

5494

2013-2014 Regular Sessions

I N   A S S E M B L Y

February 28, 2013

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Introduced by M. of A. ENGLEBRIGHT -- read once and referred to the  
Committee on Aging

AN ACT to amend the elder law, in relation to establishing the home  
repair services for elderly program

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

1     Section 1. The elder law is amended by adding a new section 224 to  
2     read as follows:  
3     S 224. HOME REPAIR SERVICES FOR THE ELDERLY PROGRAM. 1. DEFINITIONS.  
4     AS USED IN THIS SECTION:  
5     (A) "ADVISORY COMMITTEE" SHALL MEAN THE ADVISORY COMMITTEE CONVENED BY  
6     THE DIRECTOR PURSUANT TO SUBDIVISION THREE OF THIS SECTION.  
7     (B) "DIRECTOR" SHALL MEAN THE DIRECTOR OF THE OFFICE FOR THE AGING.  
8     (C) "HOME REPAIR SERVICE" SHALL MEAN A DEMAND BASED SERVICE FOR OLDER  
9     ADULTS INCLUDING, BUT NOT LIMITED TO, THE FOLLOWING:  
10    (1) CONSTRUCTION, IN OR AROUND THE HOME, TO IMPROVE SAFETY OR MOBILITY  
11    INCLUDING, BUT NOT LIMITED TO, THE INSTALLATION OF GRAB BARS, RAILINGS,  
12    RAMPS, LIGHTING, OR SMOKE OR CARBON MONOXIDE DETECTORS; UPGRADING  
13    NONCOMPLIANT HEATING AND VENTILATION SYSTEMS OR ELECTRICAL FIXTURES; AND  
14    THE REPAIR OR REPLACEMENT OF MALFUNCTIONING DOORS OR WINDOWS;  
15    (2) REPAIRS, IN OR AROUND THE HOME, TO IMPROVE SAFETY OR MOBILITY;  
16    (3) SUPPLY OF MATERIALS USED FOR CONSTRUCTION OR REPAIRS, IN OR AROUND  
17    THE HOME; AND  
18    (4) MAINTENANCE, IN OR AROUND THE HOME, THAT IS EITHER REQUIRED BY THE  
19    OLDER ADULT'S COMMUNITY; NECESSARY FOR SAFETY OR INTEGRAL IN MAINTAINING  
20    PROPERTY OR PRESERVING ITS VALUE INCLUDING, BUT NOT LIMITED TO, YARD  
21    WORK, SNOW REMOVAL AND GUTTER MAINTENANCE; OR OTHER UPKEEP TO THE PREM-  
22    ISES.  
23    (D) "IN OR AROUND THE HOME" SHALL MEAN REAL PROPERTY WHERE AN OLDER  
24    ADULT RESIDES AND IS OWNED, LEASED OR RENTED BY SUCH ADULT.

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

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1 (E) "OLDER ADULT" SHALL MEAN A PERSON WHO IS SIXTY YEARS OF AGE OR  
2 OLDER.

3 (F) "PROGRAM" SHALL MEAN THE HOME REPAIR SERVICES FOR THE ELDERLY  
4 PROGRAM ESTABLISHED PURSUANT TO THIS SECTION.

5 (G) "SUSTAINABILITY PLAN" SHALL MEAN A FORMAL WRITTEN PLAN TO BE  
6 SUBMITTED TO THE DIRECTOR WHICH SHALL SET FORTH THE STEPS THAT WILL BE  
7 TAKEN BY AN AREA AGENCY ON AGING TO OBTAIN THE NECESSARY FINANCIAL  
8 RESOURCES FOR A HOME REPAIR SERVICE FOR THE ELDERLY PROGRAM UNDER THIS  
9 SECTION TO BE SELF-SUSTAINING. SUCH STEPS MAY INCLUDE PLANS TO PARTNER  
10 WITH COMMUNITY ORGANIZATIONS AND/OR OTHER LOCAL FUNDRAISING ACTIVITIES  
11 AND DEVELOPING A FEE SCALE BASED ON INCOME FOR OLDER ADULTS WHO USE THE  
12 SERVICES OF THE HOME REPAIR SERVICE FOR THE ELDERLY PROGRAM.

13 2. THE DIRECTOR SHALL, WITHIN AMOUNTS APPROPRIATED THEREFORE, ESTAB-  
14 LISH A HOME REPAIR SERVICE FOR THE ELDERLY PROGRAM FOR THE PURPOSE OF  
15 IMPROVING THE ABILITY OF OLDER ADULTS TO REMAIN SAFELY AND COMFORTABLY  
16 IN THEIR HOMES. THE DIRECTOR SHALL AWARD GRANTS TO QUALIFIED AREA AGEN-  
17 CIES ON AGING TO ESTABLISH PROGRAMS.

18 3. PRIOR TO IMPLEMENTING THE PROGRAM, THE DIRECTOR SHALL CONVENE AN  
19 ADVISORY COMMITTEE. SUCH COMMITTEE SHALL BE COMPOSED OF OLDER ADULTS AND  
20 SENIOR CITIZEN GROUP REPRESENTATIVES FROM THROUGHOUT ALL THE GEOGRAPHIC  
21 AREAS OF THE STATE. THE ADVISORY COMMITTEE SHALL DEVELOP AND RECOMMEND  
22 TO THE DIRECTOR APPROPRIATE CRITERIA FOR THE SELECTION OF GRANTEEES OF  
23 FUNDS UNDER THE PROGRAM. THE ADVISORY COMMITTEE SHALL FURTHER AID THE  
24 DIRECTOR IN DEVELOPING CRITERIA FOR THE PROGRAM WHICH SHALL INCLUDE, BUT  
25 NOT BE LIMITED TO:

26 (A) THE TYPES OF SERVICES TO BE PROVIDED BY THE PROGRAM;

27 (B) MONETARY AND TIME LIMITATIONS FOR PROGRAM SERVICES;

28 (C) CRITERIA FOR THE SELF-SUSTAINABILITY PLAN; AND

29 (D) THE QUALIFICATIONS AND CREDENTIALS OF INDIVIDUALS OR ENTITIES WHO  
30 WILL PROVIDE SERVICES UNDER THE PROGRAM.

31 4. THE ADVISORY COMMITTEE SHALL ASSIST THE DIRECTOR WITH DESIGNING AN  
32 EVALUATION TOOL FOR THE PROGRAM. THE PROGRAM SHALL BE EVALUATED BY THE  
33 DIRECTOR TO DETERMINE ITS EFFECTIVENESS. NO LATER THAN ONE YEAR AFTER  
34 THE ESTABLISHMENT OF THE PROGRAM, THE DIRECTOR SHALL REPORT ON THE  
35 EFFECTIVENESS OF THE PROGRAM TO THE GOVERNOR, THE SPEAKER OF THE ASSEM-  
36 BLY, THE TEMPORARY PRESIDENT OF THE SENATE, THE CHAIR OF THE ASSEMBLY  
37 AGING COMMITTEE AND THE CHAIR OF THE SENATE AGING COMMITTEE.

38 5. THE OFFICE MAY USE UP TO FIVE PERCENT OF THE TOTAL OF ANY FUNDS  
39 PROVIDED TO A DESIGNATED AGENCY PURSUANT TO THIS SECTION FOR ADMINIS-  
40 TRATION.

41 6. AN AREA AGENCY MAY USE UP TO FIVE PERCENT OF THE TOTAL OF ANY FUNDS  
42 IT RECEIVES PURSUANT TO THIS SECTION FOR ADMINISTRATION.

43 S 2. This act shall take effect immediately.