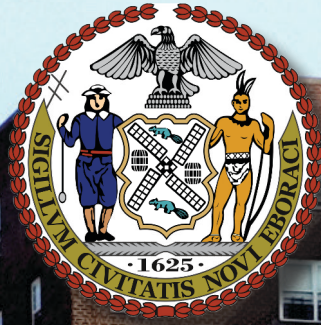


# Senator Jeffrey D. Klein Councilmember Ritchie Torres



# **Sex Offenders in Public Housing: *NYCHA Residents at Risk***

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December 2015



## **BACKGROUND**

In 1998, Congress banned subsidized housing for the most serious sex offenders after a convicted sex offender was charged with assaulting and molesting a nine-year-old girl who lived in the same public housing building. Also known as the Quality Housing and Work Responsibility Act, this new legislation prohibited housing authorities from admitting any household that included a person subject to the lifetime sex offender registration requirement.

Under sections 5.856 and 960.204 of title 24 of the Code of Federal Regulations, public housing authorities that receive federal financial assistance such as New York City Housing Authority, must establish standards prohibiting sex offenders from living in public housing if the sex offender is subject to lifetime registration requirements. Lifetime sex offender registration in New York with the Division of Criminal Justice Services (DCJS) applies to Level 2 and Level 3 sex offenders under section 168-h of the Corrections Law. According to DCJS, Level 2 sex offenders are at moderate risk for repeat offences, and Level 3 sex offenders are at high risk for repeat offence and a threat to public safety. Based on this federal regulation, NYCHA must perform sex offender background checks in its screening of applicants.

Accordingly, NYCHA's Standards of Admission deems any sex offender subject to lifetime registration requirements to be excluded from its public housing (*see* Tenant Selection and Assignment Plan, dated September 2012). During the screening process when applicants are applying for admission to NYCHA housing, NYCHA's borough office conducts an in-person interview with the members of the household and takes down the name and date of birth of each person over the age of 16. This information is noted on the criminal background check form. NYCHA then uses the Dru Sjodin National Sex Offender Public Website to determine if any household member listed on the criminal background check form is subject to lifetime registration. If an individual is in fact subject to lifetime registration, the application is denied by NYCHA.<sup>1</sup>

In addition, HUD Notice 2012-11 issued in June 2012 states that if a public housing authority discovers that an applicant was erroneously admitted instead of being disqualified due to lifetime sex offender registration, then the public housing authority must immediately pursue eviction or termination of assistance for that person.

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<sup>1</sup> City of New York, Office of the Comptroller, Audit Report on the Monitoring by the Housing Authority of Criminal Background and Sex Offense Checks of Its Housing Residents (2010).

## **KEY FINDINGS**

- **The largest amount of sex offenders residing in public housing is in Brooklyn with a total of 44, representing 40% of all sex offenders discovered in public housing.**
- **Of the 110 sex offenders found, 66 are Level 2 Sex Offenders and 44 are Level 3 Sex Offenders.**
- **Of the 110 sex offenders found, 41 have been designated by DCJS as a violent sexual offender.**
- **Of the 110 sex offenders found, 68 have committed crimes against children under the age of 17 with four victims aged under the age of five.**
- **The finding of 110 sex offenders in public housing represents an increase of over 36 new sex offenders living in Public Housing as compared to a survey of the same complexes five years ago.**

### **SENATOR KLEIN'S WORK ON THIS ISSUE TO DATE**

In 2010, Senator Klein conducted an investigation to determine whether NYCHA actually addressed the concerns and followed the recommendations put forth by HUD on the regulation of sex offenders in Public Housing. What the investigation discovered was 74 sex offenders lived in NYCHA residences at the time of the investigation.

In response to this alarming number, Senator Klein introduced and passed legislation needed to help maximize the safety of public housing residents. It requires under section 168-b(12) of the Correction Law, that DCJS make sex offender registry information available to NYCHA in order to identify persons ineligible to reside in public housing due to lifetime registration requirements. DCJS must also send a monthly list to NYCHA of all Level 2 and 3 sex offenders with a home address or expected domicile in the City of New York. This section of law was added by Chapter 278 of 2010, which was sponsored by Senator Klein.

