



## **Understanding Tenant Succession Rights for Rent-Stabilized Apartments**

As landlords of rent-stabilized apartments in New York, it's important to understand tenant succession rights—rules that may allow certain individuals to assume the lease of a rent-stabilized apartment when a primary tenant vacates. These regulations, overseen by the New York State Division of Housing and Community Renewal (DHCR), can impact your rights as a property owner, so knowing the criteria for eligible successors is key to maintaining compliance.

### **What Are Succession Rights?**

In rent-stabilized apartments, succession rights permit qualified family members or individuals in established relationships with the primary tenant to take over the lease, preserving the apartment's rent-stabilized status. For landlords, this can mean a continuation of the tenancy under regulated terms rather than open market conditions, depending on the successor's qualifications.

### **Requirements for Establishing Succession Rights**

To prevent unwarranted claims, succession rights are contingent upon two primary requirements that the successor must meet:

1. **Qualifying Relationship:** The successor must demonstrate a close family or "familial" relationship with the departing tenant.
2. **Residency Requirement:** The successor must have lived in the apartment with the primary tenant as their primary residence for at least two years before the tenant's permanent departure (or one year if the successor is a senior or disabled).

### **Identifying Eligible Successors**

Understanding who may claim succession rights is critical. Those typically eligible include:

- **Immediate Family Members:** Spouses, children, parents, stepchildren, siblings, grandparents, grandchildren, and in-laws of the tenant.
- **Non-Traditional Family Members:** In some cases, individuals who are not legally related but have established a long-term, committed relationship with the tenant can qualify. Courts may recognize these non-traditional relationships if an emotional and financial commitment, similar to a family relationship, can be demonstrated.

### **Documentation Required for Proof**

For a claim to succeed, eligible successors must present documentation to support both their qualifying relationship and required residency. Examples of acceptable documentation include:

- Joint tax returns, bank statements, or utility bills showing shared financial responsibilities.
- Evidence of shared household responsibilities and joint activities to

demonstrate a family-like commitment.

- Consistent, relevant records over the qualifying period to confirm residency.

## Individuals Who Are Not Eligible

Some individuals are unlikely to meet the criteria for succession rights under rent stabilization law. These include:

- Roommates: Those who shared the apartment without a qualifying relationship.
- Temporary Residents: Anyone who did not maintain the apartment as a primary residence or does not meet the residency period.
- Subtenants and Boarders: Subtenants and boarders who lack a familial or long-term, committed relationship with the tenant do not qualify for succession rights.

## Key Takeaways for Landlords

Being aware of the criteria and documentation required for succession rights helps landlords effectively manage tenancy transitions and guard against invalid claims. Each case may vary, and claims often need thorough documentation and, at times, legal evaluation to confirm eligibility.

If you have questions about tenant succession rights or need assistance in assessing a succession claim, our team at James G. Dibbini & Associates, P.C. is here to guide you through the process. Contact us for a consultation to discuss any succession claims or other landlord-tenant matters.

## Contact Us

If you need any assistance, our team at James G. Dibbini & Associates, P.C. is here to help. Contact us today at (914) 240-8270 or [jdibbini@dibbinilaw.com](mailto:jdibbini@dibbinilaw.com).

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