S T A T E O F N E W Y O R K

5511

2009-2010 Regular Sessions

I N A S S E M B L Y

February 13, 2009

Introduced by M. of A. ENGLEBRIGHT -- read once and referred to the Committee on Aging

AN ACT to amend the elder law, in relation to establishing the home repair services for elderly program

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The elder law is amended by adding a new section 224 to read as follows:

S 224. HOME REPAIR SERVICES FOR THE ELDERLY PROGRAM. 1. DEFINITIONS. AS USED IN THIS SECTION:

(A) "ADVISORY COMMITTEE" SHALL MEAN THE ADVISORY COMMITTEE CONVENED BY THE DIRECTOR PURSUANT TO SUBDIVISION THREE OF THIS SECTION.

(B) "DIRECTOR" SHALL MEAN THE DIRECTOR OF THE OFFICE FOR THE AGING.

(C) "HOME REPAIR SERVICE" SHALL MEAN A DEMAND BASED SERVICE FOR OLDER ADULTS INCLUDING, BUT NOT LIMITED TO, THE FOLLOWING:

(1) CONSTRUCTION, IN OR AROUND THE HOME, TO IMPROVE SAFETY OR MOBILITY INCLUDING, BUT NOT LIMITED TO, THE INSTALLATION OF GRAB BARS, RAILINGS, RAMPS, LIGHTING, OR SMOKE OR CARBON MONOXIDE DETECTORS; UPGRADING NONCOMPLIANT HEATING AND VENTILATION SYSTEMS OR ELECTRICAL FIXTURES; AND THE REPAIR OR REPLACEMENT OF MALFUNCTIONING DOORS OR WINDOWS;

(2) REPAIRS, IN OR AROUND THE HOME, TO IMPROVE SAFETY OR MOBILITY;

(3) SUPPLY OF MATERIALS USED FOR CONSTRUCTION OR REPAIRS, IN OR AROUND THE HOME; AND

(4) MAINTENANCE, IN OR AROUND THE HOME, THAT IS EITHER REQUIRED BY THE OLDER ADULT'S COMMUNITY; NECESSARY FOR SAFETY OR INTEGRAL IN MAINTAINING PROPERTY OR PRESERVING ITS VALUE INCLUDING, BUT NOT LIMITED TO, YARD WORK, SNOW REMOVAL AND GUTTER MAINTENANCE; OR OTHER UPKEEP TO THE PREMISES.

(D) "IN OR AROUND THE HOME" SHALL MEAN REAL PROPERTY WHERE AN OLDER ADULT RESIDES AND IS OWNED, LEASED OR RENTED BY SUCH ADULT.

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

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(E) "OLDER ADULT" SHALL MEAN A PERSON WHO IS SIXTY YEARS OF AGE OR OLDER.

(F) "PROGRAM" SHALL MEAN THE HOME REPAIR SERVICES FOR THE ELDERLY PROGRAM ESTABLISHED PURSUANT TO THIS SECTION.

(G) "SUSTAINABILITY PLAN" SHALL MEAN A FORMAL WRITTEN PLAN TO BE SUBMITTED TO THE DIRECTOR WHICH SHALL SET FORTH THE STEPS THAT WILL BE TAKEN BY AN AREA AGENCY ON AGING TO OBTAIN THE NECESSARY FINANCIAL RESOURCES FOR A HOME REPAIR SERVICE FOR THE ELDERLY PROGRAM UNDER THIS SECTION TO BE SELF-SUSTAINING. SUCH STEPS MAY INCLUDE PLANS TO PARTNER WITH COMMUNITY ORGANIZATIONS AND/OR OTHER LOCAL FUNDRAISING ACTIVITIES AND DEVELOPING A FEE SCALE BASED ON INCOME FOR OLDER ADULTS WHO USE THE SERVICES OF THE HOME REPAIR SERVICE FOR THE ELDERLY PROGRAM.

2. THE DIRECTOR SHALL, WITHIN AMOUNTS APPROPRIATED THEREFORE, ESTABLISH A HOME REPAIR SERVICE FOR THE ELDERLY PROGRAM FOR THE PURPOSE OF IMPROVING THE ABILITY OF OLDER ADULTS TO REMAIN SAFELY AND COMFORTABLY IN THEIR HOMES. THE DIRECTOR SHALL AWARD GRANTS TO QUALIFIED AREA AGENCIES ON AGING TO ESTABLISH PROGRAMS.

3. PRIOR TO IMPLEMENTING THE PROGRAM, THE DIRECTOR SHALL CONVENE AN ADVISORY COMMITTEE. SUCH COMMITTEE SHALL BE COMPOSED OF OLDER ADULTS AND SENIOR CITIZEN GROUP REPRESENTATIVES FROM THROUGHOUT ALL THE GEOGRAPHIC AREAS OF THE STATE. THE ADVISORY COMMITTEE SHALL DEVELOP AND RECOMMEND TO THE DIRECTOR APPROPRIATE CRITERIA FOR THE SELECTION OF GRANTEES OF FUNDS UNDER THE PROGRAM. THE ADVISORY COMMITTEE SHALL FURTHER AID THE DIRECTOR IN DEVELOPING CRITERIA FOR THE PROGRAM WHICH SHALL INCLUDE, BUT NOT BE LIMITED TO:

(A) THE TYPES OF SERVICES TO BE PROVIDED BY THE PROGRAM;

(B) MONETARY AND TIME LIMITATIONS FOR PROGRAM SERVICES;

(C) CRITERIA FOR THE SELF-SUSTAINABILITY PLAN; AND

(D) THE QUALIFICATIONS AND CREDENTIALS OF INDIVIDUALS OR ENTITIES WHO WILL PROVIDE SERVICES UNDER THE PROGRAM.

4. THE ADVISORY COMMITTEE SHALL ASSIST THE DIRECTOR WITH DESIGNING AN EVALUATION TOOL FOR THE PROGRAM. THE PROGRAM SHALL BE EVALUATED BY THE DIRECTOR TO DETERMINE ITS EFFECTIVENESS. NO LATER THAN ONE YEAR AFTER THE ESTABLISHMENT OF THE PROGRAM, THE DIRECTOR SHALL REPORT ON THE EFFECTIVENESS OF THE PROGRAM TO THE GOVERNOR, THE SPEAKER OF THE ASSEMBLY, THE TEMPORARY PRESIDENT OF THE SENATE, THE CHAIR OF THE ASSEMBLY AGING COMMITTEE AND THE CHAIR OF THE SENATE AGING COMMITTEE.

5. THE OFFICE MAY USE UP TO FIVE PERCENT OF THE TOTAL OF ANY FUNDS PROVIDED TO A DESIGNATED AGENCY PURSUANT TO THIS SECTION FOR ADMINISTRATION.

6. AN AREA AGENCY MAY USE UP TO FIVE PERCENT OF THE TOTAL OF ANY FUNDS IT RECEIVES PURSUANT TO THIS SECTION FOR ADMINISTRATION.

S 2. This act shall take effect immediately.