



Homes and Community Renewal

KATHY HOCHUL
Governor

RUTHANNE VISNAUSKAS
Commissioner/CEO

To: NYSHCR Multifamily Owners and Management Agents
From: HCR Fair and Equitable Housing Office
Date: June 13, 2022
Subject: Requirement to Provide Notice to Tenants of their Right to Request Reasonable Modifications and Accommodations for Persons with Disabilities

Dear Multifamily Owners and Management Agents:

Pursuant to N.Y. Executive Law § 170-d, written notice must now be made to all tenants and prospective tenants of their right to request reasonable modifications and accommodations for persons with disabilities. These requirements apply to all owners, lessees, sub-lessees, assignees, or managing agents of housing accommodations in New York State, which includes real estate brokers.

Required written notice may be given by email, text, electronic messaging system, fax or hardcopy, and must be in 12-point font or larger. The notice can accompany or be part of other written communication such as a lease or other written material routinely provided to tenants. Written notice must be given in accordance with the following:

- Existing tenants must be provided with written notice by June 17, 2022,
- New tenants must receive written notice within 30 days of the effective date of their tenancy, and
- For real estate brokers, prospective tenants must be provided with written notice upon first substantive contact.

Housing providers must also post and maintain the notice at housing accommodations in a conspicuous and well-lit area, and prominently on their website homepages.

The full regulations and a form notice to be provided to tenants are available by the New York Division of Human Rights (DHR's) at: <https://dhr.ny.gov/law-2021#law4>. As always, owners and management agents are advised to regularly consult New York State Homes and Community Renewal and DHR's website for updates to policies relevant to their specific housing development.

To: Nadya Salcedo
From: Stephen Abrams-Downey
Date: June 8, 2022
Re: Reasonable Accommodation Posting Requirements

Background

Under a law signed on December 2, 2020, the New York State Human Rights Law (HRL) was amended to require all housing providers to "disclose to all tenants and prospective tenants of their right to request reasonable modifications and accommodations if they have a disability." This disclosure must be made in writing to all tenants within 30 days of the beginning of their tenancy or within 30 days of the provision going into effect. The law went into effect on March 2, 2021. Therefore, this notice must be sent to tenants by April 1, 2021. There do not appear to be any explicit carve-outs based on the type of housing or the number of units.

On March 25, 2021, a revised law was signed by the governor. This law repealed the amendments to the HRL and moved the notice requirement to Section 170-d of the Executive Law. This section of the Executive Law "Miscellaneous Provisions." This statute states that "the division of Human Rights shall promulgate regulations requiring every housing provider... to provide notice to all tenants and prospective tenants, in writing, within thirty days of the effective date of their tenancy, or thirty days of the effective date of this section for current tenants, of their rights to request reasonable modifications and accommodation..."

On May 18, 2022, the Division of Human Rights (DHR) promulgated rules pursuant to Section 170-d. These regulations state that housing providers must provide written notice to all new and current tenants of their right to request reasonable modifications and accommodations for disability within 30 days of the effective date of their tenancy, or within 30 days after the effective date of Section 170-d. Such notice may be given by email, text, fax, or hardcopy, and must include the contact information of the property manager or person responsible for receiving reasonable accommodation requests. Oral disclosure does not satisfy the notice requirement. The rules also state that real estate brokers must provide written notice of this right to all prospective tenants upon first substantive contact. Finally, housing providers must post and maintain such notice at housing accommodations and on their website homepages. The DHR regulations include a sample form comprising sufficient notice.

FEHO Recommendation

HCR should inform all NYS-financed housing providers of these new notice requirements and provide them the DHR sample form, as reproduced below.

NOTICE DISCLOSING TENANTS' RIGHTS TO REASONABLE ACCOMMODATIONS FOR PERSONS WITH DISABILITIES

Reasonable Accommodations

The New York State Human Rights Law requires housing providers to make reasonable accommodations or modifications to a building or living space to meet the needs of people with disabilities. For example, if you have a physical, mental, or medical impairment, you can ask your housing provider to make the common areas of your building accessible, or to change certain policies to meet your needs.

To request a reasonable accommodation, you should contact your property manager by calling _____ or _____, or by e-mailing _____.^{*} You will need to inform your housing provider that you have a disability or health problem that interferes with your use of housing, and that your request for accommodation may be necessary to provide you equal access and opportunity to use and enjoy your housing or the amenities and services normally offered by your housing provider. A housing provider may request medical information, when necessary to support that there is a covered disability and that the need for the accommodation is disability related.

If you believe that you have been denied a reasonable accommodation for your disability, or that you were denied housing or retaliated against because you requested a reasonable accommodation, you can file a complaint with the New York State Division of Human Rights as described at the end of this notice. Specifically, if you have a physical, mental, or medical impairment, you can request:[†]

Permission to change the interior of your housing unit to make it accessible (however, you are required to pay for these modifications, and in the case of a rental your housing provider may require that you restore the unit to its original condition when you move out); Changes to your housing provider's rules, policies, practices, or services; Changes to common areas of the building so you have an equal opportunity to use the building. The New York State Human Rights Law requires housing providers to pay for reasonable modifications to common use areas. Examples of reasonable modifications and accommodations that may be requested under the New York State Human Rights Law include:

- If you have a mobility impairment, your housing provider may be required to provide you with a ramp or other reasonable means to permit you to enter and exit the building.
- If your healthcare provider provides documentation that having an animal will assist with your disability, you should be permitted to have the animal in your home despite a "no pet" rule.
- If you need grab bars in your bathroom, you can request permission to install them at your own expense. If your housing was built for first occupancy after March 13, 1991 and the walls need to be reinforced for grab bars, your housing provider must pay for that to be done.

^{*} The Notice must include contact information when being provided under 466.15(d)(1), above. However, when being provided under (d)(2) and when this information is not known, the sentence may read "To request a reasonable accommodation, you should contact your property manager."

[†] This Notice provides information about your rights under the New York State Human Rights Law, which applies to persons residing anywhere in New York State. Local laws may provide protections in addition to those described in this Notice, but local laws cannot decrease your protections.

- If you have an impairment that requires a parking space close to your unit, you can request your housing provider to provide you with that parking space, or place you at the top of a waiting list if no adjacent spot is available.
- If you have a visual impairment and require printed notices in an alternative format such as large print font, or need notices to be made available to you electronically, you can request that accommodation from your landlord.

Required Accessibility Standards

All buildings constructed for use after March 13, 1991, are required to meet the following standards:

- Public and common areas must be readily accessible to and usable by persons with disabilities;
- All doors must be sufficiently wide to allow passage by persons in wheelchairs; and
- All multi-family buildings must contain accessible passageways, fixtures, outlets, thermostats, bathrooms, and kitchens.

If you believe that your building does not meet the required accessibility standards, you can file a complaint with the New York State Division of Human Rights.

How to File a Complaint

A complaint must be filed with the Division within one year of the alleged discriminatory act or in court within three years of the alleged discriminatory act. You can find more information on your rights, and on the procedures for filing a complaint, by going to www.dhr.ny.gov, or by calling 1-888-392-3644. You can obtain a complaint form on the website, or one can be e-mailed or mailed to you. You can also call or e-mail a Division regional office. The regional offices are listed on the website.