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

1528

2009-2010 Regular Sessions

I N S E N A T E

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Introduced by Sens. MORAHAN, BONACIC, KRUEGER -- read twice and ordered printed, and when printed to be committed to the Committee on Housing, Construction and Community Development

AN ACT to amend the public housing law, in relation to establishing a centralized statewide registry of accessible or adaptable housing for people with disabilities to be known as "Access-New York"

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

Section 1. Short title. This act shall be known and may be cited as the "Access-New York Act".

S 2. The public housing law is amended by adding a new section 14-a to read as follows:

S 14-A. ADDITIONAL DUTIES IN RELATION TO "ACCESS-NEW YORK ACT". 1. FOR PURPOSES OF THIS SECTION, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

(A) "ACCESSIBLE UNIT" MEANS A RESIDENTIAL UNIT IN A COVERED PREMISE WHICH MEETS THE CRITERIA ESTABLISHED FOR SUCH UNITS BY THE COMMISSIONER PURSUANT TO PARAGRAPH (B) OF SUBDIVISION TWO OF THIS SECTION.

(B) "ADAPTABLE UNIT" MEANS A RESIDENTIAL UNIT IN A COVERED PREMISE WHICH MEETS THE CRITERIA ESTABLISHED FOR SUCH UNITS BY THE COMMISSIONER PURSUANT TO PARAGRAPH (B) OF SUBDIVISION TWO OF THIS SECTION.

(C) "COVERED OWNER" MEANS AN OWNER, MANAGER, OPERATOR OR OTHER PRIVATE OR PUBLIC ENTITY ENGAGED IN THE SALE OR RENTAL OF COVERED PREMISES IN THE STATE OF NEW YORK, INCLUDING, BUT NOT LIMITED TO, HOUSING AUTHORITIES.

(D) "COVERED PREMISES" MEANS ANY PRIVATELY OR PUBLICLY OWNED BUILDING CONTAINING THREE OR MORE RESIDENTIAL DWELLING UNITS WHICH ARE OFFERED FOR SALE OR RENT.

(E) "ACCESSIBLE WEB SITE" SHALL HAVE THE SAME MEANING AS DEFINED IN REQUIREMENTS OF SECTION FIVE HUNDRED EIGHT OF THE FEDERAL REHABILITATION ACT OF 1973, AS AMENDED, AND ITS IMPLEMENTING REGULATIONS.

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

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2. (A) THE COMMISSIONER SHALL DEVELOP NO LATER THAN ONE YEAR AFTER THE EFFECTIVE DATE OF THIS SECTION AND MAINTAIN A STATEWIDE HOUSING REGISTRY CALLED "ACCESS-NEW YORK" TO CONSIST OF A DATABASE TO TRACK ACCESSIBLE AND ADAPTABLE UNITS, AND TO MAINTAIN INFORMATION ABOUT SUCH HOUSING AVAILABILITY. THE DATABASE SHALL USE THE LATEST TECHNOLOGY, INCLUDING BUT NOT LIMITED TO, ACCESSIBLE WEB SITE TECHNOLOGY AND TOLL-FREE TELECOMMUNICATIONS SYSTEMS THAT INCLUDE A TOLL-FREE TELEPHONE NUMBER TO A LIVE OPERATOR AND A TOLL-FREE TTY LINE. THESE TECHNOLOGIES SHALL MAKE AVAILABLE ONGOING ACCESSIBLE OR ADAPTABLE HOUSING INFORMATION TO DISABILITY AGENCIES, ADVOCACY ORGANIZATIONS AND PEOPLE WITH DISABILITIES.

(B) THE COMMISSIONER SHALL ESTABLISH CRITERIA TO IDENTIFY AND CATEGORIZE RESIDENTIAL DWELLING UNITS IN COVERED PREMISES WHICH UNITS ARE OFFERED FOR RENT OR SALE AND WHICH ARE ACCESSIBLE TO PERSONS WITH DISABILITIES OR WHICH ARE ADAPTABLE TO ACCOMMODATE PERSONS WITH DISABILITIES. SUCH CRITERIA SHALL BE BASED ON THE PROVISIONS OF SECTION ONE THOUSAND ONE HUNDRED SEVEN OF THE BUILDING CODE OF NEW YORK STATE AND OTHER STANDARDS WHICH THE COMMISSIONER DEEMS RELEVANT.

