

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:

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

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

1 CERTIFIED RETIREMENT COMMUNITY BY THE OFFICE. SUCH DESIGNATION SHALL BE  
2 FOR A DURATION OF NOT MORE THAN FIVE YEARS, AND MAY BE RENEWED THEREAFT-  
3 ER BY MAKING APPLICATION TO SUCH DIRECTOR.

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

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

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

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

26 (C) CLIMATE;

27 (D) PERSONAL SAFETY;

28 (E) WORK OPPORTUNITIES;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

36 (A) TRAINING OF LOCAL STAFF AND VOLUNTEERS;

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

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

42 (D) FINANCIAL ASSISTANCE FOR BROCHURES, SUPPORT MATERIAL AND ADVERTIS-  
43 ING.

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

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

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

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