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

5607--A

2013-2014 Regular Sessions

I N S E N A T E

May 24, 2013

Introduced by Sens. DIAZ, SAMPSON, STAVISKY -- read twice and ordered printed, and when printed to be committed to the Committee on Health -- recommitted to the Committee on Health in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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:

Section 1. Section 461-q of the social services law, as added by section 46 of part B of chapter 58 of the laws of 2004, is amended to read as follows:

S 461-q. Temperature standards in adult homes, enriched housing programs and residences for adults. 1. The commissioner of health shall promulgate rules and regulations with respect to an allowable temperature in all areas occupied by residents of an adult home, enriched housing program and residence for adults, including any areas intended for use by its residents in common including auditoriums, meeting rooms and cafeterias. One common room in such adult home, enriched housing program and residence for adults shall be required to be air conditioned.

2. THE COMMISSIONER OF HEALTH IS HEREBY AUTHORIZED AND DIRECTED TO ESTABLISH A SCHEDULE OF REASONABLE MAXIMUM ALLOWABLE CHARGES THAT MAY BE ASSESSED BY ADULT HOMES, ENRICHED HOUSING PROGRAMS, AND RESIDENCES FOR ADULTS TO RESIDENTS FOR THE USE, MAINTENANCE, AND REPAIR OF THE INDIVIDUAL AIR CONDITIONERS IN THE RESIDENTS' PRIVATE LIVING QUARTERS, PROVIDED THAT THE AIR CONDITIONERS WERE NOT ACQUIRED THROUGH THE ENHANCING ABILITIES AND LIFE EXPERIENCE (ENABLE) PROGRAM. ADULT HOMES, ENRICHED HOUSING PROGRAMS, AND RESIDENCES FOR ADULTS THAT ELECT TO CHARGE RESIDENTS WHO OPERATE INDIVIDUAL AIR CONDITIONERS IN THEIR PRIVATE LIVING QUARTERS

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

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MUST ADHERE TO SUCH SCHEDULE OF REASONABLE MAXIMUM ALLOWABLE CHARGES. IN DETERMINING THE REASONABLE MAXIMUM ALLOWABLE CHARGES FOR THE USE, MAINTENANCE, AND REPAIR OF THE INDIVIDUAL AIR CONDITIONERS, THE COMMISSIONER OF HEALTH SHALL CONSIDER THE VARIABLE NATURE OF THE MARKET PRICE OF ENERGY AND SHALL ANNUALLY ADJUST SUCH SCHEDULE OF APPLICABLE COSTS TO ACCOUNT FOR SUCH VARIABILITY AND FOR ANNUAL INFLATION, AS DETERMINED FROM THE INCREASE IN THE CONSUMER PRICE INDEX AS REPORTED BY THE BUREAU OF LABOR STATISTICS OF THE UNITED STATES DEPARTMENT OF LABOR.

S 2. This act shall take effect on the ninetieth day after it shall have become a law.