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

9176

2009-2010 Regular Sessions

I N A S S E M B L Y

October 13, 2009

Introduced by M. of A. BARRA -- read once and referred to the Committee on Children and Families

AN ACT to amend the social services law, in relation to allowing neighborhoods an opportunity to be heard regarding the licensing of a child day care center caring for seven or more children or a group family day care program

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

Section 1. Section 390 of the social services law is amended by adding a new subdivision 1-a to read as follows:

1-A. IF AN APPLICANT FOR A LICENSE FOR EITHER A CHILD DAY CARE CENTER CARING FOR SEVEN OR MORE CHILDREN OR A GROUP FAMILY DAY CARE PROGRAM INTENDS TO ESTABLISH SUCH CHILD DAY CARE AT A LOCATION THAT IS ZONED ONLY AS RESIDENTIAL, PRIOR TO GRANTING SUCH A LICENSE, THE DEPARTMENT MUST PROVIDE THE NEIGHBORHOOD IN WHICH SUCH CHILD DAY CARE WILL BE LOCATED, AN OPPORTUNITY TO BE HEARD. NOTICE MUST BE GIVEN IN COMPLIANCE WITH PROCEDURES DETERMINED BY THE COMMISSIONER AND SHALL INCLUDE, BUT NOT BE LIMITED TO, WRITTEN NOTICE TO ALL OWNERS AND/OR OCCUPANTS OF RESIDENCES WITHIN A FIVE RESIDENCE RADIUS OF THE PROPOSED CHILD DAY CARE LOCATION, AND SHALL PROVIDE A METHOD FOR THOSE NOTIFIED TO OBJECT TO THE LICENSING OF SUCH CHILD DAY CARE. AN OBJECTION SHALL QUALIFY THE MATTER TO BE TREATED AS AN ADJUDICATORY PROCEEDING AS PROVIDED FOR IN ARTICLE THREE OF THE STATE ADMINISTRATIVE PROCEDURE ACT. THE DEPARTMENT WILL MAKE THE FINAL DETERMINATION AS TO THE LICENSING OF AN OPPOSED CHILD DAY CARE LOCATION. IN MAKING ITS DETERMINATION, THE DEPARTMENT SHALL TAKE INTO CONSIDERATION THE BENEFIT TO THE APPLICANT AND THE NEIGHBORHOOD IF THE LICENSE IS GRANTED, AS WEIGHED AGAINST THE DETRIMENT TO THE HEALTH, SAFETY AND WELFARE OF THE NEIGHBORHOOD OR COMMUNITY BY SUCH GRANT. IN MAKING SUCH DETERMINATION THE DEPARTMENT SHALL ALSO CONSIDER WHETHER AN UNDESIRABLE CHANGE WILL BE PRODUCED IN THE CHARACTER OF THE NEIGHBORHOOD OR A DETRIMENT TO NEARBY PROPERTIES WILL BE CREATED BY THE GRANTING OF THE LICENSE.

S 2. This act shall take effect immediately.

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

LBD14706-01-9