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

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2011-2012 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 5, 2011

Introduced by M. of A. GUNTHER, LIFTON, LUPARDO, PHEFFER -- Multi-Sponsored by -- M. of A. DESTITO -- read once and referred to the Committee on Aging

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 ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Short title. This act shall be known and may be cited as the "New York certified retirement community act", and the program created hereunder shall be known as the "New York Livable Integrated Elder Friendly Retirement Communities (New York LIFE) program."

S 2. The elder law is amended by adding a new article 3 to read as follows:

ARTICLE III

NEW YORK CERTIFIED RETIREMENT COMMUNITY PROGRAM

SECTION 310. DEFINITIONS.
311. THE NEW YORK CERTIFIED RETIREMENT COMMUNITY PROGRAM; CREATION.
312. LEGISLATIVE INTENT.
313. RULES AND REGULATIONS.
314. DESIGNATION.
315. NEW YORK CERTIFIED RETIREMENT COMMUNITY PROGRAM; LOCAL COMMITTEES.
316. NEW YORK CERTIFIED RETIREMENT COMMUNITY PROGRAM; ASSISTANCE.
317. REPORT.
318. ASSISTANCE OF OTHER AGENCIES.

S 310. DEFINITIONS. AS USED IN THIS ARTICLE:

1. "CERTIFIED RETIREMENT COMMUNITY" MEANS ANY COMMUNITY SITE THAT MEETS THE REQUIREMENTS OF THIS ARTICLE AND IS THEREFORE DESIGNATED AS A

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

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 NEW YORK, THE COMMISSIONER OF EDUCATION, THE COMMISSIONER OF HEALTH, THE COMMISSIONER OF THE DEPARTMENT OF LABOR, THE COMMISSIONER OF CHILDREN AND FAMILY SERVICES, AND THE COMMISSIONER OF TAXATION AND FINANCE. THE GOVERNOR SHALL APPOINT AN ADDITIONAL EIGHT PERSONS TO THE ADVISORY

COMMITTEE, OF WHOM TWO SHALL BE ON THE RECOMMENDATION OF THE TEMPORARY PRESIDENT OF THE SENATE, TWO ON THE RECOMMENDATION OF THE SPEAKER OF THE ASSEMBLY, ONE ON THE RECOMMENDATION OF THE MINORITY LEADER OF THE SENATE, AND ONE ON THE RECOMMENDATION OF THE MINORITY LEADER OF THE ASSEMBLY. ALL SUCH APPOINTEES SHALL HAVE THE EXPERTISE IN THE AREA OF RETIREMENT AND RETIREMENT COMMUNITIES. THE GOVERNOR SHALL DESIGNATE A CHAIR OF THE ADVISORY COMMITTEE FROM AMONG THE MEMBERS. THE DIRECTOR SHALL ATTEND MEETINGS BUT SHALL NOT BE A VOTING MEMBER. ALL EX OFFICIO MEMBERS MAY DESIGNATE AN ALTERNATE, WHO SHALL HAVE THE FULL POWER TO ACT ON BEHALF OF THE OFFICIAL. THE WORK OF THE COMMITTEE SHALL BEGIN AS SOON AS A QUORUM IS ESTABLISHED BY THE APPOINTMENT OF A MAJORITY OF THE MEMBERS TO BE DESIGNATED PURSUANT TO THIS SUBDIVISION, AND THE FAILURE OF ANY INDIVIDUAL OR INSTITUTION TO MAKE RECOMMENDATIONS TO THE GOVERNOR FOR APPOINTMENT TO THE COMMITTEE SHALL NOT BE A SUFFICIENT REASON TO DELAY THE WORK OF THE COMMITTEE.

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

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

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

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

S 314. DESIGNATION. 1. IN ORDER TO BE DESIGNATED AS A CERTIFIED RETIREMENT PROGRAM PURSUANT TO THIS SECTION, THE GOVERNING BODY OF A CITY, TOWN OR VILLAGE WHICH IS OR WHICH CONTAINS A COMMUNITY SITE SHALL SUBMIT AN APPLICATION TO THE DIRECTOR UPON A FORM ESTABLISHED BY THE DIRECTOR AND ACCOMPANIED BY A RESOLUTION OF SUCH BODY STATING ITS DESIRE FOR THE COMMUNITY SITE TO BE DESIGNATED AS A CERTIFIED RETIREMENT COMMUNITY, ALONG WITH THE COMPLETED ASSESSMENT INSTRUMENT AND AT THE OPTION OF SUCH GOVERNING BODY OR IF REQUIRED BY THE DIRECTOR, ANY ADDITIONAL SUPPORTING DATA THAT SHALL FURTHER EXPLICATE THE ABILITY OF THE COMMUNITY TO MEET THE PURPOSES AND GOALS OF THE PROGRAM. IN THE CASE OF A COMMUNITY SITE WHICH IS LOCATED WITHIN A VILLAGE AND A TOWN, ONLY THE VILLAGE NEED SUBMIT THE APPLICATION AND PROVIDE THE RESOLUTION, AND IN THE CASE OF A COMMUNITY SITE LOCATED IN MORE THAN ONE ADJACENT MUNICIPALITY, ALL SUCH ADJACENT VILLAGES OR TOWNS SHALL SUBMIT THE APPLICATION AND RESOLUTIONS.

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

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

4. IF THE ADVISORY COMMITTEE ADVICES THE DIRECTOR THAT THE COMMUNITY SITE DOES NOT MEET THE REQUIREMENTS OF THIS ARTICLE, THEN THE DIRECTOR SHALL NOTIFY THE COMMUNITY SITE SPONSORS AND MUNICIPALITIES IN WRITING OF THE DEFICIENCIES IN ITS APPLICATION. THE DIRECTOR SHALL DESCRIBE THE DEFICIENCIES AND SUGGEST A MEANS OF ADDRESSING THEM.

S 315. NEW YORK CERTIFIED RETIREMENT COMMUNITY PROGRAM; LOCAL COMMITTEES. UPON DESIGNATION AS A CERTIFIED RETIREMENT COMMUNITY, THE COMMUNITY SITE SHALL ESTABLISH A RETIREMENT COMMUNITY STEERING COMMITTEE AND NOT LESS THAN FOUR SUBCOMMITTEES AS FOLLOWS:

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

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

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

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

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

(A) TRAINING OF LOCAL STAFF AND VOLUNTEERS;

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

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

(D) FINANCIAL ASSISTANCE FOR BROCHURES, SUPPORT MATERIAL AND ADVERTISING.

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

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

S 318. ASSISTANCE OF OTHER AGENCIES. THE DIRECTOR MAY SEEK AND SHALL BE ENTITLED TO RECEIVE FROM OTHER STATE AGENCIES SUCH ASSISTANCE AS MAY BE REQUIRED TO PERFORM SUCH DIRECTOR'S DUTIES PURSUANT TO THIS ARTICLE.

S 3. This act shall take effect on the first of April of the calendar year next succeeding the year in which it shall have become a law, provided that the director of the office for the aging shall implement any rules and regulations and may produce any documents or guidelines necessary to implement the program created by this act prior to such date.