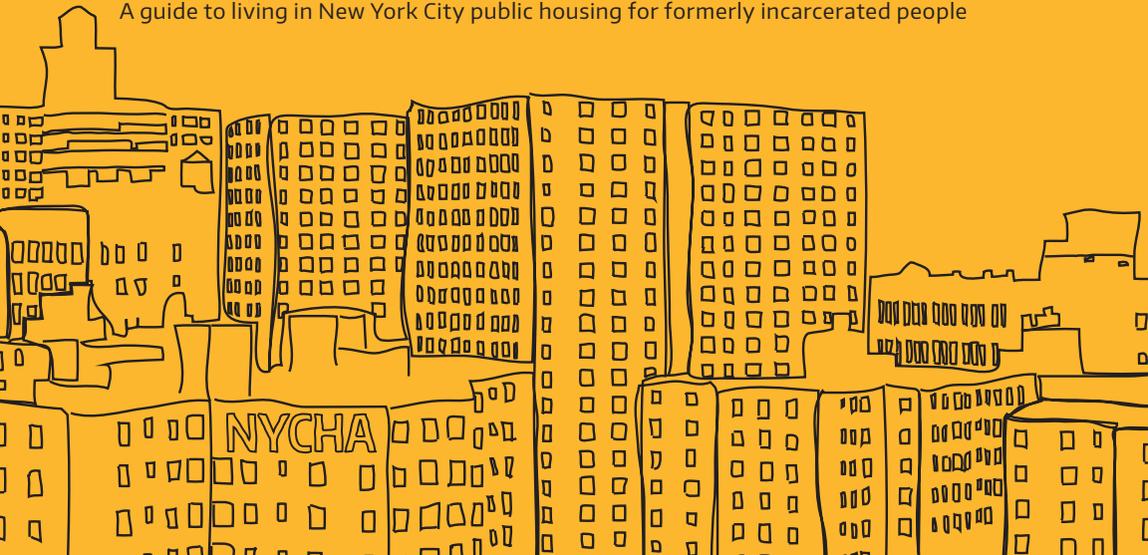


# Been to prison or jail? You may still be able to live in NYC Public Housing

A guide to living in New York City public housing for formerly incarcerated people



# About this resource

Some people believe that you cannot live in NYCHA with a criminal conviction. However, there are now programs that allow people to live in NYCHA after prison or jail, and ways for people to return to NYCHA or live in NYCHA for the first time after being involved with the criminal justice system.

This guide and other resources on [www.backtonycha.org](http://www.backtonycha.org) was designed to help NYCHA residents, their family members, and other members of the NYCHA community become familiar with and understand NYCHA's programs, policies, and procedures for people who have had contact with the criminal justice system.

Taking a human-centered design approach, the partners created tools and resources for the NYCHA community to navigate through barriers. The resources were also informed by a series of theatrical performances produced by Theatre of the Oppressed NYC, and performed by current and former NYCHA residents who were impacted by NYCHA's criminal justice policies.

This resource and others on [www.backtonycha.org](http://www.backtonycha.org) is brought to you by Sparkle Brains, Theatre of the Oppressed NYC, Vera Institute of Justice, and Youth Represent.

**There are  
multiple ways  
to live in or visit  
NYCHA after  
prison or jail**

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# NYCHA Family Reentry Program

The NYCHA Family Reentry Program reunifies people with family members. The program is designed to provide individuals recently released from incarceration or who have been in the community for less than 3 years with the opportunity to reunite with their families living in public housing for a temporary two-year period.

During the program, participants work with organizations who help them with various services such as securing employment, continuing their education, and/or obtaining benefits. After they successfully complete the Family Reentry Program, they can request to be added to their family's lease permanently.

## If a person meets the following criteria, they are eligible for the program:

- They are at least 16 years of age;
- Both the applicant and the family members must want the applicant to live in the NYCHA apartment;
- Released from a prison, jail, juvenile facility, or federal facility within the last three years (people who are nearing their release can apply from jail, prison, or juvenile facility);
- Willing to participate in case management services for 6 months; and
- Must be a sibling, child, parent, grandparent, grandchild, spouse, or domestic partner of the primary leaseholder.

# Frank's story

Frank's only family members are his wife and children, who live in a NYCHA apartment. He is about to be released from prison after five years. He needs stable housing, and he wants to re-connect with his family. He has heard that he cannot move back with his family in NYCHA because he has been in prison and has a record. Frank is considering living there without telling anyone, but worries that if NYCHA finds out, his whole family may be evicted.

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Frank thinks that he can live there without people knowing, but also understands that if NYCHA finds out, his whole family may be evicted.

