Lemle&Wolff
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RENTAL APPLICATION FOR (LIHTC) APARTMENTS

Desired Apt. Size

_____Studio
_____1 Bedroom
_____2 Bedrooms
_____3 Bedrooms
_____4 Bedrooms

Location Desired (circle one)

Bronx Manhattan Brooklyn

Specific Address ____Yes ____No

Address:______________________

Instructions:

1. Only one application per family.

2. Application must be filled out completely and accurately.

3. Application must be signed by all household members 18 and over.

No payment should be given to anyone in connection with the preparation or filing of this application.

A. Name and Address

Name____
Current
Address____
City, State, Zip
Code____
Home Telephone/Cell
Phone____
Work
Phone____
How long have you lived at this address? ____________Years____________Months
Email Address: ____________________________

B. Household Information

How many persons in your household, including yourself, WILL LIVE IN THE UNIT FOR WHICH YOU ARE APPLYING? _________.

List all of the people WHO WILL LIVE IN THE UNIT FOR WHICH YOU ARE APPLYING, starting with yourself, and provide the following information. Add additional pages if necessary.

Full Name:	Relation to Applicant	Birth Date	Age	Sex	Occupation

Are you or any member of your household disabled? [ ] Yes [ ] No
If yes, would you describe the disability as [ ] mobility impairment? [ ] visual impairment? [ ] hearing impairment?
If you checked either mobility impairment, or visual impairment, or hearing impairment, do you or a member of your household require a special accommodation? [ ] Yes [ ] No
If yes, please specify the special accommodation required:

C. Income from Employment

1) Are you an employee of the City of New York, the New York City Housing Development Corporation, the New York City Economic Development Corporation, the New York City Housing Authority, or the New York City Health and Hospitals Corporation? Yes ______ No ______ (If Yes, please identify the agency or entity at which you are employed):
Agency/Entity ____

2) If you answered "yes" to Question 1 above, have you personally had any role or involvement in any process, decision, or approval regarding the housing development that is the subject of this application? Yes ___ No ___

NOTE: If you answered 'Yes' to Question 1 above, you may be required to submit a statement from your employer that your application does not create a conflict of interest. If you answered 'Yes' to Question 2 above, you will be required to submit a statement from your employer that your application does not create a conflict of interest. Such statement would not be required until later in the application process, after you have been selected through the lottery, when you will also be required to provide other documents to verify your income and eligibility.

List all full and/or part time employment for ALL HOUSEHOLD MEMBERS including yourself, WHO WILL BE LIVING WITH YOU in the residence for which you are applying. Include self-employment earnings.

Household Member:	Employer Name and Address:	Years Employed:	Gross Earnings:

D. Income from Other Sources

List all other income, for example, welfare (including housing allowance), AFDC, Social Security, SSI, pension, disability compensation, unemployment compensation, Interest income, babysitting, care-taking, alimony, child support, annuities, dividends, income from rental property, Armed Forces Reserves, scholarships and/or grants, etc.

HOUSEHOLD MEMBER	Type of Income	Amount

________________ ________________ $________per________

________________ ________________ $________per________

________________ ________________ $________per________

________________ ________________ $________per________

E. Total Annual Household Income

Add All Income Listed Above and Indicate the Total Earned for the Year $________________per year

F. Current Landlord

Landlord's Name____

(If you live in a public housing project enter "NYCHA." If you live in a city-owned/In Rem building enter "HPD")

Landlord's Address____

Landlord's Phone Number____

G. Current Rent

What is the total rent on the apartment where you currently live or temporarily staying? $____________monthly

How much do you contribute to the total rent of the apartment? If nothing write "0" $____________monthly

H. Reason for Moving

Why are you moving? Please check all that apply.

{ }Living with parents
{ }Not enough space
{ }Living in shelter or on the streets
{ }Bad housing conditions
{ }Health Reasons
{ }Disability access problems
{ }Do not like neighborhood
{ }Living with relatives/other family members
{ }Rent too high
{ }Increase in family size (marriage, birth)
{ }Other________________________

I. Section 8 Housing Assistance

Are you presently receiving a Section 8 housing voucher or certificate? [ ] Yes [ ] No

Please check Yes or No. This information will not affect the processing of the application.

J. Assets

Checking Account/Bank or Branch____

Passbook Savings/Bank or Branch____

Savings Certificates/Bank or Branch____

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K. Source of Information

How did you hear about this development?

