

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

**Notice of Adoption**

**NOTICE IS HEREBY GIVEN** that pursuant to authority vested in the City of New York Department of Housing Preservation and Development (HPD) by New York City Charter §§1043 and 1802, HPD hereby adopts amendments to rules relating to applications for successor tenancy in City-owned buildings. A public hearing was held on October 27, 2016.

**Statement of Basis and Purpose of Rule**

The Department of Housing Preservation and Development (HPD) is amending its rules to clarify the requirements for an application for successor tenancy in City-owned buildings. The 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.