S T A T E O F N E W Y O R K

1556--A

2009-2010 Regular Sessions

I N S E N A T E

February 3, 2009

Introduced by Sens. DIAZ, ADAMS, DILAN, DUANE, HASSELL-THOMPSON, HUNTLEY, KRUEGER, KRUGER, ONORATO, SAMPSON, SAVINO -- read twice and ordered printed, and when printed to be committed to the Committee on Aging -- recommitted to the Committee on Aging in accordance with Senate Rule 6, sec. 8 -- reported favorably from said committee and committed to the Committee on Finance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the elder law, in relation to establishing the bureau of the senior tenants' advocate in the state office for the aging

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The elder law is amended by adding a new section 224 to read as follows:

S 224. SENIOR TENANTS' ADVOCATE. 1. BUREAU ESTABLISHED. THERE IS HEREBY ESTABLISHED WITHIN THE OFFICE FOR THE AGING A BUREAU OF THE SENIOR TENANTS' ADVOCATE FOR THE PURPOSE OF ASSISTING SENIOR TENANTS IN RESOLVING COMPLAINTS THEY MAY HAVE WITH THE NEW YORK STATE DIVISION OF HOUSING AND COMMUNITY RENEWAL, LANDLORD DISPUTES, RENT INCREASES, AND OTHER HOUSING RELATED MATTERS.

2. APPOINTMENT OF SENIOR TENANTS' ADVOCATE. THE GOVERNOR SHALL APPOINT A STATE SENIOR TENANTS' ADVOCATE TO ADMINISTER AND SUPERVISE THE BUREAU OF THE SENIOR TENANTS' ADVOCATE. THE SENIOR TENANTS' ADVOCATE SHALL:

(A) BE AN EMPLOYEE OF THE OFFICE FOR THE AGING;

(B) BE SELECTED FROM AMONG INDIVIDUALS WITH EXPERTISE AND EXPERIENCE IN LANDLORD AND TENANT LAW AND WITH OTHER QUALIFICATIONS APPROPRIATE FOR THE POSITION;

(C) HAVE THE AUTHORITY TO APPOINT ONE OR MORE AUTHORIZED REPRESENTATIVES TO ASSIST THE SENIOR TENANTS' ADVOCATE IN THE PERFORMANCE OF HIS OR HER DUTIES UNDER THIS SECTION AND, IF NECESSARY, PERFORM THE DUTIES OF THE SENIOR TENANTS' ADVOCATE ON HIS OR HER BEHALF; AND

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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(D) REPORT DIRECTLY TO THE DIRECTOR OF THE OFFICE FOR THE AGING.

3. DUTIES OF THE SENIOR TENANTS' ADVOCATE. THE SENIOR TENANTS' ADVOCATE SHALL:

(A) IDENTIFY AND ASSIST IN THE RESOLUTION OF COMPLAINTS THAT ARE MADE BY, OR ON BEHALF OF, SENIOR TENANTS IN THIS STATE AND THAT RELATE TO ACTIONS, INACTIONS, OR DECISIONS THAT MAY ADVERSELY AFFECT THE HOUSING AND RESIDENCY RIGHTS OF SUCH SENIOR TENANTS, IN ACCORDANCE WITH PROCEDURES ESTABLISHED BY THE SENIOR TENANTS' ADVOCATE BY MAKING REFERRALS TO THE APPROPRIATE AGENCY OR AGENCIES THAT MAY BEST ADDRESS THE COMPLAINTS OF THE SENIOR CITIZEN TENANTS;

(B) PROVIDE INFORMATION REGARDING PROGRAMS AND AGENCIES THAT CAN ASSIST SENIOR TENANTS IN RESOLVING THEIR COMPLAINTS;

(C) ANALYZE AND MONITOR THE DEVELOPMENT AND IMPLEMENTATION OF FEDERAL, STATE, AND LOCAL LAWS, REGULATIONS, OR POLICIES WITH RESPECT TO THE ADEQUACY OF HOUSING MATTERS FOR SENIOR TENANTS WITHIN THE STATE; AND

(D) CARRY OUT SUCH OTHER ACTIVITIES AS THE SENIOR TENANTS' ADVOCATE DETERMINES TO BE APPROPRIATE PURSUANT TO PERTINENT STATE LAWS AND REGULATIONS.