## For Frank, there is the Family Reentry Program.

Here are the steps he would need to take to apply:

- Speak with interested family members about the program.
- Get more information from the NYCHA information line, or request more information from the NYCHA email provided or from one of the 13 reentry service providers listed.
- Work with a service provider to submit an application.

For more information on the NYCHA Family Reentry Program, contact (212) 306-6024 or email [family.reentry@nycha.nyc.gov](mailto:family.reentry@nycha.nyc.gov)

You can also contact the following organizations for more information.

Center for Alternative Sentencing and Employment Services (CASES) (212) 553-6778

Center for Community Alternatives (CCA) (718) 858-9658

ComALERT at the Brooklyn District Attorney's Office (718) 250-2750

Exodus Transitional Community (917) 492-0990

Fortune Society (212) 691-7554

Friends of Island Academy (212) 760-0755

Getting out and Staying Out	(212) 831-5020
Harlem Community Justice Center	(212) 360-4131
Housing Works, Inc.	(212) 260-8868
Osborne Association	(718) 707-2638
Services for the Underserved (SUS)	(917) 492-1019 x 1716
STRIVE International	(646) 335-0899
Women's Prison Association	(646) 292-7748

# Lifting permanent exclusion

Permanent exclusion happens when NYCHA brings a “termination of tenancy” action against a NYCHA tenant for dangerous conduct that violates the tenant’s lease agreement. A member of the household or someone else under the tenant’s control may have committed the dangerous conduct. Instead of terminating the lease (which would mean evicting the whole family), NYCHA can save the residents’ tenancy by excluding only the dangerous person(s). An excluded person is barred from residing in or even visiting the apartment as long as the permanent exclusion is in place.

## But permanent exclusion doesn't have to be permanent.

There are two ways to show NYCHA the exclusion should be lifted. Either way, the application must be made by the “Tenant of Record.” The Tenant of Record is the person who signs the lease for the apartment. If the exclusion is lifted, the excluded person will be able to visit. But the excluded person cannot move into the apartment unless the Tenant of Record makes a written application to NYCHA and NYCHA approves it.

## Path 1: Evidence of positive change

The Tenant of Record can apply any time through this path. The Tenant of Record will have to show NYCHA that the excluded person has changed and no longer “poses a risk of danger to the NYCHA community.”

Evidence that can be submitted to indicate positive change include (but are not limited to):

- Completion of or documented active participation in an education program; or
- Employment for at least one year; or
- Letters of support from community groups, parole officers, employers, or other parties; or
- A Certificate of Good Conduct from the New York State Department of Corrections and Community Supervision.

It is a good idea to provide as much positive evidence as possible.

## Path 2: Passage of time

The Tenant of Record can also apply to lift the exclusion if the excluded person has not been arrested or convicted for a certain number of years. This time period is called a Crime-Free Waiting Period. To figure out a person's crime-free waiting period, use this chart.

<b>Exclusion Offense: Property</b>		<b>Exclusion Offense: Drugs</b>		<b>Exclusion Offense: Violence</b>	
Number of prior convictions	Crime-free waiting period (Years)	Number of prior convictions	Crime-free waiting period (Years)	Number of prior convictions	Crime-free waiting period (Years)
0	2	0	2	0	4
1	3	1	3	1	5
2-3	3	2-3	4	2-3	6
4-7	5	4-7	5	4-7	8
8+	7	8+	7	8+	10

# Peter's story

In 2012, Peter was arrested for drug dealing at NYCHA. His parents, worried they would lose the apartment for the entire family, agreed to “permanently exclude” him by signing a stipulation with NYCHA. Peter was convicted on drug charges later that year and was given probation. It was his first conviction for a crime.

Peter knew he could not move back home with his parents, so he moved in with his aunt and uncle. While he was on probation, he got his associate's degree. He also got a job and kept it for more than a year.

One year and eight months had passed since he was sentenced to probation, and he still met with his parents and sibling outside of the apartment. He did not want to be found in their apartment and have his family lose their apartment. He missed them. He wanted to go back home.

Fortunately, Peter's parents may be able to have the permanent exclusion lifted by providing **Evidence of Positive Change**. Some evidence that his parents may provide to NYCHA are his diploma, his transcript, and a letter from his employer. Another option for Peter and his family is waiting four months until his two year anniversary since his sentence date. He would be eligible to apply under the **Crime-Free Waiting Period** path after two years have passed because of the nature of the crime that led to the exclusion (drug offense) and the number of prior convictions (zero).

