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

2764

2009-2010 Regular Sessions

I N A S S E M B L Y

January 21, 2009

Introduced by M. of A. FITZPATRICK -- Multi-Sponsored by -- M. of A. THIELE, WALKER -- read once and referred to the Committee on Social Services

AN ACT to amend the social services law, in relation to requiring the prior approval of a municipality with respect to site selection for adult care facilities

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

Section 1. Section 461-b of the social services law is amended by adding a new subdivision 9 to read as follows:

9. (A) IF ANY PERSON PLANS TO ESTABLISH ONE OR MORE ADULT CARE FACILITIES WITHIN A MUNICIPALITY, IT SHALL 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 THE COMMUNITY SUPPORT REQUIREMENTS OF THE PROGRAM. SUCH PERSON MAY RECOMMEND ONE OR MORE SITES WHICH MEET THE REQUIREMENTS OF THE PROGRAM. THE MUNICIPALITY, ACTING BY AND THROUGH ITS LEGISLATIVE BODY, SHALL HAVE NINETY DAYS AFTER THE RECEIPT OF SUCH NOTICE TO CONDUCT AT LEAST ONE PUBLIC HEARING REGARDING A NOTICE OF INTENTION TO ESTABLISH ONE OR MORE ADULT CARE FACILITIES WITHIN THE MUNICIPALITY. UPON CONCLUSION OF THE PUBLIC HEARING OR HEARINGS, THE MUNICIPALITY, ACTING BY AND THROUGH ITS LEGISLATIVE BODY, SHALL HAVE FORTY DAYS AFTER THE RECEIPT OF SUCH NOTICE TO OBJECT TO ANY OF SUCH SITES AS RECOMMENDED, AND MAY PROPOSE AN ALTERNATE SITE OR SITES WITHIN ITS GEOGRAPHICAL BOUNDARIES AS IT DEEMS APPROPRIATE. IF THE MUNICIPALITY DOES NOT RESPOND WITHIN FORTY DAYS, SUCH PERSON MAY ESTABLISH SUCH A FACILITY AT THE SITE RECOMMENDED IN ITS NOTICE.

(B) FOR PURPOSES OF THIS SUBDIVISION, "MUNICIPALITY" MEANS AN INCORPORATED VILLAGE, IF A FACILITY IS TO BE LOCATED THEREIN; A TOWN, IF THE FACILITY IS TO BE LOCATED THEREIN, AND NOT SIMULTANEOUSLY WITHIN AN INCORPORATED VILLAGE; OR A CITY, EXCEPT THAT IN THE CITY OF NEW YORK, THE COMMUNITY BOARD WITH JURISDICTION OVER THE AREA IN WHICH SUCH A FACILITY IS TO BE LOCATED SHALL BE CONSIDERED THE MUNICIPALITY.

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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