

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:

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

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

LBD03387-02-4

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
4 such person's residence, who has such an impairment on such date,
5 provided, in the case of the tenant's household member, that such person
6 has lived in the housing accommodation as such person's residence for a
7 period of no less than one year preceding such date. The tenant must
8 elect, within sixty days of the date the attorney general has accepted
9 the plan for filing, on forms promulgated by the attorney general and
10 presented to such tenants by the offeror, to become non-purchasing
11 tenants under the provisions of this subdivision; provided, however,
12 that if the disability first occurs after acceptance of the plan for
13 filing, then such election may be made within sixty days following the
14 onset of such disability unless during the period subsequent to sixty
15 days following the acceptance of the plan for filing but prior to such
16 election, the offeror accepts a written agreement to purchase the apart-
17 ment from a bona fide purchaser; and provided further that such election
18 shall not preclude any such tenant from subsequently purchasing the
19 dwelling unit or the shares allocated thereto on the terms then offered
20 to tenants in 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
28 such person's residence who is sixty-two years of age or older on such
29 date, provided, in the case of a tenant's household member, that such
30 person has lived in the housing accommodation as such person's residence
31 for a period of no less than one year preceding such date such tenant
32 shall not be precluded from subsequently purchasing the dwelling unit on
33 the terms 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
44 such person's residence who has such an impairment on such date,
45 provided, in the case of the tenant's household member, that such person
46 has lived in the housing accommodation as such person's residence for a
47 period of no less than one year preceding such date. The tenant must
48 elect, within sixty days of the date the attorney general has accepted
49 the plan for filing, on forms promulgated by the attorney general and
50 presented to such tenants by the offeror, to become non-purchasing
51 tenants under the provisions of this section; provided, however, that if
52 the disability first occurs after acceptance of the plan for filing,
53 then such election may be made within sixty days following the onset of
54 such disability unless during the period subsequent to sixty days
55 following the acceptance of the plan for filing but prior to such
56 election, the offeror accepts a written agreement to purchase the apart-

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

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 such person's residence who is sixty-two years
14 of age or older on such date, provided, in the case of a tenant's house-
15 hold member, that such person has lived in the housing accommodation as
16 such person's residence for a period of no less than one year preceding
17 such date. The tenant must elect, within sixty days of the date the plan
18 is submitted to the department of law or on the date the attorney gener-
19 al has accepted the plan for filing, on forms promulgated by the attor-
20 ney general and presented to such tenants by the offeror, to become
21 non-purchasing tenants under the provisions of this section; provided
22 that such election shall not preclude any such tenant from subsequently
23 purchasing the dwelling unit on the terms then offered to tenants in
24 occupancy.

25 (g) "Eligible disabled persons". Non-purchasing tenants who have an
26 impairment which results from anatomical, physiological or psychological
27 conditions, other than addiction to alcohol, gambling, or any controlled
28 substance, which are demonstrable by medically acceptable clinical and
29 laboratory diagnostic techniques, and which are expected to be permanent
30 and which [~~prevent the tenant from engaging in any substantial gainful~~
31 ~~employment~~] are expected to be permanent and which substantially limit
32 one or more major life activities on the date the plan is submitted to
33 the department of law or on the date the attorney general has accepted
34 the plan for filing, and the spouses of any such tenants on such date,
35 [~~and who have elected~~] or any member of the tenant's household,
36 lawfully occupying the premises as such person's residence on such date,
37 provided in the case of a tenant's household member, that such person
38 has lived in the housing accommodation as such person's 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 plan is submitted to the
41 department of law or on the date the attorney general has accepted the
42 plan for filing, on forms promulgated by the attorney general and
43 presented to such tenants by the offeror, to become non-purchasing
44 tenants under the provisions of this section; provided, however, that if
45 the disability first occurs after acceptance of the plan for filing,
46 then such election may be made within sixty days following the onset of
47 such disability unless during the period subsequent to sixty days
48 following the acceptance of the plan for filing but prior to such
49 election, the offeror accepts a written agreement to purchase the apart-
50 ment from a bona fide purchaser; and provided further that such election
51 shall not preclude any such tenant from subsequently purchasing the
52 dwelling unit or the shares allocated thereto on the terms then offered
53 to tenants in occupancy.

54 § 4. This act shall take effect immediately.