

7721--A

Cal. No. 378

2013-2014 Regular Sessions

I N A S S E M B L Y

May 31, 2013

Introduced by M. of A. GUNTHER, BARRETT, JAFFEE -- Multi-Sponsored by --
M. of A. McDONALD -- read once and referred to the Committee on
Mental Health -- advanced to a third reading, amended and ordered
reprinted, retaining its place on the order of third reading

AN ACT to amend the mental hygiene law, in relation to establishing a
community housing wait list

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

1 Section 1. Section 7.15 of the mental hygiene law is amended by adding
2 three new subdivisions (c), (d) and (e) to read as follows:
3 (C) THE COMMISSIONER SHALL ESTABLISH A COMMUNITY HOUSING WAIT LIST FOR
4 INDIVIDUALS SEEKING HOUSING AND RELATED SERVICES WITHIN THE OFFICE OF
5 MENTAL HEALTH SERVICE SYSTEM.
6 (1) FOR PURPOSES OF THIS SECTION THE FOLLOWING DEFINITIONS SHALL
7 APPLY:
8 (I) "COMMUNITY HOUSING WAIT LIST" SHALL MEAN A LIST OF INDIVIDUALS
9 WITH A DOCUMENTED MENTAL ILLNESS WHO MEET THE ELIGIBILITY CRITERIA FOR
10 HOUSING PROGRAMS LICENSED, OPERATED OR FUNDED BY THE OFFICE OF MENTAL
11 HEALTH AND HAVE APPLIED FOR OR BEEN REFERRED TO BUT HAVE NOT YET
12 RECEIVED HOUSING SERVICES INCLUDING BUT NOT LIMITED TO SUPPORTED,
13 SUPPORTIVE, SUPERVISED OR CONGREGATE.
14 (II) "HOUSING SERVICES PROVIDER" SHALL MEAN ANY HOLDER OF AN OPERATING
15 CERTIFICATE ISSUED PURSUANT TO ARTICLE THIRTY-ONE OF THIS CHAPTER, OR
16 EVERY HOUSING PROGRAM FUNDED, OPERATED, ADMINISTERED OR LICENSED BY THE
17 OFFICE INCLUDING ANY LOCAL GOVERNMENT UNIT MENTAL HEALTH HOUSING REFER-
18 RAL SYSTEM AND EACH SINGLE POINT OF ENTRY OFFICE, OPERATED BY OR UNDER
19 CONTRACT WITH A DIRECTOR OF COMMUNITY SERVICES PURSUANT TO ARTICLE
20 FORTY-ONE OF THIS CHAPTER.
21 (III) "AGENCY OR INSTITUTION" SHALL INCLUDE ADULT HOMES, NURSING
22 HOMES, FOSTER CARE PROVIDERS, HOMELESS SHELTERS, STATE PSYCHIATRIC

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

LBD10718-05-4

1 CENTERS, HOSPITALS, CORRECTIONAL FACILITIES AND OTHER REFERRING ENTITIES.
2

3 (2) (I) EVERY SIXTY DAYS, EACH HOUSING SERVICE PROVIDER SHALL REPORT
4 TO THE OFFICE THE NAME OF EACH PERSON WHO IS REFERRED TO, APPLIES FOR,
5 IS ADMITTED TO, WITHDRAWS AN APPLICATION FOR OR IS DENIED ADMISSION TO
6 THE PROVIDER'S HOUSING PROGRAM, ALONG WITH SUCH OTHER INFORMATION AS THE
7 COMMISSIONER MAY REQUIRE.

8 (II) EVERY SIXTY DAYS, EACH AGENCY OR INSTITUTION MAKING REFERRALS FOR
9 HOUSING SERVICES IN THE OFFICE OF MENTAL HEALTH SERVICE SYSTEM SHALL
10 PROVIDE TO THE OFFICE THE NAMES OF PERSONS WHOM IT REFERRED TO A HOUSING
11 SERVICES PROVIDER, ALONG WITH SUCH OTHER INFORMATION AS THE COMMISSIONER
12 MAY REQUIRE.

13 (III) EVERY SIXTY DAYS, EACH COUNTY'S COMMUNITY-BASED AGENCY PERFORM-
14 ING ASSESSMENTS OF PEOPLE WITH DISABILITIES USING THE UNIFORM ASSESSMENT
15 TOOL, AS REQUIRED BY PARAGRAPH (B) OF SUBDIVISION ONE OF SECTION SEVEN
16 HUNDRED THREE OF THE EXECUTIVE LAW, SHALL PROVIDE TO THE OFFICE THE NAME
17 OF EACH PERSON WITH A DOCUMENTED MENTAL ILLNESS WHO IS ASSESSED AND
18 MEETS THE ELIGIBILITY CRITERIA FOR THE ARRAY OF THE OFFICE'S FUNDED,
19 OPERATED, AND/OR LICENSED HOUSING PROGRAMS AND THE NAMES OF THOSE
20 PERSONS IT HAS REFERRED TO HOUSING AND SERVICE PROVIDERS ALONG WITH SUCH
21 OTHER INFORMATION AS THE COMMISSIONER MAY REQUIRE.

