



**Homes and
Community Renewal**

Applicant Assessment Policy Updates & Standard Ad Roll-out

August 18, 2022

External HCR Training

Disclaimer

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Agenda

- **Fair Housing 101**
- **Justice Involvement Tenant Assessment Policy Updates & Refresher**
- **Credit Policy for Applicants to State-Funded Housing Updates & Refresher**
- **Standard Ad Roll-Out**

Fair Housing 101



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Fair Housing 101

Federal Fair Housing Act and NY Human Rights Law prohibits discrimination in housing

Fair Housing Act	New York Human Rights Law - Additional Categories
Race	Creed
Color	Age (18 or older)
Religion	Sexual Orientation
Familial Status (presence of children under 18)	Gender Identity or Expression
National Origin	Marital Status
Disability (mental or physical)	Military Status
Sex	Lawful Source of Income
	Certain Justice Involvement Records

Who Must Comply With Fair Housing Laws?

- **Government agencies**
- **Landlords and their staff**
- **Real estate operators, brokers and agents**
- **Savings & loan associations, mortgage lenders, banks or other financial institutions**
- **Apartment managers and their staff**
- **Rental agents**
- **Builders, contractors and developers**
- **Homeowners advertising and selling their own home**
- **Condo and townhome owner's associations**

High-Level Policy Points

- HCR does not require housing providers to conduct background OR credit checks. If housing providers do so, they must follow HCR's policy.
- **Any tenant screening software used by housing provider must also conform to HCR's assessment policies for justice involvement and credit.**
 - Examples: CoreLogic, TurboTenant, RentRedi, any of the services provided by the credit agencies, etc.
- Goal of the Credit and Justice Involvement policies is to reduce barriers to housing

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Justice-Involvement Tenant Assessment Policy (Updates)



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Implementation Date

SEPTEMBER 12, 2022

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The Discriminatory Impact of Screening for Justice Involvement

- **Nearly 1/3 of all Americans have a history of justice involvement of some sort.**
 - **This population includes disproportionate levels of Black and Latinx individuals, who are arrested, convicted and incarcerated at rates significantly disproportionate to their share of the population.**
- **In 2016, the U.S. Department of Housing and Urban Development released guidance that stated that blanket policies against people with histories of justice involvement can violate the Fair Housing Act by creating a discriminatory disparate impact against racial minorities.**
- **Housing is a critical component to successful reentry and combatting homelessness.**

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Recent Updates to HCR Policy

- **Housing providers may not consider offenses that occurred before an applicant turned 18 years of age.**
- **Housing providers may only consider offenses that fall within a lookback period (5 years for felony, 1 year for release from supervision, 1 year for misdemeanor)**
- **Applicants with Certificate of Good Conduct or Relief from Disabilities that is permanent and applies to housing may not be rejected based on justice involvement.**
- **It should be noted, that our automatic bars for individuals required to be lifetime registrants on a state sex offender registry, and individuals convicted of producing methamphetamine in the home remains.**
- **Deferral to HPD Marketing and Tenant Assessment policies on co-funded projects.**

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Required Individualized Assessment

- Where no limitations apply, housing provider must conduct individualized assessment worksheet prior to rejecting an applicant.
- *Before rejection*, must give applicant 14-business days to present additional information that might mitigate a negative background check.
- An applicant must be provided with the “*Know Your Rights: Anti-Discrimination Guidance Affecting Individuals with Justice Involvement*” document in two situations:
 - When a background check yields a positive result, triggering the individualized assessment; AND
 - When an applicant is rejected as a result of the individualized assessment.

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Individual Assessment Worksheet Review



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Policy Guidance and Worksheets

- Please see the following links for more information on the Justice-Involvement Policy:
 - [Justice-Involvement Policy Guide](#)
 - [Justice-Involvement Worksheet](#)
 - [Justice-Involvement Know Your Rights Document](#)
 - [14-Day Additional Information Request Letter Sample](#) (at end of the AFHMP Guide)
- You can access more information on our policy, including versions of the “Know Your Rights” document in the 12-most spoken languages in New York State for LEP individuals: <https://hcr.ny.gov/marketing-plans-policies#credit-and-justice-involvement--assessment-policies>

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Policy Guidance and Worksheets

- The following slides are a walk-through of main portions of the Justice-Involvement Assessment Worksheet
- Changes are shown underlined in red.
- The Worksheet puts in place the various laws and policies discussed.
- Unless the Housing Provider chooses not to screen tenants based on justice-involvement background, the use of this Worksheet is mandatory.
- Failure to complete the Worksheet through to the end results in non-compliance with the policy.

Step 1: Automatic Bars to Admission

SECTION 1 – AUTOMATIC BARS TO ADMISSION

1.	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Was the applicant convicted of producing methamphetamine in their home?
2.	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Is the applicant legally required to be a <u>lifetime</u> registrant on the state sex offender registry?
If the answer to either of these questions is YES , you may STOP completing the worksheet and DENY the applicant. If the answer to both questions is NO , please CONTINUE to the next section.			

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Step 2: Nature of Justice-Involvement

SECTION 2 – QUESTIONS NATURE OF JUSTICE-INVOLVEMENT

1.	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Are the incidents (a) prior arrests or criminal accusations that have been resolved in the applicant's favor, (b) youthful offender adjudications, (c) pending arrests with adjournments in contemplation of dismissal or (d) a sealed conviction pursuant to <u>convictions as set forth in</u> NYS Human Rights Law § 296(16)?
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If YES, please **STOP**. You may not inquire about these incidents and the applicant may not be rejected based on these incidents. **If NO**, continue to the following questions.

<u>2.</u>	<u>Yes</u> <input type="checkbox"/>	<u>No</u> <input type="checkbox"/>	<u>Are the incidents <u>pending arrests</u> (recent arrests that have not yet been resolved through the judicial process)?</u>
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If YES, please **STOP**: You may not inquire about these incidents and the applicant may not be rejected based on these incidents. **If NO**, continue to the following questions.

Step 2: Nature of Justice-Involvement Cont'd

3.	<u>Yes</u> <input type="checkbox"/>	<u>No</u> <input type="checkbox"/>	<u>Does the applicant have a certificate of relief from disabilities or good conduct in relation to the specific offense that is permanent and covers housing?</u>
<u>If YES, please STOP: The applicant may not be rejected on the basis of their history. If NO, continue to the following questions.</u>			
24.	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Did the crime[s] for which the applicant was convicted involve physical violence to persons or property, or adversely affect the health, safety, and welfare of other people?
If YES, please use the space below to describe the offense, then continue to the next question. If NO, please STOP: The applicant <u>may not</u> be rejected on the basis of their history.			

