ATTACHMENT AA-2:

Worksheet for Assessing Justice-Involved Applicants

for New York City-Funded and/or -Assisted Housing[[1]](#footnote-2)

[COMPANY LETTERHEAD]

[PHONE NUMBER]

[EMAIL ADDRESS]

[FAX NUMBER]

[PROJECT NAME]

Housing providers are required to use this Worksheet to assess justice-involved applicants for New York City-funded and/or -assisted housing in a way that is consistent with applicable Federal, State, and City anti-discrimination laws, regulations, and policies. In completing this Worksheet, providers must comply with all policies and processes detailed in the accompanying guidance, *Assessing Justice-Involved Applicants for New York City-Funded and/or -Assisted Housing* (Attachment AA-1 to the HPD/HDC Marketing Handbook).

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| **1. Applicant’s Name** | **2. Applicant’s Log Number** |
|  |  |
| **3. Reviewer’s Name** | **4. Reviewer’s Contact Information:** |
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| **REMINDER!** | |
| * The housing provider may only consider prior criminal convictions. However, any youthful offender adjudications and any convictions that have been excused by pardon, overturned on appeal, sealed, or otherwise vacated may not be considered. * Prior or pending arrests that did not result or have not resulted in a conviction may not be considered. * The housing provider may only consider convictions for offenses listed in Attachment AA-4 or their out-of-state equivalents. See *Factors That Must be Considered and Using the Worksheet* in the accompanying guidance for more information. | |

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| **Question 1: Is the offense[s] for which the Applicant was convicted an applicable New York State Penal Law conviction, as enumerated in Attachment AA-4, or an out-of-state equivalent?** | | | | | |
| The accompanying list of Applicable NYS Penal Law Convictions in Attachment AA-4 must be used to determine whether an applicant’s conviction falls into either of these categories.  If a conviction occurred under the NYS Penal Law and does not appear on the list, it should not be factored in considering the application for tenancy.  If a conviction occurred pursuant to a law other than NYS’s Penal Law, the reviewer must determine whether the conviction is comparable in nature and severity to a conviction on the attached list. All such determinations must be fully articulated in the Worksheet for the applicant and the agency to review. | | | | | |
| ☐ | Yes, the conviction is on the list of Applicable NYS Penal Law Convictions or occurred pursuant to a law other than NYS’s Penal Law and is comparable in nature and severity to a conviction on the list of Applicable NYS Penal Law Convictions. | | ☐ | No, the conviction is not on the list of Applicable NYS Penal Law Convictions nor is it a comparable conviction that occurred pursuant to a law other than NYS’s Penal Law. |
| List the NYS Penal Law Code(s) for the applicable conviction(s):  **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**  **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**  **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**  **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**  List the Penal Law Code and offense for a conviction that occurred pursuant to a law other than NYS’s Penal Law and, for each of these convictions, list the corresponding Applicable NYS Penal Law Code to which the reviewer has determined it is comparable: | | | **STOP:**  The assessment is completed. You may not inquire about applicant’s justice involvement and the applicant may not be rejected based on the criminal background check. **Skip ahead to Page 7 and check the box indicating that the Applicant will NOT be rejected for tenancy on the basis of justice involvement.** | |
| **Penal Code/**  **Jurisdiction/**  **Offense:**  **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**  **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**  **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**  **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** | | **Comparable Applicable NYS Penal Law Code(s):**  **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**  **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**  **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**  **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** |  | |
| **Continue to Question 2** | | |  | |
| **Question 2: What was the age of the Applicant at the time of the offense?** | | | | | |
| A reviewer is required to take the age of the Applicant at the time of the crime into account. In no case may a reviewer reject an applicant for an offense committed before the applicant turned 18 years old.   The reviewer must evaluate offenses committed at the age of 18 to 25 with the understanding that individuals who exercise poor judgment as youths or young adults very often mature into law abiding productive adults. On the other hand, if a person was convicted as an older person this does not, in itself, present a barrier to tenancy. | | | | | |
| ☐ | The applicant was 18 years or older at the time they committed the offense. | | ☐ | The applicant committed the offense before they were 18 years old. |
| **Continue to Question 3** | | | **STOP:**  The assessment is completed. You may not inquire about applicant’s justice involvement and the applicant may not be rejected based on the criminal background check. **Skip ahead to Page 7 and check the box indicating that the Applicant will NOT be rejected for tenancy on the basis of justice involvement.** | |

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| **Question 3: How much time has passed since the Applicant’s date of the conviction, taking into consideration the level of the offense or timing of release from incarceration?** | | | | |
| The reviewer may consider a conviction that meets the following criteria:   1. - a felony conviction that occurred within five years prior to the consideration or granting of tenancy, or 2. - a conviction that resulted in incarceration where the applicant’s release from incarceration occurred within one year prior to the consideration or granting of tenancy, or 3. - a misdemeanor conviction that occurred within one year prior to the consideration or granting of tenancy. | | | | |
| ☐ | The applicant’s Applicable conviction is a felony conviction that occurred within five years prior to the consideration or granting of tenancy | ☐ | The applicant’s Applicable conviction does not meet the above criteria. |
| ☐ | The applicant’s Applicable conviction resulted in incarceration where the applicant’s release from incarceration occurred within one year prior to the consideration or granting of tenancy | **STOP:**  The assessment is completed. You may not inquire about applicant’s justice involvement and the applicant may not be rejected based on the criminal background check. **Skip ahead to Page 6 and check the box indicating that the Applicant will NOT be rejected for tenancy on the basis of justice involvement.** | |
| ☐ | The applicant’s Applicable conviction is a misdemeanor conviction that occurred within one year prior to the consideration or granting of tenancy |
| **Reach out to applicant using Attachment AA-3 for additional information as described below.** | |

At this stage in the review, applicants must be given an opportunity to review and explain any conviction record and evidence of rehabilitation and good conduct before any decision regarding tenancy is made. The reviewer must reach out to the Applicant using **Attachment AA-3** to request more information. The Applicant must be given no less than ten business days to provide more information regarding a conviction and/or subsequent rehabilitation. Applicants must be given the choice to submit this information through the Housing Connect system, by email, or in person, and must be provided the opportunity to review the information with the housing provider in person, by phone, or by virtual appointment, if they so choose.

