

Cornell Tech Policy on Family Housing

POLICY STATEMENT

Family housing is available to Cornell Tech faculty, students, academic employees, staff and their spouses, domestic partners, minor dependents, or IRS qualifying dependents each of whom must be domiciled in Cornell Tech housing. All decisions concerning family housing and family status are solely at the discretion of the Cornell Tech Housing Office.

FAMILY HOUSING ELIGIBILITY BY UNIT TYPE

In order to optimize all available housing space, applicants must meet the following minimum occupancy requirements to be eligible for each designated apartment size:

Unit Type	Eligible Occupancy
Studio, Alcove Studio, or One Bedroom	1) Single Eligible Individual; 2) Single Eligible Individual plus one legally Dependent Child; 3) Eligible Couple; 4) Eligible Couple with one legally Dependent Child
Two Bedroom	1) Eligible Couple with One or Two Dependent Children; 2) Single Eligible Individual with One, Two or Three legally Dependent Children
Three Bedroom	1) Eligible Couple with Two or More Dependent Children; 2) Single Eligible Individual with Two or More legally Dependent Children

DEFINITIONS

The following definitions apply to terms as they are used in this policy:

Cornell Tech Housing License Agreement The Terms & Conditions which all Cornell Tech Housing residents and their guests must follow.

Primary Resident Housed individual whose affiliations/relationship with Cornell Tech provides a housing eligibility status for self and family.

Domestic Partner Domestic partners are defined as two individuals who live together in a long-term relationship of indefinite duration, with an exclusive, mutual commitment similar to that of marriage in which the partners agree to be responsible for each other's welfare and share financial obligations.

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IRS Eligible Dependent A person or persons who has been declared as a dependent under the primary occupant's U.S. tax return for the tax year prior to the application for housing. The dependent must qualify as a dependent under the guidelines of the Internal Revenue Service of the United States regardless of the fact that the dependent may be considered as a dependent under the law of another nation.

Cornell Tech Housing Buildings All housing properties occupied by Cornell Tech.

Domicile The residence where you have your permanent home or principal establishment and to where, whenever you are absent, you intend to return; every person is compelled to have one and only one domicile.

MEETING FAMILY HOUSING CRITERIA

I. MARRIAGE

A. Present a valid marriage certificate

II. DOMESTIC PARTNERSHIP

A. To be considered for family housing as domestic partners at Cornell Tech, two individuals must meet all of the following requirements:

- i. Current New York City residents must have filed a *New York City Domestic Partnership Agreement* at the time of application. Those from outside of New York City must present to the Housing Office a valid *New York City Domestic Partnership Agreement* within 30 days after arrive in New York City.
- ii. Meet the legal age requirement for marriage and not be related by blood in a manner that would bar marriage in the state or country of the domiciled residence in effect at the time of application and be mutually competent to consent to a contract.
- iii. Meet all legal age requirements concerning cohabitation with minors as required by New York State law.
- iv. Be jointly responsible for each other's common welfare and share financial obligations, demonstrated by one (1) of the following which must have existed for a minimum of one year prior to filing an application for housing:
 1. A joint mortgage or lease.
 2. Ownership of an actively used joint bank account, joint credit account, or joint ownership in a motor vehicle.
 3. Designation of domestic partnership as primary beneficiary in a will or trust document.

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4. Assignment of durable property or health care power of attorney to domestic partner.
5. Designation of domestic partner as beneficiary for life insurance or retirement benefits.
6. Registered as domestic partners in some other state or foreign country.

B. Student applicants for domestic partnership:

- i. When applying for financial aid, you must provide the required financial information and documentation for both individuals for the domestic partnership. Financial aid decisions and awards will be based on the combined assets of the domestic partners.
- ii. The Cornell Tech Housing Office will send a letter to the Office of Financial Aid advising that office of all applications for domestic partnership.

III. AFFIDAVIT

All applications for family housing whether married or in a domestic partnership must file a notarized *Cornell Tech Affidavit for Family Housing* (see Appendix A). Applications will not be considered unless a valid affidavit is on file.