Only those crimes that involve physical violence to persons or property, or adversely affect the health safety and welfare of other people, may be a basis for rejection (after an individualized assessment).

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Step 2: Nature of Justice-Involvement Cont'd

- May not consider pending arrests or offenses conducted before an applicant turns 18 years of age.

3.	<u>Yes</u> <input type="checkbox"/>	<u>No</u> <input type="checkbox"/>	How much time has passed since the date of the applicant's conviction? <u>Was the applicant under the age of 18 at the time of the offense[s]?</u>
<u>If YES, please STOP: The applicant may not be rejected on the basis of their history. If NO, continue to the following questions.</u>			

Step 2: Nature of Justice-Involvement Cont'd

Housing providers may only consider offenses that fall within a lookback period (5 years for felony, 1 year for release from supervision, 1 year for misdemeanor)

4.	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>	If the applicant was convicted of a misdemeanor, was the applicant convicted more than one year ago?
<p>If YES, please STOP: The applicant may not be rejected on the basis of their history. If NO, continue to the following questions. If N/A, please SKIP, and continue to the following questions.</p>				
5.	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>	If the applicant was convicted of a felony, was the applicant convicted more than five years ago?
<p>If YES, please STOP: The applicant may not be rejected on the basis of their history. If NO, continue to the following questions. If N/A, please SKIP, and continue to the following questions.</p>				
6.	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>	If the applicant was incarcerated or under parole supervision, was the applicant released from such supervision more than one year ago?
<p>If YES, please STOP: The applicant may not be rejected on the basis of their history. If NO, continue to the following questions. If N/A, please SKIP, and continue to the following questions.</p>				

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Step 2: Nature of Justice Involvement Cont'd

79.	How much time has the applicant spent in the community after release from incarceration, if he or she <u>they</u> was incarcerated as a result of the conviction(s)?
[Redacted]	
810.	What was the <u>age</u> of the applicant at the time of his or her <u>their</u> conviction?
[Redacted]	
911.	What was the <u>seriousness</u> of the applicant's offense?

Step 3: Evidence of Rehabilitation and Good Conduct

SECTION 3 – EVIDENCE OF REHABILITATION AND GOOD CONDUCT

Has the applicant shown evidence of rehabilitation and good conduct? Choose “Yes” for all of the following factors showing rehabilitation if they are applicable to the applicant and “No” if they are not. In either case, please provide an explanation for your choice.

1.	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Has the applicant participated in drug or alcohol rehab? (If rehab or treatment was not necessary, write N.A.)
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Explain:

█

2.	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Has the applicant participated in and completed other types of rehabilitative programming? (If so, please indicate what type of programming.)
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Explain:

█

These are POSITIVE factors; their absence should not automatically be considered a negative factor.

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Step 3: Evidence of Rehabilitation and Good Conduct, Cont'd

3.	<u>Yes</u> <input type="checkbox"/>	<u>No</u> <input type="checkbox"/>	<u>Does the applicant have a certificate of relief from disabilities or good conduct that is temporary or does not cover housing?</u>
<u>Explain:</u> <div style="background-color: #cccccc; height: 20px; width: 100%;"></div>			
34.	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Has the applicant sought and maintained employment after his or her <u>their</u> conviction or release from incarceration?
Explain: <div style="background-color: #cccccc; height: 20px; width: 100%;"></div>			

- Applicants with Certificate of Good Conduct or Relief from Disabilities that is permanent and applies to housing may not be rejected based on justice involvement.

Step 3: Evidence of Rehabilitation and Good Conduct, Cont'd

45.	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Does the applicant <u>have a history of good tenancy?</u> (The applicant may elect to provide positive references from past landlords or housing providers, but may not be penalized if they do not.)
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Explain:



56.	Yes <input type="checkbox"/>	No <input type="checkbox"/>	If the applicant has had difficulty finding employment, has he or she been <u>productively spending his or her/their time?</u> (If so, please include examples, including any community engagement or volunteer work.)
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Explain:



- **Applicants with prior involvement with the criminal justice system may present positive rental/landlord history as evidence of rehabilitation and good conduct.**
- **You must also consider evidence of community engagement or volunteer work, if an applicant has it.**

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Step 3: Evidence of Rehabilitation and Good Conduct, Cont'd.

67.	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Does the applicant have <u>any letters of recommendation</u> from members of the community? (If so, please identify how many and the relation of the writers to the applicant.)
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Explain:
[Redacted]

8.	<u>Yes</u> <input type="checkbox"/>	<u>No</u> <input type="checkbox"/>	<u>Has the applicant provided a narrative or information explaining the circumstances under which the offense was committed, and what has occurred since then, that may mitigate the severity of the conviction?</u>
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Explain:
[Redacted]

79.	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Are there <u>any other factors that</u> speak to the applicant's rehabilitative efforts and lifestyle that may be relevant?
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Explain:

Compliance Reviews

- **On site visits, HCR Asset Managers will confirm that the Justice-Involved Applicant Worksheet is used to individually assess applicants.**
- **On a site visit, HCR Asset managers will collect information pertaining to:**
 - **# of applicants;**
 - **# of applicants with justice involvement/negative background check;**
 - **# who underwent the individualized justice involvement assessment and were accepted, denied and on waiting list.**
- **Asset managers will randomly select 5 rejections based on justice involvement background checks to review.**
- **They will also review for use of the 14-day letters requesting additional information and the Know Your Rights 1-pager.**

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Record Keeping and Document Retention

- **The following documentation must be maintained:**
 - **Copy of original application;**
 - **Copy of the conviction record and other material obtained in connection with evaluating the application;**
 - **Written notification to applicant that they have the right to provide additional information, as well as confirmation that Know Your Rights sheet was sent to applicant;**
 - **Copy of any information provided by the applicant in response, or as evidence of rehabilitation;**
 - **Written evaluation detailing the analysis and decision of the housing provider;**
 - **Completed Worksheet;**
 - **A copy of the applicant's appeal, if applicable, including any material submitted by the applicant (including complaints about unsuccessful appeals).**
- **The housing provider must maintain records of all Applicants and applications for a minimum of two years.**

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Justice-Involvement Case Studies



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Case Study 1: Sandra

Sandra is 42 years old.