4. REVIEW OF COMPLAINT. UPON RECEIPT OF A COMPLAINT, THE SENIOR TENANTS' ADVOCATE SHALL DETERMINE IMMEDIATELY WHICH AGENCY WOULD BE MOST APPROPRIATE FOR THE PURPOSES OF FORWARDING SUCH COMPLAINT. THE SENIOR TENANTS' ADVOCATE SHALL THEN FORWARD THE COMPLAINT AND INFORM THE TENANT MAKING THE COMPLAINT WHERE HIS OR HER COMPLAINT WAS FORWARDED.

5. RECORDS. THE SENIOR TENANTS' ADVOCATE SHALL MAINTAIN SUCH RECORDS AS ARE DETERMINED NECESSARY BY THE OFFICE FOR THE AGING. ANY STATE AGENCY RECEIVING A COMPLAINT PURSUANT TO THIS SUBDIVISION SHALL PROVIDE THE SENIOR TENANTS' ADVOCATE WITH WRITTEN NOTICE OF THE RECEIPT OF SUCH COMPLAINT.

6. RETALIATORY DISCRIMINATION PROHIBITED. NO PERSON SHALL DISCRIMINATE AGAINST ANY TENANT BECAUSE SUCH TENANT, OR ANY PERSON ACTING ON BEHALF OF SUCH TENANT, HAS BROUGHT OR CAUSED TO BE BROUGHT ANY COMPLAINT TO THE SENIOR TENANTS' ADVOCATE FOR REFERRAL, OR AGAINST ANY OTHER PERSON WHO HAS GIVEN OR PROVIDED OR IS TO GIVE OR PROVIDE ANY STATEMENTS, TESTIMONY, OTHER EVIDENCE, OR COOPERATION IN CONNECTION WITH ANY SUCH COMPLAINT.

7. REGULATIONS. THE DIRECTOR OF THE OFFICE FOR THE AGING IS AUTHORIZED TO PROMULGATE REGULATIONS TO IMPLEMENT THE PROVISIONS OF THIS SECTION.

8. ANNUAL REPORT. THE STATE SENIOR TENANTS' ADVOCATE SHALL SUBMIT AN ANNUAL REPORT TO THE GOVERNOR, THE TEMPORARY PRESIDENT OF THE SENATE, THE SPEAKER OF THE ASSEMBLY, AND THE DIRECTOR, AND MAKE SUCH REPORT AVAILABLE TO THE PUBLIC. SUCH REPORT SHALL:

(A) DESCRIBE THE ACTIVITIES CARRIED OUT BY THE BUREAU OF THE SENIOR TENANTS' ADVOCATE DURING THE PRIOR CALENDAR YEAR;

(B) CONTAIN AND ANALYZE DATA RELATING TO COMPLAINTS CONCERNING RESIDENTIAL HOUSING FOR SENIOR CITIZEN TENANTS, FOR THE PURPOSE OF IDENTIFYING AND RESOLVING RECURRING PROBLEMS;

(C) EVALUATE THE PROBLEMS EXPERIENCED BY, AND THE COMPLAINTS MADE BY OR ON BEHALF OF, SENIOR CITIZEN TENANTS;

(D) CONTAIN RECOMMENDATIONS FOR:

(I) APPROPRIATE STATE LEGISLATION, RULES AND REGULATIONS AND OTHER ACTION TO PRESERVE AND PROMOTE THE RIGHTS OF SENIOR CITIZEN TENANTS; AND

(II) IMPROVING PUBLIC AWARENESS OF SENIOR CITIZEN TENANTS' RIGHTS, AND AVAILABILITY OF PUBLIC ASSISTANCE PROGRAMS TO SENIOR CITIZEN TENANTS; AND

(E) ANY OTHER MATTERS THAT THE SENIOR TENANTS' ADVOCATE DETERMINES TO BE APPROPRIATE.

S 2. This act shall take effect on the one hundred eightieth day after it shall have become a law; provided, however, that any rules or regulations necessary for the timely implementation of the provisions of this act on its effective date shall be promulgated on or before such date.