

housing answers

for residents of
public housing

SUMMER 2005

adding someone to your lease

Tenant Advocacy Project (TAP)

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the City of New York

If you have questions like:

“My mother has moved in with us.
Should I add her to the lease?”

“Will my rent go up if I add someone
to my lease?”

“Can I get evicted for having a friend
stay with me for a month?”

“Who can stay in my apartment if I die
or move away?”

You’ll find answers to these questions—
and more— in this guide.

Adding someone to your lease

The New York City Housing Authority (NYCHA) has changed the rules about who can be added to your lease as a new “permanent occupant” in your public housing apartment. Protect the rights of your household. Getting permanent permission from NYCHA will allow the people in your household to stay as long as they want to and will protect their right to stay in the apartment if you leave.

Q. How do I add someone to my lease?

A.

❶ Request a “Permanent Permission Request” form. You can get the form at the Management Office in your development. Insist on the right to use that form.

TIP: Do not accept a “Temporary Permission Request” form.

Q. What documents will I need to add someone to my lease?

A.

❶ You will need to show proof of your relationship to the new household member. Your proof will depend on your relationship. For example, if the request is for your husband, attach a copy of your marriage certificate. If you are the guardian of a child and you want permanent occupancy for the child, attach the court documents to the form.

AND

❷ You also need to show proof of the new person’s income. For example, if the person is working, attach two recent pay stubs. If the person gets welfare, attach a copy of the budget letter.

Make two copies of the form and your documents. Give one to your housing assistant and keep one copy for yourself. Make sure to get your copy stamped “received” by the Housing Office and keep your copy so that you can find it if you need it.

TIP: The Housing Authority cannot require the new person to have income in order to be added to the lease.

Q. Who can I add to my lease?

A.

❶ As the tenant who signed the lease you can permanently add the following relatives:

husband/wife
son/daughter (including adopted)
stepson/stepdaughter
father/mother and stepfather/stepmother
brother (including half-brother)/sister (including half-sister)
grandfather/grandmother
grandson/granddaughter
son-in-law/daughter-in-law/father-in-law/mother-in-law

You cannot add cousins, nieces, or nephews unless you have legal guardianship of them.

TIP: You do not need to use this process for a child born to you in your apartment—just report his or her birth when you recertify.

OR

❷ A person registered as the domestic partner of the tenant on the lease.

TIP: You have to document the relationship by submitting a Certificate of Domestic Partnership Registration issued by the City Clerk of New York.

Call 311 for more information on how to register as domestic partners.

OR

❸ Anyone who was part of your household when you first moved into NYCHA housing but moved out and now wants to move back in again.

TIP: A person who was part of your household when you first moved into NYCHA public housing and never left is already a permanent occupant, and doesn't need new permission.

OR

❹ Anyone who is your legal ward (legal guardianship).

TIP: You can still get permission for other types of people to stay with you temporarily. For example, if a friend needs to double up in your apartment for a short period (less than six months), ask the management office for temporary occupancy permission.

Source: NYCHA General Memorandum—3692

Q. How does the housing authority decide to approve a new person?

A.

The Housing Authority should approve the new person if:

❶ You are a tenant in good standing and occupy the apartment as your only residence. If the Housing Authority has started a case against you at 250 Broadway, or in housing court, the application will not be approved.

AND

❷ Your household member qualifies. The Housing Authority will conduct a criminal background check of any proposed family member who is at least 16 years of age. If the family member does not pass the criminal background check, the application will be denied.

Beware that almost any criminal conviction, including a violation other than a traffic ticket, means you can't add the person to the lease for a certain period of time. The time period depends on the type of criminal conviction. You can fight the disqualification by showing that the family member has been rehabilitated. To find out the exact rules visit our web site or call TAP.

The Housing Authority may not approve the application if adding a family member will lead to overcrowding in the apartment. Generally, the limit is two people per bedroom, although there may be exceptions.

Q. Why is it important for me to get permission from the housing authority?

A.

Getting permission protects you and your family. If you move out of the apartment or die, they will be able to stay in your apartment. The Housing Authority will not be able to make you move into a smaller apartment or try to evict you for having an unauthorized person in your apartment or for concealing the additional person's income.

Q. Will my rent go up if I add a family member to my lease?

A.

Maybe. The income of every permanent household member counts for calculating the rent. If the additional family member has income, your rent will probably go up. The income of the new family member will be added to the household income and the new rent will be approximately 30% of the family income or the ceiling rent for the apartment, whichever is less. Your rent will not go up if you are already paying the ceiling rent. The amount of the ceiling rent depends on the size of the apartment. The ceiling rents for the different sized apartment are listed below:

0 Bedroom—\$347.00	3 Bedroom—\$619.00	5 Bedroom—\$797.00
1 Bedroom—\$421.00	4 Bedroom—\$693.00	6 Bedroom—\$901.00
2 Bedroom—\$495.00		

Source: NYCHA Management Manual, Chapter V, page 3

TIP: If you do not add the family member to your lease because you are afraid that your rent will increase, you are taking the risk that the Housing Authority may evict you. You can request temporary permission instead. The income of a “temporary occupant” does not count towards the rent. But temporary permission is usually granted for only six months at a time. And a temporary occupant has no right to stay if you leave the apartment.

Q. Will the new family member have to do community service?

A.

Maybe. Every household member who does not qualify for an exemption has to do 96 hours of community service each year. Ask your management office or check our web site to see if you or your family members should be exempt from community service.

Q. What can I do if the request to add a family member is turned down?

A.

The Manager should return the “Permanent Permission Request” form to you, letting you know whether your request to add a family member was granted. If it was not granted, the reason should be stated. You can fight the decision by writing a letter called a grievance. It’s easy. Here’s all you need to do:

- 1 Get the name and address of the Borough Director for your borough listed on this page.
- 2 Write a letter to him or her including the reasons that you disagree with the decision.
- 3 Make a copy to keep in a place where you can find it, if needed.
- 4 Send the letter from the post office by certified mail, return receipt requested, so you will have proof your letter was received.

If the Borough Manager also turns down your request, you can ask for a hearing from the Office of Tenant Administrative Hearings located at 250 Broadway in Manhattan. *Source: NYCHA Grievance Procedures*

Q. What are the names and addresses of the District Directors?

Brooklyn

Gloria Finkelman
816 Ashford Street
Brooklyn, NY 11207
718.649.6400

Bronx

Victor Edwards
2430 Boston Road
Bronx, NY 10467
718.654.8626

Manhattan

Carolyn Jasper
1980 Lexington Avenue
New York, NY 10035
212.427.8542

Queens

Michael Cornelius
90-20 170th Street
Jamaica, NY 11433
718.969.6240

Staten Island

Margarite Manor
140 Richmond Terrace
Richmond, NY 10301
718.815.0140

For more information, contact
Tenant Advocacy Project,
Community Service Society
105 East 22nd Street
New York, New York 10010
212.614.5311 or 212.614.5533
visit our website at www.cssny.org

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