- **In December 2020, Sandra was arrested for possession of a small amount of cocaine during a routine traffic stop.**
- **She was sentenced to one year of probation and fined.**

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Case Study 1 Answer: Sandra

1. Go to the checklist – Did the crime for which the applicant was convicted involve physical violence to persons or property or adversely affect the health, safety or welfare of other people?

***Answer:* No. Simple possession is not a threat to the community. The conviction is not a basis for rejection.**

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Case Study 2: Tom

- **Tom is 50 years old. For a period of 6 years, Tom was in and out of jail for a litany of drug related offenses, including: possession, possession with intent to distribute, and a number of thefts.**
- **During Tom's last stretch in prison and parole, ending 11-months ago, he engaged in substance abuse treatment. Since being released, Tom has lived clean and sober. He has provided a completion certificate from a rehab facility, and volunteers as a crisis counselor for others struggling with addiction. In addition, Tom has held down gainful employment and has a successful work history since his release. According to a letter from his landlord, which Tom voluntarily provided, Tom has paid the rent in full and on time since he was released.**

Case Study 2 Answers: Tom

1. Go to worksheet – Do the crimes indicate a threat to health and safety?

Answer: Yes. Theft and intent to distribute can constitute a threat to the community.

2. Did it fall within the relevant lookback period?

Answer: Yes. he was released from incarceration/parole less than 1 year ago, so it falls within the permitted lookback periods.

3. However, are there other relevant factors or evidence of rehabilitation?

Answer: Yes. Tom showed a rehab certificate, volunteering and employment as well as positive rental history. Also, you would look at the fact that Tom has gone for some period of time without another conviction and has lived clean and sober since his release.

CONCLUSION: Applicant not rejected.

Case Study 3: Bill

- **Bill is 29 years old and lives in Ithaca, New York. Bill was released from incarceration 11 months ago, after serving 10 years for felony assault and burglary. Bill was convicted after breaking into a home with a weapon and beating the occupant.**
- **In prison, Bill received his GED, and according to the parole board, was a good inmate and no behavioral issues. In addition, Bill received a letter of recommendation from a local church leader.**

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Case Study 3 Answers: Bill

1. Go to Worksheet – Do the crimes indicate a threat to health or safety?

Answer: Yes. Felony assault and burglary.

2. What was the age of the applicant at the *time of the offense*?

- If under 18 → can't consider the conviction → Applicant may not be rejected on this basis.
- If over 18, the offense is within the permitted lookback period because he was released from incarceration less than a year ago → Can consider the conviction.
THEN, have to do an individualized assessment to weigh mitigating factors against the seriousness of the offense.

Answer: Housing Provider has discretion here. Seriousness of the offense may lead to potential rejection, but the rejection is not required.

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Case Study 4: Jen

- **Jen is 27 years old. She was convicted of a misdemeanor (simple assault) 6 months ago and finished her probation 2 months ago.**
- **Since her release, Jen has started working as a dishwasher at a local restaurant. Her employer provides a letter of recommendation, praising Jen's work ethic. She also explained that the assault happened in a bar and she has been sober/in rehab since.**

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Case Study 4 Answers: Jen

1. Go to worksheet –Does the crime indicate a threat to health and safety?

Answer: Yes.

2. Does the offense fall within permitted lookback periods?

Answer: Yes. She was released from probation only 2 months ago.

3. Does this mean applicant can be rejected?

Answer: Not necessarily. An individualized assessment must be completed.

CONCLUSION: Probably housed.

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Updates to Credit Policy



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Discriminatory Impact of Credit Scores

- **The use of credit scores to determine eligibility for rental housing disproportionately harms some of the most vulnerable New Yorkers.**
 - **People of color**
 - **Domestic violence survivors**
 - **People with disabilities**
- **Some elements of the credit scoring system may be inherently discriminatory.**
 - **The credit bureaus generally reward the use of traditional financial institutions. Such institutions are, in general, less likely to be located in areas with large populations of people of color.**
 - **Credit scores penalize the use of non-traditional lenders, such as payday lenders. Research indicates that these institutions are traditionally more likely to be located in communities of color.**
 - **Redlining and other discriminatory practices have created a significant generational wealth gap for people of color.**
- **Also adversely affects people with medical or student loan debt.**

Credit Policy Updates & Overview

- No automatic rejection based on credit score → Must conduct individualized assessment
- If applicant is in receipt of a full rental subsidy, or is able to demonstrate that they paid their rent in full and on time during either the preceding 12 months or the 12 months preceding the COVID-19 pandemic (March 1, 2019 – March 1, 2020), then the housing provider cannot run a credit report.
- Other prohibited information:
 - Outreach to current or previous landlords, neighbors or others associated with the Applicant's living situation (except 1) If provided voluntarily by applicant; 2) To obtain information pertaining to major lease violations; or 3) To obtain a written record of applicant's rental payment history, with the applicant's permission).
 - Home visits or representations of the applicant's living situation.
 - Debt to income ratios.
 - Lack of credit history or rental history.
 - Bankruptcy related to, or debt incurred: (1) During the period of March 7, 2020, through June 23, 2021; and (2) Due to financial hardship caused by the COVID-19 Pandemic.
 - Eviction(s) or housing court history.

Cont'd Credit Policy Updates & Overview

- Clarified that potential grounds for rejection do not include loans secured by a lien (e.g. car loans that are not delinquent).
- Clarified that the potential grounds for rejection do not *require* housing provider to reject if there is no mitigating evidence – housing providers have discretion based on individualized assessment.
- HCR does not require Housing Providers to review credit history. But if they do, must follow the New York State Credit Policy's two-part process.
- Tenant Screening services/websites must be aligned with these factors to be used by Housing Provider to screen tenants based on credit.

Individual Assessment Worksheet Review



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Credit Policy Guidance and Worksheets

- Please see the following links for more information on the Credit Policy:
 - [HCR Credit Policy Guide](#)
 - [Credit Policy Worksheet](#)
 - [Credit Know Your Rights Document](#)
 - [14-Day Additional Information Request Letter Sample](#) (at end of the AFHMP Guide)
- You can access more information on our credit policy, including versions of these forms in the 12-most spoken languages in New York State for LEP individuals: <https://hcr.ny.gov/marketing-plans-policies#credit-and-justice-involvement--assessment-policies>

Please review the [HCR Credit Policy Guide](#) in tandem with these slides for more detailed information on policy guidelines and updates.

