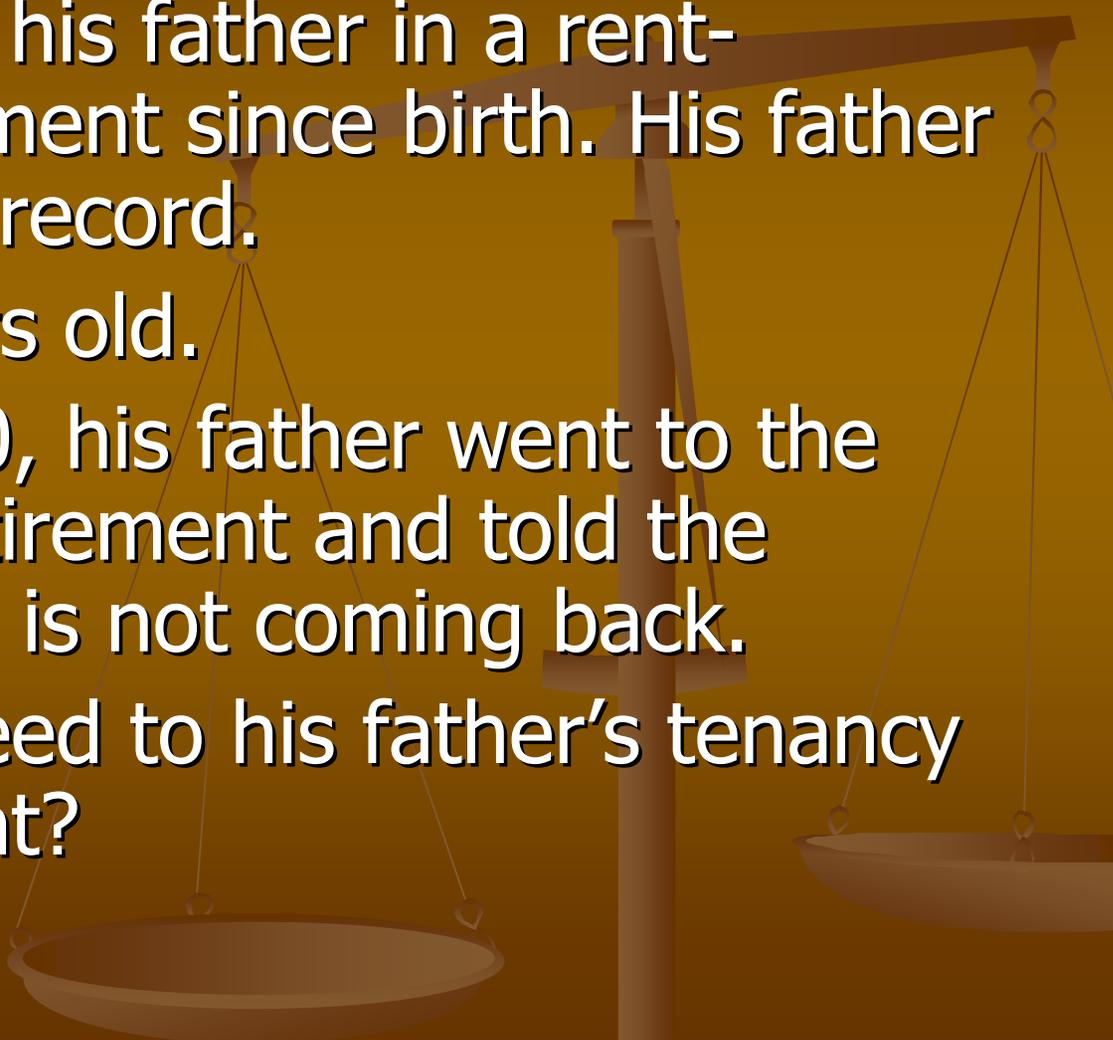


Succession Rights



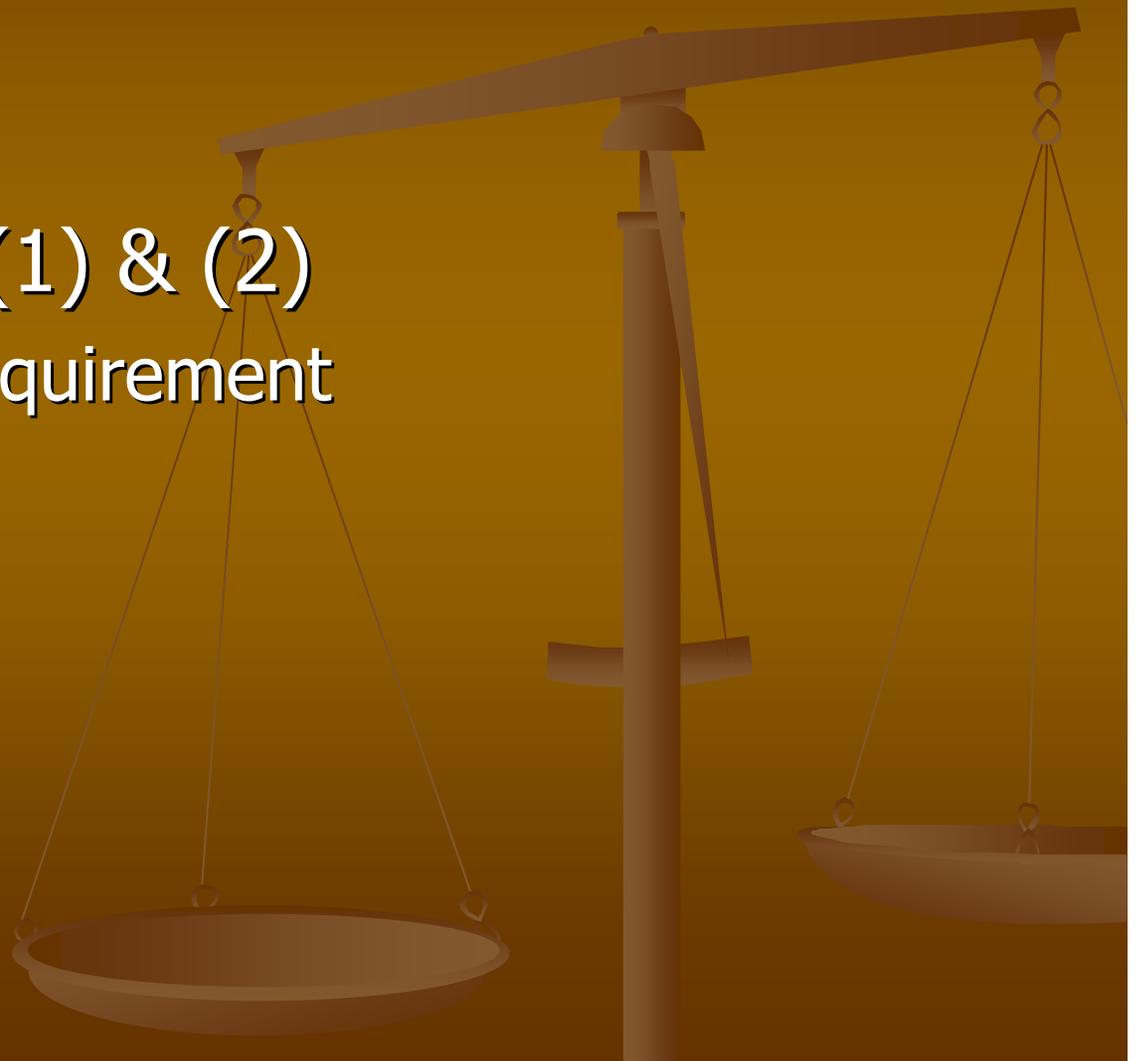
Samuel Lui
Staff Attorney
Manhattan Legal Services

