172 Warburton at the Ridgeway

43 Ashburton Avenue, Yonkers, NY 10701

Phone: 914-821-1132

warburton@tcbinc.org

##### TTY: 711 Fax:

***Rental Criteria for Affordable Housing***

Welcome to 172 Warburton at the Ridgeway , an affordable housing community managed by The Community Builders, Inc. Outlined below is an overview of the requirements

for applicants to qualify for the affordable housing program(s) at this community. Additional information can be found in the property's Tenant Selection Plan, available for review in the management office.

The Community Builders, Inc. is an equal housing opportunity provider. All visitors must present a valid driver's license or other government issued photo identification in order to view the community. Examples of acceptable forms of identification are (but are not limited to): Valid state issued ID card, valid Military ID card, a valid Passport or a US Immigration and Naturalization Services Issued Visa. A copy of all applicants' (18 years of age and older) government issued photo ID's will be made and retained at time of move-in. All applications for apartments: 1) will be accepted on a first come-first served basis; 2) are subject to the availability of the apartment type/size requested; 3) will be approved based on the rental criteria established for the community and program(s). Security Deposits and Pet Fees/Deposits (where applicable) are required. Rental applications are to be completed entirely. ***Any omissions or falsifications may result in rejection of an application or termination of lease.***

Application Fee: 0

When Due:

Pet Fee: 0

Pet Deposit: 0

Holding Fee: 0

When Due: When Due: When Due:

Security Deposit: 1 Month

When Due:

At lease signing

Other Fee: 0 When Due:

Other Application Information (If Applicable):

##### Please visit the Leasing Information page at 172warburtonapts.com for Income Qualifications by household size and income program. Rents are indicated on our website and are subject to change at any time. Please review income qualifications to determine program eligibility.

Preferences (If Applicable):

Lottery Information (If Applicable):

Please visit the Leasing Information page at 172warburtonapts.com for details on our housing lottery, to be held virtually, June 1, 2021 at 10am. Application deadline to be entered into the Lottery is April 30, 2021.

Income Restricted:

As a mixed-income community, 172 Warburton at the Ridgeway is designed to facilitate the housing needs for varied-income families. For those homes deemed affordable, residence

at this community requires that applicants meet certain qualifying standards established by the federal and/or state affordable housing program(s) at this community and The Community Builders, Inc. For these select affordable homes, applicant household's gross yearly income must not exceed the following, by household size:

\*\*When calculating your total annual household income from all sources on your application, be sure to count all income from sources including, but not limited to,

earned income for all adults such as *W2, 1099, Salary, Self-Employment.* Also include unearned income for all household members*,* including minors, such as *Social Security, Supplemental Social Security, Pension/Retirement, Annuity, Unemployment, Worker’s Compensation, TAFDC/Welfare Assistance, Child Support, Alimony and assets* .

\*There are no maximum income requirement for our market rate homes.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| AMI 1 person2 persons | $$ | 1. persons
2. persons
 | $$ | 1. persons $
2. persons $
 |
| 3 persons | $ | 6 persons | $ | \*as defined and published by [program type(s) -- HUD; HOME; HUD MTSP] |
|  |  |  |  |  |
| AMI 1 person | $ | 4 persons | $ | 7 persons $ |
| 2 persons | $ | 5 persons | $ | 8 persons $ |
| 3 persons | $ | 6 persons | $ | \*as defined and published by [program type(s) -- HUD; HOME; HUD MTSP] |

Please Note: Applicants who are not approved due to credit history will be notified in writing pursuant to the Fair Credit Reporting Act, 15 U.S.C. Sec. 1681 et. seq.

Rental Eligibility and Suitability Criteria:

All applicants must comply with the following prior to occupancy:

* Applicants must be of legal age (18 years or legally emancipated) and each applicant must complete an application and meet all rental criteria
* Applicant household's combined, gross monthly income must be a minimum of at least 2.5 times the monthly rent (rents are available on our website, and are subject to change, daily). Note: This does not apply to household's that will be receiving site-based (ex. Section 8 or PRAC) or tenant-based (ex. Housing Choice Voucher) rental assistance for this apartment.
* Management complies with the Housing Stability and Tenant Protection Act of 2019’s requirements for suitability screening of applicants for housing. While credit and criminal records reporting information is obtained from a national screening service, information concerning housing-related court records are not obtained as part of this service. And, as such, are not used as the basis to deny housing. Rental history may be verified for present and previous residences from applicant household's landlords for the last five (5) years or from the last two successive tenancies, whichever is more inclusive. Applicants may not be rejected for lack of rental history, but may be rejected for unsatisfactory rental history. Any applicant who owes past due funds to a previous landlord may be rejected until all funds that are past due have been paid in full.
* Applicant household's income and assets must be verified. Management will make necessary efforts to obtain third party verification of income and assets. In some instances, management may require an applicant to provide additional information such as pay stubs, benefit letters, notarized contribution letters, etc. Applicants can not be proven eligible for

housing until all household income and assets have been completely identified and verified.