Individualized Assessment Credit Worksheet

- Two-part process for HCR Individualized assessment:
 - Part I: Applicants with a credit score of 580 or higher (500 if homeless), full rental subsidy, or evidence of on-time rental payment history for the previous 12-months or 12-months immediately preceding the COVID-19 Pandemic (March 1, 2019 – March 1, 2020), avoid credit check.
 - Part II: If applicant does not satisfy Part I, perform individualized assessment using credit worksheet to consider mitigating factors.

Part I: Credit Review Criteria

1. Full Rent Subsidy

Are there government-provided subsidies or programs that go directly toward payment of Applicant's rent that (together or by themselves) pay for the entire rent on an ongoing basis?

- YES. Approve Applicant. End Process.
- NO. Proceed to Step 2.

Examples of rent subsidy include, but are not limited to:

- Section 8 voucher
- HUD/VASH
- Public assistance/FEPS
- HOPWA/HASA
- Rural Rental Assistance
- Non-Profit Rental Assistance
- Others

2. Evidence of Rental Payments

Does the Applicant have evidence of positive rental history, indicating consistent, on-time rental payments in the either the preceding 12 months or the 12 months prior to the COVID-19 Pandemic (March 1, 2019 – March 1, 2020)?

- YES. Approve Applicant. End Process.
- NO. Proceed to Step 3.

Forms of evidence of positive rental payment include, at a minimum, but are not limited to:

- Canceled checks;
- Rent receipts;
- Landlord's written record of rent payment (provided by applicant);
- Records of online rent payment;
- Bank printouts showing direct payment to landlord;
- Money order stubs; or
- Any other form of evidence the Applicant can provide, accepted at the discretion of the housing provider.

- These are the 2 instances where a credit report may not be pulled for the applicant.
- First test pertains to whether an applicant receives a rent subsidy that covers the entire rent and gets paid directly to the landlord.
- Second test pertains to evidence of on-time rental payment history.
- If either test is satisfied, no credit check is performed, and applicant may not be rejected for credit.
- If neither test is satisfied, proceed to next step.

Part I: Credit Review Criteria – Credit Score

3. Housing Provider Policy	
Is it your policy as a housing provider to consider Applicant's numerical credit scores as an indicator of financial stability?	
<input type="checkbox"/> YES, complete question below:	
<input type="checkbox"/> NO. Proceed to Step 4 and subsequent sections.	
Is the Applicant's credit score 580 or above, or 500 or above if the Applicant is homeless?	
<input type="checkbox"/> YES. Approve Applicant. The Applicant's credit score is satisfactory.	
<input type="checkbox"/> NO. Proceed to Step 4 and subsequent sections.	

- **Housing providers may consider a FICO credit score as one of several factors' indicative of financial stability.**
- **Note: Having limited to no credit score is not the same as having poor credit.**
- **If Applicant's credit score is 580 or above, then the Applicant must be approved on the basis of credit.**
 - **If the Applicant is homeless, must be approved if score is 500 or above.**
- **If the Applicant's credit score is below this level, then the housing provider must complete the rest of the assessment.**

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Part I: Credit Review Criteria - Grounds for Denial

4. Factors as Grounds for Potential Denial

Only the following factors may be grounds for denial based on Applicant credit history:

A. Bankruptcy

Has the applicant filed for bankruptcy or had a bankruptcy executed upon within the preceding 12 months?

YES. Consider mitigating factors and proceed to Part II.

NO. Applicant may not be denied based on bankruptcy.



Part I: Credit Review Criteria - Grounds for Denial

B. Delinquencies, Collections, Money Judgments and Liens

Does the Applicant have “Applicable Debt,” meaning delinquencies, collections, money judgments or **liens** resulting from a judgement or delinquency (e.g., outstanding taxes, missed loan payments, overdue child support), (“Applicable Debt”) that meet ALL the following criteria?:

- Applicable Debt is open or unsatisfied (has not been settled)*
- Applicable Debt exceeds \$5,000 in total.*
- Applicable Debt is **not** medical or student loan debt.*

- YES. Applicant’s Applicable Debt meets all the foregoing criteria. Consider mitigating factors and proceed to Part II.

- NO. Applicant may not be denied based on Applicable Debt.

An Applicant’s application cannot be denied based on delinquency stemming from student loan or medical debt.

Applicable Debt may include:

- Debt that is over 120 days delinquent as of the date of the credit report; or
- Debt that has been transferred to a collections agency and is being pursued for collection.

Applicable Debt may **not** include:

- Medical or student loan debt;
- Timely paid loans secured by liens on property (e.g., a car lease);
- Satisfied and settled accounts that have been paid in full or as agreed prior to the date of the assessment;
- Settled accounts in repayment, if Applicant can show proof of being up-to-date on payment towards settlement. If an Applicant is not up-to-date on repayment, the pre-settlement delinquency can count towards the \$5,000 threshold for Applicable Debt; or
- Balances reflected on Charged-Off Accounts.

A “Charged-Off Account” is an account in which the balance has been transferred to a third-party agency. Such accounts will be reflected elsewhere in the credit report, if still outstanding.

- **HCR mandates which factors can be grounds for denial.**

- **Only *certain* bankruptcies & debt may be grounds for rejection.**

- **Timely paid loans secured by liens on property may not be considered as grounds for rejection.**

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Part II: Mitigating Factors

- If grounds for denial are discovered in Part I, the housing provider must consider possible mitigating circumstances.
- Housing provider must reach out to the Applicant and request additional information so that an individualized assessment may be conducted.
 - This is NOT a rejection at this stage. An applicant may only be rejected AFTER the housing provider has conducted the individualized assessment.
- Applicant must be given 14-business days to respond with this additional information.
- Housing provider must provide “Know Your Rights” document when requesting additional information AND in the event of a rejection for credit reasons.

Part II, Step 1: Mandatory Mitigating Factors

1. Adverse Factors of a Violence Against Women Act (“VAWA”) Covered Crime

Has the Applicant informed the housing provider that he or she is a survivor of domestic violence, dating violence, sexual assault, or stalking (“VAWA Covered Crimes”) and provided information sufficient for the housing provider to determine that the negative credit or financial history is a direct result of the VAWA Covered Crime?

- YES. Approve Applicant. End Process.
- NO. Proceed to next question.

The federal VAWA Final Rule and HCR policy require a housing provider to take into account “adverse factors” that may directly result from an individual being a victim of a VAWA Covered Crime. If an Applicant informs the housing provider that he or she is a survivor of a VAWA Covered Crime and provides information sufficient to allow the housing provider to determine that an adverse factor (such as credit score or bankruptcy) is a direct result of a VAWA Covered Crime, the Applicant cannot be denied housing on this basis.

