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I N   A S S E M B L Y

January 20, 2012

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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:

- 1     Section 1. The real property law is amended by adding a new section  
2     235-h to read as follows:  
3     S 235-H. PROTECTIVE DEVICES FOR TENANTS WHO ARE SENIORS OR PERSONS  
4     WITH PHYSICAL DISABILITIES. 1. AS USED IN THIS SECTION THE FOLLOWING  
5     TERMS SHALL HAVE THE FOLLOWING MEANINGS: (A) "SENIOR" SHALL MEAN AN  
6     INDIVIDUAL AGED SIXTY-FIVE YEARS OR OLDER; (B) "PERSON WITH A PHYSICAL  
7     IMPAIRMENT" SHALL MEAN AN INDIVIDUAL WITH (I) A PHYSICAL IMPAIRMENT  
8     RESULTING FROM AN ANATOMICAL, PHYSIOLOGICAL, GENETIC, OR NEUROLOGICAL  
9     CONDITION WHICH PREVENTS THE EXERCISE OF A NORMAL BODILY FUNCTION OR IS  
10    DEMONSTRABLE BY MEDICALLY ACCEPTED CLINICAL OR LABORATORY DIAGNOSTIC  
11    TECHNIQUES; OR (II) A RECORD OF SUCH IMPAIRMENT; OR (III) A CONDITION  
12    REGARDED BY OTHERS AS SUCH AN IMPAIRMENT.  
13    2. IT SHALL BE THE DUTY OF THE OWNER, LESSOR, AGENT, OR OTHER PERSON  
14    WHO MANAGES OR CONTROLS A RESIDENTIAL DWELLING TO:  
15    (A) WHEN REQUESTED IN WRITING BY A TENANT WHO IS A SENIOR OR PERSON  
16    WITH A PHYSICAL IMPAIRMENT, PROVIDE, INSTALL, AND MAINTAIN IN A SAFE  
17    MANNER, WHICH SHALL INCLUDE ANY STRUCTURAL REINFORCEMENT NECESSARY, THE  
18    FOLLOWING: GRAB BARS ON THE WALLS OF SHOWER AND BATHTUB STALLS AND ADJACENT  
19    TO EACH TOILET OR WATER CLOSET IN EACH RESIDENTIAL UNIT; AND TREADS  
20    ON THE FLOORS OF SHOWERS AND BATHTUB STALLS IN EACH RESIDENTIAL UNIT.  
21    (B) PROVIDE NOTICE IN THE LEASE OF THE RIGHT OF TENANTS WHO ARE  
22    SENIORS OR PERSONS WITH PHYSICAL IMPAIRMENTS TO REQUEST SUCH PROTECTIVE  
23    DEVICES AS DESCRIBED IN PARAGRAPH (A) OF THIS SUBDIVISION.  
24    3. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY INSTALL-  
25    ING 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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1 A MAJOR CAPITAL IMPROVEMENT NOR SHALL IT BE CONSIDERED AN INDIVIDUAL  
2 APARTMENT IMPROVEMENT.  
3 4. ANY PERSON WHO VIOLATES THE PROVISIONS OF THIS SECTION SHALL BE  
4 GUILTY OF A VIOLATION.  
5 S 2. This act shall take effect on the one hundred eightieth day after  
6 it shall have become a law.