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

5139

2013-2014 Regular Sessions

I N A S S E M B L Y

February 20, 2013

Introduced by M. of A. STEVENSON -- read once and referred to the Committee on Aging

AN ACT to amend the administrative code of the city of New York, in relation to establishing a temporary moratorium on the construction and/or opening of new adult day care centers; and providing for the repeal of such provisions upon expiration thereof

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

Section 1. Legislative findings and intent. The legislature hereby finds that there has been a substantial increase in the number of new adult day care centers constructed and/or opened in the city of New York, leading to concerns regarding the quality of and actual need for additional adult day care centers within the five boroughs. The legislature declares that the absence of a statute authorizing the department of buildings of the city of New York to institute a moratorium on the construction and/or opening of such new adult day care centers has created confusion and uncertainty as to the services and general supervision that such centers should provide to the elderly and individuals with disabilities. However, the legislature finds that such a moratorium should not affect current adult day care centers that are open and operating on or before the effective date of this act.

S 2. The administrative code of the city of New York is amended by adding a new section 28-105.13 to read as follows:

S 28-105.13 TEMPORARY MORATORIUM ON CONSTRUCTION AND/OR OPENING OF NEW ADULT DAY CARE CENTERS. 1. FOR THE PURPOSES OF THIS SECTION, "ADULT DAY CARE CENTER" OR "ADULT DAY SERVICE" SHALL MEAN A NON-RESIDENTIAL FACILITY PROVIDING MEALS, ACTIVITIES, SOCIAL AND RECREATIONAL OUTINGS, AND GENERAL SUPERVISION FOR THE ELDERLY AND/OR INDIVIDUALS WITH DISABILITIES WITH A VARIETY OF MEDICAL NEEDS. AN ADULT DAY CARE CENTER IS ALSO TYPICALLY ASSIGNED A UNIQUE NATIONAL PROVIDER IDENTIFIER (NPI) NUMBER BY THE FEDERAL CENTERS FOR MEDICARE AND MEDICAID SERVICES.

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

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2. THERE SHALL BE A THREE-YEAR MORATORIUM ON THE CONSTRUCTION AND/OR OPENING OF NEW ADULT DAY CARE CENTERS WITHIN THE CITY OF NEW YORK. AS OF THE EFFECTIVE DATE OF THIS SECTION, NO NEW ADULT DAY CARE CENTER SHALL BE CONSTRUED OR OPENED WITHIN THE CITY OF NEW YORK DURING THE DURATION OF SUCH MORATORIUM. FOR THE DURATION OF THE MORATORIUM, THE DEPARTMENT OF BUILDINGS OF THE CITY OF NEW YORK SHALL NOT ISSUE A CONSTRUCTION PERMIT OR A CERTIFICATE OF OCCUPANCY TO ANY ADULT DAY CARE CENTER NOT PREVIOUSLY OPEN AND OPERATING AS OF THE EFFECTIVE DATE OF THIS SECTION.

3. ADULT DAY CARE CENTERS LOCATED WITHIN THE CITY OF NEW YORK THAT ARE OPEN AND OPERATING AND HAVE BEEN ASSIGNED A NPI NUMBER AS OF THE EFFECTIVE DATE OF THIS SECTION ARE EXEMPT FROM THE MORATORIUM INSTITUTED BY THIS SECTION.

4. IN THE EVENT AN EXISTING ADULT DAY CARE CENTER REFERRED TO IN SUBDIVISION THREE OF THIS SECTION IS PROVIDING SERVICES TO THE MAXIMUM NUMBER OF ADULTS IT CAN SERVE IN ITS CURRENT EXISTING FACILITY, THE OWNER OR OPERATOR OF SUCH CENTER CAN SEEK TO EXPAND THE EXISTING FACILITY, CONSTRUCT A NEW CENTER OR OPEN AN ADDITIONAL CENTER. HOWEVER, SUCH EXPANSION, CONSTRUCTION OR OPENING OF AN ADDITIONAL CENTER MUST BE COMPLETED WITHIN THE SAME CONGRESSIONAL DISTRICT.

S 3. This act shall take effect July 1, 2013 and shall expire and be deemed repealed 3 years after such date.