[ ] Newspaper
[ ] Local Organization or Church
[ ] City "affordable housing hotline" listing new ads for the month
[ ] Sign Posted on Property
[ ] Friend
[ ] Web Site/Internet
[ ] Other______________________________

L. Ethnic Identification (Used for Statistical Purposes Only)

This information is optional and will not affect the processing of the application. Please check one group that best identifies the applicant.

[ ] White (non Hispanic origin)
[ ] Hispanic origin
[ ] American Indian/Alaskan Native
[ ] Black
[ ] Asian or Pacific Islander
[ ] Other

M. Signature

I DECLARE THAT STATEMENTS CONTAINED IN THIS APPLICATION ARE TRUE AND COMPLETE TO THE BEST OF MY KNOWLEDGE. I have not withheld, falsified or otherwise misrepresented any information. I fully understand that any and all information I provide during this application process is subject to review by The New York City Department of Investigation (DOI), a fully empowered law enforcement agency which investigates potential fraud in City-sponsored programs. I understand that the consequences for providing false or knowingly incomplete information in an attempt to qualify for this program may include the disqualification of my application, the termination of my lease (if discovery is made after the fact), and referral to the appropriate authorities for potential criminal prosecution.

I DECLARE THAT NEITHER I, NOR ANY MEMBER OF MY IMMEDIATE FAMILY ARE EMPLOYED BY THE NEW YORK CITY HOUSING DEVELOPMENT CORPORATION OR ITS SUBSIDIARIES, OR THE BUILDING OWNER OR ITS PRINCIPALS.

Signed:______________________________Date:______________

OFFICE USE ONLY:

Community Board Resident [ ] Yes [ ] No
Municipal Employee [ ] Yes [ ] No
Size of Apartment Assigned: [ ] Studio [ ] 1 Bedroom [ ] 2 Bedroom [ ] 3 Bedroom [ ] 4 Bedroom
Family Composition: Adult Males_______Adult Females______Male Children_______Female Children_______
Person with Disability [ ] Mobility [ ] Visual [ ] Hearing
TOTAL VERIFIED HOUSEHOLD INCOME: $______________________per Year

CREDIT REPORT RELEASE

INSTRUCTIONS TO APPLICANT:

Please choose if you want to consent to a credit check or, in place of a credit check, provide evidence that you have paid your full rent for the past twelve (12) months.

If you do are unable to provide the twelve (12) month rental payment history, you may proceed with providing a credit check that was conducted on you within the past 30 days, an additional credit check will not be conducted, and you will not be charged a fee.

Please write your initials next to one of the choices below:

- **I am providing a 12-month rent payment history: _____**
- **I am providing a copy of a credit check conducted within the past 30 days: _______**
- **I choose to proceed with a credit check (may come with up to $20 fee): _______**

I HEREBY AUTHORIZE LEMLE & WOLFF AND ITS AGENT/S, TO OBTAIN MY CRIMINAL BACKGROUND IN CONNECTION WITH MY RENTAL/SALES APPLICATION. CRIMINAL BACKGROUND CHECKS WILL BE RUN ONLY AFTER THE APPLICANT HAS BEEN CONDITIONALLY APPROVED PER THE FAIR CHANCE HOUSING LAW.

I HEREBY ACKNOWLEDGE RECEIPT OF THE NYC FAIR CHANCE HOUSING NOTICE: CRIMINAL RECORDS.

- **Applicant Name** ____

Home Address ____

____

SS # ______________________ Date of Birth ______________________

Email Address: ______________________

______________________________ ______________________

Signature Date

- **Co-Applicant Name** ____

Home Address ____

____

SS # ______________________ Date of Birth ______________________

Email Address: ______________________

______________________________ ______________________

Signature Date

- **Co-Applicant Name** ____

Home Address ____

____

SS # ______________________ Date of Birth ______________________

______________________________ ______________________

Signature Date

- **THE SIGNATURE OF EACH LEASE ADULT APPLICANT IS REQUIRED**

ATTACHMENT H-1C: REQUIRED DOCUMENTS

Please provide the following documents for everyone who will live in the affordable unit.

