

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

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2013-2014 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 9, 2013

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

AN ACT to amend the elder law and the public authorities law, in relation to establishing the capital infrastructure improvement and development for older New Yorkers grant program

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

Section 1. Article 2 of the elder law is amended by adding a new title
4 to read as follows:

TITLE 4

CAPITAL INFRASTRUCTURE IMPROVEMENT AND DEVELOPMENT FOR OLDER
NEW YORKERS GRANT PROGRAM

SECTION 260. CAPITAL INFRASTRUCTURE IMPROVEMENT AND DEVELOPMENT FOR
OLDER NEW YORKERS (CIID NY) GRANT PROGRAM.

8 S 260. CAPITAL INFRASTRUCTURE IMPROVEMENT AND DEVELOPMENT FOR OLDER
9 NEW YORKERS (CIID NY) GRANT PROGRAM. 1. (A) THE DIRECTOR OF THE STATE
10 OFFICE FOR THE AGING AND THE DIRECTOR OF THE DORMITORY AUTHORITY OF THE
11 STATE OF NEW YORK SHALL ENTER INTO AN AGREEMENT, SUBJECT TO THE APPROVAL
12 OF THE DIRECTOR OF THE BUDGET, FOR THE PURPOSE OF ADMINISTERING THE
13 FUNDS AVAILABLE TO THE CAPITAL INFRASTRUCTURE IMPROVEMENT AND DEVELOP-
14 MENT FOR OLDER NEW YORKERS (CIID NY) GRANT PROGRAM AS AUTHORIZED UNDER
15 SECTION SIXTEEN HUNDRED EIGHTY-J OF THE PUBLIC AUTHORITIES LAW, IN A
16 MANNER THAT WILL ENCOURAGE IMPROVEMENTS IN THE OPERATION AND EFFICIENCY
17 OF THE AGING SERVICE PROVIDER NETWORK WITHIN THE STATE.

18 SUCH AGREEMENT SHALL INCLUDE CRITERIA, TO BE DEVELOPED BY THE DIRECTOR
19 AND THE DIRECTOR OF THE DORMITORY AUTHORITY OF THE STATE OF NEW YORK, TO
20 BE CONSIDERED IN THEIR EVALUATION OF APPLICATIONS AND DETERMINATION OF
21 AWARDS, INCLUDING, BUT NOT LIMITED TO:

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

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1 (I) A DETERMINATION OF ELIGIBLE APPLICANTS, PROVIDED THAT SUCH ELIGI-
2 BLE APPLICANTS SHALL INCLUDE ENTITIES REPRESENTATIVE OF ANY PART OF THE
3 AGING SERVICE PROVIDER NETWORK;

4 (II) A CONSIDERATION OF STATEWIDE GEOGRAPHIC DISTRIBUTION OF FUNDS;

5 (III) MINIMUM AND MAXIMUM AMOUNTS OF FUNDING TO BE AWARDED UNDER THE
6 PROGRAM;

7 (IV) THE RELATIONSHIP BETWEEN THE PROJECT PROPOSED BY AN APPLICANT AND
8 IDENTIFIED COMMUNITY NEED; AND

9 (V) THE EXTENT TO WHICH THE APPLICANT HAS ACCESS TO ALTERNATIVE
10 FINANCING.

11 A COPY OF SUCH AGREEMENT, AND ANY AMENDMENTS THERETO, SHALL BE
12 PROVIDED TO THE CHAIR OF THE SENATE FINANCE COMMITTEE, THE DIRECTOR OF
13 THE DIVISION OF BUDGET AND THE CHAIR OF THE ASSEMBLY WAYS AND MEANS
14 COMMITTEE NO LATER THAN THIRTY DAYS PRIOR TO THE SCHEDULED APPROVAL OF
15 THE FIRST BOND ISSUANCE FOR THE PROGRAM BY THE PUBLIC AUTHORITIES
16 CONTROL BOARD. THE DORMITORY AUTHORITY OF THE STATE OF NEW YORK SHALL
17 ALSO REPORT QUARTERLY TO SUCH CHAIRPERSONS ON THE AWARDS MADE THROUGH
18 THE PROGRAM, INCLUDING THE NAME OF THE APPLICANT, A DESCRIPTION OF THE
19 PROJECT AND THE AMOUNT OF THE AWARD.

