
OLR Bill Analysis

sSB 886

AN ACT CONCERNING AGING IN PLACE.

SUMMARY:

This bill makes changes in several statutes to help senior citizens remain in their own homes and communities as they age (i.e., “age-in-place”). Specifically, it:

1. requires the Department of Social Services (DSS) to create a coordinated outreach system to increase the use of supplemental nutrition assistance program by seniors, among others (§ 1);
2. requires any remaining state dial-a-ride grant program funds to be used to expand existing municipal programs, with preference given to those utilizing a regional approach (§ 2);
3. allows taxpayers to deduct certain long-term care insurance premiums from their Connecticut adjusted gross income for state income tax purposes (§ 3);
4. creates a state income tax credit for taxpayers who care for, and primarily live with, certain relatives who are physically or mentally incapable of caring for themselves (§ 4);
5. requires local plans of conservation and development to include planning to allow seniors and individuals with disabilities to remain in their homes and communities (§ 5);
6. specifies that the exemption from obtaining a State Building Code variance or exemption for constructing homes with visitable features includes building ramps allowing wheelchair access (§ 6);

7. adds anyone paid to care for seniors to the list of mandated elder abuse reporters and establishes a new training requirement for their employers (§7);
8. requires DSS, in consultation with the chief state's attorney, attorney general, and long-term care ombudsman, to establish a shared recording system for elder abuse and neglect complaints (§ 8);
9. requires the Department of Consumer Protection (DCP) commissioner to develop a voluntary elder financial abuse training and reporting system (§ 9); and
10. requires DCP, in collaboration with the Aging Department, to conduct a public awareness campaign, within available funding, to educate seniors on ways to resist aggressive marketing tactics (§ 10).

EFFECTIVE DATE: July 1, 2013, except that the tax provisions take effect upon passage and apply to tax years beginning on or after January 1, 2013.

§ 1 – SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM

The bill requires the DSS commissioner to establish a coordinated outreach system to increase awareness and utilization of the state's supplemental nutrition assistance program (SNAP, formerly known as Food Stamps) by those eligible for the program, including recipients of public assistance and home-delivered and congregate meals.

Outreach must take place at community centers, libraries, and congregate meal sites. It must include prescreening potential recipients for eligibility and helping them complete program applications available at these sites.

§ 2 – EXPANDING DIAL-A-RIDE PROGRAMS

By law, any state dial-a-ride grant program funding allocated to a municipality that chooses not to apply for it must be returned to the Special Transportation Fund. The bill specifies that these returned

funds must be used to expand existing dial-a-ride programs.

The bill requires the transportation commissioner to (1) notify municipalities of any additional funds available and (2) invite municipalities to apply for these additional funds to expand their programs. He must do this within 30 days of awarding state dial-a-ride program grants in any fiscal year.

When allocating these additional funds, the commissioner must give preference to two or more municipalities that present a regional approach to expanding dial-a-ride transportation options. These options must include (1) creating or expanding designated transportation regions and regional services; (2) creating and maintaining an automated database of transportation service schedules and making it available to people from designated transportation regions; and (3) allocating municipal staff resources to coordinate regional public and private dial-a-ride options, including using volunteer drivers.

The state dial-a-ride grant program provides matching grants to municipalities to administer programs for seniors and individuals with disabilities ages 60 and older. Grants are awarded based on an allocation formula that provides half of the municipality's apportionment based on its relative share of the state's elderly population and half based on its relative square mileage compared to the state's total area. The municipality must match 50% of the state funds.

§ 3 – STATE PERSONAL INCOME TAX DEDUCTION FOR LONG-TERM CARE PREMIUMS

The bill allows a taxpayer to deduct from Connecticut adjusted gross income for state income tax purposes, premiums paid for (1) individual and group long-term care policies and (2) long-term care policies the Connecticut Insurance Department precertified to be available through the Connecticut Partnership for Long-Term Care.

§ 4 – DEPENDENT CARE INCOME TAX CREDIT

The bill creates a tax credit for taxpayers who care for certain

relatives who (1) are physically or mentally incapable of caring for themselves and (2) live at the taxpayer's principal residence for more than half of the tax year. Eligible taxpayers may apply the credit against the personal income tax, but not the withholding tax.

Qualifying Expenses

The credit is based on the expenses a taxpayer incurs during the tax year to care for a qualifying individual so that the taxpayer can still work (e.g., home and adult day care expenses). The qualified individual must regularly spend at least eight hours per day in the taxpayer's household.

Under the bill, a "qualifying individual" includes the taxpayer's (1) dependent (as defined in the Internal Revenue Code) or (2) spouse, parent, grandparent, sibling, aunt, or uncle.