Additional information on adverse factors and the direct result analysis may be found in HUD [Notice H-2017-05](#) and [Notice PIH-2018-08\(HA\)](#).

- “Mandatory mitigating factors” have the affect of a trump card.
- If grounds for denial exist but the applicant can show one of these factors, then the applicant may not be denied.

Part II, Step 2: Mandatory Mitigating Factors

2. Evidence of Rental Payments	
<p>Does the Applicant have evidence of positive rental history, indicating consistent, on-time rental payments in the either the preceding 12 months or the 12 months prior to the COVID-19 Pandemic (March 1, 2019 – March 1, 2020)?</p> <ul style="list-style-type: none"><input type="checkbox"/> YES. Approve Applicant. End Process.<input type="checkbox"/> NO. Proceed to Step 3.	<p>Forms of evidence of positive rental payment include, at a minimum, but are not limited to:</p> <ul style="list-style-type: none">• Canceled checks;• Rent receipts;• Landlord’s written record of rent payment (provided by applicant);• Records of online rent payment;• Bank printouts showing direct payment to landlord;• Money order stubs; or• Any other form of evidence the Applicant can provide, accepted at the discretion of the housing provider.

Even if an applicant has poor credit, if they are able to prove that they have paid their rent in full and on time for the past 12-months or the 12-month period immediately preceding the COVID-19 pandemic, they may not be rejected.

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**Homes and
Community Renewal**

Part II, Step 3: Other Mitigating Factors

3. Erroneous or Incomplete Findings	
<p>Has the Applicant evidenced that the findings regarding negative credit history are erroneous or incomplete, and do the corrected findings indicate that the Applicant's credit history is unlikely to negatively impact tenancy going forward?</p> <ul style="list-style-type: none"><input type="checkbox"/> YES. Approve Applicant. End Process.<input type="checkbox"/> NO. Move to next question.	<p>Examples may include, but are not limited to the following (check which apply):</p> <ul style="list-style-type: none"><input type="checkbox"/> Errors in credit reporting;<input type="checkbox"/> Evidence of settlement of delinquent accounts; or<input type="checkbox"/> Other (Explain in Box below).

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**Homes and
Community Renewal**

Part II, Step 2: Other Mitigating Factors

5. Other Mitigating Factors

Has other information been provided by the Applicant indicating that negative credit history is unlikely to negatively impact Applicant's potential tenancy going forward?

- YES. Approve Applicant. End Process.
- NO. Move to next question.

Examples may include, but are not limited to the following (check which apply):

- Applicant's negative history is due to incarceration;
- Applicant's negative history is due to deployment in the US Armed Forces;
- Applicant's negative history is due to an episodic financial crisis that no longer exists (e.g., short-term or temporary unemployment, illness, etc.);
- Applicant's negative history is due to financial hardship caused by the COVID-19 pandemic.
- Applicant has a payment plan for their past financial obligations and has been making timely payments.
- Applicant is now in receipt of a government rent subsidy; or
- Other mitigating or extenuating circumstances (Explain in Box below).

- **Housing provider should take into account any evidence that negative credit history was temporary and has since been cured.**
- **If rejected, Applicant may be provided a 14-business day appeal period and HCR's Know Your Rights document.**

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Part II, Step 2: Other Mitigating Factors

6. Determination

Based on a consideration of all the factors and mitigating circumstances, is the applicant eligible for tenancy?

YES

NO

Include a detailed explanation below:

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**Homes and
Community Renewal**

Credit Policy Compliance Site Visits

- **On site visits, HCR will confirm that the Credit worksheet is used to individually assess applicants.**
- **Asset managers will collect and report to FEHO:**
 - **# of applicants since last HCR compliance site visit;**
 - **# of applicants who underwent the individualized credit assessment (where there were potential grounds for denial, starting at Step 4 of part I of the Worksheet) and were accepted, denied and on waiting list.**
- **Asset managers will review for use of the 14-day letters requesting additional information and the Know Your Rights 1-pager**
- **Records must be maintained regarding credit policy evaluations**

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Credit Policy Case Studies



**Homes and
Community Renewal**

Case Study 1: Dean

- **Dean is a 27-year-old engineer in Syracuse.**
 - **His credit score is 535.**
 - **He has \$9,000 of student loan debt in collection.**
 - **He has a car lease for \$12,000 with a 36-month term, and is up to date on the payments.**

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Case Study 1 Answer: Dean

1. Go to the Checklist - Are there any government-provided subsidies that cover the rent in full or evidence of on-time rental payments for the prescribed time periods?

Answer: No

2. Does the Applicant have a credit score of 580 or higher?

Answer: No

3. Are there any relevant factors as grounds for denial?

Answer: No.

- **Car note may be considered by some a “lien” but it is excluded from our policy as a basis for rejection.**
- **Furthermore, applicant's debt is student loan debt and therefore would not be considered.**

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**Homes and
Community Renewal**

Case Study 2: Amanda

- **Amanda is a 36-year-old teacher from Westchester.**
 - **Her credit score is 500.**
 - **Amanda has an open and unsatisfied money judgment on \$20,000 of consumer credit card debt.**
 - **This money judgment was the result of a temporary period of unemployment. However, Amanda has just gotten a job.**

Case Study 2 Answer: Amanda

1. Are there any government-provided subsidies that cover the rent in full or evidence of on-time rental payments for the prescribed time periods?

Answer: No

2. Does the Applicant have a credit score of 580 or higher?

Answer: No

3. Are there any relevant factors as grounds for potential denial?

Answer: Yes. Amanda does have "applicable debt." Amanda's debt is (1) an open and unsatisfied money judgment, (2) in excess of \$5,000, AND (3) is not student loan debt or medical debt. Therefore, this debt could be considered as a potential grounds for denial.

4. Are there any mitigating factors?

Answer: Potentially, yes. Amanda provides information that indicates that the delinquency was due to a period of unemployment that has just ended.

CONCLUSION: The housing provider has discretion here. If Amanda is rejected, she has the opportunity to appeal as she would any other determination of eligibility.