Scenario 1

- Steve lives with his father in a rent-stabilized apartment since birth. His father is the tenant of record.
 - Steve is 25 years old.
 - On April 1, 2010, his father went to the Bahamas for retirement and told the landlord that he is not coming back.
 - Can Steve succeed to his father's tenancy in this apartment?
- 

Rent Stabilization Code

- RSC 2520.6 (o)
 - Family Member
- RSC 2523.5(b) (1) & (2)
 - Co-residency requirement



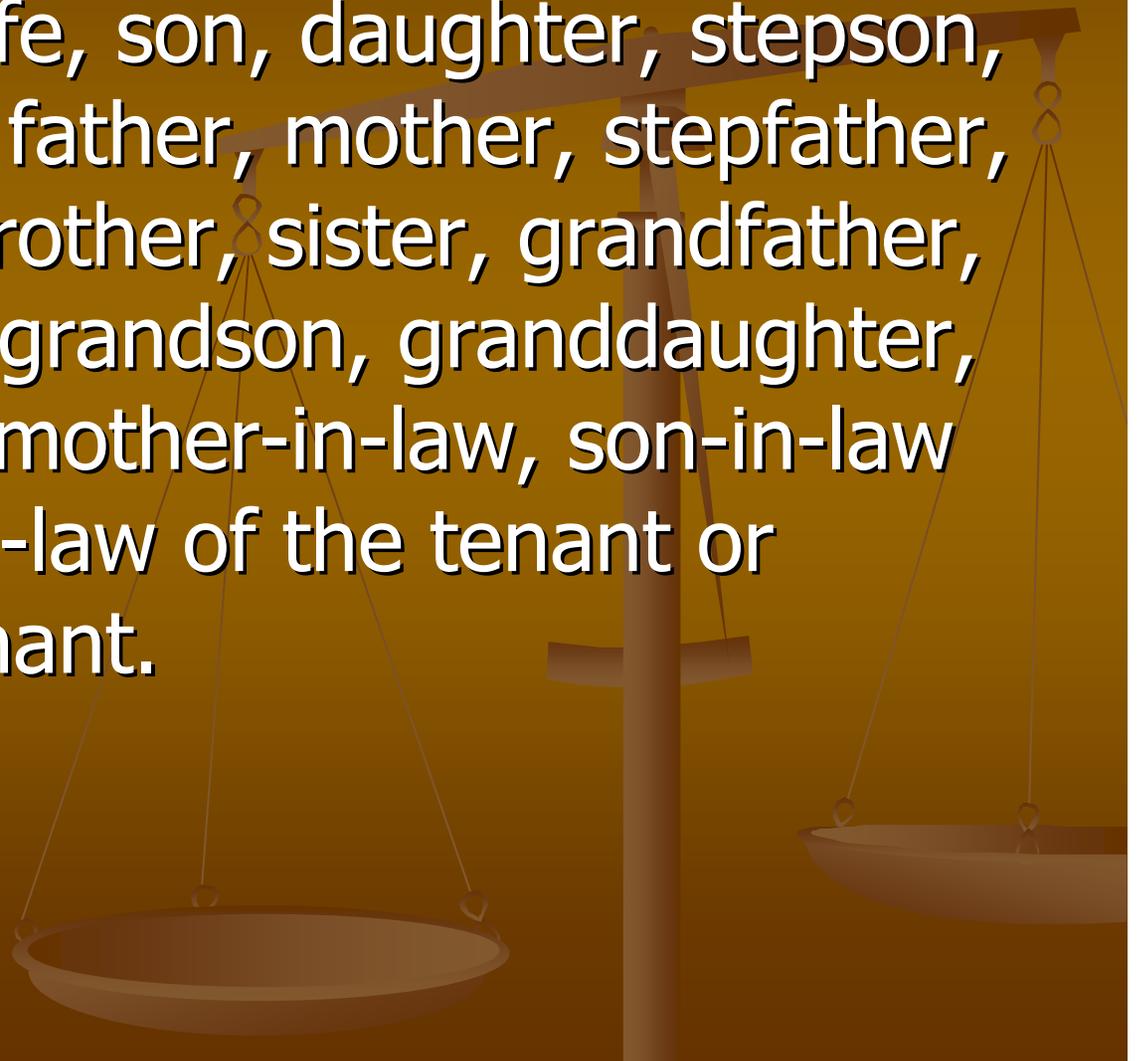
Rent Stabilization Code

- Family member
 - Traditional
 - Non-traditional



Traditional Family Member

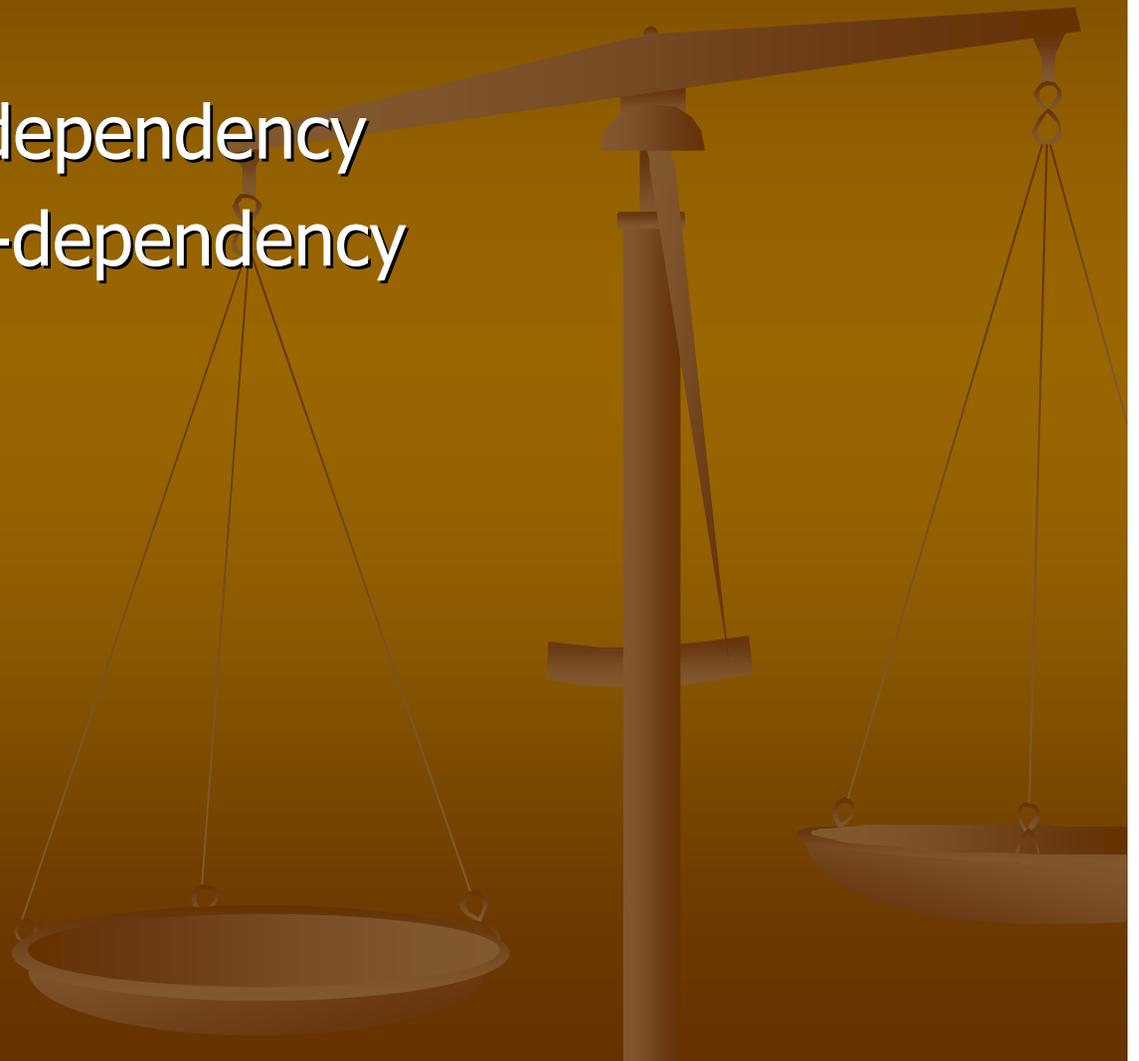
- A husband, wife, son, daughter, stepson, stepdaughter, father, mother, stepfather, stepmother, brother, sister, grandfather, grandmother, grandson, granddaughter, father-in-law, mother-in-law, son-in-law or daughter-in-law of the tenant or permanent tenant.