22 (D) THE COMMISSIONER SHALL ESTABLISH POLICIES, PROCEDURES AND FORMS
23 FOR THE COMMUNITY HOUSING WAIT LIST IN ORDER TO ENSURE THAT APPLICANTS
24 AND PROSPECTIVE APPLICANTS FOR HOUSING PROGRAMS, HOUSING SERVICES
25 PROVIDERS, REFERRING AGENCIES AND INSTITUTIONS, AND COMMUNITY BASED
26 AGENCIES ARE ABLE TO SUBMIT WAIT LIST INFORMATION AND COPIES OF APPLI-
27 CANTS AND REFERRALS DIRECTLY TO THE OFFICE VIA ELECTRONIC MEANS. SUCH
28 POLICIES, PROCEDURES AND FORMS SHALL SAFEGUARD THE CONFIDENTIALITY OF
29 INFORMATION CONCERNING PERSONS SEEKING HOUSING, AND ACCORD EACH PERSON
30 ON THE WAIT LIST AN OPPORTUNITY TO RECEIVE A WRITTEN COPY OF ALL
31 PERSONAL INFORMATION MAINTAINED ON THE WAIT LIST. SUCH POLICIES AND
32 PROCEDURES SHALL PROVIDE FOR THE COMMUNITY HOUSING WAIT LIST TO INCLUDE
33 ALL PERSONS ON ANY LOCAL OR STATE WAIT LIST FOR HOUSING BEFORE THE
34 EFFECTIVE DATE OF THIS SUBDIVISION AND THE DATE UPON WHICH EACH SUCH
35 PERSON WAS FIRST PLACED ON SUCH WAIT LIST. SUCH LIST SHALL ALSO INCLUDE
36 PERSONS WHO ARE PLACED ON ANY SUCH LOCAL OR STATE WAIT LIST ON OR AFTER
37 THE EFFECTIVE DATE OF THIS SUBDIVISION.

38 (E) THE COMMISSIONER SHALL PREPARE A REPORT ON THE COMMUNITY HOUSING
39 WAIT LIST OF PERSONS SEEKING HOUSING WITHIN THE MENTAL HEALTH SYSTEM.
40 THE REPORT SHALL INCLUDE COMMUNITY BASED HOUSING AND RELATED SERVICES
41 FOR WHICH PERSONS ARE ASSESSED PURSUANT TO ARTICLE TWENTY-FIVE OF THE
42 EXECUTIVE LAW. SUCH REPORT, BROKEN OUT BY COUNTY, SHALL INCLUDE BUT NOT
43 BE LIMITED TO, (1) THE NUMBER OF ADULTS REFERRED TO THE COMMUNITY HOUS-
44 ING WAIT LIST; (2) THE NUMBER OF ADULTS THAT APPLIED FOR EACH CATEGORY
45 OF RESIDENTIAL SERVICE; (3) THE NUMBER OF ADULTS, ADMITTED TO EACH CATE-
46 GORY OF RESIDENTIAL SERVICE; (4) THE NUMBER OF ADULTS DENIED ADMISSION
47 FOR EACH CATEGORY OF RESIDENTIAL SERVICE; (5) THE NUMBER OF ADULTS WHO
48 WITHDREW APPLICATIONS FOR EACH CATEGORY OF RESIDENTIAL SERVICE; AND (6)
49 THE NUMBER OF ADULTS ON THE STATEWIDE WAIT LIST FOR EACH CATEGORY OF
50 RESIDENTIAL SERVICE. SUCH REPORT SHALL INCLUDE FOR EACH CATEGORY AND
51 COUNTY, THE NUMBER OF MONTHS ON THE WAIT LIST FOR EACH PERSON. SUCH
52 REPORT SHALL INCLUDE THE TYPES, CAPACITIES AND VACANCY RATES OF RESIDEN-
53 TIAL SERVICES OFFERED IN EACH COUNTY. THE REPORTS SHALL INCLUDE ANY
54 ACTIONS TAKEN BY THE OFFICE TO REDUCE THE LENGTH OF THE WAIT LIST FOR
55 EACH CATEGORY OF RESIDENTIAL SERVICES, INCLUDING THE METHODS BY WHICH
56 THE OFFICE PRIORITIZES THE PROVISIONS OF SERVICES TO PERSONS ON THE

1 STATEWIDE COMMUNITY HOUSING WAIT LIST AND THE ACTIONS OF THE OFFICE TO
2 INFORM THE PUBLIC ABOUT THE COMMUNITY HOUSING WAIT LIST AND THE AVAIL-
3 ABILITY OF COMMUNITY HOUSING AND SERVICES FOR ADULTS WITH A DOCUMENTED
4 MENTAL ILLNESS. THE OFFICE SHALL SUBMIT THE REPORT TO THE GOVERNOR, THE
5 CHAIRPERSON OF THE SENATE MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES
6 COMMITTEE AND THE CHAIRPERSON OF THE ASSEMBLY MENTAL HEALTH COMMITTEE ON
7 OR BEFORE JANUARY FIRST, TWO THOUSAND SIXTEEN AND QUARTERLY THEREAFTER.
8 S 2. This act shall take effect on the one hundred twentieth day after
9 it shall have become a law; provided, however, that effective immediate-
10 ly, the addition, amendment and/or repeal of any rule or regulation
11 necessary for the implementation of this act on its effective date are
12 authorized and directed to be made and completed on or before such
13 effective date.