STATE OF NEW YORK

5141--B

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 -- again 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

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

LBD10424-08-7

Yorkers to "age-in-place" comfortably in their community, reducing the likelihood of residing in an institutional setting.

§ 1241. Definitions. As used in this article:

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

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

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

4. "Healthy aging services" shall mean a limited array of optional services offered to residents of an affordable independent senior housing property on a voluntary participation basis that help promote healthy aging, which may include: establishing and maintaining networking relationships with community-based services and organizations; providing residents with information and referral lists for community services; arranging for educational and socialization programs for residents; helping residents arrange for housekeeping, shopping, transportation, meal delivery services, cooking and/or aging services technology; establishing resident safety programs; helping residents to apply for government benefits; advocating for residents; offering opportunities for exercise; educating residents about healthy diet; and other services designed to address the needs of older adults residing in independent senior housing. In no instance shall an independent senior housing property be considered or purport to provide assisted living unless it is a facility licensed pursuant to section forty-six hundred fifty-six of the public health law.

§ 1242. Affordable senior housing and services program. 1. Establishment. Within amounts appropriated or otherwise available therefor, the

corporation shall develop and administer an affordable senior housing and services program which shall provide assistance in the form of payments, grants and loans for reasonable and necessary expenses, to an eligible applicant for the creation, preservation or improvement of affordable senior housing properties, provided that such housing also provides access to healthy aging services on a voluntary basis for all residents of the affordable senior housing property.

2. Program criteria. The corporation shall develop procedures, criteria and requirements related to the application and award of projects pursuant to this section which shall include: eligibility, market demand, feasibility and funding criteria; the funding determination process; supervision and evaluation of contracting applicants; reporting, budgeting and recordkeeping requirements; provisions for modification and termination of contracts; and such other matters not inconsistent with the purposes and provisions of this article as the corporation shall deem necessary or appropriate.

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

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

5. Services funding through the office for the aging. A portion of the amount appropriated for the affordable senior housing and services program shall be sub-allocated or transferred to the office for the aging which shall provide grants on a competitive basis for not-for-profit organizations to provide healthy aging services. Such office shall develop regulations that will ensure that funds are provided to organizations that develop and operate affordable senior housing properties, as defined in this article. The office for the aging shall provide grants to organizations that have demonstrated experience working with persons eligible for the program for at least three years.

6. Annual report. The corporation shall annually, on or before December thirty-first, submit a report to the legislature on the implementation of this article. Such report shall include, but not be limited to, for each award made to a grantee under this article: a description of such award; contract amount and cumulative total; the specific activities in rural and urban areas performed by such grantee; and such other information as the corporation deems pertinent.

§ 2. This act shall take effect immediately.