

NEW YORK CITY HOUSING AUTHORITY
LAW DEPARTMENT

Application to Lift Permanent Exclusion

General Instructions:

⇒ **THIS FORM IS FOR:** A NYCHA Tenant of Record. The Tenant of Record is the person who signs the lease for your apartment. You can use this form if you are the Tenant of Record and someone in your household has been permanently excluded from living with you.

USE THIS FORM TO: Ask that NYCHA lift the permanent exclusion of someone from your household.

⇒ NYCHA will consider lifting a permanent exclusion under the following two circumstances:

1. Evidence of positive change (see [Path 1 Instructions](#))
2. Passage of time (see [Path 2 Instructions](#))

Tenants of Record must sign the application. The Tenant of Record has to prove that the excluded person has changed in a clear way showing that they no longer create a risk of danger to the NYCHA community (see below for ways to show this). NYCHA will consider all of the evidence you give and make a decision on a case-by-case basis. NYCHA will mail the decision to you at your home.

If you have any questions or need help filling out this form, please visit the NYCHA website at nyc.gov/nycha and enter the words PERMANENT EXCLUSION in the search window.

There are two different application paths. Please choose the path that best applies to you and check that box. The applications for each path are on the next pages of this form.

YOUR INFORMATION (YOU MUST BE THE TENANT OF RECORD WHO IS ON THE LEASE)

Name (First) _____ (Last) _____

Street Address: _____ (Apt/Unit) _____ Phone No: _____

Borough: _____ Zip Code: _____ Development: _____

EXCLUDED PERSON INFORMATION

Name (First) _____ (Last) _____

Date of Birth: _____

Current Address: (Street) _____ (Apt/Unit) _____

(City) _____ (State) _____ (Zip Code) _____



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Path Selection

Have you applied under Path 1 in the past six months to lift this permanent exclusion and was that application denied?

YES NO (check one)

If YES, you must wait six months from the date your application was denied before you can reapply under either path. If your Path 2 application was denied, refer to the date in your decision letter to see when you may reapply. Path 2 applicants may reapply under Path 1 at any time.

CHECK THE BOX OF THE PATH(S) FOR WHICH YOU ARE APPLYING

PATH 1 

Path 1: Evidence of Positive Change

- Choose this box to give evidence that shows the person has changed since the exclusion and does not pose a risk of danger to the NYCHA community.
- You can choose this box no matter when the person was excluded.

PATH 2 

Path 2: Passage of Time

- Choose this box if you can show that there has been enough "crime-free time" since the permanent exclusion. "Crime-free" means no new convictions or arrests.
- See the chart on the Path 2 Application for more details.

SEE ATTACHED INSTRUCTIONS FOR PATH 2.



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PATH 1: Application to Lift Permanent Exclusion: Evidence of Positive Change

⇒ If you checked “Path 1” (Evidence of Positive Change), answer questions in this section.

Please read [Path 1 Instructions](#) for help filling out this section.

1. Please explain how you think the excluded person has changed and why he or she no longer poses a danger to the community. Feel free to use additional pages to complete this response.



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PATH 1: Application to Lift Permanent Exclusion: Evidence of Positive Change

2. Please attach to this form any evidence of positive change. Please read the “[Path 1 Instructions](#)” (page 6 of this form) to learn about the kinds of evidence that might make your application stronger.

PATH 2: Application to Lift Permanent Exclusion: Passage of Time

⇒ If you checked “Path 2” (Passage of Time), use this section.

⇒ Please look at to the “Crime-Free Waiting Periods” chart below. This chart shows how much time you need for each type of crime before you can apply to lift the exclusion of someone from your household. The waiting time depends on the number of crimes or convictions the person had up to and including the pendency of the application to lift. The excluded person’s entire criminal history will be examined when the Application is made. For more information, see [Path 2 Instructions](#), attached.

Offense – Property		Offense – Drugs		Offense – Violence	
# of Prior Convictions	Crime-Free Waiting Period (Years)	# of Prior Convictions	Crime-Free Waiting Period (Years)	# of Prior Convictions	Crime-Free Waiting Period (Years)
0 priors	2	0 priors	2	0 priors	4
1 prior	3	1 prior	3	1 prior	5
2-3 priors	3	2-3 priors	4	2-3 priors	6
4-7 priors	5	4-7 priors	5	4-7 priors	8
8+ priors	7	8+ priors	7	8+ priors	10

Please note: If the crime-free waiting time has not passed, you can still apply under Path 1 at any time if you show evidence of that the person does not pose a threat.

