

4921

2011-2012 Regular Sessions

I N   A S S E M B L Y

February 9, 2011

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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 ASSEM-  
BLY, 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 concen-  
7     tration 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 simi-  
10    lar 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 individ-  
13    uals 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 JUVE-  
17    NILE 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 substantial-  
20    ly altered.  
21    (G) IN ADDITION TO ANY OTHER PROVISION OF THIS SECTION, THE OFFICE FOR  
22    PEOPLE WITH DEVELOPMENTAL DISABILITIES SHALL CONDUCT A STUDY OF STATE-  
23    WIDE AND LOCAL MUNICIPAL SITING PATTERNS FOR FACILITIES REFERRED TO IN  
24    SUBPARAGRAPH (C) OF PARAGRAPH ONE OF SUBDIVISION (C) OF THIS SECTION AS  
25    THEY RELATE TO COMMUNITY RESIDENTIAL FACILITIES AND WITHIN THREE HUNDRED

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

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1 SIXTY-FIVE DAYS ISSUE ITS RECOMMENDED GUIDELINES FOR APPROPRIATE COMMU-  
2 NITY CONCENTRATION LEVELS AND MINIMUM DISTANCES BETWEEN SUCH FACILITIES.  
3 S 2. This act shall take effect on the one hundred eightieth day after  
4 it shall have become a law.