§ 209. Naturally occurring retirement community supportive service program. 1. As used in this section:

(a) "Older adults" shall mean persons who are sixty years of age or older.

(b) "Eligible applicant" shall mean a not-for-profit agency specializing in housing, health or other human services which serves or would serve the community within which a naturally occurring retirement community is located.

(c) "Health indicators/performance improvement" shall mean a survey tool, database, and process that provides grantees with performance outcomes data.

(d) "Eligible services" shall mean the following services provided by a classic or neighborhood NORC program, or in coordination with other entities, including, but not limited to: person centered planning, case assistance, care coordination, information and assistance, application and benefit assistance, health care management and assistance, volunteer services, health promotion and linkages to prevention services and screenings, linkages to in-home services, health indicators/performance improvement, housekeeping/chore, personal care, counseling, shopping and/or meal preparation assistance, escort, telephone reassurance, transportation, friendly visiting, support groups, personal emergency response systems (PERS), meals, recreation, bill paying assistance, education regarding the signs of elder abuse or exploitation and available resources for a senior who is a suspected victim of elder abuse or exploitation, or identity theft, chemical dependence counseling provided by credentialed alcoholism and substance abuse counselors as defined in paragraph three of subdivision (d) of section 19.07 of the mental hygiene law and referrals to appropriate chemical dependence counseling providers, and other services designed to address the needs of residents of classic and neighborhood NORCS by helping them extend their independence, improve their quality of life, and maximize their well-being.

(e) "Naturally occurring retirement community", "classic naturally occurring retirement community" or "classic NORC" shall mean an apartment building or housing complex which:

(1) was not predominantly built for older adults;

(2) does not restrict admissions solely to older adults;

(3) (A) at least forty percent of the units have an occupant who is an older adult; and

(B) in which at least two hundred fifty of the residents of an apartment building are older adults or five hundred residents of a housing complex are older adults; and

(4) a majority of the older adults to be served are low or moderate income, as defined by the United States Department of Housing and Urban Development.

(f) "Neighborhood naturally occurring retirement community" or "neighborhood NORC" shall mean a residential dwelling or group of residential dwellings in a geographically defined neighborhood or group of contiguous neighborhoods which:

(1) was not predominantly developed for older adults;

(2) does not predominantly restrict admission to older adults;

(3) (A) in a non-rural area, has at least thirty percent of the residents who are older adults or the units have an occupant who is an older adult; (B) in a rural area, has at least twenty percent of the residents who are older adults or the units have an occupant who is an older adult; and

(4) is made up of low-rise buildings six stories or less and/or single and multi-family homes, provided, however, that apartment buildings and housing complexes, including those that exceed six stories, may be included.

(g) "Rural areas" shall mean counties within the state having a population of less than two hundred thousand persons including the municipalities, individuals, institutions, communities, programs, and such other entities or resources as are found therein; or, in counties with a population of two hundred thousand or more, towns with a population density of less than one hundred and fifty persons per square mile including the villages, individuals, institutions, communities, programs, and such other entities or resources as are found therein.

(h) "Non-rural areas" shall mean any county, city, or town that has a population or population density greater than that which defines a rural area pursuant to this subdivision.

2. A naturally occurring retirement community supportive service program is established as a program to be administered by the director.

3. The director shall develop appropriate criteria for the selection of grantees of funds provided pursuant to this section.

4. The criteria for the award of grants shall be consistent with the provisions of this section and shall include, at a minimum:

(a) the number, size, type and location of the projects to be served, including the number, size, type and location of residential dwellings or group of residential dwellings selected as candidates for inclusion in a neighborhood naturally occurring retirement community; provided, that the director shall make reasonable efforts to assure that geographic balance in the distribution of such projects is maintained, consistent with the needs to be addressed, funding available, applications for eligible applicants, ability to coordinate services, other requirements of this section, and other criteria developed by the director;

(b) the appropriate number and concentration of older adult residents to be served by an individual project; provided, that such criteria need not specify, in the case of a project which includes several buildings, the number of older adults to be served in any individual building;