* Management complies with the New York State Fair and Equitable Housing Office's credit policy for applicants to state-funded housing. A housing provider/landlord cannot automatically deny an application to state-funded rental housing based solely on a credit score or history. Before rejecting an application, applicants are given 14 business days to present evidence of circumstances that explain negative credit and criminal findings. Management must conduct an individual evaluation that takes mitigating information, such as errors in the credit report and short-term periods of unemployment/illness, into account. If an application is denied, applicants must be told why and be provided a copy of the credit report.
* Management uses a third-party screening company to retrieve credit reports for all applicant household members who are 18 years of age or older, unless an applicant can provide evidence of positive rental history, indicating consistent, on-time rental payments in the past 12 months. If not, the credit report must demonstrate that the applicant(s) has/have paid financial

obligations, as agreed. Management's inability to verify credit history may be a basis for rejecting an application. However, consideration will be given to special circumstances in which credit has not been established (income, age, marital status, etc.) and the lack of credit history alone will not cause an application to be rejected. Additionally, Management may not reject an application for those reasons outlined in the NYS "Know Your Rights" credit policy brochure, provided in conjunction with the application.

* Applicant must not have more than two persons residing in an efficiency or one-bedroom apartment, not more than four persons in a two-bedroom apartment, not more than six in a three- bedroom apartment, not more than eight in a four-bedroom apartment and not more than ten in a five-bedroom apartment unless local or state housing occupancy codes dictate otherwise.
* Applicant household must meet the affordable housing program(s) applicable student rule(s) requirements to obtain housing at this community.
* Applicants understand that they will not be able to occupy or take possession of an apartment until all supporting paperwork is complete and signed by all parties. All approved applicants are required to execute the lease agreement. In addition, all security deposits must be paid in full prior to move-in.

Management will give consideration to extenuating circumstances as presented by the applicant household.

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**Criminal background checks will be performed in accordance with NYHCR's Individual Assessment Policy. Management may not reject an application for those reasons outlined in the NYS "Know Your Rights" Justice-Involved Anti-Discrimination brochure, provided in conjunction with the application.** Management will obtain a criminal background screening report for all adult household members 18 years of age or older. Applicants may be rejected when Management has a reasonable basis to believe that the applicant cannot meet the essential requirements. The requirements include: not to engage in any activity that involves physical danger or violence to persons or property or adversely affect the health, safety and welfare of residents, staff, vendors, service providers and/or owner; and not to engage in activity on or near the premises that involves illegal use of controlled substances or weapons; and any criminal activity on or off the premises that would be detrimental to the housing should it occur on the premises. Management will not consider an arrest or charge that was resolved without conviction. In addition, Management will not consider expunged or sealed convictions. Management may deny admission if an applicant has a pending arrest at the time of application. Reasons for potential application rejection include (but is not limited to):

* Any household member who is subject to any state lifetime sex offender registration requirement. If the Management determines that a registered sex offender is part of the household, the Management may allow the household to remove the sex offender from the application
* Any household in which any member was evicted in the last three (3) years from federally assisted housing for drug related criminal activity, unless such member of the Applicant

Household has successfully completed a rehabilitation program approved by the Owner.