To the best of your knowledge, please write the date that the excluded person was released from prison or jail. Write the sentencing date if there was no prison or jail time:

Date of release or sentencing date: _____

You do not need to give any more information.

Tenant Signature

Tenant of Record Signature: _____ **Date:** _____

Siebel Case #: _____



HOW TO SUBMIT THIS APPLICATION

Mail this form to:

New York City Housing Authority
Office of the Tenancy Administrator
90 Church Street, 9th Floor
New York, NY 10007

OR

Bring it in person to:

New York City Housing Authority
Office of Impartial Hearings
803 Atlantic Avenue
Brooklyn, NY 11238

OR

Click the Submit Button to Submit via eMail:

pe.lift@nycha.nyc.gov

OR

Submit via eMail to:

pe.lift@nycha.nyc.gov

**NOTE: Due to COVID19 office may be closed. Check NYCHA website for current Office opening status prior to travel.*



Application to Lift Perm. Exclusion: Evidence of Positive Change Instructions

If you are the Tenant of Record, you can apply to lift the permanent exclusion of someone who NYCHA has excluded from living in your apartment. You must show that that person has made positive changes in their life so they no longer create a risk of danger to the NYCHA community.

You must provide **Evidence of Positive Change** so NYCHA can decide whether the excluded person creates a risk of danger to the NYCHA community.

You can include other evidence besides what is listed below. All evidence must be from **after** the date of exclusion or most recent crime or conviction. **The more positive evidence of change you provide about the excluded person, the stronger your application. All applications are decided case-by-case, based on the circumstances and evidence provided.**

Some examples of positive evidence of change:

Examples of Documents to Attach	<p>1. Proof of active participation in or completion of any of the following:</p> <ul style="list-style-type: none"> - Educational or vocational program - New York State Department of Corrections and Community Supervision (DOCCS) work release program - Restorative justice program - Anger or aggression management programs - Mental health counseling or trauma recovery services - Substance abuse program - Programs or certifications while incarcerated with the New York City Department of Correction or New York State DOCCS.
	<p>2. Employment or holding of a position of meaningful responsibility (for example, volunteering, mentoring, or service to the community) for at least one year. Proof may be provided in the form of a letter of reference from the employer.</p>
	<p>3. Transcripts showing steady school attendance or awarding of a GED/diploma or degree.</p>
	<p>4. Letters of support from community groups, parole or probation officers, employers, supervisors, mentors or other individuals in a position to provide a character reference. Letters must be completed using NYCHA's form – see below for more information.</p>
	<p>5. A determination by the criminal justice system that someone else committed the crime underlying NYCHA's termination of tenancy action.</p>
	<p>6. A copy of a Certificate of Relief from Disabilities issued by a judge or by the NYS Dept. of Corrections and Community Supervision (DOCCS) or a Certificate of Good Conduct issued by DOCCS (do not send original).</p>
	<p>7. Copy of any occupational license (e.g. barber, security guard) issued by a state, city or municipal agency (this includes a Commercial Driver's License, a Paratransit or Bus Driver License, or a For-Hire Vehicle License but does not include an ordinary driver's license).</p>

Important Additional Instructions:

- **The person writing a letter of support must use a NYCHA Form available on the NYCHA website. See "Recommender contact form for individuals who have been excluded from Public Housing" on the NYCHA website in the section on Permanent Exclusion.**
- **See the document called Permanent Exclusion FAQs for further details.**



Application to Lift Perm. Exclusion: Passage of Time Instructions

One way to have a permanent exclusion lifted is to show that the excluded person has not committed a crime for a long enough time. Based on the time since the last criminal offense pre- or post-exclusion, NYCHA might be able to decide that the excluded person no longer creates a safety threat to the NYCHA community.

To make this decision, NYCHA looks at the length of time between:

1. When the excluded person last left prison or jail and the time the tenant of records applies to lift the exclusion.
2. If the excluded person did not serve prison or jail time for the crime that led to their exclusion, NYCHA looks at the period between the final court decision for that crime and your application to lift the exclusion.
3. If the case didn't proceed through the criminal justice system, NYCHA looks at the period from when the offense was committed and your application to lift the exclusion.
4. Crimes and convictions after the exclusion also count towards the total number of priors. The entire criminal history is considered.