BENEFITS INCOME (TANF, SNAP, MEDICAID, WIC, etc)	
For applicants whose income has been certified by another federal public assistance program within the last 12-month period, an award letter from the respective agency that includes all of the following data points: ☐ The date of the certification ☐ The household members included on the certification ☐ The gross household income calculation without deductions ☐ NOTE – If this letter is provided and the household members listed on the letter match all of the household members on the application, no further income verification documents are needed.	
EMPLOYMENT INCOME	
☐	Most recent and consecutive paystubs that represent one month of wages: • If paid monthly, bimonthly, or biweekly – 2 paystubs • If paid weekly – 4 paystubs
☐	If paid in cash, proof of cash payments: - Employer letter - Bank statements that support deposits
SELF EMPLOYMENT INCOME	
☐	Copies of last year's signed Form 1040, with schedule C, E or F
☐	Copies of all 1099s from the last year
☐	An estimated projection of your NET self-employment income (gross income minus expenses) for the next 12 months. CPA letter or tax preparer statement on letterhead, or self-certification. Copies of expenses, receipts, and other backup documentation may be required.
For each household member with a business or that is self-employed <u>without</u> documented tax filings, provide:	
☐	An estimated projection of your NET self-employment income (gross income minus expenses) for the next 12 months. CPA letter or tax preparer statement on letterhead, or self-certification, is acceptable.
☐	All third-party documentation supporting the estimate. Examples: receipts, records of expenses, invoices, deposits, cancelled checks, etc.

GOVERNMENT BENEFITS INCOME	
☐	Current valid Section 8 transfer voucher or proof of other rental subsidy
☐	Unemployment Payment history from NYS Department of Labor Online System (http://labor.ny.gov/unemploymentassistance.shtm)
☐	Veteran's Benefits award letter for current or most recent calendar year
☐	Public Assistance budget letter dated less than 120 days
☐	Armed Forces Reserves payments
RETIREMENT OR DISABILITY INCOME	
☐	Pension letter for current or most recent calendar year Current or recent check stub including gross amount awarded
☐	Social Security Award letter(s) for current or most recent calendar year
☐	State Payments to allow individuals with disabilities to live at home
☐	Copies of statement from issuing institution(s) for dividends and annuities
OTHER SOURCES OF INCOME	
Child Support or Alimony:	
☐ ☐ ☐	Copies of separation or settlement agreement(s) stating the amount and type of support and payment schedule, OR Copies of any official statement or print-out for child support (dated within the last 120 days and showing activity and amounts), OR A self-certification from applicant or payee indicating the support amount and frequency. Supporting documentation may be required.
☐	Adoption assistance payments
☐	Payments received for the care of foster children or adults.
☐	Earned income of foster adults (do not include the earned income of foster children)
Rental Income:	
☐	Proof of Income from rental properties
Gift Income:	
☐	Self-certification signed by the person providing assistance, including the purpose of the income, dates and value of gift(s), and how often the gift is provided (weekly, monthly, annually).
Other Income:	
☐	Documents that support any other recurring income being received by the household

HOUSEHOLD ASSETS OVER $50,000	
If household assets total over $50,000, provide:	
☐	Most recent statements for all bank accounts, e.g. checking, savings, money markets, e-banking such as Venmo/Cashapp/Paypal
☐	Most recent investors’ statement for stocks and bonds
☐	Most recent statement for all other investment accounts, i.e. 401K, IRA, 403b, 414H, NYCERS
☐	Most recent statement for life insurance policies
☐	Estimated current value of real estate or other investment property, most recent mortgage bill. If selling: price, estimated broker’s fee and closing costs.

HOUSEHOLD MEMBER INFORMATION	
☐	Copies of birth certificates for all minors in the household
☐	Copies of picture ID for all persons over 18 (examples: driver’s license, passport, Military ID, NYC Municipal ID, non-driver ID)
☐	Copies of school letters verifying enrollment for all adult (18 years or older) household members attending school (examples: college, university, training programs)
☐	Self-certification stating last date of employment for any previous jobs listed on application
☐	Proof of legal custody or guardianship of all minors (if you are not listed on the birth certificate)

RENT PAYMENT HISTORY AND CREDIT REVIEW

Applicants have the choice of **either** providing 12 months of complete rent payments **or** consenting to a credit review.

☐ **Option 1 - If you wish to provide rental payment history, you must bring:**

1. Proof of the amount you are supposed to pay in rent monthly, like your lease, a notarized affidavit from the building owner or manager, etc.