* The application for tenancy will be rejected if Management determines that any member of the Applicant Household has been convicted of felonious crimes or any similar offense for manufacture of methamphetamine in their home.
* A household in which any member is currently engaged in illegal use of drugs or for which the Management has reasonable cause to believe that a member’s illegal use or pattern of illegal use of a drug may interfere with the health, safety, and right to peaceful enjoyment of the property by other residents. Current use will be indicated and investigated if there is a record of arrest or conviction within the last seven (7) years. Please Note: Marijuana is a controlled substance under federal law. Owners of federally assisted housing are required by The Quality Housing & Work Responsibility Act of 1998 (QHWRA), 42 U.S.C. Section 13662 to deny admission to any household with a member who the owner determines is, at the time of application for admission, illegally using a controlled substance, including Marijuana.
* Any household in which any member presents a reasonable cause to believe that member’s behavior, from abuse or pattern of abuse of alcohol, may interfere with the health, safety, and right to peaceful enjoyment by other residents. The screening standards are based on behavior, not the condition of alcoholism or alcohol abuse.
* The application for tenancy will be rejected if Management determines that any member of the Applicant Household has ever been convicted for murder, rape or similar sex-related crime, sexual intercourse with a minor or any similar offense.
* Any member of the Applicant Household has, within the seven (7) years preceding the date the Applicant Household would be selected for admission, engaged in any criminal

activity that, if repeated, would adversely affect the health, safety, or right to peaceful enjoyment of property of the residents of the Development, Management employees, or persons residing in the immediate vicinity of the Development.

* Any member of the Applicant Household has been convicted of any of the following felonious crimes or any similar offense within the previous seven (7) years (including but not

limited to): assault/battery, crimes against children, domestic crime, harassment, kidnapping, robbery, weapons, arson, burglary, property damage, petit theft,larceny, trespassing, alcohol related, oui/dui/dwi, disturbance to peace, drug possession, embezzlement, fraud, obstruction of the law, release from incarceration (due to conviction) conspiracy/ organized crime and traffic violations.

* Any member of the Applicant Household has been convicted of any of the aforementioned crimes or any similar offense categorized as a misdemeanor within the previous three (3) years.

If Management is unable to complete required criminal or sex offender screening due to the applicant’s failure to provide required information or release forms, the application will be rejected. If a resident or applicant has requested VAWA protections and such protections have been justified based on Management investigation, the abuser/perpetrator will not be approved to live on the property. If the applicant’s criminal conviction was related to his or her disability, Management will consider a reasonable accommodation.

Criminal Screening Discoveries

If the criminal background investigation results indicate that the applicant does not meet the criminal screening criteria, Management will reject the applicant in accordance with HUD guidance and Management’s standards for applicant rejection. If the criminal screening discovery is a qualified criminal conviction, before rejecting the household, Management will complete an individualized assessment of the criminal record and its impact on the household's suitability for admission. This assessment will include: 1) Notifying the household of the proposed action based on the information; 2) Providing the household with the opportunity to submit mitigating circumstances documentation; 3) Providing the applicant with an opportunity to dispute the accuracy and relevance of the information obtained from any law enforcement agency; and 4) Allowing the household the opportunity to remove the household member that is the subject of the criminal screening discovery.

Denial of Application

Should the applicant be rejected, Management will send a written notice of ineligibility to the applicant stating the specific reason(s) for denial and advise the applicant of their appeal rights and their rights to request a reasonable accommodation, if applicable. The applicant will also be provided information about how to obtain a copy of the information from the reporting agency. The written notice will be accompanied by the Notice of Occupancy Rights Under the Violence Against Women Act (5380) and the corresponding Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking, and Alternate Document (5382). Any otherwise eligible applicant household with a history of unsatisfactory conduct who claims that such conduct was due to or related to a Disability within the meaning of Section 504 of the Rehabilitation Act of 1973 (“Section 504”) is entitled to request a review for eligibility for a “reasonable accommodation” under Section 504 and related acts.

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**Privacy Policy for Personal Information of Rental Applicant and Residents** – We are dedicated to protecting the privacy of your personal information, including your Social Security Numbers and other identifying or sensitive personal information. Our policy and procedures are designed to help ensure that your information is kept secure, and we work to follow all federal and state laws regarding the protection of your personal information. While no one can guarantee against identity theft or the misuse of personal information, protecting the information you provide us is a high priority to our company and staff. If you have concerns about this issue, please feel free to share them with us.

**How Personal Information is collected**: You will be asked to furnish some personal information when you apply to rent from us. This information will be on the rental application form or other document(s) that you provide to us, either on paper or electronically.

**How and When Information is used:** We use this information for our business purposes only as it relates to leasing a dwelling to you. Examples of these uses included but are not limited to, verifying statements made on your rental application (such as your rental, credit and employment history), reviewing your lease for renewal and enforcing your lease obligations (such as to obtain payment for money you may owe us in the future).

