

4921

2011-2012 Regular Sessions

I N A S S E M B L Y

February 9, 2011

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:

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 concentration
7 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 similar
10 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 individuals
13 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 JUVENILE
17 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 substantially
20 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.

LBD04416-01-1

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.