

Supreme Court of the State of New York
Appellate Division: Second Judicial Department

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Submitted - April 7, 2009

MARK C. DILLON, J.P.
DANIEL D. ANGIOLILLO
THOMAS A. DICKERSON
RANDALL T. ENG, JJ.

2007-03793

DECISION & JUDGMENT

In the Matter of Toccara Hargrove, petitioner,
v Van Dyke Housing, respondent.

(Index No. 15083/06)

Toccara Hargrove, Brooklyn, N.Y., petitioner pro se.

Ricardo Elias Morales, New York, N.Y. (Nancy M. Harnett and Corina L. Leske of
counsel), for respondent.

Proceeding pursuant to CPLR article 78 to review a determination of the New York City Housing Authority dated February 8, 2006, which, after a hearing, denied the petitioner's grievance challenging the denial of her request to succeed to the public housing tenancy of her deceased grandmother as a remaining family member.

ADJUDGED that the determination is confirmed, the petition is denied, and the proceeding is dismissed on the merits, without costs or disbursements.

There is substantial evidence in the record to support the determination of the New York City Housing Authority that the petitioner is not a "remaining family member" (New York City Hous. Auth. Mgt. Manual, ch VII, § E) and, accordingly, is not entitled to occupancy of the subject public housing apartment (*see Matter of Lancaster v Martinez*, 298 AD2d 585). At the grievance hearing, the petitioner failed to establish that she obtained the project management's written approval to become a permanent member of the tenant's household or that she occupied the apartment continuously for a period of one year after obtaining permission, which are necessary conditions to the recognition of the petitioner as a remaining family member (*see Matter of McLeon v NYCHA*

June 2, 2009

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MATTER OF HARGROVE v VAN DYKE HOUSING

Hope Gardens, 48 AD3d 686; *Matter of New York City Hous. Auth. Hammel Houses v Newman*, 39 AD3d 759; *Matter of Lancaster v Martinez*, 298 AD2d 585).

DILLON, J.P., ANGIOLILLO, DICKERSON and ENG, JJ., concur.

ENTER:

A handwritten signature in black ink, reading "James Edward Pelzer". The signature is written in a cursive, flowing style with a large initial "J".

James Edward Pelzer
Clerk of the Court