

STATE OF NEW YORK

1954

2023-2024 Regular Sessions

IN ASSEMBLY

January 23, 2023

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:

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 and which ~~[prevent the tenant from engaging in any substantial gainful 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.