Non-traditional Family Members

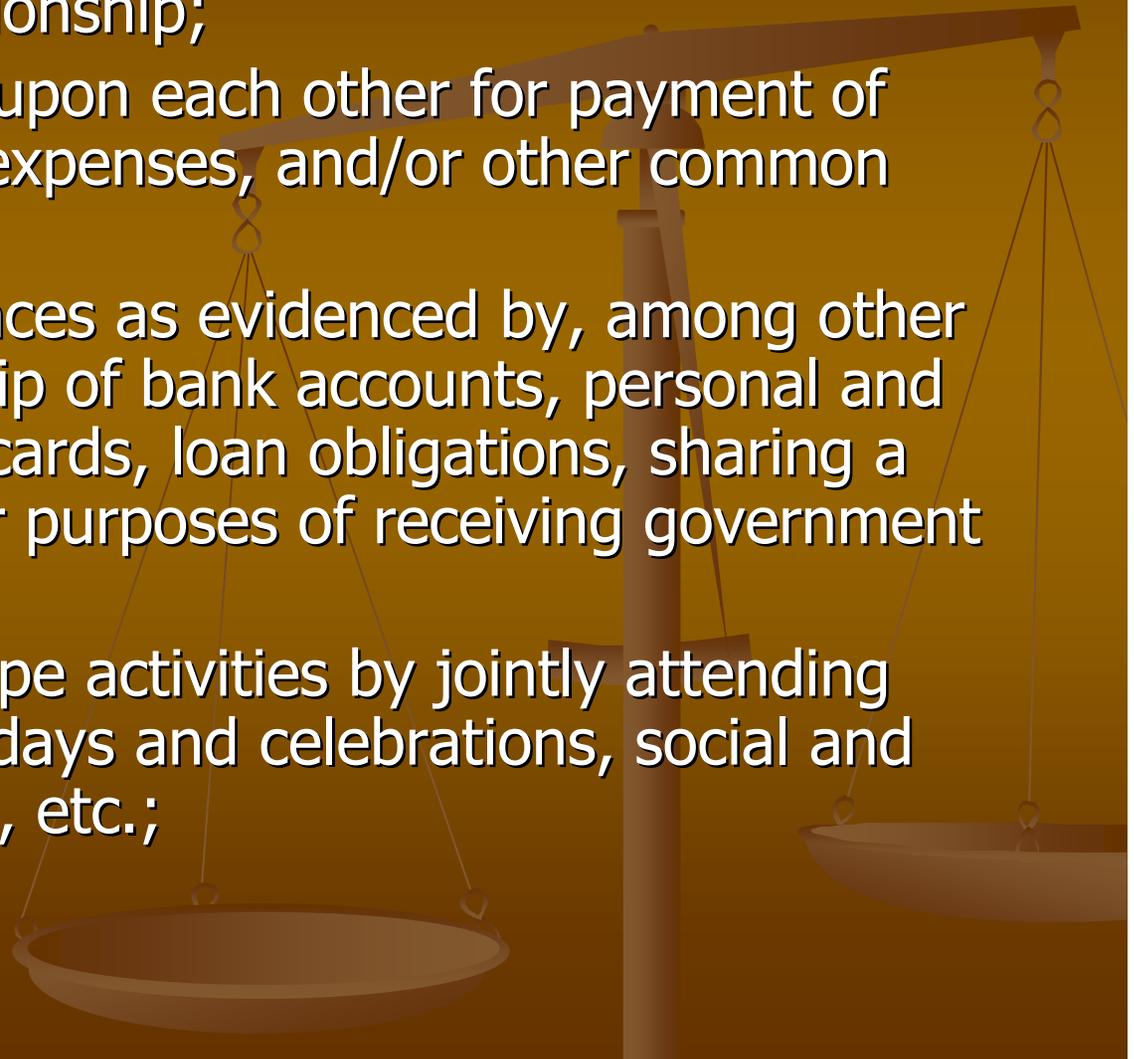
Need to show:

- Financial inter-dependency
- Emotional inter-dependency

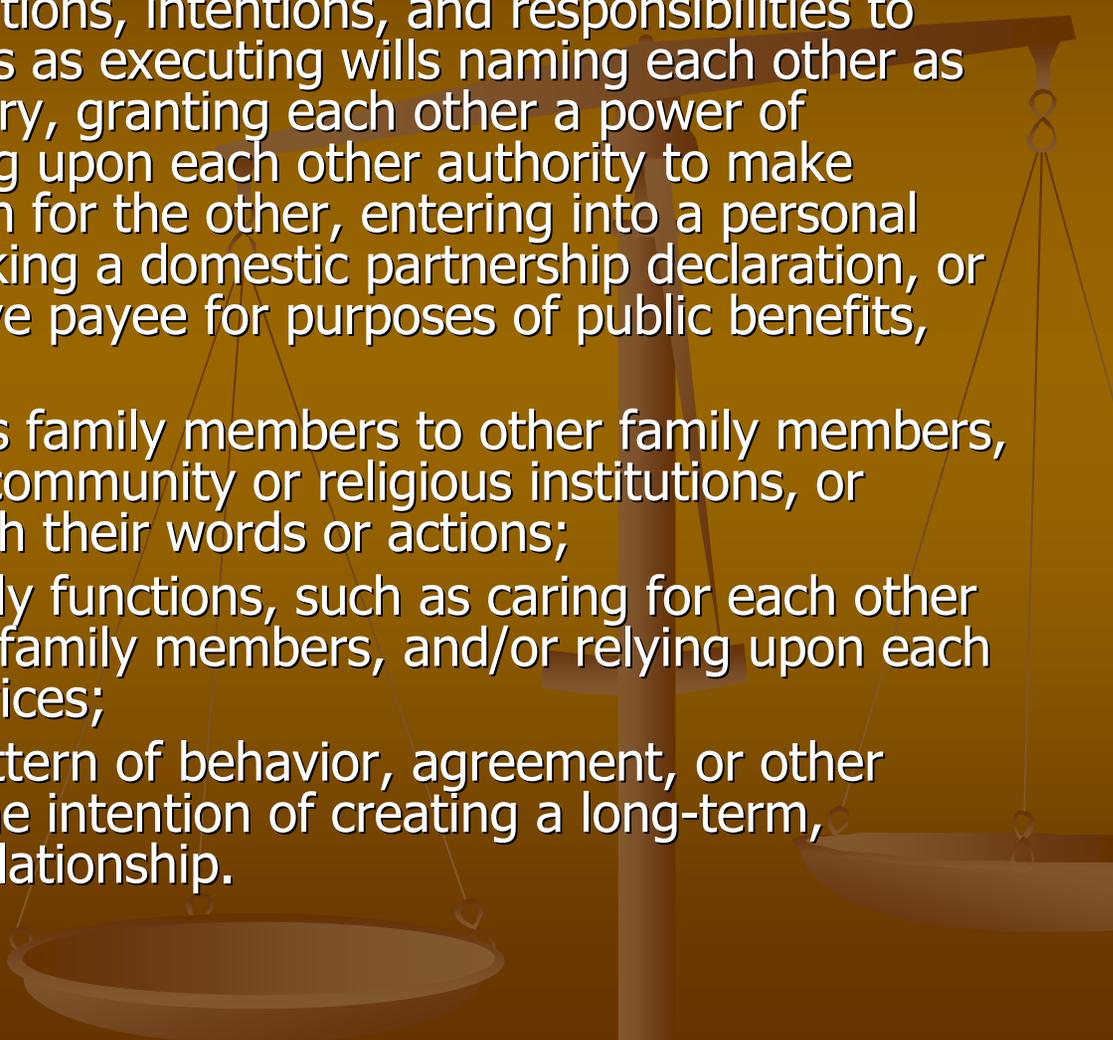


Factors considered (Not exclusive)

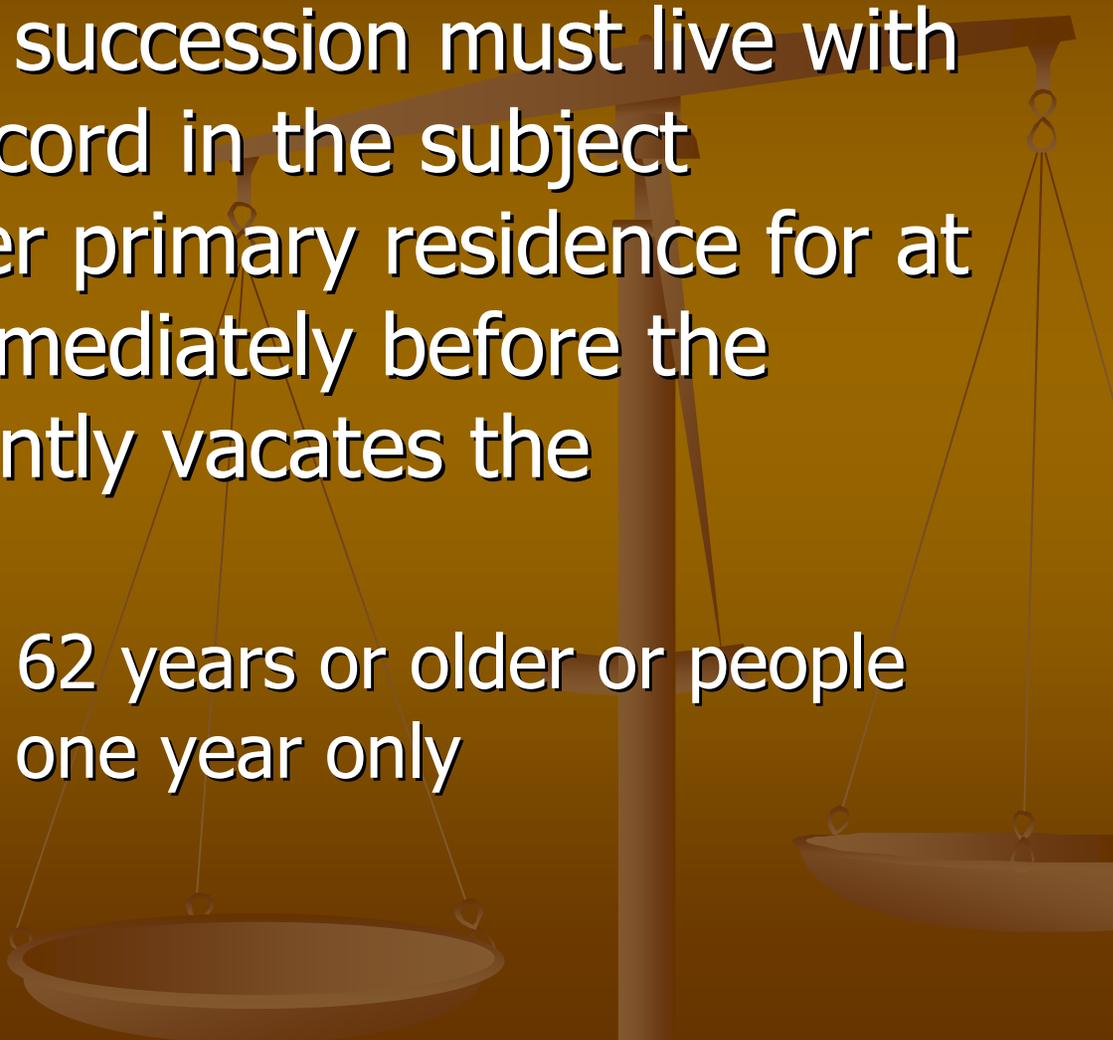
- longevity of the relationship;
- sharing of or relying upon each other for payment of household or family expenses, and/or other common necessities of life;
- intermingling of finances as evidenced by, among other things, joint ownership of bank accounts, personal and real property, credit cards, loan obligations, sharing a household budget for purposes of receiving government benefits, etc.;
- engaging in family-type activities by jointly attending family functions, holidays and celebrations, social and recreational activities, etc.;



Factors Considered (cont.)

