

# STATE OF NEW YORK

5141--A

Cal. No. 418

2017-2018 Regular Sessions

## IN SENATE

March 9, 2017

Introduced by Sens. LITTLE, HAMILTON, SERINO -- read twice and ordered printed, and when printed to be committed to the Committee on Housing, Construction and Community Development -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, passed by Senate and delivered to the Assembly, recalled, vote reconsidered, restored to third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the private housing finance law, in relation to establishing the affordable senior housing and services program

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The private housing finance law is amended by adding a new article 28 to read as follows:

### ARTICLE XXVIII AFFORDABLE SENIOR HOUSING AND SERVICES

Section 1240. Statement of legislative findings and purpose.

1241. Definitions.

1242. Affordable senior housing and services program.

§ 1240. Statement of legislative findings and purpose. The legislature hereby finds and declares that there exists in the state a serious shortage of rental housing for older persons who choose to live independently, and who may benefit from modest basic services in order to remain living independently. Providing capital funding to facilitate the construction and rehabilitation of affordable rental apartments for older persons over the age of sixty, and providing service coordination funds to not-for-profit organizations, will allow thousands of older New Yorkers to "age-in-place" comfortably in their community, reducing the likelihood of residing in an institutional setting.

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

LBD10424-06-7

1     § 1241. Definitions. As used in this article:

2     1. "Corporation" shall mean the housing trust fund corporation estab-  
3 lished in section forty-five-a of this chapter.

4     2. "Eligible applicant" shall mean a person of low income, a housing  
5 development fund company incorporated pursuant to article eleven of this  
6 chapter, a not-for-profit corporation or charitable organization which  
7 has as one of its primary purposes the improvement of housing for  
8 persons of low income, a wholly-owned subsidiary of such a corporation  
9 or organization, a partnership at least fifty percent of the controlling  
10 interest of which is held by such a corporation or organization and  
11 which has agreed to limit profits or rate of return of investors in  
12 accordance with a formula established or approved by the corporation or  
13 a private developer which has agreed to limit profits or rate of return  
14 of investors in accordance with a formula established or approved by the  
15 corporation, a city, town, village or county, provided, however, that  
16 the county is only acting as an administrator of a program under which  
17 projects are rehabilitated or constructed or nonresidential properties  
18 are converted by other eligible applicants, or a municipal housing  
19 authority created pursuant to the public housing law, provided, however,  
20 that any real property of such housing authority to be rehabilitated,  
21 constructed or converted under this article shall not have been financed  
22 pursuant to the provisions of the public housing law and shall not have  
23 been owned by such authority prior to July first, nineteen hundred  
24 eighty-six, and provided, further, however, that persons of low income  
25 shall not be direct recipients of payments, grants or loans from the  
26 corporation under this article but may receive such funds from another  
27 eligible applicant.

28     3. "Affordable senior housing property" shall mean an apartment build-  
29 ing or complex occupied by individuals over sixty years of age, who live  
30 independently and at least eighty percent of whom have a total household  
31 income that does not exceed eighty percent of the area median income,  
32 and which apartment building or complex is not otherwise required to be  
33 licensed as an adult care facility pursuant to article seven of the  
34 social services law or an assisted living residence pursuant to article  
35 forty-six-B of the public health law.

36     4. "Healthy aging services" shall mean a limited array of optional  
37 services offered to residents of an affordable independent senior hous-  
38 ing property on a voluntary participation basis that help promote heal-  
39 thy aging, which may include: establishing and maintaining networking  
40 relationships with community-based services and organizations; providing  
41 residents with information and referral lists for community services;  
42 arranging for educational and socialization programs for residents;  
43 helping residents arrange for housekeeping, shopping, transportation,  
44 meal delivery services, cooking and/or aging services technology; estab-  
45 lishing resident safety programs; helping residents to apply for govern-  
46 ment benefits; advocating for residents; offering opportunities for  
47 exercise; educating residents about healthy diet; and other services  
48 designed to address the needs of older adults residing in independent  
49 senior housing. In no instance shall an independent senior housing prop-  
50 erty be considered or purport to provide assisted living unless it is a  
51 facility licensed pursuant to section forty-six hundred fifty-six of the  
52 public health law.

53     § 1242. Affordable senior housing and services program. 1. Establish-  
54 ment. Within amounts appropriated or otherwise available therefor, the  
55 corporation shall develop and administer an affordable senior housing  
56 and services program which shall provide assistance in the form of

1 payments, grants and loans for reasonable and necessary expenses, to an  
2 eligible applicant for the creation, preservation or improvement of  
3 affordable senior housing properties, provided that such housing also  
4 provides access to healthy aging services on a voluntary basis for all  
5 residents of the affordable senior housing property.

6 2. Program criteria. The corporation shall develop procedures, crite-  
7 ria and requirements related to the application and award of projects  
8 pursuant to this section which shall include: eligibility, market  
9 demand, feasibility and funding criteria; the funding determination  
10 process; supervision and evaluation of contracting applicants; report-  
11 ing, budgeting and recordkeeping requirements; provisions for modifica-  
12 tion and termination of contracts; and such other matters not inconsis-  
13 ent with the purposes and provisions of this article as the corporation  
14 shall deem necessary or appropriate.

15 3. Fund allocation. Sixty percent of the total funds awarded pursuant  
16 to this article in any fiscal year shall be allocated to projects  
17 located in urban areas of the state, as such term is defined in subdivi-  
18 sion four of section twelve hundred thirty-one of this chapter. Forty  
19 percent of the total funds awarded pursuant to this article in any  
20 fiscal year shall be allocated to projects located in rural areas of the  
21 state, as such term is defined in subdivision three of section twelve  
22 hundred thirty-one of this chapter.

23 4. Proof of available services. Applicants shall demonstrate proof  
24 that healthy aging services shall be made available to all residents of  
25 the property within thirty days of initial occupancy. There shall be no  
26 requirement that residents take part in such services. The property  
27 owner or his or her agent shall be responsible for ensuring that such  
28 services are available and that residents are made aware of the avail-  
29 ability of such services. If the owner of the property or his or her  
30 agent also provides services such as home care, the owner or his or her  
31 agent shall not require that any resident of the property use services  
32 provided and shall proactively provide information to residents about  
33 the availability of other companies or organizations in the community  
34 that provide the same or similar services.

35 5. Services funding through the office for the aging. The corporation  
36 shall suballocate a portion of the amount appropriated for the afforda-  
37 ble senior housing and services program to the office for the aging  
38 which shall provide grants on a competitive basis for not-for-profit  
39 organizations to provide healthy aging services. Such office shall  
40 develop regulations that will ensure that funds are provided to organ-  
41 izations that develop and operate affordable senior housing properties,  
42 as defined in this article. The office for the aging shall provide  
43 grants to organizations that have demonstrated experience working with  
44 persons eligible for the program for at least three years.

45 6. Annual report. The corporation shall annually, on or before Decem-  
46 ber thirty-first, submit a report to the legislature on the implementa-  
47 tion of this article. Such report shall include, but not be limited to,  
48 for each award made to a grantee under this article: a description of  
49 such award; contract amount and cumulative total; the specific activi-  
50 ties in rural and urban areas performed by such grantee; and such other  
51 information as the corporation deems pertinent.

52 § 2. This act shall take effect immediately.