THE CATEGORIES ESTABLISHED BY THE COMMISSIONER SHALL ENABLE PERSONS WITH DISABILITIES WHO ARE SEEKING ACCOMMODATIONS TO RENT OR PURCHASE TO READILY IDENTIFY UNITS WHICH WILL ACCOMMODATE THEIR NEEDS AND SHALL BE DESIGNED TO ENABLE OWNERS TO EASILY IDENTIFY AND CATEGORIZE ALL ACCESSIBLE AND ADAPTABLE UNITS.

(C) THE ACCESS-NEW YORK DATABASE SHALL INCLUDE, BUT NOT BE LIMITED TO:

(I) LOCATION OF EXISTING AND PROPOSED ACCESSIBLE OR ADAPTABLE HOUSING UNITS;

(II) RENT AND PURCHASE PRICE LEVELS;

(III) ACCESSIBLE OR ADAPTABLE PROJECTS RECEIVING LOCAL, STATE OR FEDERAL GOVERNMENT ASSISTANCE;

(IV) WHETHER OR NOT COVERED OWNER ACCEPTS SUBSIDIES SUCH AS "SECTION 8", PUBLIC ASSISTANCE AND/OR LOCAL, MUNICIPAL, STATE OR FEDERAL HOUSING SUBSIDIES;

(V) NUMBER OF BEDROOMS;

(VI) DEVELOPMENT AMENITIES;

(VII) NEIGHBORHOOD FEATURES, INCLUDING WHETHER OR NOT SUCH UNIT IS ON A LINE OF PUBLIC TRANSPORTATION;

(VIII) YEAR OF CONSTRUCTION;

(IX) PARTICULAR ACCESSIBLE OR ADAPTABLE FEATURES TO ASSIST PERSONS WHO ARE DEAF, HARD OF HEARING, BLIND OR VISUALLY IMPAIRED;

(X) PARTICULAR ACCESSIBLE OR ADAPTABLE FEATURES, AS DETERMINED BY THE COMMISSIONER;

(XI) VACANCY STATUS;

(XII) WAITING LIST STATUS;

(XIII) CONTACT INFORMATION, INCLUDING COVERED OWNER'S NAME, MAILING ADDRESS, PHONE NUMBER, FAX NUMBER, E-MAIL ADDRESS, WEB SITE AND TTY PHONE NUMBER IF AVAILABLE; AND

(XIV) ANY OCCUPANCY RESTRICTIONS THAT APPLY TO THE UNIT.

(D) THE COMMISSIONER SHALL PROVIDE TECHNICAL ASSISTANCE TO COVERED OWNERS TO ASSIST IN IDENTIFYING AND LISTING ACCESSIBLE AND ADAPTABLE UNITS.

3. EVERY COVERED OWNER OF A COVERED PREMISES SHALL LIST ALL ACCESSIBLE UNITS AND ADAPTABLE UNITS ON THE ACCESS-NEW YORK REGISTRY IN ACCORDANCE WITH A SCHEDULE ESTABLISHED BY THE COMMISSIONER BUT NO SOONER THAN SIXTY DAYS AFTER THE REGISTRY IS OPERATIONAL AND THE COMMISSIONER PROMULGATES RULES AND REGULATIONS TO IMPLEMENT THE REGISTRY. NOTWITHSTANDING THE FOREGOING, THE COMMISSIONER MAY REQUIRE THAT COVERED OWNERS OF PUBLICLY OWNED COVERED PREMISES INCLUDING BUT NOT LIMITED TO HOUSING AUTHORITIES

LIST ACCESSIBLE AND ADAPTABLE UNITS AT ANY TIME THAT THE COMMISSIONER DEEMS APPROPRIATE.

THE SCHEDULE ESTABLISHED BY THE COMMISSIONER FOR THE LISTING OF PRIVATELY OWNED ACCESSIBLE AND ADAPTABLE UNITS MAY PROVIDE FOR PHASING IN OF THE REQUIREMENT BY BUILDING SIZE, GEOGRAPHIC AREA OR OTHER CRITERIA OVER A REASONABLE PERIOD OF TIME.

