

4450

2011-2012 Regular Sessions

I N A S S E M B L Y

February 3, 2011

Introduced by M. of A. BRENNAN, ROBINSON, ORTIZ, ROSENTHAL, J. RIVERA, KAVANAGH, CASTRO, BOYLAND, M. MILLER -- Multi-Sponsored by -- M. of A. CLARK, COLTON, CRESPO, DenDEKKER, DINOWITZ, GLICK, GOTTFRIED, HOOPER, JACOBS, MAYERSOHN, MILLMAN, PHEFFER, P. RIVERA -- 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

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

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

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

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

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

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

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

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

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

53 S 4. This act shall take effect immediately; provided that the amend-
54 ments to sections 352-eee and 352-eeee of the general business law made
55 by sections two and three of this act shall not affect the expiration of
56 such sections and shall be deemed to expire therewith.