- formalizing of legal obligations, intentions, and responsibilities to each other by such means as executing wills naming each other as executor and/or beneficiary, granting each other a power of attorney and/or conferring upon each other authority to make health care decisions each for the other, entering into a personal relationship contract, making a domestic partnership declaration, or serving as a representative payee for purposes of public benefits, etc.;
 - holding themselves out as family members to other family members, friends, members of the community or religious institutions, or society in general, through their words or actions;
 - regularly performing family functions, such as caring for each other or each other's extended family members, and/or relying upon each other for daily family services;
 - engaging in any other pattern of behavior, agreement, or other action which evidences the intention of creating a long-term, emotionally committed relationship.
- 

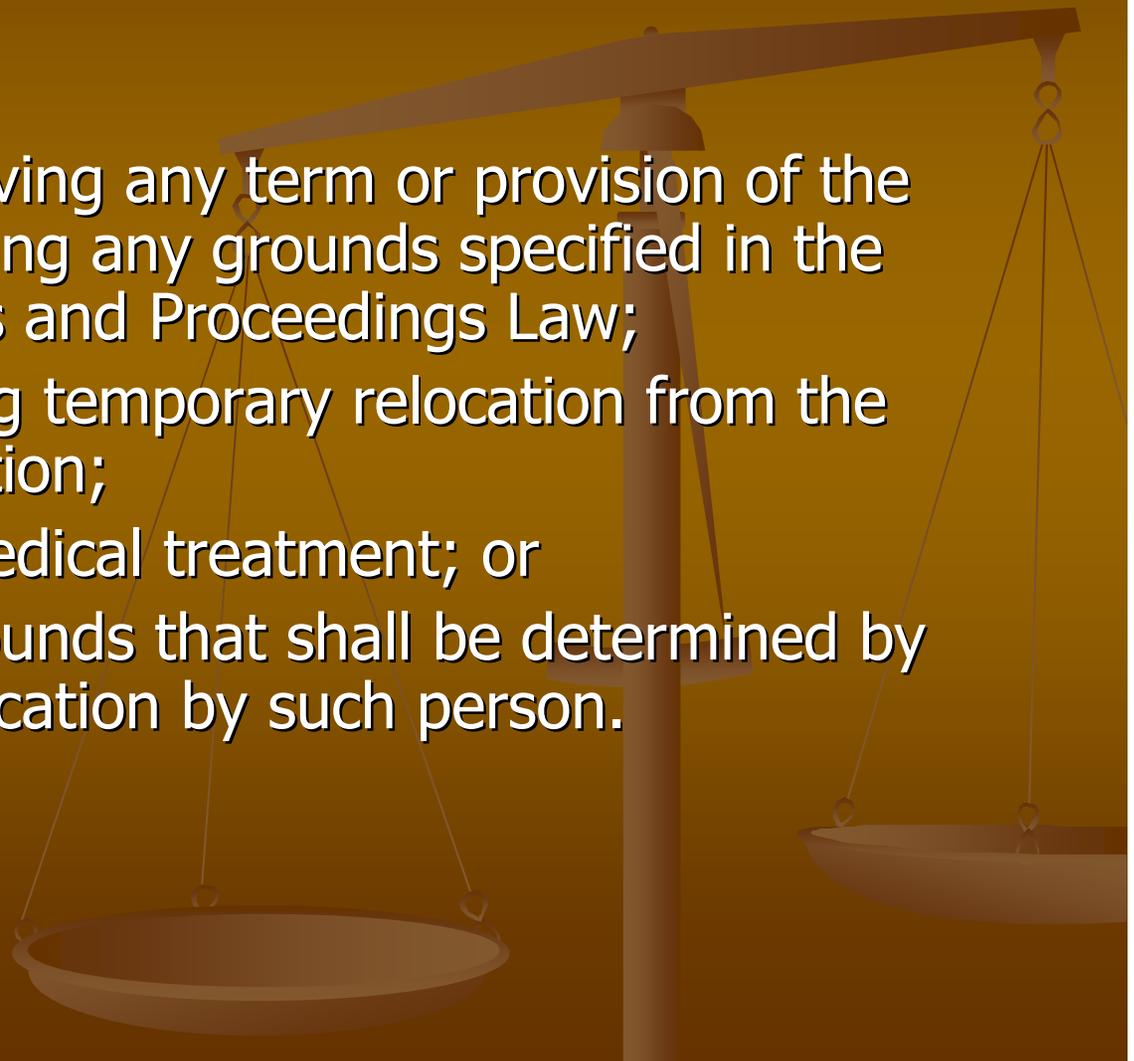
Co-residency Requirement



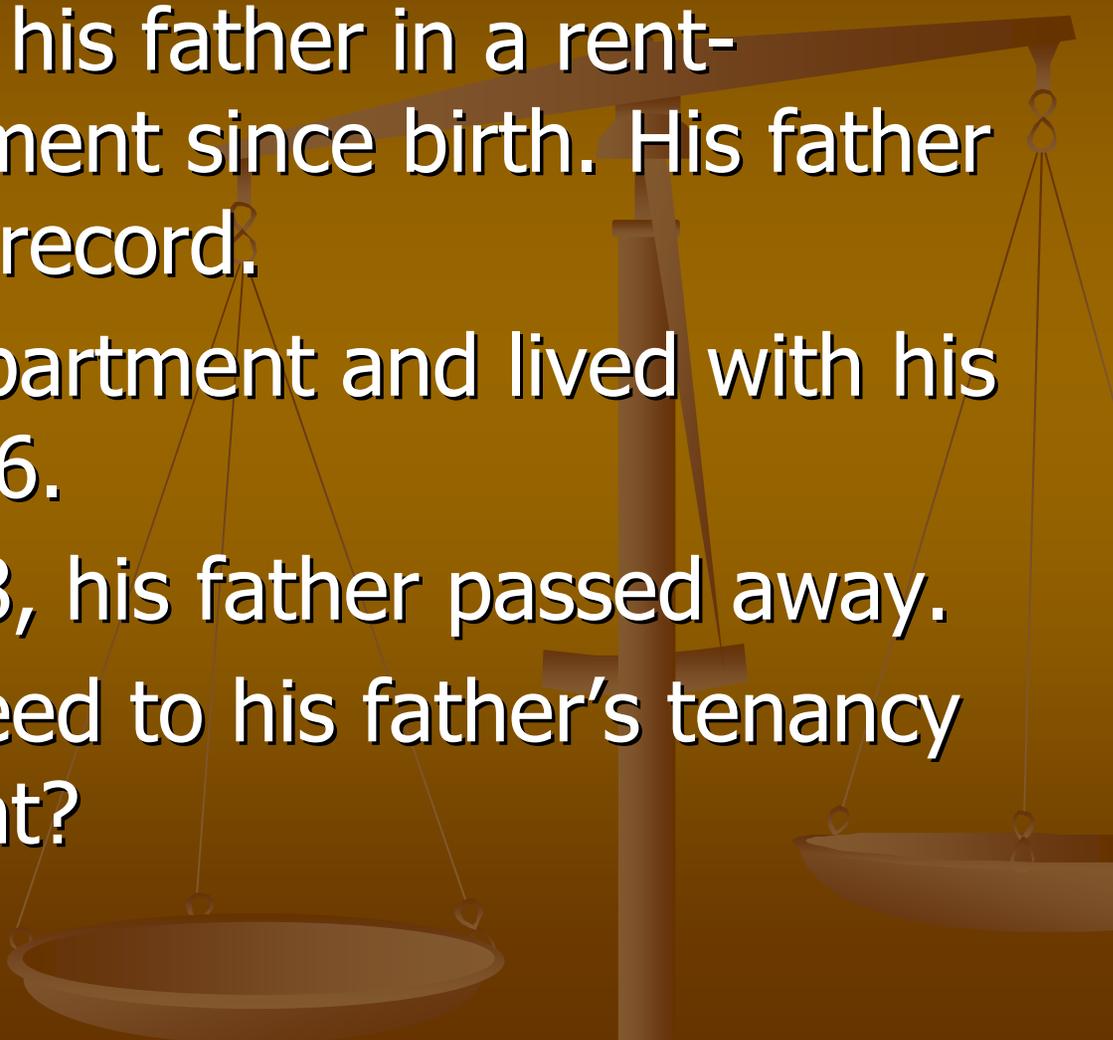
- Person claiming succession must live with the tenant of record in the subject apartment as her primary residence for at least 2 years immediately before the tenant permanently vacates the apartment.
 - Person who are 62 years or older or people with disability – one year only

