



## Legislation Text

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**File #:** Res 2085-2013, **Version:** \*

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### Res. No. 2085

Resolution calling upon the New York State Legislature to pass and the Governor to sign legislation revising the standard of proof used by the New York City Housing Authority to determine eligibility for housing based upon remaining family member status.

By Council Members Jackson, Brewer, Chin, James, Mendez and Rose

Whereas, The New York City Housing Authority (“NYCHA”) is a public housing authority with 334 developments, 2,596 buildings, and 178,914 public housing units, making it the largest public housing provider in North America; and

Whereas, In some instances, an individual can continue to legally reside in (succeed to) a NYCHA apartment when the leaseholder permanently leaves the apartment or passes away if they qualify as a Remaining Family Member (“RFM”); and

Whereas, Under existing rules, the individual seeking such status must have the legal capacity to sign a lease, pass a criminal background check, and have a verifiable income on which to calculate rent; and

Whereas, An individual is considered a RFM if they were authorized to reside in the apartment at the time the leaseholder moved in, were added through family growth, or received the development housing manager’s written permission to permanently join the household; and

Whereas, An individual requesting permission to permanently join the household must be either the tenant’s spouse or registered domestic partner, parent, grandparent, grandchild, child, or sibling; and

Whereas, If permission to permanently reside in an apartment is granted, the RFM claimant must reside in the apartment for one year immediately prior to the date the leaseholder permanently leaves the apartment or passes away in order to be eligible to succeed a lease; and

Whereas, Many individuals are unsuccessful in claiming RFM status because they are either unaware of the extensive requirements which must be met including NYCHA's definition of family and are consequently evicted and forced to vacate the apartment, oftentimes leaving them with nowhere else to go; and

Whereas, Under New York State law, for rent stabilized and rent controlled apartments, a family member has the right to succession if they resided with the leaseholder as a primary resident in the apartment for two years immediately prior to the date the leaseholder permanently leaves the apartment or passes away; and

Whereas, State law defines a family member as either a tenant's spouse or registered domestic partner, parent, grandparent, grandchild, child, sibling, or any other person residing with the tenant in the housing accommodation as a primary resident, who can prove emotional and financial commitment and interdependence between such person and the tenant; and

Whereas, On January 25, 2013, Assembly Member Keith Wright (D-Manhattan) introduced A.3445, legislation that would amend the public housing law to allow a remaining family member to prove succession to a NYCHA apartment under the same standards of proof provided for under state law relating to rent stabilized and rent controlled apartments; and

Whereas, This legislation would alleviate the difficulty encountered by individuals seeking to establish succession rights to a NYCHA apartment by aligning NYCHA's eligibility requirements with current state law for rent stabilized and rent controlled apartments; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to pass and the Governor to sign legislation revising the standard of proof used by the New York City Housing Authority to determine eligibility for housing based upon remaining family member status.

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GP  
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