

Date of Hearing: June 25, 2019

ASSEMBLY COMMITTEE ON AGING AND LONG-TERM CARE

Adrin Nazarian, Chair

SB 280 (Jackson) – As Amended June 13, 2019

SENATE VOTE: 38-0

SUBJECT: Older adults and persons with disabilities: fall prevention.

SUMMARY: This bill creates the Dignity at Home and Fall Prevention Program at the California Department of Aging (CDA), which requires CDA to provide grants to area agencies on aging (AAAs) for injury prevention services, as specified, and repeals obsolete statutes that establish unfunded programs within CDA. It also requires the Department of Housing and Community Development (HCD) to develop and propose for adoption building standards requiring fall prevention structural features in single and multifamily dwellings, as specified. Specifically, **this bill:**

- 1) States legislative findings that most older adults prefer to remain in their own homes as long as possible, but many are forced into skilled nursing, assisted living, or other congregate living options because their homes are no longer physically safe for them to live in, and recognizes that falls are the leading cause of both fatal and nonfatal injuries for Californians 65 years of age and older.
- 2) Requires the HCD to, at the next triennial building standards rulemaking cycle that commences after January 1, 2020, to explore revisions to residential building standards code that promote aging in place design.
- 3) Repeals obsolete code section references.
- 4) Establishes the Dignity at Home and Fall Prevention Program at the Department of Aging to provide grants to area agencies on aging for injury prevention information, education, and services to enable older adults and persons with disabilities to live independently in the home environment for as long as possible.
- 5) Directs agencies receiving funds to provide information on injury prevention, home environmental assessments, and requires grantees to partner with local agencies that have expertise in injury prevention services.
- 6) Requires the grant program provide funding for injury prevention services, equipment, materials, and costs of labor.
- 7) Defines eligibility for equipment and services to be limited to older adults and persons with disabilities who meet both of the following requirements:
 - a) The older adult or person with a disability has an adjusted household income that does not exceed 80 percent of the area median income.
 - b) The older adult or person with a disability has fallen, is at risk for falling, or is at risk for institutionalization, and is otherwise unable to afford the equipment or services to be provided by the program.

- 8) Requires the CDA to consult with experts including the Fall Prevention Center of Excellence at the University of Southern California, local fall prevention coalitions, and local public health agencies.
- 9) Requires the CDA to establish a grant application form and selection methodology.
- 10) Requires each applicant to submit a plan and details for how the area agency on aging will provide injury prevention education, assessment services, equipment, and activities in an effective and cost-appropriate manner.
- 11) The plan shall include information about the number of clients and type of service.
- 12) Each grantee shall submit a report to the CDA and to the appropriate fiscal and policy committees of each house of the Legislature that includes the specific performance measures as provided; the report shall include information of barriers encountered and level of administrative funding used.
- 13) Funding for grants is contingent on funding in the budget.
- 14) Caps the grant funding per agency at \$150,000.

EXISTING LAW:

- 1) Establishes, in federal law, the Older Americans Act, which promotes the well-being of Americans 60 years old and above through services and programs designed to meet the specific needs of older citizens. Services provided under the Older Americans Act include home-delivered and communal meals; family caregiver support; health services home assistance for the elderly; job training and volunteer opportunities; and protections from elder abuse (42 U.S. Code 3001, et seq.)
- 2) Requires the state, in order to be eligible for grants for certain programs within the Older Americans Act, to designate AAAs to serve older adults within a planning and service area and sets other requirements for AAAs, as specified. (42 U.S. Code 3025, et seq.)
- 3) Establishes the Mello-Granlund Older Californians Act, finds and declares that one in three Americans over 65 years of age suffers a fall each year, often in the home, which can cause serious injury and depression. The Act establishes the CDA, and sets forth its duties and powers, including, among other things, entering into a contract for the development of information and materials to educate Californians on the concept of “aging in place” and the benefits of home modification. (WIC 9100 et seq.)
- 4) Establishes the Senior Housing Information and Support Center within CDA for the purpose of providing information, or contracting with another entity, to provide information concerning housing options and home modification alternatives, to enable seniors to live independently or with their families as often as possible, as specified. (WIC 9115 et seq.)
- 5) Declares and recognizes AAAs to be the local units on aging in California that are supported from an array of sources, including federal funding largely through the federal Older Americans Act, state and local governmental assistance, the private sector, and individual contributions for services. Requires AAAs to operate in compliance with the Older

Americans Act and applicable regulations and sets other mandates on the operation of AAAs. (WIC 9400, et. seq.)