## **A SURVEY OF SEX OFFENDERS IN PUBLIC HOUSING IN 2015**

On November 30, Councilman Ritchie Torres held a hearing at the Johnson Houses in East Harlem where he questioned NYCHA about its policies regarding permanently excluding NYCHA tenants who have committed crimes in their developments. The hearing was a response to growing concerns about how the city administration would handle NYCHA tenants with particularly violent pasts in the wake of the death of Police Officer Randolph Holder, allegedly shot down last month by a career criminal and NYCHA tenant, Tyrone Howard. Howard's criminal record goes as far back as 2005, yet no formal steps were taken to permanently exclude him from the development until 2014, a process that continued to lag up to the shooting<sup>2</sup>.

What was not addressed by NYCHA and what has not been a part of the recent conversations on violent offenders in the NYCHA system, was the potential presence of some of the worst of offenders in the criminal justice system – those sex offenders with such a violent sexual record that they are designated to register for life in the NYS Sex Offender Registry.

In light of the tools provided by Senator Klein by Chapter 278 of the 2010 laws and the fact that HUD has repeatedly issued regulations on the presence of sex offenders in public housing, Councilman Torres and Senator Klein examined the NYS Sex Offender Registry as well as the addresses of all NYCHA developments in New York City, to ensure that our public housing developments in New York City were sex offender free. The findings were shocking.

### **RELEVANT FINDINGS**

#### **Sex Offenders By Borough**

After surveying every sex offender in the NYS Sex Offender Registry and checking their addresses against every address in the NYC Public Housing Directory, the Office of Senator Klein and Councilman Torres **found 110 sex offenders who list their primary residence as an apartment in a NYC Public Housing Development.**

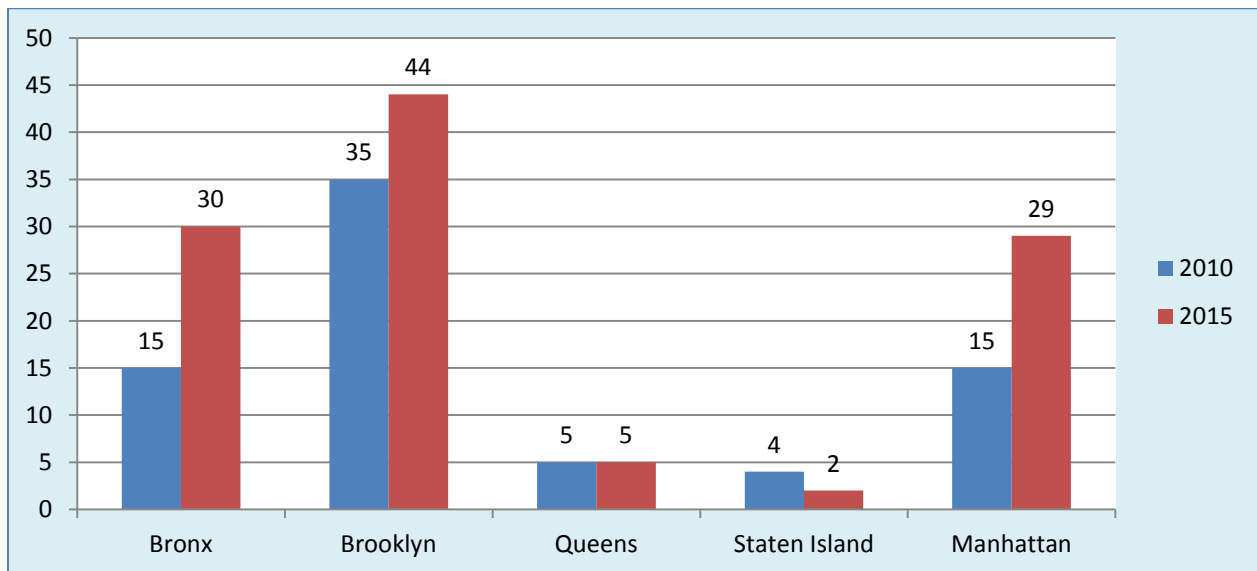
<b>Brooklyn</b>	<b>44</b>
<b>Bronx</b>	<b>30</b>
<b>Manhattan</b>	<b>29</b>
<b>Queens</b>	<b>5</b>
<b>Staten Island</b>	<b>2</b>

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<sup>2</sup> <http://www.nydailynews.com/new-york/system-ousting-crime-drugs-nycha-housing-broken-article-1.2458628>

When compared to the results of the 2010 examination, the Offices of Senator Klein and Councilman Torres discovered that in most counties there was a significant increase in sex offenders listing as their primary residence a New York City Public Housing Authority with the Bronx seeing the most significant increase percentage wise with a 50% jump in sex offender residencies followed by Manhattan and the Brooklyn. Queens remained the same while the only county to see a decline was Richmond County (Staten Island) with a drop from four sex offenders to one sex offender.