AND

2. Proof that you have paid the full rent each month for the last 12 months. For example:
   - ☐ Formal rent receipts
   - ☐ Evidence of monthly withdrawals, payments, or transfers, e.g., bank statements
   - ☐ Money order receipts or copies
   - ☐ Canceled checks
   - ☐ Landlord’s written record of rent payments, i.e., rent ledger

- ★ **If the evidence of rent payments that you provide is incomplete or difficult to verify, you may provide your written consent to the Marketing Agent to contact your current/previous building owner or manager for a rent ledger.**

☐ **Option 2 - If you do not wish to provide rental payment history, or are unable to, you may consent to a credit review.**

- ★ **Has another building manager, owner, real estate broker, or other building representative run a credit check for you within the last 30 days?**
  - ☐ Yes: bring your copy of the credit check. You could avoid an additional credit check and fee.
  - ☐ No: be prepared to pay the non-refundable credit check fee of $20.00 (maximum)

Commission On
Human Rights

NYC Fair Chance Housing Notice: Criminal Records

As of <u>January 1, 2025</u>, in NYC, it is illegal for most housing providers to discriminate on the basis of a conviction history in rentals or sales, including co-ops and condos.

The protections of the NYC Fair Chance Housing Law apply to current tenants as well as applicants.

It is a violation of the Law for covered housing providers to:	
Make statements about criminal background checks or criminal records or express limitations on this basis in ads and applications	Treat applicants or tenants differently because of a conviction history except as allowed by the Fair Chance Housing Law.

Covered housing providers **may NEVER** change the terms of a sale or lease because of a conviction history. Covered housing providers **may** revoke a housing offer or decline to renew a lease **ONLY** based on limited kinds of convictions and **ONLY** when they follow the requirements of the Fair Chance Housing Law.

The NYC Fair Chance Housing Law does not require housing providers to run criminal background checks. Any housing provider can accept a renter or buyer without following the steps below. The steps below are only for covered housing providers that choose to run a background check.

If a Covered Housing Provider Chooses to Run a Criminal Background Check: You Have Rights.

Covered housing providers **must first** consider your general housing eligibility (ability to meet lease terms) AND make a conditional offer of housing. **Only after** this conditional offer is it lawful for a covered housing provider to run a criminal background check.

Before conducting a criminal background check, covered housing providers must:

- Make you a conditional offer of housing AND
- Give you a copy of this notice explaining your rights

Housing providers are also responsible for compliance with laws governing the collection and use of personal information, such as Federal and State Fair Credit Reporting Acts.

Conditional Offer of Housing

A conditional offer of housing is a **written lease, rental agreement, or agreement for a sale** that conditionally commits a unit(s) to a renter or buyer and can only be revoked in limited circumstances. Next a covered housing provider chooses either:

NOT to conduct a criminal background check	TO conduct a criminal background check
At this time, the housing provider can either finalize the offer or revoke it for a lawful, non-discriminatory purpose that is unrelated to conviction history.	It is illegal for the housing provider to seek or review your conviction history before you have a conditional offer.

Criminal Background Check

If a covered housing provider chooses to run a criminal background check after making you a conditional offer, they may only consider **very limited** categories of convictions:

- convictions that require registration on a sex offense registry at the time of the background check
- felony convictions from the last 5 years, except those below
- misdemeanor convictions from the last 3 years, except those below

The 3 or 5 years are measured from the **actual date of release OR the sentencing date** (if the sentence does not include jail or prison time), regardless of probation or parole status.

A covered housing provider can **NEVER** consider arrests or pending cases, or:

- convictions that were sealed, expunged, are under an executive pardon or certificate of relief from disabilities, or legally nullified or vacated
- convictions for violations, which are non-criminal offenses such as disorderly conduct
- convictions under federal law or another state's law for conduct related to reproductive or gender affirming care that is lawful in New York State
- convictions under federal law or another state's law for cannabis possession that does not constitute a felony in New York State
- Adjournments in Contemplation of Dismissal (ACDs)
- adjudications as a youthful offender or for juvenile delinquency
- terminations in favor of an individual, including but not limited to, acquittals, reversals upon appeal, and exonerations)
- Dispositions of criminal matters under federal law or another state's law that are comparable to those listed here.

It is illegal for a covered housing provider to consider information in these categories. In addition, tenant screening companies may be held liable under federal fair housing laws for discriminatory decisions by housing providers.

