STATE OF NEW YORK

8412

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

AN ACT to amend the public housing law, in relation to establishing succession rights for tenants of 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 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 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 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 periods of required residency set forth in this paragraph shall not be deemed to be

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

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interrupted by any period during which the "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 "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" or a "disabled person" 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. For the purposes of this section, "family member" means a spouse, child, stepchild, parent, stepparent, grandparent, sibling, grandchild or in-law of the tenant; or any other person residing with the tenant in the housing accommodation as a primary residence who can prove emotional and financial commitment, and interdependence between such person and the tenant. Although no single factor shall be solely determinative, evidence which is to be considered in determining whether such emotional and financial commitment and interdependence existed, may include, without limitation, such factors as listed below. In no event would evidence of a sexual relationship between such persons be required or considered.

(a) longevity of the relationship;

(b) sharing of or relying upon each other for payment of household or family expenses, or other common necessities of life;

(c) 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, or such other factors as may be determined by regulation;

(d) engaging in family-type activities by jointly attending family functions, holidays and celebrations, social and recreational activities, or such other factors as may be determined by regulation;

(e) formalizing of legal obligations, intentions, and responsibilities to each other by such means as executing wills naming each other as

executor or beneficiary, conferring upon each other a power of attorney or 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, or such other factors as may be determined by regulation;

(f) 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;

(g) regularly performing family functions, such as caring for each other or each other's extended family members, or relying upon each other for daily family services; and/or

(h) engaging in any other pattern of behavior, agreement, or other action which evidences the intention of creating a long-term, emotionally-committed relationship.

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