The amount of employment-related expenses eligible for the tax credit cannot exceed (1) \$3,000 for one qualifying individual or (2) \$6,000 for two or more qualifying individuals living with the taxpayer during the tax year.

Tax Credit Amount

The credit amount ranges from 20% to 35% of a taxpayer's qualifying expenses, depending on the taxpayer's adjusted gross income (AGI). Taxpayers with an AGI of up to \$15,000 qualify for a 35% credit. The bill reduces the credit by 1% for every \$2,000, or fraction of, in additional AGI (an AGI of \$43,000 and over receives a 20% credit).

Under the bill, the tax credit cannot exceed the taxpayer's state income tax liability and must be claimed for the tax year in which the taxpayer incurred the employment-related expenses. Any taxpayer intending to claim this tax credit must apply to the revenue services commissioner on a form he prescribes. The commissioner may adopt regulations to implement the new tax credit.

§ 5 – LOCAL PLANS OF CONSERVATION AND DEVELOPMENT (C & D)

The bill requires local plans of C & D to include planning to allow seniors and individuals with disabilities to live in their homes and communities, whenever possible. Specifically, this planning includes allowing for home sharing and accessory apartments (e.g., in-law apartments or modular mobile homes for seniors).

By law, a local planning commission must prepare or amend a plan of C & D for its municipality every 10 years.

Home-Sharing

The bill requires local plans of C & D to allow home sharing in single-family zones for up to four adults (1) ages 60 and older or (2) with disabilities of any age. These individuals are not required to be related, but must receive support services at home.

Accessory Apartments

Under the bill, local plans of C & D must also allow for accessory apartments for seniors, individuals with disabilities, or their caregivers in all residential zones. The apartments would be subject to municipal zoning regulations concerning design and the principal property's long-term use.

Plans must also expand the definition of "family" in single-family zones to allow for these accessory apartments.

§ 6 – STATE BUILDING CODE

The law exempts developers from a requirement to obtain a State Building Code variance or exemption to construct homes with visitable features. These features include (1) interior doorways that provide a minimum 32-inch wide clear opening, (2) at least one accessible means of egress, and (3) at least one full or half bathroom on the first floor that complies with the 1990 Americans with Disabilities Act, as amended.

The bill specifies that an accessible means of egress includes a ramp allowing wheelchair access.

§ 7 – MANDATED REPORTERS OF ELDER ABUSE

The law requires certain professionals to notify DSS when they suspect someone age 60 or older (1) has been abused, neglected, abandoned, or exploited or (2) needs protective services. The bill adds to the list of mandated reporters, anyone paid to care for an elderly person, including employees of (1) community-based services providers, (2) senior centers, (3) home care and homemaker-companion agencies, (4) adult day care centers, (5) village-model communities, and (6) congregate housing facilities.

The bill requires any institution, organization, or facility employing people to care for seniors to (1) provide mandatory training on detecting potential elder abuse and neglect and (2) inform staff of their mandatory reporting requirements.

§ 8 – SHARED ELDER ABUSE AND NEGLECT COMPLAINT SYSTEM

The bill requires the DSS commissioner, in consultation with the chief state’s attorney, the attorney general, and the long-term care ombudsman, to establish a uniform recording system for elder abuse and neglect complaints. The system must establish uniform definitions for (1) physical and mental abuse, (2) self-neglect and neglect by others, and (3) financial exploitation.

The DSS commissioner, chief state’s attorney, attorney general, and long-term care ombudsman must share a database to record complaints each receives in these categories. The database must identify the office where each complaint was filed and the complaint’s disposition, including referrals to other offices.

These officials must share identifying information about abuse victims only to the extent necessary to ensure that complaints are not duplicated in the system. Information about a victim’s identity must be disseminated in accordance with statutory requirements for reporting elder abuse and neglect in long-term care facilities.

The database must be maintained by DSS’ Division of Elderly Protective Services.

Beginning by July 1, 2014, the commissioner or his designee must annually report to the Aging, Human Services, and Public Health committees. The report must provide (1) the number of complaints received and recorded in the shared database by category during the previous calendar year; (2) the disposition of complaints; and (3) whether, and by how much, complaints have increased or decreased by category from the previous year.

§ 9 – ELDER FINANCIAL ABUSE TRAINING AND REPORTING SYSTEM

The bill requires the DCP commissioner, in consultation with the chief state’s attorney and the Banking Department, to develop a voluntary training and reporting system to train bank and other financial institution personnel to detect and report to the chief state’s attorney transactions indicating possible elder financial abuse. The transactions include unusually high levels of withdrawals, account charges, out-of-state transactions, and account access by those with a power of attorney.

COMMITTEE ACTION

Aging Committee

Joint Favorable

Yea 12 Nay 0 (03/07/2013)