

5684

2009-2010 Regular Sessions

I N A S S E M B L Y

February 17, 2009

Introduced by M. of A. BRENNAN, GREENE, ROBINSON, ORTIZ, ROSENTHAL, J. RIVERA, KAVANAGH, CASTRO -- Multi-Sponsored by -- M. of A. ALFANO, CLARK, COLTON, DenDEKKER, DINOWITZ, GLICK, GOTTFRIED, HOOPER, JACOBS, MILLMAN, PHEFFER -- read once and referred to the Committee on Housing

AN ACT to amend the general business law, in relation to senior citizens and disabled persons

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Subparagraphs (iii) and (iv) of paragraph (a) of subdivi-  
2 sion 2-a of section 352-e of the general business law, as added by chap-  
3 ter 771 of the laws of 1983, are amended to read as follows:

4 (iii) "Eligible senior citizens". Non-purchasing tenants who are  
5 sixty-two years of age or older on the date the attorney general has  
6 accepted the plan for filing, and the spouses of any such tenants on  
7 such date, [and who have elected] OR ANY MEMBER OF THE TENANT'S HOUSE-  
8 HOLD, LAWFULLY OCCUPYING THE PREMISES AS HIS OR HER RESIDENCE WHO IS  
9 SIXTY-TWO YEARS OF AGE OR OLDER ON SUCH DATE, PROVIDED, IN THE CASE OF A  
10 TENANT'S HOUSEHOLD MEMBER, THAT HE OR SHE HAS LIVED IN THE HOUSING  
11 ACCOMMODATION AS HIS OR HER RESIDENCE FOR A PERIOD OF NO LESS THAN ONE  
12 YEAR PRECEDING SUCH DATE. THE TENANT MUST ELECT, within sixty days of  
13 the date the attorney general has accepted the plan for filing, on forms  
14 promulgated by the attorney general and presented to such tenants by the  
15 offeror, to become non-purchasing tenants under the provisions of this  
16 subdivision; provided that such election shall not preclude any such  
17 tenant from subsequently purchasing the dwelling unit on the terms then  
18 offered to tenants in occupancy.

19 (iv) "Eligible disabled persons". Non-purchasing tenants who have an  
20 impairment which results from anatomical, physiological or psychological  
21 conditions, other than addiction to alcohol, gambling, or any controlled  
22 substance, which are demonstrable by medically acceptable clinical and  
23 laboratory diagnostic techniques, and which are expected to be permanent

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets  
[ ] is old law to be omitted.

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1 and which [prevent the tenant from engaging in any substantial gainful  
2 employment] SUBSTANTIALLY LIMIT ONE OR MORE MAJOR LIFE ACTIVITIES on the  
3 date the attorney general has accepted the plan for filing, and the  
4 spouses of any such tenants on such date, [and who have elected] OR ANY  
5 MEMBER OF THE TENANT'S HOUSEHOLD, LAWFULLY OCCUPYING THE PREMISES AS HIS  
6 OR HER RESIDENCE, WHO HAS SUCH AN IMPAIRMENT ON SUCH DATE, PROVIDED, IN  
7 THE CASE OF THE TENANT'S HOUSEHOLD MEMBER, THAT HE OR SHE HAS LIVED IN  
8 THE HOUSING ACCOMMODATION AS HIS OR HER RESIDENCE FOR A PERIOD OF NO  
9 LESS THAN ONE YEAR PRECEDING SUCH DATE. THE TENANT MUST ELECT, within  
10 sixty days of the date the attorney general has accepted the plan for  
11 filing, on forms promulgated by the attorney general and presented to  
12 such tenants by the offeror, to become non-purchasing tenants under the  
13 provisions of this subdivision; provided, however, that if the disabili-  
14 ty first occurs after acceptance of the plan for filing, then such  
15 election may be made within sixty days following the onset of such disa-  
16 bility unless during the period subsequent to sixty days following the  
17 acceptance of the plan for filing but prior to such election, the offe-  
18 ror accepts a written agreement to purchase the apartment from a bona  
19 fide purchaser; and provided further that such election shall not  
20 preclude any such tenant from subsequently purchasing the dwelling unit  
21 or the shares allocated thereto on the terms then offered to tenants in  
22 occupancy.

23 S 2. Paragraphs (f) and (g) of subdivision 1 of section 352-eee of the  
24 general business law, as added by chapter 402 of the laws of 1983, are  
25 amended to read as follows:

26 (f) "Eligible senior citizens". Non-purchasing tenants who are sixty-  
27 two years of age or older on the date the plan is declared effective and  
28 the spouses of any such tenants on such date; [provided that] OR ANY  
29 MEMBER OF THE TENANT'S HOUSEHOLD, LAWFULLY OCCUPYING THE PREMISES AS HIS  
30 OR HER RESIDENCE WHO IS SIXTY-TWO YEARS OF AGE OR OLDER ON SUCH DATE,  
31 PROVIDED, IN THE CASE OF A TENANT'S HOUSEHOLD MEMBER, THAT HE OR SHE HAS  
32 LIVED IN THE HOUSING ACCOMMODATION AS HIS OR HER RESIDENCE FOR A PERIOD  
33 OF NO LESS THAN ONE YEAR PRECEDING SUCH DATE such tenant shall not be  
34 precluded from subsequently purchasing the dwelling unit on the terms  
35 then offered to tenants in occupancy.

