

7067--A

2009-2010 Regular Sessions

I N A S S E M B L Y

March 19, 2009

Introduced by M. of A. GUNTHER, LIFTON, LUPARDO -- Multi-Sponsored by --
M. of A. DESTITO -- read once and referred to the Committee on Aging
-- reported and referred to the Committee on Ways and Means -- commit-
tee discharged, bill amended, ordered reprinted as amended and recom-
mitted to said committee

AN ACT to amend the elder law, in relation to establishing a program to
encourage retirees to make their homes in New York state

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

1 Section 1. Short title. This act shall be known and may be cited as
2 the "New York certified retirement community act," and the program
3 created hereunder shall be known as the "New York Livable Integrated
4 Elder Friendly Retirement Communities (New York LIFE) program."
5 S 2. Section 301 of the elder law is designated title 1 and a new
6 title heading is added to read as follows:
7 MATURE WORKER TASK FORCE
8 S 3. Article 3 of the elder law is amended by adding a new title 2 to
9 read as follows:
10 TITLE 2
11 NEW YORK CERTIFIED RETIREMENT COMMUNITY PROGRAM
12 SECTION 310. DEFINITIONS.
13 311. THE NEW YORK CERTIFIED RETIREMENT COMMUNITY PROGRAM;
14 CREATION.
15 312. LEGISLATIVE INTENT.
16 313. RULES AND REGULATIONS.
17 314. DESIGNATION.
18 315. NEW YORK CERTIFIED RETIREMENT COMMUNITY PROGRAM; LOCAL
19 COMMITTEES.
20 316. NEW YORK CERTIFIED RETIREMENT COMMUNITY PROGRAM; ASSIST-
21 ANCE.
22 317. REPORT.

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

LBD02181-05-9

318. ASSISTANCE OF OTHER AGENCIES.

S 310. DEFINITIONS. AS USED IN THIS TITLE:

1. "CERTIFIED RETIREMENT COMMUNITY" MEANS ANY COMMUNITY SITE THAT MEETS THE REQUIREMENTS OF THIS TITLE AND IS THEREFORE DESIGNATED AS A CERTIFIED RETIREMENT COMMUNITY BY THE OFFICE. SUCH DESIGNATION SHALL BE FOR A DURATION OF NOT MORE THAN FIVE YEARS, AND MAY BE RENEWED THEREAFTER BY MAKING APPLICATION TO SUCH DIRECTOR.

2. "COMMUNITY SITE" MEANS A CITY, TOWN, OR VILLAGE, OR A PORTION THEREOF DESIGNATED BY SUCH CITY, TOWN, OR VILLAGE, WHICH APPLIES TO BE A CERTIFIED RETIREMENT COMMUNITY.

3. "ASSESSMENT INSTRUMENT" MEANS AN INSTRUMENT RECOMMENDED BY THE RETIREMENT COMMUNITY ADVISORY COMMITTEE AND APPROVED BY THE DIRECTOR THAT WILL ALLOW A COMMUNITY SITE TO ASSESS WHETHER IT HAS THE FACTORS THAT QUALIFY IT AS A CERTIFIED RETIREMENT COMMUNITY. SUCH ASSESSMENT INSTRUMENT SHALL PROVIDE A COMMUNITY SITE WITH A MEANS OF EVALUATING CRITERIA IMPORTANT TO RETIREES, INCLUDING BUT NOT LIMITED TO SUCH FACTORS AS WHETHER THE COMMUNITY CHARACTERISTICS ADDRESS BASIC NEEDS, OPTIMIZE PHYSICAL AND MENTAL HEALTH AND WELL-BEING, MAXIMIZE INDEPENDENCE FOR THE FRAIL AND DISABLED, AND PROMOTE SOCIAL AND CIVIC ENGAGEMENT, AND SUCH OTHER QUANTITATIVE AND QUALITATIVE FACTORS AS WILL BE ATTRACTIVE TO RETIREES. SUCH FACTORS WILL BE MADE PUBLIC FOR THOSE COMMUNITY SITES DESIGNATED AS CERTIFIED RETIREMENT COMMUNITIES. SPECIFIC FACTORS CONSIDERED MAY INCLUDE:

