

Eliot Spitzer
Governor



Deborah VanAmerongen
Commissioner

New York State Division of Housing and Community Renewal

25 Beaver Street
New York, NY 10004

HOUSING MANAGEMENT BUREAU MEMORANDUM #2007-B-08

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

FROM: Jane I. Berrie, Director
Housing Management Bureau

DATE: November 6, 2007

SUBJECT: Preference in Admission for Disabled Veterans

A recent amendment to Section 31 of the Private Housing Finance Law requires that housing companies give preference in admission to disabled veterans as defined in Section 85 of the Civil Service Law. For housing companies with open waiting lists, this law becomes applicable on November 27, 2007. For housing companies with closed waiting lists, this law becomes applicable to each list when it is reopened. The amendment and a summary of the relevant definition of "disabled veteran" are attached for reference. The complete text of Section 85 of the Civil Service Law may be found in the "Laws of New York" link at: <http://public.leginfo.state.ny.us>.

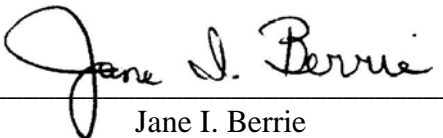
Accordingly, housing companies with open waiting lists, and those planning to reopen a waiting list for one or more apartment sizes, are directed to implement the disabled veteran preference as follows:

- Revise tenant selection plans, procedures, marketing advertisements, outreach letters, apartment applications and all other related materials to reflect this preference.
- Notify existing waiting list applicants of the new preference and request that disabled veterans submit proof of eligibility. *For developments with separate closed waiting lists for different sized apartments, this notification and implementation of the disabled veteran preference only applies to the waiting*

list(s) being opened. Such notification can be included in a standard canvas letter (per 9NYCRR 1727-1.4[d]).

- Annotate applications from disabled veterans who submit satisfactory proof of eligibility by entering “disabled veteran” in the priority field in the Mitchell-Lama Automated Waiting List and process them before other admission applications.
- Note that this preference does not apply to transfer applicants and it does not supersede the priority afforded to transfer applicants for four out of five available apartments of each size.

If you have any questions regarding the implementation of this preference, please contact your assigned Housing Management Representative.



Jane I. Berrie

Attachments: Disabled Veteran Preference Amendment
Summary of Civil Service Law Definition of Disabled Veteran

STATE OF NEW YORK

5812--A

2007-2008 Regular Sessions

IN ASSEMBLY

February 23, 2007

Introduced by M. of A. TOWNS, COLTON, ERRIGO, ESPAILLAT, GREENE, LAVINE, WRIGHT, LUPARDO, BOYLAND, AUBERTINE, BALL -- Multi-Sponsored by -- M. of A. CROUCH, D. GORDON, McENENY, MILLER, PHEFFER, TOWNSEND -- read once and referred to the Committee on Housing -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the private housing finance law, in relation to granting a preference to disabled veterans for the purposes of Mitchell-Lama projects

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

- 1 Section 1. Section 31 of the private housing finance law is amended by
2 adding a new subdivision 7-a to read as follows:
3 7-a. Preference in admission to a project with an open waiting list,
4 as determined by the commissioner or the supervising agency, shall be
5 given to disabled veterans as such term is defined pursuant to section
6 eighty-five of the civil service law. For projects with a closed list,
7 as determined by the commissioner or the supervising agency, such pref-
8 erence shall be given upon the opening of the waiting list. Notwith-
9 standing the foregoing, persons who are residing in a limited-profit
10 housing project shall be given first priority for an internal transfer
11 in the project in which they are residing in accordance with rules and
12 regulations promulgated by the commissioner or the supervising agency.
13 § 2. This act shall take effect on the one hundred twentieth day after
14 it shall have become a law and shall apply to all applications made on
15 and after such effective date; provided, however, that effective imme-
16 diately, the addition, amendment and/or repeal of any rule or regulation
17 necessary for the implementation of this act on its effective date are
18 authorized and directed to be made and completed on or before such
19 effective date.

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

LBD02402-03-7

Summary of Civil Service Law

Section 85 Definition of Disabled Veteran

Eligibility

CSL § 85.1

Veterans eligible for the credits are those who:

- were members of the Armed Forces of the United States;
- served on active duty for other than training purposes in time of war;
- were discharged honorably, released under honorable circumstances, or will be honorably discharged or released under honorable circumstances at the time of appointment; and
- are residents of New York State at the time of application for appointment, promotion or retention, as the case may be.

A veteran who is disabled is defined as someone who meets the above service criteria and is certified by the United States Department of Veterans Affairs [formerly known as the Veterans Administration] as having a disability rated at ten percent or more which was incurred while serving in the United States Armed Forces in time of war. The disability must be in existence and the disabled veteran must be receiving payment from the Department of Veterans Affairs for such disability at the time of application for appointment or retention.

Time of War

CSL § 85.1(c)

38CFR § 3.6(c)(2)(iii)

Time of war means: for World War I, from April 6, 1917 to November 11, 1918; for World War II, from December 7, 1941 to December 31, 1946; for the Korean Conflict, from June 27, 1950 to January 31, 1955; for the Vietnam Conflict, from December 22, 1961 to May 7, 1975; and for hostilities in the Persian Gulf, from August 2, 1990 to the end of such hostilities. In addition, those who were awarded the armed forces, navy or marine corps expeditionary medal during the following periods will qualify: for hostilities in Lebanon, from June 1, 1983 to December 1, 1987; for hostilities in Grenada, from October 23, 1983 to November 21, 1983; and for hostilities in Panama, from December 20, 1989 to January 31, 1990. In addition, men and women qualify for veterans' credits if they were a member of the United States Public Health Service from July 29, 1945 to December 31, 1946, from June 27, 1950 to July 3, 1952, or if disabled while serving as a Merchant Seaman or while on transport service duty, between December 7, 1941 and August 15, 1945.

Further, a person qualifies for veterans' credits provided he/she became disabled while serving overseas as a United States civilian employed by the American Field Service under United States Armies and United States Army Groups during armed conflict from December 7, 1941 to May 8, 1945, and was honorably discharged or released. A person also qualifies for veterans' credits provided he/she became disabled while serving overseas as a United States Civilian Flight Crew and Aviation Ground Support Employee of Pan American World Airways or one of its subsidiaries or its affiliates as a result of Pan American's contract with Air Transport Command or Naval Air Transport Service during armed conflict from December 14, 1941 to August 14, 1945, and was honorably discharged or released.