20 (B) THE DIRECTOR AND THE DIRECTOR OF THE DORMITORY AUTHORITY OF THE
21 STATE OF NEW YORK SHALL AWARD GRANTS TO ELIGIBLE APPLICANTS AFTER DUE
22 PUBLIC NOTICE OF THE AVAILABILITY OF FUNDS AND THROUGH A PROCESS WHICH
23 ENSURES TO THE MAXIMUM EXTENT PRACTICABLE AND WHERE APPROPRIATE, COMPE-
24 TITION AMONG SUCH APPLICANTS.

25 (C) THE DIRECTOR AND THE DIRECTOR OF THE DORMITORY AUTHORITY OF THE
26 STATE OF NEW YORK SHALL PUBLISH THE PRIORITIES AND GOALS THAT ARE TO BE
27 ACHIEVED THROUGH GRANT FUNDING, AND REGULARLY PROVIDE PUBLIC NOTICE OF
28 THE AVAILABILITY OF FUNDING.

29 (D) FOR EACH PROJECT THAT WILL BE RECOMMENDED FOR APPROVAL, THE DIREC-
30 TOR AND THE DIRECTOR OF THE DORMITORY AUTHORITY OF THE STATE OF NEW YORK
31 SHALL REPORT TO THE CHAIR OF THE SENATE FINANCE COMMITTEE, THE DIRECTOR
32 OF THE DIVISION OF BUDGET AND THE CHAIR OF THE ASSEMBLY WAYS AND MEANS
33 COMMITTEE HOW THE PROJECT MEETS THE PRIORITIES, GOALS AND CRITERIA
34 ESTABLISHED PURSUANT TO THIS SECTION.

35 2. CONTRACTS AWARDED TO ELIGIBLE APPLICANTS SHALL REQUIRE THAT WORK
36 PERFORMED THEREUNDER SHALL BE DEEMED "PUBLIC WORK" AND SUBJECT TO AND
37 PERFORMED IN ACCORDANCE WITH ARTICLES EIGHT, NINE AND TEN OF THE LABOR
38 LAW AND THE CONTRACTORS PERFORMING SUCH WORK SHALL BE DEEMED A "STATE
39 AGENCY" FOR THE PURPOSE OF ARTICLE FIFTEEN-A OF THE EXECUTIVE LAW AND
40 SUBJECT TO THE PROVISIONS OF SUCH ARTICLE.

41 3. (A) NOTWITHSTANDING THE PROVISIONS OF SUBDIVISION ONE OF THIS
42 SECTION, THE DIRECTOR AND THE DIRECTOR OF THE DORMITORY AUTHORITY MAY
43 AWARD, IN AN AMOUNT NOT TO EXCEED TWENTY-FIVE PERCENT OF THE CAPITAL
44 INFRASTRUCTURE IMPROVEMENT AND DEVELOPMENT FOR OLDER NEW YORKERS GRANT
45 PROGRAM ALLOCATION IN ANY GIVEN FISCAL YEAR, GRANTS TO ELIGIBLE APPLI-
46 CANTS WITHOUT THE PROCESS SET FORTH IN SUBDIVISION ONE OF THIS SECTION.
47 WITH RESPECT TO THE PROCESS FOR THE AWARDING OF SUCH FUNDS WITHOUT THE
48 PROCESS SET FORTH IN SUBDIVISION ONE OF THIS SECTION, THE DIRECTOR AND
49 THE DIRECTOR OF THE DORMITORY AUTHORITY OF THE STATE OF NEW YORK SHALL
50 DETERMINE ELIGIBLE AWARDEES BASED ON WHETHER THE DIRECTOR IS SATISFIED
51 THAT SUCH AWARDEE IS AN AGING NETWORK SERVICE PROVIDER THAT DELIVERS
52 SERVICES SUPPORTED BY THE STATE OFFICE FOR THE AGING AND LOCAL AAA
53 NETWORKS IN COMPLIANCE WITH ALL RULES AND REGULATIONS TO ASSIST OLDER
54 NEW YORKERS TO LIVE INDEPENDENTLY. THESE FUNDS WILL ENSURE THE QUALITY
55 OF COMMUNITY BASED SERVICES PROVIDED THROUGH THE AGING NETWORK REMAIN
56 ACCESSIBLE TO OLDER NEW YORKERS, INCLUDING BUT NOT LIMITED TO SERVICES

1 PROVIDED IN SENIOR CENTERS, RESPITE SITES, NORC SUPPORTED SERVICE,
2 SOCIAL ADULT DAY PROGRAMS SERVICES, AND OTHERS AS DETERMINED BY THE
3 DIRECTOR.

