

**CITY OF NEW YORK
DEPARTMENT OF HOUSING PRESERVATION AND DEVELOPMENT**

Notice of Public Hearing and Opportunity to Comment on Proposed Rules

What are we proposing? The Department of Housing Preservation and Development proposes to amend its rules in order to clarify the documents required for an application for successor tenancy in City-owned buildings.

When and where is the Hearing? The Department of Housing Preservation and Development will hold a public hearing on the proposed rule. The public hearing will take place at 10:00 AM-11:00 AM on October 27, 2016. The hearing will be in room 5R1 at 100 Gold Street, New York, N.Y. 10038.

How do I comment on the proposed rules? Anyone can comment on the proposed rules by:

- **Website.** You can submit comments to the Department of Housing Preservation and Development through the NYC rules website: <http://rules.cityofnewyork.us>.
- **Email.** You can email written comments to rules@hpd.nyc.gov.
- **Mail.** You can mail written comments to Assistant Commissioner Vivian Louie at: Department of Housing Preservation and Development, 100 Gold Street, Room 7T2, New York, N.Y. 10038.
- **Fax.** You can fax written comments to the Department of Housing Preservation and Development, Att: Vivian Louie at: 212 863-7061.
- **Hearing.** You can speak at the public hearing. Anyone who wants to comment on the proposed rule at the public hearing must sign up to speak. You can sign up before the hearing by calling 212 863-7087, or you can sign up in the hearing room before the hearing begins on October 27, 2016. You can speak for up to three minutes.

Is there a deadline to submit written comments? Comments must be submitted before the close of business on October 27, 2016.

What if I need assistance to participate in the Hearing? You must tell the Department if you need a reasonable accommodation of a disability at the hearing. You must tell us if you need a sign language interpreter. You can tell us by mail at the address given above. You may also tell us by telephone at 212 863-7087. You must tell us by October 13, 2016.

Can I review the comments made on the proposed rules? You can review the comments made online on the proposed rules by going to the website at <http://rules.cityofnewyork.us/>. A few days after the hearing, copies of all comments submitted online, copies of all written comments, and a summary of oral comments concerning the proposed rule will be available to the public at 100 Gold Street, Office of Legal Affairs, Department of Housing Preservation and Development, New York, N.Y. 10038.

What authorizes the Department of Housing Preservation and Development to make this rule? New York City Charter §§1043 and 1802 authorize the Department of Housing Preservation and Development to make this proposed rule. This proposed rule was inadvertently not included in the Department of Housing Preservation and Development's regulatory agenda for this fiscal year.

Where can I find the Department of Housing Preservation and Development's rules? The rules of the Department of Housing Preservation and Development are located in Title 28 of the Rules of the City of New York.

What rules govern the rulemaking process? The Department of Housing Preservation and Development must meet the requirements of New York City Charter §1043 when creating or changing rules. This notice is made according to the requirements of New York City Charter §1043.

Statement of Basis and Purpose of Proposed Rule

The Department of Housing Preservation and Development (HPD) proposes to amend its rules to clarify the requirements for an application for successor tenancy in City-owned buildings. The proposed amendments describe the documents that must be submitted with the application form.

“Shall” and “must” denote mandatory requirements and may be used interchangeably in the rules of this department, unless otherwise specified or unless the context clearly indicates otherwise.

New material in the following rule is underlined; deleted material is in [brackets].

Section one. Section 24-07 of Chapter 24 of Title 28 of the Rules of the City of New York is amended to read as follows:

§24-07 Application for Successor Tenancy.