For more on lifting permanent exclusion, contact  
212-306-6024

# Applying to NYCHA

NYCHA conducts criminal background checks on applicants who are applying for NYCHA apartments and family members who wish to join a household temporarily or permanently. For people with recent criminal histories, convictions may influence their eligibility to live in NYCHA. Please see the chart on page 19 that shows how long a person would have to wait from their release from prison or jail based on their conviction type for their criminal history not to affect their eligibility. If there was no prison or jail, a person's time starts from the date of their final court disposition.

The following time frames apply for the following types of convictions:

<b>Class A, B, or C felony:</b>	<b>6 years</b>
<b>Class D or E felony:</b>	<b>5 years</b>
<b>Class A misdemeanor:</b>	<b>4 years</b>
<b>Class B misdemeanor or other:</b>	<b>3 years</b>

**Note:** If a criminal record is found that would result in a finding of ineligibility, the individual would be notified and would have the right to a hearing. At the hearing, applicants may produce evidence of rehabilitation to support their application (see page 22 on Appealing a decision).

If a person is convicted of new crimes within these time frames, time will be added on to the ineligibility period based on the new convictions.

Convictions for producing methamphetamine in federally subsidized housing and people who are on lifetime sex offender registries are permanently ineligible for public housing. Passage of time does not matter in these cases.

# Danielle's story

Danielle used to live in NYCHA with her sister, Anna, before she went to prison. Danielle was released from prison after serving time for a class D felony and knew she could not move back in with her sister, Anna, in NYCHA. Parole had not approved Danielle's address and she did not want to get Anna in trouble. Danielle was able to find work and eventually an apartment that she shared with a roommate. She visited her sister occasionally.

Five years after Danielle's release from prison, Anna was injured at work and needed someone to take care of her. Danielle wanted to find a way to move back with her sister to support her and find stable housing.

Danielle may be eligible to move back with Anna based on the time that has passed since her release from incarceration.

Danielle would need to have Anna contact her property manager's office to begin the application to have Danielle added back to her lease.

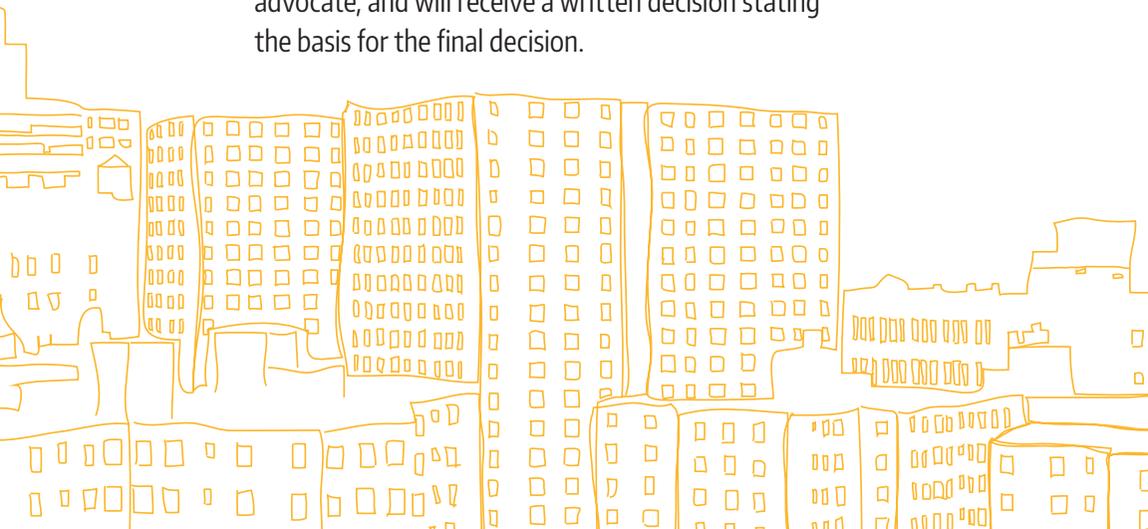


# Appealing a decision

**For individuals applying for an apartment:** An applicant who is found ineligible because of their criminal history can ask for an informal hearing to appeal the decision. At the hearing, the applicant can produce evidence of rehabilitation, even if the applicant is still “ineligible” according to the waiting periods on page 19.

**For residents seeking to add someone to their household:** A NYCHA resident who is denied permission to add someone to the household can request a grievance hearing to challenge the denial. This request should be made at the management office. At the hearing, the resident can present information and evidence to support their request, which could include evidence of rehabilitation.

