summary* (NYCHA form 040.302A)

Used by property managers to indicate the disposition of any grievance conference with a RFM claimant. The form is submitted to the Property Management Department within two weeks after the grievance conference. At this stage, development staff does not notify the claimant of the property manager's adverse recommendation.

3. *Management Department: Notice of Pending Review - Remaining Family Member Grievant*, (Form 040.384)

Used only when the property manager denied an RFM claim and forwards it to the Property Management Department for review. The Property Management Department sends this form to the RFM claimant to notify him/her that the claim is under review and (s)he may submit additional written information or request a personal interview with the Property Management Department, within ten business days.

4. *Management Department: Grievance Summary* (NYCHA form 040.302D)

Records the Property Management Department's response to a grievant's claim after property management denied the relief requested.

If the grievance is brought by a RFM claimant, the "Note to Grievant" section of the form informs the RFM claimant of the right to appeal an adverse Property Management Department determination to the Office of Impartial Hearings. To pursue an appeal, the claimant must submit a request to property management within 10 working days.

If the Property Management Department director dismisses the RFM grievance and denies a further appeal to the Office of Impartial Hearings (see Section XII D 4 b 3), the "Note to Grievant" section of the form should be crossed-out.

XIII. Lease Changes

Staff may offer the tenant a new lease for the purpose of adding or removing a lessee as follows:

A. Addition of a Lessee

1. Two Signatories to a Lease (Co-Lessees)

If the apartment lease is signed by two people (co-lessees) who are continuing as co-lessees, staff shall not add any additional person(s) to the lease.

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2. One Signatory to a Lease

If the apartment lease is signed by only one person (single lessee), staff may add one additional person to the lease, provided all of the following conditions are met:

- a. The tenant requests in writing that (s)he wants to have an additional person added to the lease as co-lessee; and
- b. The tenant must be in good standing, i.e., current in all rent payments, not in violation of any NYCHA rule or regulation, and with no Termination of Tenancy proceeding pending.
- c. The proposed co-lessee already has permanent residency status in the apartment as an authorized family member by one of the following:
 - The proposed co-lessee is an original family member, or
 - The proposed co-lessee was added to the family through family growth, or
 - The proposed co-lessee was granted written permanent residency permission from NYCHA prior to November 24, 2002, or
 - The proposed co-lessee was granted written permanent residency permission from NYCHA on or after November 24, 2002, and has been in continuous occupancy for at least one year from the date NYCHA granted the written permanent residency permission
- d. The proposed co-lessee has been in continuous occupancy from the date he/she originally acquired permanent residency status.
- e. The proposed co-lessee reached the age of majority (age 18) and possesses the maturity, capability and mental capacity needed to perform the functions of tenancy; and
- f. The proposed co-lessee passes a criminal background check.

NOTE: The above section for adding a lessee indicates the requirements needed in order to grant co-tenancy to an authorized family member. This section should not be confused with the steps needed to grant permanent residency permission to a non-permanent resident (see Section XI B 2).

Staff should inform any tenant wishing to add a co-lessee that by so doing, the tenant dilutes his/her tenancy rights since the co-lessee will acquire rights equal to that of the tenant.

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B. Signing of Lease by an Appropriate Guardian

In the event a person, who otherwise qualifies for the offer of a lease, is unable to personally sign the lease because (s)he lacks legal capacity, i.e., the prospective tenant is either a minor (under age 18) or lacks mental capacity, development staff may permit a guardian to sign a lease on behalf of the prospective tenant. These situations mainly occur with possible lease offers to remaining family member claimants who lack legal capacity.

Guardian lease requests are processed as follows:

1. Establishing Status of the Guardian

Staff must verify the status of the proposed guardian through documents indicating that the proposed guardian is either a:

- a. Natural parent,
- b. Adoptive parent; or
- c. Court ordered guardian. The court ordered guardian may either be a natural person or a guardianship agency.

The court ordered guardian must have a permanent (not temporary) grant of custody over the minor, which does not prohibit the signing of leases. The guardianship power must be granted by either the NY State Supreme Court as an Article 81 Guardian or by family court. A Guardian Ad Litem (GAL) or law guardian appointed only for the purpose of a particular case or litigation is not acceptable. Note that the parental rights of a natural or adoptive parent can be replaced and superseded by a court ordered guardian, if indicated in the court order.

2. Establishing the Residency and Care of the Ward

- a. Staff must verify that the prospective tenant will actually reside in the NYCHA apartment on a continuous basis; and
- b. Staff must inquire whether the care of the proposed ward seems appropriate. The proposed guardian must have the monetary resources to care for the ward and either:
 - Plan to move into the NYCHA apartment with the ward to provide necessary care, or
 - Provide for a full time (live-in) or part time caretaker(s) for the ward, as deemed necessary.

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Staff may make a referral to the NYCHA Department of Social Services for a determination regarding whether the care of the ward is appropriate.

3. Signing of the Lease

Once the guardianship and ward status are satisfactorily established, sign the lease as follows:

- a. On the first page of the lease in the space for the “tenant,” insert the name(s) of the person lacking capacity and in parenthesis following the name insert either: “(minor)” or “(has guardian)”.
- b. In blank space on the bottom of the first page, write “tenant has guardian-see signature line.”
- c. On the signature line have the guardian print and sign: **‘tenant’s name’ by ‘guardian’s name,’ as guardian.**

For example, if the prospective tenant’s name is *Joe Kidd* and the prospective guardian’s name is *Elder Caretaker*, the lease should be signed: “Joe Kidd by Elder Caretaker, as guardian.”

- If the guardian plans to live with the ward in the NYCHA apartment, write-in the telephone number of the guardian.
- If the guardian is an individual who will not live with the ward in the NYCHA apartment, write-in the guardian’s address and telephone number.
- If the guardian is an agency who will (obviously) not live with the ward in the NYCHA apartment, write-in the agency contact person’s name as well as the agency’s address and telephone number.

4. Income of Household with Guardian

Family income for tenants with guardians is calculated un accordance with existing income calculation procedures.

Include in income calculation:

- a. the income of the guardian, if the guardian resides in the apartment
- b. money received by non-residents on behalf of the minor.

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C. Permanent Removal of a Co-Lessee

If a co-lessee (one of the two people who signed the NYCHA lease) permanently vacates or is removed from the apartment, the tenancy continues and staff offers a new lease to the remaining lessee, who becomes the new sole lessee. Staff must verify the income of the new lessee, if necessary.

Some reasons for the removal of a co-lessee are as follows:

- death
- divorce
- separation
- incarceration
- institutionalization
- bifurcation of tenancy (refer to Section XXI, *Compliance With Violence Against Women Act (VAWA)*)

Staff must verify the removal of the co-lessee. When possible, the co-lessee who leaves the apartment shall complete NYCHA form 040.005, *Resident Lease Agreement Cancellation*.

If possible, staff obtains verification regarding the removal of the co-lessee through documents such as a death certificate, divorce decree, separation agreement, or statement pertaining to the individual's incarceration or institutionalization.

D. Permanent Removal of All Lessees

If the sole lessee, or both co-lessees of a two lessee household, permanently vacate(s) the apartment, staff verifies the removal of the lessee(s) (see Section XIX., *Move-Outs*), whenever possible. Staff shall consider any persons left in the apartment as remaining family member claimants, licensees or squatters. Staff offers a lease to a remaining family member claimant that satisfies the requirements of Section XII.

XIV. Apartment Inspections

Inspections provide the opportunity for staff to identify potential problems in the apartment and ensure resident compliance with NYCHA rules and regulations. Tenants, in turn, have the opportunity to interact with staff and inquire about the proper methods of maintaining an apartment.

Refer to Standard Procedure 040:09:4, *Planning and Managing Maintenance Inspections*, for details regarding specific types of inspections and the MAXIMO software program used to plan, schedule and manage inspections.

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A. Maintenance Turnover Inspections

Prior to returning the apartment to Management, the Superintendent or designee manually creates an ad hoc work order, schedules and performs a final inspection for cleanliness and conformance to NYCHA standards, as indicated below. *The apartment shall be spot checked by the Housing Manager.*

An apartment is considered ready for occupancy if the following conditions are met:

- The apartment painted or walls washed
- All repairs completed
- Appliances thoroughly cleaned and in working order
- The kitchen sink, and bathroom sink and tub scoured
- Paint spots removed from all tile and fixtures
- All debris removed
- The apartment swept and mopped
- A smoke detector installed
- A carbon monoxide (CO) detector installed
- Window guards installed in all windows

B. Pre-Occupancy Inspection

NYCHA form 040.507, *NYCHA Resident Lease Agreement*, mandates that inspections of the leased premises by the tenant take place prior to occupancy.

NYCHA form 040.303, *Pre-Occupancy Inspection*, is used to note all conditions in the apartment. This inspection verifies that the smoke alarm is in working order and that the window guards are installed securely. The Housing Assistant and the tenant sign the form and a copy is placed in the new tenant folder.

C. New Tenant Visit

During the first month of occupancy, the Housing Assistant shall visit the apartment for the purpose of welcoming the new tenant to his/her new surroundings and ascertaining resident compliance with NYCHA rules and regulations.

If an appointment for the New Tenant Visit was not scheduled during the Rental Interview, then a letter advising the tenant of the scheduled visit shall be mailed and a copy placed in the tenant folder.

During the visit, the Housing Assistant shall review tenancy issues and shall give the *NYCHA Social Services Brochure* to the tenant. NYCHA form 040.180 &R, *Apartment Visit Sheet- Housing Assistant*, is used to record conditions found in the apartment. The Housing Assistant reiterates to the tenant the importance of making prompt requests for maintenance repairs and discusses other tenancy issues.

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Upon completion, NYCHA form 040.180 &R, *Apartment Visit Sheet- Housing Assistant*, is given to the Housing Manager for review and approval. After the Housing Manager signs and approves the form, it is filed in the tenant folder. Any situation requiring another visit shall be detailed electronically in the TDS Interview Records program. Housing Assistants can access *Interview Records* in AS400-Tenant Data-option 8.

D. Annual Apartment Inspection

Each tenant is required to have an apartment inspection annually. For apartment inspection procedures for City/State Section 8 Transition Programs, refer to Standard Procedure 040:08:2 and Standard Procedure 040:08:3.

E. Pre-Move-Out Inspection

NYCHA form 040.507, *NYCHA Resident Lease Agreement*, also mandates that inspections of the leased premises occur when a tenant vacates the apartment. Refer to Section XIX. A. 2. *Pre-Move-Out Inspections*, for more information.

F. Vacant Apartment Inspections

Vacant apartments must be secured at all times. As soon as an apartment becomes vacant, Maintenance must remove all tenant-owned locks and install a dummy plate in its place. The apartment must be secured with a move-out cylinder.

XV. Community Service

A. Policy

NYCHA is required to comply with the Community Service and Family Self-Sufficiency requirements of the *U.S. Housing Act of 1937* [42 USC §1437] (c) as amended by §512 of the Quality Housing and Work Responsibility Act (QHWRA) of 1998 and as implemented by the U. S. Department of Housing and Urban Development (HUD) in regulations at 24 CFR Part 960, Subpart F.]

Each adult NYCHA resident who is not otherwise exempt is required by Federal law to perform **eight (8) hours** of Community Service per month or participate in an economic Self-Sufficiency program for **eight (8) hours** per month, totaling ninety-six (96) hours per year. Satisfactory completion of the required service by all non-exempt household members is a mandatory condition for lease renewal and continued occupancy in public housing. Exemptions are determined either automatically, utilizing computer data maintained by NYCHA, or through the review of forms submitted by residents to verify the exemption.

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NYCHA residents required to perform Community Service or participate in Economic Self-Sufficiency activities (unless individually stated, both terms are referred to as “Community Service”) are permitted to choose the method of Community Service that they prefer. They may choose from listings provided by NYCHA or identify other forms of service acceptable to NYCHA.

Community Service participants do not replace regular NYCHA employees and are not to perform work ordinarily performed by NYCHA employees.

Federal law does not apply the Community Service requirements to families participating in the Section 8 Housing Assistance Program.

B. Definitions

Community Service is defined by law as the performance of voluntary work or duties that are a public benefit and that serve to improve the quality of life, enhance resident self-sufficiency, or increase resident self-responsibility in the community. Community Service is not employment and may not include political activities.

An *Economic Self-Sufficiency* program is defined by law as any program that is designed to encourage, assist, train, or facilitate the economic independence of its participants and their families. An *Economic Self-Sufficiency* program can also provide work for its participants.

NOTE: NYCHA offers a variety of programs through its Department of Resident Employment Services, and the Community Operations Department. Programs offered by other governmental agencies are acceptable if approved in advance by the Housing Manager.

C. Exemptions from the Community Service Requirement

1. Qualifying for an Exemption

A resident may qualify for an exemption based upon Appendix K, *Community Service Exemptions for Specific Individuals Chart*, which lists all exempt categories and required verification.

a. Automatically Verified Exemptions

NYCHA regularly maintains tenant data that qualifies a resident for certain exemptions. This data is limited to the exemption categories of age, employment, SSI income and public assistance from HRA. Generally, a resident is not required to supply additional verification to qualify for any of these exemptions.

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b. Exemptions Not Automatically Verified

If NYCHA does not maintain data relating to an exemption, a resident must provide verification in order to qualify. The exemption categories that require resident supplied verification are: disability, caretaker for disabled resident, educational activity, job search or job training, childcare and participation in a non-HRA welfare program.

All exemptions and the documents needed to verify the exemptions are listed in Appendix K, *Community Service Exemptions for Specific Individuals Chart*. Some exemptions must be verified by letter or other documents. Most exemptions must be verified by the submission of the applicable verification form, as follows:

(1) NYCHA 040.566, *Community Service Exemption Verification: Disability*

(2) NYCHA 040.567, *Community Service Exemption Verification: Primary Caretaker for the Blind or Disabled*

(3) NYCHA 040.568, *Community Service Exemption Verification- Education/Job Training*

(4) NYCHA 040.569, *Community Service Exemption Verification- Childcare Provider*

(5) NYCHA 040.570, *Community Service Exemption Verification- Childcare Unavailable*

2. Effect of an Exemption

Since NYCHA reviews income, family composition and Community Service status annually, once a resident submits proof of exempt status, additional proof of the exemption will generally not be required until the next year's Annual Review cycle. Once an exemption is permanent, no additional verification is required. The following specifies the effect of an exemption:

a. Exemption Verification **During** the Annual Review Period

The Annual Review period begins when the Annual Income Review papers are scheduled to be mailed and ends the day before the Lease Effective Date (refer to chart in Section XV. F. *Compliance Period*). For example: The 1st Quarter Annual Review period begins January 1st and ends April 30th.

- **Effect of exemption:** Acceptable documents verifying an exemption submitted during this time exempts the resident for the entire month during which the exemption is submitted, for the balance of the Annual Review period, and for the next upcoming one-year term of the Lease.

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b. Exemption Verification **After** the Annual Review Period

- **Effect of exemption:** Acceptable documents verifying an exemption submitted during this time exempts the resident for the entire Lease term during which they are submitted.

If verification is received **after** NYCHA form 040.659, *Community Service Policy - Status Notice* is issued, development staff shall print and send to the tenant a revised *Community Service Policy - Status Notice*, indicating whether or not an exemption was granted in response to the newly submitted exemption verification document(s).

- NOTE:**
- Verification of a **permanent exemption** exempts the resident from any future Community Service obligation.
 - Verification of **any exemption** cancels: 1) All past due balances of Community Service hours, and 2) Any pending Termination of Tenancy and related court action that may have commenced due to a resident's prior non-compliance with the Community Service requirement.

D. Community Service Requirement for Non-Exempt Residents

1. Service Hours

Each NYCHA household member who is not otherwise exempt must perform the required Community Service, eight (8) hours per month (totaling 96 hours per year). These hours may be performed on a flexible schedule as long as a resident has completed the total number of hours required by the yearly scheduled Annual Review as follows:

- Generally, one Community Service hour is credited for each hour served.
- A Community Service provider must be an independent third-party institution or organization. The institution or organization must verify the performance of Community Service.
- An individual may not be a Community Service provider.
- An excess of Community Service hours performed by any individual during any year may be carried over and applied to that specific individual's Community Service requirement during the next year.
- An exemption cancels all excess Community Service hours accrued.

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2. Community Service **Credits** for Special Situations

NYCHA recognizes specific types of public benefit activity, or specific personal situations, as the performance of Community Service activities. Recognition for these activities or situations is granted with a specified number of Community Service credits. Appendix K, *Community Service Exemptions for Specific Individuals Chart* includes the *Community Service Programs-Credits for Specific Individuals Chart* which lists these credits, applicable credit hours and required verification. Credits given for these special situations will reduce or eliminate the number of Community Service hours that a resident must otherwise perform in one year.

3. Providers of Community Service

Residents may choose to fulfill their Community Service requirement at an available provider located either within a NYCHA development or at a non-NYCHA Community Service provider.

a. NYCHA Provider

The Housing Manager or designee shall determine opportunities for Community Service within a NYCHA development.

The following lists examples of activities within a NYCHA development that a Housing Manager may consider as valid Community Service opportunities:

<ul style="list-style-type: none"> • Tenant patrol • Attendance at Tenant Association meetings • RAB Delegate – meeting attendance • Tenant Association President • Tenant Association Executive Board member 	<ul style="list-style-type: none"> • Attendance at meetings called by NYCHA • Community Center / Senior Center volunteer • Applicant Review and Orientation Committee (AROC) member • NYCHA gardening program • Resident sponsored community clean-up day
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b. Non-NYCHA Provider

Alternatively, a resident may choose a non-NYCHA Community Service provider by consulting:

- The **Mayor's Office - Voluntary Action Center** - located on the internet at www.nyc.gov/volunteer
- NYC Citizen Service Center -by calling **3-1-1**
- The **Volunteer Match** database, located on the internet at www.volunteermatch.org

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The resident may also choose a Community Service provider that is not on a database listed above, provided that permission is obtained from the Housing Manager prior to performance of Community Service. In approving the Community Service, the Housing Manager must determine that the activity conforms to the definition of Community Service or Economic Self-Sufficiency, as defined in Section XV. B. *Definitions*. Specific questions regarding the eligibility of any group as a Community Service provider may be referred to the Housing Manager or designee.

4. Verification of Service

Each household member who is required to perform Community Service must provide proof that (s)he performed the required number of hours by submitting a completed NYCHA form 040.565, *Community Service Performance Verification*.

The form is completed by one or several Community Service providers and is returned to the resident. If the Community Service was performed for a NYCHA provider, the Housing Manager or designee must complete the *Community Service Performance Verification*. The resident should be instructed to retain a copy of this form, and mail or bring the original of each form to the Management Office once it is complete. The form may be submitted at any time during the year, but not later than the family's Annual Review documents due date.

E. Authenticity of Documentation

A Housing Manager or designee shall review the *Community Service Performance Verification* forms, *Exemption Verification* forms or other verification documents submitted pursuant to this procedure. This review shall be completed during the Annual Income Review process.

- If the documentation appears to be valid, it may be accepted as proof that the resident either performed the stated Community Service hours or is entitled to the exemption claimed.
- If the document, however, appears to be altered or not valid on its face, or if the Housing Manager has knowledge that the document was fraudulently prepared, fraudulently obtained or misrepresents the true state of facts, the Housing Manager should not accept the document. The Housing Manager may inquire into the validity of any document submitted.

F. Compliance Period

Each household member who is required to perform Community Service must perform such service as follows:

1. Existing Tenants

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Beginning on the household's first Lease Effective Date after January 13, 2004 (the initial issue date of the Community Service procedure), commencing with 1st quarter 2004 Annual Reviews

2. New Tenants

Beginning on the household's first Lease Effective Date after move-in

3. Permanent Additions to Family

Beginning on the household's first Lease Effective Date after permanent permission is granted by the Housing Manager.

4. All Transfers

Beginning on the households first Lease Effective Date after move-in as follows:

- Community Service - A new requirement to perform 8 hours per month starts on the household's first Lease Effective Date after move-in. There is **no** carry-over of either hours served or hours due from the previous apartment.
- Exemptions - With the exception of a verified permanent exemption, all other exemptions verified in the old apartment **do not** automatically carry over to the new apartment. New verification for exemptions must be submitted while in the new apartment.
- The Housing Manager of the Initiating development must send to the Receiving development, NYCHA form 040.566, *Community Service Exemption Verification: Disability*, if it verifies a permanent disability.

The Housing Manager of the Receiving development updates the development's records regarding the family's Community Service status and notifies the family of that status by sending NYCHA form 040.659, *Community Service Policy - Status Notice*.

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NOTE: Transfer requests shall be disapproved for a family where the Housing Manager mailed to the tenant NYCHA form 040.571, *Community Service: Determination of Non-Compliance* (refer to Section XV. H *Non-Compliance with Community Service Requirements*), except where the reason for transfer falls within Transfer Priority Codes T0, T1, T2, or if the transfer is otherwise deemed by the Housing Manager, in consultation with Management Department, to be in the best interests of NYCHA. In these cases, follow-up action to the **Determination of Non-Compliance** shall continue in the new apartment.

- If the tenant cures the non-compliance as stated in the *Community Service: Determination of Non-Compliance*, then the Housing Manager may approve the transfer request, if otherwise appropriate.

The following chart illustrates the compliance period:

Annual Review Period	Income Review Dates	Annual Income Review papers - Scheduled Mailing Date	Annual Income Review & Lease Effective Date (L.E.D.)	Term of Lease
4th	10/1-9/30	10/1	February 1	2/1 – 1/31
1st	1/1-12/31	1/1	May 1	5/1 – 4/30
2nd	4/1-3/31	4/1	August 1	8/1 – 7/31
3rd	7/1-6/30	7/1	November 1	11/1 – 10/31

G. Resident Status Review

1. Status Notice – Initial Mailing:

NYCHA shall mail Appendix K, *Community Service Policy - Status Notice* (“*Status Notice*”), and the *Community Service Exemptions for Specific Individuals Chart*, to notify residents of their Community Service status when the Annual Income Review forms are sent. The data in the notice is based on information contained in the Tenant Data System (TDS) and is accurate as of the date it is printed. This notice is generally printed and mailed from a central location, although development staff may print and mail this notice on an individual basis at any time.

The *Status Notice* and *Community Service Exemptions for Specific Individuals Chart* explain the Community Service requirements, exemptions from Community Service and the status of each family member. The notice informs residents that their Community Service status may change once Annual Income Review data has been submitted and additional exemptions have been verified. Each resident identified as being required to perform Community Service must visit the

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Management Office for an explanation of Community Service requirements by development staff.

The *Status Notice* lists, for each household member, the following:

- The **current** Community Service status, either as Exempt or Community Service Required, as of the date the *Status Notice* is printed, [*Status Notice* column 'A'], and
- The **current** number of Community Service hours due, as of the date the *Status Notice* is printed, [*Status Notice* column 'B']. If a person's status is *Exempt*, the balance of hours due is zero (0), and
- The **projected** Community Service status, either as Exempt or To Be Determined for the next year (the year starting after the Lease Effective Date) [*Status Notice* column 'C']

2. Status Interview

During an interview, staff shall:

- a. Review hours that are **currently** due – from the previous year(s) through the year ending with the Lease Effective Date. Residents who owe hours shall be instructed to complete them prior to the household's Lease Effective Date.
- b. Detail the various exemption options or Community Service opportunities
- c. Provide necessary forms
- d. Explain that the resident's monthly Community Service requirement starts on the household's Lease Effective Date
- e. Inform each household member whose **projected** status is "To Be Determined" of the need to perform Community Service during the upcoming Lease year (the year starting at the Lease Effective Date), unless the household member qualifies for an exemption.

3. Status Notice – Secondary Mailing:

NYCHA staff mails form, *Community Service Policy - Status Notice* and *Community Service Exemptions for Specific Individuals Chart*, to households **after** the Housing Manager approves the Annual Review.

- Wherever possible, the forms should be mailed at least one month prior to the Lease Effective Date.

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The *Community Service Policy - Status Notice* updates the Community Service status of each household member based on currently submitted Annual Review data and additional verified exemptions. The *notice* requires those household members who must perform Community Service to visit the Management Office (if they have not already done so) for an explanation of Community Service requirements. The *notice* also informs the tenant of a right to a grievance (refer to Section XV. I. *Grievance Remedy*) if NYCHA does not accept the verification of a resident's exemption.

H. Non-Compliance with Community Service Requirements

1. Identifying Non-Complying Residents

For every Annual Review period, staff shall run a report of the Community Service Tracking System to determine compliance of all residents under review during that quarter.

- The report should be run within **two** months prior to the Lease Effective Date (e.g., Families who have a 1st quarter Annual Review have a Lease Effective Date of May 1st). The report is run during the month of March.
- Any non-exempt resident who owes **more than 16 Community Service hours** at the time the report is run is deemed to be non-compliant with his/her Community Service requirement.

NOTE:

- The issuance of a *Lease Addendum and Rent Notice* does not cure Resident non-compliance with the Community Service requirement.
- The Annual Income Review process shall not be delayed due to Resident non-compliance with the Community Service requirement.

2. Notification to Resident of Non-Compliance

- a. Staff shall complete NYCHA form 040.571, *Community Service: Determination of Non-Compliance*. On the form, staff shall list all household members who are deemed non-compliant, completing all required information in accordance with the resident's compliance options, noted below. Since each form has room for only two names, additional forms may be used if more than two family members are non-compliant.
- b. Staff shall mail the completed *Community Service: Determination of Non-Compliance*, to the tenant of any family where either the tenant or another household member is deemed to be non-compliant with his/her Community Service requirement. The form is mailed within the **same** month during which it is run.

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NOTE: For families with a Lease Effective Date of May 1st, the computer report should be **run, and the *Determination of Non-Compliance* mailed**, during the month of March, so that the resident receives the *Community Service: Determination of Non-Compliance* at least **one** full month prior to the Lease Effective Date.

Any delay by NYCHA in mailing the *Community Service: Determination of Non-Compliance*, which results in less than one month notice to the tenant prior to the Lease Effective Date:

- Does not invalidate the *notice*
- Does not excuse the resident's failure to comply with the community service requirements
- Does not renew or extend the Lease term

For every month, or part of a month, that NYCHA delays in mailing the *Determination of Non-Compliance*, the resident is granted an additional 30 days during which to comply with the *notice*.

3. Resident Compliance Options

The *Community Service: Determination of Non-Compliance* informs the tenant of various compliance options, requiring the tenant to submit to the Housing Assistant, **before the Lease Effective Date**, any of the following documents:

- Documentation, which verifies an exemption for the non-complying family member, or
- Documentation, which verifies that the non-complying family member performed the required number of Community Service hours, or
- Documentation, which verifies that the non-complying family member moved out of the household, or
- Form, *Community Service: Determination of Non-Compliance*, indicating that the non-complying family member agrees to perform the unserved Community Service hours during the following Lease year. Both the tenant and non-complying family member (if different than the tenant) must sign the form. By signing the form, the non-complying family member agrees to make-up over the next Lease year, the required number of Community Service hours which he/she failed to perform. This option is **only** available if the balance owed until the Lease Effective Date does not exceed **96 hours**. If this option is available, the Housing Manager shall sign his/her initials in the appropriate place on the form.

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4. Failure to Comply

If the tenant failed to comply with one of the options listed above, then (s)he is in non-compliance with the Community Service program. The Housing Manager initiates Termination of Tenancy proceedings against the family for Breach of Lease. These proceedings may result in the permanent exclusion of that resident or the termination of the entire family's tenancy.

I. Grievance Remedy

1. Informal Grievance

At any time during the year, a tenant may seek a meeting with the Housing Assistant to review his/her family's Community Service obligation. If unsatisfied, the tenant is entitled to meet with the Housing Manager for review and clarification. Except as modified below, there is no further review either to the Management Department or to the Office of the Impartial Hearing Officer.

2. Formal Grievance

A tenant may request an administrative grievance with NYCHA, commencing with the Housing Manager, and, if unsatisfied with the Housing Manager's determination, the tenant may request a review to the Management Department and/or to the Office of the Impartial Hearing Officer. The tenant may request a grievance at either or both of the following occurrences, as applicable.

- **After** receipt of a *Community Service Policy - Status Notice* that fails to recognize a resident as exempt from Community Service, provided that exemption verification documentation was previously submitted to the Housing Assistant.
- **After** receipt of the *Community Service: Determination of Non-Compliance*, to contest the *Determination of Non-Compliance*

3. Termination of Tenancy

If NYCHA starts a proceeding to terminate tenancy based on non-compliance with the Community Service requirement, then no separate grievance proceeding will be allowed, since these issues will be heard at the Termination of Tenancy proceeding.

J. Controls

1. Community Service Tracking System

The Community Service Tracking System, available on the PIMS Applications menu, shall be accessed at the time of applicable Annual Income Review to determine eligibility and compliance.

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Anytime during the year, upon receipt of the *Community Service Performance Verification* forms, but not later than the commencement of the Annual Income Review process, development staff must record and update data reflecting the number of Community Service hours performed. Staff records the following data in the Community Service Tracking System for every *Community Service Performance Verification* form submitted:

- Total number of hours performed
- Date of Service for the **last** date served, as recorded on the form

If the total hours on any form contain a fraction of an hour, the service time is credited to the nearest hour.

Staff shall also record all acceptable exemptions submitted by the tenant.

2. Filing Documents

All documents relating to Community Service for individual residents shall be recorded in the computer system and retained in the appropriate tenant folder as follows:

- a. If any member is granted a Permanent Exclusion, retain that documentation permanently.
- b. If all family members owe not more than 96 hours of service (one year): retain documentation for three years (except as concerning Permanent Exemption and litigation).
- c. If any family member owes more than 96 hours of service (one year): retain documentation until the balance of hours due are resolved, plus three years.
- d. If there is litigation concerning Community Service, retain documentation until the litigation is completed, plus three years.

XVI. Pets

Public housing tenants are allowed to keep common household pets in their units subject to compliance with the requirements set forth in this Chapter. NYCHA tenants are limited to one (1) cat or dog per household. Exceptions may be made for assistance and service animals, and cats and dogs registered with NYCHA on or before May 1, 2003. Public housing tenants are required to register their dog, cat, assistance animal, and service animal with NYCHA in accordance with NYCHA policy.

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Please note that registering a dog with NYCHA, including assistance animals or service animals, does not eliminate New York City's dog license requirement (Health Code § 161.04). New York City requires dogs to be registered and licensed. Tenants can find additional information about New York City's licensing requirements on the Department of Health and Mental Hygiene's website. Although tenants do not have to register or license cats with New York City, tenants must register cats with NYCHA.

A. Permissible Common Household Pets

The following common household pets are permissible:

- **Cat** (domestic feline). The cat must be vaccinated, and neutered or spayed. Registration is required.
- **Dog**. A newly registered dog cannot exceed a maximum weight of 25 pounds in adulthood. Any dog registered before February 1, 2010 is exempt from weight restrictions. However, the following breeds are prohibited: Pit Bull, Rottweiler, and Doberman Pincher. The dog must be vaccinated, and neutered or spayed. Registration is required.
- **Small domestic pets kept in a cage or an aquarium, like hamsters, small birds and fish**. Small domestic pets must be kept in reasonable quantities, and quantities cannot create a nuisance or an unsafe or unsanitary condition. Registration is not required for these types of pets.

B. Prohibited Animals

Prohibited animals include, but are not limited to:

- Unconventional or endangered animals such as barnyard animals (farm animals including, but not limited to, cattle, horses, chickens, turkeys, ducks, geese, pigs, goats, and sheep), reptiles, arachnids (spiders), monkeys, and other animals, as specified by New York State and New York City local laws and health code.
- Animals deemed dangerous, vicious, or threatening are also prohibited (see Appendix M, *Prohibited Animals*). Even previously registered pets or assistance or service animals that become dangerous, vicious, or threatening are not permitted and must be removed from the household.
- A dog, cat, assistance animal, or service animal that is not registered is prohibited.

C. Service and Assistance Animals

Please note the following for service and assistance animals:

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- A tenant may keep a service animal or assistance animal in addition to a registered cat or dog.
- A tenant and/or authorized household member may have an assistance and/or service animal.
- A service animal or assistance animal must be registered with NYCHA. A tenant who fails to register a service or assistance animal shall be subject to termination of tenancy proceedings. See NYCHA Form 040.505, *Dog, and Cat, Assistance Animal and Service Animal Registration Form*.
- A service animal or assistance animal is exempt from any weight or breed restrictions.

1. Service Animals

As narrowly defined by the Americans with Disabilities Act and the United States Department of Justice, a service animal is a dog that is individually trained to do work or perform tasks for an individual with a disability. The task(s) performed by the dog must be directly related to the person's disability. An example of a service animal is a guide dog for a blind or visually-impaired individual.

If it is readily apparent that the animal is trained for the individual's disability (e.g. the dog is observed guiding a blind individual or pulling a wheelchair), no questions may be asked regarding the disability. If it is not readily apparent, only the following questions may be asked:

- a. Is this a service animal that is required because of a disability?
- b. What work or task has the animal been trained to perform?

No medical documentation is required for an animal to be registered as a service animal.

2. Assistance Animals

Unlike a service animal, an assistance animal does not have to be individually trained or certified. However, as per HUD's Fair Housing and Equal Opportunity Notice FHEO-2013-01, an assistance animal "is an animal that works, provides assistance, or performs tasks for the benefit of a person with a disability, or provides emotional support that alleviates one or more identified symptoms or effects of a person's disability."

Tenants can request to keep an assistance animal through a reasonable accommodation if the animal is a restricted breed or over the weight limit.

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Tenants who are seeking a reasonable accommodation for an assistance animal are required to provide documentation from a qualified professional (See NYCHA Form 040.505, *Dog, and Cat, Assistance Animal and Service Animal Registration Form*). Documentation must support how the assistance animal alleviates symptoms or provides support for the individual. Property Management staff may verify the need for the accommodation if the disability or disability-related need is not readily apparent.

D. Pet Owner Responsibilities

- Tenants must abide by New York City's requirements to register and license dogs in accordance with New York City Health Code §161.04.
- Tenants must ensure that their cats and/or dogs are vaccinated for rabies; and keep the vaccination current and up to date as per New York City Health Code § 161.06.
- Dogs and cats must be spayed or neutered. Proof must be submitted with the registration form for keeping the animal.
- Tenants are responsible for all damages caused by their pets. Charges stemming from such damage must be levied on the tenant at the time the damages occur or are identified by NYCHA.
- Residents must not leave pets/animals unattended for more than 24 hours.
- Tenants shall not alter their unit, patio, or unit area to create an enclosure for an animal.
- Tenants must secure their pet when NYCHA staff visit the unit for any reason. This includes, but is not limited to, apartment inspections and maintenance appointments. The pet must be secured for the entire duration of the visit. NYCHA staff must not enter a unit if the pet is not secured.
- Tenants must agree to control the noise of pets so that such noise does not constitute a nuisance to other tenants or interrupt their peaceful enjoyment of their housing unit or premises. This includes, but is not limited to, loud or continuous barking, howling, whining, biting, scratching or other such activities.
- Tenants shall take adequate measures to eliminate any pet odors within their unit and maintain their unit in a sanitary condition at all times.
- Cats are to use litter boxes kept within the tenant's unit and cleaned periodically. Tenants are not allowed to let waste accumulate. Waste is to be placed in a plastic bag, closed and disposed of properly. Residents must not dispose of animal waste, including kitty litter, in the toilet or household drains.
- Pets shall be maintained within the tenant's unit. When outside of the unit, pets must be kept on a leash or in a carrier and under the control of the tenant or other responsible individual at all times. Dogs must be restrained by a leash or chain not more than six feet in length when the animal is in a public place (except in designated off leash areas). This is in accordance with New York City's Leash Law (Health Code § 161.05).

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- Tenants must keep dogs, cats, and other animals out of “pet free zones.”
- Dogs must be “walked” along the curb to allow them to eliminate waste.
- Dog owners must pick up their dogs’ solid waste and dispose of it in a proper outdoor trash receptacle. This is in accordance with the City of New York’s Canine Waste Law (Health Code § 161.03)

See Appendix N, *Pet Owner’s Responsibility Code*.

E. Pet Owner’s Suitability

NYCHA may refuse to admit a pet if a tenant has a pending termination of tenancy action for *poor housekeeping* and/or has demonstrated habits and practices that reasonably determine that the tenant is unable to keep in compliance with pet rules and pet owner responsibilities (see NYCHA Form 040.537, *NYCHA Pet Policy Overview* and Appendix N, *Pet Owner’s Responsibility Code*).

F. Registration

1. Requirement

Tenants who register their cat or dog after May 1, 2003 are limited to only (1) cat or dog per household. Exceptions are made for assistance and service animals.

If a tenant is adding a new pet after a pet has been removed from the household (e.g., the pet has passed away), the tenant must provide proof the animal was removed from the household or complete NYCHA Form 040.299B, *Animal Removal Affidavit*, if documentation cannot be provided.

All tenants must register their dog, cat, assistance animal, or service animal on a one-time basis with NYCHA as follows:

- During the lease-up process (new applicants).
- Within 30 days of acquiring a dog, cat, service animal, or assistance animal. If the tenant is registering a new cat or dog to replace one that was previously registered, proof that the previous cat or dog no longer resides in the unit is required.

2. Registration Process

Only the tenant of record can register a dog, cat, assistance animal, or service animal. The registration process is as follows:

a. Tenant Completes Registration Form

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The tenant of record must complete NYCHA Form 040.505, *Dog, and Cat, Assistance Animal and Service Animal Registration Form*, and return it to the local Property Management Office. On this form, the tenant must:

- Identify their dog, cat, or other assistance animal (name, color, breed, weight, age, etc.).
- Include proof of current rabies vaccination.
- Include proof that the dog, cat, assistance animal, or service animal has been spayed or neutered.
- Specify an alternative caregiver for the animal.
- Certify that the dog, cat, assistance animal, or service animal is to be maintained in accordance with NYCHA's pet rules.

b. Review of Registration Form and Supporting Documents

The receptionist completes a review of the registration form and supporting documents.

(1) Complete Registration Form For Allowable Pets

- (a) If the pet meets weight and breed restrictions, or is a service animal or assistance animal, and the registration form is complete and all supporting documentation is attached, the receptionist or designee routes the form and supporting documentation to the Property Manager or designee for review/approval.
- (b) The Property Manager or designee reviews the completed registration form and all supporting documentation. Upon approval, the Property Manager shall:
 - Issue a stainless steel dog tag to pet owners who register their pets. Each dog tag must have "N.Y.C.H.A." and a number engraved on it.
 - Record the tag number on NYCHA Form 040.505, *Dog, and Cat, Assistance Animal and Service Animal Registration Form*.
 - Enter data from the registration form into the Project Information Management System (PIMS) Pet Tracking Program. This includes:
 - o "Date of Pet Registration," which is the date NYCHA Form 040.505, *Dog, and Cat, Assistance Animal and Service Animal Registration Form*, was received.

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- o Indicate whether the animal has been spayed or neutered or if the tenant certifies whether the animal has been or is to be spayed or neutered.
- o Indicate that vaccination records for the animal have been received.
- Staff shall file a hard copy of NYCHA Form 040.505, *Dog, and Cat, Assistance Animal and Service Animal Registration Form* and any supporting documentation in the tenant folder.

(2) Incomplete Registration Form for Allowable Pets

- (a) If the pet meets weight and breed restrictions, or is a service animal or assistance animal, but the registration form is incomplete and/or missing supporting documentation, the receptionist or designee:
- Notes the attempted registration on the “Clerical Screen” in AS400 by entering the “Date of Pet Registration,” which is the date NYCHA Form 040.505, *Dog, and Cat, Assistance Animal and Service Animal Registration Form*, was received; and checking “Pending Completion” to indicate that the registration was initiated but not completed.
 - Advises the tenant of needed information and/or documentation to complete the registration.
 - Returns the registration form and any supporting documentation to the tenant.
- (b) If within 30 days, the tenant does not complete and return the form, or request a reasonable accommodation, staff must contact the tenant to advise that the pet must be removed from the household.
- Staff must use regular mail to send the tenant NYCHA Form 040.299B, *Animal Removal Affidavit*, and request that this form be completed and returned within 7 days.
 - If NYCHA Form 040.299B, *Animal Removal Affidavit*, is received, or if the pet is removed involuntarily, staff must enter the following data in the Project Information Management System (PIMS) Pet Tracking Program:
 - “Date Tenant Certifies Animal Removed”, which is the date NYCHA Form 040.299B, *Animal Removal Affidavit*, was received or the date the pet was removed involuntarily.
 -

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If the resident does not complete and return NYCHA Form 040.299B, *Animal Removal Affidavit*, or request a reasonable accommodation, within 7 days from the date the notice was mailed to the tenant, staff must proceed with a termination of tenancy action in accordance with NYCHA policy.