**Sex Offenders in NYCHA  
2010 vs. 2015 comparison by Borough  
Figure 2**



**Sex Offenders by Zip Code**

*Top 5 Zip Codes Containing NYCHA Developments with Sex Offenders*

<b>Zip Code</b>	<b>Borough</b>	<b># of Sex Offenders</b>
<b>10029</b>	<b>Manhattan</b>	<b>9</b>
<b>11212</b>	<b>Brooklyn</b>	<b>9</b>
<b>11206</b>	<b>Brooklyn</b>	<b>6</b>
<b>10451</b>	<b>Bronx</b>	<b>5</b>
<b>10456</b>	<b>Bronx</b>	<b>4</b>

## Sex Offenders by Development

After reviewing every NYCHA development listed on the New York City Housing Authority website and cross referencing it with the NYS Sex Offender Registry, the Office of Senator Jeffrey D. Klein and Councilman Ritchie Torres identified 81 developments (See Appendix 1) which currently have a sex offender registered at one of their addresses. Out of the 81 developments, 21 have multiple sex offenders residing there. The top developments with sex offenders residing in New York City public housing are:

Development	Borough	Number of Sex Offenders
Jefferson	Manhattan	4
Jackson	Bronx	3
Edenwald	Bronx	3
Bronx River	Bronx	3
Breukelen	Brooklyn	3
Van Dyke I	Brooklyn	3
Glenmore Plaza	Brooklyn	3
King Towers	Manhattan	3

## Sex Offenders by Criminal Act

### *Risk Level*<sup>3</sup>

Upon release to the community following a conviction, a sex offender is required to register with the Division of Criminal Justice Services. In order to determine the level of community notification and duration of registration, a hearing is held by the sentencing court. After examining the facts in a particular case the court makes a determination regarding the offender's level of notification, commonly called the risk level. **The risk level is based on the court's assessment regarding whether a particular offender is likely to repeat the same or similar registerable offense and the danger the offender poses to the community.**

**The court may assign one of the following three risk levels:**

Level 1 (low risk of repeat offense), or

Level 2 (moderate risk of repeat offense), or

Level 3 (high risk of repeat offense and a threat to public safety exists).

### *Designation*<sup>4</sup>

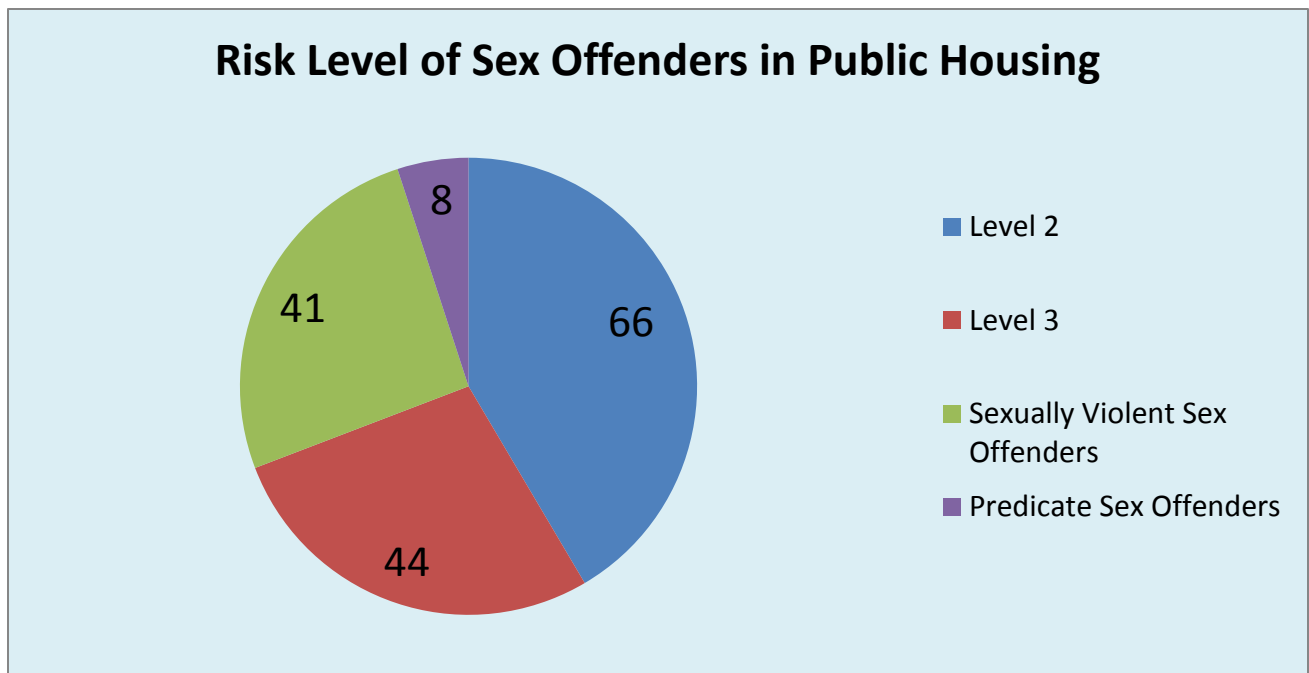
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<sup>3</sup> [http://www.criminaljustice.ny.gov/nsor/risk\\_levels.htm](http://www.criminaljustice.ny.gov/nsor/risk_levels.htm)

