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

2159--A

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 -- recommitted to the Committee on Judiciary in accordance with Senate Rule 6, sec. 8 -- 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:

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; (C) "PROTECTIVE DEVICES" SHALL MEAN GRAB BARS ON THE WALLS OF SHOWER AND BATHTUB STALLS, GRAB BARS ADJACENT TO TOILETS AND WATER CLOSETS, AND THRESHOLD RAMPS TO ELIMINATE TRIPPING HAZARDS.

2. A TENANT WHO IS A SENIOR OR PERSON WITH A PHYSICAL IMPAIRMENT SHALL HAVE THE RIGHT TO REQUEST THAT PROTECTIVE DEVICES BE INSTALLED IN THEIR RESIDENTIAL UNIT. SUCH REQUEST MUST BE MADE IN WRITING TO THE OWNER, LESSOR, AGENT, OR OTHER PERSON WHO MANAGES OR CONTROLS THE RESIDENTIAL DWELLING. NOTICE OF THIS RIGHT SHALL BE PROVIDED IN THE LEASE GOVERNING THE TENANT'S RESIDENTIAL UNIT.

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

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

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

5. 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.