

VETO MESSAGE - No. 139

TO THE ASSEMBLY:

I am returning herewith, without my approval, the following bill:

Assembly Bill Number 1170, entitled:

"AN ACT to amend the elder law, in relation to establishing a program to encourage retirees to make their homes in New York state"

NOT APPROVED

This bill would require the State Office for the Aging (SOFA) to designate a city, town, village or portion thereof as a "certified retirement community" if such locality has amenities needed by or of interest to retirees or prospective retirees, such as adult education, employment opportunities, shopping, recreation, cultural opportunities, safety, transportation, housing, health care, assisted living and community-based services. SOFA would be required to establish a form for applications and, in consultation with certain other state agencies, promulgate rules and regulations to receive and retain status as a certified retirement community.

Once a certified retirement community is designated, the designation would be effective for five years. SOFA would be required to provide the community with ongoing assistance, to the extent that appropriations are available, such as: (1) training of local staff and volunteers; (2) oversight and guidance in marketing and updating on national retirement trends; (3) promotion of the community through the state's national advertising and public relations campaigns, travel show promotions and Internet websites; and (4) financial assistance for brochures and advertising. SOFA would also be required to include in its annual report an update on the designation and status of certified retirement communities.

The legislation is described by its sponsors as an economic development measure intended to encourage retirees to make their homes in New York. But the legislation would result in the use of scarce funding to promote communities that are already able to support amenities attractive to retirees, while other communities that cannot afford to develop appealing amenities will receive no assistance. Further, it would be preferable to market the State as a whole as a retirement destination, rather than promoting individual municipalities, an objective that would

benefit from efforts to make all of New York's communities attractive to older adults.

SOFA is already engaged in several initiatives to empower communities to ready themselves for the growth in the older adult population by assisting them in identifying and addressing the needs of older adults through the provision of technical assistance, best practice guidance and grants. SOFA recently, in partnership with the Department of State, brought together various stakeholders, including state agencies, local governments, advocates for older adults, and representatives of the building industry, to discuss and develop model zoning and planning for communities to accommodate their aging populations. The Model Zoning and Planning Guide, which will identify best practices for community plan-

ning and affordable, accessible and appropriate housing, will be developed for use by local planners. In addition, a key component in creating an elder-friendly community is the promotion of social and civic engagement among older adults, which is the focus of a one-year technical assistance grant that was recently awarded to New York by the National Governors Association and will be administered by SOFA.

Further, the bill does not provide funding but requires SOFA to provide assistance to designated communities, a mandate which is made expressly subject to appropriation and would require funding to be properly implemented. In total, SOFA and the Division of the Budget estimate that the bill has a fiscal impact in excess of \$1 million.

The goals of this bill are not without merit, but the State is experiencing serious financial challenges requiring the careful evaluation of every investment. Given SOFA's ongoing initiatives to help communities become more accommodating to the needs and wishes of older seniors, this bill is not necessary.

The bill is disapproved.

(signed) DAVID A. PATERSON