(A) LOCAL TAXES AND THE EFFECT ON RETIREES WHEN COMBINED WITH STATE TAXES, TAX CREDITS, AND OTHER TAX PROGRAMS;

(B) HOUSING OPPORTUNITIES AND COST, AND THE CONTINUUM OF HOUSING OPPORTUNITIES INCLUDING BUT NOT LIMITED TO INDEPENDENT AND SUBSIDIZED HOUSING, ASSISTED LIVING AND SHARED HOUSING OPPORTUNITIES AND INCLUDING HOUSING OPPORTUNITIES WHICH ACCOMMODATE MOBILITY AND SAFETY;

(C) CLIMATE;

(D) PERSONAL SAFETY;

(E) WORK OPPORTUNITIES;

(F) HEALTH CARE SERVICES AND OTHER SERVICES ALONG THE CONTINUUM OF SERVICES INCLUDING, BUT NOT LIMITED TO, HOME AND COMMUNITY BASED SERVICES;

(G) TRANSPORTATION, INCLUDING WHETHER SUCH TRANSPORTATION IS ACCESSIBLE AND AFFORDABLE;

(H) CONTINUING EDUCATION, INCLUDING CREDIT AND NON-CREDIT COURSE OPPORTUNITIES AND COSTS;

(I) SPORTS AND RECREATION OPPORTUNITIES, INCLUDING ACTIVE AND PASSIVE OPPORTUNITIES;

(J) THE PERFORMING ARTS, FESTIVALS, AND EVENTS;

(K) THE ABILITY OF THE SERVICE SYSTEM TO AID OR ENABLE PEOPLE TO LIVE COMFORTABLY AND SAFELY AT HOME; AND

(L) SUCH OTHER FACTORS AS SHALL BE DETERMINED BY THE ADVISORY COMMITTEE AND APPROVED BY THE DIRECTOR, PROVIDED THAT THE DIRECTOR, ON ADVICE OF THE ADVISORY COMMITTEE, MAY MODIFY THE FACTORS LISTED IN THIS SUBDIVISION IN FAVOR OF OTHER MEASURES, CRITERIA, AND METRICS.

4. "RETIREMENT COMMUNITY ADVISORY COMMITTEE" OR "ADVISORY COMMITTEE" SHALL MEAN AN ADVISORY COMMITTEE OF FIFTEEN PERSONS WHOSE PURPOSE SHALL BE TO REVIEW COMPLETED ASSESSMENT INSTRUMENTS FROM COMMUNITY SITES AND MAKE RECOMMENDATIONS TO THE DIRECTOR, AND TO MAKE RECOMMENDATIONS CONCERNING THE CONDUCT AND SCOPE OF THE NEW YORK CERTIFIED RETIREMENT COMMUNITY PROGRAM, AND FOR IMPROVING ITS EFFECTIVENESS, TO THE DIRECTOR. MEMBERS OF THE ADVISORY COMMITTEE SHALL INCLUDE, EX OFFICIO, THE FOLLOWING: THE SECRETARY OF STATE, THE CHANCELLOR OF THE STATE UNIVERSITY OF

1 NEW YORK, THE COMMISSIONER OF EDUCATION, THE COMMISSIONER OF HEALTH, THE
2 COMMISSIONER OF THE DEPARTMENT OF LABOR, THE COMMISSIONER OF CHILDREN
3 AND FAMILY SERVICES, AND THE COMMISSIONER OF TAXATION AND FINANCE. THE
4 GOVERNOR SHALL APPOINT AN ADDITIONAL EIGHT PERSONS TO THE ADVISORY
5 COMMITTEE, OF WHOM TWO SHALL BE ON THE RECOMMENDATION OF THE TEMPORARY
6 PRESIDENT OF THE SENATE, TWO ON THE RECOMMENDATION OF THE SPEAKER OF THE
7 ASSEMBLY, ONE ON THE RECOMMENDATION OF THE MINORITY LEADER OF THE
8 SENATE, AND ONE ON THE RECOMMENDATION OF THE MINORITY LEADER OF THE
9 ASSEMBLY. ALL SUCH APPOINTEES SHALL HAVE THE EXPERTISE IN THE AREA OF
10 RETIREMENT AND RETIREMENT COMMUNITIES. THE GOVERNOR SHALL DESIGNATE A
11 CHAIR OF THE ADVISORY COMMITTEE FROM AMONG THE MEMBERS. THE DIRECTOR
12 SHALL ATTEND MEETINGS BUT SHALL NOT BE A VOTING MEMBER. ALL EX OFFICIO
13 MEMBERS MAY DESIGNATE AN ALTERNATE, WHO SHALL HAVE THE FULL POWER TO ACT
14 ON BEHALF OF THE OFFICIAL. THE WORK OF THE COMMITTEE SHALL BEGIN AS SOON
15 AS A QUORUM IS ESTABLISHED BY THE APPOINTMENT OF A MAJORITY OF THE
16 MEMBERS TO BE DESIGNATED PURSUANT TO THIS SUBDIVISION, AND THE FAILURE
17 OF ANY INDIVIDUAL OR INSTITUTION TO MAKE RECOMMENDATIONS TO THE GOVERNOR
18 FOR APPOINTMENT TO THE COMMITTEE SHALL NOT BE A SUFFICIENT REASON TO
19 DELAY THE WORK OF THE COMMITTEE.

