



Department of
Housing Preservation
& Development

nyc.gov/hpd

Office of Asset & Property
Management
Division of Housing
Supervision
100 Gold Street
New York, N.Y. 10038

VICKI BEEN
Commissioner

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INSTRUCTIONS APPLICATION FOR SUCCESSION

Dear Succession Applicant:

Section 3-02 (p) of the City Mitchell-Lama rules allows family members of the tenant/cooperators of record who meet all the requirements to remain as lawful tenant/cooperators after the tenant/cooperators of record have permanently vacated the apartment. These occupancy rights of family members are often referred to as succession rights. The complete requirements for succession rights can be found in the Mitchell-Lama rules on HPD's Web page at www.nyc.gov/hpd.

There are three (3) conditions you must meet and document to qualify for succession: (1) Authorized Family Member, (2) Inclusion on the necessary Income Affidavits, and (3) Occupancy during the Co-Residency Period. You must have occupied the subject apartment as your primary residence throughout the co-residency period and continuing through the date of application for succession rights. You have the burden of proving you meet all three conditions. **You must fully complete and sign an Application for Succession and submit the application along with the all required documents to the managing agent for your development.** If you meet the criteria and provide all the required documents, your managing agent will submit your application to HPD for consideration. **Failure to provide the required documents will result in the rejection of your application for succession.**

SECTION 1: SUCCESSOR APPLICANT INFORMATION

- 1.1: Print your full first and last names.
- 1.2: Indicate your address and apartment number.
- 1.3: Indicate the date you moved into the apartment at the address indicated in 1.2 of the application.
- 1.4: Please check the box yes or no if you are a senior citizen (62 or over) or disabled. You will need to provide documentation of your age or disability (see below).
- 1.5: You must indicate your family relationship to the tenant/cooperators of record as Identified in 2.1 of the application and provide proof of this relationship (see below).
- 1.6: Indicate the full first and last names of all occupants currently in the apartment identified in 1.2 of the application, their relationships to you, their ages and their genders.

SECTION 2: TENANT/COOPERATOR OF RECORD INFORMATION

- 2.1: Print the full first and last names of the tenant/cooperators of record.
- 2.2: Indicate the number of years the tenant/cooperators of record resided in the apartment indicated in section 1.2 of the application.
- 2.3: Please indicate the status of the tenant/cooperators of record by checking the applicable box and providing the **required documentation** (see below). Please note a tenant/cooperator of record may have permanently vacated the apartment prior to his or her death.

SECTION 3: CERTIFICATION

- 3.1: After you have carefully read the certification, please sign and date.

REQUIRED DOCUMENTS:

You must provide all of the required documents to qualify for succession.

AUTHORIZED FAMILY MEMBERS:

You must provide birth certificate(s), marriage certificate, etc. to prove your family relationship to the tenant/cooperators of record. If you are not a defined family member, you must prove an emotional and financial commitment and interdependence between you and the tenant/cooperators of record as described in 3-02 (p) (2) (ii) (B) of the Mitchell-Lama rules.

INCOME AFFIDAVITS:

You must provide the income affidavits for the two years immediately prior to the date the tenant/cooperators of record permanently vacated the apartment indicated in 1.2 of the application or for one year prior to such permanent vacatur if **YOU** are a senior citizen (62 years old or over) or disabled.

You must provide documentation of the date the tenant/cooperators of record permanently vacated the apartment indicated in 1.2 of the application as specified below:

- Vacated: Signed lease, occupancy agreement or deed as well as utility bills from the beginning date of service at the new address of the tenant/cooperators of record.
- Deceased: Death Certificate.
NOTE: A tenant/cooperator of record may have permanently vacated the apartment prior to his or her death.
- Divorce/Separation: Divorce/Separation agreement. In addition, a signed lease, occupancy agreement or deed as well as utility bills from the beginning date of service at the new address of the tenant/cooperators of record.
- Nursing Home/Care Facility: Letter from the Director of the Facility indicating when the tenant/cooperators of record permanently entered the facility.

Note: You cannot be considered for succession if the occupant of record is only temporarily in the nursing home/ care facility.



**INSTRUCTIONS
APPLICATION FOR SUCCESSION (Continued)**

CO-RESIDENCY:

You must provide documentation that **you and the tenant/cooperators** of record continually co-resided in the apartment indicated in 1.2 of the application for the two years immediately prior to the date the tenant/cooperators of record permanently vacated the subject apartment or for one year if **YOU** are a senior citizen (62 years old or over) or disabled. You must also provide documentation indicating that the subject apartment was your primary residence during this period and through the date your application for succession rights .

Below are suggested documents to prove co-residency and primary residency. You should submit as many documents listed below as you can.

- Certified New York State Tax returns. If you were required to file New York State tax returns, your failure to provide certified copies of those returns will result in a finding that the subject apartment was not your primary residence.
- Employment Records – W-2s and/or 1099s, paystubs, pension and/or retirement records, etc.
- Documents from the Social Security Administration, Department of Social Services, Department of Labor or from any other governmental agency.
- Board of Elections records.
- Department of Motor Vehicles documents such as a Driver's license or Identification card and car registration, etc.
- Insurance policies and billing statements – apartment, health, life and car insurance, etc.
- Utility bills (electric, telephone, gas, cable).
- Credit card bills and statements and loan bills and statements (only a sample for each year). These statements can be redacted to eliminate any private information.
- Bank statements, including checking and savings accounts, and statements from other financial Institutions (only a sample for each year). Again, these statements can be redacted to eliminate any private information.
- Medical bills and statements, including medical insurance statements and "explanations of benefits", etc.
- Publications and other general correspondence addressed to you at the subject apartment which include a postmark.
- School records for you and/or your family members.
- U.S. Military Service Records.
- Deeds.
- Marriage and/or Birth Certificates.

SENIOR CITIZEN/DISABLED

If you declare yourself a senior citizen or a disabled person in Section 1.4 of the application, you also must submit the following:

- Senior Citizen: Verification of Age.
- Disabled: Government issued documentation from a governmental agency determining you to be disabled.

