

2159

2013-2014 Regular Sessions

I N S E N A T E

January 14, 2013

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

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 ADJA-
19 CENT 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.

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

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1 3. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY INSTALL-
2 ING A PROTECTIVE DEVICE PURSUANT TO THIS SECTION SHALL NOT BE CONSIDERED
3 A MAJOR CAPITAL IMPROVEMENT NOR SHALL IT BE CONSIDERED AN INDIVIDUAL
4 APARTMENT IMPROVEMENT.
5 4. ANY PERSON WHO VIOLATES THE PROVISIONS OF THIS SECTION SHALL BE
6 GUILTY OF A VIOLATION.
7 S 2. This act shall take effect on the one hundred eightieth day after
8 it shall have become a law.