4 (B) NOTWITHSTANDING SUBDIVISIONS ONE AND TWO OF THIS SECTION, SECTIONS
5 ONE HUNDRED TWELVE AND ONE HUNDRED SIXTY-THREE OF THE STATE FINANCE LAW,
6 OR ANY OTHER INCONSISTENT PROVISION OF LAW, OF THE FUNDS AVAILABLE FOR
7 EXPENDITURE PURSUANT TO THIS SECTION, THIRTY MILLION DOLLARS MAY BE
8 ALLOCATED AND DISTRIBUTED BY THE DIRECTOR WITHOUT A COMPETITIVE OR
9 REQUEST FOR PROPOSAL PROCESS FOR GRANTS TO AGING NETWORK PROVIDERS FOR
10 THE PURPOSE OF FUNDING INFRASTRUCTURE DEVELOPMENT AND IMPROVEMENTS THAT
11 WILL ENSURE THE AGING SERVICE PROVIDER NETWORK'S CAPACITY TO CONTINUE TO
12 SERVE OLDER NEW YORKERS. CONSIDERATION RELIED UPON BY THE DIRECTOR IN
13 DETERMINING THE ALLOCATION AND DISTRIBUTION OF THESE FUNDS SHALL
14 INCLUDE, BUT NOT BE LIMITED TO, THE FOLLOWING: (I) THE QUALITY OF
15 SERVICE OFFERED BY THE PROVIDER; (II) THE ABILITY OF THE SERVICE PROVID-
16 ER TO ACCESS, IN A TIMELY MANNER, ALTERNATIVE SOURCES OF FUNDING,
17 INCLUDING OTHER SOURCES OF GOVERNMENT FUNDING; AND (III) WHETHER ADDI-
18 TIONAL FUNDING WOULD PERMIT THE SERVICE PROVIDER TO ACHIEVE GREATER
19 STABILITY AND EFFICIENCY IN THE DELIVERY OF NEEDED COMMUNITY BASED
20 SERVICES.

21 (C) NOTWITHSTANDING THE PROVISIONS OF SUBDIVISION ONE OF THIS SECTION,
22 THE DIRECTOR AND THE DIRECTOR OF THE DORMITORY AUTHORITY OF THE STATE OF
23 NEW YORK MAY AWARD, IN AN AMOUNT NOT TO EXCEED TWENTY-FIVE MILLION
24 DOLLARS OF THE CAPITAL INFRASTRUCTURE IMPROVEMENT AND DEVELOPMENT FOR
25 OLDER NEW YORKERS GRANT PROGRAM ALLOCATED IN ANY GIVEN FISCAL YEAR,
26 GRANTS TO ELIGIBLE APPLICANTS WITHOUT THE PROCESS SET FORTH IN SUBDIVI-
27 SION ONE OF THIS SECTION TO PROVIDE NECESSARY RESTRUCTURING SUPPORT TO
28 AGING SERVICE PROVIDERS TO SUPPORT INFRASTRUCTURE IMPROVEMENT, TECHNOLO-
29 GY UPGRADE, NUTRITION SERVICES TO MEET STATE SANITATION CODES, SERVICE
30 DEMAND, AND OAA NUTRITION STANDARDS, BUILDING REPAIRS AND DESIGN
31 IMPROVEMENTS AND RENOVATIONS, OR FOR ANY OTHER CAPITAL IMPROVEMENT AS
32 APPROVED BY THE DIRECTOR.

33 4. (A) PRIOR TO AN AWARD BEING GRANTED TO AN ELIGIBLE APPLICANT WITH-
34 OUT A COMPETITIVE BID OR REQUEST FOR PROPOSAL PROCESS, THE DIRECTOR AND
35 THE DIRECTOR OF THE DORMITORY AUTHORITY OF THE STATE OF NEW YORK SHALL
36 NOTIFY THE CHAIR OF THE SENATE FINANCE COMMITTEE, THE CHAIR OF THE
37 ASSEMBLY WAYS AND MEANS COMMITTEE AND THE DIRECTOR OF THE DIVISION OF
38 BUDGET OF THE INTENT TO GRANT SUCH AN AWARD. SUCH NOTICE SHALL INCLUDE
39 INFORMATION REGARDING HOW THE ELIGIBLE APPLICANT MEETS CRITERIA ESTAB-
40 LISHED PURSUANT TO THIS SECTION.