**Continue to Question 4, using the information in the applicant’s response.**

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| **Question 4: Has the Applicant shown evidence of rehabilitation and good conduct or mitigating circumstances?**  **Note:**  Applicants shall not be required to provide responses to all of the below factors or any one factor in particular. In this assessment, no one factor can be considered in isolation; the interplay between the factors must be taken into account (e.g., a reviewer may look for stronger evidence of rehabilitation if an Applicant has a more serious conviction). | | |
| **Certificate of Relief from Disabilities or Certificate of Good Conduct**: If the Applicant has a certificate of relief from disabilities or good conduct, and the certificate is permanent, and the certificate covers housing, the Applicant’s conviction should not be factored into consideration of the application for tenancy. If the certificate is temporary or does not cover housing the certificate should be considered a positive factor in assessing rehabilitation. However, if a certificate of relief from disabilities or good conduct is not submitted, it cannot be used against the applicant. | | |
| ☐ Yes | | Explain: |
| ☐ No | |
| ***Treatment Completion:*** Has the Applicant put forth evidence of successfully completed treatment for drugs or alcohol, or for other conditions that may have contributed to their criminal behavior?  **Note:** It should not be assumed that a person has a drug or alcohol problem for which he or she needed to seek treatment, so the fact that an Applicant did not enroll in such treatment cannot be considered a negative factor. Rather, lack of evidence of treatment should be considered neutrally. Since treatment information is subject to HIPAA regulations, this information should be volunteered by the Applicant, not required, and maintained in a manner to ensure the privacy of the Applicant. | | |
| ☐ | Yes | Explain: |
| ☐ | No |
| ***Rehabilitative Programming:*** Has the Applicant participated in and completed other types of rehabilitative programming – such as vocational, educational, work or therapy programs – during or after incarceration? | | |
| ☐ | Yes | Explain: |
| ☐ | No |

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| ***Employment Status:*** Has the Applicant sought and maintained employment after the conviction or release from incarceration? | | |
| ☐ | Yes | Explain: |
| ☐ | No |
| ***Volunteer or Community Activities:*** Has the Applicant provided evidence of community engagement or volunteer work, which speak to how they have been productively spending their time, particularly if the applicant has had difficulty finding employment? | | |
| ☐ | Yes | Explain: |
| ☐ | No |
| ***Recommendations:*** Has the Applicant provided recommendations from community members, including, but not limited to: clergy, parole supervisors, educators, employers, neighbors and other local community residents, landlords  **Note:** Recommendations can be provided, but are not mandatory. An applicant’s failure to provide a recommendation cannot be used as a negative factor in assessing eligibility. | | |
| ☐ | Yes | Explain: |
| ☐ | No |
| ***Mitigating factors surrounding the Conviction:*** *The applicant may provide a narrative explaining the circumstances in which the crime was committed and what has occurred since then, which may mitigate the severity of the conviction.* | | |
| ☐ Yes | | Explain: |
| ☐ No | |
| ***Other Relevant Factors:***  Are there any other factors that speak to the applicant’s rehabilitative efforts and conduct that may be relevant? | | |
| ☐ | Yes | Explain: |
| ☐ | No |

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| **DETERMINATION** | | |
| ☐ | The Applicant will not be rejected for tenancy on the basis of justice involvement | |
| ☐ | The Applicant is rejected for tenancy on the basis of justice involvement. | |
|  |  | I, the reviewer, attest that I completed this worksheet in full and determined that the applicant’s Applicable conviction(s) meet(s) the criteria in Questions 1 - 3 to warrant further consideration of the relevant facts and circumstances of the conviction and evidence of subsequent rehabilitation and good conduct. I further attest that any facts and circumstances and any evidence of rehabilitation and good conduct that were put forth in response to outreach to the applicant (Attachment AA-3) were not sufficient to reasonably establish that the applicant is able to live peaceably alongside other tenants, and to respect the building, its grounds, and the property of other tenants or visitors.  Reviewer’s signature: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  The Applicant must be given a written explanation of the denial of housing, as well as copies of any documentation the housing provider reviewed in assessing their application, including but not limited to the accompanying Worksheet.  The Applicant also must be given an opportunity to appeal the denial. The Applicant must be given no less than ten business days after notice of the denial to respond to the documentation and explanation of the denial. The appeal process must conform to Section 4.4-D of the HPD/HDC Marketing Handbook, which applies to all instances in which an Applicant is found to be ineligible or is rejected for any reason. As part of this process, Applicants must receive notification of the opportunity to complain to HPD or HDC if their initial appeal is unsuccessful (Appeal Rejection Notice, Attachment H-7).  Please review the accompanying guidance, *Assessing Justice-Involved Applicants for New York City-Funded and/or -Assisted Housing* (Attachment AA-1) for further requirements related to document retention. |

1. For the purposes of this document, when the term New York City-funded and/or -assisted housing is used it refers to HDC-funded and/or -assisted housing, as well as New York City-funded and/or -assisted housing. [↑](#footnote-ref-2)