Acceptable Excuse for Absence

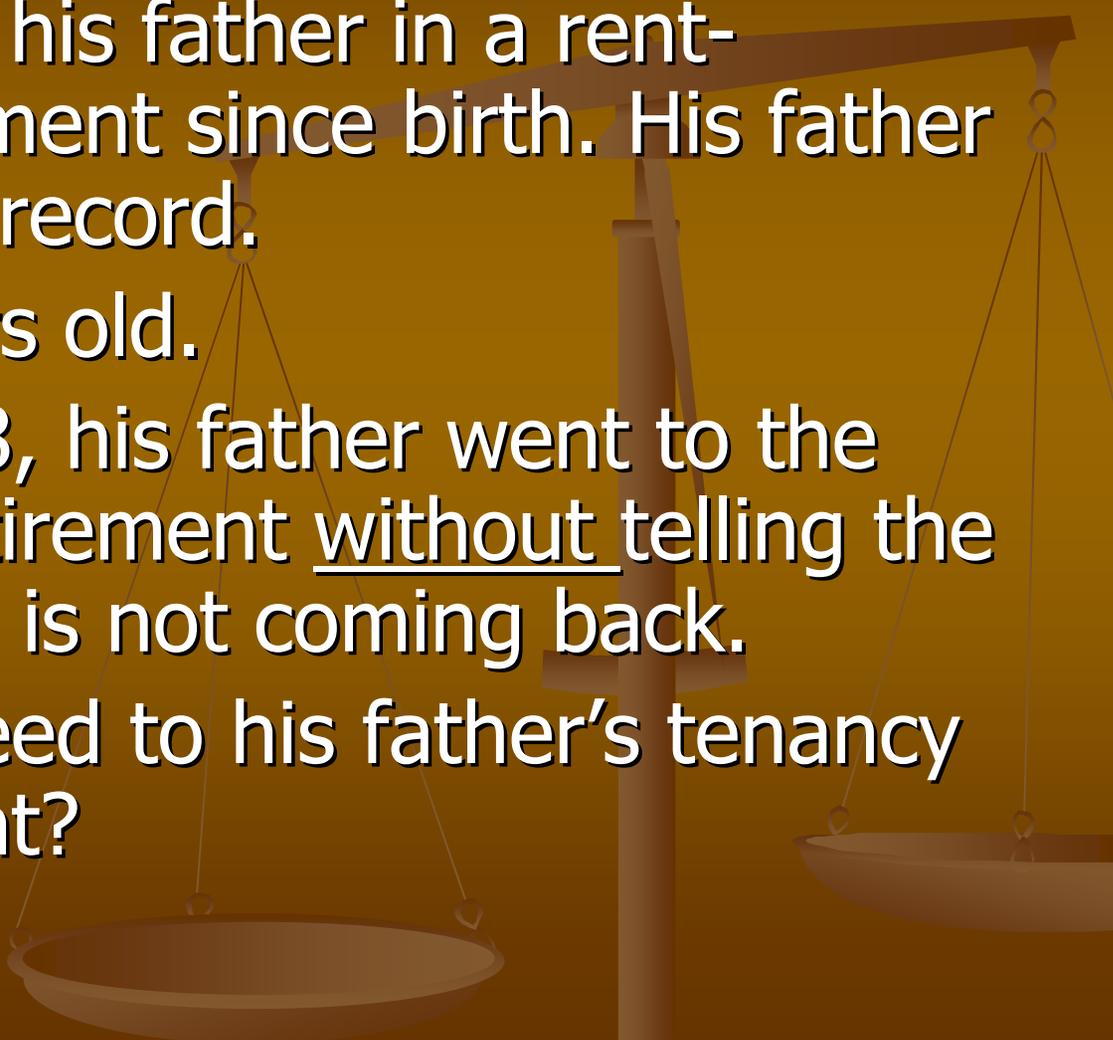
- Military duty;
- Full-time student;
- Court order not involving any term or provision of the lease, and not involving any grounds specified in the Real Property Actions and Proceedings Law;
- Employment requiring temporary relocation from the housing accommodation;
- Hospitalization for medical treatment; or
- Other reasonable grounds that shall be determined by the DHCR upon application by such person.



