

**New Law Requires Disclosure of Disabled Tenants' Rights
to Reasonable Accommodation**

March 29, 2021

On March 25, 2021, Governor Cuomo signed a new law which repealed and replaced the recent amendments to Human Rights Law § 296 (previously signed on December 2, 2020). The newly enacted Human Rights Law § 170-d requires the same disclosure of disabled residential tenants' rights to reasonable accommodations.

The law mandates that owners provide a written notice (the "Notice") to residential tenants of their right to request reasonable modifications and accommodations if they have a disability. The Notice must be provided to all tenants and prospective tenants within 30-days of the commencement of their tenancy, or within 30-days from the effective date of this law for current tenants. This law is technically effective April 1, but since New York State Division of Human Rights ("DHR") has yet to advise on how to distribute the Notice, we do not believe they will assess penalties until regulations are adopted. Until there is further guidance, we suggest that the notice be given to new tenants as part of their lease and that it be mailed to existing tenants by certified or regular mail. If regular mail is utilized a certificate of mailing should be obtained so that you have proof it was mailed.

The DHR previously promulgated the Notice in response to the December 2, 2020 law. The sample Notice is available [here](#) (disregard the first page). We do not anticipate changes in the contents of the Notice but, unlike the old law, the new law requires DHR to adopt rules for its distribution; for instance, whether it may be emailed to tenants, and what penalty there may be, if any, for failing to distribute it.