- 6) States Legislative intent regarding aging in place and requires CDA, subject to budget appropriation, to develop information and materials which shall be used to educate Californians on the concept of aging in place and the benefits of home modification, as specified. (WIC 9450 et seq.)
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FISCAL EFFECT: According to the Senate Appropriations Committee’s analysis of SB 280 as amended April 10, 2019:

- Ongoing costs of approximately \$411,000 per year to CDA for additional personnel to develop training materials, program standards, and regulations for program implementation; develop specific performance measures for grant recipients; procure and contract with AAAs to provide services; monitor operations to ensure compliance of program and fiscal performance requirements; and receive and compile required annual reports. (GF)
- Significant costs for awarding grants to AAAs. Each AAA can be awarded up to \$150,000. There are currently 33 AAAs for a potential total of up to \$4.95 million if all 33 AAAs were awarded the maximum grant amount. (GF)
- Significant costs to HCD of \$336,000 over two years for a limited term position to conduct research, solicit feedback from earlier and new participants, update and introduce previously developed building standards, and participate in the 18-month Building Standards Commission code adoption process.

COMMENTS:

According to the author and sponsor, the CA Senior Legislature, SB 280 seeks to allow more aging Californians and disabled individuals to age in place and stay in their own homes through both the use of simple, inexpensive home modifications that reduce the risk of falling as well as through home construction standards that account for mobility challenges.

In support, the County Welfare Directors Association writes that “the clientele we serve through both In-Home Supportive Services and Adult Protective Services can be vulnerable to falls, and often are low-income, meaning their ability to pay for necessary home modifications is extremely limited.....(SB 280) is timely and will only be more needed as our population continues to age.”

Budget Act of 2019-20: AB 74 conference report contains \$5 million and one-time provisional budget bill language to fund fall prevention grants at the Department of Aging.

Double referral: This bill will be referred to the Assembly Committee on Housing and Community Development should it pass out of this committee.

Related/Prior Legislation:

SB 1026 (Jackson, 2018) was similar to this bill in that it would have repealed obsolete statutes that establish programs CDA and instead establishes the Dignity at Home and Fall Prevention Program, which requires CDA to provide grants to AAAs for injury prevention services, as specified. The bill did not pass out of the Assembly Committee on Appropriations.

SB 24X (Committee on Budget, Chapter 24, Statutes of 2003) provided that the Senior Housing Information and Support Center would be implemented only to the extent that funds for these purposes are appropriated by the Legislature in the annual Budget Act or other statute.

SB 370 (Ortiz, Chapter 689, Statutes of 2001) established the Program for Injury Prevention in the Home Environment to award grants to eligible local level entities for injury prevention information and educational programs and services.

SB 1846 (Lowenthal, Chapter 797, Statutes of 2000) established the Senior Housing Information and Support Center within CDA for the purpose of providing information and training relating to specified subjects, including housing options and home modification alternatives designed to support independent living, and available innovative resources and senior services.

REGISTERED SUPPORT / OPPOSITION:**Support**

California Senior Legislature – Sponsor
Alzheimer’s Association
The Arc and United Cerebral Palsy California Collaboration
California Alliance for Retired Americans (CARA)
California Association of Area Agencies on Aging (C4A)
California Association for Health Services at Home (CAHSAH)
California Association of Public Authorities for IHSS
Congress of California Seniors
Contra Costa County
County of San Diego
County of Santa Clara
County Welfare Director Association of California (CWDA)
National Multiple Sclerosis Society
Ventura County Board of Supervisors

Opposition

None on file.

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