

4306--A

Cal. No. 201

2013-2014 Regular Sessions

I N A S S E M B L Y

February 4, 2013

Introduced by M. of A. BRENNAN, GOTTFRIED, KAVANAGH, MILLMAN, CAHILL, CLARK, DINOWITZ, BROOK-KRASNY, JAFFEE, GUNTHER -- Multi-Sponsored by -- M. of A. BOYLAND, DenDEKKER, JACOBS, MAGEE, PERRY, SWEENEY, WEISENBERG -- read once and referred to the Committee on Aging -- advanced to a third reading, amended and ordered reprinted, retaining its place on the order of third reading

AN ACT to amend the social services law, in relation to establishing a fee schedule for the use, maintenance and repair of air conditioners in adult homes

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

1 Section 1. Section 461-q of the social services law, as added by
2 section 46 of part B of chapter 58 of the laws of 2004, is amended to
3 read as follows:
4 S 461-q. Temperature standards in adult homes, enriched housing
5 programs and residences for adults. 1. The commissioner of health shall
6 promulgate rules and regulations with respect to an allowable temper-
7 ature in all areas occupied by residents of an adult home, enriched
8 housing program and residence for adults, including any areas intended
9 for use by its residents in common including auditoriums, meeting rooms
10 and cafeterias. One common room in such adult home, enriched housing
11 program and residence for adults shall be required to be air condi-
12 tioned.
13 2. THE COMMISSIONER OF HEALTH IS HEREBY AUTHORIZED AND DIRECTED TO
14 ESTABLISH A SCHEDULE OF REASONABLE MAXIMUM ALLOWABLE CHARGES THAT MAY BE
15 ASSESSED BY ADULT HOMES, ENRICHED HOUSING PROGRAMS, AND RESIDENCES FOR
16 ADULTS TO RESIDENTS FOR THE USE, MAINTENANCE, AND REPAIR OF THE INDIVID-
17 UAL AIR CONDITIONERS IN THE RESIDENTS' PRIVATE LIVING QUARTERS, PROVIDED
18 THAT THE AIR CONDITIONERS WERE NOT ACQUIRED THROUGH THE ENHANCING ABILI-
19 TIES AND LIFE EXPERIENCE (ENABLE) PROGRAM. ADULT HOMES, ENRICHED HOUSING
20 PROGRAMS, AND RESIDENCES FOR ADULTS THAT ELECT TO CHARGE RESIDENTS WHO

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

LBD08212-02-4

1 OPERATE INDIVIDUAL AIR CONDITIONERS IN THEIR PRIVATE LIVING QUARTERS
2 MUST ADHERE TO SUCH SCHEDULE OF REASONABLE MAXIMUM ALLOWABLE CHARGES. IN
3 DETERMINING THE REASONABLE MAXIMUM ALLOWABLE CHARGES FOR THE USE, MAIN-
4 TENANCE, AND REPAIR OF THE INDIVIDUAL AIR CONDITIONERS, THE COMMISSIONER
5 OF HEALTH SHALL CONSIDER THE VARIABLE NATURE OF THE MARKET PRICE OF
6 ENERGY AND SHALL ANNUALLY ADJUST SUCH SCHEDULE OF APPLICABLE COSTS TO
7 ACCOUNT FOR SUCH VARIABILITY AND FOR ANNUAL INFLATION, AS DETERMINED
8 FROM THE INCREASE IN THE CONSUMER PRICE INDEX AS REPORTED BY THE BUREAU
9 OF LABOR STATISTICS OF THE UNITED STATES DEPARTMENT OF LABOR.
10 S 2. This act shall take effect on the ninetieth day after it shall
11 have become a law.