Right to Provide Support for Your Application

After considering only reviewable convictions, a covered housing provider that wants to revoke a housing offer must **FOLLOW THE FAIR CHANCE HOUSING PROCESS** while holding a unit open. They must:

1. Give you a copy of all criminal history information they received and/or reviewed
2. Allow you 5 business days to respond by:
   - pointing out errors in the conviction history
   - identifying any information that should not have been considered (any information outside the lawfully reviewable convictions)
   - sharing information on your background, personal and professional references, and/or any information that supports your application.

You are not required to provide information to support your application at this stage. A housing provider must complete an individualized assessment even if you do not provide supporting information.

Right to an Individualized Assessment of Your Application

A covered housing provider must conduct an individualized assessment of the reviewable convictions, together with any other information that you have timely submitted.

A covered housing provider CANNOT revoke a conditional offer of housing after running a criminal background check except in two **limited circumstances:**	
After conducting an individualized assessment if they show in writing BOTH: • a legitimate business interest AND • how the legitimate business interest is linked to your individual history.	If they show *new information, unrelated to criminal history,* that impacts your qualifications for tenancy and that they did not know at the time of your conditional offer.

Legitimate Business Interest

A covered housing provider's legitimate business interest must be specific and objective. Compliance with a particular lease term is a permissible legitimate business interest. Purely discriminatory motives, stigma, stereotypes, or assumptions never constitute a legitimate business interest.

A covered housing provider that shows a legitimate business interest must also **explain** the link between that interest and your particular individual history in light of the individual information you shared to justify a decision to revoke your conditional offer of housing. **The existence of a conviction alone never creates that link.**

The following are not legitimate business interests and do not establish a sufficient link to justify a housing provider's decision to revoke an offer:

- "I don't want a hot spot for law enforcement"
- "The applicant seems likely to commit another crime and I want tenant safety"
- "This is a family building"
- "We don't want bad guys hanging around"
- "My tenants don't want criminals"
- "My insurance rates will go up"
- "This will impact my property value"

Revoking a Conditional Offer of Housing

Before a covered housing provider can revoke a conditional offer because of your criminal history, the housing provider **MUST** take the following steps:

1. Do an individualized assessment of your reviewable convictions **AND** the information you provided
2. Give you copies of all documents that it received and/or reviewed
3. Give you a written statement that explains:
    - the decision to revoke based on your conviction history **AND** the link to a legitimate business interest
    - how your individual information and circumstances were taken into account

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Exemptions for Housing Providers

- Housing provider-occupied properties with 2 or fewer rooms or units are not covered by the NYC Fair Chance Housing Law.
- State or federally funded housing providers, including public housing authorities that are required or authorized to take specific actions related to criminal history **CAN** take such specific actions without violating the NYC Fair Chance Housing Law.

For additional information about tenants' and buyers' rights & housing providers' responsibilities under the NYC Fair Chance Housing Law, and to see this notice in multiple languages, visit NYC.gov/FairChanceHousing.

REMINDER: All New Yorkers have a right to be free from retaliation in housing. It is illegal for housing providers in NYC to punish you or treat you negatively for telling them about your rights or for reporting discrimination or harassment.

CONTACT 22 Reade Street, New York, NY 10007 212-416-0197 www.nyc.gov/HumanRights

Commission On Human Rights

Aviso sobre la Ley de Oportunidad Justa para la Vivienda de NYC: antecedentes penales

A partir del 1ero de enero del 2025, en la ciudad de Nueva York, estará prohibido que la mayoría de los proveedores de vivienda discriminen por sus antecedentes penales al alquilar o vender propiedades, incluidas cooperativas y condominios.

Las protecciones de la Ley de Oportunidad Justa para la Vivienda de NYC rigen tanto para los arrendatarios actuales como para los solicitantes.

Se considera una violación de la ley que los proveedores de vivienda incluidos en esta ley:	
Hagan declaraciones sobre verificaciones de antecedentes o registros penales, o incluyan limitaciones relacionadas en anuncios publicitarios y solicitudes.	Tengan un trato diferente con solicitantes o arrendatarios con antecedentes penales, excepto en los casos permitidos por la Ley de Oportunidad Justa para la Vivienda.