**How the Information is protected and who has access**: We allow only authorized persons to have access to your personal information, and we keep documents and electronic records containing this information in secure areas and systems.

**How the Information is disposed of:** After we no longer need or are required to keep your personal information, we will store or destroy it in a manner designed to prevent unauthorized persons from accessing it. Our disposal methods will include shredding, pulverizing, destruction or obliteration of paper documents and destruction of electronic files.

***I understand and accept these qualifying standards and have truthfully answered all questions. I understand that falsification of rental application information will lead to denial of housing. Rental Criteria for Affordable Housing does not constitute a guarantee or representation that residents or occupants currently residing in the community have not been convicted or are not subject to deferred adjudication for felony. Management’s ability to verify this information is limited to the information made available by the agencies and services used. It does not insure that all individuals reside in, on or visiting the community conforms to these guidelines.***

Applicant Signature Date Management Representative Date

Applicant Signature Date

Applicant Signature Date

Applicant Signature Date

***Discrimination is Against the Law***

It is illegal to discriminate against any person because of race, color, religion, sex, handicap, familiar status or national origin. The Community Builders, Inc. does not discriminate on the

basis of any protected status, as defined and prohibited by local, state or federal law, in the admission of or access to housing its programs and activities.

172 Warburton at the Ridgeway

* Provides free aids and services to people with disabilities to communicate effectively with us, such as:
	+ Qualified sign language interpreters
	+ Written information in other formats (large print, audio, accessible electronic formats, other formats)
* Provides free language services to people with limited English-proficiency, such as:
	+ Qualified interpreters
	+ Information written in other languages

If you need these services, please contact the Community Manager at 914-821-1132

or TTY: 711.

If you believe 172 Warburton at the Ridgeway

has failed to provide these services or discriminated in another way on the basis of race, color, religion, sex, handicap,

familial status or national origin or any other local or state protected class, you can file a grievance with The Community Builders, Inc. by contacting Melissa Perry at 857-221-8761 or via TTY 711 or submit a written request to The Community Builders, Inc., 185 Dartmouth Street, Boston, MA 02116 or via fax at (617) 502-8136.

172 Warburton at the Ridgeway and The Community Builders, Inc. complies with Section 504 of the Rehabilitation Act of 1973 which prohibits discrimination, based on

the presence of a disability in all programs or activities operated by recipients of federal financial assistance. In accordance with the Fair Housing Act and Section 504 of the Rehabilitation

Act, 172 Warburton at the Ridgeway will make reasonable accommodations or modifications for individuals with disabilities (applicants or residents) unless

these modifications would change the fundamental nature of the housing program or result in undue financial and administrative burden. The Community Builders, Inc. has designated a person to address questions or requests regarding the specific needs of residents and applicants with disabilities. This person is referred to as the Section 504 Coordinator. For more information please contact: Melissa Perry, Section 504 Coordinator at 857-221-8761 or via TTY 711 or submit a written request to The Community Builders, Inc., 185 Dartmouth Street, Boston, MA 02116 or via fax at (617) 502-8136.

ATTENTION: Please contact the management office if you need help understanding this document.

Spanish:

Contacte por favor la oficina de gestión si usted necesita ayuda a comprender este documento. Portugese:

Por favor contate o escritório de gerência se deve ajudar entendimento este documento. French

Si vous avez besoin d'aide à la compréhension de ce document, veuillez communiquer avec le Bureau de gestion. Haitian Creole

Souple kontakte Biwo jesyon a si w bezwen èd pou konprann dokiman sa a. Vietnamese

Xin liên lạc với văn phòng điều hành nếu bạn cần giúp đỡ sự hiểu biết tài liệu này. Russian

Пожалуйста свяжитесь с офисом управления, если Вам нужна помощь в понимании этого документа. German

Bitte kontaktieren Sie das Leitungsbüro, wenn Sie helfen müssen, dieses Dokument zu verstehen.

Chinese

請聯絡管理辦公室，如果你需要幫助理解這份文件。

Japanese

もしこの文書を理解しているための助けを必要としていれば、経営オフィスと連絡を取ってください。 Page 3 of 3

###### 172 Warburton at the Ridgeway

Preliminary Application

43 Ashburton Avenue, Yonkers, NY 10701

###### warburton@tcbinc.org

914-821-1132

711

Phone TTY

Preliminary applications are to be completed by applicant(s) when an apartment cannot be assigned and the applicant(s) can be added to the community's waitlist. **Preliminary applications with missing information cannot be processed & applicants will not be placed on the waitlist until complete.** This preliminary application will contain a Reasonable Accommodation Acknowledgement, HUD-92006 Form (if applicable) and a list of preferences (if any) for this community. For full screening procedures, please contact the management agent at the contact info above.

