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

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2009-2010 Regular Sessions

I N A S S E M B L Y

February 20, 2009

Introduced by M. of A. ENGLEBRIGHT, JAFFEE, MILLMAN, BOYLAND, SCHROEDER, ROSENTHAL, BROOK-KRASNY, BENEDETTO, JACOBS, CYMBROWITZ, GUNTHER, ORTIZ, LUPARDO, COOK, GALEF, O'DONNELL, CARROZZA, LAVINE -- Multi-Sponsored by -- M. of A. ABBATE, BING, BRENNAN, COLTON, DESTITO, DIAZ, GABRYSZAK, GOTTFRIED, JOHN, KOON, V. LOPEZ, MAISEL, McENENY, PHEFFER, ROBINSON, SCHIMEL, STIRPE, WEISENBERG -- read once and referred to the Committee on Aging

AN ACT to amend the elder law, in relation to the naturally occurring retirement community supportive service program

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

Section 1. Paragraphs (b) and (f) of subdivision 1 of section 209 of the elder law are amended to read as follows:

(b) "Elderly" or "elderly persons" shall mean persons who are sixty years of age or older [and who are heads of households].

(f) ["Naturally] A CLASSIC OR HOUSING-BASED "NATURALLY occurring retirement community" shall mean an apartment building OR BUILDINGS, or housing complex OR COMPLEXES which:

(1) [was constructed with government assistance;

(2)] was not originally built for elderly persons;

[(3)] (2) does not restrict admissions solely to the elderly;

(3) IS A COMMUNITY IN WHICH AT LEAST TWO HUNDRED FIFTY ELDERLY RESIDE AND SUCH ELDERLY COMPRISE NOT LESS THAN FORTY PERCENT OF THE RESIDENTS, OR A COMMUNITY WITH AT LEAST FIVE HUNDRED ELDERLY RESIDENTS; AND

(4) [fifty percent of the units have an occupant who is elderly or in which twenty-five hundred of the residents are elderly; and

(5)] a majority of the elderly to be served are low or moderate income, as defined by the United States Department of Housing and Urban Development.

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

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S 2. Paragraph (a) of subdivision 5-a of section 209 of the elder law, as added by section 2 of part E of chapter 58 of the laws of 2005, is amended to read as follows:

(a) the term [Neighborhood NORC] "NEIGHBORHOOD NORC" as used in this subdivision shall mean and refer to [a] residential [dwelling or group of residential] dwellings, WITHOUT COMMON OWNERSHIP, in a geographically defined neighborhood of a municipality containing not more than two thousand persons who are elderly, AND reside in at least forty percent of the units [and which is made up of low-rise buildings six stories or less in height and/or single and multi-family homes] and which area was not originally developed for elderly persons, and which does not restrict admission strictly to the elderly;

S 3. This act shall take effect immediately.