Los proveedores de vivienda incluidos en esta ley **NUNCA** podrán modificar los términos de una venta o de un contrato de arrendamiento por antecedentes penales. **Podrán** revocar una oferta de vivienda o negarse a renovar un contrato de arrendamiento **SOLO** por ciertos tipos de condenas y **SOLO** cuando cumplan con los requisitos de la Ley de Oportunidad Justa para la Vivienda.

Esta ley no exige a los proveedores de vivienda realizar verificaciones de antecedentes penales. Pueden aceptar a un arrendatario o comprador sin seguir los pasos descritos abajo, los cuales solo aplican a aquellos que opten por realizar la verificación de los antecedentes penales.

Si el proveedor de vivienda decide realizar una verificación de antecedentes penales: usted tiene derechos.

El proveedor de vivienda cubierto por la ley **primero tiene que** evaluar su elegibilidad general para adquirir la vivienda (es decir, su capacidad para cumplir con los términos del contrato) y hacerle una oferta condicional de vivienda. **Solo después**, podrá realizar la verificación de manera legal.

Antes de la verificación de antecedentes penales, los proveedores de vivienda deben:

- hacerle una oferta condicional de vivienda y
- entregarle una copia de este aviso que explica sus derechos.

Además, los proveedores de vivienda deben cumplir con las leyes correspondientes relacionadas con la recopilación y el uso de información personal, como las Leyes Federal y Estatal de Informe Justo de Crédito.

Oferta condicional de vivienda

Una oferta condicional de vivienda es un **contrato o acuerdo de arrendamiento o de venta por escrito** que asigna de manera condicional una o más unidades a un arrendatario o comprador y que solo puede revocarse en ciertos casos. Después de realizar la oferta condicional, el proveedor de vivienda debe elegir una de las siguientes opciones:

NO REALIZAR la verificación de antecedentes penales	REALIZAR la verificación de antecedentes penales
El proveedor de vivienda puede confirmar o revocar la oferta únicamente por un motivo legal y no discriminatorio que no esté relacionado con antecedentes penales.	Es ilegal que el proveedor de vivienda busque o revise sus antecedentes penales antes de hacerle una oferta condicional.

CONTACTO 22 Reade Street, New York, NY 10007 212-416-0197 www.nyc.gov/HumanRights

Verificación de antecedentes penales

Si el proveedor de vivienda decide realizar la verificación de antecedentes penales después de haberle hecho una oferta condicional, solo podrá considerar categorías de condenas:

- Condenas registradas como delitos sexuales al momento de la verificación de limitados antecedentes.
- Condenas por delitos graves ocurridos en los últimos cinco años, excepto las incluidas a continuación.
- Condenas por delitos menos graves ocurridos en los últimos tres años, excepto las incluidas a continuación.

Los períodos de 3 o 5 años se calculan a partir de la **fecha de liberación o de la fecha de la sentencia** (si esta no incluye tiempo de detención en una cárcel o prisión), sin importar si la pena fue suspendida o si la persona está en libertad condicional.

El proveedor de vivienda cubierto por la ley **NUNCA** puede considerar arrestos o casos pendientes ni:

- Condenas selladas, eliminadas, indultadas, sujetas a un certificado de exoneración por discapacidades, o legalmente anuladas o revocadas.
- Condenas por infracciones, consideradas delitos no penales, como alteración del orden público.
- Condenas según leyes federales o de otro estado relacionadas con la salud reproductiva o la afirmación de género legales en el estado de Nueva York.
- Condenas según leyes federales o de otro estado por posesión de cannabis que no constituyan un delito grave en el estado de Nueva York.
- Aplazamientos en contemplación de desestimación (ACD).
- Fallos como infractor menor de edad o delincuencia juvenil.
- Resoluciones favorables a la persona, incluidas, entre otras, absoluciones, revocaciones tras apelación y exculpaciones.
- Disposiciones de asuntos penales según leyes federales o de otros estados comparables a las descritas aquí.

El proveedor de vivienda tiene prohibido tomar en cuenta información de estas categorías. Asimismo, según las leyes federales de vivienda justa, las empresas que evalúan a los arrendatarios podrían ser responsables en el caso de que los proveedores de vivienda adopten decisiones discriminatorias.