(3) Unallowable Pets

(a) If the pet does not meet weight and breed restrictions, and is not a service animal or assistance animal, the receptionist or designee:

- Notes the attempted registration on the “Clerical Screen” in AS400 by entering the “Date of Pet Registration,” which is the date NYCHA Form 040.505, *Dog, and Cat, Assistance Animal and Service Animal Registration Form*, was received; and checks “Restricted Breed” or “Over Weight Limit” to indicate that the animal did not meet breed restrictions or weight limit. The breed and weight of the animal must be noted.
- Provides the tenant with NYCHA Form 040.299B, *Animal Removal Affidavit*, and advises the tenant that the dog does not meet weight limits and breed restrictions, and must be removed from the household within 7 days.
- Returns the registration form and any supporting documentation to the tenant.
- The resident must complete and return NYCHA Form 040.299B, *Animal Removal Affidavit*, within 7 days from the date the notice was made to the tenant.
- If NYCHA Form 040.299B, *Animal Removal Affidavit*, is received, or if the pet is removed involuntarily, staff must enter the following data in the Project Information Management System (PIMS) Pet Tracking Program: “Date Tenant Certifies Animal Removed,” which is the date NYCHA Form 040.299B, *Animal Removal Affidavit* was received or the date the pet was removed involuntarily.
- If the resident does not complete and return NYCHA Form 040.299B, *Animal Removal Affidavit*, or request a reasonable accommodation, within 7 days from the date the notice was made to the tenant, staff must proceed with a termination of tenancy action in accordance with NYCHA policy.

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G. Pet-Free Zones

Housing managers, in consultation with Tenant Association leadership, shall designate pet-free zones within which residents may not allow dogs or cats to enter. Signs declaring pet-free zones must be posted in the designated areas by Property Management staff. This includes but is not limited to: management offices, playgrounds, community facilities, laundry rooms, basement areas, barbecue areas, roofs, and roof landings.

H. Securing Pets During Apartment Visits by NYCHA Staff

Tenants must secure their pets when NYCHA staff visit the unit for any reason. This includes, but is not limited to, apartment inspections and maintenance appointments. The pet must be secured for the entire duration of the visit.

NYCHA staff shall not enter a unit if the pet is not secured. Instead, staff must note on the work order and/or in the tenant file that the unit could not be accessed as a result of the tenant failing to secure the pet. The Property Housing Manager must be notified and a termination of tenancy action must be initiated, as outlined in Section L.

I. Violation of Rules/Non-Compliance

1. Failure to Register a Dog, Cat, Assistance Animal, or Service Animal

Tenants who fail to register a dog, cat, assistance animal, or service animal shall be subject to termination of tenancy proceedings.

2. Failure to Remove Dangerous, Vicious, or Threatening Animals

Tenants who fail to remove dangerous, vicious, or threatening animals shall be subject to termination of tenancy proceedings.

3. Violation of Other Pet Ownership Rules

Tenants who violate pet ownership rules are subject to being required to correct the violation or remove the animal from the dwelling unit.

Property Management must notify the tenant of any policy violations. If the tenant fails to correct the violation or remove the animal as required, NYCHA must begin a termination of tenancy action due to the breach of rules.

J. Reporting Dangerous, Vicious, Threatening, or Prohibited Animals

1. Reporting via 311 Citizen's Service Center

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NYCHA residents can report dangerous, vicious, threatening, or prohibited animals to the 311 Citizen's Service Center (311). 311 operates 24-hours a day, 7 days per week.

2. Reporting to Property Management Staff

Residents, staff, police, community leaders and members, and non-tenants may report dangerous, vicious, threatening, or prohibited animals to Property Management staff. Reports must be sent to the applicable development Housing Manager.

3. Following up on Reports of Dangerous, Vicious, Threatening, or Prohibited Animals

a. Emergency Situations and Conditions

If any staff member observes an emergency situation (e.g., dog attack), he/she must notify the police immediately by calling 911; and must notify the Housing Manager.

(1) Dog Bites

In the event of a dog bite on development grounds, the Housing Manager must also notify:

- The Executive Department and other key staff by submitting NYCHA Form 066.004, *Major Incident Report*.
- The NYC Department of Health and Mental Hygiene's Animal Bite Unit by calling 311.
- NYCHA's Risk Finance Division by completing NYCHA eForm 128.024, *Occurrence Report*. This form must be submitted through Movaris. Staff must indicate on the form that a dog bite occurred, the name of the dog owner, if known, and that the NYC Department of Health and Mental Hygiene's Animal Bite Unit was notified.

In addition, staff must submit all dog bite cases for a termination of tenancy action based on grounds of Non-desirability or Breach of Rules and Regulations.

Even if the animal has been removed from the apartment, staff shall refer the tenancy for a termination of tenancy action.

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b. Non-Emergency Situations and Conditions

The Housing Manager immediately makes the following notifications when there is a dangerous, vicious, threatening, or prohibited animal:

- Contact the Local Housing Bureau P.S.A. or police precinct.
- Inform development supervisors/employees.
- Review tenant folder for Police Incident Reports or other reports about the animal.
- Gather information about the reported animal(s) from reports and other sources, if applicable.
- Coordinate with the PSA to verify the presence of a dangerous, vicious, threatening, or prohibited animal no later than 2 business days after receiving the report.

c. Post-Incident Follow-up Action

- If staff verifies a dangerous, vicious, threatening or prohibited animal, staff commences a termination of tenancy action by using NYCHA Form 040.185, *Termination of Tenancy & Possibly Subsidy – Call-In Letter: Public Housing and Section 8: Tenant or Project Based*; and NYCHA Form 040.186, *Termination of Tenancy & Possibly Subsidy – Follow-Up Call-In Letter: Public Housing & Section 8: Tenant or Project Based*.
- If staff finds no credible evidence of a dangerous, vicious, or threatening animal, staff uses the development's regular call-in letter. A copy must be kept on file.

K. Removal of Dangerous, Vicious, Threatening, or Prohibited Animals

Dangerous, vicious, threatening, or prohibited animals are forbidden and must be removed from the household. Even previously registered pets, assistance animals, or service animals are not permitted if they become dangerous, vicious, or threatening.

1. Animal Removal Affidavit (Voluntary)

Staff must use NYCHA Form 040.299B, *Animal Removal Affidavit*, when the tenant:

- Claims not to own or have knowledge of an animal, despite reports of the tenant's ownership or maintenance of the animal.
- Admits to having the animal, but claims that it was already removed from the apartment.
- Admits to having the animal, and agrees to remove it within seven (7) calendar days.

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2. Involuntary Removal of the Animal

If a pet has bitten a person or another animal; is dangerous, vicious, or threatening; and voluntary removal from the development is not possible, the Housing Manager shall coordinate with the Police Department, the NYC Department of Health and Mental Hygiene, or the Center for Animal Care and Control (CACC) for the involuntary removal of the animal. In addition, staff must proceed with a termination of tenancy action in accordance with NYCHA policy.

L. Termination of Tenancy

A tenant is subject to a termination of tenancy action (the process per Management Manual, Chapter IV, *Termination of Tenancy*) for instances involving the ownership or maintenance of an animal in his/her apartment that:

- Violates the NYCHA pet policy; or
- Causes injury (dog bite) or damage to one or more persons or property.

If the Housing Manager has initiated termination of tenancy proceedings, staff must record the status of the case in the PIMS Tenant Data System Administrative Log (Option 13).

The following examples are to be used as guidance in referring a tenant for a termination of tenancy action in cases involving animals:

- Possession of an unregistered animal.
- Possession of an animal that is prohibited by law, or is dangerous, vicious, or threatening, or is not otherwise permitted.
- Possession of an animal that bit a person or bit another animal.
- An instance of an animal that caused injury or damage to one or more persons or property.
- Multiple (2 or more within a 12 month period) minor breaches of the pet policy or Pet Owner's Responsibility Code (Refer to Section D).

M. Compliance & Monitoring

Staff must enter all registered dogs and cats in the Project Information Management System (PIMS), which must be updated annually as part of the Annual Income Review process.

NYCHA Form 040.505, *Dog, and Cat, Assistance Animal and Service Animal Registration Form*, must be filed in the appropriate tenant folders.

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1. Property Management staff must report immediately to the Housing Manager and Superintendent/Property Maintenance Supervisor the presence of any dangerous or prohibited animal (e.g., an unregistered cat, dog, assistance animal, or service animal) that is observed. If the animal is observed during an inspection or maintenance appointment, staff must also note the presence of the animal on the work order. The Housing Manager must:
 - Review the PIMS Pet Tracking Log and the tenant folder to determine whether the pet is registered.
 - If the pet is not registered, prohibited, or dangerous, the Housing Manager schedules a termination of tenancy interview within 30 days and takes action as indicated in Section K of this document.
2. The Property Manager and his/her immediate supervisor should review, on a regular basis, the Pet Tracking Reports in AS400 as well as information in Maximo in order to determine the number of:
 - Tenants with dogs present during an apartment visit.
 - Cats and dogs registered.
 - Termination proceedings that were initiated for violating the pet policy.
3. The Housing Manager must also spot check tenant folders periodically to ensure that staff are processing pet registrations appropriately.

XVII. Parking Permit Administration

NYCHA maintains vehicle parking lots that adjoin its residential apartment housing developments and offers parking privileges in these lots to both residents and non-residents. These lots contain either **reserved** or **non-reserved** parking areas. Additionally, NYCHA provides reasonable accommodations to residents with disabilities with respect to their verified parking needs.

This applies to parking in all developments, except for the Forest Hills Cooperative.

For information about employee parking permits, refer to Standard Procedure 005:49:2, *Operation of Vehicles*.

A. Policy

The highlight of NYCHA's parking policy:

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- The Accounting and Fiscal Services Department, Revenue and Receivables Division, is the **Parking Administrator** and may be contacted by e-mail at the following e-mail address- Parking.Admin@nycha.nyc.gov. The Parking Administrator is responsible for processing parking applications and payments, responding to customer inquires, entering data into the Oracle Housing Manager Computer system, issuing parking stickers, maintaining waiting lists and participating in the parking permit revocation process.
- The Parking Administrator issues parking permits according to the specified order of priorities.
- The Parking Administrator can revoke a parking permit based on NYCHA needs.
- The current parking fee payment schedule is attached as Appendix T.
- Development staff with Management Department supervision is responsible for maintaining the physical parking lots and monitoring parking lot use to ensure compliance with NYCHA parking rules and regulations.

B. Development Staff Responsibilities

The Housing Manager or designee is responsible for:

1. Maintaining the physical parking lots. This includes regular inspections to insure that parking areas are kept in good repair, cleaned regularly and appropriate signage is properly placed. Refer to Appendix T for a copy of the sign to be placed at the entrance(s) to residential parking lots.
2. Designating parking spots for the disabled as follows:
 - a. In parking lots being newly constructed or renovated for **non-reserved parking**, staff designates at least the greater of either two (2) parking spaces or 5% of available parking spaces for persons with disabilities.
 - b. In existing parking lots with **non-reserved parking**, staff designates parking spaces for persons with disabilities if reasonable, based on physical space and available funding.
 - c. Parking spaces designated for persons with disabilities are identified by special blue signs showing the wheelchair symbol of accessibility. Staff may consult with the Capital Projects Division, Capital Projects Administration's Section 504 Unit, at (212) 306-3102, regarding the designation of such spots and the placement of appropriate signs. Refer to Section XVII. G. *Parking for Persons with Disabilities*, for more information.
3. Notifying the Parking Administrator, in advance, of any temporary or permanent changes in the number of available parking spaces. Management Department Directors must approve all changes to the number of parking spaces.

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4. Enforcing Parking Regulations by:
 - a. Conducting monthly visual inspections of parking lots to determine if:
 - Resident, Non-Resident and employee vehicles have current parking stickers and are parked in their respective parking lots.
 - Unauthorized vehicles, including NYCHA employee or official NYCHA vehicles, are parked in resident parking lots
 - b. Contacting the New York City Police Department (NYPD) Housing Bureau for the issuance of parking summonses to unauthorized or illegally parked private vehicles. For unauthorized or illegally parked official NYCHA vehicles, contact the General Services Department to determine to whom the vehicle is assigned in order to request the vehicles removal.
 - c. Initiating Termination of tenancy or employee disciplinary action against residents or employees who illegally park vehicles in resident and employee lots or on NYCHA grounds or sidewalks.
 - d. Beginning the parking permit revocation process, as indicated in Section XVII. F. *Revocation of Permit and Unauthorized Parking*
5. Informing development residents and development staff of the availability of parking and information about parking rules and fees. This includes posting of notices in lobbies, the Management Office and community facility bulletin boards; placing articles in the development newsletter and holding discussions with resident and community leaders.

The Housing Manager or designee may initiate other efforts to maximize parking rental income. For example, if a development has available parking spaces and the local public school has no parking facilities, the Housing Manager or designee may contact the local Public School Administrator to advise him/her of the availability of parking spaces.

 - a. Helping residents determine which parking fee is applicable.
 - b. Providing residents with the *Parking Permit Application and Agreement*, NYCHA form 129.007, (available on NYCHA's Forms and Reference Library and on the NYCHA website, Resident Corner section) upon request and responding to parking related questions

C. Management Department Responsibilities

Deputy Directors and Management Department Administrators must spot-check resident and employee lots when visiting their assigned developments to check for compliance.

D. Authorizing Vehicle Parking

The **Parking Administrator** authorizes vehicle parking as follows:

1. Control of Parking Stickers

- Ordering parking permits for appropriate developments on a yearly, or as needed, basis. Inspecting all ordered stickers for defects, and reporting those defects to the vendor
- Safeguarding unissued parking permits in a locked safe and restricting staff access only to those authorized to distribute parking stickers

2. Renewal Notices to Current Parking Permit Holders and NYCHA Residents

At least **sixty** (60) days prior to the start of the annual parking permit renewal cycle on May 1 (the parking permit year is from May 1 – April 30), notify the following groups of individuals that they must submit a new *Parking Permit Application and Agreement* if they want to apply for a parking permit for the following year:

a. Group 1: **Current Parking Permit Holders** (both NYCHA residents and Non-residents)

Notify current parking permit holders that NYCHA will give them priority over other parking applicants, if their application is received within a specified time frame – that is the **Initial-Processing-Period**, usually the first two weeks of the annual parking permit renewal cycle.

For example, Group 1 parking applicants are notified that completed applications received before April 14 (the end of the Initial-Processing-Period of April 1 - April 14) will receive priority processing.

b. Group 2: **Other NYCHA Residents** (NYCHA Residents not in Group 1)

Notify NYCHA residents who are not in Group 1 that NYCHA will accept applications for parking, but their applications will not be considered until after the **Initial-Processing-Period**.

For example, Group 2 parking applicants are notified that completed applications will be processed in the order received beginning April 15 (after the end of the Initial-Processing-Period of April 1 - April 14).

These notices are to be mailed, and shall include a *Parking Permit Application and Agreement*, a schedule of fees, parking requirements, and instructions to return completed applications to the Parking Administrator by mail.

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3. Parking Application Requirements

Applicants for parking permits must submit the following documentation to the Parking Administrator:

- 1. Application:** A completed *Parking Permit Application and Agreement*
- 2. Registration:** A current New York State Vehicle Registration, i.e., passenger, commercial or motorcycle, for the vehicle. If the applicant is a NYCHA resident, the vehicle must be registered to the resident's development address in order to qualify for a reduced resident parking fee.
- 3. Driver License:** A valid Driver license for a driver of a vehicle must be presented with the parking permit application.
- 4. Proof of Disability:** A valid New York City or New York State Parking Permit for Persons with Disabilities, if the applicant is requesting consideration as a person with disabilities
- 5. Fee:** All applications must be sent with the correct fee amount. Refer to Appendix T for a schedule of fees.
 - a. There are different fees for reserved and non-reserved parking lots, for parking by residents and non-residents, and for parking by residents based on certain criteria, such as those paying flat rent or residing in a Section 8 development.
 - b. The fees charged permit parking for **one** year for the period from May 1 to April 30. All fees must be paid in full at the time of application, except that the fee for resident reserved parking may be paid at two times during the year. If two payments are permitted but only the first payment is submitted with the application, the Parking Administrator shall bill the applicant for the second payment.
 - c. All payments must be made by money order or bank certified check payable to the "New York City Housing Authority." **Cash payments or personal checks are not accepted.** Claims of overpayment made to the Parking Administrator shall be reviewed and resolved as needed, with either a refund check or credit toward future parking fees.
 - d. There will be **no refund of fees** after the parking permit is issued, except to:
 - Tenants transferring to another development for TSAP priority code T0 (pursuant to Section XVII. D. 7. 2.), or
 - Persons whose permission to park was revoked due to NYCHA's need for the space (pursuant to Section XVII. F. 1., and Sections XVII.F. 3. and 4.)

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4. Receipt of Parking Applications
 - a. The Parking Administrator dates and time stamps each *Parking Permit Application and Agreement* that it receives.
 - b. Applications that are incomplete, missing documents, or are submitted without the correct fee, will not be processed and will be returned to the applicant.
 - c. The Parking Administrator maintains each signed original *Parking Permit Application and Agreement* and supporting documents for a period of three (3) years. Copies of such documents are sent to development staff upon request.
 - d. The Parking Administrator maintains a computerized database for processing *Parking Permit Application and Agreement forms*. The Parking Administrator uses the Oracle Housing Manager and Accounts Receivable Modules to track rented spaces, vacancies, payments and unpaid balances.
 - e. Revenues generated from parking fees are credited to each development's budget. Any administrative cost associated with the issuance of parking permits, such as cost to print the parking stickers, is proportionally charged to each development's budget. The Accounting and Fiscal Services Department, Revenue and Receivables Division notifies each development in writing of the administrative costs charged to their development's budget.
5. Issuance of Parking Permits
 - a. The Parking Administrator issues permits if parking space is **available** at the particular development.
 - (1) The Parking Administrator may issue permits for 100% of the available parking spaces in a non-reserved lot, but not in excess of 100% (i.e., if a lot has 100 available spots, no more than 100 parking stickers for that lot may be issued).
 - (2) The Parking Administrator may issue permits for each available spot in a reserved lot.
 - b. **INITIAL PROCESSING PERIOD:** The Parking Administrator first issues permits when *Parking Permit Application and Agreements* are received during the Initial Processing Period from **current resident permit holders** (Group 1 – refer to section XVII D. 2. a). Permits will be issued to these applicants in chronological order based on date of receipt of application.

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- (1) If a current permit holder applies for a different type of parking than what he/she currently has (i.e., if someone with non-reserved parking applies for reserved parking or vice-versa), such application shall not be initially processed, but will be held for processing after the initial processing period expires.
 - (2) If a non-current permit holder applies for parking during the initial processing period, his/her application will not be processed at that time. Instead, the applications will be held for processing after the initial processing period expires.
- c. **After the Initial Processing Period:** The Parking Administrator issues permits each day for *Parking Permit Application and Agreements* received. Permits are issued for the available parking lot requested, either reserved or non-reserved parking, in the following priority order:
- (1) **First:** Waiting List applicants who are NYCHA residents and possess a valid *Parking for Persons with Disabilities* permit, issued either by the State of New York or the City of New York, in chronological order based on the date of placement on the waiting list (Refer to Section XVII. D. 6.)
 - (2) **Second:** All other Waiting List applicants (both NYCHA and non-NYCHA residents) in chronological order based on the date of placement on the waiting list.

NOTE: The Parking Administrator contacts waiting list applicants when parking spots become available to determine whether they are interested in applying for a parking space. If there are no waiting list applicants for available spaces in a specific parking lot, then spaces are rented to new applicants as specified below.

- (3) **Third:** New applications from NYCHA residents who possess a valid *Parking for Persons with Disabilities* permit, issued either by the State of New York or the City of New York, in chronological order based on the date of receipt of application
- (4) **Fourth:** New Applications from all other persons (both NYCHA and non-NYCHA residents) in chronological order based on the date of receipt of application

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d. Parking Permit Priorities – Summary Chart

Parking Permit Priorities – Summary (Within each category permits are issued to applications in chronological order)				
Priority	Time Period when Permit Issues	Applicant Group	Date Used for Permit issuance	Residence of Applicant
1 st	During Initial Processing Period	Current Permit Holders	Date of receipt of application	NYCHA & Non-NYCHA
2 nd	After Initial Processing Period	Waiting List Applicant – has a <i>Disabilities</i> Parking Permit	Date of Placement on the waiting list	NYCHA only
3 rd	After Initial Processing Period	Waiting List Applicant - all others	Date of Placement on the waiting list	NYCHA & Non-NYCHA
4 th	After Initial Processing Period	[If there is no waiting list] New Applicant – has a <i>Disabilities</i> Parking Permit	Date of receipt of application	NYCHA only
5 th	After Initial Processing Period	[If there is no waiting list] New Applicant – all others	Date of receipt of application	NYCHA & Non-NYCHA

6. Waiting Lists

a. Placement on a Waiting List

If the Parking Administrator cannot issue a parking permit to a parking applicant under Section XVII. D. 5. above, due to the lack of space in the development lot requested, the Parking Administrator:

- (1) Places the applicant's name (either a NYCHA resident or a non-NYCHA resident) on a waiting list for that particular parking lot
 - The waiting list contains the names of parking applicants (either a NYCHA resident or a non-NYCHA resident) from either the current year or prior years for a particular parking lot
 - The names on the waiting list are arranged in accordance with Section XVII. D. 5. c. (1) and (2)
- (2) Returns the fee to the applicant
- (3) Advises the applicant:
 - That due to lack of space in the lot requested, his/her parking request cannot be currently granted, but that the parking request shall be placed on a waiting list.

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- That the applicant may submit a new parking application for a different lot in the same development or a lot in an adjoining development, if the applicant does not want to wait for an available spot when reached on the waiting list.

(4) If the applicant is a NYCHA resident with disabilities who possesses a valid New York City or New York State *Parking for Persons with Disabilities* permit, the Parking Administrator shall consult Section XVII.G. below regarding additional accommodation possibilities.

7. Replacements, Transfers and Cancellations

The following are special situations regarding parking permits already issued:

1. **Replacements:** The Parking Administrator shall issue a replacement parking sticker upon receipt of a *Parking Permit Application and Agreement* indicating that a previously issued sticker was never received, stolen, lost, or damaged. If the applicant submitted a higher fee than is required, the Parking Administrator shall refund the difference by check. The following proof and fees apply:
 - a. Never Received Sticker: A notarized statement must be submitted indicating that the sticker was never received. No new fee is required. The Parking Administrator at its discretion will accept these statements for a limited time period after the original sticker was issued.
 - b. Stolen Sticker: A police report is required indicating that the sticker was stolen, or the vehicle on which it was placed was stolen. No new fee is required.
 - c. Lost or Damaged Sticker: A notarized statement must be submitted indicating that the sticker was lost or damaged. A new fee of \$25.00 fee is required.

Persons who request or obtain a replacement sticker through fraud or misrepresentation are subject to revocation of parking privileges.

The Parking Administrator must note on the *Parking Permit Application and Agreement* that a replacement parking permit has been issued.

2. **Transfers:** If a current permit holder was transferred to and applies for parking at a new development, the fees for a new parking application apply.
 - a. The *exception* is that a partial refund of the previously paid fee will be given, if the transfer was pursuant to TSAP code T0. In those cases, the Parking Administrator shall determine the unused balance from the previous permit fee, based on the number of full months remaining, and shall refund the difference by check.

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- *For example*, if the tenant paid the fee for the full year but was transferred after 4 ½ months from the date of issuance of the prior sticker, the remaining number of full months is 7. The amount to be refunded is seven-twelfths (7/12) of the original permit fee paid.

- b. For tenants entitled to receive a refund, the Development Housing Manager must e-mail to the Parking Administrator the following information: tenant is eligible for a refund, old parking sticker has been returned, and whether the tenant wants a new parking sticker for a new development or a refund.

- 3. **Cancellations:** Although the Parking Administrator may re-rent a space when notice is received that a prior permit holder cancelled or abandoned the parking space, no refund of fee is due to the prior permit holder.

E. Parking Regulations

Persons parking a vehicle in a NYCHA parking lot must comply with the NYCHA parking regulations. They are part of each *Parking Permit Application and Agreement* and are copied for reference as Appendix T.

F. Revocation of Permit and Unauthorized Parking

1. Reasons for Parking Permit Revocation

Permission to park may be revoked due to either:

- a. Failure to pay a parking fee once it becomes due, or
- b. Violation or repeated violation of the Parking Regulations, as reported by the Development Housing Manager to the Parking Administrator, or
- c. NYCHA's need to change the use of a designated parking space(s) or parking lot(s), as NYCHA in its sole discretion may decide

2. Parking Permit Revocation

Upon notification (where necessary) that permission to park should be revoked, the Parking Administrator revokes permission by mailing to the permit holder (by both regular and certified mail) NYCHA form 129.008, *10-Day Notice of Parking Permit Revocation*. A copy is sent to the Development Housing Manager. When issuing the permit revocation, the Parking Administrator must indicate the reasons for revocation and specify a revocation date.

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3. Alternative Parking Accommodations

The Parking Administrator shall offer alternative parking accommodations if requested by the permit holder and if feasible, in situations where NYCHA requires use of the parking spot or parking lot, pursuant to Section XVII. F. 1.

4. Refund of Parking Fee

If alternative parking accommodations are not offered or not accepted in situations where NYCHA requires use of the parking spot or parking lot, in accordance with Section XVII. F. 1, the Parking Administrator shall refund the unused balance of the previously paid fee, based on the number of full months remaining (refer to example in Section XVII. D. 7. 2).

5. Unauthorized Parking

Vehicles parked in a NYCHA parking lot are not authorized to park in the lot if:

- Permission for the vehicle to park has been revoked, or
- Permission for the vehicle to park was never granted, or
- Vehicle is abandoned or derelict i.e., vehicle present in the parking lot without front and back license plates

The Development Housing Manager shall request that the New York City Police Department, Housing Bureau Police Service Area, issues a summons to any vehicle parked without authorization, and if necessary, removes such vehicle from NYCHA property. Refer to GM - 3465 Revised for further guidance about the removal of abandoned and derelict vehicles from NYCHA properties.

G. Parking for Persons with Disabilities

If a NYCHA resident requests a reasonable accommodation to meet his/her parking needs as a person with disabilities, NYCHA provides a reasonable accommodation to those disabled NYCHA residents who possess a valid New York City or New York State Parking Permit for Persons with Disabilities as follows:

1. Developments With Resident Parking Areas

The parking needs of residents with disabilities are accommodated in existing parking lots through a parking permit assignment priority, specified in Section XVII. D. 5. c.

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2. Developments Without Available Resident Parking

If the parking needs of a resident with disabilities are not accommodated as specified in Section XVII. G. 1 above, the Parking Administrator in consultation with development management and the Department of Equal Opportunity may suggest as follows:

- a. Transfer of the family to a development with available parking
- b. Construction of additional parking space within the development, if such solution is reasonable based on physical space and available funding. The Parking Administrator shall contact the Capital Projects Division, Capital Projects Administration's Section 504 Unit, to determine whether this solution is feasible, before making such offer to the parking applicant.

XVIII. Payroll Rent Deduction Program

A. Introduction

NYCHA residents, who are municipal employees, (see Section XVIII B below for details) may satisfy their household's rental obligation by having the monthly rent automatically deducted from their employee pay. In accordance with this voluntary program, one half of the monthly rental obligation is deducted from the employee's first two paychecks, every month.

NOTE: NYCHA employees may use NYCHA's online ePayment or the phone payment system to pay their rent electronically. Refer to Management Manual, Chapter II, *Rent and Rent Collection*, for more information.

Any employee who wishes to take advantage of this program can contact their Management Office Housing Assistant.

A Worksheet / Enrollment Confirmation sheet can be generated from the Rent Collection System. This worksheet indicates all relevant information, including the initial deduction amount and the month the deduction commences.

B. Individuals Eligible to Participate

The following individuals who satisfy **both** the residency and employment criteria are eligible to participate.

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NYCHA Residency Criteria	NYC Municipal Employment Criteria Only actively employed persons – not retirees
<ul style="list-style-type: none"> • NYCHA tenant (public housing, project based Section 8 and Section 8 voucher holder in a City/State development) 	NYC municipal employees who are paid through the NYC Office of Payroll Administration (OPA). This includes NYCHA employees. Appendix O, <i>Eligible Office of Payroll Administration Agencies</i> , lists the eligible OPA agencies.
<ul style="list-style-type: none"> • Authorized family member of a NYCHA tenant 	
<ul style="list-style-type: none"> • Resident Employees 	
<ul style="list-style-type: none"> • Senior Resident Advisor 	
<ul style="list-style-type: none"> • Resident Police Officer 	

C. Individuals NOT Eligible To Participate

Residency Criteria - People who reside in a NYCHA apartment who are:

- Licensees
- Squatters
- Remaining Family Member claimants who have not been granted a public housing lease
- Public Housing Tenants (and their household) against whom a warrant of eviction has been issued from the court (in a Non-Payment, Holdover or Bawdy House case)
- Public Housing Tenants (and their household) whose tenancy has been terminated by the NYCHA Board pursuant to an administrative proceeding

NOTE: By court agreement, NYCHA may include any of the preceding individuals in the Payroll Rent Deduction Program, provided that they can be technically added to the computerized system. The court agreement can specify that accepting payroll rent for the above individuals is for Use and Occupancy and does not grant rights of public housing tenancy that do not otherwise exist.

D. Payroll Deduction Mechanics

1. Discharge of Prior Rental Obligation

Eligible individuals who apply for the Payroll Rent Deduction Program may participate only after the household's prior rental obligation is resolved. This means that any outstanding balance on the household's rent account (that may consist of regular rent, retroactive rent, recurring charges, one-time charges, sales and service fees, miscellaneous fees and/or legal fees) must first either be:

- fully paid, or
- included in a payment plan, approved by the Housing Manager.

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2. Minimum Due and Payment Plans

The Minimum Due on the rent bill is usually the same as the Total Due. The Total Due includes all money owed on the rent account, i.e., regular rent, retroactive rent, recurring charges, one-time charges, sales and service fees, miscellaneous fees and/or legal fees. The Minimum Due is less than the Total Due only if a Payment Plan is signed with the Housing Manager. When a Payment Plan is in effect, the Minimum Due includes the monthly rent and installment amount agreed to in the Payment Plan.

3. Twice Monthly Deduction

The monthly Minimum Due for the household is automatically deducted from the employee's net pay, in two installments every month. The first half of the Minimum Due is deducted from the employee's first paycheck of the month and the second half of the Minimum Due is deducted from the employee's second paycheck of the month. No rent deduction is made from the employee's third paycheck of the month, during any month in which three payroll checks are issued. The rent payment is posted to the tenant's rent account on the same day as the payroll deduction is made.

4. Amount of the Payroll Deduction

Payroll deductions are made from the employee's net pay, as needed, to pay the entire Minimum Due. As the monthly rent and/or charges increase or decrease, the payroll deduction amount will accordingly increase or decrease automatically. No payroll deduction is made if the employee's net pay in any pay period month is not enough to pay half the Minimum Due. If a payroll deduction is not made in any pay period, the unpaid balance is added to the next month's Minimum Due amount. If a balance is not paid through automatic payroll deduction, the tenant remains obligated to pay the full amount of the unpaid balance directly to NYCHA.

5. Special Rule regarding Department of Education Employees

NYC Department of Education employees who are on vacation during the months of July and August have their payroll checks processed before the end of June. The deduction amount for these employees remains the same during the summer months. Any change in the minimum amount due during July and August will be deducted after August. NYCHA staff should encourage NYC Department of Education employees to make additional rent payments during the summer months if the minimum amount due has gone up during that period.

NYC Department of Education employees who sign up during the summer months will not have deductions taken until after the summer and will be responsible for making their rent payments in the usual manner, until the deductions begin.

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6. Commencement or Termination of Payroll Deductions

The payroll deductions start or stop when the Housing Manager performs the appropriate action in the PIMS Rent Collection System.

If the entry into PIMS is made on or before close of business on the Lockbox Cut-Off date, then the payroll deduction commences or terminates with the next full calendar month.

EXAMPLE:

Assume that the Lockbox Cut-Off date is January 20. Any entry into PIMS from January 1 through the close of business on January 20 results in the payroll action taking effect in the month of February.

If the entry into PIMS is made after the Lockbox Cut-Off date, then the payroll deduction commences or terminates with the second following calendar month.

EXAMPLE:

Assume that the Lockbox Cut-Off date is January 20. Any entry into PIMS from January 21 through January 31 results in the payroll action taking effect in the month of March.

NOTE: Development staff can access the Lockbox Cut-Off dates by referencing the "P" Drive at P:\lockbox\cutoff dates.

E. Processing Payroll Rent Deduction Request

Development staff takes the following actions to initiate a payroll rent deduction request:

1. Determines that the employee is qualified to participate in the program
2. Resolves any outstanding balance in the household's rent account either through full payment or by inclusion of the balance in a payment plan
3. Obtains the employee's most current pay stub to confirm that the net monthly pay is sufficient to cover the *Minimum Due*

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4. Requires the employee/authorized resident to complete and sign NYCHA form 040.646, *Rent: NYCHA Rent/Payroll Deduction Authorization*. Development staff lists the monthly *Minimum Due* on the form and divides that figure in half to calculate the amount of each payroll deduction. Explain to the employee that each payroll deduction may fluctuate as the monthly *Minimum Due* increases or decreases. Ensure that all employee information is accurate, including the Social Security number. Require the tenant (lessee) to **also** sign the “Authorization” section of NYCHA form 040.646, *Rent: NYCHA Rent/Payroll Deduction Authorization*, if a tenant is not an employee.
5. Obtains the Housing Manager approval of the request by signing in the “Authorization” section of NYCHA form 040.646, *Rent: NYCHA Rent/Payroll Deduction Authorization*
6. Commences the payroll deductions by entering the information into the Rent Collection System (RCS). Refer to Appendix P, *PIMS Computer Instructions for Starting Payroll Rent Deductions*.
7. Prints a computer generated Worksheet/Enrollment Confirmation sheet, *Sample Worksheet* and *Enrollment Confirmation*. This worksheet indicates all relevant information, including the initial deduction amount and the month the deduction commences. Staff submits/mailed a copy of the worksheet to the tenant, or to the employee if different than the tenant, and retains a copy in the tenant folder.

NOTE: The Housing Manager must confirm that the Rent Collection System (RCS) is “Flagged” when serving NYCHA form 040.004, *30 Day Notice To Vacate*, or when a warrant for eviction is served on a tenant, to ensure that automatic collection of rent through this system is suspended.

F. Terminating Payroll Rent Deductions

1. Participation in the Payroll Deduction Program is voluntary and either NYCHA or the tenant/employee may terminate the payroll deductions.
2. NYCHA can terminate the payroll deductions by completing NYCHA form 040.647, *Rent: NYCHA Rent/Payroll Deduction Termination*, and providing a copy to the tenant/employee.
The Housing Manager **must** terminate the payroll deductions if:
 - Employee is no longer employed by NYCHA or paid through the NYC Office of Payroll Administration (OPA).
 - Family no longer resides in a NYCHA apartment.
 - Housing Manager confirms that, on an ongoing basis, the employee's salary will not be sufficient to cover the payroll deduction.

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3. The tenant/employee can terminate the payroll deductions by completing NYCHA form 040.647, *Rent: NYCHA Rent/Payroll Deduction Termination*. Staff shall note the tenant's reason for termination on the *Termination* form, as well as electronically in the TDS Interview Records program. Staff shall inform the tenant of the effective date of the Payroll Rent Deduction Termination.
 - If the tenant (lessee) **is** an employee, his/her receipt of a signed copy of the *Payroll Deduction Termination* form is sufficient notice that payroll deductions stopped and that the tenant is obligated to pay rent directly to NYCHA.
 - If the tenant (lessee) is **not** an employee, the tenant is required to countersign the *Termination* form. If the tenant refuses or is unable to countersign the *Termination* form, the Housing Manager still processes the employee's *Payroll Deduction Termination* request. In that case, the Housing Manager sends a letter to the tenant, informing him/her of the obligation to pay the entire monthly rent directly to NYCHA, since the employee's payroll rent deductions have terminated.

NOTE: The tenant may have commenced the payroll deductions as part of the settlement of a prior *Non-Payment of Rent* or *Chronic Rent Delinquency* case. Accordingly, termination of the payroll rent deductions by the tenant may be a violation of a prior case settlement.

Before processing a tenant's *Payroll Deductions Termination* request, the Housing Manager must confirm that no such prior case settlement exists. If a prior case settlement exists, the Housing Manager must contact the Law Department and notify the case attorney of the requested termination of payroll rent deductions. The Law Department will advise the Housing Manager concerning any necessary action.

4. Staff terminates the payroll deductions by entering the information into the Rent Collection System (RCS). Refer to Appendix P, *PIMS Computer Instructions for Starting or Ending Payroll Rent Deductions for a NYCHA or NYC Employee Who Is a NYCHA Tenant or Authorized Participating Resident*, for computer data entry instructions.

G. Payroll Division Contact

Development staff seeking to obtain information regarding a specific rent deduction should request the development's timekeeper to contact their liaison in the Accounting and Fiscal Services Department, Payroll Division.

XIX. Move-Outs

A. Lease Termination by Tenant

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NYCHA form 040.507, *NYCHA Resident Lease Agreement*, requires that when the tenant requests to terminate the lease and tenancy, the tenant must give NYCHA **thirty** days prior notice, in writing. The notice period must be 30 consecutive days but does **not** necessarily have to include a calendar month.

If the resident gives NYCHA the required notice and moves on the specified date, the resident will not be charged rent beyond the vacate date.

NOTE: There is no vacancy loss for Project-Based Section 8 residents

1. Notice of Intent to Vacate

A resident who intends to move must complete and submit to the development management office NYCHA form 040.032, *Notice of Intent to Vacate*. One form is used for all programs (without regard to whether the development originally was under the Federal, State or City program). The *Notice of Intent to Vacate*:

- Must be completed and signed by the tenant, and must indicate the intended vacate date, new address, and reason for leaving
- Contains the tenant's agreement to remove all personal property from the apartment and acknowledges that any property not removed will be considered abandoned and worthless
- Advises the tenant of his/her right to be present with development staff, during an inspection of the apartment, prior to the move-out date
- Must be submitted to the Management Office at least 30 days prior to the tenant's vacating the apartment. If there is a change in the move-out date, the tenant must advise the Management Office, in writing.

Submission of the *Notice* constitutes official notice to NYCHA that the resident intends to vacate the apartment on a specified date.

Management staff date stamps the *Notice* immediately, upon receipt. The date stamped is considered the first day that notice was given to NYCHA.

A *Notice of Intent to Vacate* must be submitted at least 30 days prior to move-out. However, if less than 30 days notice has been given, the resident will be charged for vacancy loss up to 30 days beyond the date the *Notice* is submitted or until the apartment is re-rented (Refer to NYCHA Management Manual Chapter II, *Rent and Rent Collection*.)

2. Pre-Move-Out Inspections

The Housing Assistant inspects the vacated premises with the vacating resident if the tenant has given prior notice. If the vacating resident refuses the inspection, the refusal must be noted in the tenant folder.

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A resident who is shown an existing condition that requires a charge is more cooperative in paying any outstanding balance. NYCHA form 040.304, *Move-Out Inspection*, is used to record conditions found in apartments that require charges and estimated charges. Any disagreement by a resident concerning an existing condition shall be noted on the form.

The resident and Housing Assistant sign the *Inspection* form. The form is filed in the tenant folder and a copy is given to the tenant.

