

2017

ANNUAL REPORT



New York State Assembly

Carl E. Heastie

Speaker

Committee on

Aging

Donna A. Lupardo

Chair



THE ASSEMBLY
STATE OF NEW YORK
ALBANY

CHAIR
Committee on Aging

COMMITTEES
Tourism, Parks, Arts and Sports
Development
Economic Development, Job Creation,
Commerce and Industry
Higher Education
Transportation

DONNA LUPARDO
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December 15, 2017

Honorable Carl E. Heastie
Speaker of the Assembly
State Capitol, Room 349
Albany, New York 12248

Dear Mr. Speaker:

I am pleased to present the 2017 Annual Report of the Assembly Standing Committee on Aging. In assuming the role of Chair of the Committee on Aging, I was tasked with advancing legislation aimed at protecting the quality of life, health, safety and independence of New York's seniors. The work accomplished during the 2017 Legislative Session reflects the commitment of the Committee and myself to achieve these goals.

This year, the Committee on Aging continued to address the crime of elder abuse, specifically financial exploitation, as it is becoming one of the most common crimes committed against the elderly. In a positive development on this front, Chapter 328 of this year requires the New York State Office for the Aging (NYSOFA) to work with the New York State Department of Health and New York State Office of Children and Family Services to develop guidelines to assist healthcare providers in identifying and responding to potential elder abuse.

I would like to take this opportunity to thank the Committee members for their continued contributions to this past year's achievements. Finally, Mr. Speaker, thank you for your leadership and support of our legislative initiatives to better protect New York State's seniors.

Sincerely,

Donna Lupardo
Chair, Committee on Aging

**2017 ANNUAL REPORT
OF THE
ASSEMBLY STANDING COMMITTEE ON AGING**

DONNA LUPARDO, CHAIR

Members of the Committee

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Peter J. Abbate, Jr.
William Magee
Carmen E. Arroyo
José Rivera
Phil Ramos
Michael G. DenDekker
Edward C. Braunstein
Michael Simanowitz
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Karl Brabenec
Joseph Errigo
Michael Norris
Mary Beth Walsh

Staff

Giovanni Warren, *Assistant Secretary for Program and Policy*
Erin Cunningham, *Legislative Analyst*
Sara Neitzel, *Associate Counsel*
Emma Schwab, *Committee Assistant*
Harris Weiss, *Committee Clerk*

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I. Committee Responsibilities and Goals

The New York State Assembly Standing Committee on Aging has jurisdiction over legislation affecting the quality of life of New York's senior citizens. The Committee also reviews certain legislation providing real property tax relief for seniors. The Committee works closely with the New York State Office for the Aging and has legislative and budgetary oversight of the agency's programs.

The Committee works to ensure that essential services are available for seniors so that they may enjoy a high quality of life as they get older. This includes programs such as: the Expanded In-Home Services for the Elderly Program (EISEP), Caregiver Resource Centers, the Long-Term Care Ombudsman Program (LTCOP), the Retired and Senior Volunteer Program (RSVP), Senior Respite programs, Social Adult Day programs, Naturally Occurring Retirement Communities (NORCs), Neighborhood Naturally Occurring Retirement Communities (NNORCs), the Senior Citizen Rent Increase Exemption (SCRIE) program, Foster Grandparent programs, the Elder Abuse Education and Outreach program, and locally based Meals-on-Wheels programs. The Committee also has legislative and budgetary oversight of the Elderly Pharmaceutical Insurance Coverage (EPIC) program, which is administered by the New York State Department of Health.

During the 2017 Legislative Session, the Committee reviewed 85 bills that sought to address and remedy many concerns affecting seniors. These bills dealt with issues such as reducing the real property tax burden on low-income seniors, protecting seniors from abuse and victimization, ensuring that seniors are able to safely remain in their homes and communities for as long as possible with the supports they deserve, and providing a variety of resources to seniors and their caregivers.

The following report details the major legislative activities and accomplishments of the Committee on Aging during the 2017 Legislative Session.