(c) the demographic characteristics of the residents to be served;

(d) a requirement that the applicant demonstrate community wide support from residents, neighborhood associations, community groups, nonprofit organizations and others;

(e) in the case of neighborhood naturally occurring retirement communities, a requirement that the boundaries of the geographic area to be served are clear and coherent and create an identifiable program and supportive community;

(f) the financial or in-kind support required to be provided to the project by the owners, managers and residents of the housing development or geographically defined area; provided, however, that such criteria need not address whether the funding is public or private, or the source of such support;

(g) the scope and intensity of the services to be provided, and their appropriateness for the residents proposed to be served. The applicant shall have conducted a needs assessment on the basis of which such applicant shall establish the nature and extent of services to be

provided; and further that such services shall provide a mix of appropriate services that provide active and meaningful participation for residents. The criteria shall not require that the applicant agency be the sole provider of such services, but shall require that the applicant at a minimum actively manage the provision of such services. Such services may be the same as services provided by the local municipality or other community-based organization provided that those services are not available to or do not entirely meet the needs of the residents of the classic or neighborhood naturally occurring retirement community;

(h) the experience and financial stability of the applicant agency, who shall demonstrate to the satisfaction of the director their fiscal and managerial stability and programmatic success in serving residents;

(i) the plan for active, meaningful participation for residents proposed to be served in project design, implementation, monitoring, evaluation, and governance;

(j) an agreement by the applicant to participate in data collection and evaluation necessary to implement performance measures for health indicators/performance improvement and complete the report required by this section;

(k) the policy and program roles of the applicant agency and any other agencies involved in the provision of services or the management of the project, including community-based organizations, the housing development governing body, or other owners or managers of the apartment buildings and housing complexes and the residents of such apartment buildings and housing complexes. The criteria shall require a clear delineation of such policy and program roles;

(l) a requirement that each eligible agency document the need for the project and financial commitments to it from such sources as the director shall deem appropriate given the character and nature of the proposed project, and written evidence of support from the appropriate housing development governing body or other owners or managers of the apartment buildings and housing complexes in the case of classic naturally occurring retirement communities, or the geographically defined neighborhood in the case of neighborhood naturally occurring retirement communities. The purpose of such documentation shall be to demonstrate the need for the project, support for it in the areas to be

served, and the financial and managerial ability to sustain the project;

(m) a requirement that any aid provided pursuant to this section be matched by an amount equal to one quarter of the aid provided, consisting of monetary support, in-kind support, or some combination thereof from other sources, provided that such in-kind support be utilized only upon approval from the director and only to the extent matching funds are not available and that at least fifty percent of such required match be contributed by the housing development governing body or other owners or managers and residents of the apartment buildings and housing complexes, or geographically defined area, in which the project is proposed, or, upon approval by the director, sources in neighborhoods contiguous to the boundaries of the geographic areas served where services may also be provided pursuant to subdivision six of this section;

(n) the circumstances under which the director may waive all or part of the requirement for provision of an equal amount of funding from other sources required pursuant to paragraph (m) of this subdivision, provided that such criteria shall include provision for waiver at the discretion of the director upon a finding by the director that the program will serve a low income or hardship community, and that such waiver is required to assure that such community receive a fair share of the funding available. The director shall develop appropriate criteria for determining whether a community is a low income or hardship community;

(o) the policy and program roles of the applicant agency and any other agencies involved in the provision of services or the management of the neighborhood naturally occurring retirement community, provided that the criteria shall require a clear delineation of such policy and program roles; and

(p) a plan for coordination with the designated area agency on aging to leverage additional services for classic or neighborhood NORC participants.

4-a. The director shall develop a list of priority and optional services from the eligible services listed in paragraph (d) of subdivision one of this section which may be used in the selection of grantees pursuant to this section.

4-b. Notwithstanding any provision of law to the contrary, priority shall be given in any competitive bidding or request for proposals process conducted for the naturally occurring retirement community supportive services program to applicants that propose to serve a building, housing complex, or catchment area that is being served at the time of the competitive bidding or request for proposals process.

