

STATE OF NEW YORK

7286

IN SENATE

January 5, 2018

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

AN ACT to amend the public housing law, in relation to granting tenants with a physically disabling condition that affects their mobility a preference in occupying a vacant dwelling unit on a lower floor in the same or in a different project operated by the New York city housing authority, based on the tenant's choice

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subdivision 10 of section 402 of the public housing law, as
2 added by a chapter of the laws of 2017, amending the public housing law
3 relating to granting tenants, with a physically disabling condition that
4 affects their mobility, a preference in occupying a vacant dwelling unit
5 on a lower floor in the same building in projects operated by the New
6 York city housing authority, as proposed in legislative bills numbers
7 S.2720 and A.4818, is amended to read as follows:

8 10. Notwithstanding any other provision of law to the contrary, upon
9 the vacancy of a dwelling unit in any project operated by the authority,
10 such vacant dwelling unit on a lower floor shall first be made available
11 for occupancy to [~~any tenant within the same project who lives on a~~
12 ~~higher floor than the vacant dwelling unit, provided, however, the~~
13 ~~vacant dwelling unit must be the same size or smaller than the unit~~
14 ~~occupied by such tenant, and the tenant or any other legal occupant~~
15 ~~currently residing with the tenant has a disability, as defined by~~
16 ~~subdivision twenty-one of section two hundred ninety-two of the execu-~~
17 ~~tive law, that affects mobility. If two or more tenants are eligible~~
18 ~~for such vacant apartment, preference shall be given to the individual~~
19 ~~that has resided in the project for the longest period of time.] a
20 current New York city housing authority household, containing an author-
21 ized member of the household with a disability, as defined by subdivi-
22 sion twenty-one of section two hundred ninety-two of the executive law,
23 that affects mobility and based on either the tenant's preference to
24 move to a first-or-second-floor unit and to remain within their project
25 or to transfer elsewhere, and based on the tenant's position on the~~

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

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authority's transfer waiting list; or to provide reasonable accommodation to a current New York city housing authority household, containing an authorized member of the household with a disability, as defined by subdivision twenty-one of section two hundred ninety-two of the executive law, that affects mobility to transfer to a lower floor within their project or to a lower floor elsewhere, if the request is supported by medical documentation, and based on the tenant's position on the authority's transfer waiting list. The New York city housing authority may give higher preference to individuals requiring an emergency transfer because their units have become uninhabitable.

§ 2. This act shall take effect on the same date and in the same manner as a chapter of the laws of 2017, amending the public housing law relating to granting tenants, with a physically disabling condition that affects their mobility, a preference in occupying a vacant dwelling unit on a lower floor in the same building in projects operated by the New York city housing authority, as proposed in legislative bills numbers S.2720 and A.4818, takes effect.