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| **APPLICANT INFORMATION** |
| **LAST NAME FIRST NAME** | **M.I.** |  |  | **SEX (OPTIONAL)****MALE □ FEMALE □** | **SSN** | **FULL TIME STUDENT?****YES □ NO □** |
| **BIRTH DATE** | **HOME PHONE**( ) | **WORK PHONE**( ) | **EMAIL** |
| **STREET ADDRESS APARTMENT #** |  | **CITY** | **STATE** | **ZIP** |  |
| **TOTAL GROSS ANNUAL HOUSEHOLD INCOME FROM ALL SOURCES/APPLICANTS**$ | **DESIRED MOVE IN DATE** | **DESIRED NUMBER OF BEDROOMS** | **DO YOU HAVE A HOUSING CHOICE VOUCHER? YES □ NO □** |
| **IS AN ACCESSIBLE UNIT NEEDED? YES □ NO □ IF YES, PLEASE SPECIFY:****HEARING □ VISION □ MOBILITY □ OTHER** □ \_ | **HOW DID YOU HEAR ABOUT THIS COMMUNITY?** |
| **WHAT IS YOUR PRIMARY LANGUAGE?****ENGLISH □ SPANISH □ OTHER □**   | **IF ENGLISH IS NOT YOUR PRIMARY LANGUAGE, CAN YOU SPEAK OR READ ENGLISH FLUENTLY? YES □ NO □** | **DO YOU NEED AN INTERPRETER? YES □ NO □ IF YES, CHECK ONE OR BOTH: SPEAK □ READ □** |
| **PETS? YES □ NO □** | **IF YES, DESCRIBE WEIGHT, BREED AND AGE:** | **DO YOU MEET ANY PREFERENCES AT THIS COMMUNITY? IF YES, PLEASE LIST:****ARE YOU HOMELESS? YES □ NO □** |
| **ADDITIONAL APPLICANT INFORMATION** |
| **LAST NAME FIRST NAME M.I.** | **RELATIONSHIP TO APPLICANT** | **BIRTH DATE** | **SEX****(Optional)** | **SSN** | **FULL TIME STUDENT? Y/N** |
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| **EMERGENCY CONTACT** |
| **NAME** | **ADDRESS** | **PHONE**( ) | **RELATIONSHIP** |
| **BACKGROUND INFORMATION** |
| **HAS ANY MEMBER OF THE HOUSEHOLD EVER:** | Filed for bankruptcy? Yes No | Willfully or intentionally refused to pay rent when due? | Yes | No |
|  |  |
| Been convicted of a felony? Yes No | If yes, please provide Type of Offense, County, and State: |
| Are you, or any member of your household subject to a lifetime sex offender registration requirement in any state? Yes No If yes, which state(s): | If you answered “yes” to any of the questions, please specify the household member name(s): |
| Please identify the racial or ethnic group of which you are a member (This is optional):  Black Asian/Pacific Islander Native American  Hispanic□ White Other (please specify)  |

#### Applicant Certification

**FOR OFFICE USE**

Date Received:

Time Received:

1. I/We certify that the information given to The Community Builders Inc. on this preliminary application is correct and complete to the best of my/our knowledge.
2. I/We understand that if this application is not filled out completely, it will not be accepted.
3. I/We understand this is a preliminary application and the information provided does not guarantee housing.
4. I/We understand additional information and verifications will be necessary to complete the application process.

Applicant Signature: \_ Date: Management Signature: \_ Date:

The Community Builders Inc. does not discriminate on the basis of disability status in the admission or access to, or treatment or employment in, its federally assisted programs and activities. The following person has been designated to coordinate compliance with the nondiscrimination requirements contained in the Department of Housing and Urban Development’s regulations implementing Section 504 (24 CFR, part 8 dated June 2, 1988): Melissa Perry, The Community Builders, Inc., 185 Dartmouth Street, Boston, MA, 02116; (857) 221-8600, TTY 711; ReasonableAccommodations@tcbinc.org.