NYCHA calls this required time the **Crime-Free Waiting Period**. It means the excluded person cannot have a new conviction during this Crime-Free Waiting Period. **See "Notes" on the next page if the excluded person was convicted of another crime after the crime for which he/she was excluded.*

How long the excluded person's Crime-Free Waiting Period needs to be before NYCHA will consider lifting their exclusion depends on two factors:

1. **NYCHA considers the nature of the offense** that originally led NYCHA to exclude the person. If NYCHA excluded someone as a result of multiple crimes, NYCHA will look at the most serious crime when deciding how long the excluded person's required Crime-Free Waiting Period will be. For example, if NYCHA excluded someone for both drug selling and assault charges, NYCHA will use the violent assault to decide the required Crime-Free Waiting Period. Likewise, if NYCHA excluded someone for both drug and property crimes, NYCHA will use the drug crime to decide the required Crime-Free Waiting Period. NYCHA considers crimes involving guns as violent crimes.
2. **NYCHA considers number of prior criminal convictions** that the excluded person has. If the excluded person had one or more criminal convictions from before the crime they were excluded for, the Crime-Free Waiting Period will be longer (see chart below). **For example**, if NYCHA excluded someone for a violent crime, and, at the time of the exclusion the person had prior convictions, he/she would have a longer crime-free waiting period. Crimes and convictions after the exclusion will also be factored in when the Application is reviewed.

Find the Crime-Free Waiting Period. You can use the following chart to determine the excluded person's Crime-Free Waiting Period. NYCHA measures the waiting period from when the excluded person leaves prison or jail. If the person did not serve prison or jail time, the period starts from the date a court made a final decision on the crime that led to the exclusion. If the case didn't proceed through the criminal justice system, NYCHA looks at the period from when the offense was committed. The **Crime-Free Waiting Periods** are:

Offense – Property		Offense – Drugs		Offense – Violence	
# of Prior Convictions	Crime-Free Waiting Period (Years)	# of Prior Convictions	Crime-Free Waiting Period (Years)	# of Prior Convictions	Crime-Free Waiting Period (Years)
0 priors	2	0 priors	2	0 priors	4
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2-3 priors	3	2-3 priors	4	2-3 priors	6
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8+ priors	7	8+ priors	7	8+ priors	10



Application to Lift Perm. Exclusion: Passage of Time Instructions

Examples of how the Crime-Free Waiting Periods work

- *Ms. Smith's son was excluded in 2005 for a drug offense. At the time, he had no prior convictions. He was released from prison in 2010. His Crime-Free Waiting Period is 2 years (drug offense + 0 priors) so he would likely be eligible for her to request the exclusion be lifted in 2012. If Ms. Smith applies in 2016 and there are no further convictions, then the exclusion likely will be lifted.*
- *Ms. Martinez's grandson was excluded in 2005 for a drug offense. At the time, he had no prior convictions. He was released from prison in 2010. His Crime-Free Waiting Period would be 2 years (drug offense + 0 priors) so he would likely be eligible in 2012. But, if her grandson was convicted of a violent offense in 2015 (violent offense + 1 prior), he may not be eligible until at least 2020 depending on whether he was incarcerated for the 2015 offense. **He can still apply to have the permanent exclusion lifted under Path 1 even before this time is up.***
- *Mr. John's brother was excluded in 2010 for a violent offense. At the time, he had 3 prior convictions. He was released from prison in 2016. His Crime-Free Waiting Period is 6 years (violent offense + 3 priors) so he would likely be eligible in 2022. **He can still apply to have the permanent exclusion lifted under Path 1 even before this time is up.***

Exceptions to Crime-Free Waiting Periods

Even if the excluded person has not been arrested or convicted for a crime for the entire length of their required **Crime-Free Waiting Period**, NYCHA can still reject an application to lift an exclusion for one or more of the following reasons:

- Evidence of continued risk based on for dangerous or unsafe behavior other than a conviction. For example, evidence from NYCHA development staff that the excluded person poses a risk to resident health or safety can result in NYCHA rejecting the application to lift the exclusion.
- The time, nature and extent of the offense that originally led NYCHA to exclude the person was so serious that it requires a longer Crime-Free Waiting Period.

Notes

- If the Crime-Free Waiting Period has not yet passed, you can always apply under Path 1 at any time.
- The Crime-Free Waiting Period is based on the most recent relevant offense, so if the excluded person was convicted of another crime after the crime for which he/she was excluded, the Crime-Free Waiting Period begins from release from incarceration for the most recent conviction or date of sentencing if no incarceration sentence was involved. Moreover, "priors" are cumulative. Crimes committed after the exclusion, if any, will be added to the number of priors. If a relevant offense is pending during NYCHA's consideration of the application, the crime free waiting period has not yet commenced. However, the Tenant of Record can still always apply under Path 1.