3. Charge Through Date

The Charge Through Date is the date that rent for the apartment stops being charged to the tenant. Rent is charged for the entire charge-through day and stops after that date. Upon the tenant's move-out, the Charge Through Date is calculated based on the amount of notice given prior to vacating or new apartment rental, as follows:

Refer to Table E - *Examples of Charge-Through Dates*.

a. Move-Out Charges

(1) 30 Day *Notice* Given (Moves on Time)

When a tenant submits a 30 day *Notice* **and** moves on the date specified on the *Notice of Intent to Vacate*, the tenant is charged only through the move-out date.

(2) 30 Day *Notice* Given and Moves Earlier (Moves Early)

When a tenant submits a 30 day *Notice* but moves earlier than the date specified on the *Notice of Intent to Vacate*, the tenant is charged through the vacate date specified on the *Notice* **or** until the apartment is re-rented, whichever charge is less.

(3) 30 Day *Notice* Given, Moves Late

When a tenant submits a 30-day *Notice* but moves after the date specified on the *Notice of Intent to Vacate*, the tenant is charged through the move-out date.

(4) No *Notice* Given

When a tenant fails to submit a *Notice of Intent to Vacate*, the tenant is charged up to 30 days after the actual move-out date **or** until the apartment is re-rented, whichever charge is less.

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(5) Less than 30 Days Given

When a tenant gives less than 30 days *Notice*, the tenant is charged 30 days beyond the date the *Notice* is submitted **or** until the apartment is re-rented, whichever charge is less.

Table E –Examples of Charge-Through Dates

RULE	Vacate Date Listed on <i>Notice of Intent to Vacate</i>	Actual Move-Out Date	Charge- Through Date
1. Moves on Time: Tenant gives 30 day <i>Notice</i> and moves on the date specified on the <i>Notice of Intent to Vacate</i> , is charged only through the move-out date.	<u>Notice Filed:</u> June 25 <u>Specified Move-out Date:</u> July 24	July 24	July 24
2. Moves Early: Tenant gives 30 day <i>Notice</i> but moves <i>earlier</i> than the date specified on the <i>Notice of Intent to Vacate</i> , is charged through the vacate date specified on the <i>Notice</i> or until the apartment is re-rented, whichever charge is less.	<u>Notice Filed:</u> April 17 <u>Specified Move-out Date:</u> May 16	May 10	May 16, or until the apartment is re-rented, whichever is sooner
3. Moves Late: Tenant gives 30 day <i>Notice</i> but moves after the date specified on the <i>Notice of Intent to Vacate</i> , is charged through the move-out date.	<u>Notice Filed:</u> October 28 <u>Specified Move-out Date:</u> November 26	December 2	December 2
4. No Notice Given: Tenant fails to submit a <i>Notice of Intent to Vacate</i> , is charged up to 30 days after the actual move-out date or until the apartment is re-rented, whichever charge is less.	None	May 24	June 23, or until the apartment is re-rented, whichever is sooner
5. Less than 30-Day Notice Given: Tenant gives less than 30 days notice, is charged 30 days beyond the date the <i>Notice</i> is <u>filed</u> or until the apartment is re-rented, whichever charge is less.	Notice Filed: May 3 Specified Move-out Date: May 17	May 17	June 2, or until the apartment is re-rented, whichever is sooner

4. Failure to Vacate After Giving *Notice*

In some instances, a tenant may not vacate on the date specified on the *Notice of Intent to Vacate*. The Housing Manager or designee shall speak with the resident to determine the reason for not vacating on the specified date. The resident will be given the opportunity to amend the date on the *Notice* or withdraw the *Notice* and remain in occupancy.

If the tenant has not vacated the premises on the specified date and the tenant has not responded to telephone calls or call-in letters, the Housing Manager must determine:

- If the apartment has been abandoned. If there is abandoned property, staff must contact the Landlord/Tenant Division of the Law Department.

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- If there is another individual(s) remaining in the apartment, staff determines whether he or she is a remaining family member, licensee or squatter. Staff must initiate appropriate legal proceedings.

5. Tenants Who Vacate After Issuance of Lease Addendum

NYCHA form 040.623, *Lease Addendum and Rent Notice (Lease Addendum)*, generated from the Tenant Data System (TDS), is served upon tenants in connection with a change of rent and does not terminate the tenant's lease. If a tenant vacates after service of a *Lease Addendum*, the charge-through date depends upon whether the tenant gave a valid Notice prior to move-out.

If a tenant vacates after accepting the new rent by paying the new rent specified in the *Lease Addendum*, the pro-rated rent for the period following the increase to be charged on move-out is based on the new rent specified in the *Lease Addendum*. If, however, a tenant vacates prior to accepting the new rent by failing or refusing to pay such rent, the pro-rated rent to be charged on the move-out is based upon the rent in effect immediately prior to that specified in the *Lease Addendum*.

If the rent change has already been posted to the tenant's account, the tenant receives a rent credit equal to the amount of the increase. This is indicated on the *Vacate Notice* submitted to the Lockbox Bookkeeping Office with the Housing Manager's signature, authorizing a credit to the vacating tenant's account. If the new rent specified in the Rent Change Notice (RCN) has not been posted, the RCN is voided.

B. Lease Termination by NYCHA

NYCHA Resident Lease Agreement requires that when NYCHA intends to terminate the lease and tenancy, NYCHA gives the tenant thirty days prior notice, in writing.

When NYCHA gives notice, i.e., by serving NYCHA form 040.004, *30 Day Notice to Vacate*, after Termination of Tenancy by the NYCHA Board, the *Notice* must contain the dual requirement of 30 days **and** a full calendar month.

1. 30 Day Notice to Vacate

When NYCHA intends to terminate the lease and tenancy, service of NYCHA form 040.004, *30 Day Notice to Vacate*, must be made at least 30 days in advance of the expiration date. This 30-day period must also include a full calendar month.

The *30-Day Notice to Vacate* must expire on the last day of a month. Service of the Notice, including all required mailings, must be completed before the 1st day of that month.

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Examples:

- January has 31 days (this month has more than the required 30 days). The *30-Day Notice to Vacate* expires on January 31. Service must be completed **before** January 1.
- April has 30 days (this month has the required 30 days). The *30-Day Notice to Vacate* expires on April 30. Service must be completed **before** April 1.
- February has 28 days (non-leap year – this month has less than the required 30 days). The *30-Day Notice to Vacate* expires February 28. Service must be completed **before** January 30 so the tenant has 30 days notice (consisting of 2 days in January and 28 days in February) **and** a full calendar month (the month of February).

Refer to NYCHA Management Manual, Chapter IV, *Termination of Tenancy*, for guidelines regarding methods of service.

2. Tenants under Termination Action Prior to Service of *30 Day Notice to Vacate*

If a tenant vacates before a *30-Day Notice to Vacate* has been served, the tenant is charged until the apartment is re-rented, subject to a maximum charge of 30 days.

3. Tenants Moving Out After Service of *30 Day Notice to Vacate*

If a tenant vacates after service of *30 Day Notice to Vacate* and the *30 Day Notice to Vacate* is not canceled, the tenant is charged through the actual vacate date, whether or not the summary proceeding has been previously commenced and whether or not a court order has been issued.

4. Tenants Moving Out After Commencement of a Non-Payment Summary Proceeding

A tenant who moves out while a Non-Payment Summary Proceeding is pending, or if a warrant is issued, is charged through the actual vacate date.

C. Abandoned Apartments

When Management determines that an apartment is abandoned, the charge-through date is 30 days beyond the date Management takes possession or until the apartment is re-rented, whichever charge is less.

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D. Apartment Cancellation Charges

The applicant is considered a tenant once the lease is signed and the security deposit and one month's rent have been paid. In order to cover any vacancy loss incurred as a result of a last minute cancellation of apartment assignment, it is important that the security deposit and one month's rent are collected as soon as possible. To cancel the lease, the tenant must complete NYCHA form 040.157, *Cancellation of Apartment Assignment*.

1. Cancellation of Lease without Vacancy Loss

If the tenant cancels the apartment early enough to permit rental to another applicant thus avoiding any vacancy loss, then the prepaid rent and security deposit are refunded.

2. Cancellation of Lease with Vacancy Loss

If the applicant cancels the apartment too late to permit rental to another applicant without incurring vacancy loss, then the prepaid rent is to be prorated and a move-out is processed.

If the cancellation is due to extenuating circumstances, e.g., death of a spouse, the cancellation may be accepted and with the approval of the Housing Manager, the entire sum prepaid for rent and security deposit may be refunded.

E. Move Out Interview

When the resident completes the *Notice of Intent to Vacate*, the Housing Assistant interviews the resident. Information necessary to prepare NYCHA form 040.033, *Notice of Apartment to be Vacated*, and the *Turnover Tracking Log System*, is obtained from the resident.

Staff discusses with the resident the following charges after they inform the Management Office of their intent to vacate:

- Charges that may be imposed for misuse or neglect of the apartment
- Pro-rated painting charges and possible vacancy loss charges

During the interview, the Housing Assistant must make every effort to obtain the correct forwarding address. The Housing Assistant gives the resident the following instructions to follow as (s)he prepares to vacate the apartment:

- Pay current rent prior to vacating.
- Return keys to the Management Office on the vacate date. Do not leave keys with neighbors, friends or in the apartment.
- Remove second lock and cover the hole in the door, if applicable.

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- Clean the gas range.
- Clean and defrost the refrigerator.
- Properly dismantle washing machines to avoid damage to the plumbing.
- Remove linoleum, carpets, rugs, and wood strips.
- Leave the smoke detector in place. The smoke detector should not be removed.
- Remove nameplates from the apartment door and mailbox.
- Lock the NYCHA apartment door and all windows.
- Remove all personal belongings from the apartment, storage and carriage rooms.
- Remove garbage and debris from the apartment and place in the prescribed areas.
- Schedule the appointment date for the move-out inspection.
- Request notification to the Management Office in writing if the vacate date is changed.

The Housing Assistant informs the resident that there is a waiting period of approximately 8 weeks or longer before a Security Deposit and/or Rent Refund may be expected.

Staff notes in the tenant folder that they discussed these issues with the resident.

F. Deceased Residents

When the Management Office staff suspects that a resident is deceased, staff does the following:

- Immediately visits the apartment to determine whether it has been abandoned or taken over without permission
- Places a “Stop Payment Flag” on the account to ensure that the Housing Manager approves any rent payment
- Electronically indicates in the TDS Interview Records program that a “Stop Payment” was placed on the account

When the Management Office staff is officially notified that the resident is deceased and the apartment is not vacated, a Move Out interview will be conducted with the next-of-kin. Refer to Section XIX E. *Move Out Interview*. During the interview, the Housing Assistant:

- Requests the death certificate for verification
- Informs the next-of-kin that checks received in the deceased resident’s name will not be accepted and will be returned to the proper agency
- Gives NYCHA form 040.036, *Affidavit and Demand-Refund of Security Deposit of Deceased Tenant*, to the claimant who must have it notarized and returned to the Management Office

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- Obtains the vacate date from the claimant. All efforts shall be made to have the apartment vacated within 30 days. It shall be the Housing Manager’s discretion to grant additional time if extenuating circumstances exist. It must be emphasized that rent payments must be kept current.
- Explains that rent will be charged through the date that the keys are returned to the Management Office. The date of death or the date of notification does not apply.
- Explains that any pre-paid rent will be credited to the security deposit refund, where applicable

NOTE: When a single person occupant is deceased, leaving no heirs and no next-of-kin closer in relationship than a cousin, NYCHA may not enter to take possession of the apartment. The Public Administrator must be contacted immediately. Possession may be taken only after the Public Administrator releases the apartment. Refer to NYCHA Management Manual Chapter IV, *Termination of Tenancy*.

PUBLIC ADMINISTRATORS	
<u>New York County</u> Ethel J. Griffin	Surrogate’s Court 31 Chambers St. Rm. 311 New York, NY 10007 212-788-8430
<u>Bronx County</u> John Raniolo	851 Grand Concourse Bronx, NY 10451 718-293-7660
<u>Kings County</u> Gerard A. Cabrera	360 Adams Street Brooklyn, NY 11201 718-293-7660
<u>Queens County</u> Lois M. Rosenblatt	88-11 Sutphin Boulevard Jamaica, NY 11435 718-526-5037
<u>Richmond County</u> Gary D. Gotlin	130 Stuyvesant Place, 4th Floor Staten Island, NY 10301 718-876-7228

G. Abandoned Apartments

The Housing Manager must determine whether a resident has abandoned an apartment. NYCHA may not take possession of an abandoned apartment if the following conditions apply:

- Rent has been paid.
- A remaining family member, licensee or squatter is in possession of the apartment.
- Death of a single person occupant with no heirs or next-of-kin

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- Property has been left in the apartment.

Before any action is taken in such cases, the Landlord/Tenant Division of the Law Department must be consulted.

H. *Turnover Tracking Log System*

A computerized *Turnover Tracking Log System* provides for the monitoring of the apartment turnover process by development, Management Department, and Central Office staff and has the following features:

- Calculates vacancy loss and apartment preparation days
- Enables development, Management Department and Central Office staff to track the turnover of apartments, i.e., move-outs and move-ins
- Tracks the number of TSAP refusals by apartment, apartment size, and year
- Tracks apartments off the rent roll and indicates reasons for removal
- Supplies detailed reports for development, Management Department and Central Office staff
- Alerts staff to emergency rentals, e.g., homeless rentals and emergency transfers
- Alerts staff as to apartments vacant for more than 10 days, with use of color coded entries

1. Data Entry

a. Access and Security

The *Turnover Tracking Log* is located on the Intranet Homepage in the Applications Login section, using the “TTL” link. The development Map Number serves as the User Name and Password to access the *Turnover Tracking Log*. The following Table indicates security and access levels for TTLS:

LOCATION	SECURITY ACCESS PERSONNEL	ACCESS LEVEL	FUNCTION
Development	Housing Manager, Housing Superintendent	Security Officer	Add and Delete Users
Management Department	Deputy Director	Security Administrator	Monitoring (View Only)
Central Office (IT-BST ²³)	Designated Staff	Security Administrator	Technical Assistance

²³ Information Technology - Business Solution Technology Department

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b. Timely Entries

Information in the *Turnover Tracking Log* is extracted from Tenant Data System (TDS) and Tenant Selection Assignment Plan (TSAP) System.

All entries in the *Turnover Tracking Log* must be current, e.g., actual move out date, keys given to Management date, and Maintenance strip date. Development staff must enter data in all appropriate fields of the log **within one business day of the activity described in each field**, e.g., tenants turn in apartment keys on 1/2/07, log entries by development staff must be completed by 1/3/07.

NOTE: Management Department Deputy Directors, Housing Managers, and Housing Superintendents must closely monitor the *Turnover Tracking Log* in order to ensure timely data entry for all aspects of the apartment turnover process.

- Each calendar year, the move-outs are automatically numbered consecutively starting with number one (1).
- Upon receipt of *the Notice of Intent to Vacate*, the move-out is entered in the log and assigned a number.
- Remarks, such as the date of all telephone contacts with the Department of Applications and Tenancy Administration's Field Liaison Division and any special circumstances regarding paint delays, maintenance problems, apartment cancellations, refusals, vacancy loss, etc. are entered in the Comments Field.
- All data is carefully entered in the log to ensure accuracy.

c. Accuracy of Data Entries

The *Turnover Tracking Log* automatically calculates apartment preparation days and vacancy loss, based upon data entered by development staff.

All data entered into the Log must be carefully reviewed before saving the entries and exiting the *Turnover Tracking Log*. *Exiting the Log without saving current entries results in a loss of the current entries.*

NOTE: Superintendent or designee must make timely entries prior to entering a Ready Date in the Log.

Refer to Section XIX.A.3. *Charge – Through Date*, for more information regarding charge-through dates.

2. Monitoring Turnover Process

Development, Management Department, and Central Office staffs are able to monitor the turnover process by using the following features in the *Turnover Tracking Log*:

a. Screen Shots

The *Turnover Tracking Log* displays the current status of vacant apartments. More detailed information regarding the turnover history of the apartment, e.g., refusals, and paint date, is available for individual account numbers.

b. Reports

There are three Turnover Tracking Reports available to development and Management Department staff to monitor the turnover process for apartments.

(1) Multiple Turnover Tracking Logs

Consolidated Development staff is able to view the turnover logs for every development in the consolidation. Management Department staff can view logs for every development in their department. These reports are accessible from the Main page.

(2) Detail Turnover Tracking Log

This report accessible, from the Detail page, shows detailed Turnover Log information, such as, *Tenant Name, Date Management Notified, Date Keys Given to Management, Move-Out Reason, and Move - Out* preparation information.

(3) Off Rent Roll

Development, Management Department and Central Office staff can monitor the entire apartment turnover process by generating the following Off Rent Roll reports, which are accessible from the Reports page:

1. 10+ DAYS OFF RENT ROLL
2. 20+ DAYS OFF RENT ROLL
3. 30+ DAYS OFF RENT ROLL
4. 60+ DAYS OFF RENT ROLL

Each report details the number of off rent roll days and the reason why an apartment is off the rent roll.

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(4) Filtered Turnover Logs

The filtering option allows the development or Management Department user to generate turnover logs with specific criteria (For help on how to filter, go to HELP menu, click on *Captivate Movies* and select Movie entitled Filtering Records). Staff can generate the following filtered Turnover Logs:

- Move-Outs: ALL
- Move-Outs: CLOSED
- Move-Outs: OPEN
- Move-Outs: OFF RENT
- 504: ALL
- 504: CLOSED
- Senior: ALL
- Senior: OPEN
- Off Rent Roll (These Turnover Logs do not have any Move/Transfer Out associated with them).

c. Assistance

On-line training is available as a HELP function that provides guidance on how to use the *Turnover Tracking Log* (TTL). The *Frequently Asked Questions (FAQ)* cover most questions. For additional assistance in using the *Turnover Tracking Log*, staff may email Margie Vega, Deputy Director, Field Systems, Information Technology - Business Solution Technology (IT-BST).

I. Apartment Preparation Days

The *Turnover Tracking Log* calculates preparation days as follows:

- Only workdays are calculated. Weekends and legal holidays are not included in calculating preparation days.
- Preparation days begin the day the keys and paper work are received at the Maintenance Office before 1:00 P.M. If the keys and paper work are received after 1:00 P.M., the preparation days start the next workday
- Management has been informed of the ready date in advance and the keys are received before 1:00 P.M. on the ready date, this date is not included in the calculation of the preparation days. If the keys are received in the Management Office on the ready date after 1:00 P.M., this day is included in the calculation of preparation days.

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J. Vacancy Loss Days

- Vacancy loss days start the day following the charge-through date of the move-out and end the day before the commencement of the new resident's rent.
- Weekends and legal holidays are included in the calculation of vacancy loss days.
- The Superintendent must notify the Housing Manager when extensive repairs or restoration will cause the preparation time to exceed more than 10 business days.

K. Initial Processing

Management staff prepares NYCHA form 040.033, *Notice of Apartment to Be Vacated*.

The top of the form is completely filled in at the time of the move-out.

- Information required to prepare this part of the form is obtained from:
 - NYCHA form 040.032, *Notice of Intent to Vacate*
 - Written entries on NYCHA form 040.006, *Interview Record*, in the tenant folder
 - Electronic entries in the TDS Interview Records program
 - Turnover Tracking Log
- Each *Notice* is numbered consecutively from the beginning of each calendar year. The original and a copy are distributed as follows:
 - Superintendent
 - Housing Assistant
 - Lockbox Bookkeeping Office
 - Tenant folder
 - ATAD's Tenancy Administration Unit or the Law Department's Tenant Administration Hearing Division for the following pending legal cases:
 - All Termination cases
 - All grievance cases
 - All L&T court actions

Note: Housing Manager must determine which department (ATAD or Law) is assigned the pending case before forwarding each *Notice*.

- If the resident changes the move-out date, Maintenance is to be notified immediately.

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- When the resident turns in the keys, move-outs are processed promptly and keys are turned over to Maintenance so that there is no delay in preparing the apartment for vacancy.
- If the keys are not received on the date that was indicated on the *Notice of Intent to Vacate*, the Housing Assistant follows-up to determine whether or not the resident vacated the apartment (Refer to Section XIX. A. 4. *Failure to Vacate After Giving Notice*).

L. Maintenance Staff Responsibilities

Upon receipt of the apartment keys, the development Maintenance staff prepares the apartment for occupancy and follows the procedure outlined in Standard Procedure 040:09:7, *Managing Maintenance Work Orders*.

The Superintendent or Assistant Superintendent creates an Apartment Inspection Move-Out Work Order in Maximo and schedules necessary repairs through the creation of Child Work Orders by using Maximo. Upon the completion of repairs in the Move-Out apartment, the status of Child and Parent Work Orders is changed in Maximo as completed and closed after actual labor hours are entered.

The Superintendent or Assistant Superintendent notifies the Management staff of the ready date. The Management staff then notifies the new resident to pick up the keys to the apartment.

NOTE: Move-out charges are determined by the Superintendent and approved by the Housing Manager. The resident is charged only for damages to the apartment that are beyond normal wear and tear. Refer to NYCHA Management Manual, Chapter II, Appendix A, *Schedule of Charges to Tenant Accounts*, for a list of all appropriate charges charged to move-out residents.

Upon the completion of the apartment preparation, the Superintendent returns the apartment keys and NYCHA form 040.033, *Notice of Apartment to be Vacated*, to the Housing Manager on the apartment ready date.

The Superintendent also checks the box attesting to the condition of the smoke detector and whether the new resident is to be charged.

M. Management Staff Responsibilities

1. Tenant Data System

The Housing Manager or designee during the approval of the move-out or transfer-out enters the charge-through dates in the TDS. A future or anticipated charge-through date cannot be entered. Only the actual charge-through date is entered.

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NOTE: If an incorrect move-out date is entered and approved in error, staff may contact the Information Technology - Business Solutions Technology (IT-BST) at 212-306-7000 for assistance.

2. Rent Changes

If a tenant has vacated after issuance of a *Lease Addendum and Rent Notice* and the new rent specified in the *Lease Addendum and Rent Notice* has not been posted to the account, it shall be voided.

If the new rent has been posted to the resident's account and the resident has not accepted this rent, by refusing or failing to pay such rent, refer to NYCHA Management Manual, Chapter II, *Rent and Rent Collection*.

3. Notice of Apartment to be Vacated

The Housing Manager reviews the *Notice of Apartment to be Vacated* for accuracy, dates and signs the bottom of the form, and assigns it to staff for further processing.

The designee faxes the completed *Notice* to the Lockbox Bookkeeping Office (LBO) for processing that includes the posting of move-out charges. Work orders remain at the development for apartment preparation.

- If the resident was evicted, the Housing Manager delays the submission of the *Notice of Apartment to be Vacated* until the Marshal's storage charge is charged to the resident's account.
- If NYCHA form 040.036, *Affidavit and Demand/Refund of Security Deposit of Deceased Tenant*, was received, it is faxed to Lockbox Bookkeeping Office (LBO) with the *Notice*.
- If a refund of security deposit is to be paid to an administrator/caretaker, the Housing Manager writes the name and address of the administrator/caretaker in the "REMARKS" section of the *Notice*.
- If an Assignment of Security Deposit is on file, it is faxed to the Lockbox Bookkeeping Office (LBO) with the *Notice*.

N. Lockbox Bookkeeping Office Responsibilities

Upon receipt of the *Notice of Apartment to be Vacated* from the development, the Lockbox Bookkeeping Office (LBO):

- Posts the move-out charges
- Prepares and distributes NYCHA form 132.039, *Vacating Tenants Final Refund/Balance Due*
- Sends a copy of the form to the development for processing of the uncollected account

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The tenant folder is filed in the move-out resident's file. The front of the folder is stamped "move-out" and the charge-through date is indicated.

O. Reduction in Vacancy Loss and/or Preparation Days

The reduction of vacancy loss caused by the turnover of apartments is a high priority because it is a HUD performance indicator. Development supervisors and staff shall make every effort to reduce vacancy loss for each vacancy.

Priority shall be given to renting, and preparing those apartments for which NYCHA would suffer the highest vacancy loss due to the reason for the move-out, as noted in the following examples:

- Residents who move and give 30 days prior notice
- Residents who move under court order
- Residents who are deceased
- Inter-/intra-project transfer to smaller apartments
- Residents who move for the convenience of NYCHA

At the monthly supervisor's meeting, special mention shall be made regarding move-outs. Written move-out procedures should be established for all staff members and additional training given, where needed.

- Close coordination must be maintained with Skilled Trades to expedite the preparation of vacant apartments.
- Assistance is requested from the Management Department Deputy Director when a development experiences an unusual number of move-outs.
- Close coordination is maintained between the development Management and Maintenance staff.
- Staff promptly reports to the Housing Manager all abandoned apartments, deceased residents, residents seen moving out, etc.
- Keys to the vacated apartment are to be turned over to Maintenance immediately and **not** kept in the Management Office.
- Maintenance advises Management of the expected ready date 24 to 48 hours in advance, when possible.

P. Removal and Restoration of Apartment from Rent Roll

For information regarding the removal and restoration of apartments off rent roll, refer to SP 040:04:1, *Apartments Off The Rent Roll*.

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Q. Records of Former Tenants

The Housing Manager submits NYCHA form 070.033&R, *Record of Tenant*, for all tenants who vacate owing a balance, even if written off, and for all former tenants who have an unsatisfactory project record. Each development maintains adequate controls to make certain that this form is submitted in every case where readmission is questionable.

The original card is submitted to the Applications and Tenancy Administration Department (ATAD), Applications Index Division, and the duplicate kept for development records. Upon full payment of final payment resulting from a settlement agreement, NYCHA form 040.010A, *Collections: Uncollected Account: Collection Attorney's Final Disposition* must be submitted to ATAD. The Housing Assistant enters tenant information into the Project Information Management System (PIMS) and files the computer-generated Edit Listing in the tenant's folder.

Move-out tenant folders are maintained as follows:

- Staff alphabetically maintains current and previous calendar year move-outs (with no pending claims) in the Management Office move-out file for seven years.
- Staff retains folders of vacated tenants with pending claims in the Management Office until 1 year after settlement, expiration of period specified in statute of limitations, collection of unpaid rent, or verdict for a minimum of seven years.
- Staff permanently retains vacated tenant folders with write-offs, permanent exclusions and/or a history of highly unsatisfactory tenancy in the Management Office.

Staff must ensure that the new tenant signs and dates NYCHA form 040.062, *Tenant Data-Summary*, upon receipt of apartment keys.

R. Personal Property Remaining in an Apartment after Tenant Vacates

The following are situations where a tenant vacates an apartment leaving behind personal property. The disposal of the property depends on the situation.

1. Possession of Apartment Not Returned to NYCHA - Individuals Remain

Where physical possession of an apartment is not returned to NYCHA because an individual(s) remains in the apartment (either Remaining Family Member, or Licensee or Squatter), any personal property of the former tenant shall remain in the apartment until NYCHA recovers possession of the premises. The former tenant may contact the individual(s) remaining in the apartment to arrange for the removal of any personal property.

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2. Possession of Apartment Not Returned to NYCHA - Legally Restricted

Where physical possession of an apartment is not returned to NYCHA because of a legal restriction - any personal property of the former tenant shall remain in the apartment until the legal restriction is lifted or removed by the restricting entity.

Examples of legal restrictions are:

- **Police Seal - Investigation:** If the NYPD or other law enforcement agency seals an apartment due to an investigation, the apartment may not be entered without permission of the police or law enforcement agency.
- **Police Seal - Removal of Tenant:** If the Police Department sealed the apartment only to safeguard the premises when the sole tenant was removed from the apartment (to either a hospital or morgue), Management may remove the seal and secure the premises only if no other bar to reentering the apartment exists.
- **Court Ordered Stay:** Management may not reenter an apartment during a court ordered stay unless the stay is removed or permission to reenter is obtained from the court.
- **Public Administrator:** If the public administrator has jurisdiction over the premises, Management may not reenter the apartment until the apartment is released or permission to enter is otherwise granted by the public administrator.

3. Eviction

- a. Full Eviction: Any individuals present are removed from the apartment. Any property in the apartment is also removed from the apartment, as follows:
- City Marshal posts on the door a notice titled “Marshal’s Legal Possession” which states that possession of the premises is returned to the landlord. The Housing Manager shall examine the notice to determine whether it is proper. If questions arise, the Housing Manager shall consult with the Law Department’s Landlord-Tenant Division.
 - The Housing Manager or Superintendent must witness the City Marshal posting the “Marshal’s Legal Possession” and removal of the property. The name and business address of each NYCHA employee who witnessed the removal of the property shall be recorded in the tenant folder.
 - The City Marshal itemizes all property to be removed from the apartment. A copy of the inventory and a copy of the “Marshal’s Legal Possession” shall be filed in the former tenant’s folder.

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- A licensed moving company removes the personal property remaining in the apartment. The property is brought to a licensed storage warehouse. Management shall record the address of the warehouse in the tenant folder. After eviction, a tenant who wishes to recover his/her personal property shall be directed to the City Marshal and the storage warehouse. NYCHA pays the fee for storage of the property for one month, after which the property is sold at auction by the warehouse, unless claimed by the tenant.
 - The City Marshal and / or moving company shall also be directed to remove any property of the tenant left in any of the development's carriage or storage rooms. The Marshal's inventory should note removal from the storeroom.
 - If the tenant is present during an eviction, the tenant must be informed that he/she is entitled to take any or all of the personal possessions from the apartment. Staff shall make a list of items that the tenant takes.
- b. Legal Possession Only: Any individuals present are removed from the apartment. Any property left in the apartment is **NOT** removed but remains in the apartment, under the control and custody of NYCHA.
- If the tenant is present, staff shall request the tenant to sign a *Notice of Intent to Vacate* and require the removal of any personal property within seven (7) days.
 - If the tenant is not present, staff shall notify the tenant in writing on the day legal possession is obtained to remove any personal property within 7 days or the property will be considered abandoned.

If the tenant fails to respond, remove all personal property and did not sign a *Notice of Intent to Vacate*, refer to Section XIX. R. 5.c., *Determining Property as Abandoned*.

Refer to NYCHA Management Manual, Chapter IV, *Termination of Tenancy*, for Eviction procedures.

4. *Notice of Intent to Vacate* Given to NYCHA

A *Notice of Intent to Vacate*, NYCHA form 040.032, signed by the tenant accomplishes the following:

- The *Notice* complies with the tenant's lease requirement to give NYCHA notice prior to relinquishing his/her NYCHA tenancy and vacating the apartment.
- The *Notice* informs NYCHA of the specific date that the tenant plans to leave. The lease requires the tenant to give NYCHA 30 days written notice prior to vacating. If less time is given, NYCHA may charge for vacancy loss.

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- The *Notice* specifies that any personal property remaining in the apartment after the tenant vacates, may be considered abandoned and worthless and disposed of accordingly.
- The *Notice* informs NYCHA whether the tenant requests a move-out inspection of the apartment.

The Housing Assistant reminds the tenant submitting a *Notice of Intent to Vacate*, that all tenant property, either in the apartment or in a Carriage and/or Storage Room must be removed on or before the vacate date.

On the day following the move-out date indicated on the *Notice of Intent to Vacate*, the Housing Manager or designee visits the apartment to ascertain whether the apartment has been vacated.

If it appears that the tenant did not vacate, or that other individuals continue to reside in the apartment the Housing Manager must clarify the residency status of the apartment by consultation with the resident and any current occupants of the apartment. The Law Department's Landlord-Tenant Division is consulted as needed.

If the Housing Manager determines that no one resides in the apartment but personal property remains, all personal property remaining in the apartment is disposed of as junk, as authorized by the *Notice of Intent to Vacate* (Refer to Section XIX. R. 5. d. regarding the disposal of abandoned property). The apartment is cleared and prepared for a new tenant. If it appears that valuable possessions or important papers of the former tenant remain, the Housing Manager must attempt to contact the former tenant and inquire about the status of the remaining property.

5. No *Notice of Intent to Vacate* Given to NYCHA

If the Housing Manager determines that no one resides in the apartment and no *Notice of Intent to Vacate* was given to NYCHA, but personal property remains, all personal property remaining in the apartment is disposed of as follows:

- a. **Legal Action:** If it is unclear if the tenant relinquished his/her tenancy rights and/or rights in any remaining personal property, the Housing Manager shall attempt to secure a non-payment of rent final judgment and regain possession through a warrant of eviction, if such action is already pending and could be easily obtained. A City Marshal will regain possession and remove the contents apartment as noted above (Refer to Section XIX. R. 3. Eviction).
- b. **Third-Party Claim to the Property:** Personal property abandoned by former residents may be transferred to a third party if the third party presents a court order authorizing retrieval of the personal property.

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If a third party (e.g., a furniture company or finance company) obtains a court order of repossession, the Housing Manager shall turn over the specific property specified in the order, once served with the order by a Sheriff or City Marshal. Development staff shall witness the property removal, compile an inventory and file the inventory in the tenant folder.

c. Determining Property as Abandoned:

If property remains in an apartment and could not be disposed of as stated above, the Housing Manager does the following:

- The Housing Manager and another employee enter the apartment, photograph and prepare a written inventory of the apartment's contents. Both employees date and sign the written inventory. The photographs and written inventory are filed in the tenant folder.
- Secures the apartment door with a cylinder whose key is kept by the Housing Manager. Does not use a move-out cylinder
- Attempts to determine the whereabouts of the former tenant by contacting neighbors, friends or relatives, emergency contacts and consulting documents in the tenant folder
- Refers to available computer databases (HUD-EIV, DVS) and attempts to obtain contact information for the tenant. Determines if the database revealed that the tenant resides at a non-NYCHA development address
- Examines NYCHA records to determine if the tenant is merely transferring to another apartment and the tenant did not abandon the premises. If there is a pending VDV/IV/IX/CSC transfer request, contacts the Emergency Transfer Unit of the Social Services Department at 212-306-3328 to determine current transfer status. Notes whether the tenant claims he/she will return to the apartment to remove its contents.
- Examines NYCHA records to determine if no rent was paid for that month. Examine documents to determine there is no court stipulation or *Notice of Intent to Vacate* indicating a vacate date in the future
- Examines the contents of the apartment and assesses whether it appears to be abandoned. Checks the refrigerator to determine that there is no food (such as milk) with a current date stamp
- Waits at least fourteen (14) calendar days after securing the apartment to determine if anyone contacts the development management office regarding the apartment
- If no one can be contacted by management regarding the apartment and its contents, property remaining in the apartment may be deemed abandoned.

d. Disposal of Abandoned Property

If the Housing Manager is uncertain whether property should be considered abandoned, or its value, the Landlord-Tenant Division of the Law Department should be consulted.

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(1) Abandoned Property that seems Worthless

Property remaining in an apartment or carriage and storage room that is deemed abandoned and reasonably is worthless (having no value) may be disposed of as junk, as follows:

- Delivery to the City Dump
- Pick-up by a Department of Sanitation truck as trash
- Placement in 30 cubic yard rented containers for pick-up by private movers

(2) Abandoned Property Having Some Value

Property remaining in an apartment or carriage and storage room that is deemed abandoned and reasonably has some intrinsic value, may be disposed of as follows:

- The Housing Manager notifies NYCHA's Social Services Department to determine if they can utilize the abandoned property. NYCHA's Social Services Department issues a receipt for any items taken and a copy is filed in the tenant folder.

In **all instances** of property disposal, the Housing Manager writes a memorandum to be placed in the former tenant's folder, giving a detailed inventory of what property was abandoned and the method of disposal of such property.

NOTE: Abandoned property by former residents shall not be taken by or given for the personal use of any NYCHA employee.

XX. Apartment and Public Space Painting and Redecoration

A. Purpose

To prescribe the NYCHA's policy regarding maintenance painting of development apartments and public spaces, using Contracts, Small Procurement Purchase Orders, or NYCHA painting staff and to define the responsibilities of NYCHA staff in the maintenance painting process.

B. Policy

Every Management Department has overall responsibility for accomplishing the following functions:

- Maintenance Painting of Apartments
- Maintenance Painting of Public Spaces

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- Stairwell Refinishing

Each Housing Manager oversees the painting of apartments and public spaces, from planning through completion, and each development Superintendent controls processing of paintwork requests.

C. Responsibilities

The Management Department staff determines the most efficient and effective means, within budget guidelines, for maintenance painting at each development.

1. Management Department Skilled Trades Administrator

Under the direction of the Management Department Director, the Management Department Skilled Trades Administrator performs the following functions:

- Monitors and administers Management Department maintenance painting
- Supervises Paint Supervisors
- Determines the most efficient and effective means, within budget guidelines, for maintenance painting at each development
- Initiates Change Orders, in conjunction with the Management Department Business Services Unit, and obtains the Management Department Director's approval for submission to Technical Services Department
- Begins the contract close-out process, in conjunction with the Management Department Business Services Unit, upon receipt of a complete payment package from the contractor

2. Housing Manager

Each Housing Manager or designee oversees the painting of apartments and public spaces, from planning through completion.

3. Superintendent

Under the direction of the Housing Manager, the Superintendent, or designee, supervises, directs and is responsible for the work of the paint contractors relating to all painting of a general nature, including all paint coats, surface preparation, priming, and related work. The Superintendent or designee also analyzes and responds to paint and plastering work orders by surveying apartments and exterior surfaces, as appropriate.

The Superintendent or designee:

- Inspects completed work performed by contractors, ensures adherence to contract specifications and directs the contractor to conform to contract specifications

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- Initiates all punch lists for painting contractors and performs punch list inspection
- Checks the contractor's compliance with various labor laws by verifying the actual number of workers at the work site, as compared to NYCHA form 076.026, *Contractor Daily Sign-In Sheet*
- Monitors and administers development Maintenance Painting contracts, in accordance with the scope of work, specifications, regulations, and expenditure deadlines
- Ensures that the contractor completes the contract work on schedule
- Reviews and approves requisitions for materials and equipment for paint related tasks performed by NYCHA staff
- Maintains records e.g., completed work orders, and contract files
- Reviews contractor partial and final payment invoices received from the Management Department Business Services Unit (BSU) and compares these invoices to the Blanket Purchase releases
- Obtains the signatures of the Housing Manager and Superintendent and submits all completed payment documents to the Management Department Business Services Unit
- Completes a Contractor Performance Evaluation for each contract as follows:
 - Evaluations are performed at the completion of the contract.
 - The final Contractor Performance Evaluation is attached to the final payment invoice and forwarded to the Management Department Business Services Unit for filing in the Contractor Performance File.
 - Copies of contract compliance correspondence and the final evaluation for the contractor are forwarded to the Management Department Business Services Unit.
- Upon learning of resident claims against contractor, the Superintendent or designee refers resident to the Housing Manager, notifies contractor and the Management Department Business Services Unit (BSU) of the claim, and documents report of claim in contract folder.
- Performs inspections of all paint storage rooms to ensure that NYCHA approved materials are used and stored safely, and safety equipment is available, e.g., fire extinguishers, storage cabinets, and sprinklers
- Conducts random inspections of contractors' work in progress to ensure compliance with contract specifications

4. Paint Supervisor

Under the direction of the Management Department Skilled Trades Administrator, the Paint Supervisor performs the following functions:

- Provides day-to-day supervision of the Housing Painters
- Assigns work to the painters and ensures that timely appointments are scheduled and completed by the painters

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- Inspects, on a random basis, completed work performed by Housing Painters
- Reviews work order reports, deploys Housing Painters and monitors their productivity
- Randomly inspects work performed by Housing Painters to ensure quality and compliance with scope of work
- Utilizes computer programs for reporting and monitoring
- Performs unannounced, random inspections of paint rooms to ensure that NYCHA approved materials are used and stored safely, and safety equipment is available, e.g., fire extinguishers, storage cabinets, and sprinklers
- Ensures the availability of adequate supplies of materials and equipment for paint related tasks

5. Painter

Under the direction of the Paint Supervisor and Superintendent, the Housing Painter performs inside and outside patching and painting of a general nature, including all coats, and also performs the following functions:

- Keeps scheduled appointments
- Prepares, fills and primes surfaces for painting
- Applies paint to surfaces with a brush, roller or spray gun
- Applies plaster to surfaces
- Takes proper care of all materials, tools and equipment
- Works on and from ladders, platforms and scaffolds, as jobs may require
- Completes required information on work orders and obtains resident's signature confirming completed work and submits it to the Superintendent or designee

D. Apartment Painting

1. Paint Work Order Review

The Customer Contact Center (CCC) creates a Work Order from a resident initiated Siebel Service Request for all painting and plastering. The CCC Call Taker enters in the notepad if the resident is requesting plastering. The Work Order prints at the development and is processed as follows:

- a. The Superintendent reviews the Work Order and dispatches the Work Order to the Maintenance Worker.
- b. The Maintenance Worker surveys the apartment and indicates on the notepad what work is required and to whom the Work Order should be assigned. Development staff creates a Child Work Order for plastering or painting based upon the inspection results and assigns work responsibilities as follows:

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(1) Contract Painter

- If the apartment was last painted more than 3 1/2 years ago, and requires an estimated completion time of more than 7 hours
- If the apartment was last painted less than 3 1/2 years ago, requires an estimated completion time of more than 7 hours, and is in poor condition

(2) NYCHA Painter

If the apartment requires an estimated completion time of 7 hours or less

(3) Plasterer

If plastering is needed, notes approximate amount of square footage requiring more than 2 square feet

After plastering is completed, assigns order to either Housing Painter or Contractor.

