

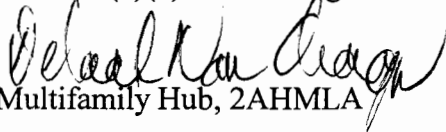


U.S. Department of Housing and Urban Development
New York State Office
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26 Federal Plaza
New York, New York 10278-0068
<http://www.hud.gov/local/nyn/nyopen.html>

Bookletter #1
FY 2006 – 2AHMLAP

November 2, 2005

MEMORANDUM FOR: All Owners, Managing Agents & PHAs Operating Section 8 New Construction, Substantial Rehabilitation, Elderly 202 Housing, Property Disposition (formerly HUD-owned and resold with Section 8 Assistance), Loan Management Set-Aside, State Agencies, Farmers Home Administration, Rent Supplement and RAP, Section 236 and Section 221(d)(3) BMIR Program

FROM: Deborah VanAmerongen, Director, New York Multifamily Hub, 2AHMLA 

SUBJECT: Preferences for Admitting Applicants in HUD-Assisted Housing

Please see the attached letter which addresses owner-adopted preferences in HUD-assisted housing.

If you have any questions regarding this matter, please call Stacey Schragger at (212) 542-7840 or Brooke Schlageter at (212) 542-7805.



U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
WASHINGTON, DC 20410-8000

ASSISTANT SECRETARY FOR HOUSING-
FEDERAL HOUSING COMMISSIONER

OCT 20 2005

Dear Owners and Management Agents:

It has recently come to our attention that owners and management agents of HUD-assisted multifamily housing projects may not be aware that they are allowed to establish owner-adopted preferences for admitting applicants in HUD-assisted housing to assure the housing needs of low-income families in the community where a project is located are being met.

With the passage of the Quality Housing and Work Responsibility Act of 1998 (QHWRA), you have the authority to establish owner-adopted preferences in the selection of tenants. When establishing owner-adopted preferences, you must incorporate the preferences and how they will be applied in the written Tenant Selection Plan developed for the project. The establishment of preferences must also be in accordance with the project's Affirmative Fair Housing Marketing Plan approved by HUD and comply with applicable fair housing and civil rights statutes.

You may use the local preferences established by the Public Housing Authority serving residents of your community. Other types of preferences you may adopt are:

- Residency preference – Before implementing a residency preference, the preference must be approved by HUD through modification of the Affirmative Fair Housing Marketing Plan.
- Working families
- Persons with disabilities
- Victims of domestic violence
- Single persons who are elderly, displaced, homeless or persons with disabilities over other single persons

The regulations at 24 CFR 5.655 and HUD Handbook 4350.3 REV-1, *Occupancy Requirements of Subsidized Multifamily Programs*, provide further discussion on establishing and implementing owner-adopted preferences.

If you have any questions regarding preferences, please contact your local HUD Field Office for guidance.

Sincerely,

A handwritten signature in black ink, appearing to read "B. Montgomery".

Brian D. Montgomery
Assistant Secretary for Housing – Federal Housing
Commissioner