

2011-2012 Regular Sessions

I N S E N A T E

(PREFILED)

January 5, 2011

Introduced by Sen. DIAZ -- read twice and ordered printed, and when printed to be committed 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:

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

7 ARTICLE III

8 NEW YORK CERTIFIED RETIREMENT COMMUNITY PROGRAM

9 SECTION 310. DEFINITIONS.

10 311. THE NEW YORK CERTIFIED RETIREMENT COMMUNITY PROGRAM;
11 CREATION.

12 312. LEGISLATIVE INTENT.

13 313. RULES AND REGULATIONS.

14 314. DESIGNATION.

15 315. NEW YORK CERTIFIED RETIREMENT COMMUNITY PROGRAM; LOCAL
16 COMMITTEES.

17 316. NEW YORK CERTIFIED RETIREMENT COMMUNITY PROGRAM; ASSIST-
18 ANCE.

19 317. REPORT.

20 318. ASSISTANCE OF OTHER AGENCIES.

21 S 310. DEFINITIONS. AS USED IN THIS ARTICLE:

22 1. "CERTIFIED RETIREMENT COMMUNITY" MEANS ANY COMMUNITY SITE THAT
23 MEETS THE REQUIREMENTS OF THIS ARTICLE AND IS THEREFORE DESIGNATED AS A
24 CERTIFIED RETIREMENT COMMUNITY BY THE OFFICE. SUCH DESIGNATION SHALL BE

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

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1 FOR A DURATION OF NOT MORE THAN FIVE YEARS, AND MAY BE RENEWED THEREAFT-
2 ER BY MAKING APPLICATION TO SUCH DIRECTOR.

3 2. "COMMUNITY SITE" MEANS A CITY, TOWN, OR VILLAGE, OR A PORTION THER-
4 EOF DESIGNATED BY SUCH CITY, TOWN, OR VILLAGE, WHICH APPLIES TO BE A
5 CERTIFIED RETIREMENT COMMUNITY.

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

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

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

25 (C) CLIMATE;

26 (D) PERSONAL SAFETY;

27 (E) WORK OPPORTUNITIES;

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

31 (G) TRANSPORTATION, INCLUDING WHETHER SUCH TRANSPORTATION IS ACCESSI-
32 BLE AND AFFORDABLE;

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

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

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

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

40 (L) SUCH OTHER FACTORS AS SHALL BE DETERMINED BY THE ADVISORY COMMIT-
41 TEE AND APPROVED BY THE DIRECTOR, PROVIDED THAT THE DIRECTOR, ON ADVICE
42 OF THE ADVISORY COMMITTEE, MAY MODIFY THE FACTORS LISTED IN THIS SUBDI-
43 VISION IN FAVOR OF OTHER MEASURES, CRITERIA, AND METRICS.

44 4. "RETIREMENT COMMUNITY ADVISORY COMMITTEE" OR "ADVISORY COMMITTEE"
45 SHALL MEAN AN ADVISORY COMMITTEE OF FIFTEEN PERSONS WHOSE PURPOSE SHALL
46 BE TO REVIEW COMPLETED ASSESSMENT INSTRUMENTS FROM COMMUNITY SITES AND
47 MAKE RECOMMENDATIONS TO THE DIRECTOR, AND TO MAKE RECOMMENDATIONS
48 CONCERNING THE CONDUCT AND SCOPE OF THE NEW YORK CERTIFIED RETIREMENT
49 COMMUNITY PROGRAM, AND FOR IMPROVING ITS EFFECTIVENESS, TO THE DIRECTOR.
50 MEMBERS OF THE ADVISORY COMMITTEE SHALL INCLUDE, EX OFFICIO, THE FOLLOW-
51 ING: THE SECRETARY OF STATE, THE CHANCELLOR OF THE STATE UNIVERSITY OF
52 NEW YORK, THE COMMISSIONER OF EDUCATION, THE COMMISSIONER OF HEALTH, THE
53 COMMISSIONER OF THE DEPARTMENT OF LABOR, THE COMMISSIONER OF CHILDREN
54 AND FAMILY SERVICES, AND THE COMMISSIONER OF TAXATION AND FINANCE. THE
55 GOVERNOR SHALL APPOINT AN ADDITIONAL EIGHT PERSONS TO THE ADVISORY
56 COMMITTEE, OF WHOM TWO SHALL BE ON THE RECOMMENDATION OF THE TEMPORARY

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

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

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

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

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

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

55 2. THE ADVISORY COMMITTEE SHALL REVIEW THE APPLICATION AND ALL
56 SUPPORTING MATERIALS AND SHALL ADVISE THE DIRECTOR AS TO WHETHER THE

1 COMMUNITY SITE MEETS THE REQUIREMENTS OF BECOMING A NEW YORK CERTIFIED
2 RETIREMENT COMMUNITY PROGRAM BY MEETING OR EXCEEDING EACH METRIC OF THE
3 REQUIRED CRITERIA ON THE ASSESSMENT INSTRUMENT.

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

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

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

19 1. A "COMMUNITY AMENITIES SUBCOMMITTEE" WHICH SHALL DEVELOP A PORTFO-
20 LIO CONTAINING AN UNBIASED INVENTORY OF COMMUNITY AMENITIES AS SHALL
21 FURTHER BE DEFINED BY THE DIRECTOR;

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

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

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

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

34 (A) TRAINING OF LOCAL STAFF AND VOLUNTEERS;

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

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

40 (D) FINANCIAL ASSISTANCE FOR BROCHURES, SUPPORT MATERIAL AND ADVERTIS-
41 ING.

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

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

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

55 S 3. This act shall take effect on the first of April of the calendar
56 year next succeeding the year in which it shall have become a law,

1 provided that the director of the office for the aging shall implement
2 any rules and regulations and may produce any documents or guidelines
3 necessary to implement the program created by this act prior to such
4 date.