

# STATE OF NEW YORK

763

2023-2024 Regular Sessions

## IN SENATE

January 6, 2023

Introduced by Sens. KRUEGER, ADDABBO, BAILEY, SEPULVEDA, THOMAS -- 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 the visitability of new homes by persons with disabilities

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 article 16 to read as follows:

### ARTICLE 16

#### VISITABILITY OF NEW CONSTRUCTION

##### Section 480. Purpose.

##### 481. Applicability of new construction.

##### 482. Visitability requirement.

##### 483. Exclusion.

##### 484. Enforcement.

§ 480. Purpose. The purpose of this article is to establish minimum regulations for the design and construction of new homes to provide visitability to such homes by persons with disabilities.

§ 481. Applicability of new construction. Any new dwelling unit which was designed, constructed, or commissioned, contracted or otherwise arranged for design or construction, by any person or entity who, at any time during the commissioning design or construction, received New York state or federal financial assistance for such design or construction shall comply with the provisions of this article. State financial assistance shall not include loans backed by the state of New York mortgage agency (SONYMA). Federal financial assistance shall not include loans backed by federal national mortgage association (Fannie Mae) or federal housing administration (FHA) financing or other mortgage loans backed by a federal mortgage loan program. For purposes of this section, the term "dwelling unit" shall mean a detached single family

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

LBD02641-01-3

1 home, a ground floor unit in a town house, or a ground floor unit in a  
2 building of three or fewer dwelling units which is designed as, or  
3 intended for occupancy as a residence.

4 § 482. Visitability requirement. The design and construction of a new  
5 dwelling unit shall comply with the following requirements:

6 1. Accessible entrance. (a) Except as provided in paragraph (b) of  
7 this subdivision, the ground level of such dwelling unit shall contain  
8 at least one entrance to the dwelling unit that:

9 (i) is accessible to, and usable by, people with disabilities such  
10 that all rooms on the level are connected by an accessible route;

11 (ii) does not contain any steps or any door threshold that exceeds  
12 one-half inch in height; and

13 (iii) is located on a continuous unobstructed path from the public  
14 street or driveway that serves the unit, which path at no point has a  
15 slope exceeding one inch in rise for every twelve inches in length, has  
16 a width of not less than thirty-six inches and has a cross slope not  
17 greater than two percent of the width. Such unobstructed path shall be  
18 able to be negotiated by a person and may include curb ramps, parking  
19 access aisles, walks, and ramps.

20 (b) The provisions of paragraph (a) of this subdivision shall not  
21 apply to a dwelling unit if:

22 (i) the finished grade of the site is too steep to provide a path  
23 having a slope of one inch in rise for every twelve inches in length at  
24 the front, side, or back of the unit;

25 (ii) there is no driveway serving the unit; and

26 (iii) there is no alley or other roadway capable of providing vehicu-  
27 lar access to the rear or side of the unit.

28 2. Accessible interior doors. All doors that are designed to allow  
29 passage within the ground level of such dwelling unit shall have an  
30 unobstructed opening of at least thirty-six inches when the door is open  
31 at a ninety-degree angle.

32 3. Accessible environmental controls. All environmental controls and  
33 outlets located on the ground level of such dwelling unit shall be  
34 located on the wall at least fifteen inches, but not more than forty-  
35 eight inches, above the floor or, in the case of environmental controls  
36 and outlets located directly above a counter, sink, or appliance, not  
37 more than three inches above such counter, sink, or appliance.

38 4. Accessible habitable space and bathroom. The ground level of such  
39 dwelling unit shall contain the following:

40 (a) At least one indoor room that has an area of not less than seventy  
41 square feet and contains no side or dimension narrower than seven feet;  
42 and

43 (b) At least one bathroom that contains, at a minimum, the following:

44 (i) clear floor space of thirty by forty-eight inches centered on and  
45 contiguous to the sink, which is not encroached by the swing path of the  
46 bathroom door;

47 (ii) a sink and a toilet that each allow for a parallel or head-on  
48 approach by a person in a wheelchair; and

49 (iii) walls that are reinforced to be capable of supporting grab bars  
50 that resist shear and bending forces of a minimum of two hundred fifty  
51 pounds, as follows:

52 (A) All walls adjacent to the toilet shall have horizontal backing  
53 reinforcements, each at least thirty-three inches, but not more than  
54 thirty-six inches, above the floor, and sufficient to allow for a twen-  
55 ty-four-inch grab bar on the wall behind the toilet and another forty-  
56 two-inch grab bar on one or the other walls adjacent to the toilet.

1 (B) If a bathtub is present in the bathroom, such reinforcements shall  
2 include:

3 (I) two backing reinforcements on the back wall of the bathtub, each  
4 at least twenty-four inches long, at least twenty inches wide and not  
5 more than twenty-four inches from the head end wall and not more than  
6 twelve inches from the foot end wall, one in a horizontal position at  
7 least thirty-three inches, but not more than thirty-six inches, above  
8 the floor, and one nine inches above the rim of the bathtub;

9 (II) one backing reinforcement on the foot end wall of the bathtub, at  
10 least twenty inches long, at least eighteen inches wide and located at  
11 the front edge of the bathtub; and

12 (III) one backing reinforcement on the head end wall of the bathtub,  
13 at least twelve inches long, at least eighteen inches wide and located  
14 at the front edge of the bathtub.

15 (C) If a shower is present in the bathroom, such reinforcements shall  
16 include backing reinforcements on at least two walls on which the  
17 control valves are not located, each centered at least thirty-three  
18 inches, but not more than thirty-six inches, above the floor and at  
19 least eighteen inches wide.

20 § 483. Exclusion. This article shall not apply to sites whose physical  
21 characteristics renders compliance with this article unreasonable.

22 § 484. Enforcement. Any person, firm, corporation, partnership or any  
23 other business entity that violates any provision of this article shall  
24 be subject to a civil penalty of not less than fifty nor more than five  
25 hundred dollars for each such offense and each day on which such  
26 violation occurs or continues to occur shall be a separate offense. Any  
27 violation of this article shall be enforceable by the attorney general  
28 and any aggrieved party, and any such party shall have the right to seek  
29 legal and equitable relief and the court may award reasonable costs and  
30 attorney's fees associated with such action.

31 § 2. This act shall take effect on the one hundred eightieth day after  
32 it shall have become a law and shall apply to dwelling units the  
33 construction of which begins on or after such date.