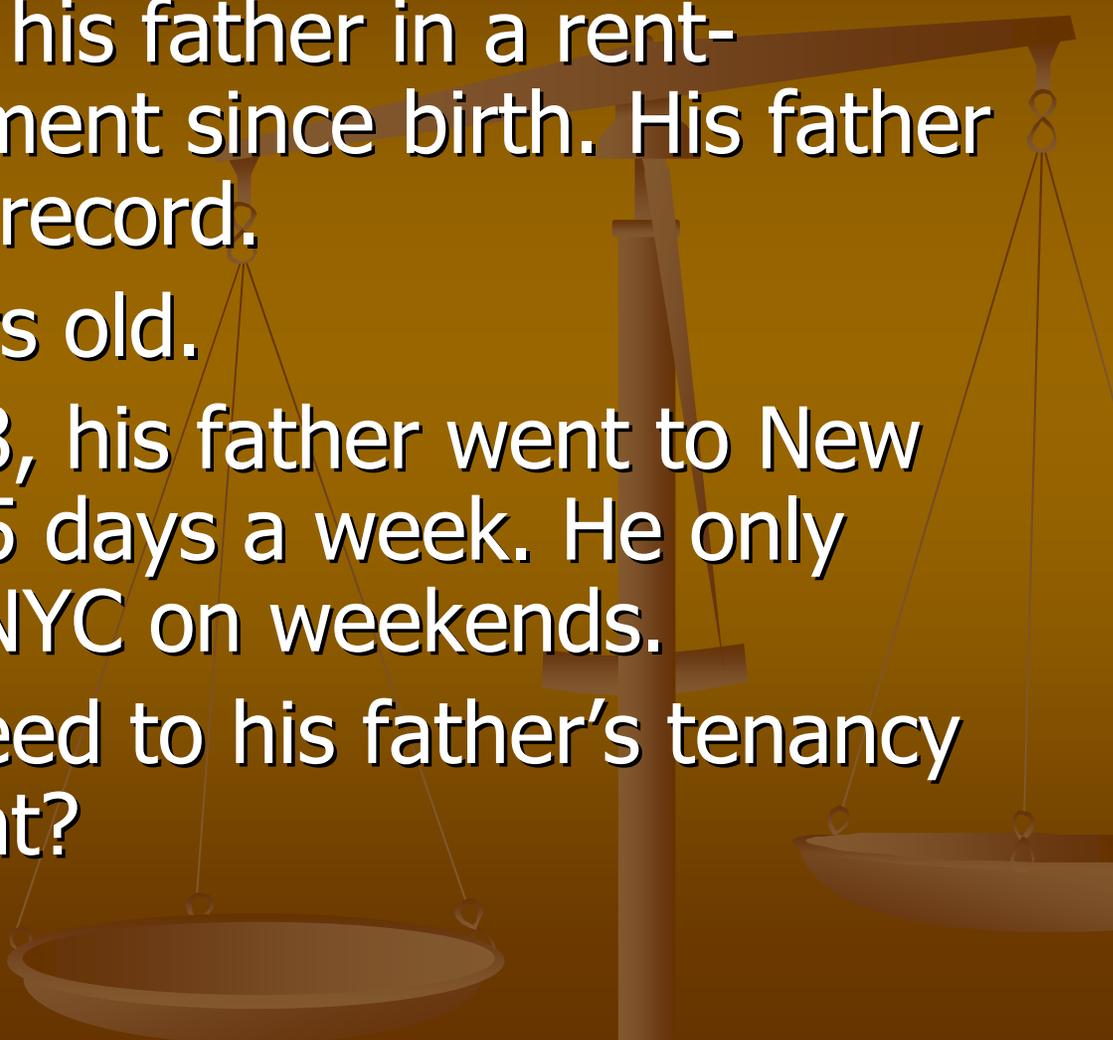
Scenario 2

- Steve lives with his father in a rent-stabilized apartment since birth. His father is the tenant of record.
 - Steve left the apartment and lived with his girlfriend in 2006.
 - On April 1, 2008, his father passed away.
 - Can Steve succeed to his father's tenancy in this apartment?
- 

Scenario 3

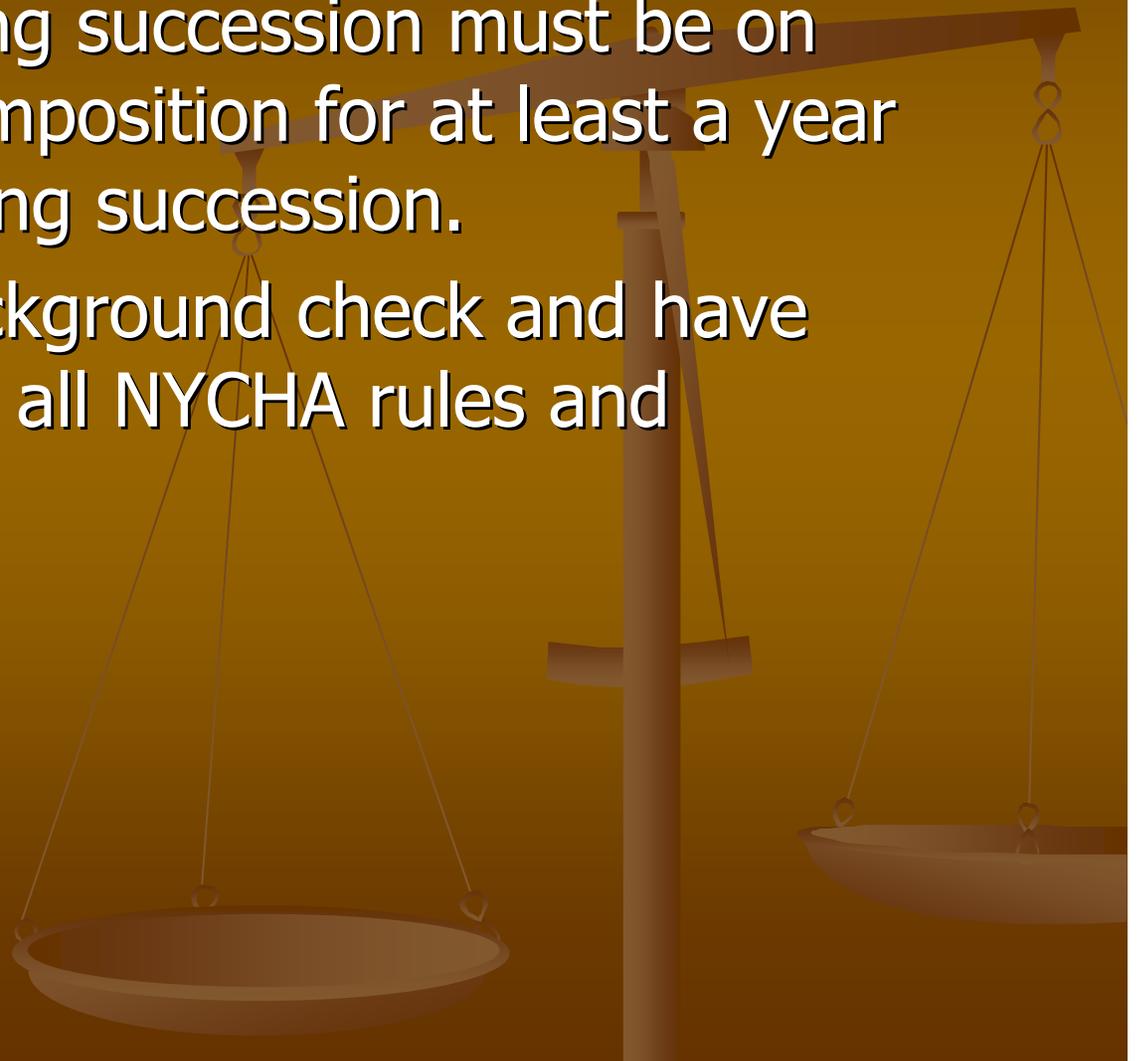
- Steve lives with his father in a rent-stabilized apartment since birth. His father is the tenant of record.
 - Steve is 25 years old.
 - On April 1, 2008, his father went to the Bahamas for retirement without telling the landlord that he is not coming back.
 - Can Steve succeed to his father's tenancy in this apartment?
- 

Scenario 4

- Steve lives with his father in a rent-stabilized apartment since birth. His father is the tenant of record.
 - Steve is 25 years old.
 - On April 1, 2008, his father went to New Jersey to work 5 days a week. He only comes back to NYC on weekends.
 - Can Steve succeed to his father's tenancy in this apartment?
- 

