
Hughes Hubbard & Reed

Firm Helps Public Housing Tenant Avoid Eviction

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Hughes Hubbard successfully settled a matter on behalf of a mother facing eviction from her Queens apartment by the New York City Housing Authority (NYCHA).

In 2012, Melissa Dominguez was removed from her apartment lease by her mother, who suffers from a variety of physical and mental illnesses. Dominguez was living with her mother in order to assist her with those illnesses, but also considered the apartment a permanent residence for herself and her own daughter, after living in a homeless shelter. NYCHA rejected several attempts to have Dominguez's name restored to the lease. NYCHA also failed to acknowledge that Dominguez had obtained power of attorney for her mother and that it didn't consult her when her mother permanently vacated and forfeited the apartment in 2014 to receive psychiatric and medical care.

Dominguez's pro bono case was referred to Hughes Hubbard from Legal Aid and began as an assignment for 2014 summer associates Kate Aufses and Adam Weinstein. The case continued into 2015 with Liz Houghton and Matt Reynolds tasked with assisting Dominguez on two housing court matters—an eviction proceeding initiated by NYCHA against Dominguez, and, in an effort to slow eviction proceedings, a grievance proceeding initiated by Dominguez against NYCHA to have her name reinstated on the lease for the apartment she was residing in with her mother and her 17-year-old daughter.

The grievance proceeding culminated in a December hearing before a NYCHA hearing officer, with testimony and evidence presented by both sides. The hearing officer denied Dominguez's grievance finding that Dominguez's mother was sufficiently competent when she removed Dominguez from the lease in 2012 and when she forfeited her apartment in 2014. Accordingly, the hearing officer determined that Dominguez was not a lawful remaining family member and was not entitled to her own apartment lease.

On April 10, Houghton and Reynolds filed an Article 78 petition in New York Supreme Court challenging the NYCHA hearing officer's decision as arbitrary and capricious. The petition asserted that the court should vacate the decision and restore Dominguez as an authorized tenant. On May 13, prior to responding to the petition, NYCHA offered to settle the case and agreed to give Dominguez a lease. Dominguez was overwhelmed by the

news.

Houghton and Reynolds worked on this matter under supervision by Diane Lifton.

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Adam Weinstein



Diane E. Lifton