- c. The Maintenance Worker informs the resident of the results of the survey as follows:

(1) Plastering

If the Maintenance Worker determines that a plasterer is needed, the Maintenance Worker must give the resident NYCHA form 040.653, *Repair Follow-Up by Skilled Trades* that instructs the resident to:

- Call CCC 24 hours after the inspection to make an appointment
- Inform the CCC Call Taker that the Skilled Trade needed is a Plasterer
- Provide the CCC Call Taker with the work order

(2) Housing Painters

If the Maintenance Worker determines that a Housing Painter is needed, the Maintenance Worker must give the resident NYCHA form 040.653, *Repair Follow-Up by Skilled Trades* that instructs the resident to:

- Call CCC 24 hours after the assessment to make an appointment
Inform the CCC Call Taker that the Skilled Trade needed is a Housing Painter
- Provide the CCC Call Taker with the work ticket order

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(3) Contract Painters

If the Maintenance Worker determines that a contract painter is needed, the Maintenance Worker must give the resident NYCHA form 040.220, *Painting Instructions for Tenants* that informs the resident that a contractor will contact them within 30 days to schedule an appointment for painting.

- d. The Maintenance Worker records the work completed and outcome on the printed WO and returns the paper WO to the Superintendent or designee for a work order status change.
- e. The Superintendent or designee changes the WO status to Complete within **24 hours** based on the notations on the paper work order. The Superintendent or designee creates, and reviews the child WO.

NOTE: If a Work Order is assigned to the Contract Painter, a request to the Management Department Business Services Unit for a Blanket Purchase Agreement Release must be made within 24 hours of Work Order assignment.

- f. If the Superintendent or designee assigns the Child WO to the vendor, the Superintendent or designee monitors the WO until work is completed.
- g. If the Superintendent assigns the Child WO to the plasterer, upon completion of plastering, the Superintendent must create a Child WO for the appropriate craft (Housing Painter or Vendor).

The resident must be contacted in order to schedule the Housing Painter. If assigned to the Contract Painter, the contractor will visit the resident within 30 days for scheduling.

- h. The Management Department Skilled Trades Administrator advises the resident to make the appointment and ensures that the resident makes the appointment and the plasterer or painter keep the appointment.
- i. After the work is completed, the plasterer or painter must return the assigned Child Work Order to the Superintendent or designee to change the Work Order status to **Complete** and **Closed** in Maximo.
- j. The Management Department Skilled Trades Administrator continuously monitors Paint Work Orders requests by residents for completion in a timely manner.
- k. The Management Department Skilled Trades Administrator and Deputy Director for Finance must monitor the availability of funding for paint contracts to ensure that work entered in Maximo is completed.

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2. Processing of Contract Paint Requests

- a. Development staff must initially determine the need for a contract painter. Need is determined by physical inspection of the apartment, or by other circumstances, e.g., move-outs or court cases. After determining need, the Housing Manager or designee immediately requests from the Management Department Business Services Unit (BSU) a Blanket Purchase release by sending a paper Requisition via email indicating the apartments to be painted.
- b. The Management Department BSU Buyer reviews all requisition documents, including price, contract number, and apartment numbers, for accuracy and prepares a Release for Work in the Oracle Purchasing Module on a weekly basis for routine apartment paint requests, or on a daily basis for special requests such as move-outs or court cases.
- c. The Management Department BSU sends copies of the Release for Work to the contractor and the development, authorizing the contractor to start work.
- d. The Paint Contractor reports to the Superintendent or designee for work orders for each apartment authorized under a Release for Work.

NOTE: The Housing Manager and Superintendent are responsible for contacting the Paint Contractor and ensuring the appointment is made with the resident within 30 days.

- e. The Paint Contractor is responsible for:
 - Scheduling appointments
 - Determining resident's color choices
 - Returning completed work orders to Superintendent or designee
- f. After completion of work, the contractor submits to the Management Department Business Services Unit (BSU) and Accounting and Fiscal Services Department, Accounts Payable Division, respectively, the following payment packages:
 - Management Department BSU payment package, including the following:
 - Invoice
 - Summary of Paint Charges
 - *Contractor Daily Sign-In Sheets*
 - Affidavits of General Contract
 - Certified Payrolls
 - Copy of a Release for Work
 - Equal Opportunity Contractor Report

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- Completed work ticket with residents signatures for occupied apartments or Superintendent or designee's signature for move-outs
- Accounts Payable Division payment package includes only the invoice.
- g. Management Department BSU staff members perform the following preliminary review of the Management Department BSU payment package to ensure that all required documents have been submitted by the contractor:
 - (1) Review invoices and work orders, *Contractor Daily Sign-In Sheets* on file, and the certified payrolls, to confirm that wages and titles conform to the contract and comply with prevailing wage requirements (Refer to Standard Procedure 007:03:1, *Prevailing Wage Monitoring and Enforcement*).
 - (2) Require the contractor to correct any prevailing wage errors and submit accurate certified payrolls that comply with prevailing wage requirements
 - (3) Forward all payment request submissions documentation that appears to reflect violation of Prevailing Wage requirements to the Department of Equal Opportunity (DEO)
 - (4) Require the contractor to adhere to its Section 3 hiring plan, unless the contract in question is exempt from Section 3 requirements
- h. After the completion of the preliminary review, the payment package, along with a contractor evaluation form, is forwarded to the Housing Manager for review.
- i. Once the development receives the Management Department BSU payment package, the Housing Managers and Superintendents must ensure the inspection of **100%** of all completed paintwork performed by contractors, including occupied and move-out apartments and public space work that appears on each Contractor's Monthly Invoice.

The Housing Manager and Superintendent are **each** personally responsible for the inspection of at least **25%** of all completed paint work performed by contractors, with the inspection of the remaining **50%** of completed paint work conducted by their designee. Housing Managers and Superintendents must indicate in the log the date paint work was inspected and file completed Work Order in the contractor folder.

- j. The Superintendent reviews all payment request submissions for accuracy and compliance with the contract specifications. If the submission *is* incorrect or over-billed, the Superintendent recommends appropriate deduction of line items directly on the invoice, prior to presenting it to the Housing Manager.

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For partial apartment painting, the Superintendent deducts from the submission a prorated share of the unit price for the number of rooms not painted, e.g., if the contract unit price for a 4-room apartment is \$400 and one room was not painted, a 25% deduction totaling \$100 is taken.

- k. Discrepancies / Disputes - The Superintendent initially contacts the contractor to resolve discrepancies or other issues.
 - Any unresolved issues regarding the terms of contract are referred to the Management Department Director or designee.
 - Management Department Business Services Unit (BSU) requests from the contractor a revised invoice for any adjustments to the invoice requested by NYCHA. Management Department Business Services Unit (BSU) processes adjustments to a Release for Work and forwards copies to the contractor and the development.

- l. The Housing Manager and Superintendent must approve (or disapprove) the payment package and the contractor evaluation form within five (5) business days of receipt.
 - If the Housing Manager or Superintendent disapproves a submission, he/she must document the reason for disapproval or make adjustments on the invoice and/or attach a separate memorandum of explanation.
 - If the Housing Manager and/or Superintendent are unavailable for signature, the submission is forwarded to the Management Department Deputy Director or designee for signature and approval.

- m. Once the Housing Manager and Superintendent submit the approved payment package to the Management Department Business Services Unit (BSU), the Management Department Business Services Unit (BSU) reviews it for accuracy. Management Department BSU staff enters the receipt of the approved payment request in the Oracle System.

- n. Before final payment is made, the Management Department Business Services Unit (BSU) staff reviews the Contract File to ensure that all Punch Lists have been completed and to ascertain if there are any changes that have not resulted in a completed *Change Order*.

- o. BSU prepares NYCHA form 060.064, *Certificate of Final Acceptance*, at the expiration of the contract and processes the Contractor's Certificate, Release and Closing Statement upon receipt of Final Statement of Account Form from Accounts Payable Division.

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- p. Accounting and Fiscal Services Department, Accounts Payable Division matches the contractor's invoice with the Management Department Business Services Unit (BSU)'s Oracle entry and issues a check or an Electronic Funds Transfer to the contractor.

NOTE: Once an apartment is painted (complete or partial), the Superintendent ensures that this information is provided to the Management Department BSU. The Management Department BSU ensures that this information is given to the staff member assigned to update the paint cycle database.

3. Notification Letters to the Residents

NYCHA form 040.220, *Painting Instructions for Tenants*, is distributed to the tenant by the painter (Contract or Housing) prior to the scheduled painting. This form instructs the tenant how to prepare the apartment for painting.

4. Miscellaneous Paint Charges

The tenant has the option of choosing more than one paint color, for an additional charge of \$25 per color for the bedroom, living room and hall surfaces. The tenant must submit full payment for additional color selections in the form of a check or money order to the Management Office **prior** to the commencement of painting.

After receiving the check or money order, the Housing Manager or designee:

- Completes NYCHA form 132.001, *Miscellaneous Charge/Credit*, and submits it, along with the payment, to the Lockbox Unit
- Advises the contractor that they have authorization to use additional colors

5. Color Choices

a. Standard Colors

(1) Semi-gloss

Five semi-gloss colors available for use on the tenant's bedroom, living room and hall surfaces are:

- Off-white (T-23)
- Ivory Tint (T-24)
- Sun Tint (T-25)
- Blue Tint (T-26) *
- Green Tint (T-27) *

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*Antique White (T-21) is for ceilings when the tenant selects T-26 and T-27.

(2) Enamel

Two enamel colors available for use on the tenant's kitchen and bathroom surfaces are:

- Off-white (18-C)
- Light Yellow (20-L)

b. Priming

The tenant is not required to pay priming charges to have tenant-painted surfaces repainted.

When a vacating tenant has finished an apartment surface with materials other than paint, such as wallpaper or tile, staff must charge the tenant for restoring the surface to its original form. If this surface was not painted during the apartment's prior paint cycle, staff must charge the vacating tenant for removal of the materials and required plastering, but not for the priming of the surface.

NOTE: For vacating tenants who move within the paint cycle, refer to NYCHA Management Manual-Chapter II, Appendix A, *Schedule of Charges to Tenant Accounts*, Section IV.L. Painting, Washing and Restoration Charges.

E. Public Space Painting

1. Process

The following steps are taken when public space painting is necessary:

- a. A child work order is created for paint.
- b. The Maintenance Worker inspects the public space, indicates the conditions on the work order and returns it to the Superintendent or designee.
- c. Superintendent or designee completes the Parent Work Order, creates a Child work order and selects the appropriate craft (Housing Painter or Vendor) based on the notations on the Work Order and consults with the Management Department Skilled Trades Administrator to ascertain if there are any pending public space painting contracts.

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- d. The Housing Manager determines the best course of action to complete the work. If a Requirement Contract is in place, the Housing Manager obtains the necessary approvals. If no Requirement Contract exists, the Housing Manager utilizes a Small Procurement Purchase Order, or the Housing Painter, to complete the work once the necessary approvals are obtained.

2. Management Offices/Waiting Rooms/Community Centers

Staff must improve the appearance of the developments' Management Offices, waiting rooms and community centers, as needed.

a. Painting

- The waiting room and the Management Office may be painted as needed, if funding is available.
- If these areas appear faded and dull, staff must arrange with the Management Department Skilled Trades Administrator or designee to give these areas first priority when awarding the paint contract.
- The entire Management Office, except for the waiting room, must be painted with one coat of paint.

b. Process

- A paint work order is generated and submitted to the Paint Supervisor.
- The Paint Supervisor surveys the public space, indicates the conditions on the work order and returns it to the Housing Manager/Superintendent.
- The Housing Manager determines if the work is to be completed by an existing contract, Small Procurement Purchase Order, or by the Housing Painter and obtains the necessary approvals.

c. Furnishings/Decorations

- The waiting rooms and community centers must be decorated with standard furnishings.
- The asphalt tiles must be replaced with light shade vinyl tiles.
- Attractive light fixtures must be installed in the waiting rooms.
- Planters may be installed in the Management Office and in the waiting room.
- Attractive bulletin boards may be installed for posting messages or announcements to tenants.
- Petty cash expenditures are limited to \$300 per year. Funds not used in one year may be carried over to the next year, up to a maximum of \$600. Permissible purchases include fine arts, prints, plants, curtains, magazine racks, lamps, posters, and maps.

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3. Flagpoles

Flagpoles are painted, as needed, if funding is available. The flagpoles' hardware may be replaced, as needed, if funding is available.

F. Graffiti Removal and Refinishing Specifications

1. Identifying and Reporting Public Space Graffiti

a. Development

Upon identifying gang or bias-related graffiti, development staff immediately:

- Takes a digital photo of the graffiti
- Forwards the digital photo via email or downloads onto a disc and delivers to the Special Operations Lieutenant in the Police Service Area (PSA) or covering police precinct
- Contacts the Management Department Paint Supervisor for graffiti removal and surface refinishing

Development staff shall remove graffiti on corridor walls, except those covered with fire retardant paint, with NYCHA issued graffiti remover. Graffiti on exterior surfaces is removed with graffiti remover or power-washed, if necessary. Management Department is responsible for removing graffiti on corridor walls covered with fire retardant paint.

Development staff must immediately report graffiti of an offensive nature in stairwells to the Management Department Paint Supervisor.

b. New York City Police Department

When the police identify **gang or bias-related graffiti**, the Special Operations Lieutenant for the PSA or covering police precinct contacts the Technical Services Department's Police Service Area CCTV Unit (PSA/CCTV Unit) Administrator. The Administrator logs the report and contacts the appropriate Management Department Paint Supervisor to arrange for removal of stairwell graffiti or the Development Superintendent or designee for removal of hallway/exterior graffiti. Upon removal of the graffiti, the Management Department Paint/Development Supervisor contacts the Administrator of the Technical Services Department's Police Service Area CCTV Unit (PSA/CCTV Unit) with the graffiti removal date.

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NOTE: Members of the public and staff are eligible for up to a \$500 reward for reporting graffiti vandalism in progress through 911 or providing information regarding graffiti vandalism to the City-Wide Vandals Task Force through 311.
The information must result in the arrest and conviction of individual(s) for violations of Administrative Code Provisions or Penal Law statutes regarding graffiti vandalism.

2. Graffiti Removal Steps Prior to Refinishing All Surfaces

Prior to removal of graffiti from all surfaces, supervisors must ensure that procedures for dust control, lead-based paint and personal protective equipment are implemented and strictly enforced. Supervisors must utilize only NYCHA-approved graffiti remover and closely follow directions for use and cautions listed on the product label.

Refer to Appendix U for further details on the graffiti removal process.

3. Responsibility for Stairwell Graffiti Removal and Surface Refinishing

Management Departments are responsible for removal of stairwell graffiti and the refinishing of all surface types. All necessary equipment and materials must be procured through Supply Chain Operations and maintained by the Management Departments. Management Department Paint Supervisors are responsible for providing technical assistance on proper covering methods and materials.

4. Refinishing of Walls in Stairwells and Hallways Covered with Fire Retardant Paint

Recoating of sound, undamaged Fire Retardant Paint (FRP) should be completed with FRP Top Coat (47S-10L). Surfaces that are extensively damaged or peeling to where elimination of graffiti results in removal of the FRP undercoat requires the application of both the FRP flat finish (46S-18C) followed by the FRP Top Coat.

5. Refinishing of Cementitious and Silicate-Treated Surfaces

Silicate coatings are to be used for refinishing masonry surfaces that have been previously coated with the cementitious material as well as surfaces previously coated with silicate. A flat finish coating (44S-18C) is used for covering stains or areas with graffiti followed by the application of the semi-gloss finish (45S-18C). The coatings can be applied utilizing rollers.

6. Refinishing Doors, Decks, Steps, and Other Stairwell Components

Waterborne 100% acrylic paint is used for doors, steps, handrails, standpipes, riser pipes, conduit, cable races and boxes as listed below. Surfaces requiring priming must use 100% acrylic primer (35W)

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SURFACE	MATERIAL
Decks, Steps and Attached Items	8W - 162
Doors, Handrails, Standpipes, Riser Pipes	11W-112
Conduit, Cable Races, Boxes	11W-18C or 11W-10L to match wall color

Staff must refer to Attachment 1 - *Stairwell Refinishing Guide* and contact the Supervisor of Painters to ensure that the proper coating is used following graffiti removal.

G. Contract Painting

The Technical Services Department, Contract Services Unit, is responsible for creating bid documents, bidding and awarding paint contracts. The Management Department Business Services Unit and development staff are responsible for the administration of paint contracts as follows:

1. Work Requests

- a. Business Services Unit staff must submit all work requests for paint contracts to the Technical Services Department, Contract Services Unit, using NYCHA form 040.301, *Work Request, Cost Estimate and Proceed Order*. *Work Requests* for paint contracts are forwarded to the Technical Services Department, Contract Services Unit, via inter-office mail. Original signatures are required. All *Work Requests* must be signed by the Management Department Director or Deputy Director. The *Work Request* must indicate if the contract requested is a Blanket or Planned Purchase Order or Small Procurement Purchase Order.
- b. Upon receipt of the *Work Request, Cost Estimate and Proceed Order*, Technical Services Department, Contract Services Unit staff creates the contract header and generates a contract number in Oracle.
- c. The Technical Services Department, Contract Services Unit is responsible for creating bid documents, and bidding and awarding paint contracts.

2. Contract Preparation

The Technical Services Department, Contract Services Unit is responsible for the preparation and bidding of contracts. Standard Procedure 035:98:1, *Pre-Design Planning*, describes the *Work Request, Cost Estimate and Proceed Order*, Pre-Design/Survey Meeting and Pre-Bid Meeting, and the other steps that the Management Department and Technical Services Department, must follow to ensure an accurate scope of work.

3. Prior to Contract Award

a. Contractor Performance Evaluations

Contractor Performance Evaluations are maintained for each contract. The Technical Services Department, Contract Services Unit, maintains a central file of these evaluations and other pertinent contract information received from Administering Departments, including any cure letters that were sent to the contractor.

Prior to the award of any contract, the Deputy Director of Technical Services for Contracts, in consultation with the applicable supporting staff, reviews the Contractor Performance Evaluation File and prepares a Contractor Performance Evaluation Summary Report for the Director with a recommendation. This recommendation is based upon, but may not be limited to, the responsiveness of the bid, the contractor's integrity, and performance on past contracts.

Contractors who have not performed satisfactorily may be subject to a recommendation that the contractor be found to be a non-responsible contractor, based on performance on prior NYCHA contracts. If Technical Services recommends that a contractor has not performed satisfactorily or is found to have integrity issues, Technical Services shall request in writing that the Law Department's Contracts Division conducts a responsibility review.

Technical Services provides the Law Department with the form of proposal, bid tabulation sheet, and other related materials that document the poor work performance or integrity issues. If the legal review process results in a non-responsibility determination, the contractor is notified in writing of the determination. Technical Services Department, Contract Services Unit, shall then recommend award of the contract to the next lowest responsible bidder.

b. Contract Services Unit Follow-Up

(1) The Technical Services Department, Contract Services Unit, schedules bidding, and issues the appropriate NYCHA form 060.057D, *Letter of Award*, in accordance with the provisions of the Contract Procedure Resolution (CPR).

(2) In addition, where applicable, the Technical Services Department, Contract Services Unit, must verify that the contractor has obtained Payment and Performance Bonds, appropriate Insurance documents, Section 3, Resident Employment Program (REP), Inspector General (IG) and Department of Equal Opportunity (DEO) approvals prior to the award of the contract.

(3) Technical Services Department, Contract Services Unit staff members must forward the following information to Risk Finance Division, along with the appropriate insurance documents and a copy of the anticipated paint contract:

- Full vendor name
- Vendor contact person and telephone number
- NYCHA vendor ID number
- Vendor mailing address

The name and telephone number of the appropriate individual in the Technical Services Department, Contract Services Unit, should also be included in the documentation so that approvals and comments can be directed properly.

c. Required Submittals from the Contractor

(1) Technical Services Department, Contract Services Unit staff ensures that all required documentation is received prior to award. Once Insurance documents are received, they are reviewed by Risk Finance Division for all contracts. Payment and Performance bonds are requested for all contracts over \$250,000.

(2) The Business Services Unit issues the *Notice to Proceed* during the Pre-Start meeting after the *Letter of Award* and contract are received from the Technical Services Department, Contract Services Unit. A copy of the *Notice to Proceed* must be sent to Technical Services Department, Contract Services Unit.

Technical Services Department, Contract Services Unit staff sends **four sets** of the approved contract documents to the Management Department Director or designee. The Technical Services Department, Contract Services Unit staff notifies the Management Departments, by e-mail, that a contract has been awarded and that the contract documents are being distributed. All paint contracts are currently posted on the P Drive.

The four sets are distributed as follows:

- One set to the Management Department Director
- One set to the Management Department Skilled Trades Administrator
- One set to the Housing Manager/Superintendent

(3) A copy of proof of valid Insurance coverage is also retained in the Technical Services Department, Contract Services Unit files. On a monthly basis, Risk Finance Division staff corresponds with contractors regarding their Insurance status.

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- (4) Risk Finance Division staff immediately notifies the appropriate Management Department Director and the Technical Services Department, Contract Services Unit, if any contractor fails to provide proof of valid Insurance coverage. Prior to award of a contract, Technical Services will contact the contractor to obtain proof of valid Insurance. Post-award of a contract, the administering department must interact with the contractor to obtain proof of valid Insurance.

4. Pre-Start Site Meeting

All Management Department paint contracts require a Pre-Start Meeting before any work may commence.

- a. Management Department Business Services Unit staff schedules the Pre-Start meeting at the Management Department Office and records minutes on the NYCHA form 040.606, *Painting - Pre-Start Meeting*. The Pre-Start Meeting includes the following representatives:
- Housing Manager and Superintendent
 - Representative of the Department of Equal Opportunity (DEO)
 - Contractor
 - Sub-contractors (if any)
- b. Discussion topics for the Pre-Start Meeting include the following:
- Scope of Work
 - “*Notice to Proceed*” and Completion Date
 - Insurance Coverage
 - Site Conditions
 - Environmental Issues and Requirements
 - Progress Schedules
 - Cost Breakdown
 - Storage/Safety Requirements
 - Resident Employee/Safety Requirements
 - Waste Removal
 - Prevailing Wage Requirements
 - Sub-contractors
 - Payments and Submissions of Payrolls
 - Liquidated Damages
 - Permits, Certificates and Licenses
 - Section 3/REP
 - Federal Labor Standards Provisions

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The Business Services Unit advises all contractors to send payment packages to the Management Department Business Services Unit for review. This package includes the original invoice *Summary of Paint Charges*, *Contractor Daily Sign in Sheets*, Affidavits of General Contract, certified payrolls, copy of Release for Work, Equal Opportunity Contractor Report and completed work order with residents' signatures for occupied apartments or Superintendent or designee signature for move-outs. Additionally, the contractor sends a copy of the invoice only to the Accounting and Fiscal Services Department, Accounts Payable Division.

5. Inspection of Contract Work

a. Inspector Log and Contractor Log

The Superintendent must compare the Contractor Log Book with the completed *Contractor Daily Sign-In Sheet*, NYCHA 076.026, to check that the contractor is signing in each day that work is performed at the development. Log books are retained in the development Management Office. The completed *Contractor Daily Sign-In Sheet* is forwarded to the Management Department Services Unit (BSU) by the Superintendent in accordance with the time frame indicated in Standard Procedure 007:03:1, *Prevailing Wage Monitoring and Enforcement*.

b. Inspection of Work

(1) Inspection of Completed Work

Housing Managers and Superintendents must ensure the inspection of **100%** of all completed paintwork performed by contractors, including occupied and move-out apartments and public space work that appear on each Contractor's Monthly Invoice.

The Housing Manager and Superintendent are **each** personally responsible for the inspection of at least **25%** of all completed paintwork performed by contractors, with the inspection of the remaining **50%** of completed paintwork conducted by their designee.

(2) Random Inspection of Work in Progress

The Housing Manager and Superintendent conduct random inspection of contractors' work in progress to ensure compliance with contract specifications.

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H. Tenant's Claim for Damages

A tenant may file a claim for damages incurred during the painting or tiling of an apartment. The tenant must submit a list of items damaged and the present value of the items damaged, to the Housing Manager, in writing. The tenant must also submit original bills or receipts for the items claimed as damaged.

The Superintendent inspects the damage and determines whether the contractor caused the damage. If it is determined that the contractor is responsible for the damage, the Superintendent reports the extent of the damage to the Housing Manager who shall make six copies of the tenant's claim for distribution.

The Housing Manager distributes:

- One copy to the Law Department
- One copy for the contractor
- Two copies to the Paint Inspector (one for the contractor and one for the file)
- One copy for the tenant's folder
- One copy in the Housing Manager's contract file, to be included with the final payment forms

When final payment is due on the contract, the Housing Manager submits to the Business Services Unit (BSU) a listing of all outstanding claims, whether from NYCHA or a tenant, recommending that the sum of the invoice claims should be withheld from the final payment to the contractor.

I. Contractor Payment/Contractor Charges for Apartment Vacancy Loss

1. Contractor Charges for Apartment Vacancy Loss

a. Paint Contractors

In view of the increased concern to reduce vacancy losses of turnover apartments and/or to properly charge contractors due to their failure to complete the work in a move-out apartment within the specified time, the following procedure is established:

(1) At the pre-start meeting at the Management Department, prior to the start of the paint contract, the Management Department BSU staff or designee reads Paint Contract Section 13-Time of Completion, to the contractor. This Section indicates the following contractual requirements:

- Paint Contractor shall paint NYCHA spaces within **four** working days of notification.

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- If the number of move-out apartments during a requisition period exceeds one percent of the total number of apartments in the development, the Contractor shall have one additional working day to complete the painting of only those move-out apartments in excess of the one percent of the total apartments in the development.
 - Paint Contractor's failure to fulfill the contractual obligation will necessitate that (s)he pays NYCHA \$15.00 for each additional day taken to complete the job for each apartment, and
 - NYCHA shall deduct and retain the amount of liquidated damages from the monies NYCHA owes to the Contractor.
- (2) In the first instance, wherein the Paint Contractor takes more than four days to complete painting of a move-out apartment, the Superintendent advises the Housing Manager who immediately calls the Contractor (noting time and date) and sends NYCHA form 040.720 *Liquidated Damages Warning Letter*, to the Contractor, with a copy to the Superintendent.
- (3) In the second instance wherein the Paint Contractor takes more than four days to complete painting of a move-out apartment, the Superintendent shall implement the proper adjustment for liquidated damages directly on the paint requisition. At the end of each month, the Superintendent shall submit to the Housing Manager NYCHA form 040.719, *Liquidated Damages*, listing of those move-out apartments for which liquidated damages are chargeable to the Paint Contractor.
- (4) After the Housing Manager's review and signature, the form *Liquidated Damages* shall be forwarded along with the requisition to the Management Department Business Services Unit (BSU) for payment.

NOTE: Apartments requiring corrective work shall not be turned over to Management until the corrective work is complete. If such work is not complete within two days of the issuance of the punch list, the Superintendent shall notify the Paint Contractor.

2. Floor Tile Contractors

- a. At the pre-start meeting at the Management Department prior to the start of the tile contract, the Deputy Director of Skilled Trade reads Tile Contract Section 13-Time of Completion and Termination of Contract. This Section indicates the following contractual requirements:
- Tile Contractor must commence tiling NYCHA spaces within 48 hours of notification and shall complete the work within two working days of commencement.

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- Tile Contractor's failure to fulfill his contractual obligation will necessitate that (s)he pay NYCHA \$15.00 for each additional day taken to complete the job for each apartment.
- b. In the first instance wherein the Tile Contractor takes more than four days to complete tiling of a move-out apartment, the Superintendent shall advise the Development Housing Manager who shall immediately call the Contractor (noting time and date) and send NYCHA form 040.718, *Tile Liquidated Damages Warning Letter* to the Contractor, copy to the Superintendent, Development Superintendent and Management Department Deputy Director.
- c. In the second instance wherein the Tile Contractor takes more than four days to complete tiling of a move-out apartment, the Superintendent shall implement the proper adjustment for liquidated damages directly on the paint requisition. At the end of each month, the Superintendent shall submit to the Housing Manager NYCHA form 040.719, *Liquidated Damages*, a listing of those move-out apartments for which liquidated damages are chargeable to the Tile Contractor.
- d. The Superintendent shall attach the *Liquidated Damages* form to the requisition for payment, and forward it to the Management Department Payment Unit.

NOTE: Apartments requiring corrective work shall not be turned over to Management until the corrective work is complete. If such work is not complete within two days of the issuance of the punch list, the Superintendent shall notify the Paint Contractor.

J. Official Contract File

1. Management Department Business Services Unit (BSU)

Management Department Business Services Unit (BSU) staff maintains the official Contract File for NYCHA at its Management Department Office. In addition, each development maintains a file for appropriate referral and recordkeeping.

2. Contract File Contents

Each Contract File contains, but is not limited to, the following:

- Contract documents, including specifications and copies of correspondence
- Copies of approved material specifications
- Inspection records, documenting dates, addresses, apartment numbers, work locations, observations, work force and action taken, and Monthly Reports, completed and placed in the official record for each site
- Permits, copies of required licenses and subcontractor approvals

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- Insurance compliance
- *Letter of Award and Notice to Proceed*; approved cost breakdown and original progress schedules; extension of time, and revised NYCHA-approved progress schedules
- Minutes of all meetings
- Copies of Invoices for Partial or Final Payment (maintained by the Accounts Payable Division), Contractor payrolls and timesheets
- Resident claims, complaints and comments
- Copy of the Final Release
- Copies of Change Orders and Proceed Orders

Refer to Standard Procedure 040:05:3, *Maintenance Painting*, for detailed information about Change Orders.

XXI. Compliance with the Violence Against Women Act (VAWA)

A. Introduction

The Violence Against Women Act (VAWA), 42 U.S.C. § 14043e *et seq.*, is a federal law most recently amended in 2013. The Department of Housing and Urban Development (HUD) amended VAWA regulations in 2016.

VAWA protects tenants of federally-funded housing programs and their immediate family members from being evicted because they are victims of domestic violence, dating violence, stalking, or sexual assault (VAWA Incidents). Under VAWA, housing authorities may terminate the tenancies of those living in a household who perpetrate VAWA Incidents while protecting victims and other household members. VAWA also protects applicants from being denied admission to federally-funded housing programs merely because they are VAWA victims.

This chapter explains how VAWA applies to tenants in the public housing program.

For information regarding the emergency transfer process for VAWA victims, refer to Section VI.A.7., *Emergency Transfer Program and Plan*. For information regarding applicants, refer to the Applications and Tenancy Administration (ATAD) Manual.

B. Applicability

The provisions of VAWA apply to NYCHA public housing developments. VAWA also applies to the LLC I and LLC II developments. Additionally, the provisions of VAWA apply to applicants, tenants, and other household members in occupancy regardless of gender.

C. Definitions

The following definitions apply under VAWA:

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1. Actual and Imminent Threat

An actual and imminent threat, as defined in federal regulations, is a physical danger that is real, would occur within an immediate time frame, and could result in death or serious bodily harm. Factors to consider in determining whether an individual would pose an actual and imminent threat include:

- a. The duration of the risk.
- b. The nature and severity of the potential harm.
- c. The likelihood that the potential harm will occur.
- d. The length of time before the potential harm would occur.

2. Affiliated Individual

An affiliated individual is a spouse, parent, brother, sister, or child of the person, or an individual to whom that person stands in place of a parent or guardian.

3. Dating Violence

Violence committed by a person:

- a. Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
- b. Where the existence of such a relationship shall be determined based on a consideration of the following factors:
 - (1) Length of the relationship
 - (2) Type of relationship; and
 - (3) Frequency of interaction between the persons involved in the relationship.

4. Domestic Violence

Domestic violence includes felony or misdemeanor crimes of violence committed by:

- a. A family member.
- b. A current or former spouse of the victim.
- c. An intimate partner of the victim.

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- d. A person similarly situated to a spouse of the victim under New York's domestic or family violence laws.
- e. Any other person who committed felony or misdemeanor crimes of violence against an adult or youth victim who is protected from that person's acts under New York's domestic or family violence laws.

5. Sexual Assault

Sexual assault is any non-consensual sexual act prohibited by federal, tribal, or state law, including when the victim lacks capacity to consent.

6. Stalking

A course of conduct directed at a specific person that would cause a reasonable person to:

- a. Fear for his or her individual safety or the safety of others; or
- b. Suffer substantial emotional distress.

7. VAWA Incidents

VAWA incidents include domestic violence, dating violence, stalking, and sexual assault.

D. Expansion of VAWA Protections

Under the 2013 amendments and HUD's 2016 regulations, VAWA extends protections to victims of sexual assault. In addition, VAWA protections now extend to "affiliated individuals" including immediate family members as well as any lawful occupant of the unit. A VAWA victim does not have to be related to the abuser by blood or marriage to receive protection under VAWA.

Under HUD's 2016 regulations, other household members are given a reasonable amount of time to establish eligibility for assistance or to find alternative housing if a sole lessee is terminated based on a VAWA Incident. To ensure tenants are aware of their rights under VAWA, NYCHA Forms 040.683A, *Notice of Occupancy Rights under the Violence Against Women Act*, and 040.683, *VAWA: Victim Certification-HUD Form No. 5382*, are provided at various required junctures, in accordance with the HUD 2016 regulations.

E. Termination of Tenancy under VAWA

1. Persons Protected From Termination of Tenancy

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VAWA Incidents cannot be the basis for terminating the tenancy of any household member other than the tenancy of the abuser(s). In addition, a tenancy cannot be terminated as a direct result of the fact that the tenant is or has been a victim of a VAWA Incident.

Prior to commencing a termination proceeding, the Law Department will review the household's records to determine if any household members have submitted documentation claiming protections under VAWA relating to the basis for termination. Refer to Section XXI.F., *Documentation of Victim Status*, for a list of the types of documentation a tenant can submit to seek VAWA protections.

2. Permissible Termination Proceedings

a. Bifurcation of Tenancy or Occupancy Rights

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

In a VAWA bifurcation situation, the abuser may remain in the apartment pending termination of tenancy proceedings, and following the emergency transfer of the victim and other household members to another apartment. Under these circumstances, the victim and other household members who transfer must be permitted to sign a lease for the new apartment, even though the abuser remains in the old apartment.

NOTE: Under the amendments to VAWA, a criminal act of physical violence, or CAPV, is not required to bifurcate a tenancy.

Termination of tenancy charges to bifurcate a tenancy based on criminal activity directly relating to VAWA Incidents must specify that the charges are brought **solely** against the abuser(s). Refer to Section XXI.E.4., *Service of Termination of Tenancy Charges in VAWA-Related Situations*.

Charges to bifurcate a tenancy based on VAWA Incidents may not seek to evict, remove, terminate assistance to, or otherwise penalize a victim of the criminal activity who is also a tenant or authorized household member.

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b. Rent Calculation in Bifurcation Case

If the abuser is no longer in the apartment when the Law Department serves termination of tenancy charges seeking bifurcation, property management staff shall perform an interim rent change by omitting the abuser's income from the calculation of rent. The effective date of the interim change should be the date of the termination of tenancy charges. Refer to Section XXI.E.5.b. for a discussion of households in which the abuser was the only member with eligible immigration status.

c. Abuser's Examination of Documentation

Before the termination of tenancy hearing, the abuser has the right to examine any documentation the victim provided claiming VAWA protection on which NYCHA shall rely in termination of tenancy proceedings. To protect the victim's safety, any information in the documentation that would reveal the victim's location, or the location of any services the victim receives, must be redacted before the documentation is provided to the abuser.

d. Charges Against All Tenants

Under VAWA, termination of tenancy charges may be brought against **all** tenants, including victims of VAWA Incidents, for chronic rent delinquency, non-verifiable income, misrepresentation, breach of rules and regulations, assignment or transfer of possession, and any non-desirable act other than VAWA Incidents, so long as the non-desirable acts are not a direct result of the VAWA Incident.

e. Charges Against a Tenant For Actual And Imminent Threat to Others

- (1) VAWA permits the termination of any tenant's tenancy, even the victim's, if that tenant presents an actual and imminent threat to other residents, NYCHA property, NYCHA employees, or service providers. Refer to the definition of "actual and imminent threat" in Section XXI.C.1.
- (2) Termination of tenancy charges should not be brought against the victim unless there are no other actions short of termination that may be taken to reduce or eliminate the threat.
- (3) Other possible actions short of terminating the tenancy of the victim may include, but are not limited to, the following:
 - Transferring the victim if he or she meets the emergency transfer requirements.
 - Working with the victim to remove the abuser from the household.
 - Contacting the New York City Police Department to increase patrols or to develop other plans to keep the property safe.

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- The victim obtains an order of protection barring the abuser from the property (sometimes known as an “exclusionary order of protection”), or obtains other legal remedies.

f. Mixed Charges

If charges are brought against the abuser(s) for committing criminal acts directly relating to VAWA Incidents, in addition to charges against the tenancy involving non-VAWA Incidents, e.g., chronic rent delinquency or non-desirability on non-VAWA related grounds, the VAWA-related charges should specify they are brought against the abuser(s) only, while the other charges should specify that they apply to all tenants. Refer to Section XXI.E.4., *Service of Termination of Tenancy Charges in VAWA-Related Situations*.

g. Charges Against An Alleged VAWA Victim

Charges may also be brought against a person who claims to be a VAWA victim but fails to provide necessary documentation to verify that he or she is a VAWA victim. Refer to Section XXI.F., *Documentation of Victim Status*, for documentation requirements.

NOTE:

- In making termination determinations, NYCHA may not subject a victim of a VAWA Incident to a more demanding standard than the standard applied to non-victim tenants or residents.
- VAWA does not change existing grounds for termination of tenancy. Charges based on criminal acts directly relating to VAWA Incidents, for example, fall within non-desirability and/or breach of rules and regulations.
- When the property manager or designee recommends mixed charges and completes NYCHA Form 040.276, *Transmittal To Office of Tenancy Administrator: Terminations of Tenancy/Grievances*, the form should include a description of each charge. The charge against the abuser(s) for committing a criminal act directly relating to a VAWA Incident should specify that it is brought against the abuser(s) only.

3. Call-In Interview

The property manager or designee must continue to call in the tenant(s)/signatory(ies) to the lease to discuss possible tenancy termination charges even when considering bifurcation.

- a. If the property manager has reason to believe that one of the co-tenants is a VAWA victim, the call-in interview should be conducted separately with each co-tenant.

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- b. A tenant may indicate for the first time during a call-in interview that he or she is a victim of a VAWA Incident. Until the tenant provides documentation that he or she is a victim of a VAWA Incident, VAWA protections do not apply (refer to Section XXI.F., *Documentation of Victim Status*). The property manager or designee should therefore follow the procedures in Section XXI.F. to enable the tenant to document that he or she is a victim of a VAWA Incident and is eligible for VAWA protections.
 - c. If the call-in is based **solely** on non-VAWA Incidents, such as chronic rent delinquency unrelated to VAWA grounds, the property manager or designee follows ordinary procedures.
 - d. If the call-in is based on a **criminal act directly relating to a VAWA Incident**, and the property manager or designee has already received documentation of the incident, the property manager or designee should not require the victim to provide further documentation about the incident. Only one form of documentation is required for a person to be protected under VAWA. For more information, refer to Section XXI.F., *Documentation of Victim Status*.
 - e. In appropriate situations, the property manager or designee should discuss emergency transfer options with the tenant and give the tenant a copy of Appendix X, *Resources for VAWA Victims*. Tenants may also apply for an emergency transfer on NYCHA's Self-Service Portal.
4. Service of Termination of Tenancy Charges in VAWA-Related Situations

The Law Department will prepare and serve termination of tenancy charges.