20 5. "RETIREE" MEANS A PERSON WHO IS AGED FIFTY-FIVE OR OLDER AND WHO IS
21 RETIRING OR IS PLANNING TO RETIRE FROM HIS OR HER CURRENT EMPLOYMENT.

22 S 311. THE NEW YORK CERTIFIED RETIREMENT COMMUNITY PROGRAM; CREATION.
23 THE NEW YORK CERTIFIED RETIREMENT COMMUNITY PROGRAM IS HEREBY CREATED
24 WITHIN THE OFFICE, WHERE IT SHALL BE KNOWN AND MAY BE REFERRED TO AS THE
25 NEW YORK LIVABLE INTEGRATED ELDER FRIENDLY RETIREMENT COMMUNITIES (NEW
26 YORK LIFE) PROGRAM. ITS PURPOSE SHALL BE TO PROMOTE THE COMMUNITY SITES
27 CHOSEN AS CERTIFIED RETIREMENT COMMUNITIES AS PREMIER RETIREMENT DESTI-
28 NATIONS FOR RETIREES AND PROSPECTIVE RETIREES, AND TO ASSIST SUCH
29 CITIES, TOWNS, VILLAGES AND PORTIONS THEREOF IN PROVIDING AND ENHANCING
30 AMENITIES THAT RETIREES WILL FIND ATTRACTIVE AND IN MARKETING THEMSELVES
31 THROUGH SUCH MEANS AS JOINT STATE-LOCAL AND PRIVATE MARKETING EFFORTS,
32 TECHNICAL ASSISTANCE, NETWORKING OPPORTUNITIES AND OTHER SUPPORTS.

33 S 312. LEGISLATIVE INTENT. THE LEGISLATURE HEREBY FINDS AND DECLARES
34 THAT THE NEW YORK CERTIFIED RETIREMENT COMMUNITY PROGRAM CREATED PURSU-
35 ANT TO THIS TITLE IN EVERY RESPECT SERVES AN APPROPRIATE PUBLIC PURPOSE
36 OF THE STATE AND ALL OF ITS CITIZENS BY PROVIDING ENHANCED OPPORTUNITIES
37 FOR QUALITY OF LIFE FOR SENIORS AND RETIREES, EXPANSION OF COMMUNITY AND
38 ECONOMIC DEVELOPMENT OPPORTUNITIES, AND AS A MEANS OF ENRICHING THE MANY
39 DIVERSE COMMUNITIES OF THIS STATE.

40 S 313. RULES AND REGULATIONS. THE DIRECTOR SHALL ADOPT RULES AND REGU-
41 LATIONS ESTABLISHING THE MANNER BY WHICH A COMMUNITY SITE MAY BE
42 INITIALLY DESIGNATED AND SUBSEQUENTLY RETAIN OR RENEW ITS STATUS AS A
43 CERTIFIED RETIREMENT COMMUNITY. IN ADOPTING SUCH RULES AND REGULATIONS,
44 THE DIRECTOR SHALL CONSULT WITH THE ADVISORY COMMITTEE.

