

# STATE OF NEW YORK

3758

2025-2026 Regular Sessions

## IN SENATE

January 29, 2025

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~~

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

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

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

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

35 (g) "Eligible disabled persons". Non-purchasing tenants who have an  
36 impairment which results from anatomical, physiological or psychological  
37 conditions, other than addiction to alcohol, gambling, or any controlled  
38 substance, which are demonstrable by medically acceptable clinical and  
39 laboratory diagnostic techniques, and which are expected to be permanent  
40 and which [~~prevent the tenant from engaging in any substantial gainful~~  
41 ~~employment~~] substantially limit one or more major life activities on the  
42 date the attorney general has accepted the plan for filing, and the  
43 spouses of any such tenants on such date, [~~and who have elected~~] or any  
44 member of the tenant's household, lawfully occupying the premises as  
45 such person's residence who has such an impairment on such date,  
46 provided, in the case of the tenant's household member, that such person  
47 has lived in the housing accommodation as such person's residence for a  
48 period of no less than one year preceding such date. The tenant must  
49 elect, within sixty days of the date the attorney general has accepted  
50 the plan for filing, on forms promulgated by the attorney general and  
51 presented to such tenants by the offeror, to become non-purchasing  
52 tenants under the provisions of this section; provided, however, that if  
53 the disability first occurs after acceptance of the plan for filing,  
54 then such election may be made within sixty days following the onset of  
55 such disability unless during the period subsequent to sixty days  
56 following the acceptance of the plan for filing but prior to such

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

6 § 3. Paragraphs (f) and (g) of subdivision 1 of section 352-eeee of  
7 the general business law, as amended by section 1 of part N of chapter  
8 36 of the laws of 2019, are amended to read as follows:

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

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

55 § 4. This act shall take effect immediately.