- a. Charges will be addressed to, and served on, the tenant-abuser (signatory of the lease) with a copy sent to the co-tenant.
 - b. Charges are to be addressed to, and served on, the abuser at the abuser's last known address.
 - c. Charges cannot be served on an abuser who is an unauthorized household member because he or she has no tenancy or occupancy rights. Consult the Law Department to discuss situations in which the abuser is an unauthorized household member.
5. Resolution of the Termination of Tenancy Proceeding
- a. If charges based on non-VAWA Incidents are sustained against the sole tenant or both co-tenants, the tenancy may be terminated.

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- b. If charges based on criminal act(s) directly relating to a VAWA Incident are sustained against the sole tenant or both co-tenants, and if the victim and other innocent individuals are authorized household members of the same apartment, the tenancy may be terminated and the victim and other authorized household members may apply for consideration as remaining family members.

Following bifurcation, staff must determine whether any authorized household members have eligible immigration status.

If at least one authorized household member has eligible immigration status, the family has ninety (90) calendar days from the date of the lease bifurcation or from the date of the notice of charges (if there is no bifurcation) to establish eligibility to succeed to the lease under the same program, establish eligibility under another NYCHA program, or find alternative housing. In its discretion, NYCHA may give the family up to sixty (60) additional calendar days to establish eligibility.

If no other authorized household members besides the abuser have eligible immigration status, the family is limited to thirty (30) calendar days from the bifurcation to establish eligibility. Property management staff must notify the Law Department promptly when they determine no authorized household members have eligible immigration status so that the Law Department can take appropriate action.

The only exception to this thirty (30) day limitation occurs when an authorized household member provides documents to staff demonstrating that he or she is a VAWA self-petitioner. To show that he or she is a VAWA self-petitioner, the household member must submit INS Form I-360 for SAVE verification as a VAWA applicant. The Authorized household member may also submit INS Form I-797C, an I-94 number, or a Foreign Passport Number.

For instructions on how to use the SAVE system to verify that a person is a VAWA self-petitioner refer to:

- Appendix Q, *Systematic Alien Verification for Entitlements (SAVE) Program*
- The *SAVE Verification Guide for Violence Against Women Act (VAWA) Applicants*
- The *SAVE Roundtable Violence Against Women Act* presentation

The *SAVE Verification Guide for Violence Against Women Act (VAWA) Applicants* and the *SAVE Roundtable Violence Against Women Act* presentation can both be accessed under the 'Other Publications' section of the Forms and Reference Library.

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- (1) If property management receives one of these forms from an authorized household member, they need to verify that the authorized household member has VAWA status according to the USCIS SAVE program.
 - (a) During this time, property management should not delay, deny, reduce, or terminate assistance to the authorized household member and should proceed with transferring the lease to the authorized household member once SAVE verification is complete and he or she is found eligible.
 - (b) If the self-petitioner seeks an emergency transfer, property management should provide him or her with the emergency transfer application and advise him or her that he or she can only apply for a transfer once he or she is a lessee.
 - (c) If the self-petitioner has become a lessee and submits an emergency transfer request during the verification process, property management staff should process the emergency transfer request.

- (2) To verify the self-petitioner's status, staff must initiate verification in the DHS SAVE system in accordance with HUD PIH 2017-02 (HA). Once property management has entered the requisite information into the SAVE system and completed any additional steps that may be required, staff must check for a final determination from the SAVE system before taking any action.
 - (a) If property management receives a final determination from the SAVE system denying the individual's VAWA self-petition, property management must cancel the bifurcation, cancel or deny the emergency transfer request, if applicable, and notify the self-petitioner. If at the time of the denial of the VAWA self-petition there is no authorized household member with eligible immigration status, NYCHA cannot assist the family for more than thirty (30) calendar days after the final determination denying the VAWA self-petition.

Property management staff must notify the Law Department promptly when a VAWA self-petition is denied so that the Law Department can take appropriate action.

- (b) If property management receives a final determination granting the self-petition, property management shall proceed with processing any outstanding requests.

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NOTE: If charges are based on criminal act(s) directly relating to a VAWA Incident, the termination of tenancy proceeding may not be settled by placing the victim on probation subject to permanent exclusion of the abuser. This violates VAWA by threatening the victim's tenancy based on the abuse except if an actual and imminent threat is presented. Refer to Section XXI. E.2.d. *Charges Against Tenant For Actual And Imminent Threat To Others.*

- c. For information about occupancy and succession rights, refer to:
- Management Manual, Chapter I, Section XI. *Family Composition* and Section XII. *Remaining Family Members (Succession Rights)*.
 - Management Manual, Chapter IV, Section IV. E. *Remaining Family Member/Licensee/Squatter.*

NOTE: VAWA does not create rights of tenancy or occupancy that do not otherwise exist.

- d. If charges based on criminal act(s) directly relating to a VAWA Incident are sustained against one co-lessee, NYCHA may terminate the tenancy of the abuser and sign a new lease with the other co-lessee unless neither the co-lessee nor any other authorized household member has eligible immigration status. Refer to Section XXI.E.5.b. for rules relating to immigration status and VAWA victims.

(1) Abuser is NOT Present In the Apartment

If the abuser(s) is out of the household (either by leaving voluntarily, with or without a Notice of Intent to Vacate, or by removal pursuant to a court order of protection that excludes the abuser from the apartment), no further court action is required to regain possession of the apartment from the abuser. Consult the Law Department's Housing Litigation Unit to determine if any housing court action is required to obtain legal possession of the apartment.

(2) Abuser IS Present In the Apartment

If the abuser is in the household when termination of tenancy charges against him or her have been sustained, NYCHA can regain possession of the apartment from the abuser by commencing a holdover proceeding in Landlord-Tenant Court, naming the abuser(s) only.

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In that proceeding, NYCHA will seek a final judgment of possession and warrant of eviction against the abuser(s). Only the abuser(s) is to be removed from the apartment pursuant to the warrant of eviction. A full eviction shall not be performed. This procedure applies only in VAWA cases in which charges have been sustained against an abuser who committed criminal act(s) directly relating to a VAWA Incident against another household member.

- e. Once the abuser's tenancy rights are terminated and the abuser is no longer present in the apartment, property management staff shall do the following:
- (1) The apartment door cylinder must be changed and new keys must be provided to other household members free of charge.
 - (2) Prior to signing a new lease with another household member, staff shall require the prospective tenant to sign NYCHA Form 040.681, *Personal Property Liability Notice*.
 - (3) NYCHA shall offer a new lease to the non-terminated co-tenant who becomes the new sole tenant. Procedures for verifying eligibility of new tenants, including criminal background check(s), need not be performed for the new sole tenant.
 - (4) Once NYCHA issues a Determination of Status terminating the abuser's tenancy/occupancy rights, staff shall calculate any unpaid rent attributed to the abuser's income. That sum shall be removed from the tenant's rent account and referred for either write-off or collection pursuant to Management Manual Chapter II, *Rent and Rent Collection*, Section XIII., *Uncollected Accounts*, subsection B., *Vacated Tenants*.

On NYCHA eForm 040:033, *Notice of Apartment to be Vacated*, under the question: "HAS AN ADMINISTRATIVE ACTION FOR THIS TENANT BEEN SUBMITTED TO OTA WITHIN THE LAST 30 DAYS?," check the "Yes" box and write in: "Tenancy/occupancy rights of (fill in name) have been terminated effective (fill in date of Determination of Status) in a Bifurcation case."

NOTE:	For guidance concerning VAWA issues, staff shall consult with the assigned attorney in the applicable division of the Law Department: <ul style="list-style-type: none">• Tenant Administrative Hearings Division in pending termination of tenancy proceedings; or• L&T Division for pending Landlord-Tenant court cases.
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F. Documentation of Victim Status

In order for VAWA protections to apply, NYCHA must have documentation of a VAWA Incident. Acceptable documentation of a VAWA Incident may include:

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

Any **one** of the above forms of documentation is sufficient to demonstrate that a resident is a VAWA victim.

If the resident submits a completed, signed NYCHA Form 040.683, NYCHA is prohibited from requesting any additional documentation to show someone is a VAWA victim unless there are cross-complaints or other conflicting claims about the abuse.

If the resident claims protections under VAWA, the property manager or designee should provide the resident with a written request for documentation and instruct the resident to provide documentation within fourteen (14) business days (or twenty (20) calendar days). For more information see NYCHA Form 040.898, *VAWA: Documentation Request*. The form is given to the resident, not mailed. The property manager or designee may grant an extension of the fourteen (14) day period on the resident's request, if the resident provides valid reasons for an extension. If the property manager or designee grants an extension, the reason for the extension must be documented in the tenant folder and Siebel.

If the resident fails to submit documentation within the required period or any extension granted, NYCHA may commence or continue termination proceedings against the resident. However, if the resident subsequently submits documentation demonstrating that he or she is a VAWA victim, any charges against the tenancy based on the documented VAWA Incident must be withdrawn and may not be continued. New charges based on criminal act(s) directly relating to a VAWA Incident may be brought against the abuser(s) only.

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Under certain circumstances, NYCHA may still bring termination of tenancy charges against a resident who documents that he or she is a VAWA victim. For more information refer to Section XXI.E.2.

G. Cross-Complaints or Other Conflicting Documentation

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

NYCHA may also request third-party documentation if the information presented on NYCHA Form 040.683, *VAWA: Victim Certification-HUD Form No. 5382*, conflicts with reliable information NYCHA regularly receives or collects, such as surveillance footage, police reports, or other verifiable information.

NOTE: NYCHA may collect this information for safety or other reasons, but may not collect it for the purpose of discrediting VAWA claims.

If property management receives conflicting information or cross-complaints from a tenant or authorized household member seeking protections under VAWA, i.e., seeking to challenge a termination or eviction, staff should:

1. Immediately notify the Field Liaison Division (FLD) supervisor to determine if there are any outstanding emergency transfer requests. If FLD receives conflicting information or cross-complaints from two or more tenants and there is an outstanding emergency transfer request, FLD staff shall follow the procedure in accordance with Section VI.A.7., *Emergency Transfer Program and Plan*.
2. Place a hold on any termination action and immediately send NYCHA Form 040.926, *VAWA Cross-Complaints: Request for Third Party Documentation*, to all tenants or cross-complainants requesting additional third-party documentation within thirty (30) calendar days of the date of the request. Tenants must be directed to submit additional documentation to their property management office. If property management staff receives additional documentation, they should upload it to Siebel and create a Record Update service request (sub-type: Transfer Change).
 - a. If third-party documentation is not provided by either tenant or cross-complainant within thirty (30) calendar days, both requests for VAWA protections should be denied.
 - b. If one or both tenants submit third-party documentation, property management staff must evaluate the documentation to determine if the additional documentation identifies the victim and perpetrator.

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- (1) If documentation identifies a victim and perpetrator, staff must proceed with termination proceedings against the perpetrator.
- (2) If documentation does not identify a victim and perpetrator, property management staff must send both complainants NYCHA Form 040.927, *VAWA Cross-Complaints: Denial Based on Insufficient Verification*, notifying them that their conflicting requests for protections under VAWA are denied because NYCHA was unable to make a determination based on the documentation provided. Property management must not take any adverse action against the tenancy.
- (3) If one or both complainants submit additional documentation after property management staff has sent NYCHA Form 040.927, and if the additional documentation identifies a victim and a perpetrator, staff must proceed as indicated in the section immediately above this one.

H. Notice of Occupancy Rights Under VAWA

In accordance with federal regulations, NYCHA is now required to send NYCHA Forms 040.683A, *Notice of Occupancy Rights under the Violence Against Women Act*, and 040.683, *VAWA: Victim Certification-HUD Form No. 5382*, at certain designated junctures. NYCHA Form 040.683 provides an explanation of housing protections that are available if an applicant or tenant is a victim under VAWA.

NYCHA must send tenants NYCHA Forms 040.683 and 040.683A:

1. Upon provision of assistance or admission.
2. With a notification of eviction or termination of assistance (once per infraction).

Based on this requirement, both documents are generated and issued as part of the initial lease for new rentals and Notice of Charges or Housing Court Petition. Property management staff should ensure that the VAWA Notice and Certification forms are provided to the resident when issuing a new lease.

Tenants should be advised not to submit *VAWA: Victim Certification-HUD Form No. 5382* with their recertification documentation. The certification should be submitted to property management staff if a tenant believes he or she has been denied housing assistance, evicted, or terminated based on an act of violence covered under VAWA. If a tenant submits a VAWA Certification because he or she seeks an emergency transfer, property management staff must return the certification and advise the tenant to submit NYCHA Form 040.923, *Emergency Transfer Request Form – VAWA Victims*. Property management staff must also provide NYCHA Form 040.923 to a tenant who visits the management office seeking an emergency transfer.

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I. Confidentiality

Information provided by a resident to verify his or her status as a victim of a VAWA Incident must be maintained in confidence and not disclosed, except in the following circumstances:

1. If the victim requests or consents to disclosure in writing. The resident must sign NYCHA Form 040.682, *VAWA: Consent To Release Documents*, before information may be released. Property management staff must provide this form to residents on request. Residents can also obtain the form on the NYCHA Self-Service Portal.
2. If required for use in an eviction proceeding, termination proceeding, or informal hearing.
3. If otherwise required by law.

Documentation containing VAWA Incident information, as well as NYCHA form 040.682, *VAWA: Consent To Release Documents*, or any other VAWA-related documentation provided, is filed on the right side of the tenant folder, under “Legal Documents (Section III),” and should be disclosed only as noted above. In Siebel, these documents should be placed under the restricted tab. Access to this tab is granted on a need-to-know basis.

Refer to GM-3718, *Tenant Folder*, for instructions about maintaining confidentiality of tenant folder documents.

The information provided by a resident to verify his or her status as a victim may be shared only with those NYCHA employees who need to have access to the information, such as property management staff or the Law Department.

J. Related Programs and Procedures

1. Admissions

Admission to the public housing and Section 8 programs may not be denied because an applicant is or has been a victim of a VAWA Incident.

Applicants who are denied assistance receive a *Notice of Occupancy Rights under the Violence Against Women Act*, and *VAWA: Victim Certification-HUD Form No. 5382* with their ineligibility letter.

The requirements and documentation for assignment of the Victim of Domestic Violence Priority are described in the Applications and Tenancy Administration Department Manual, Chapter V, Section C.2.b., *Priority Code “N1” – Victims of Domestic Violence (VDV)*.

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2. Emergency Transfers

Victims of VAWA Incidents may be eligible for an emergency transfer if they apply for and meet the requirements of Management Manual, Chapter I, Section VI.A.7. *Transfers: Emergency.*

As appropriate, staff may advise victims of VAWA Incidents of the Emergency Transfer Program, and provide required notices and referrals.

K. Resident Notice and Lease Addendum

NYCHA's Resident Lease Agreements incorporate VAWA provisions.

L. Related Forms

- NYCHA Form 040.033, *Notice of Apartment to be Vacated*
- NYCHA Form 040.276, *Transmittal To Office of Tenancy Administrator: Terminations of Tenancy/Grievances*
- NYCHA Form 040.681, *Personal Property Liability Notice*
- NYCHA Form 040.682, *VAWA: Consent To Release Documents*
- NYCHA Form 040.683, *VAWA: Victim Certification – HUD Form No. 5382*
- NYCHA Form 040.683A, *Notice of Occupancy Rights under the Violence Against Women Act*
- NYCHA Form 040.898, *VAWA: Documentation Request*
- NYCHA Form 040.923, *Emergency Transfer Request Form – VAWA Victim*
- NYCHA Form 040.926, *VAWA Cross-Complaints: Request for Third Party Documentation*
- NYCHA Form 040.927, *VAWA Cross-Complaints: Denial Based on Insufficient Verification*

XXII. Home-Based Businesses

A. Introduction

NYCHA residents may operate home-based businesses and engage in legal profit-making activities in their NYCHA apartments, provided that:

- The business and related business activities are legal.
- The resident conducts the business and business activities in compliance with all applicable laws and regulations.
- The apartment is used primarily as a residence.
- The legal profit-making activities are incidental to the use of the apartment as a residence.

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A business that meets all the requirements listed in Section XXII. A. *Introduction*, B. *Resident Responsibilities*, C. *Incidental Use*, and D. *Permissible Home-Based Business Activities*, can be operated in a NYCHA apartment. Businesses that involve “prohibited” activities, as described in Section E, *Prohibited Business Activities*, may not be operated in a NYCHA apartment.

A home-based business otherwise permissible under this policy may not commence or continue operations in a NYCHA apartment when at least one of the basic requirements listed in Section XXII. B. *Resident Responsibilities*, is not satisfied.

NOTE: If residents have any questions about operating a home-based business, they may consult with property management at their development or NYCHA’s Office of Resident Economic Empowerment & Sustainability (REES) at 718-289-8100 and/or www.opportunitynycha.org.

B. Resident Responsibilities

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

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

NOTE: A resident may not conduct any home-based business unless he/she fulfills, at all times while the business is in operation, the requirements listed in Section XXII. B. *Resident Responsibilities*. Permission to operate a home-based business is **AUTOMATICALLY REVOKED** and the business activities in the apartment must stop if the resident fails to fulfill one or more of these responsibilities. See Section XXII. G. *Revocation of Permission and Cure Period*.

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C. Incidental Use

The use of the apartment for a business must be “incidental” to the use of the apartment as a residence. If the proposed business or business activities would substantially interfere with the use of the apartment as a residence, that business cannot be operated in a NYCHA apartment.

A NYCHA apartment cannot be converted into a business office. The NYCHA resident must continue to use the apartment as his/her sole residence while operating the business there.

Conducting a home-based business does not entitle a resident to transfer to a larger apartment. A resident with a home-based business is not allowed to remain in an underoccupied apartment if NYCHA rules otherwise require the resident to move to a smaller apartment.

D. Permissible Home-Based Business Activities

Provided a resident meets all the requirements outlined in Section XXII. B. *Resident Responsibilities*, and the business is “incidental” to the residential use of the apartment, the resident may operate a home-based business. The following are examples of business activities that may be conducted in a NYCHA apartment:

1. Communication Activities

Businesses conducted by telephone, computer, internet, web cam or fax machine, such as web design, telemarketing, or IT support.

2. “Back Office” or Paperwork Activities

Envelope stuffing, mailings, billing, payroll preparation, or bookkeeping.

3. Daycare Activities

Informal babysitting, and caring for children, the elderly, or disabled. The number of individuals cared for must correspond with the license or permit.

E. Prohibited Business Activities

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

1. Is illegal or not in compliance with the law, NYCHA rules, or policies in the lease or other documents.
2. Makes it difficult or impossible to use the apartment as a residence.
3. Converts the residence into a business office.

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4. Modifies the structure of the apartment.
5. Causes excessive use of utilities (electricity, gas (cooking), or water).
6. Increases the risk of vermin infestation.
7. Involves the preparation and sale of food or beverages; e.g., catering or restaurant.
8. Disturbs other residents.
9. Creates excessive foot traffic on the premises.
10. Increases the risk of fire or explosion.
11. Involves the preparation or use of products containing flammable, toxic, or hazardous chemicals.
12. Causes a large volume of mail or packages to be delivered to the premises.
13. Poses any hazard to residents, staff, or property.
14. Involves personal grooming services; e.g., beauty/barber and/or nail/manicuring services.
15. Involves grooming services to household pets and/or other animals.
16. Involves the use of heavy machinery.
17. Generates excessive heat, noise, or vibration.
18. Involves selling, possessing, warehousing, using, repairing, or distributing firearms, ammunition, explosives, or other deadly or dangerous weapons.
19. Involves the sale of controlled substances.

F. Other Business Activities Not Clearly “Permissible” or “Prohibited”

Residents should consult with development staff or REES if they have questions about whether a particular business is permissible or prohibited.

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

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

If the resident does not have internet access or needs assistance completing the on-line checklist, the resident may visit his/her Property Management Office for assistance.

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Development staff should consult with REES as needed for assistance in answering residents' questions about home-based businesses. Development staff may also refer residents to REES for advice and guidance on business-related issues.

G. Revocation of Permission and Cure Period

1. Revocation of Permission

The permission from NYCHA to operate a home-based business in a NYCHA apartment is **AUTOMATICALLY REVOKED** if the resident does any of the following:

- Engages in any prohibited activities outlined in Section XXII. E. *Prohibited Business Activities*.
- Fails to maintain the business in accordance with the law, NYCHA rules, or policies in the lease or other documents.
- Fails to maintain and comply with applicable licenses, permits, or insurance.

Property management shall inform the resident about NYCHA objections to the conduct of the home-based business through NYCHA form 040.185, *Termination of Tenancy & Possibly Subsidy – Call-In Letter: Public Housing and Section 8: TENANT or PROJECT Based*. The form must state the nature of the objections.

NOTE: For the grounds for termination of tenancy, refer to Management Manual Chapter IV, Section IV. C. *Non-Desirability, Breach of Rules and Regulations, Chronic Breach of Rules and Regulations, Chronic Delinquency in Payment of Rent, Non-Verifiable Income, Assignment or Transfer of Possession, and Misrepresentation*, and NYCHA form 040.302S, *Termination of Tenancy Procedures*).

2. Cure Period

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

H. REES Assistance to Residents

Residents can contact REES to obtain advice and guidance regarding:

- Business activities that are permitted in a residential apartment.
- Strategies to start or expand a business.
- Increasing resident financial stability.
- Enrollment in programs designed to promote residents' economic independence.

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I. Income

Self-employment or business income, including income derived from a home-based business, must be reported and calculated for rent purposes. Refer to Management Manual Chapter III, Section II. B. *Self-Employment/Own Business*.

J. Penalties

If a resident conducts a prohibited business or activities in his/her apartment, or if the business results in violation of the resident's obligations under the lease, NYCHA may commence proceedings to terminate the tenancy. Consult Management Manual Chapter IV. *Termination of Tenancy*, and NYCHA form 040.302S, *Termination of Tenancy Procedures*.

XXIII. Temporary Apartment Relocation

A. Purpose

This section describes the steps and circumstances to temporarily relocate a tenant from a NYCHA apartment if a permanent transfer is unavailable. The relocation would be needed due to an emergency or scheduled repair/renovation involving the physical condition of the apartment and/or building. A temporary relocation is offered to the tenant **only if** development property management staff is unable to identify and offer a permanent transfer. The temporary relocation includes a temporary license agreement that could lead to a permanent tenancy.

B. Applicability

This section applies to all employees involved in administering the emergency or scheduled repair/renovation of a tenant's apartment or building including, but not limited to, staff in the Property Management Departments and the Development Property Management Offices.

Note:	For planned relocation due to the need for structural renovation, restoration, and/or reconstruction of a development, see Standard Procedure 002:06:01, <i>Planned Relocation</i> . Tenants in planned relocation situations are required to permanently transfer but might be offered the right to return after building rehabilitation.
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C. Definitions

1. **Permanent Transfer**

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A tenant relinquishes tenancy in his/her current (original) apartment and begins a new tenancy in a new apartment. Property management staff processes a permanent transfer through Siebel with the applicable Tenant Selection and Assignment Plan (TSAP) transfer priority code. Note that permanent transfers begin with the tenant signing NYCHA Form 040.050, *Transfer – Tenant Request for Transfer*.

2. Temporary Relocation

A tenant remains a tenant of his/her current (original) apartment and at the same time is allowed to occupy a different apartment under NYCHA Form 040.910, *Temporary Relocation License Agreement – NYCHA Tenant*. No action in TSAP is necessary.

Temporary relocation requires that the tenant relinquish possession of the temporary apartment and return to the original apartment once the repairs/renovations to the original apartment/building are completed. As an alternative, property management may allow the tenant to remain in the temporary apartment and make it the tenant's new permanent apartment per Section XXIII. J., *Converting a Temporary Relocation Apartment to a Permanent Tenancy*.

D. Identifying and Offering a Permanent Transfer

1. NYCHA prefers property management staff to offer a tenant a permanent transfer instead of a temporary relocation in almost every situation where the tenant's apartment/building is uninhabitable or unavailable. Property management staff offers a permanent transfer provided an apartment of appropriate size is available within either the tenant's current development or a neighboring development.
Property management staff is not required to compel a tenant to permanently transfer out of his/her neighborhood before offering temporary relocation.
2. If a permanent transfer is not possible, property management staff can offer the tenant a temporary relocation to another apartment as described in Section XXIII. E., *Offering Temporary Relocation*.
3. If the tenant's original apartment must be vacant to perform repairs or renovations, property management staff commences a termination of tenancy proceeding against the tenant to either compel a move or terminate tenancy if the following circumstances apply:
 - a. The tenant rejects an available permanent transfer; and
 - b. The tenant rejects an alternative temporary apartment relocation.

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For more information on transfers, refer to Management Manual Chapter I, Section VI., *Transfers: Public Housing Program*.

E. Offering Temporary Relocation

1. Temporary Relocation Situations

Temporary relocation is available in situations that are not subject to Standard Procedure 002:06:01, *Planned Relocation*; where it is not possible to offer a permanent transfer; and when the tenant's apartment becomes uninhabitable or unavailable due to either:

- An emergency situation (e.g., a tenant's apartment becomes uninhabitable due to damage caused by fire or flood), or
- A scheduled repair/renovation to an apartment and/or building (e.g., in an elevator renovation, a mobility-impaired tenant is unable to climb stairs and cannot occupy his/her apartment during the period of no elevator service).

Note:	If a temporary apartment is being offered during elevator modernization as a reasonable accommodation for a resident with disabilities, apply Standard Procedure 040:00:9, <i>Elevator Modernization – Reasonable Accommodations for Residents with Disabilities</i> .
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2. Criteria for Temporary Relocation

If a temporary relocation situation exists as described above, property management staff may offer temporary relocation based on the following:

- a. NYCHA cannot locate another apartment of **appropriate size** according to NYCHA's occupancy standards, based on **current** family composition, to which the family can permanently transfer within either the tenant's current development or a neighboring development (see occupancy standards in Management Manual, Chapter I, Appendix F, *Transfer Priorities and Occupancy Standards for Families*); **and**
- b. NYCHA anticipates that the original apartment shall be restored to habitability or the repair/renovation completed within **6 months**. Property management staff must assure that if the original apartment was temporarily removed from the rent roll, the apartment shall be restored to the rent roll on or before the date the keys to that original apartment are issued to the resident.

If the anticipated time to complete the repair/renovation is greater than 6 months and a permanent transfer to the tenant's current development or a neighboring development is not available, the development property manager can offer a temporary relocation for longer than 6 months only with the prior approval of the Borough Property Management Department director or designee. This added temporary relocation period shall not extend beyond 12 months.

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F. Processing a Temporary Relocation

1. Apartment Selection:

- a. Property management staff can offer the family a temporary relocation to an apartment of **smaller** size if:
 - An apartment of appropriate size for the family cannot be easily identified, and
 - The family would be “overcrowded” but not “extremely overcrowded” in the smaller apartment based on NYCHA’s occupancy standards in Management Manual Chapter I, Appendix F, *Transfer Priorities and Occupancy Standards for Families*.
- b. Property management staff can offer the family a temporary relocation to an apartment of **larger** size if an apartment of appropriate size for the family cannot be easily identified based on **all** of the following conditions:
 - At least **3 business days** elapsed from the time the original apartment was made uninhabitable or unavailable. During that time, property management staff surveyed available apartment inventory for an apartment of appropriate size or smaller size for the family within the tenant’s current development or neighboring developments. Staff was unable to locate an apartment of appropriate or smaller size;
 - The family would be ‘*underoccupied*’ but not ‘*extremely underoccupied*’ in the larger apartment based on NYCHA’s occupancy standards (see occupancy standards in Management Manual, Chapter I, Appendix F, *Transfer Priorities and Occupancy Standards for Families*; and
 - The Borough Property Management Department director or designee approves the temporary relocation to the larger apartment.
2. No action in TSAP is necessary. Do not select the apartment in TSAP.
3. There is no change in the Tenant Data System (TDS) that continues to show the tenant’s apartment as the original apartment.

G. Temporary Relocation License Agreement

In all temporary relocation situations, property management staff requires the tenant(s) to sign NYCHA Form 040.910, *Temporary Relocation License Agreement – NYCHA Tenant*. **In every temporary relocation situation, the tenant and family are prohibited from residing in the original apartment.**

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1. Property management staff must indicate on NYCHA Form 040.910, *Temporary Relocation License Agreement – NYCHA Tenant*, **one** of the following choices regarding the tenant’s personal possessions and access to the original apartment during the repairs:
 - a. The original apartment needs repair and the tenant’s personal possessions must be removed from the apartment. The tenant is denied access to the apartment except for an initial 10-day period to allow removal of personal possessions. The development property manager has the authority to extend the 10-day period up to 20 days but such extension should not delay any needed repairs.
 - b. The original apartment needs repair and the tenant’s personal possessions can remain or may have to be relocated to a different area within the apartment. During the repairs, property management staff grants the tenant only limited access to the apartment to remove personal possessions.
2. On NYCHA Form 040.910, *Temporary Relocation License Agreement – NYCHA Tenant*, staff inserts in Paragraph 7 (b) the sum of one month’s current rent as charged in the original apartment. This emphasizes that the tenant would be obligated to pay **double rent** – rent for both the original and temporary apartments - if the tenant holds two apartments after the temporary license is revoked and the tenant is informed that the original apartment is ready for his/her return.

H. Legal Action during the Temporary License Period

Property management can commence or continue any permissible legal action against the tenant using the address of the original apartment even though the tenant is actually residing in another apartment under a temporary license. Examples of permissible legal actions are cases for non-payment of rent or proceedings to terminate tenancy.

I. Ending the Temporary License

When repairs to the tenant’s original apartment are complete and the apartment is ready for the tenant to move back, property management staff does the following:

1. Completes NYCHA Form 040.912, *Revocation of Temporary Relocation License and Holdover 10 Day Notice to Quit Premises*, and inserts a permission revocation date not less than 10 calendar days after the date of the notice. The notice informs the tenant that repairs to the original apartment are completed and permission to occupy the temporary apartment is revoked.
2. Serves NYCHA Form 040.912, *Revocation of Temporary Relocation License and Holdover 10 Day Notice to Quit Premises* on the tenant in the temporary apartment. Legal service is required – personal, substituted, or conspicuous service – and an additional copy mailed by regular mail to the original apartment.

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3. Requires the tenant to sign for the temporary apartment NYCHA Form 040.032, *Notice of Intent to Vacate*, return the keys to property management, and move out.
4. Prepares and serves the following forms on the tenant in the temporary apartment if the tenant fails to vacate the temporary apartment by the permission revocation date: NYCHA Form 040.319, *Notice of Petition Holdover Licensee – Squatter*, and NYCHA Form 040.082A, *Notice of Petition Holdover* (see Management Manual Chapter IV., *Termination of Tenancy*, Section V., *Legal Procedures*). Note: The above forms are generated through the Project Information and Management System (PIMS), Rent Collection System (RCS), and Legal Action sub-menu, Option 3: Holdover-Licensee/Squatter Actions.
5. Charges rent to the tenant as follows for the temporary apartment if the tenant fails to vacate the temporary apartment by the permission revocation date (this date is in NYCHA Form 040.912, *Revocation of Temporary Relocation License and Holdover 10 Day Notice to Quit Premises*):
 - **RENT STARTS:** The day after the permission revocation date.
 - **RENT STOPS:** The day the licensee surrenders possession of the temporary apartment (including that day).

As an alternative to the tenant moving back into the original apartment, property management staff may convert the temporary apartment to permanent tenancy provided the criteria are met in Section XXIII. J., *Converting a Temporary Relocation Apartment to a Permanent Tenancy*.

J. Converting a Temporary Relocation Apartment to a Permanent Tenancy

At any time during the temporary license period, property management staff can permit the tenant to remain in the temporary apartment and change it to the tenant's new permanent apartment provided the following criteria are met:

1. The temporary apartment is the correct size for the tenant's current family composition.
2. The tenancy in the original apartment has not been terminated or otherwise ended.
3. There is no warrant of eviction pending against the tenant.
4. The tenant signs NYCHA Form 040.032, *Notice of Intent to Vacate* for the original apartment.
5. The tenant signs a lease for the temporary apartment, so it becomes the tenant's permanent apartment.

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6. The tenant moves any remaining personal property out of the original apartment and leaves no property behind.
7. Staff inspects the old apartment to make sure that no person remains.
8. Staff processes a transfer of apartments in TDS, so TDS would reflect that the temporary apartment is the tenant's permanent apartment. The processing is done as follows:
 - a. Property management submits a memo or email explaining the transfer for the approval of the Borough Property Management Department director or designee.
 - b. Property management forwards the approved memo or email to the Application and Tenancy Administration Department (ATAD) along with a transfer service request through Siebel.

K. Forms Referenced

- NYCHA Form 040.032, *Notice of Intent to Vacate*
- NYCHA Form 040.050, *Transfer – Tenant Request for Transfer*
- NYCHA Form 040.082A, *Notice of Petition Holdover* (this form is generated through the rent collection system – legal action menu)
- NYCHA Form 040.319, *Notice of Petition Holdover Licensee – Squatter* (this form is generated through the rent collection system – legal action menu)
- NYCHA Form 040.910, *Temporary Relocation License Agreement – NYCHA Tenant*
- NYCHA Form 040.912, *Revocation of Temporary Relocation License and Holdover 10 Day Notice to Quit Premises*

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XXIV.REVIEW/REVISION HISTORY PAGE

NEW YORK CITY HOUSING AUTHORITY MANAGEMENT MANUAL

CHAPTER I

Review/ Revision	Review/ Revision Date	Sections Amended
1.	07/02/15	Changed throughout document “Authority” to “NYCHA” when referring to agency.
2.	07/02/15	Changed throughout document “Development Manager” to “Property Manager.”
3.	07/02/15	Section XII. Remaining Family Members (Succession Rights) (Subsection C. 3.)
4.	07/02/15	Section XIII. Lease Changes (Subsection C)
5.	07/02/15	Added Section XXI. Compliance With Violence Against Women Act (VAWA)
6.	07/02/15	Added Section XXII. Review/Revision History Page
7.	10/02/15	Section VI. Transfers: Public Housing Program (Subsection A. 7.)
8.	10/02/15	Added Section XXII. Home-Based Businesses
9.	10/13/15	Section VI. Transfers: Public Housing Program (Subsection A. 6.)
10.	02/12/16	Section VI. Transfers: Public Housing Program (Subsection A. 6.)
11.	02/12/16	Appendix V
12.	04/27/16	Section VI. Transfers: Public Housing Program (Subsection A. 7.)
13.	04/27/16	Section XXIII. Review/Revision History Page
14.	04/27/16	List of Appendices
15.	04/27/16	Appendix F
16.	09/16/16	Section III. Waiting List Administration (Subsection C., D., E.7., F.3.)
17.	09/16/16	Section VI. Transfers: Public Housing Program (Subsection A. 1, 7.)
18.	09/16/16	Section XI. Family Composition (Subsection B. 3.)
19.	09/16/16	Added Section XXIII. Temporary Apartment Relocation
20.	09/16/16	List of Appendices
21.	09/16/16	Appendices A, C, F
22.	12/14/16	Section XVI. Pets (Subsections A-M)
23.	12/14/16	List of Appendices
24.	12/14/16	Deleted Appendix L
25.	12/14/16	Appendix N
26.	05/08/17	Section XVI. Pets (Subsection C.)
27.	06/05/17	Section VI. Emergency Transfer Program and Plan

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28.	06/05/17	Added Appendices W, X, and Y
29.	10/10/17	Section XI. Family Composition
30.	10/10/17	Section XII. Remaining Family Members (Succession Rights)
31.	10/10/17	Appendix J – Public Housing Occupancy: Authorized Occupancy and Residency Permissions Policy: Overview
32.	10/12/17	Section XXI. Compliance with the Violence Against Women Act (VAWA)
33.	10/12/17	Appendix Q – Systematic Alien Verification for Entitlements (SAVE) Program
34.	11/28/17	Section XII. Remaining Family Members (Succession Rights)

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Appendix C	Admissions Income Limits - All Programs
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Appendix I	Window Guard and Air Conditioner Survey
Appendix J	Public Housing Occupancy: Authorized Occupancy and Residency Permissions Policy: Overview
Appendix K	Community Service Exemptions for Specific Individuals Chart
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Appendix M	Prohibited Animals
Appendix N	Pet Owner's Responsibility Code
Appendix O	Eligible Office of Payroll Administration Agencies
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APPENDIX A – Applicant Priority Codes and Permissible Choices

PRIORITY CODE	WORKING FAMILY PRIORITIES	PERMISSIBLE CHOICE*
The Head or Co-head must live, work or will be working in New York City to qualify for a Working Family priority		
W0	Department of Homeless Services (DHS) Referral <ol style="list-style-type: none"> 1. Working family with children in shelter; 2. Number of families referred subject to limits; 3. Families referred based on longest length of stay, room size required, and borough preference of family; 4. Additional referral requirements may apply pursuant to agreement between DHS and NYCHA. 	BOROUGH
W1	Low-Income Limits – Family gross annual income is from 51% to 80% of area median income. The area median income is determined by federal regulations based on family size.	DEVELOPMENT
W2	Very Low-Income Limits – Family gross annual income is from 31% to 50% of area median income. The area median income is determined by federal regulations based on family size.	DEVELOPMENT
W3	Extremely Low-Income Limits – Family gross annual income is at or below 30% of area median income AND "Working Family" as defined below: <p><u>One Person Household</u> The sole member is currently employed or self-employed at least 20 hours per week, or is receiving disability benefits, or is 62 years or older.</p> <p><u>Two Person or More Household</u></p> <ol style="list-style-type: none"> 1. The head of household, <u>or</u> co-head, or family member is currently employed or self-employed at least 20 hours per week or is receiving unemployment benefits; 2. The head of household <u>and</u> co-head are both receiving disability payments such as supplemental security income or workers compensation; 3. The head of household <u>and</u> co-head are both 62 years or older; or 4. The head of household <u>and</u> co-head have a combination of age or disability (i.e. one is 62 years of age or older and the other receives disability benefits) 	DEVELOPMENT
W9	Applicant or co-applicant who is the lessee or co-lessee at either a NYCHA public housing or Section 8 apartment.	DEVELOPMENT

*All families requiring a 7 room apartment or larger will receive a borough choice regardless of priority.

**NYCHA MANAGEMENT MANUAL – CHAPTER I
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APPENDIX A – Applicant Priority Codes and Permissible Choices

Family Size	W1 Priority	W2 Priority	W3 Priority
	Low-Income Limits	Very Low-Income Limits	Extremely Low-Income Limits and Meeting Definition of “Working Family”
1P	\$31,751-50,750	\$19,051-31,750	\$19,050 or less
2P	\$36,251-58,000	\$21,801-36,250	\$21,800 or less
3P	\$40,801-65,250	\$24,501-40,800	\$24,500 or less
4P	\$45,301-72,500	\$27,201-45,300	\$27,200 or less
5P	\$48,951-78,300	\$29,401-48,950	\$29,400 or less
6P	\$52,551-84,100	\$32,601-52,550	\$32,600 or less
7P	\$56,201-89,900	\$36,751-56,200	\$36,750 or less
8P	\$59,801-95,700	\$40,901-59,800	\$40,900 or less
9P	\$63,401-101,500	\$45,051-63,400	\$45,050 or less
10P	\$67,051-107,300	\$49,201-67,050	\$49,200 or less
11P	\$70,651-113,100	\$53,351-70,650	\$53,350 or less
12P	\$74,301-118,900	\$57,551-74,300	\$57,550 or less

Low-Income Limits - Family income from 51% to 80% of area median income.

Very Low-Income Limits - Family income from 31% to 50% of area median income.

Extremely Low-Income Limits - Family income at or below 30% area median income.

*All families requiring a 7 room apartment or larger will receive a borough choice regardless of priority.

