

NYC Initiative Petition to Amend NYC Charter – under § 37, New York Municipal Home Rule Law

I, the undersigned, do hereby state that I am a resident of and a registered and qualified voter in New York City, that my present place of residence is truly stated opposite my signature hereto, and that I do hereby sign this Petition, as set forth below and on the one additional page, to enable the contents of this Petition (or an approved summary) to be submitted to the electors of New York City at a general election.

In witness where, I have hereunto set my hand, the day and year placed opposite my signature.

Date	Name of signer (signature required) (printed name may be added)	Residence	Enter NYC County (circle 1 below)
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Signature:	Bronx Kings NewYork
/ /13 printed name:.....ZIP	Queens Richmond

PETITION FOR A BILL OF RIGHTS FOR NYC SENIORS AGE 55 YEARS OR OLDER

WHEREAS, about 2,400,000 NYC residents (30% of NYC’s 8,000,000 population) are 55 years of age or older, constituting a large number of persons who can be victimized by unjustified age requirements for employment or by litigation or other proceedings or transactions of various types, in an effort to unlawfully deprive them of their rent-controlled or rent-stabilized apartment; their real estate or its value; their savings; their businesses; sometimes accompanied by an effort to have them declared incompetent and unable to manage their own affairs; and some seniors have insufficient experience, understanding or assets to effectively prevent themselves from being victimized.

THE FOLLOWING IS HEREBY DESIRED AND APPROVED AS AN INITIATIVE FOR ADOPTION OF A LOCAL LAW TO AMEND THE NEW YORK CITY CHARTER, TO BE PRESENTED TO VOTERS OF THE CITY OF NEW YORK AT A GENERAL ELECTION OF VOTERS:

- The title of this local law is “Act to Establish a Bill of Rights for NYC Seniors Age 55 or Older”.
- The persons to be protected by this statute (referred to as the “Protected Persons”) are citizens and residents of NYC who are 55 years of age or older at the time (i) an investment, mortgage, insurance or home-repair contract or contract for 1 year or longer is entered into by them or (“Material Contract”) (ii) a lawsuit or other judicial proceeding is commenced against them in NYC.

[Note: The Petition is continued on page 2.]

Complete ONE of the following:

(1) STATEMENT OF WITNESS

I, (name of witness) _____ state: I am a duly qualified voter of the City of New York and I am also duly qualified to sign the Petition. I now reside in New York City at (residence address, including No., Street, County, ZIP) _____.

The individual whose name is subscribed to this Petition sheet containing 1 signature, subscribed the same in my presence on the date above indicated and identified himself/herself to be the individual who signed this sheet.

I understand that this statement will be accepted for all purposes as the equivalent of an affidavit and, if it contains a material false statement, shall subject me to the same penalties as if I had been duly sworn.

_____/_____/2013
Date

Signature of Witness

WITNESS IDENTIFICATION INFORMATION: The following information for the witness named above must be completed prior to filing with the Board of Elections in order for this petition sheet to be valid.

County in New York City: [Circle or Underline One of the Following:] Bronx Kings New York Queens Richmond

(2) NOTARY PUBLIC OR COMMISSIONER OF DEEDS

On the date above indicated before me personally came the NYC voter whose signature appears on this Petition sheet containing one petition signature who signed same in my presence and who being by me duly sworn, said that the foregoing statement made and subscribed by him/her was true.

_____/_____/2013
Date

Signature and Official Title of Officer Administering Oath

[Page 2 of the Petition]

3. The type of lawsuit or proceeding covered by this statute is any action, proceeding, arbitration or other civil litigation seeking foreclosure of a mortgage or reverse mortgage, eviction, rent increase, default judgment, attachment, forfeiture, appointment of a receiver, conservator or trustee, mental examination, commitment, competency examination or determination, or similar personally-directed consequence involving the person or estate (hereinafter, the "Covered Proceedings").
4. Any individual, corporation, other legal entity, governmental agency or governmental employee or official commencing a Covered Proceeding against one or more Protected Persons is required to name and serve the NYC Public Advocate ("Public Advocate") as an interested party, including any organization established for such purpose and designated by the Public Advocate.
5. The purpose and duty of the Public Advocate is to make sure the Protected Person is not being victimized in any way, and to discourage repetitive use of Covered Proceedings by any one person to victimize multiple persons as a business practice.
6. Every Material Contract shall be voidable by the Protected Person(s) if it does not provide on page 1 of the contract in at least 14-point bold type "The person (age 55 or older) signing this contract shall have 3 days from the actual date of signing of the contract, or receipt of a fully-executed copy of the contract, whichever is later, to notify the other parties to the contract in writing that the contract has been cancelled, without having to give any reason for such cancellation, with notification by mail or express delivery effective on the date of mailing or pickup for delivery."
7. Alternatively, if the City Council of NYC provides funding for the administration of this statute, the City Council and/or Mayor of NYC may designate one or more NYC attorneys in one or more NYC agencies (such as the Department of Consumer Affairs or the NYC Department for the Aging, or the Office of New York City Corporation Counsel) to administer this statute jointly with the Public Advocate.
8. The Public Advocate or other NYC attorney named and served in any Covered Proceedings shall be entitled to recovery of costs and \$200 per hour for legal time spent (whether in-house or outside counsel) upon a showing that the Covered Proceeding was without merit and tended to victimize the Protected Person(s) against whom the proceeding was commenced.
9. It is unlawful for NYC or any agency thereof, to offer or provide any type of employment, part-time or temporary employment, or hiring of temporary or other employees through any office temporary services or employment agencies, or retain anyone on any consulting agreement or as an independent contractor, where there is any unjustified maximum age requirement.
10. Any age requirement shall be changed instead to "an ability to perform" requirement.
11. Persons who are receiving retirement benefits as to any prior NYC employment are not permitted to obtain employment of any type under this statute without agreeing to a reduction of their retirement benefits (during their employment under this statute) by the amount received for their employment under this statute, appropriately adjusted for tax consequences.
12. The purpose of ¶¶ 9-11 of this statute is to permit citizens and residents of NYC to be able to apply for any type of NYC employment (as described above) without any maximum age qualification.
13. If any provision of this law is held to be unconstitutional or invalid for any reason, the remaining provisions shall be in no manner affected thereby but shall remain in full force and effect.

Plan for Financing the Implementation of this Statute to Require that in any Specified Proceedings Brought in NYC against any NYC Citizen or Resident 55 Years of Age or Older the Public Advocate Shall be Named and Served as an Interested Party to Protect such Persons from Victimization

(Submitted in Support of the Petition pursuant to ¶ 11 of Section 37 of the NY Municipal Home Rule Law)

The Public Advocate is already funded and has the personnel to administer this Act, which requires no significant expenditures other than for administrative personnel. Additional funding will be obtained through recovery of legal fees at the rate of \$200/hour, together with any funding received through the City Council of NYC under ¶ 7 of the Act. Through these legal fees to be paid to the Public Advocate, the activities under this statute should be financially self sustaining.

Availability of Additional Information about this Petition, the Ballot Initiative Process, and the Individuals Involved

Additional information about this Petition and other Petitions, the Ballot Initiative Process and the individuals involved is available at voterlaws.com. Copies of this Petition may be downloaded and printed out for use.

WHERE TO MAIL THE ORIGINAL SIGNED PETITION

Please mail the Petition (as signed by two NYC registered voters) to:
voterlaws.com c/o Carl E. Person
225 E. 36th Street – Suite 3A
New York NY 10016-3664

[end of petition zz33zz41]