Succession in Public Housing

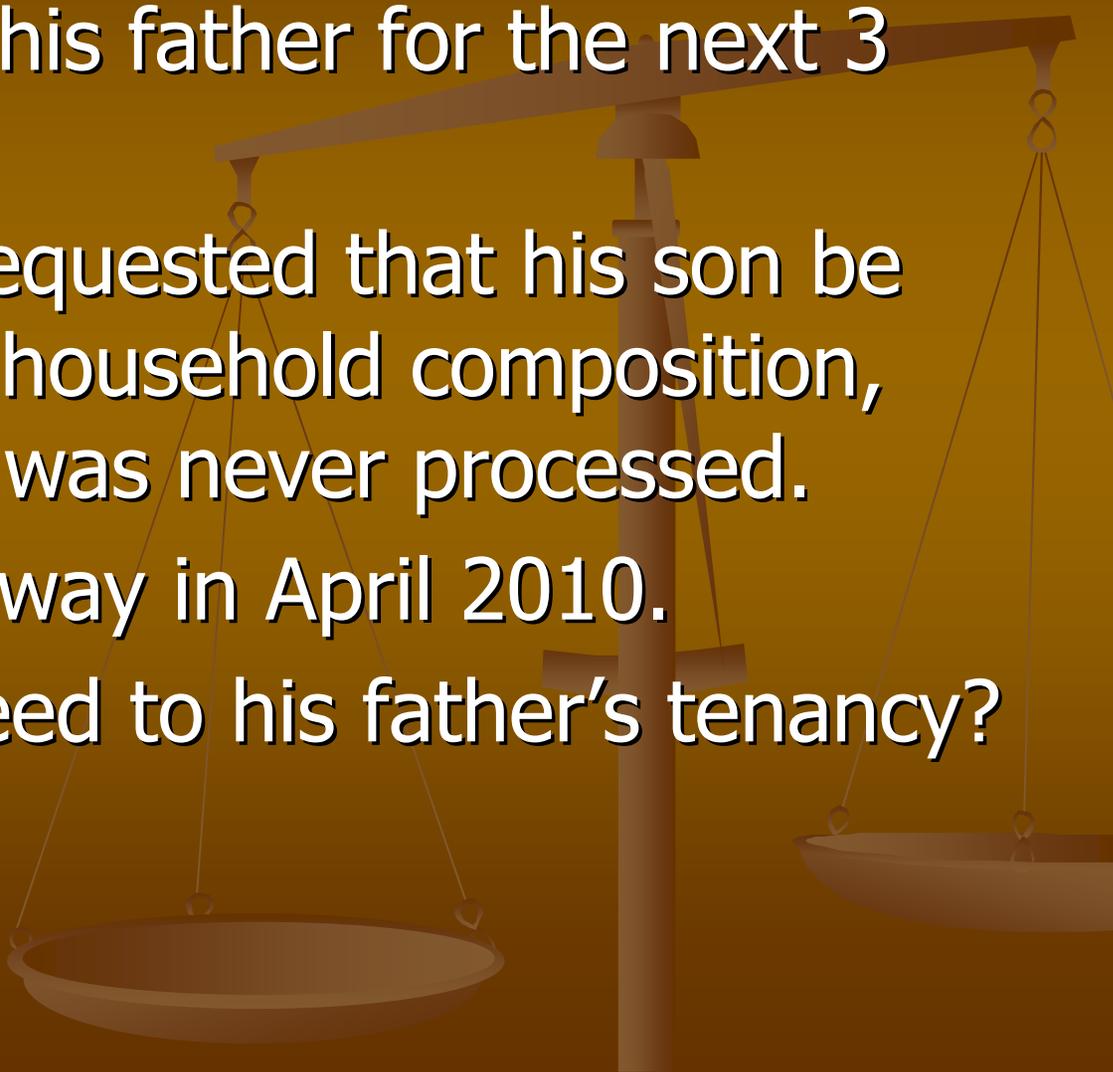
- Person claiming succession must be on household composition for at least a year prior to claiming succession.
- Must pass background check and have complied with all NYCHA rules and regulations.



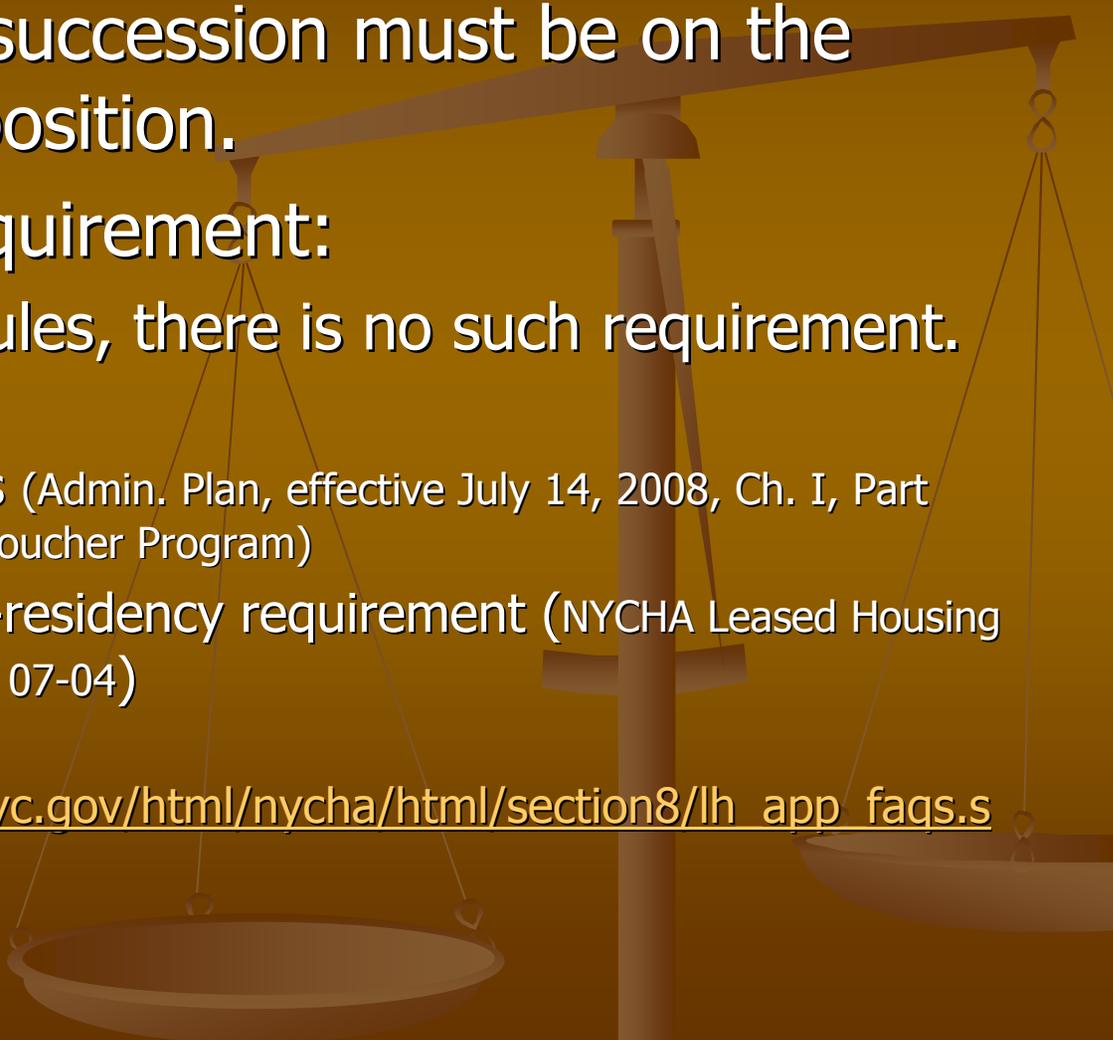
Scenario 5

- Steve used to live with his father in apartment in New York City Housing Authority. All the family members were registered as household members.
- When Steve turned 18, he moved out and lived with Lady Gaga for 5 years.
- Sadly, Steve's father was diagnosed with terminal disease. Out of his love for his father, Steve dumped Lady Gaga and moved back to live with dad.

Scenario 5 (cont.)

- Steve cared for his father for the next 3 years.
 - His father has requested that his son be put back on his household composition, but the request was never processed.
 - Father passed away in April 2010.
 - Can Steve succeed to his father's tenancy?
- 

Succession for Section-8 Vouchers



- Person seeking succession must be on the household composition.
- Co-residency requirement:
 - Under Federal rules, there is no such requirement. However..
 - HPD – 6 months (Admin. Plan, effective July 14, 2008, Ch. I, Part II/Housing Choice Voucher Program)
 - NYCHA – No co-residency requirement (NYCHA Leased Housing Dept. Memorandum 07-04)
 - Other FAQs:
http://www.nyc.gov/html/nycha/html/section8/lh_app_faqs.shtml