**NYCHA MANAGEMENT MANUAL – CHAPTER I
OCCUPANCY**

APPENDIX A – Applicant Priority Codes and Permissible Choices

PRIORITY CODE	NEED BASED PRIORITIES	PERMISSIBLE CHOICE
The Head or Co-head must live, work, or will be working in New York City to qualify for a Need Based priority		
N0	<p>Department of Homeless Services (DHS) Referral</p> <ol style="list-style-type: none"> 1. Family with children in shelter; 2. Number of referrals to NYCHA subject to limits; 3. Based on longest length of stay in shelter, room size required, and borough preference of family; 4. Additional referral requirements may apply pursuant to agreement between DHS and NYCHA. 	BOROUGH
N0	<p>City Referred Homeless or Risk of Homeless</p> <ol style="list-style-type: none"> 1. Department of Homeless Services (DHS) <ol style="list-style-type: none"> a. Family with children in shelter; b. Number of referrals to NYCHA subject to limits; c. Based on longest length of stay in shelter and room size required by family; d. Additional referral requirements may apply pursuant to agreement between DHS and NYCHA. 2. Administration for Children’s Services (ACS) Youths aging out of foster care or children in foster care and sole barrier for reunification with family is lack of housing 3. Housing Preservation & Development (HPD) Applicants displaced or about to be displaced by fire or vacate orders 4. HIV/AIDS Services Administration (HASA) Homeless applicants 5. Health & Hospital Corporation (HHC) Applicant exiting Carter Specialty Nursing Facility and cannot return to prior housing 	BOROUGH

**NYCHA MANAGEMENT MANUAL – CHAPTER I
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APPENDIX A – Applicant Priority Codes and Permissible Choices

PRIORITY CODE	NEED BASED PRIORITIES	PERMISSIBLE CHOICE
The Head or Co-head must live, work or will be working in New York City to qualify for a Need Based priority		
N1	<p>Victim of Domestic Violence</p> <ol style="list-style-type: none"> 1. Self-referred by applicant; 2. Families with children referred by Human Resources Administration (“HRA”) pursuant to agreement with NYCHA. <p>Intimidated Witness</p> <ul style="list-style-type: none"> - Referred by Prosecutorial or Law Enforcement Agency to NYCHA’s Family Services Department <p>Victim of Domestic Violence and Intimidated Witness applicants will not be offered an apartment near the residence in which they resided at the time of the abuse/incident.</p>	BOROUGH
N4	<p>Homeless or Risk of Homeless</p> <ol style="list-style-type: none"> 1. Reside in shelter or hotel used by the City of New York; 2. Street homeless or place not ordinarily used for sleeping; 3. Exiting health care facility and cannot return to prior housing (e.g. nursing homes, adult homes, or mental health facilities); 4. Transitional or supportive housing (transitional housing does not include correctional, inpatient drug or alcohol programs); 5. About to be displaced due to government or housing owner action. 	DEVELOPMENT
N4	Rent Burden - rent burden is greater than 50% of family gross income	DEVELOPMENT

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APPENDIX A – Applicant Priority Codes and Permissible Choices

PRIORITY CODE	NEED BASED PRIORITIES	PERMISSIBLE CHOICE
The Head or Co-head must live, work or will be working in New York City to qualify for a Need Based priority		
N4	Victim of Hate or Bias Crime	DEVELOPMENT
N4	Substandard Housing 1. Unit does not meet local building codes, is falling apart, or is a safety hazard; 2. Unit is not suitable for persons with disability.	DEVELOPMENT
N4	Doubled-Up, Overcrowded in Apartment Not Subsidized by NYCHA	DEVELOPMENT
N4	Legally Doubled-Up and Overcrowded in NYCHA Public Housing Apartment	DEVELOPMENT
N8	No Need Based Priority 1. Family does not reside, work, and will not be working in New York City; 2. Family lives, works, or will be working in New York City but does not qualify for Need Based priority N0, N1, or N4	DEVELOPMENT
N9	Applicant or co-applicant who is the lessee or co-lessee at either a NYCHA public housing or Section 8 apartment.	DEVELOPMENT

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APPENDIX C - Admissions Income Limits – All Programs

A. PUBLIC HOUSING PROGRAM

Federal Developments (80% of Area Median Income) Effective 3/28/16 – Based on Gross Income

1 P	2 P	3 P	4 P	5 P	6 P	7 P	8 P	9 P	10 P	11 P	12 P
\$50,750	\$58,000	\$65,250	\$72,500	\$78,300	\$84,100	\$89,900	\$95,700	\$101,500	\$107,300	\$113,100	\$118,900

Tax Credit Developments (60% of Area Median Income) Effective 3/28/16 - Based on Gross Income

1 P	2 P	3 P	4 P	5 P	6 P	7 P	8 P	9 P	10 P	11 P	12 P
\$38,100	\$43,500	\$48,960	\$54,360	\$58,740	\$63,060	\$67,440	\$71,760	\$76,104	\$80,453	\$84,802	\$89,150

B. FOREST HILLS COOPERATIVES – Effective 11/24/99 - Based on Net Income after NYCHA Deductions

1. Maximum Income Admission Limit is the Same as Above for Public Housing
2. Minimum Income¹ For Admission and Transfers

1 P	2 P	3 P	4 P	5 P
\$7,500 (Studio)	\$9,500 (1 BR)	\$18,500 (2 BR)	\$18,500 (2 BR)	\$19,951 (3 BR)
\$9,500 (1 BR)	\$18,500 (2 BR)			

3. Families are Required to Pay Equity For Cooperative

Studio	One Bedroom	Two Bedrooms	Three Bedrooms
\$900	\$1,050	\$1,350	\$1,650

4. Families are Required to Purchase own Stove and Refrigerator

C. HOUSING CHOICE VOUCHER AND PROJECT BASED SECTION 8 PROGRAMS

Regular Admission (50% of Area Median Income) Effective 3/28/16- Based on Gross Income

1 P	2 P	3 P	4 P	5 P	6 P	7 P	8 P	9 P	10 P	11 P	12 P
\$31,750	\$36,250	\$40,800	\$45,300	\$48,950	\$52,550	\$56,200	\$59,800	\$63,400	\$67,050	\$70,650	\$74,300

¹ Effective 11/24/99

APPENDIX E - Alternate Identification Numbers for Family Members

I. Introduction

The United States Department of Housing and Urban Development (HUD) requires that all family members have a valid Social Security Number or a HUD-generated Alternate Identification Number.

The following clarifies these requirements and delineates the process for obtaining HUD-generated Alternate Identification Numbers.

II. Invalid Social Security Numbers

Supervisors shall not approve data entry of obviously invalid Social Security Numbers, or data “errors” as indicated by HUD:

- Numbers comprised of the same digits, e.g., “111-11-1111” or “444-44-4444”
- Numbers that are completely consecutive, e.g., “123-45-6789,” “987-65-4321,” “009-00-9009” or “090-90-9090”
- Numbers that have the fourth and fifth digits as “00” e.g., “846-00-2513”

A number comprised of “999-00-NNNN” assigned to family members by the Applications and Tenancy Administration Department is considered invalid.

If more than one family member has the same Social Security number, staff must resolve the discrepancy.

III. Tenant Responsibilities

A. Citizens

All citizens in the household, regardless of age, are required to submit a valid Social Security Card. Development staff views and copies the original card and files in the tenant folder.

In the case of citizens who are in the process of applying for Social Security Numbers, an Alternate Identification Number should be requested, which staff later replaces with the Social Security Number, upon receipt of verification (Refer to Section IV. D. *Updating the Alternate Identification Number*).

A citizen, who fails to submit a valid Social Security Card, after informing NYCHA that they have one, is subject to termination of tenancy action for Breach of Rules and Regulations.

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B. Non-Citizens with Eligible Immigration Status

Non-citizens with eligible immigration status are required to submit verification of:

- Alien Registration Numbers (Permanent Resident Card)
- Immigration documents
- Social Security Numbers, if issued (Social Security Card)

Development staff photocopies the front and back of these documents and files in the tenant folder.

In the case of non-citizens with eligible immigration status who are in the process of applying for Social Security Numbers, an Alternate Identification Number should be requested, which staff later replaces with the Social Security Number, upon receipt of verification. (Refer to Section IV. D. *Updating the Alternate Identification Number*).

The Alien Registration Number (A-number) has seven, eight or nine digits preceded by the letter A. Data entry in the Tenant Data System (TDS) must be in a nine digit format.

- If the A-number has seven (7) digits, enter two (2) zeros before the numbers.
Example: A5983063 is entered as A005983063.
- If the A-number has eight (8) digits, enter one zero before the numbers.
Example: A24629048 is entered as A024629048.
- If the A-number has nine (9) digits, enter the number without a leading zero.

A non-citizen with eligible immigration status who fails to submit verification of their Social Security Number, after informing NYCHA that they have one, is subject to Termination of Tenancy action for Breach of Rules and Regulations.

C. Non-Citizens with No Eligible Immigration Status

All Non-Citizens with no eligible immigration status are to be assigned Alternate Identification Numbers.

NOTE: If a citizen or non-citizen, with eligible immigration status, is unable to provide a valid Social Security Card or informs staff that they do not have a Social Security Number, provide the Social Security Administration NYCHA form 040.652, *Application for Social Security Card*, to the family member.

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D. Newborn Children

Residents who report newborn children in their households should be informed of the requirement to obtain Social Security Numbers for them, and provided with the *Application for Social Security Card*.

IV. Staff Responsibilities

A. Application and Folder Review

During rental and Annual Review processing, staff reviews the tenant application and/or folder.

1. Citizenship status forms, photocopies of Social Security Cards, and Alien Registration Cards must be on file with required documentation, in accordance with current procedure.
 - Additional information requests to residents must be made for missing forms, Social Security Numbers, or immigration documents.
 - No family member can have an invalid Social Security Number, as indicated in Section II.
2. Verification from the United States Department of Homeland Security (DHS)¹ confirming the authenticity of immigration documents must be on file. Electronic verification is available by accessing the Systematic Alien Verification for Entitlement (SAVE), (Refer to Appendix Q, *Systematic Alien Verification for Entitlement (SAVE) Program* and GM3707 Revised).
 - Requests to DHS for document verification must be made if not already on file.

If necessary, corrections must be promptly made by data entry

NOTE: Staff must not delay Annual Reviews if the Social Security Number or a HUD-generated alternate identification number is currently not available. Annual Reviews must be completed, and additional information requests monitored for compliance. Alternate Identification Numbers must be requested, and replaced with Social Security Numbers, upon receipt of verification.

B. Processing Requests for Alternate Identification Numbers

1. Submission of NYCHA Form 040.651

¹ On March 1, 2003, the U.S. Immigration and Naturalization Service (INS) transitioned into the Department of Homeland Security (DHS) as the U.S. Citizenship and Immigration Services (USCIS).

Development staff requests an Alternate Identification Number by completing the Movaris form, *Request for Alternate I.D. – Public Housing*, NYCHA 040.651, which will be processed by the Applications and Tenancy Department's (ATAD) Income Verification Unit (IVU). All requested information must be provided, including:

- Reason for no Social Security Number
- Alien Registration Number, if applicable
- Reason for no Alien Registration Number, if applicable
- Declaration of Citizenship status
- Other supporting documents

2. Generation of Alternate Identification Number

Upon receipt and review of the request form, Department of Applications and Tenancy Administration (ATAD) the Income Verification Unit's staff accesses the Alternate Identification Generator sub module in HUD's PIC computer system.

- If an Alternate Identification Number is generated, the completed Movaris form is returned to the development with the assigned Alternate Identification Number indicated. The Income Verification Unit will also email the development with a scanned copy of the HUD Alternate Identification generated notice.
- If an Alternate Identification Number is not generated, the Movaris form is returned to the development with an explanation indicated.

C. Folder and Data Entries

Upon receipt of Alternate Identification Numbers from the Income Verification Unit, development staff:

- Enters the Alternate Identification Numbers in the Tenant Data System (TDS) Option 28 (change key fields). Supervisor approves in Option 29 during the annual review, if pending.
- Writes the Alternate Identification Number on NYCHA form 040.062, *Tenant Data – Summary*
- Files the completed Movaris Request for Alternate Identification Numbers
- Files the Alternate ID HUD generated form on the left side of the tenant folder

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D. Updating the Alternate Identification Number

Upon receipt of verification from a family member that (s)he has been issued a Social Security Number:

- Staff enters the Social Security Number in the Tenant Data System (TDS) via Option 29
- If staff is unable to use Option 28 because an annual review is due, contact ATAD's Income Verification Unit immediately at 212-306-6600
- Development staff writes the Social Security Number on the form, *Tenant Data – Summary*, NYCHA 040.062, in ink.
- IT enters the Social Security Number in the HUD database.
- Development staff writes the Social Security Number on NYCHA form 040.062, *Tenant Data – Summary*, in ink.

APPENDIX F – TRANSFER PRIORITIES AND OCCUPANCY STANDARDS FOR FAMILIES

PRIORITY CODE	TRANSFER TYPE	REASON FOR TRANSFER	TRANSFER OPTIONS <i>(SEE NOTES ON PAGE 7)</i>
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T0	A	Apartment uninhabitable (e.g., fire, flood). ⁽¹⁾	<p>Tenant cannot choose a development.</p> <p>NYCHA will assign the tenant to the first available proper sized vacancy in the current development, unless no proper sized apartment exists in the current development.</p> <p>In this case, NYCHA will assign the tenant to a proper sized apartment in a neighboring development.</p> <p><i>[Staff may initiate the transfer by filing a Tenant Request for Transfer even if the request is unsigned by the tenant.]</i></p>
T0	C	<p>Displaced due to development renovation and the tenant wishes to return.</p> <p>The tenant must file a transfer request to return before the renovation is completed). ⁽¹⁾</p>	<p>ORIGINAL development only. The tenant may request to return to the apartment from which he/she was displaced only if the apartment is the proper size for the family.</p>
T0	D	Displaced for development renovation, development use, or the requirements of a special purpose program such as MHOP (Multifamily Home Ownership). ⁽¹⁾	<p>INTRA-project transfer;</p> <p>INTER-project transfer with choice from the Guide to Anticipated Vacancies for Tenant Transfers (GUIDE) ⁽²⁾; or</p> <p>BOROUGH choice.</p> <p><i>[Staff may initiate the transfer by filing a Tenant Request for Transfer even if the request is unsigned by the tenant.]</i></p>
T0	E	Tenant’s apartment is Underoccupied ⁽³⁾ or soon to be Underoccupied and tenant is required to move as a result of Termination of Tenancy proceeding. ⁽⁴⁾	<p>INTRA-project transfer;</p> <p>INTER-project transfer with GUIDE choice; or</p> <p>BOROUGH choice.</p> <p><i>[Staff may initiate the transfer by filing a Tenant Request for Transfer even if the request is unsigned by the tenant.]</i></p>

APPENDIX F – TRANSFER PRIORITIES AND OCCUPANCY STANDARDS FOR FAMILIES

PRIORITY CODE	TRANSFER TYPE	REASON FOR TRANSFER	TRANSFER OPTIONS (SEE NOTES ON PAGE 7)
T0	G	Needs continuing health/medical care with a specific health care provider or facility and travel time is more than sixty minutes from the current development.	Tenant cannot choose a development. NYCHA will assign tenant to a development near the facility/physician/provider whether or not it appears on the GUIDE .
T0	H	Needs continuing home health care, which NO household member can provide, and that is not available within sixty minutes travel time from the current development. NOTE: This category is not only for the elderly who need care.	Tenant cannot choose a development. NYCHA will assign the tenant to a development near the relative whether or not it appears on the GUIDE .
T0	I	In need of an extra bedroom to accommodate a person with a medical condition that requires the use of a hospital bed or accommodates the mental condition of a family member.	INTRA -project transfer; INTER -project transfer with GUIDE choice; or BOROUGH choice.
T0	J	Disabled in a non-elevator building and wants an apartment in an elevator building on any floor.	INTRA -project transfer to an apartment in any elevator building, if a proper size apartment exists, or INTER -project transfer with GUIDE ; or BOROUGH choice to an elevator building.
T0	K	Disabled and wants an apartment on the 1 st or 2 nd floor in a building with or without an elevator.	INTRA -project transfer to a 1 st or 2 nd floor apartment in an elevator building or a non-elevator building; or INTER -project transfer with BOROUGH choice only to a 1 st or 2 nd floor apartment in an elevator building or a non-elevator building.

APPENDIX F – TRANSFER PRIORITIES AND OCCUPANCY STANDARDS FOR FAMILIES

PRIORITY CODE	TRANSFER TYPE	REASON FOR TRANSFER	TRANSFER OPTIONS <i>(SEE NOTES ON PAGE 7)</i>
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T0	L	Qualifies for, and requests an accessible apartment.	<p>INTRA-project transfer if a proper-sized accessible apartment exists;</p> <p>INTER-project transfer with choice from the Guide to Vacancies-Accessible Apartments⁽²⁾; or</p> <p>BOROUGH choice.</p>
T0	M	Disabled and requests a reasonable accommodation.	The transfer options will vary based on the circumstances of the transfer request. The Public Housing Reasonable Accommodation Coordinator (PHRAC) will make the determination.
T1	D	Living in an Extremely Underoccupied ⁽³⁾ apartment	<p>INTRA-project transfer or INTER-project transfer whether or not on the GUIDE; or</p> <p>BOROUGH choice.</p> <p><i>[Staff may initiate the transfer by filing a Tenant Request for Transfer even if the request is unsigned by the tenant.]</i></p>

APPENDIX F – TRANSFER PRIORITIES AND OCCUPANCY STANDARDS FOR FAMILIES

PRIORITY CODE	TRANSFER TYPE	REASON FOR TRANSFER	TRANSFER OPTIONS <i>(SEE NOTES ON PAGE 7)</i>
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T1	F	Living in a building/development for the elderly and is no longer qualified to reside in a building/development for the elderly.	<p>INTRA-project transfer to a general population apartment within the development consolidation, if general population apartment exists;</p> <p>INTER-project transfer out of the development consolidation with GUIDE choice; or</p> <p>BOROUGH choice.</p> <p><i>[Staff may initiate the transfer by filing a Tenant Request for Transfer even if the request is unsigned by the tenant.]</i></p>
T2	A	Living in an Underoccupied ⁽³⁾ apartment.	<p>INTRA-project transfer;</p> <p>INTER-project transfer whether or not no GUIDE; or</p> <p>BOROUGH choice.</p>
T2	B	Victim of Domestic Violence (VDV)	BOROUGH choice only (NYCHA will place the family at a location that is NOT near their current residence).
T2	C	Intimidated Victim (IV)/Intimidated Witness (IW)/Child Sexual Victim (CSV)	BOROUGH choice only (NYCHA will place the family at a location that is NOT near their current residence).
T2	G	<p>Victim of a traumatic incident in their development.</p> <p>The transfer request must be submitted no later than six months after the date of the traumatic incident.</p>	BOROUGH choice only (NYCHA will place the family at a location that is NOT near their current residence).

APPENDIX F – TRANSFER PRIORITIES AND OCCUPANCY STANDARDS FOR FAMILIES

PRIORITY CODE	TRANSFER TYPE	REASON FOR TRANSFER	TRANSFER OPTIONS (SEE NOTES ON PAGE 7)
T2	H	Resides in an apartment in which a family member died. The transfer request must be submitted no later than six months after the death.	INTRA-project transfer; INTER-project transfer with GUIDE choice; or BOROUGH choice.
T2	I	Referred by the Administration for Children’s Services (ACS) for the purpose of family unification. The family has child(ren) (natural or adopted) in foster care and needs a larger apartment ⁽²⁾ before the child(ren) will be released to the family.	INTRA-project transfer; INTER-project transfer with GUIDE choice; or BOROUGH choice.
T3	A	Living in an Extremely Overcrowded ⁽³⁾ apartment.	INTRA-project transfer; INTER-project transfer with GUIDE choice; or BOROUGH choice.
T3	B	Long-term friction between neighbors.	INTRA-project transfer; INTER-project transfer with GUIDE choice; or BOROUGH choice.
T3	H	Willing to provide continuing home aid to a relative in a different development which NO member of the relative's household can provide, and that is not available within sixty minutes travel time from the relative's development.	Tenant cannot choose a development. NYCHA will assign the tenant to a development near the relative whether or not it appears on the GUIDE .
T4	A	Living in an Overcrowded ⁽³⁾ apartment.	INTRA-project transfer; INTER-project transfer with GUIDE choice; or BOROUGH choice.

APPENDIX F – TRANSFER PRIORITIES AND OCCUPANCY STANDARDS FOR FAMILIES

PRIORITY CODE	TRANSFER TYPE	REASON FOR TRANSFER	TRANSFER OPTIONS <i>(SEE NOTES ON PAGE 7)</i>
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T4	B	Required to travel to work more than ninety minutes due to a change in work location.	INTER -project transfer with GUIDE choice; or BOROUGH choice.
T4	C	Living in a general population development and wishes to move to an elderly development/building.	INTRA -project transfer to an elderly population apartment within the development consolidation, if an elderly population apartment exists; INTER -project transfer out of the development consolidation with GUIDE choice; or BOROUGH choice.

APPENDIX F – TRANSFER PRIORITIES AND OCCUPANCY STANDARDS FOR FAMILIES

PRIORITY CODE	TRANSFER TYPE	REASON FOR TRANSFER	TRANSFER OPTIONS <i>(SEE NOTES ON PAGE 7)</i>
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NOTES

- (1) Requires memorandum from the Borough Property Management director to the Field Liaison Division manager detailing the reason for the transfer request.
- (2) The Guide to Anticipated Vacancies for Tenant Transfers and Guide to Vacancies – Accessible Apartments are updated every two weeks and may be viewed and printed from NYCHA’s Public “P” drive.
- (3) See attached **Occupancy Standards**.
- (4) Requires Stipulation of Settlement or Hearing officer decision.

INFORMATION ABOUT TRANSFERS

- There is **no** minimum time for which a tenant must reside in an apartment before requesting a transfer.
- Within transfers of equal priority the first **INTRA**-project transfer with the oldest certification date is chosen; if there are no **INTRA**-project transfers, then the **INTER**-project transfer with the oldest certification date is chosen.
- Tenants whose previous transfer request was closed will not be considered for a new transfer request within one year of the date of the closed status, unless a new transfer request states a different need for a transfer than the prior request.
- Tenants requesting lower floors will be offered apartments on the 1st, 2nd, or 3rd floors except for T3-K transferees who will be offered apartments on the 1st or 2nd floor.

TENANT’S TRANSFER OPTIONS

1. Intra-Project Transfers

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

APPENDIX F – TRANSFER PRIORITIES AND OCCUPANCY STANDARDS FOR FAMILIES

PRIORITY CODE	TRANSFER TYPE	REASON FOR TRANSFER	TRANSFER OPTIONS <i>(SEE NOTES ON PAGE 7)</i>
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2. Inter-Project Transfers

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

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

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

CHANGE OF TENANT’S TRANSFER OPTIONS

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

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

NYCHA OCCUPANCY STANDARDS FOR FAMILIES

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

1¹ *NOTES:

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

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

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

A one person tenant family currently residing in a studio apartment will not be offered a one-bedroom apartment except where the transfer request is to an elderly development, or to an accessible apartment.

2¹ Married couple, two persons registered as domestic partners, or a single adult with a child less than six years of age.

2² Two adults who are neither married nor registered as domestic partners or a single adult with a child of six years of age or more.

4X FAMILY:

- a. Married couple or couple registered as domestic partners, with other family members being one male and one female who are neither married nor registered as domestic partners.
- b. Three females, one male (e.g., mother, two daughters, one son; father with three daughters).
- c. Three males, one female (e.g., mother with three sons; father, two sons, one daughter).

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APPENDIX H - Instructions - PIMS Automated Inter-Project Transfer and Rental Charges Program

- **For Move-ins, refer to Section II. only (Skip Sections. I., III. – XI.)**
- **For Transfers, refer to all Sections**

I. Initiating the Transfer (Receiving Development)

At the Rental Interview:

- A. Enter **Option 4** – Transfers from the Tenant Data System Menu.
- B. Enter **Option 2** – Receive Transfer–In Tenant from the Tenant Transfer Menu.
- C. Enter the Map and Account numbers for both the receiving and sending accounts.
- D. Check the tenant's name and Social Security Number. If correct, enter **Y**.
- E. Before proceeding, staff must verify the accuracy of all data previously entered. This is your last opportunity to cancel the transaction. Press **F3** to Cancel; or if correct, Press **F10** to Confirm.

NOTE: If after confirming the transaction, an error is discovered, you must complete the transaction and follow instructions in Section III., Deleting a Transfer.

- F. A window appears warning that an Interim Change must be completed. Read the warning, Press **ENTER**.
- G. A regular TDS Interim screen appears. **COMPLETE THE INTERIM CHANGE.**
- H. On the Interim Change screen, enter the date of the Rental Interview as the Development Notification Date and as the Date/Income Change. Enter **TRANSFER** for the reason for the Interim Change on one of the blank lines (increase or decrease does not matter). The TDS information from the last income review completed at the sending development is transmitted to the receiving development.
- I. Enter any changes in family composition and income since the last income review, in accordance with NYCHA procedures for updating a transferee's income.
- J. Enter any additional charges and utility allowances, if applicable. TDS will now calculate rent for the new apartment.

NOTE: If, at this point, the Housing Assistant determines that the information provided by the tenant would make the family ineligible for the transfer or the tenant refuses the apartment, the Housing Assistant must complete the Interim Change, and then bring the case to the attention of the Housing Manager. Refer to Section III. below.

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II. Automated Rental Charges (Move-ins and Transfers)

At the last screen of a Move-in, or for an Interim Change completed as part of an inter-project transfer, a window appears titled **Move-In Collect Notice** or **Transfer-In Collect Notice**. This window includes the Shades and Smoke Detector charges. The window also includes the amount of Security Deposit required for the apartment. This amount is either the full Security Deposit for a new rental or the increase in Security Deposit due from a transferring tenant. The information from this screen posts automatically on the tenant's account in RCS. A "Move-In Collect Notice" automatically prints and can be filed in the tenant's folder.

- For Carbon Monoxide detector charges, enter the \$25 charge in the "Other" field, if applicable.
- Enter the appropriate code for Security Deposit, Press **ENTER**, Press **F10** to Confirm that the information is correct.
- A *Bank Acceptance Slip* prints when the transaction is complete. This Bank Acceptance Slip must be mailed with the tenant's payment to the Lockbox Provider. If any payment for Security Deposit is included in the tenant's payment, indicate this by typing **Y** next to "Security Payment in This Bank Acceptance Slip."

NOTE: If a tenant is being transferred because of one of the reasons listed as an exception in **TABLE C - Transferees Exempt from Increased Security Deposit**, no additional Security Deposit should be paid. However, the Automated Inter-Project Transfer Program may log a requirement for additional Security Deposit. You must eliminate this requirement following directions as noted in Section XI. below.

The tenant is now Assigned in TDS. An account has been created in RCS in Tenant New To NYCHA. Shade, smoke detector and other charges, including the Security Deposit requirement, have been posted to the account in RCS.

III. Deleting a Transfer (Receiving Development)

If while entering the transfer in TDS it becomes apparent that the tenant is ineligible for the transfer, entry of the transfer must still be completed. However, the transfer must be brought to the attention of the Housing Manager who can approve deleting the transfer. Use the following instructions to delete the transfer.

If subsequent to the Rental Interview and prior to the apartment's Ready Date the tenant refuses the transfer, the Housing Manager can approve deleting the transfer. Use the following instructions to delete the transfer.

- A. Enter **Option 4** – Transfer from the Tenant Data System Menu.
- B. Enter **Option 3** – Delete Transfer-In Tenant from the Tenant Transfer Menu.
- C. Enter the Map and Account numbers for the receiving account.

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- D. Check the tenant's name and social security number. Press **F10** to confirm that this is the correct tenant.
- E. In the Assigned Tenant Payment Write Off Screen, Enter **X** in the Opt column. Press Enter, and then press **F10** to confirm.
- F. If tenant payment has been accepted and sent to the Lockbox Provider, staff notifies the Lockbox Bookkeeping Office by e-mail of tenant name, account number, and amount to be refunded.

IV. Moving Tenant In (Receiving Development)

When the keys are issued to the transferring tenant:

- A. Enter **Option 3** – Assign/Move-ins from the Tenant Data System Menu.
- B. Enter **Option 2** – Work with Assigned Tenant from the Assignment Menu.
- C. Enter the Map Number.
- D. Move in the transferring tenant by entering **M** next to the account number from the Work with Assigned Tenant Menu. The account now appears on the Housing Manager's Approval Screen as an Interim Change (**IC**).

V. Approving the Transfer Out (Sending Development)

As soon as the Interim Change done as part of the transfer is completed at the receiving development, the tenant's account appears on the Approval Screen at the sending development as a transfer (**TR TR**). This is to prevent the sending development from processing the transaction as a move-out.

When the keys are received and the vacated apartment inspected, the Housing Manager or designee shall:

- A. Create Move-Out tickets in the Work Ticket System (WTS)

NOTE: Currently, the move-out series of work tickets is created automatically when staff enters a transfer out (Option 4). Since this step will now be replaced by the receiving development initiating the transfer, the move-out series of work tickets must be generated manually.

When the Charge-Through Date is determined, even if the Superintendent has not returned the move-out papers, the Housing Manager or designee shall:

- B. Enter **Option 10** – Manager's Approval from the Tenant Data System Menu
- C. Enter the Map Number and Press **F1** to continue
- D. Enter **A** next to the account number on the Approval Screen. Press **F1** to continue
- E. Enter the correct Transfer-Out Date, then Enter and confirm the Charge-Through Date
- F. Press **F10** to confirm the approval

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- VI. Approving the Transfer In (Receiving Development)
- A. Enter **Option 10** – Manager's Approval from the Tenant Data System Menu.
 - B. Enter the Map Number and Press **F1**.
 - C. Enter **L** next to the account on the Housing Manager's Approval Screen (The type is **IC**).
 - D. Enter the Charge-From Date and the Move-In Date.
 - E. Review and approve the Interim Change.
- VII. Applying Move-Out Charges in WTS (Sending Development)
- A. Enter **Option 2** – Disposition Menu from the Work Ticket System (WTS) Management Menu.
 - B. Enter **Option 1** – Enter Individual Disposition.
 - C. Enter Work Ticket and Map Numbers from the Work Disposition Menu.
 - D. Enter **Option 2** – Job Status and Trades Sequence.
 - E. Proceed with dispositioning until you reach the Parts/Materials/Charges screen.
 - F. Tab to the appropriate item(s) and enter quantity and charge. Press **ENTER**.

NOTE: Enter Labor Charges in the "Other Description" field only.

These move-out charges are now associated with the apartment, but must be applied to the appropriate tenant of that apartment: move-in, current or move-out.

- VIII. Applying Move-Out Charges in RCS (Sending Development)
- A. Enter **Option 11** - View Current Charges from the RCS Administrative Functions Menu.
 - B. Enter the Map and Account Numbers.
 - C. Select either Current Tenant in NYCHA or Tenant Moved Out of NYCHA.

NOTE: If applying move-out charges, during the month that the Housing Manager approves the transfer in TDS, the account is still **CURRENT** in RCS
If applying move-out charges, subsequent to the month that the Housing Manager approves the transfer in TDS, the account is **MOVED OUT** in RCS.

- D. If there are charges entered in WTS, the name and account will appear. Enter **X** next to the correct account. Press **ENTER**. Enter **X** next to any charge, which should be applied to the account. Press **ENTER**. Only the marked charges (**X**) will appear on the Final Approval Screen.

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IX. Billing and Proration (Sending Development)

At the next billing following the sending development's approval in TDS, no *Monthly Billing Statement* is sent for the vacated apartment.

X. Billing and Proration (Receiving Development)

At the next billing following the receiving development's approval in TDS, a *Monthly Billing Statement* is sent for the new apartment.

XI. Final Approval in RCS (Sending Development)

RCS does not allow a final approval until after the End-Of-Month process (rent has stopped posting and the transfer out pro-ration has been posted).

A. Apply the Move-Out charges if not already done. (Refer to Section VII. above.)

NOTE: Because the charges applied to the account by using **Option 11** do not appear on the tenant's ledger card, it is advisable to wait until the account is MOVED OUT and then apply the charges (**Option 11**) and do the Final Approval (**Option 12**) at the same time.

B. Enter **Option 12 – Final Transfer Out Charges**.

C. From the **Final Approval** Menu, Press **ENTER**.

D. Enter **Y** if this is the correct tenant, Press **ENTER**.

E. Enter **A** to approve or **D** to disapprove the charges. A message will appear if there are no charges to be approved. Press **ENTER**. Press **F10** to confirm.

F. Read the warning. **DO NOT COMPLETE THE TRANSFER APPROVAL UNTIL YOU VERIFY THAT ALL CHARGES, IF ANY, HAVE BEEN APPLIED TO THE ACCOUNT.**

G. Enter **Y** and press **ENTER** to complete the transfer.

By performing this approval in RCS, the Housing Manager is certifying that all charges to this account are final. Upon approval, RCS transfers the balance and the Security Deposit to the Receiving Development immediately. The Inter-Project Transfer Process is now complete.

XII. Reducing Security Deposit Requirement (Receiving Development)

A. Enter **Option 8 – Charges/Credits** from the Administrative Functions Menu.

B. Enter **Option 1 – Work With Tenants New to NYCHA**.

C. Enter the Map and Account Numbers.

D. Enter **Option 3 – Reduce Security Deposit Requirement Logged**.

E. Enter **Y** if this is the correct tenant. Press **F10** to Confirm.

F. Enter the new Security Deposit Requirement amount or leave at \$0.00. Press **ENTER**. Press **F10** to Confirm.

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APPENDIX I - Window Guard and Air Conditioner Survey

NEW YORK CITY HOUSING AUTHORITY WINDOW GUARD and AIR CONDITIONER VISUAL SURVEY											
DEVELOPMENT			BUILDING ADDRESS					DATE			
	A	B	C	D	E	F	G	H	J	K	L
10											
9											
8											
7											
6											
5											
4											
3											
2											
1											
Note: Please note in each box the number of missing windows guards with a separate note for improper air conditioner installations.											
INSPECTED BY _____											
REVIEWED BY _____											
DATE _____											

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APPENDIX J - Public Housing Occupancy: Authorized Occupancy and Residency Permissions Policy: Overview

Types of Authorized Occupancy During the Tenancy

Types of Authorized Occupancy	Family Status Required	Occupancy / Residency Permission Rights:-When Acquired	Apartment Size
<p>Permanent Residency Permission: Original Family Members</p>	<ul style="list-style-type: none"> The tenant or co-tenant (i.e., lessee and co-lessee, or signatory to the lease), and Other persons listed on the Housing Application <p>These persons who are authorized to reside in the apartment at initial move-in are the authorized original family composition.</p>	<p>When the tenancy begins</p>	<p>Correct apartment size assigned to the family at initial rental</p>
<p>Permanent Residency Permission Requests Approved by the property manager in writing¹: Family Growth</p>	<p>Family Growth: Persons:</p> <ul style="list-style-type: none"> Born to, Legally adopted by, or Judicially declared to be the ward of: <p>the tenant, co-tenant, or an authorized permanent family member while the family member currently resides in the apartment</p>	<p>Upon written approval of the residency request by the property manager</p>	<p>If an added person(s) would 'overcrowd' or 'extremely overcrowd' the apartment, the property manager can grant permission and offer a transfer to a larger apartment of appropriate size.</p>
<p>Permanent Residency Permission requests approved by the property manager in writing:¹</p> <p>(See NOTE below for Minors Rule.²)</p>	<p>CATEGORY 1: Spouse or Domestic Partner of the Tenant or Co-Tenant and Their Minor Children³:</p> <ul style="list-style-type: none"> The spouse or registered domestic partner of a tenant or co-tenant A minor (person under age 18): naturally born to, legally adopted by, or who is the judicially declared ward (under the legal custody or guardianship) of either: <ul style="list-style-type: none"> The tenant or co-tenant, or The tenant or co-tenant's spouse or registered domestic partner 	<p>Upon written approval of the residency request by the property manager</p>	<p>If an added person(s) would 'overcrowd' or 'extremely overcrowd' the apartment, the property manager can grant permission and offer a transfer to a larger apartment of appropriate size.</p>
	<p>CATEGORY 2: Specific Relatives of the Tenant or Co-Tenant Other Than Spouse or Domestic Partner of the Tenant or Co-Tenant and Their Minor Children:</p> <p>(NOTE: The relationship must be with the tenant or co-tenant. The relationship does not qualify if it is with another permanently authorized household member, but not with the tenant or co-tenant. Son, daughter, stepson, stepdaughter, father, mother, stepfather, stepmother, brother (including half-brother), sister (including half-sister), grandfather, grandmother, grandson, granddaughter, son-in-law, daughter-in-law, father-in-law, mother-in-law.</p>	<p>Upon written approval of the residency request by the property manager</p>	<p>If an added person(s) would 'overcrowd' or 'extremely overcrowd' the apartment, the property manager <u>denies</u> the permanent residency request. The tenant is not eligible to request a transfer to a larger apartment.</p>

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Types of Authorized Occupancy During the Tenancy

Types of Authorized Occupancy	Family Status Required	Occupancy / Residency Permission Rights:-when acquired	Apartment Size
<p>Permanent Residency Permission requests approved by the property manager in writing (continued):</p>	<p>CATEGORY 3: A formerly authorized occupant who moved out of the household and seeks permission to rejoin the household. ⁴</p> <p>If an added person(s) would “overcrowd” or “extremely overcrowd” the apartment, see the “Apartment Size” column to determine whether permanent permission can be granted.</p>	<p>Upon written approval of the residency request by the property manager.</p>	<p>Is the person seeking permission one of the <u>same</u> relationships as in the “Spouse or Domestic Partner of the Tenant or Co-Tenant and Their Minor Children” category?</p> <ul style="list-style-type: none"> • If YES, the property manager does not deny the addition to the household due to overcrowding or extreme overcrowding, but can grant permanent permission and offer the tenant the opportunity to transfer to a larger apartment of appropriate size. • If NO, the property manager denies the permanent residency request due to overcrowding or extreme overcrowding. The tenant is not eligible to request a transfer to a larger apartment.

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Types of Authorized Occupancy During the Tenancy			
Types of Authorized Occupancy	Family Status Required	Occupancy / Residency Permission Rights:-when acquired	Apartment Size
<p>Temporary Residency Permission requests approved by the property manager in writing.¹</p>	<p>Additional persons include:</p> <ul style="list-style-type: none"> Distant Family Relationships (such as uncles, aunts, nieces, nephews, and cousins). Unrelated persons living together as a cohesive family group in a sharing relationship. Caregivers/Home Care Attendants (may or may not be a relative of the tenant). Foster children (may or may not be a relative of the tenant). <p>Boarders, lodgers, or paying guests are NOT entitled to any type of residency permission.</p>	<p>Temporary rights granted with the property manager's written approval:</p> <p>1) Permission is for one year. NYCHA may extend it for hardship.</p> <p>2) Permission for the duration of the relationship/service is for:</p> <ul style="list-style-type: none"> Foster Children Caregivers/ Home Care attendants 	<p>Even if an additional person(s) "overcrowds", but does not "extremely overcrowd" the apartment (per NYCHA Occupancy Standards), the property manager may grant a temporary residency request, but the tenant is NOT eligible to transfer to a larger apartment.</p> <p>Permission is denied if it results in the apartment becoming extremely overcrowded.</p> <p>A property manager can provide reasonable accommodation to an authorized permanent household member who needs care, by granting temporary permission for a caregiver/home attendant, even if extreme overcrowding of the apartment occurs.</p>

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NOTES See Management Manual Chapter I, Occupancy: Section XI (Family Composition) and Section XII (Remaining Family Members (Succession Rights)) for further details.

¹**Permanent or Temporary Residency Permission requests** for an additional person made by a tenant in current occupancy: (1) Tenant submits NYCHA Form 040.297D, *Request to Add a New Household Member (Permanent/Temporary)*. (2) NYCHA responds with NYCHA Form 040.914, *NYCHA Response to Request to Add a New Household Member (Permanent/Temporary)*.

