



COMMITTEE ON  
*Aging*

2019 ANNUAL REPORT

NEW YORK STATE ASSEMBLY



CARL E. HEASTIE, *Speaker*

HARRY B. BRONSON, *Chair*



THE ASSEMBLY  
STATE OF NEW YORK  
ALBANY

CHAIR  
Committee on Aging

COMMITTEES  
Education  
Labor  
Transportation  
Economic Development, Job Creation,  
Commerce and Industry

HARRY B. BRONSON  
Assembly District 138

840 University Avenue  
Rochester, NY 14607

December 15, 2019

Honorable Carl E. Heastie  
Speaker of the Assembly  
Legislative Office Building, Room 932  
Albany, New York 12248

Dear Mr. Speaker:

I am pleased to present the 2019 Annual Report of the Assembly Standing Committee on Aging. The work accomplished during the 2019 Legislative Session reflects the commitment of the Committee and myself to protect the health, safety, independence, and quality of life of New York's older adults.

This year, the Committee tackled issues related to the health and safety of older adults, social justice, transparency, and caregiving. I am very proud to report the Legislature passed a bill regarding personnel working with older adults to complete LGBTQ competency training to increase the level of care provided to this growing population. The Assembly also took a stand to increase transparency regarding the number of older adults waiting for services provided by the state by passing A.7504, which requires all area agencies on aging to collect and report to the State Office of the Aging the unmet need for each program and service they offer.

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 older adults.

Sincerely,

Harry Bronson  
Chair, Committee on Aging

**2019 ANNUAL REPORT  
NEW YORK STATE ASSEMBLY  
STANDING COMMITTEE ON AGING**

**Harry Bronson, Chair**

**Committee Members**

**Majority**

Peter J. Abbate, Jr.  
Carmen E. Arroyo  
    José Rivera  
    Philip Ramos  
Michael G. DenDekker  
Edward C. Braunstein  
    Latoya Joyner  
    Charles Barron  
    Brian Barnwell  
    Billy Jones  
Tremaine Wright  
Monica P. Wallace  
    Inez Dickens  
    Alfred E. Taylor  
Daniel A. Rosenthal  
    Steve Stern  
Mathylde Frontus  
    Karines Reyes  
    Catalina Cruz  
Simcha Eichenstein  
    Charles D. Fall

**Minority**

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    Mark C. Johns  
    Karl Brabenec  
    Nicole Malliotakis  
    Douglas Smith  
    Joseph P. DeStefano  
    Michael W. Reilly, Jr.  
    John J. Salka

**Majority Staff**

Maria Volpe-McDermott, Assistant Secretary for Program and Policy  
    Charlotte Moller, Legislative Analyst  
    Benjamin Decker, Associate Counsel  
    Alex Hipolito, Committee Clerk  
    Jeannine Barcher, Program and Counsel Executive Secretary

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## **I. COMMITTEE JURISDICTION**

The New York State Assembly Standing Committee on Aging has jurisdiction over legislation affecting the quality of life and independence of New York's older adults. The Committee has legislative and budgetary oversight of the New York State Office for the Aging's programs. The Committee also reviews certain legislation providing property tax relief for older adults.

The Committee works to ensure essential services are available to older adults so they may be able to enjoy a high quality of life as they age in their communities. This includes the following programs: the Community Services for the Elderly (CSE) Program, the Expanded In-Home Services for the Elderly Program (EISEP), Caregiver Resource Centers, the Long-Term Care Ombudsman Program (LTCOP), Wellness in Nutrition (WIN) Program, Managed Care Consumer Assistance Program (MCCAP), 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, the Disability Rent Increase Exemption (DRIE) program, the Foster Grandparent program, 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 2019 legislative session, 78 bills were referred to the Assembly Committee on Aging. The following report details the major budgetary and legislative activities and accomplishments of the Assembly Committee on Aging during the 2019 legislative session.



## II. STATE BUDGET HIGHLIGHTS

The 2019-20 enacted state budget provided funding for many programs dedicated to protecting the health, safety, independence, and quality of life of older adults, as well as providing assistance to their caregivers, families, friends, and communities.

### **Expanded In-Home Services for the Elderly Program (EISEP)**

EISEP addresses non-medical in-home needs of older adults who wish to age in place. Services include case management, non-institutional respite, activities of daily living, and instrumental activities of daily living. This year's budget provided a total of \$65.1 million for EISEP with \$15 million allocated outside of the statutory formula to eliminate unmet need.

### **Naturally Occurring Retirement Communities (NORC) and Neighborhood NORC (NNORC)**

NORC and NNORC are apartment buildings, housing complexes or neighborhoods that were not originally built for older adults, but now house predominantly older adults. NORC programs are operated by a not-for-profit agency and provide a variety of services to residents to maximize their quality of life and keep older adults in the community. The Legislature provided \$325,000 to support nursing services for NORC and the statutory cap on funding for NORC was increased from \$200,000 to \$300,000.