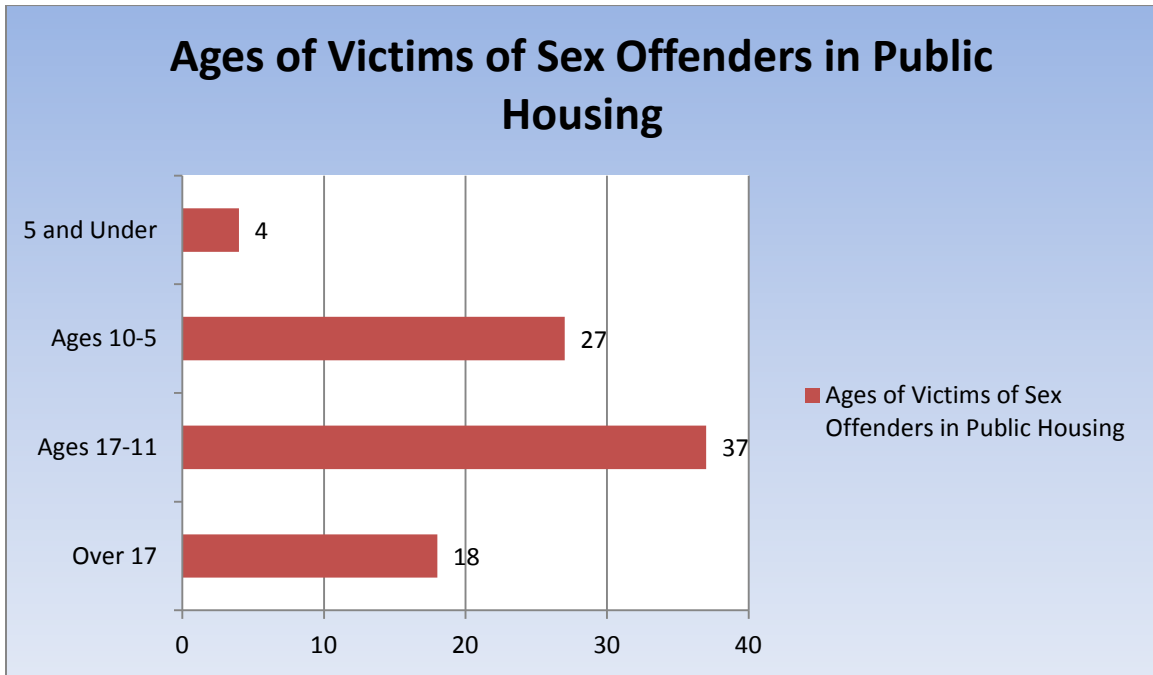
<sup>4</sup> [http://www.criminaljustice.ny.gov/nsor/risk\\_levels.htm](http://www.criminaljustice.ny.gov/nsor/risk_levels.htm)

In addition to the risk level, the court also determines whether a sex offender should be designated a sexual predator, a sexually violent offender or a predicate sex offender. This designation, along with the risk level, governs the duration of the registration. If the sex offender has been designated a sexual predator, a sexually violent offender or a predicate sex offender, he or she must register for life regardless of risk level.

