

TEXT OF REVISED REGULATIONS

The following are the Department of Law's revisions to 13 N.Y.C.R.R. Parts 18 and 23. Please note that pursuant to Department of State guidelines, deleted portions of the prior regulations are in brackets, additions to the prior regulations are underlined, and new additions to 13 N.Y.C.R.R. Parts 18 and 23 are normally formatted.

A new section 18.1(e)(5) is added to title 13 to read as follows:

(5) If the offering plan is submitted to the Department of Law on or after September 1, 2016 subject to *G.B.L. sections 352-e(2-a) or 352-eeee*, and the sponsor executed a contract of sale for the building or group of buildings or acquired the building or group of buildings on or after September 1, 2016, the notice shall also state:

If you are a senior citizen or disabled tenant as defined by *G.B.L. section 352-e(2-a)(a)(iii)* and *352-eeee(1)(f)* or *G.B.L. section 352-e(2-a)(a)(iv)* and *352-eeee(1)(g)*, respectively, you have additional rights and protections, including the right to elect to become a non-purchasing tenant within 60 days from the date you receive the filed offering plan from the sponsor. Senior citizen and disabled tenants are advised to read the section of the offering plan entitled "Rights of Eligible Senior Citizens and Eligible Disabled Persons."

If the offering plan is submitted to the Department of Law on or after July 1, 2016 pursuant to *G.B.L. sections 352-e(2-a) or 352-eeee*, and the sponsor executed a contract of sale for the building or group of buildings or acquired the building or group of buildings on or after July 1, 2016, the notice shall also include the eligible senior citizen and eligible disabled person election forms promulgated by the Department of Law, forms SH-1 and SH-2, respectively.

A new section 18.1(e)(6) is added to title 13 to read as follows:

(6) If the offering plan is submitted to the Department of Law on or after September 1, 2016 subject to *G.B.L. section 352-eee*, and the sponsor executed a contract of sale for the building or group of buildings or acquired the building or group of buildings on or after September 1, 2016, the notice shall also state:

If you are a senior citizen or disabled tenant as defined by *G.B.L. section 352-eee(1)(f)* or *G.B.L. section 352-eee(1)(g)*, respectively, you have additional rights and protections, including the right to elect to become a non-purchasing tenant. Senior citizen and disabled tenants are advised to read the section of the offering plan entitled “Rights of Eligible Senior Citizens and Eligible Disabled Persons.”

If the offering plan is submitted to the Department of Law on or after July 1, 2016 subject to *G.B.L. section 352-eee*, and the sponsor executed a contract of sale for the building or group of buildings or acquired the building or group of buildings on or after September 1, 2016, the notice shall also include the eligible senior citizen and eligible disabled person election forms promulgated by the Department of Law, forms SH-5 and SH-2, respectively.

Section 18.3(d) of title 13 is amended to read as follows:

(d) [In an eviction plan, if] If the offering plan is submitted to the Department of Law on or after September 1, 2016 subject to *G.B.L. section 352-eee* [is applicable], and the sponsor executed a contract of sale for the building or group of buildings or acquired the building or group of buildings on or after September 1, 2016, include the eligible senior citizen and eligible disabled person election forms promulgated by the Department of Law, forms SH-5 and SH-2, respectively. [In an eviction plan, if] If the offering plan is submitted to the Department of Law on or after September 1, 2016 subject to *G.B.L. section 352-e(2-a)* or *352-eee* [is applicable], and the sponsor executed a contract of sale for the building or group of buildings or acquired the building or group of buildings on or after September 1, 2016, include the eligible senior citizen and eligible disabled person election forms promulgated by the Department of Law, forms SH-1 and SH-2, respectively.

Section 18.3(l) of title 13 is amended to read as follows:

(l) Rights of eligible senior citizens and eligible disabled persons. If the offering plan is submitted to the Department of Law on or after September 1, 2016 subject to *G.B.L., section 352-e(2-a)*, *352-eee* or *352-eee* [is applicable], and the sponsor executed a contract of sale for the building or group of buildings or acquired the

building or group of buildings on or after September 1, 2016, [and the plan provides that it is an eviction plan,]
include the following information on the rights of eligible senior citizens and eligible disabled persons.

A new section 18.5(e)(10) is added to title 13 to read as follows:

(10) If the plan was submitted on or after September 1, 2016 subject to *G.B.L. sections 352-e(2-a), 352-eee, or 352-eeee*, and the sponsor executed a contract of sale for the building or group of buildings or acquired the building or group of buildings on or after September 1, 2016, include copies of all executed eligible senior citizen and/or eligible disabled person election forms (forms SH-1/SH-5 and SH-2, respectively), if any. In such instances, sponsor must also submit to the Department of Law, if requested, copies of the renewal leases for any tenants who have elected eligible senior citizen or eligible disabled person status.

