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

170

2009-2010 Regular Sessions

I N S E N A T E

(PREFILED)

January 7, 2009

Introduced by Sen. KRUGER -- 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 limiting the site selection for community residences for the disabled

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

Section 1. Subdivision (b) of section 41.34 of the mental hygiene law, as amended by chapter 1024 of the laws of 1981, is amended to read as follows:

(b) If a sponsoring agency intends to establish a residential facility for the disabled within a municipality but does not have a specific site selected, it may notify the chief executive officer of the municipality in writing of its intentions and include in such notice a description of the nature, size and community support requirements of the program. [Provided, however, nothing] NOTHING in this subdivision shall preclude the proposed establishment of a site pursuant to subdivision (c) of this section PROVIDED, HOWEVER, THAT NO NEW RESIDENTIAL FACILITY SHALL BE SITED OR ESTABLISHED WITHIN A ONE MILE RADIUS OF AN EXISTING FACILITY.

S 2. This act shall take effect immediately and shall apply to site selections made on and after the effective date of this act.

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

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