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

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I N A S S E M B L Y

January 20, 2012

Introduced by M. of A. MILLMAN, DINOWITZ, CASTRO, CRESPO, JAFFEE, STEVENSON, COLTON -- Multi-Sponsored by -- M. of A. ARROYO, McENENY, WEISENBERG -- read once and referred to the Committee on Aging

AN ACT to amend the real property law, in relation to requiring reasonable modification to apartments for seniors and persons with physical impairments

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

Section 1. The real property law is amended by adding a new section 235-h to read as follows:

S 235-H. PROTECTIVE DEVICES FOR TENANTS WHO ARE SENIORS OR PERSONS WITH PHYSICAL DISABILITIES. 1. AS USED IN THIS SECTION THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS: (A) "SENIOR" SHALL MEAN AN INDIVIDUAL AGED SIXTY-FIVE YEARS OR OLDER; (B) "PERSON WITH A PHYSICAL IMPAIRMENT" SHALL MEAN AN INDIVIDUAL WITH (I) A PHYSICAL IMPAIRMENT RESULTING FROM AN ANATOMICAL, PHYSIOLOGICAL, GENETIC, OR NEUROLOGICAL CONDITION WHICH PREVENTS THE EXERCISE OF A NORMAL BODILY FUNCTION OR IS DEMONSTRABLE BY MEDICALLY ACCEPTED CLINICAL OR LABORATORY DIAGNOSTIC TECHNIQUES; OR (II) A RECORD OF SUCH IMPAIRMENT; OR (III) A CONDITION REGARDED BY OTHERS AS SUCH AN IMPAIRMENT.

2. IT SHALL BE THE DUTY OF THE OWNER, LESSOR, AGENT, OR OTHER PERSON WHO MANAGES OR CONTROLS A RESIDENTIAL DWELLING TO:

(A) WHEN REQUESTED IN WRITING BY A TENANT WHO IS A SENIOR OR PERSON WITH A PHYSICAL IMPAIRMENT, PROVIDE, INSTALL, AND MAINTAIN IN A SAFE MANNER, WHICH SHALL INCLUDE ANY STRUCTURAL REINFORCEMENT NECESSARY, THE FOLLOWING: GRAB BARS ON THE WALLS OF SHOWER AND BATHTUB STALLS AND ADJACENT TO EACH TOILET OR WATER CLOSET IN EACH RESIDENTIAL UNIT; AND TREADS ON THE FLOORS OF SHOWERS AND BATHTUB STALLS IN EACH RESIDENTIAL UNIT.

(B) PROVIDE NOTICE IN THE LEASE OF THE RIGHT OF TENANTS WHO ARE SENIORS OR PERSONS WITH PHYSICAL IMPAIRMENTS TO REQUEST SUCH PROTECTIVE DEVICES AS DESCRIBED IN PARAGRAPH (A) OF THIS SUBDIVISION.

3. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY INSTALLING A PROTECTIVE DEVICE PURSUANT TO THIS SECTION SHALL NOT BE CONSIDERED

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

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A MAJOR CAPITAL IMPROVEMENT NOR SHALL IT BE CONSIDERED AN INDIVIDUAL APARTMENT IMPROVEMENT.

4. ANY PERSON WHO VIOLATES THE PROVISIONS OF THIS SECTION SHALL BE GUILTY OF A VIOLATION.

S 2. This act shall take effect on the one hundred eightieth day after it shall have become a law.