



APARTMENT SHARING

KNOW YOUR RIGHTS

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APARTMENT SHARING:

*In May 1983, the State Court of Appeals ruled that landlords may evict unrelated persons sharing an apartment without the landlord's consent (Hudson View Properties vs. Weiss). The effects of this potentially disastrous decision was overruled by the legislature in the Omnibus Housing Act of 1983. As of June 30, 1984 under **Section 235-f of the Real Property Law**, tenants are now able to share their apartments with one additional "occupant" (a person not named on the lease) and the occupant's dependent children, regardless of any lease provisions prohibiting this. The law also allows occupants to replace departing co-tenants on a lease.*

New Provisions:

Where One Tenant Signed the Lease:

A lease which means one tenant is now interpreted to permit occupancy by the following persons, despite any lease provisions to the contrary:

- The tenant
- The "immediate family" of the tenant, such as children, grandchildren, step-children, parents, parents-in-law, grandparents, step-parents and spouse.
- An "occupant" who is not a member of the tenant's immediate family, such as a lover, friend or roommate
- The "occupant's" dependent children.

Where Two or More Tenants Signed the Lease:

A lease which names two or more tenants is now interpreted to permit occupancy by the same persons listed above, despite any lease provisions to the contrary, except an "occupant" can only move in to replace a departing tenant who signed the lease.

- The total number of tenants and occupants (not including immediate family of tenants or occupants' dependent children) cannot exceed the total number of tenants on the lease,
- At least one tenant named on the lease or a tenant's spouse must continue to occupy the apartment as a primary residence

*****Overcrowding*****

The total number of persons in an apartment is still subject to local laws and regulations concerning overcrowding (for example: minimum square footage per resident as defined by code enforcement).

Notification:

A tenant must inform the landlord of the name of any additional occupant within 30 days, or within 30 days upon request of the landlord.

Rights of Occupant:

An occupant, while permitted to share the apartment while the primary tenant is in residence, acquires no rights to remain after the primary tenant vacates the apartment.

Coverage:

These provisions apply to all apartments subject to rent stabilization and rent control laws, unregulated apartments, and co-ops.