

If you submitted a Remaining Family Member (RFM) Grievance Claim and your claim was denied, you can appeal!

Make sure it's time to appeal

It's time to appeal when your RFM Grievance Claim is denied.

Double check to make sure you completed the steps leading up to this point:

If you **haven't had** the *Informal Conference*, reach out to Property Management to schedule it. You can bring evidence to this meeting to show why you should be eligible to take over the lease.



You submitted an RFM Claim.



You met with your Property Manager within 30 days of submitting the RFM Claim. This meeting is called an *Informal Conference*.



Within two weeks of the *Informal Conference*, the Property Manager gave you a letter with their decision:

✔ Sustained

Congrats! You're eligible to take over the lease. The Property Manager should be in touch to sign the lease.



✘ Not Sustained

"Not Sustained" means your claim was denied. **You can appeal!**

Go to Step 1 (pg 3) >

Appealing NYCHA's decision can take a long time and requires a lot of patience.

- **You can do this!**
- Keep track of all your documents and appointment dates.
- If you can, work with an advocate to support you through this process.

You have three opportunities to appeal NYCHA's decision:

	Appeal	Who you're appealing to	New evidence allowed?
Step 1	"Grievant Statement" (pg 3)	NYCHA	✓
Step 2	<i>Formal Hearing</i> (pg 4)	NYCHA	✓
Step 3	<i>Article 78</i> (pg 5)	New York State Supreme Court	✗

Step 1:

Tell your Property Manager you'd like to appeal

You can find this form on the NYCHA Self-Service portal: selfserve.nycha.info, or ask your Property Management Office for a copy.

The *Formal Hearing* — also known as an *Impartial Hearing*, *Grievance Hearing*, or *Level II Hearing* — is the beginning of the official appeal stage.

To start the appeal process, you need to fill out the “Grievant Statement” Section of NYCHA Form, *Property Management Notice to RFM Claimant - Grievance Not Sustained*.

After you've filled out the form, the Property Manager must also sign the form as a witness.

Within three days, the Property Manager should send the appeal to other NYCHA staff to review. The appeal will most likely go to NYCHA's Hearing Office to schedule a *Formal Hearing* in front of a NYCHA Hearing Officer. [Go to Step 2 \(pg 4\) >](#)

There are **five scenarios** where you **won't be offered** a *Formal Hearing* for your RFM claim:

1. If you stay in the apartment after a transfer to another public housing/Section 8 apartment.
2. If you stay in a different federally subsidized apartment.
3. If your tenancy was terminated for a reason other than “failure to occupy or lease bifurcation under the Violence Against Women Act (“VAWA”).”
4. If you've been permanently excluded from the Household.
5. If you are a NYCHA employee or advisor and have a special lease.

If you fall under one of these categories, once you receive your decision, that's the final decision on your case, and you can't appeal.

Step 2:

Go to the *Formal Hearing* with a Hearing Officer

Make sure you attend the *Formal Hearing*. The Hearing Officer could make a decision on your case without you there. If they don't hear any arguments in your favor, they often decide in favor of NYCHA.

If you cannot make the hearing, contact NYCHA's Hearing Office and/or the attorney on the hearing notice to ask for another hearing date, also known as an "adjournment."

The ***Formal Hearing*** is an opportunity to present evidence that you're eligible to claim and succeed the lease as a Remaining Family Member.

Make sure you bring:

- **Legal support if possible**, or any advocates who can support you (this is helpful but not required).
- **Additional evidence** to show why you should be eligible to take over the lease.

The hearing will be in front of a Hearing Officer. A NYCHA attorney will present NYCHA's arguments for why you have been determined ineligible to succeed to the lease. The Hearing Officer will make a decision on your case.

After the hearing, the Hearing Officer will prepare a written decision on your case. It will be mailed to you and added to your folder. That decision could be:

✓ **Favorable**

The Hearing Officer will agree that you are eligible to succeed to the lease as a Remaining Family Member. The Property Manager should be in touch to sign the lease.

✗ **Unfavorable**

If NYCHA denies your appeal, **you can appeal one more time** by filing an *Article 78* in New York State Supreme Court. [Go to Step 3 \(pg 5\) >](#)

Step 3:

File an *Article 78* in New York State Supreme Court

You need to file the *Article 78* **in person** at your County Courthouse. Find your location here: ww2.nycourts.gov/courtlocator

Within four months of getting the unfavorable decision from the *Formal Hearing*, you need to file an ***Article 78***.

When you file an *Article 78*, a judge at the New York State Supreme Court will review NYCHA's decision.

Make sure you bring:

- **Legal support if possible**, or any advocates who can support you (this is helpful but not required).
- Unlike the previous steps, you **cannot** share new or additional information at this hearing.

Don't leave your apartment until NYCHA files a Holdover Case against you in Housing Court.

After the *Article 78* proceeding, the judge will make a decision called a "judgment," where they say whether they uphold NYCHA's decision or disagree with it.

✗ Uphold NYCHA's Decision

If the judge agrees with the Hearing Officer's decision, you can appeal to the Appellate Division of the New York State Supreme Court. You must do this within 30 days of the *Article 78* proceeding.

This process is much more challenging and lengthy, and you will need professional legal help.

✓ Disagree with NYCHA's Decision

Congrats! If the judge disagrees with the Hearing Officer's decision, they can overturn NYCHA's decision or send it back for review.

If this happens, reach out to NYCHA about next steps towards obtaining a lease.