

881

2011-2012 Regular Sessions

I N S E N A T E

(PREFILED)

January 5, 2011

Introduced by Sens. GOLDEN, LARKIN -- 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 financial exploitation of
the elderly; and to amend the state finance law, in relation to creat-
ing the financial exploitation outreach, education and training fund

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

1 Section 1. Subdivisions 13 and 14 of section 202 of the elder law,
2 subdivision 13 as amended and subdivision 14 as added by section 24-d of
3 part B of chapter 58 of the laws of 2007, paragraph (a) of subdivision
4 14 as amended by chapter 319 of the laws of 2010, are amended and a new
5 subdivision 15 is added to read as follows:
6 13. to conduct a program of education and information on age discrimi-
7 nation and the preparation and filing of complaints relating to persons
8 sixty years of age or older; [and]
9 14. to, in cooperation with the department of state:
10 (a) prepare or cause to be prepared and made available to cities,
11 towns and villages model zoning and planning guidelines that foster
12 age-integrated communities including provisions to allow for accessory
13 senior citizen units in areas zoned for single family residences and for
14 mixed-use development accommodating senior citizen residential housing;
15 and
16 (b) make recommendations, in consultation with the division of housing
17 and community renewal, to the governor and legislature for assisting
18 mixed-use age-integrated housing development or redevelopment demon-
19 stration projects in urban, suburban and rural areas of the state. The
20 director of the office for the aging and secretary of state shall estab-
21 lish an advisory committee for purposes of this subdivision. Such
22 committee shall include, but not be limited to, top representatives of

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

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1 local government, senior citizen organizations, developers, senior
2 service providers and planners[.]; AND

3 15. TO CONDUCT AN OUTREACH, EDUCATION AND TRAINING PROGRAM FOR FINAN-
4 CIAL INSTITUTIONS AS DEFINED IN SUBDIVISION SIX OF SECTION 470.00 OF THE
5 PENAL LAW.

6 S 2. The elder law is amended by adding a new section 219-a to read as
7 follows:

8 S 219-A. FINANCIAL EXPLOITATION, OUTREACH, EDUCATION AND TRAINING
9 PROGRAM. 1. FOR THE PURPOSES OF THIS SECTION, THE TERM "DESIGNATED AGEN-
10 CY" SHALL HAVE THE MEANING ASCRIBED TO IT UNDER SECTION TWO HUNDRED
11 FOURTEEN OF THIS TITLE AND "FINANCIAL INSTITUTION" SHALL HAVE THE MEAN-
12 ING ASCRIBED TO IT IN SUBDIVISION SIX OF SECTION 470.00 OF THE PENAL
13 LAW.

14 2. THE DIRECTOR, WITHIN THE AMOUNTS APPROPRIATED THEREFOR, SHALL, IN
15 CONJUNCTION WITH THE OFFICE OF CHILDREN AND FAMILY SERVICES AND THE
16 BANKING DEPARTMENT, ESTABLISH A FINANCIAL EXPLOITATION OUTREACH, EDUCA-
17 TION AND TRAINING PROGRAM, HEREINAFTER REFERRED TO AS "THE PROGRAM" FOR
18 THE PURPOSE OF PROVIDING AN EDUCATION, OUTREACH AND TRAINING PROGRAM TO
19 FINANCIAL INSTITUTIONS, TO CERTIFIED PUBLIC ACCOUNTANTS LICENSED IN THIS
20 STATE, TO ANY PREPARER OF TAXES OPERATING IN THIS STATE AND TO ATTORNEYS
21 LICENSED IN THIS STATE. THE PROGRAM SHALL BE A VOLUNTARY PROGRAM. THE
22 DIRECTOR, IN CONJUNCTION WITH THE OFFICE OF CHILDREN AND FAMILY SERVICES
23 AND THE BANKING DEPARTMENT, SHALL COORDINATE ACTIVITIES TO IDENTIFY AND
24 PROVIDE TRAINING TO THE INSTITUTIONS AND INDIVIDUALS DESCRIBED IN THIS
25 SECTION.

26 3. (A) AS PART OF THE PROGRAM, THE DIRECTOR MAY AWARD GRANTS TO QUALI-
27 FIED DESIGNATED AGENCIES TO ESTABLISH LOCAL ELDERLY EXPLOITATION
28 OUTREACH, EDUCATION AND TRAINING PROGRAMS. QUALIFIED DESIGNATED AGENCIES
29 SHALL WORK COLLABORATIVELY WITH SUCH INSTITUTIONS AND INDIVIDUALS, AND
30 THEIR REPRESENTATIVE ASSOCIATIONS.

