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Legal Alert: NYS Division of Human Rights Promulgates Notice for Disclosure of Disabled Tenants' Rights to Reasonable Accommodations

March 9, 2021

As we previously advised, on December 2, 2020, Governor Cuomo signed into law a bill amending the Human Rights Law Section 296 "Unlawful Discriminatory Practices," which requires the disclosure of disabled tenants' rights to reasonable accommodations. The law mandates owners notify tenants of their right to request reasonable modifications and accommodations if they have a disability by providing a written notice ("the Notice"). The Notice must be provided to all tenants and prospective tenants in writing within 30-days of the commencement of their tenancy, or within 30-days from the effective date of this law for current tenants. The Notice must also be conspicuously posted on every vacant apartment that is available for rent. The New York State Division of Human Rights has promulgated a sample Notice, available here: https://dhr.ny.gov/sites/default/files/pdf/postings/Sample-Notice-for-Requesting-Reasonable-Accommodations-in-Housing-Final.pdf

Owners are required to implement this new written disclosure by April 1, 2021.

Owners should be aware that the sample Notice provides that modifications inside the housing unit will be paid for by the tenant, and that tenants may be required to restore the unit to its original condition prior to vacating. Although this language complies with *New York State* Human Rights Law, the *New York City* Human Rights Law requires the housing provider to pay for the reasonable modification, where feasible. Therefore, owners who employ this sample Notice for buildings located within *New York City*, should delete that portion of the language that indicates that it is the tenant's responsibility to pay for the reasonable accommodation.

Please feel free to contact Randi B. Gilbert, Esq. at rgilbert@hwrpc.com or Jillian N. Bittner, Esq. at jbittner@hwrpc.com of the Administrative Law Department with any further questions.