

STATE OF NEW YORK

5269

2019-2020 Regular Sessions

IN SENATE

April 22, 2019

Introduced by Sen. KAVANAGH -- read twice and ordered printed, and when printed to be committed to the Committee on Housing, Construction and Community Development

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:

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

3 ARTICLE XXVIII
4 AFFORDABLE SENIOR HOUSING
5 AND SERVICES

6 Section 1240. Statement of legislative findings and purpose.

7 1241. Definitions.

8 1242. Affordable senior housing and services program.

9 § 1240. Statement of legislative findings and purpose. The legislature
10 hereby finds and declares that there exists in the state a serious shor-
11 tage of rental housing for older persons who choose to live independent-
12 ly, and who may benefit from modest basic services in order to remain
13 living independently. Providing capital funding to facilitate the
14 construction and rehabilitation of affordable rental apartments for
15 older persons over the age of sixty-two, and providing service coordi-
16 nation funds to not-for-profit organizations, will allow thousands of
17 older New Yorkers to "age-in-place" comfortably in their community,
18 reducing the likelihood of residing in an institutional setting.

19 § 1241. Definitions. As used in this article:

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

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

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

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

33 4. "Healthy aging services" shall mean an array of optional services
34 offered to residents of an affordable independent senior housing proper-
35 ty on a voluntary participation basis that help promote healthy aging
36 which may include, but not be limited to: establishing and maintaining
37 networking relationships with community-based services and organiza-
38 tions; providing residents with information and referral lists for
39 community services and assisting them with follow-ups; arranging for
40 educational and socialization programs for residents; helping residents
41 arrange for housekeeping, shopping, transportation, meals-on-wheels,
42 cooking and laundry services; establishing resident safety programs;
43 assisting residents to apply for government benefits; advocating for
44 residents; offering opportunities for exercise; educating residents
45 about healthy diet; and other services designed to address the needs of
46 older adults residing in senior housing facilities by helping them
47 extend their independence, improve their quality of life, and avoid
48 unnecessary hospital and nursing home use.

49 § 1242. Affordable senior housing and services program. 1. Establish-
50 ment. Within amounts appropriated or otherwise available therefor, the
51 corporation shall develop and administer an affordable senior housing
52 and services program which shall provide assistance in the form of
53 payments, grants and loans for reasonable and necessary expenses, to an
54 eligible applicant for the creation, preservation or improvement of
55 affordable senior housing properties, provided that such housing also

1 provides access to healthy aging services on a voluntary basis for all
2 residents of the affordable senior housing property.

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

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

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

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

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

49 § 2. This act shall take effect immediately.