II. 2017 COMMITTEE ACCOMPLISHMENTS

A. Real Property Tax

In 1970, the Senior Citizen Rent Increase Exemption (SCRIE) program began offering qualifying senior citizens protection from future rent increases. In 2005, it was expanded to include qualifying tenants with disabilities under the Disability Rent Increase Exemption (DRIE) program. These programs help eligible senior citizens aged 62 and over and tenants with qualifying disabilities, living in rent-controlled and rent-stabilized apartments in New York City, stay in affordable housing by freezing their rent. As such, the Committee on Aging aims to enable and support seniors and persons with disabilities so that they may remain within their communities for as long as possible. The SCRIE and DRIE programs help to accomplish this goal by providing a property tax credit to building owners that covers the difference between the actual rent amount and what the tenant is responsible for paying at the frozen rate.

In addition, through the Senior Housing Exemption program, eligible homeowners aged 65 and over who meet the program's income requirements can apply to receive a reduction in their property taxes.

1. Excluding Annuity Roll-over Transfers from Taxable Income for Seniors

A.1603 (Skoufis); Chapter 279 of the Laws of 2017

This law excludes any non-taxable gain from the exchange of one annuity for another from the calculation of income for the purpose of determining eligibility for the Senior Housing Exemption program.

2. Increased Efficiency and Communication in Administering the Rent Increase Exemption Program

A.6037 (Lupardo); Passed Assembly

This bill would increase awareness of the Senior Citizen Rent Increase Exemption (SCRIE) program and the Disabled Rent Increase Exemption (DRIE) program through outreach efforts, as well as provide for the timely processing of SCRIE and DRIE applications and provide applicants with a mechanism for determining the status of their exemptions.

3. Communication Assistance for Rent Increase Exemption Participants

A.6915-A (Harris); Passed Assembly

This bill would require municipalities that offer the SCRIE/DRIE program to develop and implement a plan to make sure that individuals who have limited

English proficiency or otherwise require communication assistance, have adequate access to the program. This plan would include translation of necessary documents into the six most common non-English languages spoken in the municipality, provision of interpretive services upon request, and provision of assistive services upon request or demonstrated need to individuals who require such assistance due to partial or total deafness, blindness, speech impediment, or cognitive impairment.

4. Expand Senior Housing and Disabled Housing Exemptions Income Limits
A.7463-A (Kavanagh); Chapter 131 of the Laws of 2017

This law raises the income limit for the Senior Citizen Homeowners' Exemption (SHE) and the Disabled Homeowners' Exemption (DHE) programs to \$50,000 within New York City.

B. Safety, Health, and Well-Being

With a growing number of seniors living independently, it is becoming increasingly important to ensure that older adults are safe at home and in their communities, and that they maintain their health and wellness. As people age, they may become more vulnerable to a variety of hazards such as falls, drug interactions, and victimization. It is the goal of the Committee on Aging to help prevent such hazards and establish appropriate responses.

1. Study of Fees and Charges in Assisted Living Facilities
A.3061 (DenDekker); Passed Assembly

This bill would direct the Department of Health and NYSOFA to study the fees and charges, specifically their rates of increase, assessed to residents of assisted living facilities. This study would be delivered on or before April 2018 to the Governor, Speaker of the Assembly, and Temporary President of the Senate.

2. Establishing Model Community Programs
A.7796 (Lupardo); Chapter 301 of the Laws of 2017

This law encourages the development of local programs to assist seniors through the State Office for the Aging (SOFA)'s development of model community programs materials to be distributed, upon request to local agencies on aging and to community organizations.

C. Elder Abuse

Elder abuse affects thousands of seniors across New York State every year. There are many types of elder abuse, including physical, verbal, sexual, emotional and financial abuse. One of the primary hurdles to addressing elder abuse is the lack of awareness and information about its signs and symptoms. Fortunately, efforts are currently being made to overcome these severe challenges. Working to increase opportunities to identify signs of abuse, increase outreach and education, and empower seniors who are or may become victims of elder abuse is one of the Committee on Aging's top priorities.

