

STATE OF NEW YORK

9357

IN SENATE

May 13, 2024

Introduced by Sen. CLEARE -- read twice and ordered printed, and when printed to be committed to the Committee on Housing, Construction and Community Development

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 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:

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 household, lawfully occupying the premises as such person's residence who is 8 sixty-two years of age or older on such date, provided, in the case of a 9 tenant's household member, that such person has lived in the housing 10 accommodation as such person's residence for a period of no less than 11 one year preceding such date. The tenant must elect, within sixty days 12 of the date the attorney general has accepted the plan for filing, on 13 forms promulgated by the attorney general and presented to such tenants 14 by the offeror, to become non-purchasing tenants under the provisions of 15 this subdivision; provided that such election shall not preclude any 16 such tenant from subsequently purchasing the dwelling unit on the terms 17 then 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 26 date the attorney general has accepted the plan for filing, and the 27 spouses of any such tenants on such date, [~~and who have elected~~] or any

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

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

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

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

32 (g) "Eligible disabled persons". Non-purchasing tenants who have an
33 impairment which results from anatomical, physiological or psychological
34 conditions, other than addiction to alcohol, gambling, or any controlled
35 substance, which are demonstrable by medically acceptable clinical and
36 laboratory diagnostic techniques, and which are expected to be permanent
37 and which ~~prevent the tenant from engaging in any substantial gainful~~
38 ~~employment~~ substantially limit one or more major life activities on the
39 date the attorney general has accepted the plan for filing, and the
40 spouses of any such tenants on such date, ~~and who have elected~~ or any
41 member of the tenant's household, lawfully occupying the premises as
42 such person's residence who has such an impairment on such date,
43 provided, in the case of the tenant's household member, that such person
44 has lived in the housing accommodation as such person's residence for a
45 period of no less than one year preceding such date. The tenant must
46 elect, within sixty days of the date the attorney general has accepted
47 the plan for filing, on forms promulgated by the attorney general and
48 presented to such tenants by the offeror, to become non-purchasing
49 tenants under the provisions of this section; provided, however, that if
50 the disability first occurs after acceptance of the plan for filing,
51 then such election may be made within sixty days following the onset of
52 such disability unless during the period subsequent to sixty days
53 following the acceptance of the plan for filing but prior to such
54 election, the offeror accepts a written agreement to purchase the apart-
55 ment from a bona fide purchaser; and provided further that such election
56 shall not preclude any such tenant from subsequently purchasing the

1 dwelling unit or the shares allocated thereto on the terms then offered
2 to tenants in occupancy.

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

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

23 (g) "Eligible disabled persons". Non-purchasing tenants who have an
24 impairment which results from anatomical, physiological or psychological
25 conditions, other than addiction to alcohol, gambling, or any controlled
26 substance, which are demonstrable by medically acceptable clinical and
27 laboratory diagnostic techniques, and which are expected to be permanent
28 and which [~~prevent the tenant from engaging in any substantial gainful~~
29 ~~employment~~] are expected to be permanent and which substantially limit
30 one or more major life activities on the date the plan is submitted to
31 the department of law or on the date the attorney general has accepted
32 the plan for filing, and the spouses of any such tenants on such date,
33 [~~and who have elected~~] or any member of the tenant's household,
34 lawfully occupying the premises as such person's residence on such date,
35 provided in the case of a tenant's household member, that such person
36 has lived in the housing accommodation as such person's residence for a
37 period of no less than one year preceding such date. The tenant must
38 elect, within sixty days of the date the plan is submitted to the
39 department of law or on the date the attorney general has accepted the
40 plan for filing, on forms promulgated by the attorney general and
41 presented to such tenants by the offeror, to become non-purchasing
42 tenants under the provisions of this section; provided, however, that if
43 the disability first occurs after acceptance of the plan for filing,
44 then such election may be made within sixty days following the onset of
45 such disability unless during the period subsequent to sixty days
46 following the acceptance of the plan for filing but prior to such
47 election, the offeror accepts a written agreement to purchase the apart-
48 ment from a bona fide purchaser; and provided further that such election
49 shall not preclude any such tenant from subsequently purchasing the
50 dwelling unit or the shares allocated thereto on the terms then offered
51 to tenants in occupancy.

52 § 4. This act shall take effect immediately.