5. Within amounts specifically appropriated therefor and consistent with the criteria developed and required pursuant to this section the director shall approve grants to eligible applicants. Individual grants awarded for classic NORC programs shall be in amounts not to exceed three hundred thousand ($300,000) dollars and for neighborhood NORCs not less than sixty thousand ($60,000) dollars in any twelve month period.

6. The director may allow services provided by a naturally occurring retirement community supportive service program or by a neighborhood naturally occurring retirement community to also include services to residents who live in neighborhoods contiguous to the boundaries of the geographic area served by such programs if: (a) the persons served are older adults; (b) the services affect the health and welfare of such persons; and (c) the services are provided on a one-time basis in the year in which they are provided, and not in a manner which is said or intended to be continuous. The director may also consent to the provision of such services by such program if the program has received a grant which requires services to be provided beyond the geographic boundaries of the program. The director shall establish procedures under which a program may request the ability to provide such services. The provision of such services shall not affect the funding provided to the program by the department pursuant to this section.

7. The director shall promulgate rules and regulations as necessary to carry out the provisions of this section.

* 8. On or before March first, two thousand nineteen, and every five years thereafter, the director shall report to the governor and the finance committee of the senate and the ways and means committee of the assembly concerning the effectiveness of the naturally occurring

retirement community supportive services program in achieving the objectives set forth by this section, which include helping to address the needs of residents in such classic and neighborhood naturally occurring retirement communities, assuring access to a continuum of necessary services, increasing private, philanthropic and other public funding for programs, and preventing unnecessary hospital and nursing home stays. The report shall also include recommendations concerning continuation or modification of the program from the director. The director shall provide the required information and any other information deemed appropriate to the report in such form and detail as will be helpful to the legislature and the governor in determining to extend, eliminate or modify the program including, but not limited to, the following:

(a) the number, size, type and location of the projects developed and funded, including the number, kinds and functions of staff in each program;

(b) the age, sex, religion and other appropriate demographic information concerning the residents served;

(c) the services provided to residents, reported in such manner as to allow comparison of services by demographic group and region;

(d) a listing of the services provided by eligible applicants, including the number, kind and intensity of such services; and

(e) a listing of partner organizations providing services, the number, kind and intensity of such services, and, to the extent practicable, the outcomes of such referrals.

* NB Effective until September 1, 2024

* 8. On or before March first, two thousand nineteen, and every five years thereafter, the director shall report to the governor and the finance committee of the senate and the ways and means committee of the assembly concerning the effectiveness of the naturally occurring retirement community supportive services program in achieving the objectives set forth by this section, which include helping to address the needs of residents in such classic and neighborhood naturally occurring retirement communities, assuring access to a continuum of necessary services, increasing private, philanthropic and other public funding for programs, and preventing unnecessary hospital and nursing home stays. The report shall also include recommendations concerning

continuation or modification of the program from the director. The director shall provide the required information and any other information deemed appropriate to the report in such form and detail as will be helpful to the legislature and the governor in determining to extend, eliminate or modify the program including, but not limited to, the following:

(a) the number, size, type and location of the projects developed and funded, including the number, kinds and functions of staff in each program;

(b) the age, sex, religion and other appropriate demographic information concerning the residents served;

(c) the services provided to residents, reported in such manner as to allow comparison of services by demographic group and region;

(d) a listing of the services provided by eligible applicants, including the number, kind and intensity of such services;

(e) a listing of partner organizations providing services, the number, kind and intensity of such services, and, to the extent practicable, the outcomes of such referrals; and

(f) the number of residents participating in programs or services provided under this section who report suffering from social isolation and loneliness and the services provided to residents.

* NB Effective September 1, 2024

9. In the event that a classic or neighborhood NORC is no longer funded under this section, the director shall, to the best of the director's ability, provide information about nearby services available to older adults who currently live in such classic or neighborhood NORC.