

1858--A

2013-2014 Regular Sessions

I N   A S S E M B L Y

(PREFILED)

January 9, 2013

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Introduced by M. of A. MILLMAN, DINOWITZ, CRESPO, JAFFEE, COLTON, ROBINSON, WEPRIN, HOOPER -- Multi-Sponsored by -- M. of A. ARROYO, AUBRY, WEISENBERG -- read once and referred to the Committee on Aging -- recommitted to the Committee on Aging in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the real property law, in relation to requiring protective devices to be provided in 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; (C) "PROTECTIVE DEVICES" SHALL  
13    MEAN GRAB BARS ON THE WALLS OF SHOWER AND BATHTUB STALLS, GRAB BARS  
14    ADJACENT TO TOILETS AND WATER CLOSETS, AND THRESHOLD RAMPS TO ELIMINATE  
15    TRIPPING HAZARDS.  
16    2. A TENANT WHO IS A SENIOR OR PERSON WITH A PHYSICAL IMPAIRMENT SHALL  
17    HAVE THE RIGHT TO REQUEST THAT PROTECTIVE DEVICES BE INSTALLED IN THEIR  
18    RESIDENTIAL UNIT. SUCH REQUEST MUST BE MADE IN WRITING TO THE OWNER,  
19    LESSOR, AGENT, OR OTHER PERSON WHO MANAGES OR CONTROLS THE RESIDENTIAL

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

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1 DWELLING. NOTICE OF THIS RIGHT SHALL BE PROVIDED IN THE LEASE GOVERNING  
2 THE TENANT'S RESIDENTIAL UNIT.

3 3. IT SHALL BE THE DUTY OF THE OWNER, LESSOR, AGENT, OR OTHER PERSON  
4 WHO MANAGES OR CONTROLS A RESIDENTIAL DWELLING TO PROVIDE, INSTALL, AND  
5 MAINTAIN IN A SAFE MANNER, WHICH SHALL INCLUDE ANY STRUCTURAL REINFORCE-  
6 MENT NECESSARY, PROTECTIVE DEVICES UPON RECEIPT OF A WRITTEN REQUEST  
7 PURSUANT TO SUBDIVISION TWO OF THIS SECTION. THE INSTALLATION OF THE  
8 PROTECTIVE DEVICES SHALL BE COMPLETED WITHIN NINETY DAYS AFTER RECEIPT  
9 OF SUCH WRITTEN REQUEST.

10 4. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY,  
11 INSTALLING A PROTECTIVE DEVICE PURSUANT TO THIS SECTION SHALL NOT BE  
12 CONSIDERED A MAJOR CAPITAL IMPROVEMENT NOR SHALL IT BE CONSIDERED AN  
13 INDIVIDUAL APARTMENT IMPROVEMENT.

14 5. ANY PERSON WHO VIOLATES THE PROVISIONS OF THIS SECTION SHALL BE  
15 GUILTY OF A VIOLATION.

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