



**MEMORANDUM IN SUPPORT  
Real Property Law Section**

RPLS #1

A.7533

S.3758

By: M. of A. Hermelyn

By: Senator Cleare

Senate Committee: Senate Housing,

Construction and Community Development

Assembly Committee: Housing

Effective Date: This act shall take effect immediately and shall apply to laws adopted on or after such effective date.

An ACT to amend the general business law, in relation to senior citizens and disabled persons.

**LAW & SECTION REFERRED TO:** The legislation would amend General Business Law (GBL) sections 352-e, 352-eee, and 352-eeee.

**THE REAL PROPERTY LAW SECTION SUPPORTS THIS LEGISLATION**

The Real Property Law Section (the “Section”) Committee on Condominiums and Cooperatives, having reviewed the proposed legislation, supports the passage of A.7533 and S.3758. This bill is necessary to extend critical eviction protections to vulnerable senior citizens and disabled persons who lawfully reside in buildings undergoing cooperative or condominium conversions, even if they are not the “tenant of record.”

**Background and Necessity of the Legislation**

Under current General Business Law (352-e(2-a), 352-eee, and 352-eeee), non-purchasing tenants who are senior citizens or disabled are granted permanent protection from eviction during conversion plans. However, these protections are currently limited to the named tenant on the lease.

This legal gap creates significant hardship for lawful tenants—such as a disabled child or an elderly parent—who live with the tenant of record but do not hold the lease themselves. For example, in *Belmont East Co. v. Abrams*, the court held that a tenant living with her 76-year-old blind mother was not entitled to protection because the named tenant herself was not disabled. Similarly, the Attorney General has been forced to deny protections to tenants residing with severely disabled children because the child was not the tenant of record. These individuals face specialized burdens in finding alternative housing and are often unable to purchase shares in the conversion.

**Summary of Key Issues and Reasons for Support**

The Martin Act is a statute that aims to promote homeownership while protecting existing tenants. In order to balance these interests effectively, the definition of non-purchasing tenant should be

structured to reflect existing conditions within the household – in particular, to protect not only the tenant of record, but also the lawful senior citizens and disabled occupants residing in the Unit and who are part of the household of such tenant of record.

By expanding the definitions of “elderly” and “disabled” persons to include any tenant in addition to the named tenant of record who lawfully resides with the named tenant, this bill preserves the *status quo* for all occupants who deserve housing security. Furthermore, the bill modernizes the definition of “disabled” to include anyone whose impairment substantially limits one or more major life activities, moving away from the outdated requirement that a person must be “unable to work” to qualify for protection. This change aligns the Martin Act with the New York Human Rights Law and the federal Fair Housing Amendments Act of 1988.

### **Conclusion**

Assembly Bill A.7533 (2026) and Senate Bill S.3758 (2026) help to protect vulnerable residents from the threat of eviction during the complex process of residential conversions. By closing the loophole regarding “tenants of record” and modernizing the definition of disability, the legislature can ensure that seniors and disabled New Yorkers are not unfairly displaced from their homes.

The Section SUPPORTS this legislation and urges the New York State Legislature to pass Assembly Bill A.7533 (2026) and Senate Bill S.3758 (2026) to provide these protections to those who lawfully reside in our state's cooperative and condominium communities.