### **Private Pay Protocol**

The State Office for the Aging (SOFA) was authorized to implement a county-optional private pay market for certain programs and services administered by SOFA for older adults with incomes above 400% of the federal poverty level. This will allow older adults, who otherwise would be ineligible to receive services due to their income, to access the professional and efficient network of SOFA providers.

### **A. BUDGET SUMMARY CHART**

In the 2019-20 Budget, the Legislature provided General Fund support for programs including:

| <b>Program</b>   | <b>Total</b> |
|--|--------------|
| Expanded In-Home Services for the Elderly (EISEP)                | \$65,120,000 |
| Community Services for the Elderly (CSE) Program                 | \$31,183,000 |
| Wellness in Nutrition (WIN) Program                              | \$27,483,000 |
| Naturally Occurring Retirement Communities (NORCs)               | \$4,027,500  |
| Neighborhood Naturally Occurring Retirement Communities (NNORCs) | \$4,027,500  |
| Managed Care Consumer Assistance Program (MCCAP)                 | \$1,767,000  |
| Local Grants for the Long-Term Care Ombudsman Program            | \$1,190,000  |
| Grants for Transportation Operating Expenses for the Elderly     | \$1,121,000  |
| Grants for Providers of Social Model Adult Day Services          | \$1,072,000  |

|  |             |
|--|-------------|
| Grants for the Health Insurance Information, Counseling and Assistance Program (HIICAP)        | \$1,000,000 |
| Elderly Abuse and Outreach Program   | \$745,000   |
| State Aid Grants to Providers of Respite Services  | \$656,000   |
| Lifespan Elder Abuse Prevention Program – Enhanced Multi-Disciplinary Teams                    | \$500,000   |
| Congregate Services Initiative   | \$403,000   |
| Caregiver Resource Centers   | \$353,000   |
| Association on Aging in New York State   | \$250,000   |
| Older Adults Technology Services Center(OATS)  | \$200,000   |
| Retired and Senior Volunteer Program (RSVP)  | \$216,500   |
| Matching Federally funded Model Projects and/or Demonstration Grant Programs                   | \$175,000   |
| New York Foundation for Senior Citizens Home Sharing and Respite Care Program                  | \$172,000   |
| New York Statewide Senior Action Council, Inc. – Patients’ Rights Hotline and Advocacy Project | \$131,500   |
| Livable New York Initiative  | \$122,500   |
| New York State Adult Day Services Association, Inc.  | \$122,500   |
| Foster Grandparents Program  | \$98,000    |

### III. COMMITTEE ACCOMPLISHMENTS

#### A. Real Property Tax

In 1970, the Senior Citizen Rent Increase Exemption (SCRIE) program began offering eligible tenants at least 62 years old 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 tenants living in rent-controlled, rent-stabilized or rent-regulated apartments in New York City stay in affordable housing by freezing their rent. In return, eligible landlords receive a property tax credit that covers the difference between the actual rent and what the tenant is responsible for paying at the frozen rate.

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

**A.3148A, Dinowitz; Chapter 472 of the Laws of 2019:** This law requires the appropriate rent control agency, administrative agency, or supervising agency to send a SCRIE/DRIE renewal notice by mail no less than thirty days prior to the participant's renewal date.

#### B. Health and Safety

With a growing number of older adults living independently, it is becoming increasingly important to ensure that they can remain safe and healthy in their home and communities. It is the goal of the Committee on Aging to ensure programs and services are available that allow them to do so.

**A.2326A, Dinowitz; Veto Memo 261:** This law requires SOFA, the Department of Health (DOH), and the State Board of Pharmacy to create a senior drug guide detailing the purpose, function, and common interactions of drugs frequently used by people over 62 years old. The guide must also discuss the effects of combining alcohol with such medications.

**A.3193A, Dinowitz; Chapter 328 of the Laws of 2019:** This law expands the advisory scope of the interagency geriatric mental health planning council to include issues of substance use disorder and compulsive gambling.

#### C. Elder Abuse

Elder abuse affects thousands of older adults statewide each year. There are many types of elder abuse, including physical, verbal, sexual, emotional and financial. One of the primary hurdles of addressing elder abuse is the lack of awareness and information about its signs and symptoms. One of the Committee's top priorities is to increase opportunities to identify signs of abuse, increase outreach and education, and empower older adults who are or may become victims of elder abuse.

**A.7458, Wallace; Chapter 564 of the Laws of 2019:** This law extends the provision of the Long Term Care Ombudsman Program that allows ombudsmen to advocate on behalf of



managed long-term care participants for three years until December 31, 2021.

