

6203

I N S E N A T E

(PREFILED)

January 8, 2014

Introduced by Sen. VALESKY -- read twice and ordered printed, and when printed to be committed 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:

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

3 TITLE 4

4 CAPITAL INFRASTRUCTURE IMPROVEMENT AND DEVELOPMENT FOR OLDER
5 NEW YORKERS GRANT PROGRAM

6 SECTION 260. CAPITAL INFRASTRUCTURE IMPROVEMENT AND DEVELOPMENT FOR
7 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:

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

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

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

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

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

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

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

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

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

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

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

3. (A) NOTWITHSTANDING THE PROVISIONS OF SUBDIVISION ONE OF THIS SECTION, THE DIRECTOR AND THE DIRECTOR OF THE DORMITORY AUTHORITY MAY AWARD, IN AN AMOUNT NOT TO EXCEED TWENTY-FIVE PERCENT OF THE CAPITAL INFRASTRUCTURE IMPROVEMENT AND DEVELOPMENT FOR OLDER NEW YORKERS GRANT PROGRAM ALLOCATION IN ANY GIVEN FISCAL YEAR, GRANTS TO ELIGIBLE APPLICANTS WITHOUT THE PROCESS SET FORTH IN SUBDIVISION ONE OF THIS SECTION. WITH RESPECT TO THE PROCESS FOR THE AWARDING OF SUCH FUNDS WITHOUT THE PROCESS SET FORTH IN SUBDIVISION ONE OF THIS SECTION, THE DIRECTOR AND THE DIRECTOR OF THE DORMITORY AUTHORITY OF THE STATE OF NEW YORK SHALL DETERMINE ELIGIBLE AWARDEES BASED ON WHETHER THE DIRECTOR IS SATISFIED THAT SUCH AWARDEE IS AN AGING NETWORK SERVICE PROVIDER THAT DELIVERS SERVICES SUPPORTED BY THE STATE OFFICE FOR THE AGING AND LOCAL AAA NETWORKS IN COMPLIANCE WITH ALL RULES AND REGULATIONS TO ASSIST OLDER NEW YORKERS TO LIVE INDEPENDENTLY. THESE FUNDS WILL ENSURE THE QUALITY OF COMMUNITY BASED SERVICES PROVIDED THROUGH THE AGING NETWORK REMAIN ACCESSIBLE TO OLDER NEW YORKERS, INCLUDING BUT NOT LIMITED TO SERVICES PROVIDED IN SENIOR CENTERS, RESPITE SITES, NORC SUPPORTED SERVICE, SOCIAL ADULT DAY PROGRAMS SERVICES, AND OTHERS AS DETERMINED BY THE DIRECTOR.

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

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

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

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

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

54 5. (A) NOTWITHSTANDING SUBDIVISION ONE, TWO OR THREE OF THIS SECTION,
55 THE DIRECTOR, WITH THE APPROVAL OF THE DIRECTOR OF THE BUDGET, MAY
56 EXPEND FUNDS FOR THE PURPOSE OF PROVIDING COST EFFECTIVE INCREASED

1 ACCESS TO THE CAPITAL MARKETS, INCLUDING BUT NOT LIMITED TO THROUGH THE
2 USE OF MORTGAGE INSURANCE, CREDIT ENHANCEMENT, LETTERS OF CREDIT, BOND
3 INSURANCE OR OTHER ARRANGEMENTS, FOR CAPITAL PROJECTS THAT ARE DETER-
4 MINED TO MEET THE OBJECTIVES OF THIS SECTION.

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

8 S 2. The opening paragraph of section 1680-j of the public authorities
9 law, as amended by section 54 of part B of chapter 58 of the laws of
10 2005, is amended to read as follows:

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

24 S 3. This act shall take effect immediately.