

A friend recently moved into his elderly mother's rent-stabilized apartment. Does he need to inform the landlord, and can he have his name added to the lease?

Your friend can move into their mother's apartment legally, but can't have their name added to the lease while she's still living there (except in the highly unlikely event that the landlord agrees to add them to the lease), says [Sam Himmelstein, a lawyer who represents residential and commercial tenants and tenant associations](#).

"The only family members that have the right to be added to an existing lease if the tenant is still in occupancy are spouses," says Himmelstein. "Other family members such as children, grandchildren, and siblings are allowed to succeed the tenancy, or take over the lease after the person permanently vacates."

To succeed a parent's apartment, you have to have lived in the apartment with them for two years before they leave. (If you're either disabled or over the age of 62, the length of required time shortens to one year.) "Then, if you co-occupy with the tenant for the one or two year period prior to them permanently vacating, you can take over the apartment as the new legal tenant," says Himmelstein.

So while your friend can't get his name on the lease just yet, it's perfectly legal—and indeed, advisable—for him to move in with his mother now.

As for the question of whether he needs to give the landlord a heads up, "It's not legally required, but it's advisable if down the road the son wants to claim succession rights after his mother leaves or dies since it establishes a marker for when he began occupancy," says Himmelstein.

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