#### **D. Caregiving**

Millions of people provide both paid and unpaid caregiving services every day. Caregiving can take many forms, but is most commonly recognized as someone looking after a sick person or older adult. There are also a growing number of older adults who are caregivers to minors due to a variety of circumstances. More research and resources are needed for all types of caregivers because they play a huge role in our health care system and aging network.

**A.4948, Bronson; Chapter 501 of the Laws of 2019:** This law adds two new areas for SOFA to include in their annual report: information on older adults who are primary caregivers or guardians of minors and information on substance use disorders among older adults.

#### **E. Social Justice**

Another goal of the Committee is to focus on populations within the older adult community who may not have traditional needs and require a different approach from the aging network to provide the best, most appropriate care.

**A.7593, Bronson; Chapter 721 of the Laws of 2019:** Under this law, SOFA may establish or approve an LGBTQ competency training program for SOFA employees, area agency on aging employees, and any provider who contracts with SOFA to provide direct care to older adults.

#### **F. Other**

**A.4275, DenDekker; Passed Assembly:** This bill directs the Commissioner of DOH, in conjunction with the Director of SOFA, to study the fees and charges being assessed to residents of assisted living facilities and issue a report and recommendations to the Governor, Temporary President of the Senate, and the Speaker of the Assembly by April 1, 2021.

**A.7504, Eichenstein; Passed Assembly:** This bill requires all area agencies on aging to collect and report to SOFA the unmet need for each program or service they offer.

## **IV. HEARINGS**

### **A. Programs and Services Offered by Area Agencies on Aging for Older New Yorkers and Their Caregivers.**

The Assembly Standing Committee on Aging held a hearing on Friday, November 22, 2019, in Albany to examine the availability, effectiveness, and efficiency of programs and services provided to older New Yorkers and their caregivers through Area Agencies on Aging (AAA). Additionally, the Committee sought testimony to evaluate the funding available for these programs, including the \$15 million in funding allocated in the 2019-2020 enacted State budget for the Expanded In-Home Services for the Elderly Program (EISEP) designed to eliminate unmet need.

The Committee heard testimony from the New York State Office for the Aging, the Association on Aging in New York, AARP, NY Statewide Senior Action Council, Lifespan of Greater Rochester, the Home Care Association of New York State, the Alzheimer's Association, SAGE, and LiveOn NY. The testimony focused on the essential programs and services AAA provide to older adults and their caregivers, the important role older adults play in New York State's economy, and the status of unmet need throughout the state. Many advocated for greater coordination between community based organizations and health care networks, the establishment of a caregiver tax credit to ease the burden of caregivers, greater funding for the Wellness in Nutrition (WIN) program, and a greater investment in home care workers.

#### **IV. OUTLOOK FOR 2020**

According to a Center for Urban Future report, nearly one in six New Yorkers is at least 65 years old (16 percent), a larger share of the state's population than ever before. Given that the aging population is booming statewide, the Committee on Aging will continue to work to secure adequate funding for services and programs that serve older adults and their caregivers throughout New York State, so that they can age safely, independently and comfortably in their homes and their communities.

The Committee is also committed to understanding the causes of poverty among older adults, advocating for affordable housing and better health care outcomes, and reviewing existing services and new initiatives to better meet the needs of older adults.

APPENDIX A

**2019 Summary Sheet  
Summary of Action on All Bills Referred to the Committee on Aging**

**TOTAL NUMBER OF COMMITTEE MEETINGS HELD     5**

|                                    | <u>ASSEMBLY<br/>BILLS</u> | <u>SENATE<br/>BILLS</u> | <u>TOTAL<br/>BILLS</u> |
|------------------------------------|---------------------------|-------------------------|------------------------|
| <b>BILLS REPORTED FAVORABLE</b>    |                           |                         |                        |
| TO CODES                           | 0                         | 0                       | 0                      |
| TO JUDICIARY                       | 0                         | 0                       | 0                      |
| TO WAYS AND MEANS                  | 8                         | 0                       | 8                      |
| TO RULES                           | 1                         | 0                       | 1                      |
| TO FLOOR                           | 1                         | 0                       | 1                      |
| TOTAL                              | 10                        | 0                       | 10                     |
| <b>COMMITTEE ACTION</b>            |                           |                         |                        |
| HELD FOR CONSIDERATION             | 0                         | 0                       | 0                      |
| DEFEATED                           | 0                         | 0                       | 0                      |
| ENACTING CLAUSE STRICKEN           | 0                         | 0                       | 0                      |
| <b>REMAINING IN COMMITTEE</b>      | 72                        | 5                       | 77                     |
| <b>BILLS REFERENCE CHANGED TO:</b> |                           |                         |                        |
|                                    |                           |                         |                        |
|                                    |                           |                         |                        |
|                                    |                           |                         |                        |
|                                    |                           |                         |                        |
|                                    |                           |                         |                        |
| TOTAL                              | 0                         | 0                       | 0                      |