4. ANY TENANT WHO OCCUPIES AN ACCESSIBLE UNIT OR AN ADAPTABLE UNIT SHALL PROVIDE AT LEAST THIRTY DAYS WRITTEN NOTICE TO THE COVERED OWNER OF HIS OR HER INTENT TO VACATE AND SIMULTANEOUSLY NOTIFY THE REGISTRY BY PHONE OR REGULAR MAIL. COVERED OWNERS SHALL NOTIFY THE REGISTRY OF ALL ACCESSIBLE UNITS AND ADAPTABLE UNITS THAT ARE AVAILABLE FOR RENT WITHIN THREE BUSINESS DAYS OF THE TIME THE UNITS BECOME AVAILABLE.

5. THE COMMISSIONER SHALL PROMULGATE A FORM OF NOTICE THAT ADVISES TENANTS OF THEIR OBLIGATIONS UNDER THIS SECTION. THE COMMISSIONER SHALL MAKE SUCH FORMS READILY AVAILABLE TO COVERED OWNERS. COVERED OWNERS SHALL PROVIDE A COPY OF SUCH NOTICE TO THE TENANT OF EVERY ACCESSIBLE AND ADAPTABLE UNIT.

6. THE COVERED OWNER SHALL COLLECT AND RETAIN THE CONTACT INFORMATION OF ANY PARTY WHO SUBMITTED A WRITTEN APPLICATION FOR ACCESSIBLE OR ADAPTABLE UNITS FOR AT LEAST A TWELVE MONTH PERIOD.

7. THE COMMISSIONER SHALL NOTIFY YEARLY ALL PUBLIC HOUSING AUTHORITIES AND OTHER PUBLIC ENTITIES RESPONSIBLE FOR FUNDING HOUSING DEVELOPMENT PROJECTS OF THE REQUIREMENTS OF THIS SECTION AND ADVISE THEM TO DISSEMINATE THIS INFORMATION TO ALL DEVELOPERS AND MANAGERS TO WHICH THEY HAVE DISSEMINATED FUNDS. THE COMMISSIONER SHALL ALSO NOTIFY YEARLY ALL INDEPENDENT LIVING CENTERS WITHIN NEW YORK STATE AND ALL NEW YORK STATE AGENCIES THAT SERVE PEOPLE WITH DISABILITIES OF THE REQUIREMENTS OF THIS SECTION AND ADVISE THEM TO MAKE AVAILABLE THIS INFORMATION TO INTERESTED PARTIES WITHIN THEIR SERVICE AREA.

8. THE SECRETARY OF STATE SHALL NOTIFY YEARLY ALL LICENSED REAL ESTATE BROKERS WITHIN NEW YORK STATE OF THE REQUIREMENTS OF THIS SECTION. THE SECRETARY OF STATE SHALL ALSO NOTIFY YEARLY ALL APPROPRIATE ENTITIES, INCLUDING, BUT NOT LIMITED TO, LOCAL BOARDS OF REALTORS, LANDLORD'S ASSOCIATIONS, ORGANIZATIONS REPRESENTING CO-OPS AND CONDOMINIUMS AND BUILDERS WITHIN NEW YORK STATE OF THE REQUIREMENTS OF THIS SECTION AND ADVISE THEM TO DISSEMINATE THIS INFORMATION TO THEIR MEMBERS OR INTERESTED PARTIES.

9. (A) A SPECIAL ADVISORY REVIEW PANEL SHALL BE ESTABLISHED TO ASSIST THE COMMISSIONER IN FACILITATING THE DEVELOPMENT AND MANAGEMENT OF THE ACCESS-NEW YORK HOUSING REGISTRY.

