



NEW YORK CITY HOUSING AUTHORITY
250 BROADWAY • NEW YORK, NY 10007
TEL: (212) 306-3000 • <http://nyc.gov/nycha>

GREG RUSS
CHAIR & CHIEF EXECUTIVE OFFICER

November 6, 2019

Dear Resident Leader:

The U.S. Department of Housing and Urban Development (“HUD”) has recently provided guidance to NYCHA clarifying residents’ eligibility to vote in elections. As discussed below, any resident who is a head of household (any age), or if not head of household, any member of the household who is 18 years of age or older and appears on the New York City Housing Authority’s lease as a permanent authorized occupant¹ (“Eligible Resident”), is eligible to vote in elections to elect or remove board members, or recall an entire board. The resident council’s bylaws may not include any other voting restriction.

Pursuant to Federal Regulations, a resident council “must have a democratically elected governing board that is elected by the voting membership. . . . The voting membership must consist of heads of households (any age) and other residents at least 18 years of age or older and whose name appears on a lease for the unit in the public housing that the resident council represents.” 24 C.F.R. 964.115(c). Additionally, the Federal Regulations state “[t]he right to vote for resident council board shall be limited to designated heads of households (any age) and other members of the household who are 18 years or older whose name appears on the lease of a unit in the public housing development represented by the resident council.” 24 CFR 964.125(b). The Federal Regulations do not impose any other conditions in order to be eligible to vote. Therefore, bylaw provisions that include restrictions such as requiring a resident pay dues to be eligible to vote are contrary to the regulations and unenforceable.

Your resident council bylaws may contain language that restricts eligibility to vote in the resident council elections at your development beyond the criteria contained in the HUD regulations cited above. Please be advised that voting in any election must be open to all Eligible Residents (as defined above) and any election that restricts or prohibits Eligible Residents from voting will not be certified.

¹ NYCHA’s public housing leases, including any lease addendum and rent notices, list the permanent authorized occupants of an apartment.

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If you have any questions or need further clarification, please contact your resident engagement coordinator or you may send an e-mail to Resident.Engagement@nycha.nyc.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Jenelle Hudson", with a long horizontal flourish extending to the right.

Jenelle Hudson
Director
Resident Engagement Department
cc: File