STOP NYCHA FROM SEPARATING FAMILIES

NYCHA, like many private landlords, discriminates against New Yorkers involved with the criminal legal system, breaking up families and creating a pipeline to homelessness. This is a tragedy not only because NYCHA is discriminating in the name of the City of New York, but because it is removing one of the few affordable housing options available to New Yorkers—and especially, those who are Black and Latinx.

The City Council is considering Fair Chance for Housing legislation eliminating housing barriers for people who have criminal records. Tell council members to make sure it's fair for all by asking them to include NYCHA, the city’s biggest landlord, in the legislation:

→ Email and call your council member asking them to support the bill.
→ Share posts on Twitter and Instagram tagging @NYCSpeakerCoJo and your own council member and asking them to support the bill. Tag @JustReentry and @FairHousing_NYC too to support the campaigns.

When a public housing resident is arrested in New York City, the public housing authority (NYCHA) on behalf of the City of New York can begin processes to evict their entire household. In order to stay in their home, a family must appeal and sign paperwork that says they will “permanently exclude” their accused family member in order to stay in their homes. This means that their loved one cannot live with them and cannot visit them at home.

That’s right, you do not have to be convicted to be evicted from NYCHA. A crime does not have to be proven in a court of law in order for NYCHA to begin the proceedings to break up families. There just has to be an accusation of undesirable, dangerous conduct.

Bill de Blasio’s New York is harsher than Donald Trump and Ben Carson’s federal housing agency. The federal government gives local public housing authorities discretion about how to act on this. In fact, the federal housing agency (HUD) has explicitly issued guidance saying it does not require “one strike” rules that require automatic eviction any time a household member engages in criminal activity.

It doesn’t have to be this way. In New Orleans, the housing authority starts from a place of inclusion rather than exclusion. They state plainly that “There is absolutely no presumption that an applicant with a criminal conviction should be denied housing assistance.” Housing authorities in Michigan and California look back only 1-2 years to determine if a person is engaged in criminal activity. NYCHA, meanwhile, looks back 3-6 years unless the individual initiates an appeals process.
Allowing people returning from jail back home does not increase crime in public housing. NYCHA's own Family Reunification Program proves that people are unlikely to commit new crimes when they return home if they are supported with access to reentry services. In five years, the program enrolled 161 people and only six have new convictions. People who return home to NYCHA are far less likely to have a new conviction, demonstrating how housing stability reduces crime. Furthermore, the Mayor's Office already has an initiative, the Mayor's Action Plan for Neighborhood Safety, that proactively aims to create programmed public space and a healthy environment for public housing residents.

WHAT DOES “PERMANENT EXCLUSION” MEAN?

What are permanent exclusions? NYCHA gives the Office of Impartial Hearings—a judicial system separate from and in addition to the criminal court system—the authority to decide if a NYCHA resident is “dangerous” or “undesirable.” The determinations of this office can make individuals to be “Permanently Excluded” from all NYCHA properties, which means they must move out immediately, separate from family members who wish to stay in their homes, and cannot enter NYCHA properties to visit their family and loved ones. In cases where a NYCHA resident has completed a sentence in prison or jail, they are Permanently Excluded from returning to their home. Only some Permanent Exclusions are lifted after a waiting period of 3-5 years and/or through an appeals process.

Who is impacted by the permanent exclusions? Black and Brown New Yorkers. Permanent Exclusions disproportionately impact New Yorkers of color (91% of residents living in NYCHA properties are Black or Latinx). Excluded individuals lose their home and must look for another affordable housing option and, in many cases, face homelessness. For households, Permanent Exclusions can create impossible choices - do you stay together and experience housing insecurity in New York City, or are you forced to be separated from loved ones?

Why is New York’s permanent exclusion policy particularly bad? NYCHA goes above and beyond the regulations of HUD under the Trump administration. The federal department of Housing and Urban Development only requires that people convicted of violent crimes in court are permanently excluded from public housing properties. It allows local housing authorities to make determinations about who else may be excluded, allowing for the broad interpretation of who is “dangerous,” and, in some cases, permanently excluding residents upon arrest and before conviction.