

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

May 20, 2022

As we previously advised, on December 2, 2020, then 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 Law also required the Division of Human Rights to promulgate [Rules](#) on how to comply with this amendment

On May 18, 2022, the Division of Human Rights issued the [Rules](#). The [Rules](#) provide definitions and various instructions, including sample notice language. This sample notice language varies from their earlier sample notice. Please follow the [link](#) to find the revised language found in Section(d)(4)(e) of the [Rules](#).

For example, the [Rules](#) provide that housing providers must provide notice, to all tenants in the following manner:

- for new tenants, within 30 days of their tenancy; for current tenants, by April 1, 2021 (as we previously advised);
- in writing, and in 12-point font or larger, or another easily legible font;
- the notice must include the telephone number and e-mail of the property manager or other person responsible for accepting reasonable accommodation requests;
- the notice may be transmitted by email, text, electronic messaging system, facsimile, or hardcopy:
 1. by email: this notice can be emailed but if it is emailed, it must contain a link along with text to inform the prospective tenant that the link contains information regarding tenants' rights to reasonable accommodations for persons with disabilities. The notice must be available for printing and downloading.
 2. By paper: the notice must be included within such communication, or by providing the notice in an accompanying document. May be accomplished by including the notice in or with other written communications, such as a lease or other written materials routinely provided to tenants.
- Oral disclosure does not satisfy the notice requirements.
- “Posting” of the notice, either on paper, on a bulletin board, or on an electronic bulletin board or notice area, does not satisfy this delivery notice requirement.

In addition, if a website is maintained, these [Rules](#) require that all such websites prominently and conspicuously display on the homepage of such website a link to the Division's [notice](#).