

NEW NYSAR FLASH UPDATE

March 06, 2021

March 5, 2021

Dear NYSAR members,

On March 5, 2021, the NYS Division of Human Rights published sample language that can be used to satisfy the requirement of NYS Executive Law 296 (2-b) & (18-a) that went into effect on March 2, 2021. The DHR has titled the sample language "Notice Disclosing Tenant's Rights to Reasonable Accommodations for Persons with Disabilities." Every housing provider covered under Human Rights Law § 296.2-b and § 296.18-a must make the required disclosure to all tenants and perspective tenants in writing within thirty days of the beginning of their tenancy, or thirty days from the effective date of this provision for current tenants. Landlords should consult with their attorney as to timing and method of compliance for current tenants and perspective tenants that begin occupancy in 30 days or less. The DHR website does not require the notice to be provided to a perspective tenant at first substantive contact with a licensee, only after a lease is signed.

Furthermore, although not set forth on the DHR website, a copy of the notice is also required to be "conspicuously posted in such form and manner as the division may by regulation prescribe on every vacant housing accommodation that is available for rent." Even though DHR has not provided regulations setting forth the manner required to conspicuously post the notice, licensees acting as a landlord's agent or property manager should make sure their clients are posting the notice in the available rental unit, if not, it would be the responsibility of the licensee.

The information from DHR including the sample language can be found here: <https://dhr.ny.gov/requirednotice>
NYSAR will be seeking clarification from DHR and will be providing further updates as such information is made available. Licensees needing to comply with the law may use the sample language provided by DHR. There is no requirement that the notice be signed by the licensee, landlord or consumer.

Questions can be directed to the NYSAR Legal Hotline. The Legal Hotline is available Monday-Friday from 9:00am-4:00pm at 518-436-9727.