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# Housing Resources for Older Adults & People With Disabilities

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# SCRIE/DRIE



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**Myth: There is no way to prevent regular rent increases in rent-regulated apartments.**

**Fact: Tenants eligible for the Senior Citizens Rent Increase Exemption (SCRIE) or the Disability Rent Increase Exemption (DRIE) can have their rent “frozen,” with subsequent rent increases paid by the government to the landlord in the form of a tax abatement.**



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# Senior Citizen Rent Increase Exemption (SCRIE)

## Eligibility for SCRIE:

- Age 62 or older
- Living in a rent-regulated apartment
- Household income no more than \$50,000
- Rent payment of more than 1/3 of household income



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# **Disability Rent Increase Exemption (DRIE)**

**DRIE has the same eligibility requirements as SCRIE, except instead of being aged 62 or older, the tenant of record must be 18 or older and receiving disability-related benefits from the state or federal government.**



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**Myth: Changes in income will not impact SCRIE/DRIE benefits.**

**Fact: Each renewal requires recertification of income. A 20%+ decrease in household income will entitle the SCRIE/DRIE holder to request a redetermination of benefits.**



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**Myth: SCRIE/DRIE benefits cannot be moved or transferred to another apartment.**

**Fact: “Portability” offers tenants in the SCRIE/DRIE program a limited opportunity to transfer their benefits to a new apartment that is covered by SCRIE/DRIE.**



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**Myth: If you fail to recertify your SCRIE/DRIE benefits on time, they will be terminated.**

**Fact: SCRIE/DRIE beneficiaries have a 6-month grace period to renew. If you renew within those 6 months, the SCRIE/DRIE benefit will be retroactive to the date of expiration.**





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# REASONABLE ACCOMMODATIONS



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**Myth: Tenants are not entitled to ask for accommodations from their landlords.**

**Fact: In order for people with disabilities to be free from discrimination and allow them equal access to and enjoyment of their homes, landlords may be required to make reasonable accommodations to meet the needs of tenants with disabilities.**



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## What is “reasonable”? Case-by-case factors to consider are:

- Cost
- Resources of housing provider
- Difficulty in making change
- Benefit of change to tenant
- Effect of change on others



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## Structural Changes

- **Modifications to building**
  - Ramp
  - Handrails
  - Building exits
  - Public and common use areas - laundry, mailbox
- **Modifications to apartment**
  - Grab bars in bathroom, shower, toilet
  - Lowered cabinets, light switches
  - Doorway widened



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## **Modification to policies or procedures:**

- **No pets**
- **Cleanliness and clutter**
- **Noise**
- **Elevator use**
- **Washer/air conditioner/equipment in apartment**
- **Possessions in public areas**
- **Higher place on wait list**
- **Waiver of guest fee for aides**
- **Communicating with family member or other party**
- **Sign language interpreter for building meetings**
- **Paying rent checks after receipt of monthly benefits**



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## Extra time to:

- Clean apartment
- Adjust to medication
- Find other solutions to issue
- Gather documents for case

## Transfer

- First-floor apartment
- Away from neighbors who smoke
- Larger apartment to accommodate equipment, aide



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## Change to way services are delivered

- Mail delivery
- Communications from landlord, especially in emergencies
- Accessible parking
- Broken elevator
- Auxiliary aides and services



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## **Service and Emotional Support Animals**

- **Any animal qualifies under federal law**
- **No specific training is needed, if the animal provides physical or emotional support, lessens the effects of the disability, and is necessary for the tenant to fully enjoy the housing**
- **Landlord may ask for documentation of a disability and need for service animal**
- **Landlord cannot require an extra fee for animal**





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# SUCCESSION RIGHTS



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**Myth: Once a rent-regulated tenant has permanently vacated the apartment, his/her family members must also permanently vacate.**

**Fact: Under certain circumstances, a qualifying individual can “succeed” to the rights of a prior rent-controlled or rent-stabilized tenant.**



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**In general, to qualify for succession, an individual must be a family member who primarily resided with the tenant for at least two years immediately before the tenant dies or permanently vacates the unit.**

**This durational requirement is reduced to one year when the claimed successor has a disability or is a senior citizen.**



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**The person seeking to assert succession rights must show that he/she has used the apartment as a primary residence for the required duration.**

**Period of tenancy is not interrupted by a family member temporarily relocating because he/she is:**

- **Engaged in active military duty**
- **Enrolled as a full-time student**
- **Not present due to a court order unrelated to the tenancy**
- **Engaged in employment requiring temporary relocation**
- **Or has other reasonable grounds for absence**



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**Myth: Only blood family members can get succession to a rent-regulated apartment**

**Fact: While some blood relatives are listed in the statutes, courts will consider succession claims by non-traditional family members.**



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## Qualifying family members:

1. Spouses
2. Children/Stepchildren
3. Parents/Stepparents
4. Siblings
5. Grandparents
6. Grandchildren
7. Parents-in-law
8. Children-in-law
9. “any other person residing with the tenant...as a primary residence who can prove emotional and financial commitment and interdependence with the tenant”



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**Non-traditional family members must be able to show emotional and financial commitment and interdependence.**

**Courts will consider (among other factors):**

- **Length of the relationship**
- **Intermingled finances**
- **Shared household expenses**



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**Myth: Succeeding to an apartment makes you liable for all rent arrears that may have accrued by the departed tenant.**

**Fact: Successor to a rent-regulated apartment is only liable for rent once he/she has actually succeeded to the apartment and is not liable for rent owed by the departed tenant.**





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**Myth: Succession claims are not viable in subsidy-based housing.**

**Fact: Succession claims are viable in Mitchell-Lama, project-based Section 8, and NYCHA apartments.\***

**\* But the family member must have been listed on annual household composition and income affidavits for the requisite period of time.**



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# SPECIAL EVICTION PROTECTIONS



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**Myth: There are no special eviction protections for older adults or tenants with disabilities.**

**Fact: Tenants with disabilities or who are 62 years old or older cannot be evicted if the purpose is for the landlord to recover the apartment for personal use.**



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**If a tenant or household member is 62 years of age or older or has a disability, the household cannot be evicted from the apartment so that the landlord can recover it for personal use.**

**Protection from personal-use eviction applies even if the tenant turns 62 years old while the proceeding is pending.**



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**To evict these protected tenants, landlords must offer and provide these occupants an “equivalent or superior housing accommodation at the same or lower regulated rent in a closely proximate area.”**

**The landlord has 30 days to fulfill this obligation.**



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**Myth: Tenants will be in violation of their leases and the law if they attempt to terminate their leases in order to enter health care facilities, adult care facilities, or housing projects for older adults.**

**Fact: Under New York State law, senior citizens have the right to terminate leases if they are entering such facilities.**



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**Myth: You may be evicted for failure to use your apartment as a primary residence while you are in a nursing home or other facility.**

**Fact: Residence in a nursing home is not a basis for eviction if the tenant intends to reside in the nursing home only temporarily.**



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# THOUGHTS AND QUESTIONS?