

Bond Case Briefs

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HOUSING - NEW YORK

Murphy v. New York State Div. of Housing and Community Renewal

Court of Appeals of New York - October 17, 2013 - N.E.2d - 2013 N.Y. Slip Op. 06727

Son filed Article 78 petition for review of determination of New York State Division of Housing and Community Renewal (DHCR), which denied son's appeal from limited-profit housing company's rejection of his application for succession rights to his parents' rent-regulated Mitchell-Lama apartment.

The Court of Appeals held that DHCR acted arbitrarily and capriciously in denying the appeal based on failure of mother, as tenant of record, to file, in the year before son's high school graduation, an annual income affidavit listing son as co-occupant. Evidence that the apartment was son's primary residence in the two years before parents vacated the apartment was overwhelming, and there was no indication that the failure to file was related to son's status as co-occupant or income-earner.