<b>Risk Level</b>	<b>Designation Received? (Sexual Predator, Sexually Violent Offender of Predicate Sex Offender)</b>	<b>Duration of Registration</b>
1	NO DESIGNATION	20 YEARS
2	NO DESIGNATION	LIFE
3	NO DESIGNATION	LIFE
1	YES, DESIGNATION RECEIVED	LIFE
2	YES, DESIGNATION RECEIVED	LIFE
3	YES, DESIGNATION RECEIVED	LIFE



## Sex Offenders By Victim



### CONCLUSION

As is seen by the current survey of public housing, residents in NYCHA complexes have been given a false sense of security as they lay their heads down each night. Their belief that their housing complex is sex offender free is a false one, as sex offenders are easily moving into and registering their addresses at many of our NYCHA housing complexes.

**Therefore, Senator Klein and Councilman Torres are calling on:**

- NYCHA and the NYPD to immediately conduct a survey of all sex offenders registered in the five boroughs to determine which offenders list NYCHA addresses as their residences, to inspect those apartments and then proceed to swiftly exclude them from the apartments
- For HUD to identify those residents who are legally living in NYCHA's apartments with illegally residing sex offenders to determine if any fraud exists with the possible failure to list them as part of their households



## Appendix 1

### BRONX DEVELOPMENTS

<b>Zip Code</b>	<b>Development</b>
10451	Jackson(3)
10451	Patterson
10451	Melrose
10452	Highbridge Rehab
10453	Sedgwick(2)
10454	Mill Brook
10455	St. Mary's Park(2)
10455	Adams
10456	Forest
10456	Morris I
10456	Webster
10456	Butler
10460	East 178 <sup>th</sup> Street
10460	East 173 <sup>rd</sup> Street-Vyse Avenue
10462	Glebe Avenue-Westchester Avenue
10466	Edenwald(3)
10467	Gun Hill
10472	Bronx River(3)
10472	Sotomayor Houses
10473	Castle Hill
10473	Soundview(2)
10475	Boston Secor

## BROOKLYN DEVELOPMENTS

Zip Code	Development
11201	Ingersall
11201	Farragut
11205	Whitman (2)
11206	Tompkins (2)
11206	Bushwick
11206	Borinquen Plaza 1 (2)
11206	Williamsburg
11207	Boulevard
11207	Linden
11207, 11236	Breukelen (3)
11208	Pink
11208	Cypress Hills (2)
11212	Van Dyke 1(3)
11212	Low Houses
11212	Glenmore Plaza (3)
11212	Brownsville
11212	Tilden
11216	Armstrong 1
11216	Armstrong 11
11217	Wycoff Gardens
11221	Roosevelt 1
11223	Marlboro (2)
11224	Carey Gardens
11224	ODwyer Gardens
11224	Gravesend
11229	Sheepshead Bay
11231	Red Hook East (2)
11233	Brevoort
11233	Kingsborough (2)
11238	Atlantic Terminal Site 4B
11249	Independence

## MANHATTAN DEVELOPMENTS

Zip Code	Development
10001	Eliot
10002	Baruch
10002	Rutgers
10009	First Houses
10009	Campos Plaza II
10016	344 East 28 <sup>th</sup> Street
10023	Amsterdam
10025	WSUR ( Brownstones)
10026	King Towers (3)
10027	Grant
10027	St. Nicholas (2)
10029	East River
10029	Taft
10029	Jefferson (4)
10029	Lehman Village
10029	Clinton
10029	Johnson
10030	PS 139 ( Conversion)
10034	Dyckman
10035	Wagner
10037	Samuel ( City) (2)
10038	Smith

## QUEENS DEVELOPMENTS

<b>Zip Code</b>	<b>Development</b>
11101	Queensbridge South (2)
11102	Astoria
11691	Redfern
11354	Bland

## **STATEN ISLAND DEVELOPMENTS**

<b>Zip Code</b>	<b>Development</b>
10301	Richmond Terrace
10303	Mariner's Harbor