

# STATE OF NEW YORK

7017

2021-2022 Regular Sessions

## IN ASSEMBLY

April 19, 2021

Introduced by M. of A. BICHOTTE HERMELYN -- 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  
24 and which [~~prevent the tenant from engaging in any substantial gainful~~  
25 ~~employment~~] substantially limit one or more major life activities on the

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

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1 date the attorney general has accepted the plan for filing, and the  
2 spouses of any such tenants on such date, [~~and who have elected~~] or any  
3 member of the tenant's household, lawfully occupying the premises as his  
4 or her residence, who has such an impairment on such date, provided, in  
5 the case of the tenant's household member, that he or she has lived in  
6 the housing accommodation as his or her residence for a period of no  
7 less than one year preceding such date. The tenant must elect, within  
8 sixty days of the date the attorney general has accepted the plan for  
9 filing, on forms promulgated by the attorney general and presented to  
10 such tenants by the offeror, to become non-purchasing tenants under the  
11 provisions of this subdivision; provided, however, that if the disabili-  
12 ty first occurs after acceptance of the plan for filing, then such  
13 election may be made within sixty days following the onset of such disa-  
14 bility unless during the period subsequent to sixty days following the  
15 acceptance of the plan for filing but prior to such election, the offer-  
16 or accepts a written agreement to purchase the apartment from a bona  
17 fide purchaser; and provided further that such election shall not  
18 preclude any such tenant from subsequently purchasing the dwelling unit  
19 or the shares allocated thereto on the terms then offered to tenants in  
20 occupancy.

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

24 (f) "Eligible senior citizens". Non-purchasing tenants who are sixty-  
25 two years of age or older on the date the plan is declared effective and  
26 the spouses of any such tenants on such date; [~~provided that~~] or any  
27 member of the tenant's household, lawfully occupying the premises as his  
28 or her residence who is sixty-two years of age or older on such date,  
29 provided, in the case of a tenant's household member, that he or she has  
30 lived in the housing accommodation as his or her residence for a period  
31 of no less than one year preceding such date such tenant shall not be  
32 precluded from subsequently purchasing the dwelling unit on the terms  
33 then offered to tenants in occupancy.

34 (g) "Eligible disabled persons". Non-purchasing tenants who have an  
35 impairment which results from anatomical, physiological or psychological  
36 conditions, other than addiction to alcohol, gambling, or any controlled  
37 substance, which are demonstrable by medically acceptable clinical and  
38 laboratory diagnostic techniques, and which are expected to be permanent  
39 and which [~~prevent the tenant from engaging in any substantial gainful~~  
40 ~~employment~~] substantially limit one or more major life activities on the  
41 date the attorney general has accepted the plan for filing, and the  
42 spouses of any such tenants on such date, [~~and who have elected~~] or any  
43 member of the tenant's household, lawfully occupying the premises as his  
44 or her residence who has such an impairment on such date, provided, in  
45 the case of the tenant's household member, that he or she has lived in  
46 the housing accommodation as his or her residence for a period of no  
47 less than one year preceding such date. The tenant must elect, within  
48 sixty days of the date the attorney general has accepted the plan for  
49 filing, on forms promulgated by the attorney general and presented to  
50 such tenants by the offeror, to become non-purchasing tenants under the  
51 provisions of this section; provided, however, that if the disability  
52 first occurs after acceptance of the plan for filing, then such election  
53 may be made within sixty days following the onset of such disability  
54 unless during the period subsequent to sixty days following the accept-  
55 ance of the plan for filing but prior to such election, the offeror  
56 accepts a written agreement to purchase the apartment from a bona fide

1 purchaser; and provided further that such election shall not preclude  
2 any such tenant from subsequently purchasing the dwelling unit or the  
3 shares allocated thereto on the terms then offered to tenants in occu-  
4 pancy.

5 § 3. Paragraphs (f) and (g) of subdivision 1 of section 352-eeee of  
6 the general business law, as amended by section 1 of part N of chapter  
7 36 of the laws of 2019, are amended to read as follows:

8 (f) "Eligible senior citizens". Non-purchasing tenants who are sixty-  
9 two years of age or older on the date the plan is submitted to the  
10 department of law or on the date the attorney general has accepted the  
11 plan for filing, and the spouses of any such tenants on such date, [~~and~~  
12 ~~who have elected~~] or any member of the tenant's household, lawfully  
13 occupying the premises as his or her residence who is sixty-two years of  
14 age or older on such date, provided, in the case of a tenant's household  
15 member, that he or she has lived in the housing accommodation as his or  
16 her residence for a period of no less than one year preceding such date.  
17 The tenant must elect, within sixty days of the date the plan is submit-  
18 ted to the department of law or on the date the attorney general has  
19 accepted the plan for filing, on forms promulgated by the attorney  
20 general and presented to such tenants by the offeror, to become non-pur-  
21 chasing tenants under the provisions of this section; provided that such  
22 election shall not preclude any such tenant from subsequently purchasing  
23 the dwelling unit on the terms then offered to tenants in occupancy.

24 (g) "Eligible disabled persons". Non-purchasing tenants who have an  
25 impairment which results from anatomical, physiological or psychological  
26 conditions, other than addiction to alcohol, gambling, or any controlled  
27 substance, which are demonstrable by medically acceptable clinical and  
28 laboratory diagnostic techniques, and which are expected to be permanent  
29 and which [~~prevent the tenant from engaging in any substantial gainful~~  
30 ~~employment~~] are expected to be permanent and which substantially limit  
31 one or more major life activities on the date the plan is submitted to  
32 the department of law or on the date the attorney general has accepted  
33 the plan for filing, and the spouses of any such tenants on such date,  
34 [~~and who have elected~~] or any member of the tenant's household,  
35 lawfully occupying the premises as his or her residence on such date,  
36 provided in the case of a tenant's household member, that he or she  
37 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 plan is submitted to the  
40 department of law or on the date the attorney general has accepted the  
41 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 § 4. This act shall take effect immediately.