# STATE OF NEW YORK

1954--A

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 -- recommitted to the Committee on Housing in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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 such person's residence who is sixty-two years of age or older on such date, provided, in the case of a tenant's household member, that such person has lived in the housing accommodation as such person's 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.

LBD03387-02-4

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 such person's residence, who has such an impairment on such date, provided, in the case of the tenant's household member, that such person has lived in the housing accommodation as such person's 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.

§ 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 such person's residence who is sixty-two years of age or older on such date, provided, in the case of a tenant's household member, that such person has lived in the housing accommodation as such person's 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 such person's residence who has such an impairment on such date, provided, in the case of the tenant's household member, that such person has lived in the housing accommodation as such person's 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 apart-

ment 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.

§ 3. Paragraphs (f) and (g) of subdivision 1 of section 352-eeee of the general business law, as amended by section 1 of part N of chapter 36 of the laws of 2019, 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 submitted to the department of law or 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 such person's residence who is sixty-two years of age or older on such date, provided, in the case of a tenant's household member, that such person has lived in the housing accommodation as such person's residence for a period of no less than one year preceding such date. The tenant must elect**, within sixty days of the date the plan is submitted to the department of law or on 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 plan is submitted to the department of law or 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 such person's residence on such date, provided in the case of a tenant's household member, that such person has lived in the housing accommodation as such person's residence for a period of no less than one year preceding such date. The tenant must elect**, within sixty days of the date the plan is submitted to the department of law or on 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.

§ 4. This act shall take effect immediately.