



ANDREW M. CUOMO
Governor

JAMES S. RUBIN
Commissioner/CEO

Office of Housing Management Memorandum #2016 – B – 05

To: All Housing Companies Owners, Managing Agents and Site Managers

From: Robert Damico, Director
Office of Housing Management

Date: August 8, 2016

Subject: Access to Reduce Housing Barriers for New Yorkers with Criminal Convictions
Re-entry Policy

As you are aware, effective April 20, 2016, New York State's rules regarding tenant selection policies for people with criminal histories were modified. New York State Homes and Community Renewal (HCR) no longer permits its housing providers to exclude applicants based on their criminal history without conducting an individualized assessment of each applicant. Please visit the Fair and Equitable Housing Office's web page to download a detailed guidance document, the applicant review worksheet, and view a webinar tutorial explaining the new policy and details concerning how to implement it. (Also available at <http://goo.gl/VDkuDU>)

In addition, HUD has released guidance explaining that housing providers that have blanket policies that exclude applicants who have a criminal record could be liable for violating the federal Fair Housing Act. You can view the HUD guidance document online. (Also available at <https://goo.gl/ZHRe7c>)

The new HCR rules governing this practice can be found in Office of Housing Management Memorandum #2016 – B – 04. (Also available at <http://goo.gl/b7hyG0>)

Further informational and training materials have been developed by HCR. Training to help ensure your compliance with these standards is being scheduled. For any questions regarding the implementation, please contact Denise Snyder at (212) 480-7241 or Denise.Snyder@nyshcr.org.

Attached "Acknowledgment of Compliance" must be returned within 30 days of the date of this memorandum as instructed.

Robert Damico

**ACKNOWLEDGMENT of COMPLIANCE
NEW YORK STATE HOMES and COMMUNITY RENEWAL'S
RE-ENTRY POLICY and PROCEDURES**

I hereby certify that on _____, 20__ I reviewed New York State Homes and Community Renewal's (NYSHCR) Guide, Worksheet and Webinar Tutorial for Applying New York State's Anti-Discrimination Policies When Assessing Applicants for State-Funded Housing Who Have Criminal Convictions (hereinafter, "NYSHCR's re-entry policy and procedures").

I understand my obligations pursuant to NYSHCR's re-entry policy and procedures. I further understand that NYSHCR prohibits its housing providers from utilizing tenant selection procedures with blanket exclusions of applicants based on their criminal history.¹ I acknowledge that housing providers may only consider convictions or pending arrests for offenses that involved physical danger or violence to persons or property or that adversely affected the health, safety and welfare of other people.

I acknowledge that NYSHCR requires its regulated housing providers to conduct an individualized assessment of each applicant in accordance with its re-entry policy and procedures. I understand that pursuant to NYSHCR's re-entry policy and procedures the Worksheet documenting the process undertaken when deciding whether to accept or reject an applicant must be completed and maintained for five (5) years.

I agree to comply with NYSHCR's re-entry policy and procedures, and hereby certify that our tenant selection policies and procedures have been updated accordingly. I understand that failure to comply with NYSHCR's re-entry policy and procedures shall subject the agents and owners of the housing provider to the fullest extent of the law including, but not limited to, NYSHCR limiting or prohibiting the future participation of the undersigned, any subsidiaries or related entities in NYSHCR programs.

Within 30 days of the date of **Office of Housing Management Memorandum #2016 – B – 05** all staff who engage in the tenant selection process shall submit this signed acknowledgement by email to Denise.Snyder@nysocr.org, Subject: Compliance with NYSHCR Policy to the Use of Criminal Records.

Signature: _____

Print Name: _____

Job Title: _____

Project Name: _____

Date: _____

¹ Pursuant to the U.S. Department of Housing and Urban Development's April 4, 2016 *Guidance on Application of Fair Housing Act Standards to the Use of Criminal Records by Providers of Housing and Real Estate-Related Transactions*, a policy or practice that automatically rejects applicants based on an individual's criminal history likely has a disparate impact on individuals of a particular race, national origin, or other protected class in violation of the Fair Housing Act and New York State Human Rights Law.
(https://portal.hud.gov/hudportal/documents/huddoc?id=HUD_OGCGuidAppFHASStandCR.pdf).