



Legislation Text

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Res. No. 546

Resolution calling on the New York State Legislature to pass and Governor to sign legislation requiring New York State Homes and Community Renewal to collect succession rights data from property owners and release a summary of the statistics to the public.

By Council Members Gibson, Chin, Mendez and Rosenthal

Whereas, New York State Homes and Community Renewal (HCR) is the state agency responsible for administering rent regulation in New York City; and

Whereas, Rent regulation, which includes rent control and rent stabilization, protects tenants from steep rent increases, unwarranted evictions, and requires an owner to provide services and repairs; and

Whereas, According to the 2011 Housing Vacancy Survey, there are 1,293,000 rent regulated units in New York City; and

Whereas, Rent regulated units comprise most of the City's affordable housing; and

Whereas, According to the "Housing New York: A Five Borough, Ten-Year Plan," almost 55 percent of all rental households spend 30% of their income on rent; and

Whereas, In some cases, a family member can legally remain in a rent-regulated unit when the leaseholder permanently leaves; and

Whereas, Under New York State law, a family member can claim succession rights for a rent-regulated unit by residing in the same apartment for at least two consecutive years (or one year if the primary tenant is disabled or a senior) before the primary tenant permanently vacates or passes away; and

Whereas, State regulations defines a family member as a tenant's spouse, son, daughter, stepson, stepdaughter, father, mother, stepmother, brother, sister, grandfather, grandmother, grandson, granddaughter,

father-in-law, mother-in-law, son-in-law, or daughter-in-law; and

Whereas, A person who is residing with the tenant of record may qualify for succession rights as a non-traditional family member by demonstrating emotional, financial commitment and interdependence with the tenant of record, according to State regulations and

Whereas, Persons can claim succession rights by notifying the property owner, through a letter or an HCR form, that the tenant of record is no longer residing in the apartment; and

Whereas, Claimants may keep a copy of the succession rights notice, but the property owner can challenge statements made on the notification; and

Whereas, A successor tenant maintains the same housing rights and privileges as the previous tenant; and

Whereas, HCR does not publish data on succession rights or other rent regulation policies, making it difficult to determine if the process is meeting the policy's goals; and

Whereas, To determine the volume and efficacy of succession rights applications, HCR will need to collect data from property owners on the number of tenants that requested succession rights, the number of requests that were accepted and denied, and the reason for such denials; and

Whereas, With this data, HCR can evaluate the current process to identify areas for improvement, identify appropriate measures to assess the program, obtain a baseline of the current operations, and monitor the effects of any changes to the program; and

Whereas, Publishing a quarterly report on this data can serve the public good and improve the administration of tenants requesting succession rights and other affordable housing programs; and

Whereas, HCR should make this information available to the public through HCR's website; and

Whereas, If such information was made available, the public could assess the process and outcomes of the policy and could help HCR prioritize its resources, review whether the process is serving the policy's goals, and make recommendations for new policies or processes to help New Yorkers who need affordable housing;

now, therefore be it

Resolved, That the Council of the City of New York calls upon New York State Legislature to pass and Governor to sign legislation requiring New York State Homes and Community Renewal to collect succession rights data from property owners and release a summary of the statistics to the public.

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