*TCB Preliminary Application NY 07/2019*

**REASONABLE ACCOMMODATION POLICY**

If you have a disability and as a result of your disability you need:

* a change in the rules or policies of how we do things that would give you an equal chance to reside within the leased premises and use the facilities or take part in programs on site; or
* a change or repair in your apartment or a special type of apartment that would give you an equal chance to reside within the leased premises and use the facilities or take part in programs on site; or
* a change or repair to some other part of the housing site that would give you an equal chance to reside within the leased premises and use the facilities or take part in programs on site; or
* a change in the way we communicate with you or give you information.

You may request this kind of change which is called a **REASONABLE ACOMMODATION**

* + If you can document that you have a disability and if your request is reasonable (which means not pose an undue financial or administrative burden) we will try to make the change request.
	+ We will give you an answer within 30 days of our receiving any necessary verification unless there is a problem getting the information we need or unless you agree to a longer time. We will let you know if we need more information or verification from you or if we would like to talk to you about other ways to meet your needs.
	+ If we deny your request, we will explain the reasons and you can give us more information if you think that will help. If you need assistance filling out a **REASONABLE ACCOMMODATION REQUEST FORM** or if you want to give us your request in some other way, we will assist you.

You can obtain a REASONABLE ACCOMMODATION FORM at the Management Office.

NOTE: all information you provide will be kept confidential and be used only to help assure you have an equal opportunity to enjoy your housing and the common areas.

All Requests are submitted to:

REASONABLE ACCOMMODATION COMMITTEE THE COMMUNITY BUILDERS, INC.

185 DARTMOUTH STREET

BOSTON, MA 02116

MANAGING AGENT FOR:

172 Warburton at the Ridge

(Community Name)

I acknowledge have read and understand the Reasonable Accommodation Policy. Should there be multiple members of the household, notice of this policy to me, the Primary Applicant, is constructive notice to the entire household.

Primary Applicant’s Signature Date

The Community Builders Inc. does not discriminate on the basis of disability status in the admission or access to, or treatment or employment in, its federally assisted programs and activities. The following person has been designated to coordinate compliance with the nondiscrimination requirements contained in the Department of Housing and Urban Development’s regulations implementing Section 504 (24 CFR, part 8 dated June 2, 1988): Melissa Perry, The Community Builders, Inc., 185 Dartmouth Street, Boston, MA, 02116; (857) 221-8600, TTY 711; ReasonableAccommodations@tcbinc.org.



**REQUEST FOR A REASONABLE ACCOMMODATION FORM**

#### Name: Phone:

**Address:**

1. As a result of his/her disability the following change or changes is requested so that (the person listed) can live here as easily or successfully as the other residents. Check the kind of change(s) you need.

[ ] Permission for a Personal Care Attendant to be a regular visitor to my apartment. Name the person or people who are your Personal Care Attendants:

[ ] An additional bedroom for a Live-In Aide or Personal Care Attendant to live in my apartment.

Name the person or people who are your Live-In Aides or Personal Care Attendants:

[ ] A physical or structural change in my apartment or other part of the housing complex. (Describe)

[ ] A change in the following rule, policy or procedure. (Note: You may ask for changes in how you meet the terms of the lease, but everyone must continue to meet the terms of the lease.)

1. I need this reasonable accommodation because of my disability so that I can:
2. You may verify that I have a disability and my need for this request by contacting:

Name: Address: Phone:

1. If you asked for a change to your apartment or to the housing complex, please use this space to list any company or organization that might help us locate or build anything special that you need. (If you don’t know of any, we will try to get this information ourselves.)

**I give you permission to contact the above individual for purposes of verifying that I or a family member has a disability and needs the reasonable accommodation requested above. I understand that the information you obtain will be kept confidential and used solely to determine if you will provide an accommodation.**

Signed: Date:





#### ANDREW M. CUOMO

Governor

#### RUTHANNE VISNAUSKAS

Commissioner/CEO

# Know Your Rights: New York State’s Credit Policy for Applicants to State-Funded Housing

A housing provider/landlord cannot automatically deny your application to state-funded rental housing based solely on your credit score or history. **If you have a low credit score or negative credit history, you must be provided with the opportunity to present additional information to explain or refute the findings.**

### What is the policy?

* You **CAN** avoid a credit check by evidencing that you paid your rent in full and on time during the last 12 months.
* You **CANNOT** be rejected because of your credit score or credit history if:
	+ Your FICO credit score is 580 or above (or 500 if you are homeless),
	+ You have limited or nonexistent credit history,
	+ Rent subsidies pay your entire rent,
	+ Your credit score or credit history is a direct result of a Violence Against Women Act (VAWA)- covered crime (like domestic violence, stalking or harassment), or
	+ You have a history of bankruptcy or outstanding debt but present evidence of on-time rental payments over the past 12 months.
* You **CANNOT** be rejected based on:
	+ Medical debt or student loan debt.
	+ Bankruptcies that occurred over 1 year ago.
	+ Unpaid debt that is less than $5,000.
	+ A past eviction or housing court history.
	+ Limited or no rent or credit history.