1. Home Visitation for Elderly Victims of Violent Crime

A.2394 (Dinowitz); Chapter 280 of the Laws of 2017

This law requires that NYSOFA be consulted in the promotion of volunteer home visitation programs for elderly and invalid victims of violent crime.

2. Encourage and Support Voluntary Reporting of Elder Abuse

A.6395 (Lupardo); Passed Assembly

The purpose of this bill is to encourage and support voluntary reporting by banking institutions of suspected financial exploitation. It includes the following provisions:

- The Superintendent of the Department of Financial Services would be directed to develop guidelines for reporting suspected financial exploitation in consultation with the State Office for the Aging, New York State Attorney General, representatives of the financial services industry, law enforcement, senior groups, disability groups, and district attorneys.
- The Superintendent, along with the other groups who assisted with developing the guidelines, would also be directed to develop training materials to be made available to banks to train their staff and brochures for bank patrons regarding the signs of elder abuse.
- Additionally, banking institutions would receive immunity from civil liability for making a report of suspected financial exploitation in accordance with the guidelines provided.

3. Develop Guidelines for Healthcare Providers to Identify Elder Abuse

A.8258-A (Lupardo); Chapter 328 of the Laws of 2017

This law requires the State Office for the Aging to work with the Office of Children and Family Services, the Department of Health, and industry and stakeholder groups to create guidelines to assist healthcare providers in identifying and responding to potential elder abuse.

D. Other Legislation

1. Adds Topics to State Office for the Aging Annual Report

A.6736 (Lupardo); Passed Assembly

This bill would add two additional sections to the State Office for the Aging annual report:

- The number of older adults who are primary caregivers or guardians for minors, including analyses of circumstances that lead to this arrangement, services available for older adults in these circumstances, and recommendations regarding support that could be provided to such older adults; and
- An analysis of substance use disorders among older adults including prevalence, available programs and services, and recommendations regarding ways the office can assist older adults with substance use disorders

2. Aging in New York: State Plan on Aging

A.6976 (Barron); Veto Memo 187 of 2017

This bill would require the creation of an interagency council (the Council) comprising NYSOFA, Department of Health, Office of Mental Health, Office of Alcoholism and Substance Abuse Services, Office of Temporary and Disability Assistance, Office for Persons with Developmental Disabilities, Division of Housing and Community Renewal, Department of Labor, Department of Financial Services, Department of Transportation, and the Office of Children and Family Services.

The Council would develop a statewide plan on aging to account for the current and future needs of older adults. The plan would focus on several areas including, but not limited to, health services, community-based services, housing, workforce issues, kin care, and mental health and substance abuse services.

III. SFY 2017-2018 BUDGET HIGHLIGHTS

The State Fiscal Year (SFY) 2017-2018 Budget provided funding for many programs in New York State that are dedicated to protecting the quality of life, health, safety, and independence of senior citizens. These programs and services provide significant and essential assistance to the elderly as well as their caregivers, families, friends, and neighbors.

A. ADDITIONAL FUNDING

Additional funding was also appropriated under Aid to Localities for many State and local programs for seniors in this year's budget.

Community Services for the Elderly (CSE) \$875,000

The Community Services for the Elderly (CSE) Program helps to improve the capability of communities to support elderly people in need of assistance so that they may remain in their homes and actively participate in family and community life. CSE also works to reduce the heavy reliance on institutions as the first-choice method to care for older adults, therefore reducing the public expense of caring for the needs of older New Yorkers. Eligible services available to counties include, but are not limited to, meals, transportation, social adult day services, case management, personal care, respite, friendly visiting, and minor residential repairs.

Appropriation language waives the local match for \$3.5 million in CSE funding.

Naturally Occurring Retirement Communities (NORCs) \$2,000,000 and Neighborhood NORCs

The Naturally Occurring Retirement Communities (NORCs) and Neighborhood (NORCs) are multi-age housing developments or neighborhoods that were not originally built for seniors but are now home to a significant number of senior citizens. These programs provide a variety of services in order to maximize quality of life and keep seniors in the community. This additional funding was provided through a transfer from the Mortgage Insurance Fund Program.