A new section 23.1(e)(5) is added to title 13 to read as follows:

(5) If the offering plan is submitted to the Department of Law on or after September 1, 2016 subject to *G.B.L. sections 352-e(2-a) or 352-eeee*, and the sponsor executed a contract of sale for the building or group of buildings or acquired the building or group of buildings on or after September 1, 2016, the notice shall also state:

If you are a senior citizen or disabled tenant as defined by *G.B.L. section 352-e(2-a)(a)(iii)* and *352-eeee(1)(f)* or *G.B.L. section 352-e(2-a)(a)(iv)* and *352-eeee(1)(g)*, respectively, you have additional rights and protections, including the right to elect to become a non-purchasing tenant within 60 days from the date you receive the filed offering plan from the sponsor. Senior citizen and disabled tenants are advised to read the section of the offering plan entitled “Rights of Eligible Senior Citizens and Eligible Disabled Persons.”

If the offering plan is submitted to the Department of Law on or after September 1, 2016 pursuant to *G.B.L. sections 352-e(2-a) or 352-eeee*, and the sponsor executed a contract of sale for the building or group of buildings or acquired the building or group of buildings on or after September 1, 2016, the notice shall also

include the eligible senior citizen and eligible disabled person election forms promulgated by the Department of Law, forms SH-1 and SH-2, respectively.

A new section 23.1(e)(6) is added to title 13 to read as follows:

(6) If the offering plan is submitted to the Department of Law on or after September 1, 2016 subject to *G.B.L. sections 352-eee*, and the sponsor executed a contract of sale for the building or group of buildings or acquired the building or group of buildings on or after September 1, 2016, the notice shall also state:

If you are a senior citizen or disabled tenant as defined by *G.B.L. section 352-eee(1)(f)* or *G.B.L. section 352-eee(1)(g)*, respectively, you have additional rights and protections, including the right to elect to become a non-purchasing tenant. Senior citizen and disabled tenants are advised to read the section of the offering plan entitled “Rights of Eligible Senior Citizens and Eligible Disabled Persons.”

If the offering plan is submitted to the Department of Law on or after September 1, 2016 subject to *G.B.L. sections 352-eee*, and the sponsor executed a contract of sale for the building or group of buildings or acquired the building or group of buildings on or after September 1, 2016, the notice shall also include the eligible senior citizen and eligible disabled person election forms promulgated by the Department of Law, forms SH-5 and SH-2, respectively.

Section 23.3(d) of title 13 is amended to read as follows:

(d) Election forms for eligible senior citizens and eligible disabled persons. [In an eviction plan, if] If the offering plan is submitted to the Department of Law on or after September 1, 2016 subject to *G.B.L. section 352-eee* [is applicable], and the sponsor executed a contract of sale for the building or group of buildings or acquired the building or group of buildings on or after September 1, 2016, include the eligible senior citizen and eligible disabled person election forms promulgated by the Department of Law, forms SH-5 and SH-2, respectively. [In an eviction plan, if] If the offering plan is submitted to the Department of Law on or after September 1, 2016 subject to *G.B.L. section 352-e(2-a)* or *352-eeee* [is applicable], and the sponsor executed a

contract of sale for the building or group of buildings or acquired the building or group of buildings on or after September 1, 2016, include the eligible senior citizen and eligible disabled person election forms promulgated by the Department of Law, forms SH-1 and SH-2, respectively.

Section 23.3(m) of title 13 is amended to read as follows:

(m) Rights of eligible senior citizens and eligible disabled persons. If the offering plan is submitted to the Department of Law on or after September 1, 2016 subject to G.B.L. section 352-e(2-a), 352-eee or 352-eeee [~~is applicable~~] (or in cases where applicable local law confers special rights for senior citizens, disabled persons, or other protected class of tenants), [and the plan provides that it is an eviction plan,] and the sponsor executed a contract of sale for the building or group of buildings or acquired the building or group of buildings on or after September 1, 2016, include the following information on the rights of eligible senior citizens and eligible disabled persons.

Section 23.3(n)(8) of title 13 is amended to read as follows:

(8) Highlight as special risk and discuss if by reason of the termination of real estate tax benefits, tenants will no longer be subject to rent regulation. State when rent regulation will cease. If the plan is [an eviction plan] submitted to the Department of Law on or after September 1, 2016 subject to G.B.L. section 352-eee, [or] 352-eeee, or [is a plan subject to] section 352-e (2-a), and the sponsor executed a contract of sale for the building or group of buildings or acquired the building or group of buildings on or after September 1, 2016, discuss any protection against rent increases for eligible senior citizens and disabled persons contained in those sections. [If the plan is a noneviction plan subject to *G.B.L. section 352-eee or 352-eeee*, discuss any protection against rent increases for nonpurchasing tenants contained in those sections.]

A new section 23.5(e)(10) is added to title 13 to read as follows:

(10) If the plan was submitted to the Department of Law on or after September 1, 2016 subject to *G.B.L. sections 352-e(2-a), 352-eee, or 352-eeee*, and the sponsor executed a contract of sale for the building or group

of buildings on or after September 1, 2016, include copies of all executed eligible senior citizen and/or eligible disabled person election forms (forms SH-1/SH-5 and SH-2, respectively), if any. In such instances, sponsor must also submit to the Department of Law, if requested, copies of the renewal leases for any tenants who have elected eligible senior citizen or eligible disabled person status.