(a) An occupant seeking to become a tenant must show that he or she is eligible to apply for tenancy pursuant to §24-04 of these rules. Such application must be made on a form prescribed by HPD within 30 days after the permanent vacating of the apartment by the permanent tenant, or within 90 days after the effective date of these rules, whichever is later]

(b) An application for successor tenancy must be accompanied by the following documents, as applicable:

1. Proof of family relationship to tenant of record, such as (i) marriage certificate, (ii) domestic partnership certificate; or (iii) other proof of emotional and financial commitment, and interdependence as described in paragraph (2) of the definition of “family member” in §24-01 of these rules, and an affidavit swearing to family relationship;

2. If occupant/applicant is claiming co-occupancy, proof of continual, permanent residence during such time period, including one or more of the following: (i) tax returns, (ii) employment records, (iii) government agency documents verifying home address; (iv) Board of Elections records; (v) driver's license issued by the Department of Motor Vehicles, identification card or

automobile registration; (vi) insurance policies that indicate a home address; (vii) utility bills; (viii) credit card or banking statements; (ix) medical bills and statements; (x) school records; (xi) military service records; (xii) marriage and/or birth certificates; or (xiii) other government-issued photo identification card such as a New York city identification card;

3. If occupant/applicant is claiming co-occupancy for one year and senior citizen status, a birth certificate or other proof of age, in addition to the documents required in paragraph 2 of this section;

4. If occupant/applicant is claiming co-occupancy for one year and a disability, proof of disability from a government agency or medical documentation completed by a medical professional, in addition to the documents required in paragraph 2 of this section;

5. If occupant/applicant has been temporarily relocated, a copy of the relocation agreement;

6. If occupant/applicant has been temporarily relocated, proof of prior address;

7. If the apartment is a relocation apartment, documents proving acceptable temporary relocation during the required residency period pursuant to §24-06 of these rules;

8. Documents proving the non-residency of the tenant of record, which may include: (i) death certificate; (ii) divorce or separation agreement and proof of residency at new address for tenant of record (e.g., utility bills); (iii) proof of residency at new address for tenant of record who has voluntarily vacated; (iv) letter certifying permanent occupancy of tenant of record in institutional facility; or (v) other relevant documentation of circumstances leading to non-residency of tenant of record; and

9. Any other documentation required or requested by HPD for the purpose of determining eligibility of the applicant for successor tenancy.

NEW YORK CITY LAW DEPARTMENT

**DIVISION OF LEGAL COUNSEL
100 CHURCH STREET
NEW YORK, NY 10007
212-356-4028**

**CERTIFICATION PURSUANT TO
CHARTER §1043(d)**

RULE TITLE: Amendment of Rules Governing Successor Tenants in City-Owned Housing

REFERENCE NUMBER: 2016 RG 037

RULEMAKING AGENCY: Department of Housing Preservation and Development

I certify that this office has reviewed the above-referenced proposed rule as required by section 1043(d) of the New York City Charter, and that the above-referenced proposed rule:

- (i) is drafted so as to accomplish the purpose of the authorizing provisions of law;
- (ii) is not in conflict with other applicable rules;
- (iii) to the extent practicable and appropriate, is narrowly drawn to achieve its stated purpose; and
- (iv) to the extent practicable and appropriate, contains a statement of basis and purpose that provides a clear explanation of the rule and the requirements imposed by the rule.

/s/ STEVEN GOULDEN
Acting Corporation Counsel

Date: August 10, 2016

NEW YORK CITY MAYOR'S OFFICE OF OPERATIONS

**253 BROADWAY, 10th FLOOR
NEW YORK, NY 10007
212-788-1400**

**CERTIFICATION / ANALYSIS
PURSUANT TO CHARTER SECTION 1043(d)**

RULE TITLE: Amendment of Rules Governing Successor Tenants in City-Owned Housing

REFERENCE NUMBER: HPD-27

RULEMAKING AGENCY: HPD

I certify that this office has analyzed the proposed rule referenced above as required by Section 1043(d) of the New York City Charter, and that the proposed rule referenced above:

- (i) Is understandable and written in plain language for the discrete regulated community or communities;
- (ii) Minimizes compliance costs for the discrete regulated community or communities consistent with achieving the stated purpose of the rule; and
- (iii) Does not provide a cure period because it does not establish a violation, modification of a violation, or modification of the penalties associated with a violation.

/s/ Guenevere Knowles
Mayor's Office of Operations

August 10, 2016
Date