Funding for Enhanced Multidisciplinary Teams from Office of Victim Services

Appropriation language was added in the Office of Victim Services to include enhanced multidisciplinary teams as potential recipients of federal crime victim and witness assistance funds.

B. RESTORATIONS

NYConnects **\$2,500,000**

The NYConnects program provides information and referrals for long term care services to individuals and their caregivers at the county level. This funding was provided in the State Office for the Aging budget for administration in previous years. In this year’s enacted budget, this funding was restored as a discrete line item in the Department of Health budget through Medicaid.

Transportation **\$1,120,000**

The Executive budget proposed combining the transportation funding that is allocated to counties with the Community Services for the Elderly Program funding. Unfortunately, this would have resulted in additional county matching fund requirements, so the enacted budget restored this discrete line item.

Lifespan Enhanced Multidisciplinary Teams (E-MDT) Program **\$500,000**

This year’s enacted state budget will help sustain the existing E-MDTs and continue their mission to prevent and address financial exploitation and elder abuse of older adults. Lifespan is also charged with using the allocated funds to implement new E-MDT hubs across the State.

C. BUDGET SUMMARY CHART

The following chart lists all of the aging programs and the amount at which they were funded in this year’s budget.

Programs/Service	Total Funding
Community Services for the Elderly (CSE) Program	\$29,808,000
Expanded In-Home Services for the Elderly (EISEP)	\$50,120,000
Caregiver Resource Centers	\$353,000
Wellness in Nutrition (WIN) Program	\$27,483,000
Local grants for the Long-term Care Ombudsman Program	\$1,190,000
State aid grants to providers of respite services	\$656,000
Grants for providers of social model adult day services	\$1,072,000
Naturally Occurring Retirement Communities (NORCs)	\$2,027,500

Neighborhood Naturally Occurring Retirement Communities (NNORCs)	\$2,027,500
Grants for transportation operating expenses for the elderly	\$1,121,000
Grants for the Health Insurance Information, Counseling and Assistance Program (HIICAP)	\$1,000,000
Matching federally funded model projects and/or demonstration grant programs	\$175,000
Managed Care Consumer Assistance Program (MCCAP)	\$1,767,000 ¹
Retired and Senior Volunteer Program (RSVP)	\$216,500
EAC/Nassau Senior Respite Program	\$118,500
Home Aides of Central New York, Inc.	\$71,000
New York Foundation for Senior Citizens Home Sharing and Respite Care Program	\$172,000
Foster Grandparents Program	\$98,000
Elderly Abuse and Outreach Program	\$745,000
Livable New York Initiative	\$122,500
New York State Adult Day Services Association, Inc.	\$122,500
Congregate Services Initiative	\$403,000
New York Statewide Senior Action Council, Inc. – Patients’ Rights Hotline and Advocacy Project	\$63,500
Association on Aging in New York State	\$250,000
Lifespan Elder Abuse Prevention Program – Enhanced Multi-Disciplinary Teams	\$500,000
Lifespan Elder Abuse Prevention Program	\$200,000
Services Now for Adult Persons, Inc.	\$300,000
Older Adults Technology Center	\$250,000
Jewish Community Council of Greater Coney Island	\$200,000
Emerald Isle Immigration Center, Inc.	\$100,000
Riverdale Senior Services, Inc.	\$100,000
Neighborhood Self-Help by Older Persons Project, Inc.	\$75,000
Wayside Out-Reach Development, Inc.	\$75,000

¹ Funding appropriated to MCAAP is disbursed to the following programs: Medicare Rights Center (\$793,000); New York Statewide Senior Action Council, Inc. (\$354,000); New York Legal Assistance Group (\$222,000); Empire Justice Center (\$155,000); Community Service Society (\$132,000); and Legal Aid Society of New York (\$111,000).

