

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:

1 Section 1. The public housing law is amended by adding a new section
2 402-h to read as follows:

3 § 402-h. Succession rights. 1. The New York city housing authority
4 shall promulgate regulations, rules and policies which provide for the
5 rights of remaining family members to succeed in certain cases to the
6 rights of tenants of properties owned or operated by the authority. Such
7 regulations, rules and policies shall contain provisions which include,
8 but shall not be limited to, the following:

9 (a) that unless otherwise prohibited by occupancy restrictions based
10 upon income limitations pursuant to federal, state or local law, regu-
11 lations or other requirements of governmental agencies, any member of
12 the tenant's remaining family, as defined in subdivision two of this
13 section, shall succeed to the rights of a tenant under such acts and
14 laws where the tenant has permanently vacated the housing accommodation
15 and such remaining family member has resided with the tenant in the
16 housing accommodation as a primary residence for a period of no less
17 than one year, immediately prior to the permanent vacating of the hous-
18 ing accommodation by the tenant, or from the inception of the tenancy or
19 commencement of the relationship, if for less than such periods. For the
20 purposes of this subdivision, "permanently vacated" shall mean the date
21 when the tenant of record permanently stops residing in the housing
22 accommodation regardless of subsequent contacts with the unit or the
23 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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1 periods of required residency set forth in this paragraph shall not be
2 deemed to be interrupted by any period during which the "remaining fami-
3 ly member" temporarily relocates because the family member:

4 (i) is engaged in active military duty;

5 (ii) is enrolled as a full time student;

6 (iii) is not in residence at the housing accommodation pursuant to a
7 court order not involving any term or provision of the lease, and not
8 involving any grounds specified in the real property actions and
9 proceedings law;

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

12 (v) is hospitalized for medical treatment; or

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

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

20 (i) if the person is a "remaining family member" as defined in subdi-
21 vision two of this section;

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

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

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

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

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

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

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

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

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

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

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

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

1 (iv) agree to make all required use and occupancy payments as calcu-
2 lated by the New York city housing authority.

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

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

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

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

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

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

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

29 (b) The grievance procedure shall include:

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

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

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

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

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

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