45 S 314. DESIGNATION. 1. IN ORDER TO BE DESIGNATED AS A CERTIFIED
46 RETIREMENT PROGRAM PURSUANT TO THIS SECTION, THE GOVERNING BODY OF A
47 CITY, TOWN OR VILLAGE WHICH IS OR WHICH CONTAINS A COMMUNITY SITE SHALL
48 SUBMIT AN APPLICATION TO THE DIRECTOR UPON A FORM ESTABLISHED BY THE
49 DIRECTOR AND ACCOMPANIED BY A RESOLUTION OF SUCH BODY STATING ITS DESIRE
50 FOR THE COMMUNITY SITE TO BE DESIGNATED AS A CERTIFIED RETIREMENT COMMU-
51 NITY, ALONG WITH THE COMPLETED ASSESSMENT INSTRUMENT AND AT THE OPTION
52 OF SUCH GOVERNING BODY OR IF REQUIRED BY THE DIRECTOR, ANY ADDITIONAL
53 SUPPORTING DATA THAT SHALL FURTHER EXPLICATE THE ABILITY OF THE COMMUNI-
54 TY TO MEET THE PURPOSES AND GOALS OF THE PROGRAM. IN THE CASE OF A
55 COMMUNITY SITE WHICH IS LOCATED WITHIN A VILLAGE AND A TOWN, ONLY THE
56 VILLAGE NEED SUBMIT THE APPLICATION AND PROVIDE THE RESOLUTION, AND IN

1 THE CASE OF A COMMUNITY SITE LOCATED IN MORE THAN ONE ADJACENT MUNICI-
2 PALITY, ALL SUCH ADJACENT VILLAGES OR TOWNS SHALL SUBMIT THE APPLICATION
3 AND RESOLUTIONS.

4 2. THE ADVISORY COMMITTEE SHALL REVIEW THE APPLICATION AND ALL
5 SUPPORTING MATERIALS AND SHALL ADVISE THE DIRECTOR AS TO WHETHER THE
6 COMMUNITY SITE MEETS THE REQUIREMENTS OF BECOMING A NEW YORK CERTIFIED
7 RETIREMENT COMMUNITY PROGRAM BY MEETING OR EXCEEDING EACH METRIC OF THE
8 REQUIRED CRITERIA ON THE ASSESSMENT INSTRUMENT.

9 3. IF THE ADVISORY COMMITTEE ADVISES THE DIRECTOR THAT THE COMMUNITY
10 SITE MEETS THE REQUIREMENTS, THEN THE DIRECTOR SHALL TELL THE COMMUNITY
11 SITE SPONSORS AND MUNICIPALITIES IN WRITING THAT IT MAY ADVERTISE ITSELF
12 AS A NEW YORK CERTIFIED RETIREMENT COMMUNITY PROGRAM, AND WILL BE ELIGI-
13 BLE FOR SUPPORT, ADVICE, AND HELP PURSUANT TO THE NEW YORK CERTIFIED
14 RETIREMENT COMMUNITY PROGRAM.

15 4. IF THE ADVISORY COMMITTEE ADVISES THE DIRECTOR THAT THE COMMUNITY
16 SITE DOES NOT MEET THE REQUIREMENTS OF THIS TITLE, THEN THE DIRECTOR
17 SHALL NOTIFY THE COMMUNITY SITE SPONSORS AND MUNICIPALITIES IN WRITING
18 OF THE DEFICIENCIES IN ITS APPLICATION. THE DIRECTOR SHALL DESCRIBE THE
19 DEFICIENCIES AND SUGGEST A MEANS OF ADDRESSING THEM.

20 S 315. NEW YORK CERTIFIED RETIREMENT COMMUNITY PROGRAM; LOCAL COMMIT-
21 TEES. UPON DESIGNATION AS A CERTIFIED RETIREMENT COMMUNITY, THE COMMU-
22 NITY SITE SHALL ESTABLISH A RETIREMENT COMMUNITY STEERING COMMITTEE AND
23 NOT LESS THAN FOUR SUBCOMMITTEES AS FOLLOWS:

24 1. A COMMUNITY AMENITIES SUBCOMMITTEE" WHICH SHALL DEVELOP A PORTFOLIO
25 CONTAINING AN UNBIASED INVENTORY OF COMMUNITY AMENITIES AS SHALL FURTHER
26 BE DEFINED BY THE DIRECTOR;