IV. CHILDREN

Primary resident must provide a valid birth certificate, adoption papers (an application for adoption is not sufficient) or a passport indicating parentage of the child.

V. QUALIFYING IRS DEPENDENT

A qualifying dependent is a person who has been declared as a dependent under the primary resident's United States Federal tax return for the year before the date of application for housing. The person must qualify as a dependent under the guidelines of the Internal Revenue Service of the United States regardless of the fact that the person may be considered a dependent under the law of another nation.

CHANGE IN QUALIFYING STATUS

All individuals who obtain family housing must maintain eligibility status while in Cornell Tech housing. The Housing Office must be notified of the termination of marriage, domestic partnership, or change in IRS dependent status within two weeks of such an occurrence. All family housing residents will be required to vacate the family housing unit to which they have been assigned if they no longer meet the minimum occupancy requirement for that particular unit. If requested, the Cornell Tech student/employee will be reassigned to other appropriate

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housing subject to availability. Failure to provide such information in a timely fashion will lead to loss of housing privileges.

FALSIFICATION OF DOCUMENTATION

Falsification of documents and records to certify eligibility for family housing will result in a loss of housing. Furthermore, any student or employee falsifying records will be sent for review under the provisions of the *Cornell University Code of Conduct* for students and employees.

NYC DOMESTIC PARTNERSHIP INFORMATION

Office of the City Clerk at (212)669-8190

RELEVANT FACTORS FOR DOMICILE DETERMINATION

In determining domicile for the purposes of Housing, all surrounding circumstances, in addition to expressed intention, must be considered. The factors listed below are relevant in a determinations of domicile.

1. Residence
2. Financial independence, income sources, and business pursuits
3. Residence for tax purposes
4. Place of voter registration
5. Marital status
6. Age
7. Situs of motor vehicle and other personal property registration
8. Situs of real and personal property
9. Location of checking and savings accounts
10. Place of employment
11. Place of draft registration

An eligible applicant who is a member of the U.S. Armed Forces stationed out-of-state may qualify as a family member. Proof of domicile, referred to as a "Home of Record", must be submitted. Such records are on file at the individual's military base.

Not all of the above factors need to be considered in a domicile determination, nor is the list exhaustive. Rather, a domicile determination depends upon a composite appraisal of all of the facts presented by each case. Conclusions must be based upon the weighing circumstances; no single factor is controlling and no all-embracing rules are possible. The determination of domicile is at the sole discretion of the Cornell Tech Housing Office.

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Appendix A

CORNELL TECH AFFIDAVIT FOR FAMILY HOUSING

I, the undersigned, declare I am eligible to reside in Cornell Tech Family Housing (hereinafter Cornell Tech) and that I share a qualifying family relationship as defined by the *Cornell Tech's Policy on Family Housing* as evidenced by marriage or domestic partnership and as is further evidenced by a significant emotional commitment to each other. I attest that each family member hereto made part of my *Application for Family Housing*, qualifies under the *Policy on Family Housing* and each will be domiciled at Cornell Tech. I understand that the availability of Family Housing will be allocated under the rules established by the Housing Office as in now or will be in effect.

I understand that I must notify Cornell Tech Housing of the termination of marriage, domestic partnership, change in IRS dependent or domiciled status within two weeks of such occurrence and must vacate family housing to which I was assigned in a time frame established by the Housing Office. I understand that violations of the rule of this policy will result in housing reassignment or housing termination and/or other administrative penalties.

I, the undersigned, further understand this affidavit will expire three years from the date of notary and must be renewed on or before the expiration date in order to continue residing in Family Housing. I understand it is my sole responsibility to ensure the affidavit is renewed in a timely fashion and failure to execute said renewal may result in the immediate termination of my eligibility to remain in family housing.

Primary Applicant (Print Name)

Primary Applicant Signature

Print Name of Spouse or Domestic Partner

Print Name(s) of Child and/or IRS Dependent

Notary

Date

This affidavit must be notarized and submitted at the time of application.