S T A T E O F N E W Y O R K

5541

2009-2010 Regular Sessions

I N A S S E M B L Y

February 13, 2009

Introduced by M. of A. TITUS, SCARBOROUGH, ESPAILLAT, PHEFFER, CYMBROWITZ, COOK, FIELDS, BENEDETTO, POWELL, CLARK, ROBINSON, MILLMAN, BOYLAND -- Multi-Sponsored by -- M. of A. BENJAMIN, COLTON, DIAZ, JEFFRIES, V. LOPEZ, PERRY, J. RIVERA -- read once and referred to the Committee on Social Services

AN ACT establishing a moratorium on the site selection of state facilities in cities of one million or more

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

Section 1. Notwithstanding any other provision of law, in a city with a population of one million or more, no new site selection or the opening of state facilities shall be commenced or completed from the effective date of this act until there has been completed a comprehensive review by the governor or his designee of all existing and proposed state facilities. Such review shall include, but not be limited to, an assessment of the oversaturation of communities within a half mile radius within such city with state facilities. The governor shall establish a plan for correcting the oversaturation of state facilities in such communities. Such review and plan shall be completed by January 1, 2010 and shall be prepared for submission to the legislature on or before such date.

S 2. For the purposes of this act:

(a) "State facility" shall mean and include a group home as defined in section 371 of the social services law and a residential facility as defined in section 473-d of the social services law.

(b) "State services" shall mean services provided by the state for the benefit of its residents, including but not limited to, residential facilities, community residences, services for the aged, blind or disabled, community centers and services for seniors, homeless housing and assistance programs, child care resources and referral programs, drug rehabilitation services and youth centers.

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

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(c) "Oversaturation" shall be measured by and be based on the number of residential beds within a half mile radius, such number of beds should not exceed 50; the amount of traffic caused by the siting of a state facility; the number of persons sought to be serviced by such facility; and any other factors that may change the character of the community and have an impact on the environment.

S 3. This act shall take effect immediately.