

2011-2012 Regular Sessions

I N S E N A T E

(PREFILED)

January 5, 2011

Introduced by Sen. DIAZ -- read twice and ordered printed, and when printed to be committed to the Committee on Aging

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:

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

3 S 224. SENIOR TENANTS' ADVOCATE. 1. BUREAU ESTABLISHED. THERE IS HERE-
4 BY ESTABLISHED WITHIN THE OFFICE FOR THE AGING A BUREAU OF THE SENIOR
5 TENANTS' ADVOCATE FOR THE PURPOSE OF ASSISTING SENIOR TENANTS IN RESOLV-
6 ING COMPLAINTS THEY MAY HAVE WITH THE NEW YORK STATE DIVISION OF HOUSING
7 AND COMMUNITY RENEWAL, LANDLORD DISPUTES, RENT INCREASES, AND OTHER
8 HOUSING RELATED MATTERS.

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

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

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

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

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

21 3. DUTIES OF THE SENIOR TENANTS' ADVOCATE. THE SENIOR TENANTS' ADVO-
22 CATE SHALL:

23 (A) IDENTIFY AND ASSIST IN THE RESOLUTION OF COMPLAINTS THAT ARE MADE
24 BY, OR ON BEHALF OF, SENIOR TENANTS IN THIS STATE AND THAT RELATE TO

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

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1 ACTIONS, INACTIONS, OR DECISIONS THAT MAY ADVERSELY AFFECT THE HOUSING
2 AND RESIDENCY RIGHTS OF SUCH SENIOR TENANTS, IN ACCORDANCE WITH PROCE-
3 DURES ESTABLISHED BY THE SENIOR TENANTS' ADVOCATE BY MAKING REFERRALS TO
4 THE APPROPRIATE AGENCY OR AGENCIES THAT MAY BEST ADDRESS THE COMPLAINTS
5 OF THE SENIOR CITIZEN TENANTS;

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

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

11 (D) CARRY OUT SUCH OTHER ACTIVITIES AS THE SENIOR TENANTS' ADVOCATE
12 DETERMINES TO BE APPROPRIATE PURSUANT TO PERTINENT STATE LAWS AND REGU-
13 LATIONS.

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

19 5. RECORDS. THE SENIOR TENANTS' ADVOCATE SHALL MAINTAIN SUCH RECORDS
20 AS ARE DETERMINED NECESSARY BY THE OFFICE FOR THE AGING. ANY STATE AGEN-
21 CY RECEIVING A COMPLAINT PURSUANT TO THIS SUBDIVISION SHALL PROVIDE THE
22 SENIOR TENANTS' ADVOCATE WITH WRITTEN NOTICE OF THE RECEIPT OF SUCH
23 COMPLAINT.

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

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

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

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

39 (B) CONTAIN AND ANALYZE DATA RELATING TO COMPLAINTS CONCERNING RESI-
40 DENTIAL HOUSING FOR SENIOR CITIZEN TENANTS, FOR THE PURPOSE OF IDENTIFY-
41 ING AND RESOLVING RECURRING PROBLEMS;

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

44 (D) CONTAIN RECOMMENDATIONS FOR:

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

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

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

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