41 (B) WITH RESPECT TO THE PROCESS FOR THE AWARDED OF SUCH FUNDS WITHOUT
42 THE PROCESS SET FORTH IN SUBDIVISION ONE OF THIS SECTION, THE DIRECTOR
43 AND DIRECTOR OF THE DORMITORY AUTHORITY SHALL DETERMINE ELIGIBLE AWAR-
44 DEES BASED ON WHETHER, TO THE SATISFACTION OF THE DIRECTOR: (I) THE
45 APPLICANT PROVIDES AN IMPORTANT SERVICE TO OLDER NEW YORKERS IN ALLOWING
46 THEM TO LIVE INDEPENDENTLY AND AGE IN PLACE; AND (II) THE APPLICANT IS A
47 PROVIDER THAT IS IN JEOPARDY OF DISCONTINUATION OF SERVICES BASED ON AN
48 UNMET NEED FOR INFRASTRUCTURE IMPROVEMENTS, BUILDING REPAIRS, OR DESIGN
49 IMPROVEMENTS AND RENOVATIONS.

50 (C) PRIOR TO AN AWARD BEING GRANTED TO AN ELIGIBLE APPLICANT WITHOUT A
51 COMPETITIVE BID OR REQUEST FOR PROPOSAL PROCESS, THE DIRECTOR AND THE
52 DIRECTOR OF THE DORMITORY AUTHORITY SHALL NOTIFY THE CHAIR OF THE SENATE
53 FINANCE COMMITTEE, THE CHAIR OF THE ASSEMBLY WAYS AND MEANS COMMITTEE
54 AND THE DIRECTOR OF THE BUDGET OF THE INTENT TO GRANT SUCH AN AWARD.
55 SUCH NOTICE SHALL INCLUDE INFORMATION REGARDING HOW THE ELIGIBLE APPLI-
56 CANT MEETS CRITERIA ESTABLISHED PURSUANT TO THIS SECTION.

1 5. (A) NOTWITHSTANDING SUBDIVISION ONE, TWO OR THREE OF THIS SECTION,
2 THE DIRECTOR, WITH THE APPROVAL OF THE DIRECTOR OF THE BUDGET, MAY
3 EXPEND FUNDS FOR THE PURPOSE OF PROVIDING COST EFFECTIVE INCREASED
4 ACCESS TO THE CAPITAL MARKETS, INCLUDING BUT NOT LIMITED TO THROUGH THE
5 USE OF MORTGAGE INSURANCE, CREDIT ENHANCEMENT, LETTERS OF CREDIT, BOND
6 INSURANCE OR OTHER ARRANGEMENTS, FOR CAPITAL PROJECTS THAT ARE DETER-
7 MINED TO MEET THE OBJECTIVES OF THIS SECTION.

8 (B) THE DIRECTOR MAY TRANSFER FUNDS TO OTHER STATE AGENCIES OR PUBLIC
9 AUTHORITIES, WITH THE APPROVAL OF THE DIRECTOR OF THE BUDGET, TO EFFEC-
10 TUATE THE PURPOSES OF THIS SUBDIVISION.

11 S 2. The opening paragraph of section 1680-j of the public authorities
12 law, as amended by section 54 of part B of chapter 58 of the laws of
13 2005, is amended to read as follows:

14 Notwithstanding any other provision of law to the contrary, the dormi-
15 tory authority of the state of New York is hereby authorized to issue
16 bonds or notes in one or more series in an aggregate principal amount
17 not to exceed seven hundred fifty million dollars excluding bonds issued
18 to fund one or more debt service reserve funds, to pay costs of issuance
19 of such bonds, and bonds or notes issued to refund or otherwise repay
20 such bonds or notes previously issued, for the purposes of financing
21 project costs authorized under section twenty-eight hundred eighteen of
22 the public health law AND SECTION TWO HUNDRED SIXTY OF THE ELDER LAW.
23 Of such seven hundred fifty million dollars, ten million dollars shall
24 be made available to the community health centers capital program estab-
25 lished pursuant to section twenty-eight hundred seventeen of the public
26 health law.

27 S 3. This act shall take effect immediately.