

# 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 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 such person's 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 such person has lived in the housing  
11 accommodation as such person's residence for a period of no less than  
12 one year preceding such date. The tenant must elect, within sixty days  
13 of the date the attorney general has accepted the plan for filing, on  
14 forms promulgated by the attorney general and presented to such tenants  
15 by the offeror, to become non-purchasing tenants under the provisions of  
16 this subdivision; provided that such election shall not preclude any  
17 such tenant from subsequently purchasing the dwelling unit on the terms  
18 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-eee 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.