31 (B) IN MAKING SUCH GRANTS, THE DIRECTOR SHALL CONSIDER:

32 (1) THE MANNER IN WHICH THE DESIGNATED AGENCY PROPOSES TO PROVIDE SUCH
33 EDUCATION, OUTREACH AND TRAINING;

34 (2) THE CAPACITY OF THE DESIGNATED AGENCY TO COORDINATE ITS SERVICES
35 WITH BANKING, HUMAN SERVICE AND LAW ENFORCEMENT AND PUBLIC AGENCIES
36 WHICH PROVIDE SERVICES OR ASSISTANCE TO THE ELDERLY, INCLUDING THE LOCAL
37 DEPARTMENT OF SOCIAL SERVICES ADULT PROTECTIVE SERVICES UNIT; AND

38 (3) ANY OTHER CRITERIA DETERMINED BY THE DIRECTOR TO BE APPROPRIATE.

39 4. THE PROGRAM SHALL, AT A MINIMUM, CONSIST OF THE FOLLOWING ELEMENTS
40 WHICH SHALL BE PROVIDED BY THE OFFICE:

41 (A) EDUCATIONAL AND INFORMATIONAL MATERIALS IN PRINT, AUDIO, VISUAL,
42 ELECTRONIC OR OTHER MEDIA;

43 (B) PUBLIC SERVICE ANNOUNCEMENTS, ADVERTISEMENTS, MEDIA CAMPAIGNS,
44 WORKSHOPS, MASS MAILINGS, CONFERENCES OR PRESENTATIONS; AND

45 (C) INSTRUCTIONS ON HOW TO REPORT KNOWN OR SUSPECTED INCIDENTS OF
46 FINANCIAL EXPLOITATION OF THE ELDERLY, INCLUDING THE APPROPRIATE TELE-
47 PHONE NUMBERS TO CALL AND THE TYPES OF INFORMATION THAT WOULD ASSIST THE
48 OFFICE WITH ITS INVESTIGATION OF SUCH REPORTS.

49 5. THE DIRECTOR SHALL CONVENE AN ADVISORY COMMITTEE MADE UP OF AT
50 LEAST TEN, BUT NO MORE THAN TWENTY MEMBERS TO ADVISE THE DIRECTOR AND
51 MAKE RECOMMENDATIONS ON THE ASPECTS OF DEVELOPING AND IMPLEMENTING THE
52 PROGRAM. MEMBERS OF THE ADVISORY COMMITTEE SHALL INCLUDE, BUT NOT BE
53 LIMITED TO: AT LEAST THREE REPRESENTATIVES FROM STATEWIDE SENIOR ADVOCA-
54 CY ORGANIZATIONS, AT LEAST ONE ATTORNEY WHOSE PRACTICE CONCENTRATES IN
55 ELDER LAW OR AN INDIVIDUAL ACTING ON BEHALF OF THE ELDER LAW SECTION OF
56 THE NEW YORK STATE BAR ASSOCIATION, AT LEAST ONE BANKER OR A REPRESENTATIVE

1 TATIVE OF AN ASSOCIATION REPRESENTING BANKERS, AT LEAST ONE CERTIFIED
2 PUBLIC ACCOUNTANT OR A REPRESENTATIVE OF AN ASSOCIATION REPRESENTING
3 CERTIFIED PUBLIC ACCOUNTANTS, AT LEAST TWO MEMBERS REPRESENTING PROTEC-
4 TIVE SERVICE AGENCIES FOR ADULTS, AND AT LEAST TWO LAW ENFORCEMENT
5 REPRESENTATIVES.

6 S 3. The state finance law is amended by adding a new section 99-t to
7 read as follows:

8 S 99-T. FINANCIAL EXPLOITATION, OUTREACH, EDUCATION AND TRAINING FUND.

9 1. THERE IS HEREBY ESTABLISHED IN THE JOINT CUSTODY OF THE COMPTROLLER
10 AND THE SUPERINTENDENT OF BANKS A SPECIAL REVENUE FUND TO BE KNOWN AS
11 THE FINANCIAL EXPLOITATION, OUTREACH, EDUCATION AND TRAINING FUND.

12 2. THE FINANCIAL EXPLOITATION, OUTREACH, EDUCATION AND TRAINING FUND
13 SHALL CONSIST OF ALL MONEYS, APPROPRIATED THERETO, AND ALL OTHER FEES,
14 FINES, GRANTS, BEQUESTS OR OTHER MONIES CREDITED OR TRANSFERRED THERETO
15 FROM ANY OTHER FUND OR SOURCE.

16 3. THE MONEYS OF THE FINANCIAL EXPLOITATION, OUTREACH, EDUCATION AND
17 TRAINING FUND SHALL BE DISBURSED BY THE COMPTROLLER TO THE STATE OFFICE
18 FOR THE AGING FOR THE PURPOSE OF CARRYING OUT THE PROVISIONS OF SECTIONS
19 TWO HUNDRED NINETEEN AND TWO HUNDRED NINETEEN-A OF THE ELDER LAW.

20 S 4. This act shall take effect immediately.