Additional 2022 Updates

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**Homes and
Community Renewal**

Additional Updates in 2022

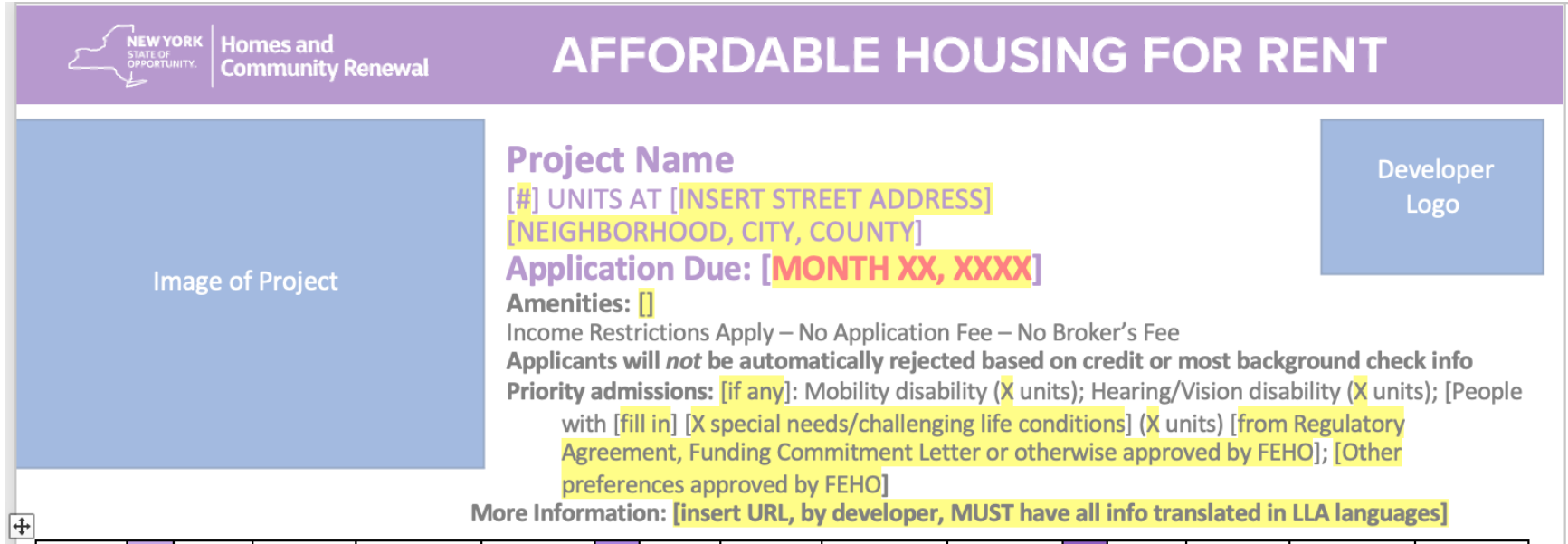
- **Standard Marketing Ad for HCR funded projects.**
 - **Implementation Date: September 12, 2022**
 - **Applies to all new construction HCR-financed projects and any existing project undergoing remarketing**
 - **Will be completed by housing providers along with the Affirmative Fair Housing Marketing Plan (the “Long Form”)**

- **Coming soon: Standard Landlord Reference Form**

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Standard Ad



The image shows a template for a standard advertisement. At the top left is the New York State logo with the text 'NEW YORK STATE OF OPPORTUNITY.' and 'Homes and Community Renewal'. The main title 'AFFORDABLE HOUSING FOR RENT' is centered in a purple banner. Below this, there is a large blue box on the left labeled 'Image of Project'. To the right of this box, the text reads: 'Project Name' followed by '[#] UNITS AT [INSERT STREET ADDRESS] [NEIGHBORHOOD, CITY, COUNTY]'. Below that is 'Application Due: [MONTH XX, XXXX]'. Then 'Amenities: []'. Next is 'Income Restrictions Apply – No Application Fee – No Broker’s Fee'. Then 'Applicants will *not* be automatically rejected based on credit or most background check info'. Then 'Priority admissions: [if any]: Mobility disability (X units); Hearing/Vision disability (X units); [People with [fill in] [X special needs/challenging life conditions] (X units) [from Regulatory Agreement, Funding Commitment Letter or otherwise approved by FEHO]; [Other preferences approved by FEHO]'. Finally, 'More Information: [insert URL, by developer, MUST have all info translated in LLA languages]'. On the right side of the ad, there is a blue box labeled 'Developer Logo'. A small icon is visible in the bottom left corner of the ad template.

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Standard Ad Cont'd

Unit Size	XX% AREA MEDIAN INCOME (AMI) UNITS	# Units	Monthly Rent*	Household Size	Household Income**	XX% AREA MEDIAN INCOME (AMI) UNITS	# Units	Monthly Rent*	Household Size	Household Income**	XX% AREA MEDIAN INCOME (AMI) UNITS	# Units	Monthly Rent*	Household Size	Household Income**	
Studio		XX	\$X,XXX	1 person icon	\$XXX,XXX - \$XXX,XXX		XX	\$X,XXX	1 person icon	\$XXX,XXX - \$XXX,XXX		XX	\$X,XXX	1 person icon	\$XXX,XXX - \$XXX,XXX	XX
1 BR	XX	\$X,XXX	1 person icon	\$XXX,XXX - \$XXX,XXX	XX	\$X,XXX	1 person icon	\$XXX,XXX - \$XXX,XXX	XX	\$X,XXX	1 person icon	\$XXX,XXX - \$XXX,XXX	XX	\$X,XXX	1 person icon	\$XXX,XXX - \$XXX,XXX
			2 person icon	\$XXX,XXX - \$XXX,XXX			2 person icon	\$XXX,XXX - \$XXX,XXX			2 person icon	\$XXX,XXX - \$XXX,XXX				
2 BRs	XX	\$X,XXX	2 person icon	\$XXX,XXX - \$XXX,XXX	XX	\$X,XXX	2 person icon	\$XXX,XXX - \$XXX,XXX	XX	\$X,XXX	2 person icon	\$XXX,XXX - \$XXX,XXX	XX	\$X,XXX	2 person icon	\$XXX,XXX - \$XXX,XXX
			3 person icon	\$XXX,XXX - \$XXX,XXX			3 person icon	\$XXX,XXX - \$XXX,XXX			3 person icon	\$XXX,XXX - \$XXX,XXX				
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*Rent includes [Insert types of utilities included]. Income guidelines & permitted household size are subject to change.

**Minimum income listed may not apply to applicants with Section 8 or other qualifying rental subsidies. Asset limits also apply.

