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

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:

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

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

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

S 2. This act shall take effect immediately.

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

LBD05266-01-9