STATE OF NEW YORK

8412--A

2025-2026 Regular Sessions

IN ASSEMBLY

May 14, 2025

Introduced by M. of A. BICHOTTE HERMELYN -- read once and referred to the Committee on Housing -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public housing law, in relation to succession rights and codifying the remaining family member provisions for New York city housing authority properties

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The public housing law is amended by adding a new section 402-h to read as follows:

§ 402-h. Succession rights. 1. The New York city housing authority shall promulgate regulations, rules and policies which provide for the rights of remaining family members to succeed in certain cases to the rights of tenants of properties owned or operated by the authority. Such regulations, rules and policies shall contain provisions which include, but shall not be limited to, the following:

(a) that unless otherwise prohibited by occupancy restrictions based upon income limitations pursuant to federal, state or local law, regulations or other requirements of governmental agencies, any member of the tenant's remaining family, as defined in subdivision two of this section, shall succeed to the rights of a tenant under such acts and laws where the tenant has permanently vacated the housing accommodation and such remaining family member has resided with the tenant in the housing accommodation as a primary residence for a period of no less than one year, immediately prior to the permanent vacating of the housing accommodation by the tenant, or from the inception of the tenancy or commencement of the relationship, if for less than such periods. For the purposes of this subdivision, "permanently vacated" shall mean the date when the tenant of record permanently stops residing in the housing accommodation regardless of subsequent contacts with the unit or the signing of lease renewals or continuation of rent payments. The minimum

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

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periods of required residency set forth in this paragraph shall not be deemed to be interrupted by any period during which the "remaining family member" temporarily relocates because the family member:

(i) is engaged in active military duty;

(ii) is enrolled as a full time student;

(iii) is not in residence at the housing accommodation pursuant to a 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;

(iv) is engaged in employment requiring temporary relocation from the housing accommodation;

(v) is hospitalized for medical treatment; or

(vi) has such other reasonable grounds that shall be determined by the commissioner upon application by such person; and

(b) that a tenant may in a form prescribed by the authority, at any time, advise the landlord of, or a landlord may at any time but no more often than once in any twelve months, request from the tenant, the names of all persons other than the tenant who is residing in the housing accommodation, and the following information pertaining to such persons:

(i) if the person is a "remaining family member" as defined in subdivision two of this section;

(ii) if the person is, or upon the passage of the applicable minimum period of required residency, may become a person entitled to be named as a tenant on a renewal lease or to protection from eviction pursuant to paragraph (a) of this subdivision, and the date of the commencement of such person's primary residence with the tenant; and

(iii) if the person is a "senior citizen" as defined in subdivision two of this section.

Failure of the tenant to provide the information specified in this paragraph to the landlord, regardless of whether the landlord requests the information, shall place upon all such persons not so made known to the landlord, who seek to exercise the right to be named as a tenant on a renewal lease or the right to protection from eviction as provided for in this subdivision, the affirmative obligation to establish such right.

2. Notwithstanding any other provisions of this section, the New York city housing authority shall recognize and apply the following criteria and procedures for succession by remaining family members as follows:

(a) A "remaining family member" means a person who:

(i) was an authorized household member listed on the lease during the tenancy, including original household members, members added through family growth, or individuals granted permanent written permission by NYCHA to reside in the apartment;

(ii) has resided continuously in the apartment for no less than twelve months from the date permanent permission was granted and for at least twelve months immediately prior to the tenant's permanent vacancy or death; and

(iii) has been included on all affidavits of income submitted for the apartment during the relevant residency period.

(b) To be eligible to succeed to a New York city housing authority apartment as a remaining family member, the individual must:

(i) have the legal capacity to enter into a lease agreement;

(ii) pass all required criminal background and sex offender registry screenings consistent with the New York city housing authority admission standards;

(iii) provide verifiable income and household information sufficient for the New York city housing authority to calculate rent; and

(iv) agree to make all required use and occupancy payments as calculated by the New York city housing authority.

(c) Remaining family successors shall not be responsible for any rent arrears of the prior tenant, and any unpaid rent owed by the prior tenant shall be subject to the New York city housing authority's policy regarding write-offs.

(d) For senior citizen apartments with age requirements, a remaining family member must meet all of the qualifications in paragraphs (a), (b) and (c) of this subdivision and:

(i) may remain in the senior citizen apartment if they meet the age requirements of the New York city housing authority;

(ii) if they do not meet the age requirements, may remain in the senior citizen apartment if they agree that they shall be offered a lease for the apartment they currently occupy upon signing an agreement to transfer to an appropriately sized apartment within a general population building.

(e) If required by the New York city housing authority's occupancy standards, a remaining family member household qualifying for succession shall relocate to an apartment of appropriate size.

(f) NYCHA shall notify all persons seeking remaining family member status of their right to request a grievance hearing pursuant to the New York city housing authority's grievance procedures if they dispute any decision, action, or failure to act by the New York city housing authority regarding succession.

3. (a) The New York city housing authority shall establish and maintain a grievance procedure for individuals claiming remaining family member status, in accordance with its policies and applicable federal regulations.

(b) The grievance procedure shall include:

(i) notification to the remaining family member claimant of their right to request a grievance if they disagree with a decision, action, or failure to act by the New York city housing authority regarding their succession claim;

(ii) an initial informal conference with the property manager to discuss the remaining family member claim, during which the claimant may present supporting documents and oral statements;

(iii) if the claim is denied, the opportunity for the remaining family member claimant to appeal the decision by submitting a written request for further administrative review; and

(iv) a subsequent informal conference with a borough designee or an impartial hearing officer, depending on the nature of the denial, to review the appeal and make a final determination.

(c) During the grievance process, remaining family member claimants are required to pay use and occupancy charges, calculated based on the lower of the previous tenant's rent or the claimant's verified income, as determined by the New York city housing authority.

§ 2. This act shall take effect on the ninetieth day after it shall have become a law.