



KATHY HOCHUL
Governor

RUTHANNE VISNAUSKAS
Commissioner/CEO

OFFICE OF INTEGRATED HOUSING MANAGEMENT MEMORANDUM #2022 – B – 11

To: All Limited Profit and Limited Dividend Housing Companies
Owners, Managing Agents & Site Managers

From: Cathy Sparks, Director
Office of Integrated Housing Management (OIHM)

Date: September 12, 2022

Subject: Update of Address to File SUCCESSION Appeals

This memo amends OIHM memo #2021-B-9 regarding the address to send Succession appeals.

State supervised Mitchell-Lama developments (“Housing Companies”) are required to send a written notification to rejected applicants which informs them of the reason for the rejection and advises them of their right to appeal to DHCR's Office of Legal Affairs within 30 days of receipt of the notification for **Succession** appeals to the Division of Housing and Community Renewal (“DHCR”) Office of Legal Affairs (“OLA”). (Only appeals of new admission and transfer denials are required to be submitted within 14 days of receipt of the notification.)

When a family member applies to the Housing Company for permission to remain in occupancy following the death or vacatur of the Tenant or Shareholder of Record, the Housing Company, within 30 days of receipt of the application, is required to act upon the application by either requesting DHCR to approve the application or by denying the application and notifying the applicant in writing of its determination.

If the application is denied, the notice to the Applicant shall set forth the specific reasons for the denial and include a statement advising the Applicant of the right to appeal to the DHCR Office of Legal Affairs. The Applicant shall be advised to appeal by sending a letter which briefly sets forth the reasons that the Applicant should be entitled to occupy the apartment and any claimed errors or erroneous findings. The appeal should also include all documents in support of the application, a copy of the Housing Company's denial letter and proof that the appeal and supporting documents have been served on the Housing Company.

Please note the address to send Succession Appeals:

**Division of Housing and Community Renewal
641 Lexington Avenue
New York, New York 10022
Attention: Office of Legal Affairs, ML Succession Appeals Unit**

(New admission and transfer appeals are to be sent to OLA in Albany.)

Pending a determination by DHCR on the succession appeal, the applicant may continue in occupancy.

We have provided sample ineligibility letter.

Very Truly Yours

A handwritten signature in black ink that reads "Cathy Sparks". The signature is written in a cursive, flowing style.

Cathy Sparks

cc: M. Stratos, L. Firenze, M. Siddiqui, V. Ramos-Perkins

SAMPLE INELIGIBILITY NOTICE

For Succession Applications

(Mailing Date)

Re: ***(Development Name)***

Dear Applicant:

We regret to inform you that you have been determined to be ineligible for succession to the above referenced development for the following reason(s):

(List all applicable reasons.)

If you have any questions regarding the basis for this determination, please contact this office.

You may appeal this determination within 30 days of receipt of this notice by writing to: Division of Housing and Community Renewal, Office of Legal Affairs – ML Succession Appeals Unit, 641 Lexington Ave, New York, N.Y 10022. Please enclose a copy of this letter with your appeal, together with proof of service of a copy of such appeal upon the housing company.

Sincerely,