

What Do I Need to Do to Have Someone Move Into My NYCHA Apartment?

New York City Housing Authority (NYCHA) requires that you give **notice** and usually **obtain approval in writing** for someone new to live with you, such as a **child that did not live with you before, or a new spouse**. You do NOT need to do this for guests who stay with you for free for short, temporary time periods.

Prior approval is always necessary for a person to be able to remain in your apartment after you move out or die.

WHAT HAPPENS IF I DO NOT DO THIS?

NYCHA can bring proceedings to **evict you for having unauthorized occupants** and will not let the person stay in your apartment after you move out or die.

Adding People to Your Household: The Basics

- ❖ **Permanent:** Someone who comes to live with you permanently must either be approved as a permanent **member of your household** or a co-tenant. A **co-tenant** signs the lease with you and has all of the same rights and responsibilities as you do. Either way, the person must be a family member or in a family-like relationship with you (see below). The person's income will be considered for eligibility for public housing, and in calculating your rent.
- ❖ **Temporary:** You can ask NYCHA to approve someone living with you temporarily for **up to a year**. This person does not need to be part of your family. Their income is not added to the household income. A temporary resident **CANNOT** stay in the apartment after you move out or die. **Foster children** and **home-care attendants** are special temporary residents whose stay can be more than one year.

Remember: EITHER permanent or temporary residents require **written** NYCHA approval.

- ❖ **Birth or Adoption:** If a child is born or adopted into your family, the child **automatically** becomes a member of your household; you do NOT need NYCHA approval. However, you should **notify** NYCHA, and your family size will increase (NYCHA may even put you on the list for a larger apartment).

WHO CAN ASK TO ADD SOMEONE?

The tenant of record (who signed the lease), and who is currently living there and in good standing with NYCHA—that is, up-to-date in rent, not in violation of any NYCHA rule or regulation, and has no termination-of-tenancy proceeding pending.*

* If you have a proceeding pending against you, **you can still file a request**, but NYCHA must **hold it until the proceeding against you is resolved**.

WHAT ARE THE REQUIREMENTS FOR A NEW HOUSEHOLD MEMBER?

Unless the new member was added to your family by **birth or adoption**, he must meet these requirements:

Permanent: A person to be added on a **permanent** basis must be a member of the tenant of record's family, which means either (1) a husband, wife, son, daughter, stepson, stepdaughter, father, mother, stepfather, stepmother, brother (including half-brother), sister (including half-sister), grandfather, grandmother, grandson, granddaughter, son-in-law, daughter-in-law, father-in-law, or mother-in-law, OR (2) a domestic partner (the domestic partnership must be registered with the City Clerk with the City of New York). The additional person must also meet the same **eligibility requirements** for admission as all other NYCHA applicants. The request to add someone on a permanent basis can be denied if it will create overcrowded or unsafe conditions in the apartment.

Temporary: A person to be added on a **temporary** basis need not be a member of your family or meet income or other eligibility requirements, except the person cannot be "non-desirable." Examples include a home-care attendant or a foster child. However, if you live in a **development for seniors or the disabled, even a temporary resident must qualify** to live in that development (by age or disability), with an exception for one home-care attendant.

NYCHA will NOT approve paying guests or sub-leases—either permanent or temporary.

Renting rooms, subleasing your apartment while you are away, or charging money for people to stay with you is against NYCHA's rules, and can lead to your being evicted.

CAN NYCHA REJECT SOMEONE FOR BAD BEHAVIOR IN THE PAST?

NYCHA can reject a proposed resident, whether permanent or temporary, for **non-desirability**, meaning that he has committed certain crimes within a specified time period, has committed bad acts in or near the project (including drug or sex offenses), is dangerous, or is likely to disturb your neighbors or damage NYCHA property.

You have the right to argue that the person has done bad things in the past but is **rehabilitated** and will behave well in the future (see below for information about the **grievance procedure**). Examples that could help prove rehabilitation include:

- a good record at school or work
- a positive recommendation from a probation officer
- evidence of successful completion or ongoing participation in a rehab program
- a letter from a social worker or counselor

NYCHA can also reject a proposed resident, whether permanent or temporary, if within the past 5 years that person was evicted or had his own lease with NYCHA terminated.

WHAT IF THE PERSON LIVING WITH ME IS NOT A U.S. CITIZEN?

Under federal law, only U.S. citizens and people with certain other immigration statuses, such as lawful permanent residents, can live in public housing at a subsidized rate. When you add a person to your household, you have the **option NOT to claim that the person is eligible** for the subsidized rate. This means that your **rent will be higher**, but you will not need to provide proof of immigration status to NYCHA.

NOTE: NYCHA is a government agency and may share information with immigration officials. If the person you want to add to your household is not a U.S. citizen, it is best to **consult an experienced immigration lawyer** first.

HOW DO I ADD PEOPLE TO MY HOUSEHOLD?

To get started, ask the project office for a Permanent Residency Permission Request Form (NYCHA Form 040.012) or a Temporary Residency Permission Request Form (NYCHA Form 040.012A). You will need to fill it out and submit it with all of the materials it asks for. If you wish to add someone as a **co-tenant**, you **must make a specific request in writing in addition to filing a request for permanent residency**.

Unless there is an open termination proceeding against you, the **Project Manager must give you a written decision within 60 days**. During that time, the manager may ask for additional information. The manager will interview the proposed resident and order a background check.

WHAT HAPPENS IF I DISAGREE WITH THE DECISION?

If you disagree with the Project Manager's decision, you have the right to **file a grievance**. You must be careful to meet the **very short deadlines** for making a written request for a District review and later for a formal hearing at NYCHA's central office. See the separate MFY Fact Sheet "What Do I Do If I Disagree with Something NYCHA Does?"

Whether or not you file a grievance, in some situations you may be able to **go to court to challenge NYCHA's decision**. Talk to a lawyer or community representative about your rights.

WHO CAN I CONTACT IF I HAVE QUESTIONS?

You may call MFY Legal Services, Inc.'s Housing Projects on Mondays, Wednesdays, and Fridays from 2:00 p.m. to 4:30 p.m. at 212-417-3888.

Mental health consumers may also call MFY Legal Services, Inc.'s Mental Health Law Project on Mondays, Tuesdays, and Thursdays from 10:00 a.m. to 5:00 p.m. at 212-417-3830.

DISCLAIMER: This fact sheet gives general information for NYC residents; it is NOT legal advice.