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Standard Ad Cont'd

Application Due Date: DATE XX, XXXX

Must be submitted online or, if mailed, postmarked by this date. Sending more than 1 application may disqualify you.

How to Apply:

Online: [URL here]

Request Application By Phone or Email: [telephone number] [email address]

By Mail or In-Person: [Managing Agent Name] [Address Line 1] [Address Line 2]

Include your address & the name and address of the building where you want to apply.

Lottery Date & Location: DATE XX, XXX [LOCATION or livestream URL]

The lottery will determine which applications will be reviewed for tenancy



YOU HAVE RIGHTS!

- If you have experienced housing discrimination: <https://dhr.ny.gov/fairhousing> or call 844-862-8703
- Learn about how your credit and background check will be individually reviewed: <https://on.ny.gov/3uLNLw4>



ACCESSIBILITY INFORMATION

- X units are adapted for mobility impairment
- X units are adapted for hearing/vision impairment
- [All] or [all ground floor] units are adaptable to be wheelchair accessible
- Reasonable accommodation and modifications may be requested
- [OTHER]



ESPAÑOL siguiente página ■ 中文 下一页 ■ KREYÒL AYISYEN paj kap vini an ■ 한국어 다음 페이지 ■ [বাংলা] - পরবর্তী পৃষ্ঠা ■ РУССКИЙ Следующая страница ■ POLSZCZYŹNA następną stroną ■ اردو - اگلا صفحہ ■ ITALIANO pagina successiva ■ FRANÇAIS page suivante ■ עברית - עמוד הבא

Governor Kathy Hochul ■ HCR Commissioner RuthAnne Visnauskas ■ www.hcr.gov/lotteries ■ NYHousingSearch.gov

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Standard Ad Cont'd

Español (Spanish)	中文 (Simplified Chinese)
<p>Vivienda asequible disponible</p> <p>Fecha límite de entrega de la solicitud: [APPLICATION DUE DATE XX,XXXX] Debe entregarse por internet o por correo postal a más tardar en esta fecha. Si envía más de 1 solicitud podría quedar descalificado.</p> <p>Para Obtener La Solicitud:</p> <p>Para obtener la solicitud por internet: [url here] Por teléfono o email: [telephone number] [email address] Por correo postal o en persona: [Managing Agent Name] [Address Line 1] [Address Line 2]</p> <p>Incluya su dirección y la dirección del edificio en el que quiere presentar la solicitud.</p> <p>Fecha y lugar de la lotería: LOTTERY DATE XX, XXXX, [Location] La lotería determinará cuáles aplicaciones se analizarán para el alquiler</p>	<p>可提供經濟適用房</p> <p>申請截止日期: [APPLICATION DUE DATE XX,XXXX] 請務必在此日期前線上提交申請或透過郵寄提交申請。提交超過 1 份申請將使您失去資格。</p> <p>申請</p> <p>欲獲得申請線上: [url here] 透過電話或電子郵件: [telephone number] [email address] 透過郵寄或當面索取: [Managing Agent Name] [Address Line 1] [Address Line 2]</p> <p>請提供您的地址和您想要申請的建築物地址 抽籤日期和地點: LOTTERY DATE XX, XXXX, [Location] - 將透過抽籤決定對哪些租賃申請進行審核</p>
<p>KREYÒL AYISYEN (Haitian Creole)</p> <p>Lojman Pri Abòdab Disponib</p> <p>Dat Delè Aplikasyon an: [APPLICATION DUE DATE XX,XXXX] Dwe soumèt sou entènèt oswa nan lapòs nan dat sa a. Vwe plis pase 1 aplikasyon ka diskalifye ou.</p> <p>To Get Application:</p> <p>Sou entènèt: [url here] Nan Telefòn oswa Imèl: [telephone number] [email address] Pa Lapòs oswa An-pèsòn: [Managing Agent Name] [Address Line 1] [Address Line 2]</p> <p>Metè adrès ou & adrès bilding kote ou vle aplike a Dat lotri & Andwa: LOTTERY DATE XX, XXXX, [Location] Lotri a ap detèmine ki aplikasyon yo pral revize pou lokasyon</p>	<p>한국어 (Korean)</p> <p>임대 주택 이용 가능</p> <p>신청서 제출 기한: [APPLICATION DUE DATE XX,XXXX] 이 날짜까지 온라인 또는 우편으로 제출해야 합니다. 1 건 이상의 신청서 제출 시 실격 처리 됩니다</p> <p>신청서 접수 온라인: [url here] 전화 또는 이메일: [telephone number] [email address] 우편 또는 내방: [Managing Agent Name] [Address Line 1] [Address Line 2]</p> <p>신청자 주소 및 신청하려는 건물 주소를 포함시키십시오 추첨일 및 추첨 장소: LOTTERY DATE XX, XXXX, [Location] 추첨을 통해 입주 심사 대상이 될 신청서를 결정하게 됩니다</p>