Derecho a presentar información de respaldo para su solicitud

Después de revisar solo las condenas permitidas, el proveedor de vivienda que desee revocar una oferta de vivienda debe **SEGUIR EL PROCESO DE OPORTUNIDAD JUSTA PARA LA VIVIENDA** y mantener la unidad disponible durante dicho proceso. Debe:

1. Entregarle una copia de toda la información sobre antecedentes penales recibida o revisada
2. Otorgar cinco días laborables para lo siguiente:
   - Señalar errores en el historial de las condenas.
   - Identificar cualquier información que no debería haberse considerado (es decir, no está relacionada con las condenas que tienen permitido revisar de manera legal).
   - Compartir información sobre sus antecedentes, referencias personales y profesionales, o cualquier información que respalde su solicitud.

En esta etapa, usted no está obligado a proporcionar información para respaldar su solicitud. El proveedor de vivienda debe completar una evaluación individualizada, incluso si usted no brinda información de respaldo.

Derecho a una evaluación individualizada de su solicitud

El proveedor de vivienda debe realizar una evaluación individualizada de las condenas que tiene permitido revisar, junto con cualquier otra información que usted haya presentado dentro del plazo establecido.

El proveedor de vivienda incluido en esta ley NO PUEDE revocar la oferta condicional de vivienda después de realizar la verificación de antecedentes penales, excepto en dos **casos**:	
Después de la evaluación, debe demostrar por escrito que cumple con AMBOS de estos requisitos: • que tiene un interés comercial legítimo; Y • que ese interés se vincula a su antecedente penal.	Si presenta *información nueva, que no está relacionada con antecedentes penales,* que afecta su idoneidad para el alquiler y que no conocía al momento de hacerle la oferta condicional.

Interés comercial legítimo

El interés comercial legítimo de un proveedor de vivienda debe ser específico y objetivo. El cumplimiento de un término en particular del contrato de arrendamiento es un interés comercial legítimo permitido. Motivos puramente discriminatorios, estigmas, estereotipos o suposiciones nunca constituyen un interés comercial legítimo.

El proveedor de vivienda que alegue un interés comercial legítimo tiene que **explicar** el nexo entre ese interés y su antecedente específico teniendo en cuenta la información que usted proporcionó para justificar la decisión de revocar su oferta condicional de vivienda. **La existencia de una condena nunca establece ese nexo.**

Los siguientes ejemplos no constituyen intereses comerciales legítimos ni establecen un nexo suficiente para justificar la decisión de un proveedor de vivienda de revocar una oferta:

- “No quiero que este lugar sea un punto frecuente de la policía”.
- “El solicitante parece propenso a cometer otro delito y quiero garantizar la seguridad de los arrendatarios”.
- “Este es un edificio familiar”.
- “No queremos personas problemáticas aquí”.
- “Mis arrendatarios no quieren delincuentes”.
- “Me aumentarán las tarifas del seguro”.
- “Esto afectará el valor de mi propiedad”.

Revocación de una oferta condicional de vivienda

Para que el proveedor de vivienda pueda revocar la oferta condicional a causa de antecedentes penales, **TIENE** seguir los siguientes pasos antes:

1. Realizar una evaluación personal de sus condenas **y** de la información que usted proporcionó.
2. Entregarle copias de todos los documentos que recibió o revisó.
3. Proporcionarle una declaración escrita que detalle lo siguiente:
   - La decisión de revocar la oferta por antecedentes penales **y** el nexo con un interés comercial legítimo.
   - La manera en la que consideró su información y circunstancias personales.

Exenciones para proveedores de vivienda

- Las propiedades ocupadas por el propio proveedor de vivienda con dos o menos habitaciones o unidades no están cubiertas por la Ley de Oportunidad Justa para la Vivienda de NYC.
- Los proveedores de vivienda con financiamiento estatal o federal, incluidas las autoridades de vivienda pública, obligados o autorizados a tomar medidas específicas relacionadas con los antecedentes penales, **PUEDEN** adoptar medidas específicas sin violar la Ley de Oportunidad Justa para la Vivienda de NYC.

Para obtener más información sobre los derechos de los inquilinos y compradores y las responsabilidades de los proveedores de vivienda según la Ley de Oportunidad Justa para la Vivienda de NYC, y para ver este aviso en varios idiomas, visite NYC.gov/FairChanceHousing.

RECORDATORIO: Todos los neoyorquinos tienen derecho a no sufrir represalias en cuestiones relacionadas con la vivienda. En la ciudad de Nueva York, los proveedores de vivienda tienen prohibido castigar o maltratar a los arrendatarios si estos les informan sobre sus derechos o los denuncian por discriminación o acoso.

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