

SUPREME COURT OF THE STATE OF NEW YORK, APPELLATE DIVISION,
FIRST DEPARTMENT

Matter of Camacho v. New York City Hous. Auth.

2026 NY Slip Op 02597 · No. Index No. 101177/23; Appeal No. 6472; Case No. 2025-00862 · Decided April 28, 2026

SUMMARY

The Appellate Division, First Department, reversed an order remanding a New York City Housing Authority determination concerning the petitioner's claimed remaining family member succession rights. The court held that the denial had a rational basis because the petitioner could not satisfy the required period of continuous authorized occupancy, even assuming his requested written permission had been granted. The court also held that personal hardship, rent payments, or alleged acquiescence by management did not establish succession rights, and dismissed the CPLR article 78 proceeding.

CASE DETAILS

COURT	Supreme Court of the State of New York, Appellate Division, First Department
WRITING FOR THE COURT	Webber, J.P.; Mendez, J.; Rodriguez, J.; O'Neill Levy, J.; Michael, J.
JURISDICTION	New York Appellate Division, First Department
DECIDED	April 28, 2026
DOCKET	Index No. 101177/23; Appeal No. 6472; Case No. 2025-00862
DISPOSITION	reversed
PROCEDURAL POSTURE	Article 78 proceeding challenging the New York City Housing Authority's denial of Camacho's remaining family member grievance and succession request.
STANDARD OF REVIEW	Whether the Housing Authority's determination had a rational basis; an administrative determination with a rational basis will not be annulled.
PRECEDENTIAL VALUE	published
PARTIES	New York City Housing Authority v. Eric Camacho

TOPICS

- judicial review of agency action
- administrative law
- landlord tenant
- appellate procedure
- real estate

PRACTICE AREAS

administrative law

municipal housing

landlord tenant

appellate procedure

QUESTIONS PRESENTED

1. Whether the Housing Authority had a rational basis for denying Camacho's remaining family member grievance and succession request.
2. Whether the later Admissions and Continued Occupancy Policy should be applied retroactively and required remand.
3. Whether Camacho's personal hardship, lack of housing alternatives, caregiving, the managing agent's alleged acquiescence, or payment of rent entitled him to succession rights or estopped the Housing Authority from enforcing its eligibility requirements.

HOLDINGS

1. The Housing Authority's denial had a rational basis because Camacho would not have satisfied the one-year continuous authorized occupancy requirement before the tenant's death, even if the March 2019 request for written permission had been granted.
2. Remand was unnecessary because hypothetical retroactive application of the January 1, 2024 Admissions and Continued Occupancy Policy would not have changed the outcome of Camacho's grievance.
3. Camacho's personal hardship, lack of housing alternatives, caregiving for the tenant, the managing agent's alleged acquiescence in his occupancy, and payment of rent did not establish succession rights or provide a basis to annul the Housing Authority's determination.

KEY QUOTATIONS

*“cannot be estopped from discharging its statutory duties when a claimant does not meet the eligibility requirements for succession rights to the apartment, even if the managing agent acquiesced in petitioner's occupancy” (at *1)*

FACTUAL BACKGROUND

In March 2019, the tenant of record requested written permission to add her nephew, Eric Camacho, as a permanent household member, but the Housing Authority denied the request under the policy then in effect. The tenant died in February 2020, and the Housing Authority denied Camacho's remaining family member grievance in November 2023. Although a policy effective January 1, 2024, broadened the categories of relatives eligible for written permanent permission, Camacho still could not satisfy the requirement of one year of continuous authorized occupancy before his aunt's death.

PROCEDURAL HISTORY

Supreme Court, New York County, granted the petition to vacate the Housing Authority's November 22, 2023 determination to the extent of remanding the matter to the Housing Authority. The Appellate Division unanimously reversed, denied the petition, and dismissed the CPLR article 78 proceeding.

DISPOSITION

reversed

CASES CITED

- Matter of Perez v New York City Hous. Auth., 99 AD3d 624, 624-625 (1st Dept 2012)
- Matter of Ortiz v Rhea, 127 AD3d 665, 666 (1st Dept 2015)
- Matter of McMillan v New York City Hous. Auth., 168 AD3d 643, 643 (1st Dept 2019)
- Matter of Curry v New York City Hous. Auth., 124 AD3d 530, 531 (1st Dept 2015)

Retrieved from lawtools.ai · <https://lawtools.ai/cases/state/new-york-appellate-division-first-department-supreme-court-of-the-state-of-new-york-appellate-divisi/2026/matter-of-camacho-v-new-york-city-hous-auth-upk5acuo>