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I N   S E N A T E

May 14, 2014

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Introduced by Sen. GRISANTI -- read twice and ordered printed, and when printed to be committed to the Committee on Mental Health and Developmental Disabilities

AN ACT to amend the mental hygiene law, in relation to integrated housing

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1     Section 1. The mental hygiene law is amended by adding a new section  
2     13.42 to read as follows:  
3     S 13.42 INTEGRATED HOUSING PLAN.  
4     (A) THE COMMISSIONER, IN CONSULTATION WITH THE DEVELOPMENTAL DISABILI-  
5     TIES ADVISORY COUNCIL, THE DEPARTMENT OF HEALTH, THE DIVISION OF HOUSING  
6     AND COMMUNITY RENEWAL, AND THE MOST INTEGRATED SETTINGS COORDINATING  
7     COUNCIL AND OTHER AGENCIES AS DETERMINED APPROPRIATE BY THE COMMISSIONER  
8     SHALL ESTABLISH A PLAN TO INCREASE HOUSING OPPORTUNITIES FOR PEOPLE WITH  
9     DEVELOPMENTAL DISABILITIES. THE PLAN SHALL INCLUDE, BUT NOT BE LIMITED  
10    TO:  
11    (1) IDENTIFICATION OF STRATEGIES TO FACILITATE INDIVIDUALS RECEIVING  
12    OR ELIGIBLE FOR HOME AND COMMUNITY BASED (HCBS) WAIVERS TO LIVE IN THEIR  
13    OWN HOME, LEASED APARTMENT, OR FAMILY'S HOME, WHEN SUCH A PLACEMENT IS  
14    THEIR INFORMED CHOICE AND THE MOST INTEGRATED SETTING APPROPRIATE TO  
15    THEIR NEEDS. ANY SUCH STRATEGIES AT A MINIMUM SHOULD:  
16    (I) FACILITATE OPPORTUNITIES FOR INDIVIDUALS WITH DEVELOPMENTAL DISA-  
17    BILITIES, INCLUDING STUDENTS TRANSITIONING FROM EDUCATIONAL PROGRAMS TO  
18    LIVE INDEPENDENTLY IN THEIR OWN HOME OR APARTMENT AND AWAY FROM THEIR  
19    PARENTAL HOME;  
20    (II) EXPAND THE INVENTORY OF AFFORDABLE AND ACCESSIBLE RENTAL UNITS  
21    FOR INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES;  
22    (III) INCREASE ACCESS TO RENTAL SUBSIDIES FOR INDIVIDUALS WITH DEVEL-  
23    OPMENTAL DISABILITIES;  
24    (IV) BUILD UNDERSTANDING AND AWARENESS OF INFORMED CHOICES FOR INDE-  
25    PENDENT LIVING AMONG INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES, FAMI-  
26    LIES PUBLIC AND PRIVATE ORGANIZATION, DEVELOPERS AND MEDICAID SERVICE  
27    COORDINATORS;

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets [ ] is old law to be omitted.

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(V) REVIEW POTENTIAL FEDERAL AND STATE POLICY CHANGES THAT WILL FACILITATE INCREASED ACCESS AND AVAILABILITY OF SERVICES AND SUPPORTS THAT PERMIT INDIVIDUALS TO CHOOSE MORE INDEPENDENT LIVING OPTIONS; AND

(VI) ASSESS AND ADVANCE COORDINATED PLAN IMPLEMENTATION.

(2) DATA CONCERNING BASELINE INFORMATION REGARDING THE NUMBER OF INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES WHO WOULD CHOOSE INDEPENDENT LIVING OPTIONS, IF AVAILABLE AND THE IDENTIFICATION OF STRATEGIES TO INCREASE ACCESS TO THESE OPTIONS; AS WELL AS INFORMATION AS TO THE EXISTING PLACEMENTS IN MORE RESTRICTIVE SETTINGS, INCLUDING NURSING HOMES, ICF SETTINGS, COMMUNITY RESIDENCES, IRAS AND FAMILY CARE SETTINGS WHO HAVE CHOSEN TO LIVE IN THESE SETTINGS HAVING BEEN PROVIDED OPTIONS FOR COMMUNITY PLACEMENT, SERVICES AND SUPPORTS WHERE SUCH INDIVIDUAL HAS:

(I) BEEN OFFERED A CHOICE OF PROVIDERS CONSISTENT WITH THE INDIVIDUAL'S IDENTIFIED NEEDS AND PREFERENCES; AND

(II) BEEN PROVIDED APPROPRIATE COMMUNITY-BASED SERVICES FROM AMONG A RANGE OF OPTIONS, WITH OPPORTUNITIES FOR THE INDIVIDUAL, THEIR FAMILIES OR CIRCLE OF SUPPORT TO SPEAK WITH THOSE PROVIDERS, VISIT COMMUNITY PLACEMENTS AND BE PERMITTED TO HAVE CONVERSATIONS AND MEETINGS WITH INDIVIDUALS CURRENTLY LIVING IN THE COMMUNITY AND THEIR FAMILIES, BEFORE BEING ASKED TO MAKE A CHOICE REGARDING OPTIONS.

(3) IDENTIFICATION OF MODELS OF INTEGRATED HOUSING PROMOTING, TO THE GREATEST EXTENT POSSIBLE, INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES LIVING IN THE COMMUNITY AMONG INDIVIDUALS WITHOUT DISABILITIES, INCLUDING CONSIDERATIONS OF ABILITY LEVELS, CRITICAL LIFE TRANSITIONS AND APPROPRIATE OPTIONS;

(4) STRATEGIES FOR ASSISTING INDIVIDUALS IN TRANSITIONING FROM PARENTAL HOMES TO COMMUNITY HOUSING;

(5) DESCRIBE INFORMATION ABOUT AND DESCRIBE A PROCEDURE BY WHICH APPROPRIATE REFERRALS CAN BE MADE FOR INDIVIDUALS TO APPLY FOR RENTAL OR HOUSING ASSISTANCE AND BRIDGE FUNDING THROUGH ALL EXISTING SOURCES, INCLUDING LOCAL, STATE, OR FEDERAL AFFORDABLE HOUSING OR RENTAL ASSISTANCE PROGRAMS (TENANT-BASED OR PROJECT-BASED) AND ANY DEVELOPMENTAL DISABILITY SPECIFIC RENTAL ASSISTANCE;

(6) IDENTIFICATION OF MEANS TO ASSIST INDIVIDUALS WITH SIGNIFICANT BEHAVIORAL OR MEDICAL NEEDS IN PREPARING FOR AND MOVING TOWARDS INTEGRATED HOUSING;

(7) TECHNICAL ASSISTANCE, COMPLIANCE AND TRANSITION ASSISTANCE PROCEDURES FOR EXISTING PROVIDERS WHO SEEK TO TRANSITION TO MORE INTEGRATED HOUSING MODELS; AND

(8) ASSESSMENTS OF FUNDING AND NECESSARY SUPPORTS FOR INDIVIDUALS AND PROVIDERS.

(B) THE COMMISSIONER, IN CONSULTATION WITH THE DEVELOPMENTAL DISABILITIES ADVISORY COUNCIL, THE DEPARTMENT OF HEALTH, THE DIVISION OF HOUSING AND COMMUNITY RENEWAL, AND THE MOST INTEGRATED SETTINGS COORDINATING COUNCIL AND OTHER AGENCIES AS DETERMINED APPROPRIATE BY THE COMMISSIONER SHALL DEVELOP THE PLAN WITH INPUT FROM STAKEHOLDERS, INCLUDING INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES, PARENTS AND GUARDIANS OF INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES, ADVOCATES AND PROVIDERS OF SERVICES FOR INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES.

(C) THE PLAN REQUIRED PURSUANT TO THIS SECTION SHALL BE DEVELOPED AND SUBMITTED TO THE TEMPORARY PRESIDENT OF THE SENATE AND SPEAKER OF THE ASSEMBLY AND POSTED ON THE WEBSITE OF THE OFFICE FOR PEOPLE WITH DEVELOPMENTAL DISABILITIES WITHIN ONE HUNDRED EIGHTY DAYS OF THE CENTERS FOR MEDICARE AND MEDICAID SERVICES' APPROVAL OF THE STATE'S 1915(B)/(C) HCBS WAIVER APPLICATION.

1      S 2. This act shall take effect immediately.