- **Criminal Background Check:** Before Permanent or Temporary residency permission can be granted, all persons aged 16 and older must pass a criminal background check.
- **Income/Assets:** The income and assets of a person seeking Permanent Permission must be added to household income for rent calculation purposes. This does not apply to persons receiving Temporary Permission.
- **No RFM rights for Temporary Permission:** A person receiving Temporary Permission has **no** succession or remaining family member rights.

²**Minors Rule:** If a permanent residency permission request is made for a minor (person under age 18), in addition to being within one of the required Family Status categories, the minor must also have a verifiable *care relationship* with the tenant, co-tenant, or authorized permanent family member. The *care relationship* must be verified by birth certificate, court papers (for an adopted child or judicially declared ward), or marriage license where the minor is a spouse. NOTE: If a birth certificate is used for verification, at least one parent of the minor must be the tenant, co-tenant, or authorized permanent family member. If the birth certificate lists a non-resident co-parent, then property management shall require either: (a) A letter from the non-resident co-parent recognizing that the minor will reside with the tenant or co-tenant in the NYCHA apartment, or (b) Proof that the non-resident co-parent is unable or unwilling to provide such letter.

³**Spouse or Domestic Partner of the Tenant and Their Minor Children:** Category created by DGM #2011-0006-Revised, dated January 27, 2011.

⁴**Family Relationships Prior to November 24, 2002:** Before this date, eligible family relationships for permanent permission were: (a) Two or more person(s) living together related by blood, marriage, or adoption, or (b) Two or more unrelated person(s), regardless of sex, living together as a cohesive family group in a sharing relationship.

Removal of a Household Member:

- **Co-Tenant:** NYCHA removes a co-tenant when (s)he signs NYCHA Form 040.032, *Notice of Intent to Vacate*.
- **Authorized Household Member:** A tenant or co-tenant can remove an Authorized Household Member by submitting NYCHA Form 040.643, *Family Member Removal Notice*; or during the annual review process by checking “remove” next to the person’s name on NYCHA Form 040.297, *Public Housing Affidavit of Income Annual Recertification*, under Section “O”, on paper or online. The tenant or co-tenant must submit required proof of removal.

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APPENDIX K - Community Service Program Exemptions and Credits for Specific Individuals

CATEGORY	TYPE OF EXEMPTION	PROOF OF EXEMPTION
AGE	1. Below age 18	NYCHA has data
	2. 60 years old and older (permanent exemption)	NYCHA has data
INFIRMITY	<p>3. Blind and resident certifies that due to the disability (s)he is unable to participate in community service or economic self-sufficiency activities.</p> <p><i>Blindness</i> is defined as central visual acuity of 20/200, or less, in the better eye with the use of a correcting lens. An eye that is accompanied by a limitation in the fields of vision, such that the widest diameter of the visual field subtends an angle no greater than 20 degrees, shall be considered for the purposes of this paragraph as having a central visual acuity of 20/200 or less.</p> <p>4. Disabled and resident certifies that due to the disability (s)he is unable to participate in community service or economic self-sufficiency activities. <i>Disability</i> is defined as an inability to engage in any substantial gainful activity by reason of any medically determined physical or mental impairment that can be expected to result in death, or which has lasted, or can be expected to last for a continuous period of not less than 12 months.</p> <p>A pregnant woman may also qualify as disabled if performing community service (engaging in voluntary work activity) or economic self-sufficiency activities would cause any medically determined impairment or serious injury to the woman or unborn fetus.</p> <p>Residents in a health care facility, such as a hospital or nursing home, must verify their disability to be exempt from Community Service.</p>	<p>1) Ophthalmologist or Optometrist completes the Community Service Exemption Verification: Disability form, indicating that the Resident is Blind and indicating whether the blindness is permanent or temporary,</p> <p>2) Doctor attaches a signed and dated sheet from his/her prescription pad, and</p> <p>3) Resident signs the Form indicating that (s)he is unable to participate in community service or economic self-sufficiency activities.</p> <p>1) Medical doctor completes the <i>Community Service Exemption Verification: Disability</i> form, Indicating that the resident is Disabled, and</p> <p>2) Indicates whether the disability is permanent or temporary, and</p> <p>3) Doctor attaches a signed and dated sheet from his/her prescription pad, and</p> <p>4) Resident signs the Form indicating that (s)he is unable to participate in community service or economic self-sufficiency activities.</p>
	<p>5. Receiving payments of either</p> <ul style="list-style-type: none"> • Supplemental Security Income (SSI), or • Social Security Disability (SSD) 	<p><i>Community Service Exemption Verification: Disability</i> form is not needed; NYCHA has data for SSI income. Tenant must submit letter from the Social Security Administration to prove SSD income.</p>
INFIRMITY-CARETAKER	<p>6. Primary caretaker of a public housing resident who is EXEMPT from community service or economic self-sufficiency activities due to blindness or disability, under <i>Exemptions 3, 4 or 5</i>, above</p> <p>An exempt resident may not have more than three primary caretakers without Management Department approval. A primary caretaker must provide care for not less than 20 hours per week.</p>	<p>1) Person receiving care must be a NYCHA resident who qualifies for a Blindness or Disability exemption.</p> <p>2) The person receiving care completes the Community Service Exemption Verification: Primary Caretaker for the Blind or Disabled form, listing the caregiver as a primary caretaker.</p>

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APPENDIX K – Community Service Program Exemptions and Credits for Specific Individuals

CATEGORY	TYPE OF EXEMPTION	PROOF OF EXEMPTION
<p>EDUCATIONAL ACTIVITY INSTEAD OF WORK</p>	<p>7. Vocational educational training (available not more than one time per resident)</p>	<p>1) Training provider, employer, school or education provider completes the <i>Community Service Exemption Verification-Education/Job Training</i> form certifying attendance in the school or program, and</p> <p>2) Attaches a sheet of its letterhead, which is signed and dated if institution did not stamp form.</p>
	<p>8. Job skills training directly related to employment, including attendance in a trade school The individual might not be currently employed, but employment may be contingent on successful completion of job training.</p>	
	<p>9. Education directly related to employment, in the case of an individual who has not received a high school diploma or a certificate of high school equivalency The individual might not be currently employed, but employment may be contingent on successful completion of job training.</p>	
	<p>10. Satisfactory attendance at secondary school or higher</p>	
	<p>11. Satisfactory attendance in a course of study leading to a certificate of general equivalence, if the resident has not completed secondary school or received such a certificate</p>	
	<p>12. Unsubsidized employment</p>	<p>NYCHA has data relating to the resident's earned income.</p> <p>♦ If only adults, with no child below age thirteen in household:</p>
	<p>13. Subsidized private sector employment</p>	
	<p>14. Subsidized public sector employment</p>	

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<p>INCOME PRODUCING WORK ACTIVITY</p>		<p>Each adult must be employed for a minimum of 30 hours per week, on the average OR have earned income of at least \$8,034 per year.</p> <ul style="list-style-type: none"> ♦ If a single adult family, with one or more children below age thirteen in household: The adult must be employed for a minimum of 20 hours per week, on the average OR have earned income of at least \$5,356 per year. ♦ If a two adult family, with one or more children below age thirteen in household: Either one or both of the adults must be employed for a minimum of 35 hours per week, OR have earned income for one or both totaling at least \$9,373 per year. If one spouse works the entire 35 hours or earns at least \$9,373 yearly, the second spouse is not obligated to work at all.
<p align="center">CATEGORY</p>	<p align="center">TYPE OF EXEMPTION</p>	<p align="center">PROOF OF EXEMPTION</p>
<p>NON- INCOME PRODUCING WORK ACTIVITY</p>	<p>15. Work experience (including work associated with the refurbishment of publicly assisted housing) if sufficient private sector employment is not available, e.g., Youthbuild</p> <p>16. On-the-job training</p>	<p>1) Employer/work experience provider completes the <i>Community Service Exemption Verification-Education/Job Training</i> form certifying attendance in the program, and</p> <p>2) Attaches a sheet of its letterhead, which is signed and dated if institution did not stamp form.</p>

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<p>CHILD CARE</p>	<p>17. Providing childcare services to the child (either naturally born, legally adopted or the judicially declared ward) of another public housing resident who is either:</p> <p>a) Participating in a community service or economic self-sufficiency activity, or</p> <p>b) Exempt from participating in a community service or economic self-sufficiency activity, under exemption categories 12, 13 or 14 (employment)</p> <p>The <u>other</u> public housing resident may:</p> <ul style="list-style-type: none"> • Live in the same apartment as the person who is performing the child care, and/or • Be the spouse of the person who is performing the childcare. <p>The child may be the common child of both spouses. The child must be an authorized occupant in a NYCHA apartment. There may be only one childcare provider per child.</p> <p>Childcare services qualify:</p> <ul style="list-style-type: none"> • If the child is age five (5) and younger • If the child is age six (6) through twelve (12) and does not attend school <p>Childcare services do not qualify:</p> <ul style="list-style-type: none"> • If the child is age thirteen (13) and older 	<p>Parent or Guardian of the child who receives child care services:</p> <ol style="list-style-type: none"> 1) Completes the <i>Community Service Exemption Verification-Childcare Provider</i> form, and 2) For children age six (6) through twelve (12), attaches a letter from the NYC Department of Education, or other NYS approved educational facility (an accredited nonpublic private, parochial or religious elementary school) certifying that the child does not attend school, due to Home Schooling or Home Instruction, or is otherwise exempted from attending school for that school year
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APPENDIX K – Community Service Program Exemptions and Credits for Specific Individuals

CATEGORY	TYPE OF EXEMPTION	PROOF OF EXEMPTION
<p>CHILD CARE FOR RESIDENT'S OWN CHILD –</p> <p>ONLY IN SINGLE ADULT FAMILIES - WHEN OTHER CHILDCARE IS NOT AVAILABLE</p>	<p>18. A single adult family, where the adult cannot participate in a community service or economic self-sufficiency activity due to the unavailability of appropriate childcare for his/her own child (either naturally born, legally adopted or the judicially declared ward), provided the child is an authorized occupant of that NYCHA apartment.</p> <p>Childcare services qualify:</p> <ul style="list-style-type: none"> • If the child is age five (5) and younger • If the child is age six (6) through twelve (12) <u>and</u> the child does not attend school <p>Childcare services do not qualify:</p> <p>If the child is age thirteen (13) and older</p>	<p>1) Parent or Guardian of the child submits the <i>Community Service Exemption Verification: Childcare Unavailable</i> form, <u>and</u> a letter from one local Child Care Center, on its letterhead, stating that appropriate child care is not available. The Child Care Center must be licensed by the NYC Department of Health and be subsidized by NYC.</p> <p>2) Additionally, for children age six (6) through twelve (12), attaches a letter from the NYC Department of Education, or other NYS approved educational facility (an accredited nonpublic private, parochial or religious elementary school) certifying that the child does not attend school, due to Home Schooling or Home Instruction, or is otherwise exempted from attending school that school year</p>
<p>CHILD CARE FOR RESIDENT'S INFANT CHILD –</p> <p>ONLY IN SINGLE ADULT FAMILIES - WHEN THE CHILD IS UNDER 1 YEAR OLD</p>	<p>19. A single adult family, where the adult cannot participate in a community service or economic self-sufficiency activity because the adult must care for his/her own infant child (either naturally born, legally adopted or the judicially declared ward), provided:</p> <ul style="list-style-type: none"> • The child is an authorized occupant of that NYCHA apartment, and • The child is not older than 12 months of age. 	<p>1) Parent reports infant in the household, and</p> <p>2) Submits valid proof of the infant's birth, by providing:</p> <ul style="list-style-type: none"> • A Birth certificate, and/or • Court papers <p>The documentation must indicate that the tenant is either the birth/natural parent, adoptive parent, or court ordered guardian of the infant child.</p>
<p>INDIVIDUAL WELFARE EXEMPTION</p>	<p>20. Individual who meets the requirements for being exempt from performing work activity by virtue of participation in any N.Y. State welfare program (including the N.Y.C. <i>Work Experience Program (WEP)</i>), or in any other welfare program of the State, including a State-administered welfare-to-work program."</p>	<p>Same proof as in Exemption #21</p>

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APPENDIX K – Community Service Program Exemptions and Credits for Specific Individuals

CATEGORY	TYPE OF EXEMPTION	PROOF OF EXEMPTION
<p>FAMILY WELFARE EXEMPTION</p>	<p>21. Individual who is a member of a family receiving welfare assistance, benefits or services under any State welfare program, and who has not been found by the State or local welfare agency to be in noncompliance with such program</p> <p align="center">❖ ❖ ❖</p> <p>The definition of this exemption is clarified as follows:</p> <p>I. A person is exempt from Community Service if the person is either:</p> <ul style="list-style-type: none"> • Receiving welfare assistance and has not been found to be in noncompliance with the program, or • Is not receiving welfare assistance, but is receiving a benefit or service by participating in a program, funded either: <ul style="list-style-type: none"> • Under Temporary Assistance for Needy Families (TANF), or • Under another NY State welfare program, and • Has not been found to be in noncompliance with the program. <p>II. OR is an authorized family member living in the apartment of a person who qualifies under I., above</p>	<p>1) <u>Proof that person receives public assistance from the NYC Human Resources Administration (HRA): *</u></p> <p>Must be on the family budget, as verified by a Budget Letter from HRA or other notice from HRA indicating that the resident receives welfare assistance</p> <p>2) <u>Proof required for participation in a TANF or other NY State welfare program: *</u></p> <p>A letter from the program on its letterhead, stating that:</p> <ul style="list-style-type: none"> • The program is funded under TANF or with other NY State welfare monies, • The individual public housing resident is participating in the program, and • The public housing resident has not been found to be in noncompliance with the program. <p>* Note: An authorized family member living in the apartment of a person who qualifies is also exempt from Community Service.</p>

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APPENDIX K – Community Service Program Exemptions and Credits for Specific Individuals

	CATEGORY	# of Credit Hours	TYPE OF CREDIT	PROOF REQUIRED FOR CREDIT
1	TA Officer	8 hours monthly	Tenant Association (TA) President and executive board members shall be credited for 8 hours of community service during any month that they serve in office.	Verification of the TA position by Housing Manager
2	Foster Parent	8 hours per 30 days	A foster parent whose foster child (ren) resides in the same NYCHA apartment shall be credited for 8 hours of community service for every 30 days that the foster care relationship continues. Even if there is more than one foster child in the apartment, the credit remains at 8 hours per month.	Verification of foster care relationship from: <ul style="list-style-type: none"> • NYC Administration for Children's Services (ACS), or • A foster care agency under contract with ACS, for which the foster parent works
3	Job Search	16 hours per year	Job search and job readiness assistance. The resident is credited with 16 hours of community service (and not more than 16) for any job search activities, during any lease year. This is not an Exemption although verified on the <i>Community Service Exemption Verification – Education/Job Training</i> form. Job readiness assistance includes any of the following criteria: a) Training in job-seeking skills b) Training in preparation of resumes or job applications c) Training in interviewing skills d) Participating in a job club e) Other related activities to help someone secure competitive employment Receipt of Unemployment Insurance Benefits qualifies as job search.	1) Skills/training provider completes the <i>Community Service Exemption Verification: Education/Job Training</i> form, indicating box number 8, and 2) Attaches a sheet of its letterhead that is signed and dated, if institution did not stamp form. OR Resident submits proof of Unemployment Insurance Benefits to receive a credit of 16 hours.
4	Military Service	96 hours per year	A resident shall receive a credit of 96 hours of community service if (s)he serves in any of the following: [Note: 96 hours is one year's worth.] <ul style="list-style-type: none"> • Active Duty in one of the armed forces. This includes: Army, Air Force, Navy, Marine Corps or Coast Guard. • In a Reserve Component. This includes: Army National Guard, Air National Guard, Army Reserve, Air Force Reserve, Navy Reserve, Marine Corps Reserve or Coast Guard Reserve. 	Tenant submits a letter from the relevant service stating that (s) he is enrolled.
5	Pregnancy	8 hours per pregnancy	A resident shall receive a credit of 8 hours of community service upon proof of pregnancy. No other medical factors are needed. This credit can be given only once during the same pregnancy (This credit does not prevent a woman from qualifying for the Disability exemption based on pregnancy.)	Medical letter certifying that the woman is pregnant

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APPENDIX K – Community Service Program *Exemptions and Credits for Specific Individuals*

	CATEGORY	# of Credit Hours	TYPE OF CREDIT	PROOF REQUIRED FOR CREDIT
6	Inability to work due to illness or injury	8 hours per 30 days	A resident shall receive a credit of 8 hours of community service for every 30 days that he/she is ill or injured and unable to work (This credit does not prevent a resident from qualifying for the Disability exemption).	Medical letter certifying that person is ill or injured <u>and</u> unable to work. A credit of 8 hours shall be given unless the medical letter specifies that the resident's illness and inability to work extends for more than 30 days. In that case, 8 hours credit shall be given for each additional 30 day period.
7	Domestic Violence / Intimidated – Victims (VDV/IV/IW)	8 hours per 30 days	Victims of Domestic Violence, Intimidated Victims and Intimidated Witnesses (VDV/IV/IW): A resident whose request to transfer to another development as a VDV/IV/IW has been approved, receives a credit of 8 hours of community service for every 30 days that the transfer request is pending, or until the resident moves out of the apartment.	Verification by Manager from NYCHA's TSAP system
8	Incarceration	8 hours per 30 days	The resident shall be credited for 8 hours of community service for every 30 days during which a resident is incarcerated. Upon release from jail, however, the resident is required to perform community service, unless otherwise exempt.	Proof of incarceration is a letter from the Court or correctional institution indicating the date of initial incarceration <u>and</u> the date of release.

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APPENDIX L - NYCHA Pet Policy Overview

Appendix L deleted. See NYCHA Form 040.537, *NYCHA Pet Policy Overview*.

APPENDIX M - Prohibited Animals

In accordance with New York City Health Code Section § 161.01, the following wild animals are prohibited in all NYCHA developments:

- (1) All dogs other than domesticated dogs (*Canis familiaris*), including, but not limited to, wolf, fox, coyote, hyena, dingo, jackal, dhole, fennec, raccoon dog, zorro, bush dog, aardwolf, cape hunting dog and any hybrid offspring of a wild dog and domesticated dog**
- (2) All cats other than domesticated cats (*Felis catus*), including, but not limited to, lion, tiger, leopard, ocelot, jaguar, puma, panther, mountain lion, cheetah, wild cat, cougar, bobcat, lynx, serval, caracal, jaguarundi, margay and any hybrid offspring of a wild cat and domesticated cat**
- (3) All bears including, polar, grizzly, brown and black bear**
- (4) All fur bearing mammals of the family Mustelidae including, but not limited to, weasel, marten, mink, badger, ermine, skunk, pole cat, zorille, wolverine, stoat and ferret**
- (5) All Procyonidae: All raccoon (eastern, desert, ring-tailed cat), kinkajou, cacomistle, cat-bear, panda and coatimundi**
- (6) All carnivorous mammals of the family Viverridae, including, but not limited to, civet, mongoose, genet, binturong, fossa, linsang and suri-cate**
- (7) All bats (Chiroptera)**
- (8) All non-human primates, including, but not limited to, monkey, ape, chimpanzee, gorilla and lemur**
- (9) All squirrels (Sciuridae)**
- (10) Reptiles (Reptilia). All Helodermatidae (gila monster and Mexican beaded lizard); all front-fanged venomous snakes, even if devenomized, including, but not limited to, all Viperidae (viper, pit viper), all Elapidae (cobra, mamba, krait, coral snake), all Atractaspididae (African burrowing asp), all Hydrophiidae (sea snake), all Laticaudidae (sea Krait); all venomous, mid-or-rear-fanged, Duvernoy-glanded members of the family Colubridae, even if devenomized; any member, or hybrid offspring of the family Boidae, including, but not limited to, the common or green anaconda and yellow anaconda; any member of the family Pythonidae, including, but not limited to the African rock python, Indian or Burmese python, Amethystine or scrub python; any member of the family Varanidae, including the white throated monitor, Bosc's or African savannah monitor, Komodo monitor or dragon, Nile monitor, crocodile monitor, water monitor, Bornean earless monitor; any member of the family Iguanidae, including the green or common iguana; any member of the family teiidae, including, but not limited to, the golden, common, or black and white tegu; all members of the family Chelydridae, including snapping turtle and alligator snapping turtle; and all members of the order Crocodylia, including, but not limited to, alligator, caiman and crocodile**

APPENDIX M - Prohibited Animals

- (11) Birds and Fowl (Aves): All predatory or large birds, including, but not limited to eagle, hawk, falcon, owl, vulture, condor, emu, rhea and ostrich; roosters, geese, ducks and turkeys, prohibited or otherwise regulated pursuant to §161.19 of this Code, the Agriculture and Markets Law or applicable Federal law.**
- (12) All venomous insects, including, but not limited to, bee, hornet, wasp
Arachnida and Chilopoda: All venomous spiders, including, but not limited to, tarantula, black widow and solifugid; scorpion; all venomous arthropods, including, but not limited to, centipede**
- (13) All large rodent (Rodentia), including, but not limited to, gopher, muskrat, paca, woodchuck, marmot, beaver, prairie dog, capybara, sewellel, viscacha, porcupine and hutia**
- (14) All even-toed ungulates (Artiodactyla) including, but not limited to, deer, antelope, sheep, giraffe and hippopotamus**
- (15) All odd-toed ungulates (Perissodactyla) other than domesticated horses (Equus caballus), including but not limited to, zebra, rhinoceros and tapir**
- (16) All marsupials, including, but not limited to, Tasmanian devil, dasyure, bandicoot, kangaroo, wallaby, opossum, wombat, koala bear, cuscus, numbat and pigmy, sugar and greater glider**
- (17) Sea mammals (Cetacea, Pinnipedia and Sirenia), including, but not limited to, dolphin, whale, seal, sea lion and walrus**
- (18) All elephants (Proboscides)**
- (19) All hyrax (Hyracoidea)**
- (20) All pangolin (Pholidota)**
- (21) All sloth and armadillo (Edentala)**
- (22) Insectivorous mammals (Insectivora): All aardvark (Tubulidentata), anteater, shrew, otter shrew, gymnure, desman, tenrec, mole and hedge hog**
- (23) Gliding lemur (Dermoptera)**

APPENDIX N - Pet Owner's Responsibility Code

Residents who own pets must exercise a high degree of care and control of their animals to prevent them from becoming nuisances or creating unsafe or unsanitary conditions. Tenants must abide by New York City's requirements to register and license pets in accordance with New York City Health Code section 161.104. A pet owner is solely liable for any injuries caused by his/her dog or cat. Pet owners must:

A. Maintain a safe and sanitary environment within the apartment.

Tenants must secure their pet when NYCHA staff visits the unit for any reason. This includes, but is not limited to, apartment inspections and maintenance appointments. The pet must be secured for the entire duration of the visit. NYCHA staff will not enter a unit if a pet is not secured. Residents must keep the premises free of odor caused by the dog or cat, and clean up animal waste if the dog or cat has an "accident" within the apartment.

Tenants are responsible for all damages caused by their pets. Charges stemming from such damage will be levied on the tenant at the time the damages occur or are identified by NYCHA.

B. Restrain their dogs and cats while in public areas.

All dogs and cats must be restrained by a non-retractable leash that is not longer than six (6) feet, or confined to a proper enclosed pet carrier, while in public access areas, including hallways, stairways, elevators, building entrance lobbies and on development grounds. While in public areas, dog and cat owners must prevent their dogs or cats from annoying or harming other persons or animals.

C. Clean up after their pet if their pet has an accident in hallways, stairways, elevators, lobbies, walkways, etc.

D. Refrain from lingering when accompanied by a dog or cat.

Tenants must pass quickly through building common areas when accompanied by a dog or a cat, and may not linger in hallways, stairways, elevators, building entrance lobbies or walkways.

Tenants must not leave pets/animals unattended for more than 24 hours.

E. Dispose of animal waste properly.

1. Dogs

Dogs must be regularly "walked" along the curb to allow them to eliminate waste. Dog owners must pick up their dogs' solid waste and dispose of it in a proper outdoor trash receptacle.

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2. Cats

Cat owners must provide a suitable litter box for their pets' needs. The litter box filler (kitty litter) must be bagged and disposed of with the regular garbage. Residents must not dispose of animal waste, including litter box filler, in the toilet.

F. Prevent their dogs and cats from creating excessive noise.

Tenants may not allow noises from their dogs or cats to disturb their neighbors.

G. Keep their dogs and cats out of designated Pet-Free Zones.

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APPENDIX O - Eligible Office of Payroll Administration Agencies

AGENCY PAYROLL NUMBER	AGENCY NAME	AGENCY SHORT DESCRIPTION	PAY CYCLE CODE	PAY PERIODS
67	ADMIN FOR CHILDREN'S SVCS	ACS	D	Bi-weekly - Friday
73	BOARD OF CORRECTIONS	BD CORRECTNS	D	Bi-weekly - Friday
743	BOARD OF EDUCATION-E BANK	ED OF ED-E B	E	Bi-weekly -Thursday
3	BOARD OF ELECTION	BD ELECT	D	Bi-weekly - Friday
467	BOARD OF HIGHER EDUCATION	BD HGHR EDUC	D	Bi-weekly - Friday
11	BOROUGH PRESIDENT-BRONX	BORO PRES-BX	D	Bi-weekly - Friday
12	BOROUGH PRESIDENT-BROOKLYN	BORO PRS-BKN	D	Bi-weekly - Friday
13	BOROUGH PRESIDENT-QUEENS	BORO PRS-QNS	D	Bi-weekly - Friday
14	BOROUGH PRESIDENT-STATEN IS	BORO PRES-SI	D	Bi-weekly - Friday
381	BRONX COMMUNITY BOARD #1	BX COM BD #1	D	Bi-weekly - Friday
390	BRONX COMMUNITY BOARD #10	BX COM BD 10	D	Bi-weekly - Friday
391	BRONX COMMUNITY BOARD #11	BX COM BD 11	D	Bi-weekly - Friday
392	BRONX COMMUNITY BOARD #12	BX CM BD #12	D	Bi-weekly - Friday
382	BRONX COMMUNITY BOARD #2	BX COM BD #2	D	Bi-weekly - Friday
383	BRONX COMMUNITY BOARD #3	BX COM BD #3	D	Bi-weekly - Friday
384	BRONX COMMUNITY BOARD #4	BX COM BD #4	D	Bi-weekly - Friday
385	BRONX COMMUNITY BOARD #5	BX COM BD #5	D	Bi-weekly - Friday
386	BRONX COMMUNITY BOARD #6	BX COM BD #6	D	Bi-weekly - Friday
387	BRONX COMMUNITY BOARD #7	BX COM BD #7	D	Bi-weekly - Friday
388	BRONX COMMUNITY BOARD #8	BX COM BD #8	D	Bi-weekly - Friday
389	BRONX COMMUNITY BOARD #9	BX COM BD #9	D	Bi-weekly - Friday
902	BRONX DISTRICT ATTORNEY	BX DA	D	Bi-weekly - Friday
471	BROOKLYN COMMUNITY BOARD #1	BK COM BD #1	D	Bi-weekly - Friday
480	BROOKLYN COMMUNITY BOARD #10	BK COM BD 10	D	Bi-weekly - Friday
481	BROOKLYN COMMUNITY BOARD #11	BK COM BD 11	D	Bi-weekly - Friday

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AGENCY PAYROLL NUMBER	AGENCY NAME	AGENCY SHORT DESCRIPTION	PAY CYCLE CODE	PAY PERIODS
482	BROOKLYN COMMUNITY BOARD #12	BK COM BD 12	D	Bi-weekly - Friday
483	BROOKLYN COMMUNITY BOARD #13	BK COM BD 13	D	Bi-weekly - Friday
484	BROOKLYN COMMUNITY BOARD #14	BK COM BD 14	D	Bi-weekly - Friday
485	BROOKLYN COMMUNITY BOARD #15	BK COM BD 15	D	Bi-weekly - Friday
486	BROOKLYN COMMUNITY BOARD #16	BK COM BD 16	D	Bi-weekly - Friday
487	BROOKLYN COMMUNITY BOARD #17	BK COM BD 17	D	Bi-weekly - Friday
488	BROOKLYN COMMUNITY BOARD #18	BK COM BD 18	D	Bi-weekly - Friday
472	BROOKLYN COMMUNITY BOARD #2	BK COM BD #2	D	Bi-weekly - Friday
473	BROOKLYN COMMUNITY BOARD #3	BK COM BD #3	D	Bi-weekly - Friday
474	BROOKLYN COMMUNITY BOARD #4	BK COM BD #4	D	Bi-weekly - Friday
475	BROOKLYN COMMUNITY BOARD #5	BK COM BD #5	D	Bi-weekly - Friday
476	BROOKLYN COMMUNITY BOARD #6	BK COM BD #6	D	Bi-weekly - Friday
477	BROOKLYN COMMUNITY BOARD #7	BK COM BD #7	D	Bi-weekly - Friday
478	BROOKLYN COMMUNITY BOARD #8	BK COM BD #8	D	Bi-weekly - Friday
479	BROOKLYN COMMUNITY BOARD #9	BK COM BD #9	D	Bi-weekly - Friday
831	BUSINESS INTEGRITY COMMISSION	BIC	D	Bi-weekly - Friday
4	CAMPAIGN FINANCE BOARD	CMPGN FIN BD	D	Bi-weekly - Friday
103	CITY CLERK	CITY CLERK	D	Bi-weekly - Friday
102	CITY COUNCIL	CITY COUNCIL	D	Bi-weekly - Friday
62	CITY SHERIFF	CITY SHERIFF	D	Bi-weekly - Friday
134	CIVIL SERVICE COMMISSION	CIV SER COM	D	Bi-weekly - Friday
54	CIVILIAN COMPLAINT REVIEW BD	CCRB	D	Bi-weekly - Friday
135	COMM ON PUB INFO AND COMMUN	PUBLIC INFO	D	Bi-weekly - Friday
220	COMMUNITY ASSISTANCE UNIT	COMM ASST UN	D	Bi-weekly - Friday
463	COMMUNITY COLLEGE (BRONX)	COM CL BRONX	D	Bi-weekly - Friday
468	COMMUNITY COLLEGE(HOSTOS)	CM CL HOSTOS	D	Bi-weekly - Friday
465	COMMUNITYCOLLEGE(KINGSBORO)	COM CL KINGS	D	Bi-weekly - Friday

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469	COMMUNITY COLLEGE (LAGUARDIA)	CM CL LAGUAR	D	Bi-weekly - Friday
466	COMMUNITY COLLEGE (MANHATTAN)	COM CL MANH	D	Bi-weekly - Friday
464	COMMUNITY COLLEGE (QUEENSBORO)	CM CL QUEENS	D	Bi-weekly - Friday
460	COMMUNITY COLLGE(MEDGAR EVERS)	COM CL MD EV	D	Bi-weekly - Friday
312	CONFLICTS OF INTEREST BOARD	CONF OF INT	D	Bi-weekly - Friday
866	CONSUMER AFFAIRS	CONSMR AFFRS	D	Bi-weekly - Friday
126	CULTURAL AFFAIRS	CULTURL AFFR	D	Bi-weekly - Friday
453	CUNY-MELANI PROJECT	MELANI PROJ	D	Bi-weekly - Friday
125	DEPARTMENT FOR THE AGING	DFTA	D	Bi-weekly - Friday
810	DEPARTMENT OF BUILDINGS	DPT OF BLDGS	D	Bi-weekly - Friday
801	DEPARTMENT OF BUSINESS SERV.	D BUS SERV	D	Bi-weekly - Friday
30	DEPARTMENT OF CITY PLANNING	DEP CTY PLAN	D	Bi-weekly - Friday
72	DEPARTMENT OF CORRECTION	CORRECTION	D	Bi-weekly - Friday
740	DEPARTMENT OF EDUCATION ADMIN	ED ADMIN-D	D	Bi-weekly - Friday
740	DEPARTMENT OF EDUCATION ADMIN	ED ADMIN-D	Q	Semi-Monthly
836	DEPARTMENT OF FINANCE	FINANCE	D	Bi-weekly - Friday
32	DEPARTMENT OF INVESTIGATION	DEPT INVEST	D	Bi-weekly - Friday
130	DEPARTMENT OF JUVENILE JUSTICE	DEPT JUV JUS	D	Bi-weekly - Friday
31	DEPARTMENT OF PERSONNEL	DOP	D	Bi-weekly - Friday
827	DEPARTMENT OF SANITATION	SANITATION	D	Bi-weekly - Friday
841	DEPARTMENT OFTRANSPORTATION	DEPT TRANSP	D	Bi-weekly - Friday
868	DEPT OF CITYWIDE ADMIN SVCS	DCAS	D	Bi-weekly - Friday
745	DEPT OF ED HRLY SUPPORT STAFF	ED HR SUP E	E	Bi-weekly -Thursday
745	DEPT OF ED HRLY SUPPORT STAFF	ED HR SUP E	Q	Semi-Monthly
744	DEPT OF ED PARA PROFESSIONALS	ED PARA PRF	E	Bi-weekly -Thursday
744	DEPT OF ED PARA PROFESSIONALS	ED PARA PRF	Q	Semi-Monthly
742	DEPT OF ED PEDAGOGICAL	ED PEDAGO Q	Q	Semi-Monthly

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826	DEPT OF ENVIRONMENT PROTECTION	DEP ENV PROT	D	Bi-weekly - Friday
816	DEPT OF HEALTH/MENTAL HYGIENE	DOH & MH	D	Bi-weekly - Friday
71	DEPT OF HOMELESS FAC & SERV DE	DHFS	D	Bi-weekly - Friday
858	DEPT OF INFO TECHNOLOGY & TELE	DOITT	D	Bi-weekly - Friday
846	DEPT OF PARKS & RECREATION	DPR	D	Bi-weekly - Friday
860	DEPT OF RECORDS & INFO SERVICE	DEP REC INFO	D	Bi-weekly - Friday
261	DEPT OF YOUTH & COMM DEV SRVS	Y & C DVLPMNT	D	Bi-weekly - Friday
850	DEPT. OF DESIGN & CONSTRUCTION	DDC	D	Bi-weekly - Friday
903	DISTRICT ATTORNEY KINGS COUNTY	DA KINGS	D	Bi-weekly - Friday
904	DISTRICT ATTORNEY QNS COUNTY	DA QUEENS	D	Bi-weekly - Friday
905	DISTRICT ATTORNEY RICHMOND COU	RICHMOND DA	D	Bi-weekly - Friday
901	DISTRICT ATTORNEY-MANHATTAN	NY DA	D	Bi-weekly - Friday
906	DISTRICT ATTORNEY-SPECIAL NARC	SPECIAL NARC	D	Bi-weekly - Friday
133	EQUAL EMPLOY PRACTICES COMM	E.E.P.C	D	Bi-weekly - Friday
127	FINANCIAL INFO SVCS AGENCY	FISA	D	Bi-weekly - Friday
57	FIRE DEPARTMENT	FIRE DEPT	D	Bi-weekly - Friday
29	GAMBLING CONTROL COMMISSION	GMBLNG CNTRL	D	Bi-weekly - Friday
806	HOUSING PRESER & DVLPMNT	HPD	D	Bi-weekly - Friday
69	HRA/DEPT OF SOCIAL SERVICES	HRA/DSS	D	Bi-weekly - Friday
226	HUMAN RIGHTS COMMISSION	HUMAN RTS CM	D	Bi-weekly - Friday
470	HUNTER COLLEGE HIGH SCHOOL	HCHS	D	Bi-weekly - Friday
132	INDEPENDENT BUDGET OFFICE	IND BUDGET	D	Bi-weekly - Friday
136	LANDMARKS PRESERVATION COMM	LANDMARKS	D	Bi-weekly - Friday
25	LAW DEPARTMENT	LAW DEPT	D	Bi-weekly - Friday
341	MANHATTAN COMMUNITY BOARD #1	MCB 1	D	Bi-weekly - Friday
350	MANHATTAN COMMUNITY BOARD #10	MCB 10	D	Bi-weekly - Friday
351	MANHATTAN COMMUNITY BOARD #11	MCB 11	D	Bi-weekly - Friday

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352	MANHATTAN COMMUNITY BOARD #12	MCB 12	D	Bi-weekly - Friday
342	MANHATTAN COMMUNITY BOARD #2	MCB 2	D	Bi-weekly - Friday
343	MANHATTAN COMMUNITY BOARD #3	MCB 3	D	Bi-weekly - Friday
344	MANHATTAN COMMUNITY BOARD #4	MCB 4	D	Bi-weekly - Friday
345	MANHATTAN COMMUNITY BOARD #5	MCB 5	D	Bi-weekly - Friday
346	MANHATTAN COMMUNITY BOARD #6	MCB 6	D	Bi-weekly - Friday
347	MANHATTAN COMMUNITY BOARD #7	MCB 7	D	Bi-weekly - Friday
348	MANHATTAN COMMUNITY BOARD #8	MCB 8	D	Bi-weekly - Friday
349	MANHATTAN COMMUNITY BOARD #9	MCB 9	D	Bi-weekly - Friday
185	MUNICIPAL WATER FIN AUTHORITY	WATER AUTH	W	Bi-weekly - Friday
9	NYC EMPLOYEES RETIREMENT SYS	NYCERS	W	Bi-weekly - Friday
996	NYC HOUSING AUTHORITY	NYCHA	H	Bi-weekly - Friday
256	NYC POLICE PENSION FUND	PD PENSION	W	Bi-weekly - Friday
131	OFF OF PAYROLL ADMINSTRATION	OPA	D	Bi-weekly - Friday
313	OFFICE OF COLLECTIVE BARGAININ	OFF COL BARG	D	Bi-weekly - Friday
17	OFFICE OF EMERGENCY MANAGEMENT	OEM	D	Bi-weekly - Friday
214	OFFICE OF LABOR RELATIONS	OLR	D	Bi-weekly - Friday
19	OFFICE OF MANAGEMENT & BUDGET	OFF MGMT BDG	D	Bi-weekly - Friday
781	OFFICE OF PROBATION	OFF PROBATN	D	Bi-weekly - Friday
8	OFFICE OF THE ACTUARY	ACTUARY	D	Bi-weekly - Friday
15	OFFICE OF THE COMPTROLLER	COMPTROLLER	D	Bi-weekly - Friday
2	OFFICE OF THE MAYOR	MAYORALTY	D	Bi-weekly - Friday
33	PERSONNEL MONITORS	PERSON MONT	D	Bi-weekly - Friday
56	POLICE DEPARTMENT	NYC PD	D	Bi-weekly - Friday
10	PRESIDENT BOROUGH OF MANHATTAN	BORO PRES MA	D	Bi-weekly - Friday
943	PUBIC ADMINISTRATOR-KINGS	PUB ADM-KING	D	Bi-weekly - Friday
942	PUBLIC ADMIN-BRONX	PUB ADM-BX	D	Bi-weekly - Friday

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APPENDIX O - Eligible Office of Payroll Administration Agencies

AGENCY PAYROLL NUMBER	AGENCY NAME	AGENCY SHORT DESCRIPTION	PAY CYCLE CODE	PAY PERIODS
941	PUBLIC ADMINISTRATOR-NEW YORK	PUB ADM-NY	D	Bi-weekly - Friday
945	PUBLIC ADMINISTRATOR-RICHMOND	PUB ADM-RICH	D	Bi-weekly - Friday
944	PUBLIC ADMIN-QUEENS	PUB ADM-QNS	D	Bi-weekly - Friday
101	PUBLIC ADVOCATE	PUBLIC ADV	D	Bi-weekly - Friday
210	PUBLIC SERVICE CORPS	PUB SER CORP	D	Bi-weekly - Friday
431	QUEENS COMMUNITY BOARD #1	QN COM BD 1	D	Bi-weekly - Friday
440	QUEENS COMMUNITY BOARD #10	QN COM BD 10	D	Bi-weekly - Friday
441	QUEENS COMMUNITY BOARD #11	QN COM BD 11	D	Bi-weekly - Friday
442	QUEENS COMMUNITY BOARD #12	QN COM BD 12	D	Bi-weekly - Friday
443	QUEENS COMMUNITY BOARD #13	QN COM BD 13	D	Bi-weekly - Friday
444	QUEENS COMMUNITY BOARD #14	QN COM BD 14	D	Bi-weekly - Friday
432	QUEENS COMMUNITY BOARD #2	QN COM BD 2	D	Bi-weekly - Friday
433	QUEENS COMMUNITY BOARD #3	QN COM BD 3	D	Bi-weekly - Friday
434	QUEENS COMMUNITY BOARD #4	QN COM BD 4	D	Bi-weekly - Friday
435	QUEENS COMMUNITY BOARD #5	QN COM BD 5	D	Bi-weekly - Friday
436	QUEENS COMMUNITY BOARD #6	QN COM BD 6	D	Bi-weekly - Friday
437	QUEENS COMMUNITY BOARD #7	QN COM BD 7	D	Bi-weekly - Friday
438	QUEENS COMMUNITY BOARD #8	QN COM BD 8	D	Bi-weekly - Friday
439	QUEENS COMMUNITY BOARD #9	QN COM BD 9	D	Bi-weekly - Friday
491	STATEN ISLAND COMMUNITY BD #1	SI COM BD #1	D	Bi-weekly - Friday
492	STATEN ISLAND COMMUNITY BD #2	SI COM BD #2	D	Bi-weekly - Friday
493	STATEN ISLAND COMMUNITY BD #3	SI COM BD #3	D	Bi-weekly - Friday
21	TAX COMMISSION	TAX COMM	D	Bi-weekly - Friday
156	TAXI & LIMOUSINE COMMISSION	TXI & LIMO C	D	Bi-weekly - Friday
41	TEACHERS RETIREMENT SYSTEM	TRS	W	Bi-weekly - Friday

**APPENDIX P - PIMS Computer Instructions for Starting or Ending Payroll Rent Deductions for
A NYCHA or NYC Employee Who Is A NYCHA Tenant or Authorized Participating Resident**

Entering a new Authorization for Payroll Rent Deduction into PIMS

The following steps are taken to enter a new authorization:

A. Access the Worksheet screen:

From the Administrative Functions Menu in Rent Collection System:

1. Enter 13 on the option line. Press ENTER and the “Payroll Rent Deduction Worksheet” screen displays
2. Enter the tenant’s account number to be enrolled and then press ENTER
3. Enter Social Security Number and then press ENTER. (Any errors or inconsistencies concerning the Social Security number must be corrected in the system before proceeding).