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[বাংলা]Bengali	Русский язык (Russian)
<p>সাপ্তমী মূল্যের হাউজিং</p> <p>আবেদন জমা দেওয়ার শেষ তারিখ: [APPLICATION DUE DATE XX,XXXX]</p> <p>এই তারিখের মধ্যে অবশ্যই অনলাইনে অথবা মেল-এর মাধ্যমে জমা দিতে হবে। 1 এর অধিক আবেদন জমা করলে আপনাকে অযোগ্য হিসেবে ধরে নেওয়া হবে।</p> <p>আরও তথ্য পাওয়ার জন্য অনলাইন: [url here]</p> <p>ফোন অথবা ইমেলের মাধ্যমে: [telephone number] [email address]</p> <p>একজন ব্যক্তির অথবা মেল-এর মাধ্যমে: [Managing Agent Name] [Address Line 1] [Address Line 2]</p> <p>আপনি যেখানে আবেদন করতে চান সেখানকার ঠিকানা এবং আপনার বিন্ডিংয়ের ঠিকানা অন্তর্ভুক্ত করুন।</p> <p>লটারির তারিখ এবং অবস্থান: [LOTTERY DATE XX, XXXX, [Location]</p> <p>লটারির মাধ্যমে নির্ধারণ করা হবে যে কোল অ্যাপ্লিকেশনগুলো ভাড়াটের জন্য পর্যালোচনা করা হবে।</p>	<p>Доступное жилье в наличии</p> <p>Срок подачи заявления: [APPLICATION DUE DATE XX,XXXX]</p> <p>Заявление должно быть подано онлайн или по почте к этой дате. Отправка более 1 заявления может дисквалифицировать вас. [где получить бланк заявления Онлайн: [url here]</p> <p>По телефону или электронной почте: [telephone number] [email address]</p> <p>По почте или лично: [Managing Agent Name] [Address Line 1] [Address Line 2]</p> <p>Включите ваш адрес и адрес здания, на которое вы хотите подать заявку.</p> <p>Дата и место проведения лотереи: [LOTTERY DATE XX, XXXX, [Location]</p> <p>Лотерея определит, какие заявки будут рассмотрены на предмет аренды.</p>
<p>POLSKI (Polish)</p> <p>DOSTĘPNE MIESZKANIA W PRZYSTĘPNEJ CENIE</p> <p>Termin składania wniosków: [APPLICATION DUE DATE XX,XXXX]</p> <p>Wniosek należy złożyć online. W przypadku wysyłki pocztą, z datą stempla pocztowego do tego dnia. Wysłanie więcej niż 1 wniosku może spowodować dyskwalifikację.</p> <p>Wniosek otrzymasz:</p> <p>Online: [URL here]</p> <p>Przez telefon lub e-mail: [telephone number] [email address]</p> <p>Droga pocztową lub osobiście: [Managing Agent Name] [Address Line 1] [Address Line 2]</p> <p>Podaj swój adres oraz adres budynku, którego dotyczy wniosek</p> <p>Data i miejsce loterii: [LOTTERY DATE XX, XXXX, [Location]</p> <p>Loteria określa, które wnioski zostaną rozpatrzone pod kątem najmu.</p>	<p>اردو زبان (URDU)</p> <p>سستی رہائش دستیاب ہے</p> <p>درخواست کی آخری تاریخ: [APPLICATION DUE DATE XX,XXXX]</p> <p>آن لائن جمع کرانا ضروری ہے یا، اگر میل کیا جائے تو اس تاریخ تک پوسٹ مارک جاؤ۔ 1 سے زیادہ درخواست بھیجنا آپ کو نااہل قرار دے سکتا ہے۔</p> <p>درخواست حاصل کرنے کے لیے:</p> <p>آن لائن: [URL here]</p> <p>فون یا ای میل سے: [number] [email address telephone]</p> <p>ڈاک سے یا خود آفس جا کر: [Managing Agent Name] [Address Line 1] [Address Line 2]</p> <p>اپنا پتہ اور عمارت کا پتہ شامل کریں جہاں آپ درخواست دینا چاہتے ہیں</p> <p>لاٹری کی تاریخ اور مقام: [LOTTERY DATE XX, XXXX, [Location]</p> <p>لاٹری اس بات کا تعین کرتی ہے کہ کرایہ داری کے لیے کن درخواستوں کا جائزہ لیا جائے گا۔</p>

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אִידיש (Hebrew)	العَرَبِيّ (Arabic)
<p>צוגענגליכע האווינג איז אורעלעבל אפליקאציע דיו דאטום: [APPLICATION DUE DATE XX,XXXX] מזו ווערן אריינגעגעבן אנליין, אדער אויב עס ווערט געשיקט דורך די פאסט, געפאסטמארק'ד ביז דעם דאטום. אויב איר שיקט מער פון 1 אפליקאציע קען עס אייך דיסקוואליפצירן. צו באקומען די אפליקאציע: אנליין: [URL here] דורך די טעלעפאן אדער אימעיל: [number] [email address telephone] דורך די פאסט אדער פערזענליך: [Managing Agent Name] [Address Line 1] [Address Line 2] רעכנט אריין אייער אדרעס און די אדרעס פון די געביידע ווא איר ווילט זיך איינגעבן דאטום און לאקאציע לאטערי: LOTTERY DATE XX, XXXX, [Location] די לאטערי באשטימט וועלכע אפליקאציעס וועלן ווערן איבערגעקוקט פאר טענענס.</p>	<p>יתوفر السكن ميسور التكلفة التاريخ المحدد لطلب التقديم: [APPLICATION DUE DATE XX,XXXX] يجب أن يتم تقديمه عبر الإنترنت، وفي حالة إرساله بالبريد العادي، يتم ختم البريد بحلول هذا التاريخ. قد يؤدي إرسالك لأكثر من طلب تقديم واحد إلى إلغاء أهليتك. للحصول على طلب التقديم: عبر الإنترنت: [here URL] عبر الهاتف أو البريد الإلكتروني: [number] [email address telephone] عبر البريد العادي أو بشكل شخصي: [Address Line Managing] [Agent Name] [Address Line 2] [1] عليك تضمين عنوانك وعنوان المبنى الذي تريد التقديم للسكن فيه تاريخ انعقاد القرعة ومكانها: LOTTERY DATE XX, XXXX, [Location] تُحدِّد القرعة طلبات التقديم التي سيتم مراجعتها من أجل الإيجار.</p>
<p>ITALIANO (Italian) ALLOGGIO CONVENIENTE DISPONIBILE Data di scadenza della domanda: [APPLICATION DUE DATE XX,XXXX] Deve essere inviato online o, se spedito, con timbro postale entro tale data. L'invio di più di 1 domanda potrebbe portarti alla squalifica. Per ottenere l'applicazione: Online: [URL here] Per telefono o e-mail: [telephone number] [email address] Per posta o di persona: [Managing Agent Name] [Address Line 1] [Address Line 2] Includi il tuo indirizzo e l'indirizzo dell'edificio per cui desideri candidarti Data e luogo della lotteria: LOTTERY DATE XX, XXXX, [Location] La lotteria determina quali domande verranno esaminate per l'affitto.</p>	<p>Français (French) LOGEMENT ABORDABLE DISPONIBLE Date limite de dépôt des demandes: [APPLICATION DUE DATE XX,XXXX] À soumettre en ligne ou, si envoyée par courrier, doit porter un cachet de la poste ne dépassant pas la date limite. Vous pourriez être disqualifié si vous envoyez plus d'une demande. Pour postuler : En ligne: [URL here] Par téléphone ou e-mail: [telephone number] [email address] Par courrier ou en personne: [Managing Agent Name] [Address Line 1] [Address Line 2] Indiquez votre adresse et celle de l'immeuble pour lequel vous déposez une demande Date et lieu de la loterie : LOTTERY DATE XX, XXXX, [Location] C'est la loterie qui détermine les demandes qui seront étudiées en vue de la location.</p>

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Homes and Community Renewal

Contact

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