36 (g) "Eligible disabled persons". Non-purchasing tenants who have an  
37 impairment which results from anatomical, physiological or psychological  
38 conditions, other than addiction to alcohol, gambling, or any controlled  
39 substance, which are demonstrable by medically acceptable clinical and  
40 laboratory diagnostic techniques, and which are expected to be permanent  
41 and which [prevent the tenant from engaging in any substantial gainful  
42 employment] SUBSTANTIALLY LIMIT ONE OR MORE MAJOR LIFE ACTIVITIES on the  
43 date the attorney general has accepted the plan for filing, and the  
44 spouses of any such tenants on such date, [and who have elected] OR ANY  
45 MEMBER OF THE TENANT'S HOUSEHOLD, LAWFULLY OCCUPYING THE PREMISES AS HIS  
46 OR HER RESIDENCE WHO HAS SUCH AN IMPAIRMENT ON SUCH DATE, PROVIDED, IN  
47 THE CASE OF THE TENANT'S HOUSEHOLD MEMBER, THAT HE OR SHE HAS LIVED IN  
48 THE HOUSING ACCOMMODATION AS HIS OR HER RESIDENCE FOR A PERIOD OF NO  
49 LESS THAN ONE YEAR PRECEDING SUCH DATE. THE TENANT MUST ELECT, within  
50 sixty days of the date the attorney general has accepted the plan for  
51 filing, on forms promulgated by the attorney general and presented to  
52 such tenants by the offeror, to become non-purchasing tenants under the  
53 provisions of this section; provided, however, that if the disability  
54 first occurs after acceptance of the plan for filing, then such election  
55 may be made within sixty days following the onset of such disability  
56 unless during the period subsequent to sixty days following the accept-

1 ance of the plan for filing but prior to such election, the offeror  
2 accepts a written agreement to purchase the apartment from a bona fide  
3 purchaser; and provided further that such election shall not preclude  
4 any such tenant from subsequently purchasing the dwelling unit or the  
5 shares allocated thereto on the terms then offered to tenants in occu-  
6 pancy.

7 S 3. Paragraphs (f) and (g) of subdivision 1 of section 352-eee of  
8 the general business law, as added by chapter 555 of the laws of 1982,  
9 are amended to read as follows:

10 (f) "Eligible senior citizens". Non-purchasing tenants who are sixty-  
11 two years of age or older on the date the attorney general has accepted  
12 the plan for filing, and the spouses of any such tenants on such date,  
13 [and who have elected] OR ANY MEMBER OF THE TENANT'S HOUSEHOLD, LAWFULLY  
14 OCCUPYING THE PREMISES AS HIS OR HER RESIDENCE WHO IS SIXTY-TWO YEARS OF  
15 AGE OR OLDER ON SUCH DATE, PROVIDED, IN THE CASE OF A TENANT'S HOUSEHOLD  
16 MEMBER, THAT HE OR SHE HAS LIVED IN THE HOUSING ACCOMMODATION AS HIS OR  
17 HER RESIDENCE FOR A PERIOD OF NO LESS THAN ONE YEAR PRECEDING SUCH DATE.  
18 THE TENANT MUST ELECT, within sixty days of the date the attorney gener-  
19 al has accepted the plan for filing, on forms promulgated by the attor-  
20 ney general and presented to such tenants by the offeror, to become  
21 non-purchasing tenants under the provisions of this section; provided  
22 that such election shall not preclude any such tenant from subsequently  
23 purchasing the dwelling unit on the terms then offered to tenants in  
24 occupancy.

25 (g) "Eligible disabled persons". Non-purchasing tenants who have an  
26 impairment which results from anatomical, physiological or psychological  
27 conditions, other than addiction to alcohol, gambling, or any controlled  
28 substance, which are demonstrable by medically acceptable clinical and  
29 laboratory diagnostic techniques, and which are expected to be permanent  
30 and which [prevent the tenant from engaging in any substantial gainful  
31 employment] ARE EXPECTED TO BE PERMANENT AND WHICH SUBSTANTIALLY LIMIT  
32 ONE OR MORE MAJOR LIFE ACTIVITIES on the date the attorney general has  
33 accepted the plan for filing, and the spouses of any such tenants on  
34 such date, [and who have elected] OR ANY MEMBER OF THE TENANT'S HOUSE-  
35 HOLD, LAWFULLY OCCUPYING THE PREMISES AS HIS OR HER RESIDENCE ON SUCH  
36 DATE, PROVIDED IN THE CASE OF A TENANT'S HOUSEHOLD MEMBER, THAT HE OR  
37 SHE HAS LIVED IN THE HOUSING ACCOMMODATION AS HIS OR HER RESIDENCE FOR A  
38 PERIOD OF NO LESS THAN ONE YEAR PRECEDING SUCH DATE. THE TENANT MUST  
39 ELECT, within sixty days of the date the attorney general has accepted  
40 the plan for filing, on forms promulgated by the attorney general and  
41 presented to such tenants by the offeror, to become non-purchasing  
42 tenants under the provisions of this section; provided, however, that if  
43 the disability first occurs after acceptance of the plan for filing,  
44 then such election may be made within sixty days following the onset of  
45 such disability unless during the period subsequent to sixty days  
46 following the acceptance of the plan for filing but prior to such  
47 election, the offeror accepts a written agreement to purchase the apart-  
48 ment from a bona fide purchaser; and provided further that such election  
49 shall not preclude any such tenant from subsequently purchasing the  
50 dwelling unit or the shares allocated thereto on the terms then offered  
51 to tenants in occupancy.

52 S 4. This act shall take effect immediately; provided that the amend-  
53 ment to section 352-eee of the general business law made by section two  
54 of this act shall expire on the same date as such section expires and  
55 shall not affect the expiration of such section as provided in section 4  
56 of chapter 402 of the laws of 1983 and provided further that the amend-

1 ment to section 352-eeee of the general business law made by section  
2 three of this act shall expire on the same date as such section expires  
3 and shall not affect the expiration of such section as provided in  
4 section 10 of chapter 555 of the laws of 1982, as last extended.