

If you applied to live in NYCHA and your application was denied based on your criminal record, you can appeal!

Make sure it's time to appeal

It's time to appeal when NYCHA denies your application based on your criminal record, and the Justice Committee has had an opportunity to issue a recommendation.

Double check to make sure you completed the steps leading up to this point:



NYCHA ran a criminal background check on you.

- When an apartment becomes available, NYCHA runs a criminal background check. This is when they'll learn if you have a criminal record.
- If they run the background check while you're still in the ineligibility period based on your criminal background, NYCHA will send a notice saying you're "preliminarily ineligible" to live in NYCHA.



The Justice Committee reviewed your application and made a recommendation:

✓ Eligible to live in NYCHA

The Justice Committee may say your criminal background shouldn't keep you from living in NYCHA.

Congrats! NYCHA will continue checking your eligibility and processing your application for the apartment.



✗ Ineligible to live in NYCHA

The Justice Committee may say that your criminal background should make you ineligible to live in NYCHA for a certain period of time. **You can appeal!**

Go to Step 1 (pg 3) >

If the Justice Committee **hasn't reviewed** your application yet, you can submit evidence to them to show why your criminal record shouldn't keep you from living in NYCHA.

Appealing NYCHA's decision can take a long time and requires a lot of patience.

- **You can do this!**
- Keep track of all your documents and appointment dates.
- If you can, work with an advocate to support you through this process.

You have four opportunities to appeal NYCHA's decision:

	Appeal	Who you're appealing to	New evidence allowed?
Step 1	<i>Informal Discussion</i> (pg 3)	NYCHA	✓
Step 2	<i>Pre-Hearing Conference</i> (pg 4)	NYCHA	✓
Step 3	<i>Informal Hearing</i> (pg 5)	NYCHA	✓
Step 4	<i>Article 78</i> (pg 6)	New York State Supreme Court	✗

Step 1:

Schedule and attend an *Informal Discussion*

You can schedule an appointment here:
<https://wb-nycha.qmatic.cloud/qmaticwebbooking/#/>

An ***Informal Discussion*** is a conversation between you and a NYCHA staff member about your case.

You have to schedule the *Informal Discussion*. It will happen in-person at a NYCHA Customer Contact Center. There's one in the Bronx and one in Brooklyn.

Make sure you bring evidence to show why your criminal record shouldn't keep you from living in NYCHA.

After the discussion, NYCHA will mail you an "*Informal Discussion Letter*" to let you know their decision:

✔ **Approve your appeal**

Congrats! NYCHA will continue checking your eligibility and processing your application for the apartment.

✘ **Deny your appeal**

You can appeal again! The "*Informal Discussion Letter*" will have instructions for how to schedule a *Pre-Hearing Conference*. **Go to Step 2 (pg 4) >**

Step 2: Schedule and attend a *Pre-Hearing Conference*

○ A ***Pre-Hearing Conference*** is a meeting between you and a staff member from NYCHA’s Office of Applications and Tenancy Administration Department (ATAD) Appeals Division.

○ Follow the instructions on the “*Informal Discussion Letter*” to request an appeal. ATAD will send you a letter with your *Pre-Hearing Conference* date.

○ Make sure you bring:

- **Legal support if possible**, or any advocates who can support you (this is helpful but not required).
- **Copies of any documents you’ve received from NYCHA** or that they’ve referenced in your case.
- **Additional evidence** to show why your criminal record shouldn’t keep you from living in NYCHA.

After the *Pre-Hearing Conference*, NYCHA will make a decision:

○ ✓ **Favorable**

Congrats! NYCHA will continue checking your eligibility and processing your application for the apartment.

○ ✗ **Unfavorable**

If NYCHA denies your appeal, they will forward your case to the Office of Impartial Hearings.

NYCHA will send you a letter with your *Informal Hearing* date. You should receive this note at least two weeks before the hearing. **Go to Step 3 (pg 5) >**

Step 3: Go to the *Informal Hearing*

An ***Informal Hearing*** is a meeting between you and a NYCHA Hearing Officer about your case.

Make sure you bring:

- **Legal support if possible**, or any advocates who can support you (this is helpful but not required).
- **Copies of any documents you've received from NYCHA** or that they've referenced in your case.
- **Additional evidence** to show why your criminal record shouldn't keep you from living in NYCHA.

After the *Informal Hearing*, NYCHA will make a decision:

✓ **Favorable**

Congrats! The Hearing Officer will reverse the ineligible determination and return your application for processing.

✗ **Unfavorable**

If NYCHA denies your appeal, **you can appeal one more time** by filing an *Article 78* in New York State Supreme Court. **Go to Step 4 (pg 6) >**

Step 4:

File an *Article 78* in New York State Supreme Court

You need to file the *Article 78* **in person** at your County Courthouse. Find your location here: ww2.nycourts.gov/courtlocator

Don't leave your apartment until NYCHA files a Holdover Case against you in Housing Court.

Within four months of getting the unfavorable decision from the *Informal Hearing*, you need to file an ***Article 78***.

When you file an *Article 78*, a judge at the New York State Supreme Court will review NYCHA's decision.

Make sure you bring:

- **Legal support if possible**, or any advocates who can support you (this is helpful but not required).
- Unlike the previous steps, you **cannot** share new or additional information at this hearing.

After the *Article 78* proceeding, the judge will make a decision called a "judgment," where they say whether they uphold NYCHA's decision or disagree with it.

✗ Uphold NYCHA's Decision

If the judge agrees with the Hearing Officer's decision, you can appeal to the Appellate Division of the New York State Supreme Court. You must do this within 30 days of the *Article 78* proceeding.

This process is much more challenging and lengthy, and you will need professional legal help.

✓ Disagree with NYCHA's Decision

Congrats! If the judge disagrees with the Hearing Officer's decision, they can overturn NYCHA's decision or send it back for review.

If this happens, reach out to NYCHA about next steps towards obtaining a lease.