27 2. A "COMMUNITY RELATIONS/FUNDRAISING SUBCOMMITTEE" WHICH SHALL RAISE
28 FUNDS REQUIRED TO CONDUCT THE PROGRAM, ORGANIZE SPECIAL EVENTS, AND
29 PROMOTE AND COORDINATE THE PROGRAM WITH LOCAL ENTITIES;

30 3. A "MARKETING AND PROMOTION SUBCOMMITTEE" WHICH SHALL DEVELOP A
31 MARKETING PLAN, AND COORDINATE ADVERTISING AND PUBLIC RELATIONS; AND

32 4. AN "AMBASSADORS SUBCOMMITTEE" WHICH SHALL CONTACT WITH PROSPECTIVE
33 RETIREES, RESPOND TO INQUIRIES FROM SUCH PROSPECTS, LOG CONTACTS MADE,
34 PROVIDE TOURS AND INVITE PROSPECTS TO SPECIAL COMMUNITY EVENTS.

35 S 316. NEW YORK CERTIFIED RETIREMENT COMMUNITY PROGRAM; ASSISTANCE. 1.
36 THE DIRECTOR SHALL, WITHIN FUNDS APPROPRIATED TO THE NEW YORK CERTIFIED
37 RETIREMENT COMMUNITY PROGRAM, PROVIDE ONGOING ASSISTANCE TO NEW YORK
38 CERTIFIED RETIREMENT COMMUNITY PROGRAMS, INCLUDING BUT NOT LIMITED TO:

39 (A) TRAINING OF LOCAL STAFF AND VOLUNTEERS;

40 (B) OVERSIGHT AND GUIDANCE IN MARKETING, AND UPDATING ON NATIONAL
41 RETIREMENT TRENDS;

42 (C) PROMOTING THE COMMUNITY THROUGH INCLUSION IN THE STATE'S NATIONAL
43 ADVERTISING AND PUBLIC RELATIONS CAMPAIGNS, TRAVEL SHOW PROMOTIONS AND
44 ON APPROPRIATE STATE INTERNET WEBSITES; AND

45 (D) FINANCIAL ASSISTANCE FOR BROCHURES, SUPPORT MATERIAL AND ADVERTIS-
46 ING.

47 2. AS APPROPRIATE, THE DIRECTOR SHALL SEEK THE HELP OF THE ADVISORY
48 COMMITTEE, OR MEMBERS THEREOF, IN HELPING TO PROMOTE AND MARKET NEW YORK
49 CERTIFIED RETIREMENT COMMUNITY PROGRAMS. EACH INDIVIDUAL MEMBER OF THE
50 COMMITTEE IS HEREBY AUTHORIZED TO PROVIDE ANY SUCH ASSISTANCE REQUESTED.

51 S 317. REPORT. THE DIRECTOR SHALL PROVIDE AN ANNUAL REPORT TO THE
52 GOVERNOR AND THE LEGISLATURE ON THE DESIGNATION AND STATUS OF CERTIFIED
53 RETIREMENT COMMUNITIES WITHIN THE STATE, AND THEIR SUCCESS IN ATTRACTING
54 AND RETAINING RETIREES AND IN CREATING NEW YORK CERTIFIED RETIREMENT
55 COMMUNITIES DESTINATION COMMUNITIES. SUCH REPORT SHALL INCLUDE ANY
56 RECOMMENDATIONS BY THE DIRECTOR FOR IMPROVING OR CHANGING THE PROGRAM.

1 S 318. ASSISTANCE OF OTHER AGENCIES. THE DIRECTOR MAY SEEK AND SHALL
2 BE ENTITLED TO RECEIVE FROM OTHER STATE AGENCIES SUCH ASSISTANCE AS MAY
3 BE REQUIRED TO PERFORM SUCH DIRECTOR'S DUTIES PURSUANT TO THIS SECTION.
4 S 4. This act shall take effect on the first of April of the calendar
5 year next succeeding the year in which it shall have become a law,
6 provided that the director of the office for the aging shall implement
7 any rules and regulations and may produce any documents or guidelines
8 necessary to implement the program created by this act prior to such
9 date.