S T A T E O F N E W Y O R K

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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:

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

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

(iv) "Eligible disabled persons". Non-purchasing tenants who have an impairment which results from anatomical, physiological or psychological conditions, other than addiction to alcohol, gambling, or any controlled substance, which are demonstrable by medically acceptable clinical and 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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and which [prevent the tenant from engaging in any substantial gainful employment] SUBSTANTIALLY LIMIT ONE OR MORE MAJOR LIFE ACTIVITIES on the date the attorney general has accepted the plan for filing, and the spouses of any such tenants on such date, [and who have elected] OR ANY MEMBER OF THE TENANT'S HOUSEHOLD, LAWFULLY OCCUPYING THE PREMISES AS HIS OR HER RESIDENCE, WHO HAS SUCH AN IMPAIRMENT ON SUCH DATE, PROVIDED, IN THE CASE OF THE TENANT'S HOUSEHOLD MEMBER, THAT HE OR SHE HAS LIVED IN THE HOUSING ACCOMMODATION AS HIS OR HER RESIDENCE FOR A PERIOD OF NO LESS THAN ONE YEAR PRECEDING SUCH DATE. THE TENANT MUST ELECT, within sixty days of the date the attorney general has accepted the plan for filing, on forms promulgated by the attorney general and presented to such tenants by the offeror, to become non-purchasing tenants under the provisions of this subdivision; provided, however, that if the disability first occurs after acceptance of the plan for filing, then such election may be made within sixty days following the onset of such disability unless during the period subsequent to sixty days following the acceptance of the plan for filing but prior to such election, the offeror accepts a written agreement to purchase the apartment from a bona fide purchaser; and provided further that such election shall not preclude any such tenant from subsequently purchasing the dwelling unit or the shares allocated thereto on the terms then offered to tenants in occupancy.

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

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

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

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

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

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

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

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

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