### What are my rights?

* Housing providers must accept evidence that you paid your last 12 months rent in full and on time instead of requiring a credit check.
* Housing providers may only reach out to your current or previous landlord without your permission to obtain information on major lease violations.
* Housing providers are limited in the fees that they can charge you:
	+ A housing provider cannot charge you a credit or background check fee if you provide one to them that was run within the last 30 days.
	+ A housing provider may not charge you more than $20 or the actual cost (whichever is less), to run both a credit check and a background check.
* *Before* rejecting your application based on your credit report, you must be given 14 days to present evidence of circumstances that explain negative credit findings such as such as errors in the credit report and short-term periods of unemployment/illness.
* If you are denied, you must be told why and you must be provided with a copy of your credit report and background check.

Find more information about your rights when applying to state-funded housing, including if you have a criminal convictions, here: https://hcr.ny.gov/marketing-plans-policies#credit-and-criminal-convictions-assessment-policies



#### ANDREW M. CUOMO

Governor

#### RUTHANNE VISNAUSKAS

Commissioner/CEO

# Know Your Rights: New York State’s Anti-Discrimination Policy When Assessing Justice-Involved Applicants for State-Funded Housing

If you are applying for state-funded housing and have a history of involvement with the criminal justice system, you have rights and protections.

**There Are Only Two Mandatory Reasons That You Can Automatically Be Rejected**:

1. Conviction for methamphetamine production in the home; and
2. Being a lifetime registrant on a state or federal Sex Offender database.

## You Cannot Be Rejected Based On:

* 1. Arrest records that were resolved in your favor;
	2. Youthful offender adjudications;
	3. Pending arrests with adjournments in contemplation of dismissal;
	4. Convictions for violations sealed pursuant to Section 160.55 of New York State Criminal Procedure Law;
	5. Convictions sealed pursuant to Section 160.58 or 160.59 of New York State Criminal Procedure Law;
	6. Convictions that were excused by pardon, overturned on appeal or vacated;
	7. Convictions or pending arrests that do not involve physical violence to persons or property, or affected the health, safety and welfare of others

## You Cannot Be Asked About 1-5 Above

If a housing provider asks you about such matters, you may answer as if the protected arrest, conviction or adjudication never occurred. For more information on this protection, including how to file a complaint if you believe you have been discriminated against, see the New York State Division of Human Right’s [Protections Under the Law for People with Arrest and Conviction Records](https://dhr.ny.gov/protections-people-arrest-and-conviction-records) ([https://dhr.ny.gov/protections-](https://dhr.ny.gov/protections-people-arrest-and-conviction-records) [people-arrest-and-conviction-records](https://dhr.ny.gov/protections-people-arrest-and-conviction-records)).

## You Must be Given 14 Days to Provide Additional Information Before Any Rejection

You must be contacted and provided 14 business days to provide additional relevant information including:

1. How much time has passed since the conviction(s)?
2. How old were you at the time of the conviction(s)?
3. How serious was the conviction(s)?
4. What evidence do you have about your rehabilitation, including treatment programs, volunteer work, paid employment, etc. since your conviction(s)?

If you were not given an opportunity to answer these questions, or if you feel the housing provider did not properly evaluate your application and wrongfully denied you housing, contact New York State Homes and Community Renewal’s Fair and Equitable Housing Office at feho@nyshcr.org for assistance. More information is available here: [https://hcr.ny.gov/marketing-plans-policies#credit-and-criminal-convictions-](https://hcr.ny.gov/marketing-plans-policies#credit-and-criminal-convictions-assessment-policies) [assessment-policies](https://hcr.ny.gov/marketing-plans-policies#credit-and-criminal-convictions-assessment-policies)

NYS HCR Fair and Equitable Housing Office (FEHO) - https://hcr.ny.gov/fair-housing Form date: 03/02/2020