(B) THE SPECIAL ADVISORY REVIEW PANEL SHALL MEET AS NEEDED, AT LEAST TWICE A YEAR, AND SHALL CONSIST OF THREE REPRESENTATIVES FROM PUBLIC HOUSING AUTHORITIES WITHIN NEW YORK STATE, THREE ADVOCATES OF THE DISABILITY COMMUNITY AND THREE REPRESENTATIVES OF THE PRODUCTION, MANAGEMENT OR MARKETING OF RESIDENTIAL REAL ESTATE, ONE OF EACH APPOINTED BY THE GOVERNOR, THE SPEAKER OF THE ASSEMBLY AND THE TEMPORARY PRESIDENT OF THE SENATE; AND TWO TENANTS WITH DISABILITIES, TWO REPRESENTATIVES FROM NEIGHBORHOOD AND RURAL PRESERVATION COMPANIES, ONE OF EACH APPOINTED BY THE MINORITY LEADER OF THE ASSEMBLY AND THE MINORITY LEADER OF THE SENATE.

(C) ALL MEMBERS OF THE SPECIAL ADVISORY REVIEW PANEL SHALL BE APPOINTED NO LATER THAN THIRTY DAYS AFTER THE EFFECTIVE DATE OF THIS SECTION.

(D) THE MEMBERS OF THE SPECIAL ADVISORY REVIEW PANEL SHALL SERVE WITHOUT COMPENSATION, BUT SHALL BE REIMBURSED FOR THEIR NECESSARY AND ACTUAL EXPENSES INCURRED IN THE PERFORMANCE OF THEIR DUTIES.

(E) THE SPECIAL ADVISORY REVIEW PANEL MAY CONSULT WITH ANY ORGANIZATION, EDUCATIONAL INSTITUTION, GOVERNMENTAL AGENCY, OR EXPERT IN A RELATED FIELD TO ACHIEVE ITS GOAL. SUCH GOVERNMENTAL AGENCIES SHALL PROVIDE SUCH COOPERATION AND ASSISTANCE, SERVICES AND DATA AS WILL ENABLE THE SPECIAL ADVISORY REVIEW PANEL TO PROPERLY CARRY OUT ITS DUTIES.

(F) THE SPECIAL ADVISORY REVIEW PANEL SHALL ISSUE A REPORT TO THE GOVERNOR, THE LEGISLATURE, AND INTERESTED ADVOCACY ORGANIZATIONS AND INDIVIDUALS ON ACCESS-NEW YORK, INCLUDING RECOMMENDATIONS, SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS SECTION AND ANNUALLY THEREAFTER.

(G) THE SPECIAL ADVISORY REVIEW PANEL SHALL PERFORM THE FOLLOWING DUTIES, INCLUDING, BUT NOT LIMITED TO:

(I) DETERMINING WHETHER THERE IS SUFFICIENT PARTICIPATION OF COVERED OWNERS IN THE HOUSING REGISTRY AND MAKE RECOMMENDATIONS REGARDING INCREASED PARTICIPATION;

(II) DETERMINING WHETHER THE PROCESS FOR PARTICIPATION BY COVERED OWNERS IN THE HOUSING REGISTRY BEST FACILITATES ACCURATE LISTINGS;

(III) CONSULTING WITH THE OPERATOR OF ACCESS-NEW YORK REGARDING THE REVIEW OF SCHEDULES FOR CONTACT WITH COVERED OWNERS, VERIFICATION OF LISTINGS AND ENTRY OF DATA TO ENSURE THE TIMELINESS OF LISTINGS;

(IV) ADVISING THE DIVISION OF HOUSING AND COMMUNITY RENEWAL ON STRATEGIES TO MARKET ACCESS-NEW YORK TO ENSURE MAXIMUM PARTICIPATION BY COVERED OWNERS;

(V) ASSESSING THE IMPACT OF MARKETING STRATEGIES ON USE OF THE SITE BY PEOPLE WITH DISABILITIES AND THE ORGANIZATIONS THAT REPRESENT AND SERVE THEM;

(VI) EVALUATING THE ADEQUACY OF LISTING INFORMATION BY SURVEYING HOUSING REGISTRY USERS;

(VII) EXAMINING THE BENEFITS AND COSTS OF STRATEGIES FOR INCREASING PARTICIPATION IN THE HOUSING REGISTRY AND RELIANCE UPON THE HOUSING REGISTRY BY USERS; AND

(VIII) EXAMINING OTHER ISSUES AS APPROPRIATE.

S 3. This act shall take effect on the sixtieth day after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date is authorized and directed to be made and completed on or before such effective date.