

9957

I N A S S E M B L Y

February 19, 2010

Introduced by M. of A. BENEDETTO -- read once and referred to the
Committee on Mental Health

AN ACT to amend the mental hygiene law, in relation to site selections
of community residential facilities

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

1 Section 1. Subparagraph (C) of paragraph 1 of subdivision (c) of
2 section 41.34 of the mental hygiene law, as amended by chapter 823 of
3 the laws of 1992, is amended and a new subdivision (g) is added to read
4 as follows:

5 (C) object to the establishment of a facility of the kind described by
6 the sponsoring agency because to do so would result in such a concentration
7 of community residential facilities for the mentally disabled in
8 the municipality or in the area in proximity to the site selected or a
9 combination of such facilities with other community residences or similar
10 facilities licensed by other agencies of state government, including
11 all community residences, intermediate care facilities, residential care
12 facilities for adults and residential treatment facilities for individuals
13 with mental illness or developmental disabilities operated pursuant
14 to article sixteen or article thirty-one of this chapter and all similar
15 residential facilities of fourteen or less residents operated or
16 licensed by another state agency[,] AND ALSO GROUP HOMES HOUSING JUVENILE
17 DELINQUENTS AND OUTPATIENT CLINICS AND DAY TREATMENT CENTERS
18 PROVIDING PSYCHIATRIC AND DRUG REHABILITATION SERVICES that the nature
19 and character of the areas within the municipality would be substantially
20 altered.

21 (G) IN ADDITION TO ANY OTHER PROVISION OF THIS SECTION, THE OFFICE OF
22 MENTAL RETARDATION AND DEVELOPMENTAL DISABILITIES SHALL CONDUCT A STUDY
23 OF ANY PROPOSED SITE AND WITHIN A REASONABLE TIME ISSUE ITS RECOMMENDED
24 GUIDELINES FOR COMMUNITY CONCENTRATION LEVELS AND APPROPRIATE MINIMUM
25 DISTANCES BETWEEN COMMUNITY RESIDENCE FACILITIES.

26 S 2. This act shall take effect immediately.

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

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