Crown Heights Jewish Community Council, Inc.	\$50,000
LiveOn NY	\$50,000
JASA	\$50,000
Wayside Out-Reach Development, Inc.	\$50,000
Elmcor Youth & Adult Activities, Inc.	\$50,000
Queens Community House, Inc.	\$50,000
B’Nai Yosef Synagogue	\$50,000
Greater Whitestone Taxpayers Community Center	\$50,000
Meals on Wheels Programs & Services of Rockland, Inc.	\$25,000
Medicare Rights Center	\$25,000
Allerton Avenue Homeowners and Tenants Association	\$25,000
Bayside Senior Center	\$15,000
Hillcrest Senior Center	\$15,000

IV. HEARINGS

A. Adult Care Facilities

The Assembly Standing Committees on Health, Aging, and Social Services held a pair of hearings to examine the safety and quality of residential units and public spaces in residential adult care facilities, commonly known as adult homes, including: enforcement of health and safety standards; privacy of residents; and residents' access to supportive and social services, health care, meals, and transportation. These hearings took place on September 19, 2017, in New York City and on September 28, 2017, in Syracuse.

The committees heard from the Department of Health along with adult home operators, community-based organizations, service providers, and other stakeholders on the range of issues and challenges facing adult homes and residents including the availability and quality of services delivered through these homes, and what, if any, changes need to be made to improve such service delivery, including the impact of an increase in SSP support on the residents of these homes.

B. Nursing Home Quality and Enforcement

On November 8, 2017, the Assembly Standing Committees on Health and Aging held a hearing in New York City to discuss nursing home quality and enforcement including: continuity of care and quality of life; survey and deficiency processes; the impact of new federal regulations; efficacy of ombudsman programs; and staffing ratios and staff training. It has been at least 10 years since there has been a hearing to comprehensively assess these kinds of issues relating to nursing homes.

The Committees heard from advocacy organizations along with representatives of nursing homes, local ombudsmen, community-based organizations, resident representatives, and other stakeholders on these and other issues relating to nursing homes in the State of New York.

C. Examination of Non-Medical Programs that Support Seniors in the Community

On December 6, 2017, the Assembly Standing Committee on Aging held a hearing in Albany to discuss the ways in which community-based, non-medical services and programs provide cost-effective supports to seniors living in their homes and neighborhoods and look at new approaches to delivering these services. Community Services for the Elderly, the Expanded In-Home Services for the Elderly Program, Naturally Occurring Retirement Communities, and Social Model Adult Day are a few key programs discussed that provide essential non-medical supports that allow seniors to delay medical intervention that is costly both to them and to the State.

The Committee heard from county offices for the aging, community-based organizations, advocacy groups, and nonprofit service providers on these and other issues relating to non-medical, community-based services.

V. OUTLOOK AND GOALS FOR 2018

The 2018 Legislative Session promises to present many challenges to the Aging Committee. The Assembly has been working diligently to increase awareness of the many forms of elder abuse in the hope of preventing and providing better support to victims. The Committee on Aging will continue to address the challenges surrounding the issue, including the lack of awareness and information about the signs and symptoms of elder abuse, by working to increase opportunities to identify signs of abuse, increase outreach and education, and help empower seniors who are or may become victims of elder abuse. Additionally, the Committee will continue to work in support of establishing a statewide elder abuse hotline.

With a growing number of seniors living independently, it is becoming increasingly important to ensure that older adults are safe at home and in their communities, and that they maintain their health and wellness. While medical advances have led to longer and healthier lives, there are still large numbers of older adults living in poverty. The Committee on Aging will remain dedicated to understanding the causes and risk factors related to poverty among senior citizens, and work toward reviewing existing services and new initiatives to better meet their needs.

The Committee on Aging will also work toward securing adequate resources for various services and programs that serve older adults throughout New York State. With more people living longer, and the aging of the “baby boomer” generation, it is essential that we find a way to meet the increasing demand of such programs and ensure that older New Yorkers receive the services they need, both at home and in their communities.

