

MEMORANDUM

A.3626 (Cymbrowitz)

An act to amend the public health law, in relation to establishing the independent senior housing resident freedom of choice act

Senior housing is the least restrictive, most affordable and most flexible congregate living arrangement in range of service options for seniors. It offers an ideal platform for efficiently and effectively delivering home care and social and environmental supports. These services enable seniors to remain independent for as long as possible. By 2030, New York's overall population will increase by 2.6 percent, while the age 60-plus population will increase by 53 percent and the 85-plus population will grow by 56 percent. There is a demographic imperative to increase affordable senior housing with supportive services in New York State.

This bill would clarify that individuals living in senior housing have the right to access and obtain the same services that they would if they were an individual residing in the community, from the provider of their choosing. These services include personal care, home care, case management, technologies and other community services that support them to live independently in the community.

The complexity of state laws and regulations governing the operation and services provided in congregate settings have caused a lack of clarity with regard to the rights and opportunities of senior citizens and persons with disabilities residing in independent housing to choose and access services from the community. These services are available to such individuals if they reside in their own, private homes.

Such community-based services help seniors, in private homes and independent housing alike, to “age in place” and remain living in the less restrictive, more integrated setting. Residents have rights under, and housing providers must comply with, the Fair Housing Act (FHA), Americans with Disabilities Act (ADA), and the U.S. Supreme Court's Olmstead decision. The ability of seniors and disabled individuals to choose to remain in independent housing and select their own health care and supportive services are critical components of these laws and policies.

Ensuring access to such services is also in furtherance of New York State policy of promoting access to community living and community-based services to maintain the health and quality of life of senior citizens and the disabled. It also serves to prevent avoidable and costly admission to medical and other institutional-type facilities.

For these reasons, LeadingAge New York supports A.3626 (Cymbrowitz) and urges that it be adopted.

LeadingAge New York represents nearly 500 not-for-profit and public long-term care providers, including nursing homes, home care agencies, senior housing, retirement communities, assisted living, adult care facilities, adult day health care and managed long term care.