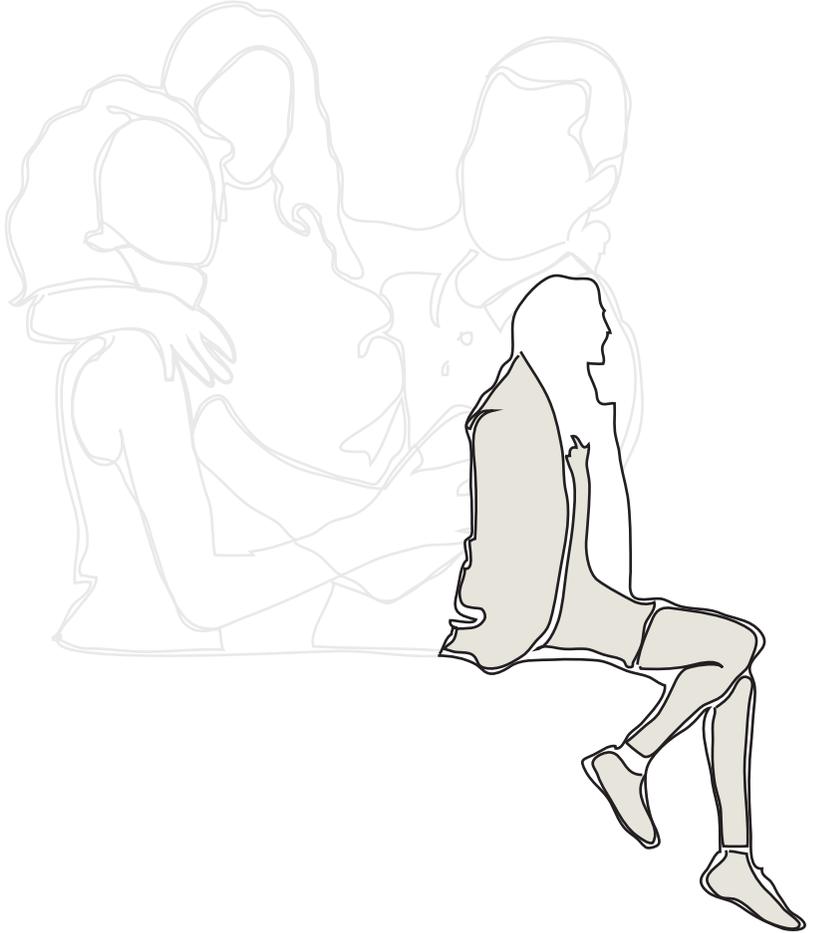
In both of the situations, the hearing is an opportunity to provide evidence to further support a person's application to live in NYCHA. In both, the applicant or resident can be represented by an advocate, and will receive a written decision stating the basis for the final decision.



# Melanie's story

Melanie was convicted of drug possession, a class A misdemeanor. Only two years have passed since the conviction, but in that time she has volunteered every weekend with her local church group, completed treatment, and gone back to school. She would like to live in a NYCHA apartment with her brother. Her brother applies for permission for her to join her household and the request gets denied. Her brother then requests a grievance with the Property Manager (which is denied), and requests a grievance with the Borough Management Office (which is denied). Melanie's brother requests a hearing after the denials.

At the hearing, Melanie's brother brings letters of recommendation from Melanie's pastor and teachers, as well as attendance records and the certificate from Melanie's treatment program. Based on the information presented at the hearing, the impartial hearing officer will prepare a written final decision.



# Resources

All this information and additional resources may be found on [www.backtonycha.org](http://www.backtonycha.org)

More information can be found on NYCHA's website at [www.nyc.gov/nycha](http://www.nyc.gov/nycha).

The following organizations may also be able to assist you with lifting permanent exclusion, applying to NYCHA, or getting back into NYCHA:

## **Brooklyn Defender Services**

(718) 254-0700 x114

[www.bds.org](http://www.bds.org)

## **Legal Services NYC**

(917) 661- 4500

[www.legalservicesnyc.org](http://www.legalservicesnyc.org)

**The Bronx Defenders**

(718) 838-7878

[www.bronxdefenders.org](http://www.bronxdefenders.org)

**Legal Aid Society**

(212) 577-3300

[www.legal-aid.org/en/home.aspx](http://www.legal-aid.org/en/home.aspx)

**MFY Legal Services**

Manhattan/Brooklyn:

(212) 417-3888 (Monday, Wednesday, Friday 2-4:30PM)

Bronx: (212) 417-3889 (Thursday 2-5PM)

[www.mfy.org](http://www.mfy.org)

**Youth Represent\***

(646) 759-8080

[www.youthrepresent.org](http://www.youthrepresent.org)

\*Must be 24 years or younger