APPENDIX A

Chapters of 2017 - Bills Signed into Law by the Governor

CHAPTER	ASSEMBLY BILL # (SPONSOR)	SENATE BILL # (SPONSOR)	DESCRIPTION
131	A.7463-A (Kavanagh)	S.4628-A (Savino)	Raises the income limit for the Senior Citizen Homeowners' Exemption (SHE) and the Disabled Homeowners' Exemption (DHE) programs to \$50,000 for New York City only.
279	A.1603 (Skoufis)	S.4732 (Larkin)	Excludes any non-taxable gain from the exchange of one annuity for another from the calculation of income for the purpose of determining eligibility for the Senior Housing Exemption program.
280	A.2394 (Dinowitz)	S.4909 (Diaz)	Requires that the NYS Office for the Aging (NYSOFA) be consulted in the promotion of volunteer home visitation programs for elderly and invalid victims of violent crime.
301	A.7796 (Lupardo)	S.6681 (Valesky)	Requires NYSOFA to develop model community program materials to be distributed, upon request to local agencies on aging and to community organizations.
328	A.8258-A (Lupardo)	S.6676 (Serino)	Requires NYSOFA, in conjunction with the Office of Children and Family Services and the Department of Health, and in consultation with industry and stakeholder groups, to create guidelines to assist healthcare providers in identifying and responding to potential elder abuse.

APPENDIX B

Bills Vetoed by the Governor

VETO MEMO. #	ASSEMBLY BILL # (SPONSOR)	SENATE BILL # (SPONSOR)	DESCRIPTION
187	A.6976 (Barron)	S.2847 (Parker)	Would create an interagency council whose purpose is to develop a comprehensive statewide plan on aging.

APPENDIX C

Bills that Passed the Assembly in 2017

BILL #	SPONSOR	DESCRIPTION
A.3061	DenDekker	Would direct the Department of Health and the Office for the Aging to study the fees and charges, and specifically the rate of increase of such fees and charges, being assessed to residents of assisted living facilities. This study would be delivered on or before April 1, 2018.
A.6037	Lupardo	Would increase awareness of the Senior Citizen Rent Increase Exemption (SCRIE) program and the Disabled Rent Increase Exemption (DRIE) program through outreach efforts, as well as provide for the timely processing of SCRIE and DRIE applications and provide applicants with a mechanism for determining the status of their exemptions.
A.6395	Lupardo	Would encourage and support voluntary reporting by banking institutions of suspected financial exploitation.
A.6736	Lupardo	Would add requirements for the Office for the Aging to include information regarding the number of older adults who are primary caregivers or guardians for minors and an analysis of substance use disorders among older adults in their annual report.
A.6915-A	Harris	Would require municipalities that offer the SCRIE/DRIE program to develop and implement a plan to make sure that individuals who have limited English proficiency or otherwise require communication assistance, adequate access to the program.

APPENDIX D

**2017 Summary Sheet
Summary of Action on All Bills
Referred to the Committee on Aging**

Final Disposition of Bills	Assembly Bills	Senate Bills	Total
Bills Reported With or Without Amendment			
To Floor; Not Returning to Committee	2	0	2
To Floor; Recommitted and Died	0	0	0
To Ways and Means	14	0	14
To Codes	1	0	1
To Rules	0	0	0
To Judiciary	0	0	0
Total	17	0	17
Bills Having Committee Reference Changed			
To Real Property Taxation	1	0	1
To Health	1	0	1
Total	2	0	2
Senate Bills Substituted or Recalled			
Substituted		1	1
Recalled		0	0
Total		1	1
Bills Defeated in Committee	0	0	0
Bills Held for Consideration with Roll-Call Vote	0	0	0
Bills Never Reported, Held in Committee	66	13	79
Bills Never Reported, Died in Committee	0	0	0
Bills Having Enacting Clauses Stricken	0	0	0
Motions to Discharge Lost	0	0	0
Total Bills in Committee	85	14	99
Total Number of Committee Meetings Held	6		