B Enter Data into the Worksheet Screen:

The following entries are made once a valid Account Number and Social Security Number combination is entered:

1. Enter date NYCHA form 040.646 was submitted in the format, mmddccyy

Two prompts are displayed in red:

- a. Current Balance Due must be fully paid or agreed to in a Payment Plan
- b. Is Payment Plan Required?
 - Checking YES in “Payment Plan Required?” activates the link needed to create a Payment Plan
 - F3-Exit is used to cancel the enrollment select option

2. Payment Plan Required

The following applies if it is necessary to enter a new Payment Plan or change/delete an existing Payment Plan. If entering Payment Plan data is not necessary, skip this section and go to “3. No Payment Plan Required.”

APPENDIX P - PIMS Computer Instructions for Starting or Ending Payroll Rent Deductions for A NYCHA or NYC Employee Who Is A NYCHA Tenant or Authorized Participating Resident

After Payment Plan information is entered, complete the enrollment process in accordance with the guidelines shown in “4. *Complete Enrollment Process*” Enrollment can be cancelled by selecting the F3 - Exit key.

a. Create a New Payment Plan

It is necessary to enter a new Payment Plan before enrolling the resident into the Payroll Rent Deduction program if the “YES” box was checked for the prompt, “Payment Plan Required?” The system automatically goes to the “Pay Plan Creation” screen to create the Payment Plan.

b. Change an Existing Payment Plan

If the account already has a Payment Plan in place and the tenant would like to change or cancel the current plan, press F8 = set up Pymnt Plan. “Work with Payment Plans Menu” screen displays. Cancel the existing Payment Plan and create a new Payment Plan.

c. Deduction Amount

After Payment Plan data is entered, a window is displayed showing the deduction amount for next two pay periods. If the amount shown is correct, Enter “Y” to the question, “Do you want to continue?” and then press Enter. If the amount needs to be changed, Payment Plan information will have to be re-entered.

3. NO Payment Plan Required

If Payment Plan data entry is not required a window is displayed showing the deduction amount for next two pay periods. If the amount shown is correct, Enter “Y” to the question, “Do you want to continue?” and then press Enter. If the amount needs to be changed, Payment Plan information has to be entered.

APPENDIX P - PIMS Computer Instructions for Starting or Ending Payroll Rent Deductions for A NYCHA or NYC Employee Who Is A NYCHA Tenant or Authorized Participating Resident

4. Employer/Agency Data

After the deduction amount for next two pay periods is determined, the next step is to enter information about the resident's employer.

- a. A popup window to select the resident's employer agency is automatically displayed.
- b. Agency is selected by either keying one or more letters on the "Position to" line, or by using the Page Up or Page Down key.
- c. Enter an "X" next to the agency's name and Press ENTER to continue

5. Approving the Entry

The following final steps are required to Approve the entry and add the entry to the computer system:

- a. If all information on the screen is acceptable, press F10=Confirm
- b. "Tenant Rent Payment via Payroll Deduction Setup" screen is displayed.
- c. Press F6=Add to enroll the tenant to start payroll deduction

The F6 key approves the entry and enrolls the resident into the Payroll Rent Deduction program. A Worksheet/Enrollment Confirmation is automatically printed.

6. Printing the Worksheet

The Worksheet is automatically printed when the enrollment process is completed.

APPENDIX Q - Systematic Alien Verification for Entitlements (SAVE) Program

I Introduction

The United States Department of Homeland Security (DHS) has established the Systematic Alien Verification for Entitlements (SAVE) Program, a WEB – based intergovernmental database that provides NYCHA with verification of the immigration status of non-citizens. This information is required in order to determine the eligibility of non-citizens for housing assistance.

- All initial verification requests submitted in the computerized SAVE System are responded to immediately or may be delayed by up to 3 business days.
- If the system response to the initial verification request is “Resubmit Doc (Need Copy Original)”, staff must initiate the manual (paper) verification of citizenship verification.

NOTE: Refer to the *SAVE Verification Guide for Violence Against Women Act *(VAWA) Applicants and the SAVE Roundtable Violence Against Women Act* presentation in the “Other Publications” Section of NYCHA’s Forms and Reference Library, for detailed computer instructions on the use of the SAVE System.

II Applicability

In accordance with current procedure, the tenant folder must contain NYCHA form 040.601, *Declaration of Citizen Status*, with information for all family members, and immigration documentation for all non-citizens with eligible immigration status.

A. Annual Income Reviews and Rentals

Staff reviews the application or tenant folder during rental or Income Review processing on a one-time basis, to confirm that citizenship documentation is on file for every member of the household, including minors, and that the United States Department of Homeland Security¹ has verified the citizenship status of non-citizens with eligible immigration status.

¹ On March 1, 2003, the U.S. Immigration and Naturalization Service (INS) transitioned into the Department of Homeland Security (DHS) as the U.S. Citizenship and Immigration Services (USCIS)

APPENDIX Q - Systematic Alien Verification for Entitlements (SAVE) Program

- Documents in the tenant folder that indicate DHS verified the citizenship status are printouts from the SAVE System indicating a specific immigration status or an *Immigration and Naturalization Service Document Verification Request* that NYCHA previously submitted to DHS and returned with a specific immigration status indicated.

If documentation is incomplete, additional information is requested from the applicant or tenant, including copies of immigration documents.

B. Additional Persons Joining Household and Authorized Remaining Family Members

Additional persons applying to join the household and authorized remaining family members requesting lessee status must also submit required citizenship verification, if not previously obtained. Persons in these categories must submit NYCHA form 040.601, *Declaration of Citizenship Status*, with information for the additional or remaining family members, and required immigration documentation for all non-citizens with eligible immigration status.

C. SAVE System Verification

Staff must access the SAVE System to verify the immigration status for non-citizens with eligible immigration status if there is no documentation in the tenant folder that the eligible immigration status for non-citizens has been previously verified by the United States Department of Homeland Security (DHA) or the U.S. Immigration and Naturalization Service (INS).

The SAVE System eliminates the need, in most cases, to send NYCHA form 040.573, *Immigration and Naturalization Service Document Verification Request*, to DHS. This form is used when the system message is “Resubmit Doc - Need Copy Original”.

When manual (paper) verification is necessary, staff must submit both pages of the *Document Verification Request* form, and both sides of all immigration documentation must be sent with all form requests.

The form is sent to Immigration and Naturalization Service, 26 Federal Plaza, 7th floor, Room 130, New York, New York, 10278, Attn. Immigration Status Verifier

APPENDIX Q - Systematic Alien Verification for Entitlements (SAVE) Program

NOTE: Once staff has confirmed a non-citizen's eligible immigration status in the SAVE System, the Alien Registration Number (A-Number) is entered in the Tenant Data System (TDS).

III Submitting an Initial Verification

- A. Staff submits an initial verification of immigration status for family members who have an Alien Registration Number (A-Number) or I-94 Number. All eligible non-citizens should have an Alien Registration number (A-Number) or I-94 Number.
- If a non-citizen claiming eligible immigration status does not provide an Alien Registration Number (A-Number) or I-94 Number, the family member is considered a non-citizen with no immigration status. In such cases, staff must prorate the rent of 'mixed citizenship' households, in accordance with NYCHA Management Manual, Chapter III, Income Review and Verification and Interim Changes.
- B. Results to inquiries are obtained in a few seconds. The results include information from the immigration database and an immigration status message. (Refer to Section IV.A. of this Appendix, Status Messages and Eligibility Status) The SAVE System generates a Verification Number for each request.
- C. Staff prints verification results for each request by selecting the Print Case Detail function in the SAVE System.
- D. If the immigration status message is "**DHS Verification in Process**," it indicates there was not sufficient information in the database to resolve the case, and the SAVE System electronically sends the case for additional processing.
- Users do not receive a notification that a response to additional verification requests has been received. Staff must use the View Cases function to check if a response has been received for pending cases. A list of all pending DHS verification cases (open cases) can be accessed using specific search criteria, e.g., Alien Registration Number.
 - If the SAVE System response to additional verification is "**Resubmit Doc (Need Copy Original)**", this indicates that the immigration status has still not been determined and staff must request further verification from DHS using NYCHA form 040.573, *Immigration and Naturalization Service Document Verification Request*.

APPENDIX Q - Systematic Alien Verification for Entitlements (SAVE) Program

- Staff should print both sides of the paper request form and make clear copies of both sides of the original immigration documents provided by the family members.

E. Record Keeping

All SAVE System verification documents for each non-citizen family member, i.e., printouts, Immigration and Naturalization Service Document Verification Request, photocopies of immigration documents, are filed on the left side of the tenant folder in Section I-Foundation Documents.

A folder entry is also made indicating that citizenship status verification was completed and verification documents were filed in the tenant folder in Section I.

IV Reviewing Verification Results

A. Status Messages and Eligibility Status

Table B, *SAVE System Status Messages and Eligibility Status* delineates SAVE System responses to inquiries and whether the non-citizen is eligible for housing assistance.

Staff shall carefully review the applicable status message from the SAVE System with the corresponding Eligibility status as noted in Table B.

Non-citizens determined to be **not eligible** cannot receive housing assistance although other family members may be eligible as mixed citizenship families. For more information about mixed citizenship families, refer to Management Manual Chapter III and GM-3525.

B. Status Message – “DHS Verification in Process”

If the immigration status message is “**DHS Verification in Process**,” it indicates there was not sufficient information in the database to resolve the case, and the SAVE System electronically sends the case for additional processing.

C. Status Message – “Resubmit Doc (Need Copy Original)”

If the immigration status message is “**Resubmit Doc (Need Copy Original)**”, it indicates that the immigration status has still not been determined and staff must request further verification from DHS using the NYCHA paper form, 040.573.

APPENDIX Q - Systematic Alien Verification for Entitlements (SAVE) Program

D. Closing the Case in SAVE System

If additional information is not needed from the SAVE System, staff closes the case in the System.

V Adding, Removing, and Changing User Accounts

The Management Department SAVE System Liaison adds and deletes designated staff as SAVE System Users. New Users are given temporary passwords.

The Management Department SAVE System Liaison also provides the Housing Managers and designated alternate staff, with access, monitors which development staff members are SAVE System Users, and maintains a control of who has access to the SAVE System.

A. Eligible Users

- Housing Manager and one alternate – Maximum of two users per development

B. Adding Users

- Housing Manager e-mails the Management Department SAVE System Liaison requesting access to the SAVE system

C. Quarterly Review

- Management Department SAVE System Liaisons perform a quarterly review of all SAVE User accounts to determine if users still have a valid need to access the SAVE System. The quarterly review is conducted in January, April, July, and October of each year.

D. Removing and Changing Users

- Management Department SAVE System Liaisons make necessary account changes in the Save system, upon proper notification from the Housing Manager

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APPENDIX Q - Systematic Alien Verification for Entitlements (SAVE) Program

VI Responses of Immigration Services to Manual Verification Requests

When staff submits a *Naturalization Service Document Verification Request*, NYCHA 040.573, to DHS to determine immigration status, the form has 18 possible responses or comments. Staff should use Table A to determine if the family member has eligible immigration status:

Table A

Numbered DHS Response/Comment on Immigration and Naturalization Service Document Verification Request	Eligible for Housing Assistance?
1,6,7	Yes
2,3,4,9,10,12,16,17	No
5	YES - If immigration documents indicate Asylee/Refugee admitted under Section 207 or 208 of the Immigration and Naturalization Act(INA) NO – If immigration documents indicate Asylee/Refugee admitted under other Asylum/Refugee sections of the INA
8	YES – if immigration documents indicate a refugee admitted under Section 203(a) 7 of the INA NO – if immigration documents indicate under other Conditional Entrant Sections of the INA
11	Consult with the Law Department
13,14,15	Resubmit a instructed in response
18 (Other)	Consult with Law Department, if necessary

VII Resources

A. SAVE System Guide

Staff should review the *SAVE System Guide*, in the “Other Publications” section of NYCHA’s Forms and Reference Library, which provides detailed computer instructions and screenshots for the SAVE System on the following topics:

- Accessing the SAVE System
- Submitting an Initial Verification
- Reviewing Initial Verification Results
- Viewing Cases
- Exiting the System

APPENDIX Q - Systematic Alien Verification for Entitlements (SAVE) Program

B. Tutorial

Staff should review the tutorial after logging in, to gain a better understanding of the System and how it works.

- Click on Tutorial at the top of the screen. The Welcome to Tutorial screen is displayed. Use the navigation area on the left side of the screen to begin

C. Table B

Table B, *SAVE System Status Messages and Eligibility Status*, delineates SAVE System responses to inquiries and whether the non-citizen is eligible for housing assistance.

(Table B is on following page)

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APPENDIX Q - Systematic Alien Verification for Entitlements (SAVE) Program

Table B - SAVE SYSTEM STATUS MESSAGES AND ELIGIBILITY STATUS

SAVE Status Message	Immigration Definition	Eligibility Status for Housing Assistance
US Citizen	Any person born in the United States, in one of its territories, or became a naturalized citizen	YES
Lawful Permanent Resident	A person entering the U.S. with an immigrant visa or adjusting status, and thus entitled to live and work here	YES
Conditional Resident Alien	A non-citizen granted "conditional" resident status based on marriage to a U.S. citizen or national, or a permanent resident alien, for whom conditional status is removed after 2 years if USCIS rules favorably on a petition by the alien for retention of lawful resident	NO
Asylum/Refugee	Admitted to the U.S. under Section 207 or 208 of the INA ²	YES
	Admitted to the U.S under other Asylum / Refugee Sections of the INA ³	NO
Parolee	A non-citizen who appears to be inadmissible to the inspecting officer, but who is allow to enter the U.S. under emergency conditions or when the non-citizen's entry is determined to be in the public interest. Although parolees are required to leave when the conditions supporting their parole cease to exist, they may sometimes adjust immigration status. Section 212 of the Immigration and Nationality Act covers parolee status.	YES
Cuban/Haitian Entrant	An Alien who is a Cuban/Haitian entrant as defined by Section 501(e) of the Refugee Education Assistance Act of 1980.	YES
Conditional Entrant	A Refugee - Section 203(a) 7 of the INA in effect prior to April 1, 1980.	YES
	Admitted to the U.S under other Conditional Entrant Sections of the INA ⁴	NO
Non-Immigrant	A non-citizen who seeks temporary entry to the U.S. for a specific purpose. This category includes foreign government officials, visitors for business and pleasure, and students. Some non-immigrants have specialized employment privileges, for example, foreign nationals who are employees of the U.S. Office of a foreign-owned company.	No, except for non-immigrants who are allowed to work in the U.U. because of the treaties/agreements with Palau and Micronesia
DHS Verification in Process	Not Applicable	Pending further review by DHS
Resubmit Doc (Need Copy Original)	Not Applicable	The eligibility status is still undetermined. Staff must send NYCHA form 040.573, <i>Immigration and Naturalization Service Document Request</i> , to DHS along with both sides of the immigration document (make clear copies of original documents).

² Immigration documents denote applicable Section

³ Refer to Footnote 1

⁴ Refer to Footnote 1

APPENDIX R - National Sex Offender Public Website Check for Applicants and Resident Transfers Selected by TSAP

A nationwide Dru Sjodin National Sex Offender Public Website search must be conducted for all applicant and resident (referrals) household members 16 years old and over, when they are selected by TSAP for a vacancy. Referrals are not to be called in for a rental until the website search is completed and cleared.

This Department of Justice web site is now available on the NYCHA homepage DVS link as the NSOPR link. Staff has to read and agree to the “Conditions of Use” on the web site homepage before they are allowed to use it. The website also recommends that users read and review the “Department’s information collection and privacy/confidentiality policies” before using the web site.

To search a name on the web site:

1. Click on the DVS link
2. Click on the NSOPR link
3. Click on the “**I agree**” button
4. Enter the code that appears on the screen in the Code box. Click on the **audio version** link if you want to hear the code number
5. Click the **Continue** button to enter the web site
6. Enter the **Last Name** and **First Name** of the applicant in the appropriate boxes
7. Click on the **National Search** button on the lower right of the screen
8. A box with check boxes for specific regions or **National Search** will appear
9. Click on the **National Search (All Participating States and Territories)** box on the bottom, and in doing so all the regional boxes will be checked
10. Click on the **Search** box to start the search
11. If there is a match, a list of names will appear. Click on all variations of the **Last Name** and **First Name**. Example, **Last Name:** Brown **First Name:** Joseph. Variations of this name might be Fred White AKA Joseph Brown, Joseph A. Brown, Joseph C. Brown, Joseph Kenneth Brown, Joseph Samuel Brown... Staff must click all variations of the **Last Name** and **First Name**
12. The **DOB** (Date of Birth) of every variation of the **Last Name** and **First Name** must be compared to the **DOB** of the applicant.
13. **Remember: The Last Name and First Name of every referral 16 years old and up must be searched for each application.**

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APPENDIX R - National Sex Offender Public Website Check for Applicants and Resident Transfers Selected by TSAP

If there are no matches or if the **DOB** of the family members, do not match the **DOB** of all variations of the referral's **Last Name** and **First Name**, staff can proceed with the rental.

If there is a name match and the **DOB** of the referral **does match** the **DOB** of a person listed on this web site, **THE APPLICATION/TRANSFER MUST BE ENTERED INTO TSAP AS PC (PENDING CERTIFICATION)**. Staff shall make an entry in NYCHA form 040.006, *Interview Record*, **AND RETURN THE APPLICATION/INTER OR INTRA TRANSFER TO FLD** along with Form 070.029 *Return and Disposition of Application*.

If an application has been returned to FLD due to a possible match on the NSOPR web site and the applicant wants to know the status of the application, please advise the applicant to contact their ATAD Satellite Office.

If a resident transfer has been returned to FLD due to a possible match on the NSOPR web site, ATAD will confirm the match and initiate a request to the appropriate management office to follow up in accordance with NYCHA procedures.

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APPENDIX S - Section 8 Housing Assistance Occupancy Standards

FAMILY COMPOSITION	CERTIFIED VOUCHER BEDROOM SIZE
Single Occupant	0*
Husband and Wife	1
Father and Son	1
Mother and Daughter	1
Mother and Son	2
Father and Daughter	2
Any Three Person Combination	2
Mother, Daughter, and 2 Sons	2
Father, Son, and 2 Daughters	2
Father and 3 Sons	2
Mother and 3 Daughters	2
Father, Mother, and 2 Daughters	2
Father, Mother, and 2 Sons	2
Father and 3 Daughters (4X Family)	3
Mother and 3 Sons (4X Family)	3
Mother, 2 daughters, son (4X Family)	3
Father, 2 sons, daughter (4X Family)	3
Father, Mother, Son, Daughter (4X Family)	3
Any 5 Person Combination	3
Any 6 Person Combination	3
Any 7 Person Combination	4
Any 8 Person Combination	4
Any 9 Person Combination	5
Any 10 Person Combination	5
Any 11 Person Combination	6
Any 12 Person Combination	6
Any 13 Person Combination	6
Any 14 Person Combination	7
Any 15 Person Combination	7

* Single person occupants at the following 13 city/state developments may rent a one bedroom apartment using the zero bedroom voucher because the one bedroom contract rent is less than the 0 bedroom payment standard. The Developments are BAYCHESTER, CASTLE HILL, MARBLE HILL, MURPHY, ST. MARY'S, BAYVIEW, BOULEVARD, LINDEN, MARLBORO, DREW HAMILTON, MANHATTANVILLE, FREDERICK E. SAMUEL, STAPLETON.

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APPENDIX T - Parking Permits – Residential Parking Areas

**NO PARKING EXCEPT
BY NYCHA PERMIT**

- PARK ONLY WITHIN DESIGNATED PARKING SPACES
- DISPLAY VALID PARKING PERMIT ON WINDSHIELD
- NO REPAIR WORK ALLOWED EXCEPT IN EMERGENCIES
- PARKING AT YOUR OWN RISK
- VEHICLES WITHOUT VALID PERMITS, ABANDONED CARS AND CARS LACKING CURRENT REGISTRATION WILL RECEIVE SUMMONSES AND / OR BE REMOVED AT OWNER'S EXPENSE

VIOLATORS SUBJECT TO SUMMONS BY POLICE

Property of
New York City
Housing Authority



**NYCHA MANAGEMENT MANUAL – CHAPTER I
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**APPENDIX T - Parking Permits – Residential Parking Areas
ANNUAL DEVELOPMENT PARKING LOT FEES – effective MAY 1, 2009**

NYCHA RESIDENTS AND 'ON-SITE' EMPLOYEES *			
Type of Parking	Discount Fee		Standard Fee
	<i>Applies to NYCHA residents:</i> <ul style="list-style-type: none"> • Paying Non-Flat Rent • With a NY City or NY State Parking Permit for Persons with Disabilities • If the applicant or head of household is age 62 or over • Residing in a Section 8-Project Based building or a Section 8-Voucher: City/State apartment 		<i>Applies to:</i> <ul style="list-style-type: none"> • NYCHA residents paying Flat Rent • 'On-Site' employees *
NON - RESERVED PARKING			
FEE MUST BE PAID IN FULL WHEN SUBMITTING A PARKING APPLICATION			
Non-Reserved Parking	\$ 60		\$ 75
RESERVED PARKING			
FEE MAY BE PAID IN FULL WHEN SUBMITTING A PARKING APPLICATION OR PAID IN TWO INSTALLMENTS			
<u>Outdoor</u> Reserved Parking	1st payment due May 1st	\$ 136	\$ 170
	2nd payment due Nov. 1st	\$ 136	\$ 170
	Total payment	\$ 272	\$ 340
<u>Indoor</u> Reserved Parking	1st payment due May 1st	\$ 215	\$ 269
	2nd payment due Nov. 1st	\$ 215	\$ 269
	Total payment	\$ 430	\$ 538

NON - NYCHA RESIDENTS	
FEE MUST BE PAID IN FULL WHEN SUBMITTING A PARKING APPLICATION	
Non-Reserved Parking	\$ 150
Reserved Parking: <u>Outdoor</u> Lot	\$ 650
Reserved Parking: <u>Indoor</u> Lot	\$ 1,225

NOTE: If NYCHA approves the parking application, NYCHA will issue a parking permit sticker. If you paid for reserved parking, NYCHA will designate a specific parking lot & parking space number.

* 'ON-SITE' EMPLOYEES are Non-NYCHA employees who work on development grounds (e.g., at the sponsored community center). They are not NYCHA residents.

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**APPENDIX T - Parking Permits – Residential Parking Areas
DEVELOPMENT PARKING LOTS – PARKING REGULATIONS**

These Parking Rules apply to vehicles parked in a New York City Housing Authority (NYCHA) parking lot.

1. **Parking Permit Required:** No one may park a vehicle in a NYCHA parking lot unless NYCHA grants permission to park and issues a parking permit for that vehicle. Parking fees are designated on a separate fee schedule.
2. **Placement of Permit:** *The permit, in the form of a sticker, must be permanently affixed to the inside lower corner on the passenger side (right side) of the listed vehicle's front windshield. For motorcycles, owners must affix the sticker to the fork on the operator's right side. The parking permit (sticker) is **NOT** transferable.*
3. **Display of Authorizations:** Subject vehicle must clearly display the current New York State vehicle registration, license plates, New York State Vehicle Inspection Sticker and NYCHA parking sticker at all times. **If parked in a space designated for persons with disabilities, vehicle must display a valid NY City or NY State Parking Permit for Persons with Disabilities.**
4. **Insurance Required:** An amount of insurance prescribed by New York State law must be maintained at all times.
5. **Non-Reserved Parking:** Vehicles with valid parking permits may park in available spaces in the non-reserved resident parking lot within the housing development specified on the permit. Parking is on a first come, first served basis.
6. **Reserved Parking:** Vehicles authorized for reserved parking will be designated to park only in a specific spot in a specific parking lot. If the parking spot is equipped with a chain or locking arm, the vehicle user is encouraged to lock the space upon leaving to prevent unauthorized vehicles.
7. **Parking Spaces:** Parking is permitted only in designated and/or marked parking spaces, **one space per vehicle**. Oversized vehicles that do not completely fit into **one** parking space are prohibited. While parked, the subject vehicle may not block any other vehicle.
8. **Vehicle Repair Prohibited:** Vehicle repair *other than changing of tires* is **NOT** permitted in parking areas.
9. **PARKING AT OWNER'S RISK:** *THE USE OF ANY PARKING AREA IS SOLELY AT THE VEHICLE OWNER'S OWN RISK, AND THE NEW YORK CITY HOUSING AUTHORITY ASSUMES NO RESPONSIBILITY OF ANY NATURE WITH RESPECT TO THE VEHICLE OR ITS CONTENTS; THIS PROVISION SHALL NOT BE DEEMED TO HAVE BEEN WAIVED BY ANY ACTION OF THE NEW YORK CITY HOUSING AUTHORITY OR ITS EMPLOYEES.*
10. **Parking Lot Maintenance:** Subject vehicle must be removed at times specified by NYCHA for parking area cleaning and repairs.
11. **Changes to Regulations:** NYCHA reserves the right to modify these Parking Regulations at any time, upon **10 days notice**.
12. **Revocation of Parking Authorization:** NYCHA reserves the right to revoke the permission to park as authorized by a parking permit **upon 10 days notice** for violation of these **Parking Regulations**, for non-payment of a parking fee, or if the parking spot or parking lot is required by NYCHA for any NYCHA purpose.
13. **Termination of Parking Authorization:** Permission to park terminates when the parking sticker expires, the tenant moves out, or if permission is revoked.
14. **Vehicle Ticketing or Removal:** NYCHA reserves the right to request that a summons be issued by a NY City Police Officer for unauthorized or illegally parked vehicles.

NYCHA reserves the right to remove from the parking area, including the cutting of any reserved parking space chain and/or lock, and at the vehicle owner's expense:

- Without prior notice, any vehicle deemed to constitute a clear danger to persons or property.
- With prior notice: any vehicle whose NYCHA parking permit has been revoked or expired, any vehicle occupying a reserved parking space without authorization, or any vehicle lacking current NYS registration, lacking parking plates or any abandoned vehicle.

APPENDIX U - Graffiti Removal Process

Development staff must follow the steps below to remove graffiti from affected areas:

1. In Developments constructed prior to 1978, staff performs an initial assessment of the areas to be impacted. If the work requires wet scraping/abrading more than two square feet of painted surface down to the substrate or original primer coat, worker must ascertain if the surface is known or presumed to contain lead-based paint (LBP). LBP summary reports are available in all Management offices. If the work will impact LBP follow lead-safe work practices. Questions on proper Lead Safe Work Practices, MSDS, etc should be directed to the Environmental Health and Safety Hotline at 718-707-5399.
2. If work requires use of solvents or scraping/abrading that will generate particulates:
 - a. Ventilate area. If natural ventilation is inadequate or unavailable, utilize mechanical means (e.g. fans). Mechanical ventilation must be established to create air movement over the work area. One example would be to open both exit and bulkhead doors and run a ducted fan in the work area exhausting out one of the opened doors. Care must be taken to not have any ventilation equipment exhaust into public hallways adjacent to residents' apartments or areas used by pedestrians.
 - b. Workers must, at a minimum, don eye and skin protection. Additional Personal Protective Equipment (PPE) may be required (review label, instructions or MSDS of graffiti remover).
 - c. Place a single layer of disposable sheeting (e.g. 4/6 mil polyethylene sheeting) directly under the work area. Sheeting shall extend 2 feet beyond the area of graffiti removal, or farther as deemed necessary in order to contain the bulk of dust/debris. Affix the disposable sheeting to the wall with duct tape.
3. Apply a coat of SAVOGRAN graffiti remover* or an approved equivalent covering all of the vandalized area.
4. Allow graffiti remover to work for 10 minutes and test if the graffiti is softened to the base. If not, allow 5 more minutes.
5. Use a stiff brush, steel wool and rags to remove graffiti.
6. Continue to apply graffiti remover to work area as necessary to maintain chemical removal action and dissipate/eliminate dust particles to prevent them from becoming airborne.
7. Wash with NCL Lead-Kleen**, or other approved Tri-Sodium Phosphate (TSP) substitutes such as a phosphate free, quality laundry detergent and rinse.
8. Care should be taken to preserve underlying finish whenever possible.
9. Recoat area with the appropriate finish material.

* One pound box-HA# 1405970623; 4.5 pound box-HA# 1405970624; 26 pound pail-HA# 1405970625

** One Case - HA# 0807964138

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APPENDIX V: Overview of Right Sizing Requirements – Moving Exceptions / Grievances

(NOTE: This chart is only for convenience of staff. If there are inconsistencies, the language of the Manual governs.)

When Occupancy Issue is Identified	Occupancy Issue	Is Transfer Required?	Can Tenant Request a Grievance to Contest Mandatory Transfer?	Can Tenant Request a ‘Moving Exception’ (i.e., Reasonable Accommodation or Permission add family member)?	Can Tenant request a grievance to contest a denial of a ‘Moving Exception?’
Annual Review Process	Underoccupancy <i>(Apt has 1 extra room)</i>	No	Not applicable. Transfer is not mandatory.	Not applicable	Not applicable
	Extreme Underoccupancy <i>(Apt has 2 or more extra rooms)</i>	Yes	Yes. Within 14 calendar days from date of 040.907	Yes. Within 14 calendar days from date of 040.907 After 14 calendar days, <i>Only if circumstances changed</i>	Yes
Termination of Tenancy Proceeding for Charges <i>other than</i> refusal/failure to move	Underoccupancy OR Extreme Underoccupancy	Yes	No	Yes, based on whichever is first, if: <ul style="list-style-type: none"> • Tenant accepts keys to new apartment • 7 business days after the date printed on the 040.050J 	Yes
Termination of Tenancy Proceeding for Charges of refusal/failure to move after apartment offer	Underoccupancy OR Extreme Underoccupancy	Yes	No	First termination case, no moving exception can be granted. Tenant must agree to move. Subsequent Case if tenant didn’t previously move. Moving exception can be granted for: 1. Reasonable Accommodation for changed circumstances; or 2. Family Growth, and need an extra room(s).	Yes, tenant can request grievance if a termination case has not started. Staff must allow grievance to finish before starting a termination case. If a termination case started but the Hearing Officer has not heard the case, the tenant can grieve at the development and borough level. If a termination case started and the case is before the Hearing Officer has heard the case, the tenant does not get a separate grievance.

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APPENDIX W: Violent Felony List for Victims of a Traumatic Incident

CRIME(S)	N.Y. PENAL LAW SECTION(S) SHOWN ON DOCUMENTATION
Reckless assault of a child	120.02
Assault 2 nd degree	120.05
Gang assault 2 nd degree	120.06
Gang assault 1 st degree	120.07
Assault 1 st degree	120.10
Stalking 1 st degree	120.60
Strangulation 2 nd degree	121.12
Strangulation 1 st degree	121.13
Aggravated criminally negligent homicide	125.11
Manslaughter 1 st degree	125.20
Aggravated manslaughter 1 st degree	125.22
Attempt to commit the class A-1 felony of murder 2 nd degree	125.25
Rape 2 nd degree	130.30
Rape 1 st degree	130.35

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APPENDIX W: Violent Felony List for Victims of a Traumatic Incident

CRIME(S)	N.Y. PENAL LAW SECTION(S) SHOWN ON DOCUMENTATION
Criminal sexual act 2 nd degree	130.45
Criminal sexual act 2 nd degree	130.50
Persistent sexual abuse	130.53
Sexual abuse 2 nd degree	130.60
Sexual abuse 1 st degree	130.65
Aggravated sexual abuse 4 th degree	130.65-a
Sexual abuse 3 rd degree	130.66
Aggravated sexual abuse 2 nd degree	130.67
Aggravated sexual abuse 1 st degree	130.70
Course of sexual conduct against a child 1 st degree	130.75
Course of sexual conduct against a child 2 nd degree	130.80
Facilitating sexual offense with controlled substance	130.90
Kidnapping 2 nd degree	135.20
Kidnapping 1 st degree	135.25

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APPENDIX W: Violent Felony List for Victims of a Traumatic Incident

CRIME(S)	N.Y. PENAL LAW SECTION(S) SHOWN ON DOCUMENTATION
Burglary 2 nd degree	140.25
Burglary 1 st degree	140.30
Arson 2 nd degree	150.15
Arson 1 st degree	150.20
Robbery 2 nd degree	160.10
Robbery 1 st degree	160.15
Intimidating a victim or witness 2 nd degree	215.16
Intimidating a victim or witness 1 st degree	215.17
Aggravated manslaughter 2 nd degree	215.21
Incest 1 st degree	255.27
Criminal possession of a weapon 3 rd degree	265.02
Criminal possession of a weapon 2 nd degree	265.03
Criminal possession of a weapon 1 st degree	265.04
Criminal use of a firearm 2 nd degree	265.08

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APPENDIX W: Violent Felony List for Victims of a Traumatic Incident

CRIME(S)	N.Y. PENAL LAW SECTION(S) SHOWN ON DOCUMENTATION
Criminal use of a firearm 1 st degree	265.09
Intimidating a victim or witness 2 nd degree	265.16
Aggravated criminal possession of a weapon	265.19
Soliciting or providing support for an act of terrorism 2 nd degree	490.10
Soliciting or providing support for an act of terrorism 1 st degree	490.15
Criminal use of a chemical weapon or biological weapon 3 rd degree	490.47

APPENDIX X: Resources for VAWA Victims

NYCHA's Emergency Transfer Program is not intended to be a witness protection program and NYCHA cannot guarantee the safety or security of individuals and families who apply and/or who are transferred under this program.

Pending the review and/or processing of your emergency transfer request, NYCHA urges you to take reasonable precautions to protect your personal safety and the safety of family members. Consider the following safety tips:

- Avoid areas where friends or relatives are known to reside or spend time.
- Avoid speaking about the transfer to people that are not your close friends or family.
- Avoid posting information about your transfer or location on social media.
- Avoid places where you or the perpetrator are known to hang out.
- If you have received an emergency transfer, do not return to your old neighborhood. Inform hospitals, schools, doctors, friends, and family members not to give your new address to anyone.

Please use the resources below if you need additional assistance while your transfer request is pending:

General Resources

- For help regarding an abusive relationship, you may call the National Domestic Violence Hotline at 1-800-799-7233. Persons with hearing impairments may call 1-800-787-3224.
- For help regarding a VAWA incident, you may also contact Safe Horizon's 24-hour hotlines which operate 7 days a week, 365 days a year. Specific contact information is included below. Persons with hearing impairments may call 1-866-604-5350.
- You can also call NYC's 311, and in an emergency, 911.
- If you have applied for a VAWA transfer and are interested in receiving domestic violence aftercare services (DVAP) from the NYC Human Resources Administration (HRA), please call 1-929-221-7293. The services include home visits, counseling, safety planning, assistance with rental fees and arrears, furniture assistance, referrals to other agencies, and helping tenants acclimate to new developments (ex: identifying local schools, clinics, hospitals, and community centers).

Domestic Violence

For help with domestic violence, call:

- Safe Horizon's domestic violence hotline: 1-800-621-HOPE (4673).
- Center Against Domestic Violence: 1-718-439-1000.
- Day One: 1-800-214-4150.
- STEPS to End Family Violence: 1-212-437-3500.
- Sanctuary for Families: 1-212-349-6009 ext. 221.

APPENDIX X: Resources for VAWA Victims

Sexual Assault

- Tenants who have been victims of sexual assault may call the Rape, Abuse, & Incest National Network's National Sexual Assault Hotline at 1-800-656-HOPE, or visit the online hotline at <https://ohl.rainn.org/online/>.
- For help regarding sexual assault, you may call Safe Horizon at 1-212-227-3000.

Stalking

- For help with stalking and support for other crimes, you may call Safe Horizon at 1-866-689-HELP (4357).
- Tenants who are or have been victims of stalking seeking help may visit the National Center for Victims of Crime's Stalking Resource Center at <https://www.victimsofcrime.org/our-programs/stalking-resource-center>.

APPENDIX Y: Alternative Housing Resources

NYCHA recognizes that victims often need to move expeditiously in order to ensure their safety and security. Since NYCHA cannot guarantee that an emergency transfer request will be approved, or how long it will take to process, NYCHA has identified alternative housing programs listed below that may have safe units available.

NYC Affordable Housing Resource List

<http://www1.nyc.gov/nyc-resources/service/1021/affordable-housing>

Get information on current City-sponsored affordable housing lotteries, public housing, housing options for seniors, HomeBase (NYC's homelessness prevention program), purchasing an affordable home, and mayoral housing announcements.

NYC Housing Connect

<https://a806-housingconnect.nyc.gov/nylottery/lottery.html#home>

View available affordable housing units and complete an application. Get information about eligibility and application requirements for affordable housing opportunities.

NYC Mitchell-Lama Housing Connect

<https://a806-housingconnect.nyc.gov/nylottery/lottery.html#ml-home>

View Mitchell-Lama developments that are opening up their waiting lists and are currently accepting entries to their lotteries, create and update your account profile, and submit entries to Mitchell-Lama waiting list lotteries. **Note:** *After an account for NYC Housing Connect has been created, the same login information can be used to log into NYC Mitchell-Lama Housing Connect.*

Subsidized Rental Opportunities

<http://www1.nyc.gov/site/hpd/renters/city-subsidized-rental-opportunities.page>

View a list of rental opportunities currently accepting applications, some of which are not available via NYC Housing Connect.

HPD Housing Ambassadors

<http://www1.nyc.gov/site/hpd/renters/housing-ambassadors.page>

Community-based service providers in New York City who help people prepare and apply for affordable housing.

NYC Department of Housing Preservation and Development (HPD) Resources

<http://www1.nyc.gov/site/hpd/renters/additional-resources-for-apartment-seekers.page>

Information on HPD's Community Outreach and Education Unit, NYC Resources, apartment hunting tips, and more.

APPENDIX Y: Alternative Housing Resources

NYC Housing and Development Corporation (HDC)

<http://www.nychdc.com/pages/Now-Renting.html>

View a listing of HDC-financed developments that are currently accepting applications for available apartments.

Division of Housing and Community Renewal (DHCR)

<http://www.nyshcr.org/Programs/NPP/HousingOrgs.htm>

A listing of not-for-profit organizations throughout New York State that receive DHCR funds to help New York State residents with their housing needs.