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

5228--A

2013-2014 Regular Sessions

I N  S E N A T E

May 14, 2013

Introduced by Sen. CARLUCCI -- read twice and ordered printed, and when printed to be committed to the Committee on Mental Health and Developmental Disabilities -- recommitted to the Committee on Mental Health and Developmental Disabilities in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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 ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Section 7.15 of the mental hygiene law is amended by adding three new subdivisions (c), (d) and (e) to read as follows:

(C) THE COMMISSIONER SHALL ESTABLISH A COMMUNITY HOUSING WAIT LIST FOR INDIVIDUALS SEEKING HOUSING AND RELATED SERVICES WITHIN THE OFFICE OF MENTAL HEALTH SERVICE SYSTEM.

(1) FOR PURPOSES OF THIS SECTION THE FOLLOWING DEFINITIONS SHALL APPLY:

(I) "COMMUNITY HOUSING WAIT LIST" SHALL MEAN A LIST OF INDIVIDUALS WITH A DOCUMENTED MENTAL ILLNESS WHO MEET THE ELIGIBILITY CRITERIA FOR HOUSING PROGRAMS LICENSED, OPERATED OR FUNDED BY THE OFFICE OF MENTAL HEALTH AND HAVE APPLIED FOR OR BEEN REFERRED TO BUT HAVE NOT YET RECEIVED HOUSING SERVICES INCLUDING BUT NOT LIMITED TO SUPPORTED, SUPPORTIVE, SUPERVISED OR CONGREGATE.

(II) "HOUSING SERVICES PROVIDER" SHALL MEAN ANY HOLDER OF AN OPERATING CERTIFICATE ISSUED PURSUANT TO ARTICLE THIRTY-ONE OF THIS CHAPTER, OR EVERY HOUSING PROGRAM FUNDED, OPERATED, ADMINISTERED OR LICENSED BY THE OFFICE INCLUDING ANY LOCAL GOVERNMENT UNIT MENTAL HEALTH HOUSING REFERRAL SYSTEM AND EACH SINGLE POINT OF ENTRY OFFICE, OPERATED BY OR UNDER CONTRACT WITH A DIRECTOR OF COMMUNITY SERVICES PURSUANT TO ARTICLE FORTY-ONE OF THIS CHAPTER.

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

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(III) "AGENCY OR INSTITUTION" SHALL INCLUDE ADULT HOMES, NURSING HOMES, FOSTER CARE PROVIDERS, HOMELESS SHELTERS, STATE PSYCHIATRIC CENTERS, HOSPITALS, CORRECTIONAL FACILITIES AND OTHER REFERRING ENTITIES.

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

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

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

(D) THE COMMISSIONER SHALL ESTABLISH POLICIES, PROCEDURES AND FORMS FOR THE COMMUNITY HOUSING WAIT LIST IN ORDER TO ENSURE THAT APPLICANTS AND PROSPECTIVE APPLICANTS FOR HOUSING PROGRAMS, HOUSING SERVICES PROVIDERS, REFERRING AGENCIES AND INSTITUTIONS, AND COMMUNITY BASED AGENCIES ARE ABLE TO SUBMIT WAIT LIST INFORMATION AND COPIES OF APPLICANTS AND REFERRALS DIRECTLY TO THE OFFICE VIA ELECTRONIC MEANS. SUCH POLICIES, PROCEDURES AND FORMS SHALL SAFEGUARD THE CONFIDENTIALLY OF INFORMATION CONCERNING PERSONS SEEKING HOUSING, AND ACCORD EACH PERSON ON THE WAIT LIST AN OPPORTUNITY TO RECEIVE A WRITTEN COPY OF ALL PERSONAL INFORMATION MAINTAINED ON THE WAIT LIST. SUCH POLICIES AND PROCEDURES SHALL PROVIDE FOR THE COMMUNITY HOUSING WAIT LIST TO INCLUDE ALL PERSONS ON ANY LOCAL OR STATE WAIT LIST FOR HOUSING BEFORE THE EFFECTIVE DATE OF THIS SUBDIVISION AND THE DATE UPON WHICH EACH SUCH PERSON WAS FIRST PLACED ON SUCH WAIT LIST. SUCH LIST SHALL ALSO INCLUDE PERSONS WHO ARE PLACED ON ANY SUCH LOCAL OR STATE WAIT LIST ON OR AFTER THE EFFECTIVE DATE OF THIS SUBDIVISION.

(E) THE COMMISSIONER SHALL PREPARE A REPORT ON THE COMMUNITY HOUSING WAIT LIST OF PERSONS SEEKING HOUSING WITHIN THE MENTAL HEALTH SYSTEM. THE REPORT SHALL INCLUDE COMMUNITY BASED HOUSING AND RELATED SERVICES FOR WHICH PERSONS ARE ASSESSED PURSUANT TO ARTICLE TWENTY-FIVE OF THE EXECUTIVE LAW. SUCH REPORT, BROKEN OUT BY COUNTY, SHALL INCLUDE BUT NOT BE LIMITED TO, (1) THE NUMBER OF ADULTS REFERRED TO THE COMMUNITY HOUSING WAIT LIST; (2) THE NUMBER OF ADULTS THAT APPLIED FOR EACH CATEGORY OF RESIDENTIAL SERVICE; (3) THE NUMBER OF ADULTS, ADMITTED TO EACH CATEGORY OF RESIDENTIAL SERVICE; (4) THE NUMBER OF ADULTS DENIED ADMISSION FOR EACH CATEGORY OF RESIDENTIAL SERVICE; (5) THE NUMBER OF ADULTS WHO WITHDREW APPLICATIONS FOR EACH CATEGORY OF RESIDENTIAL SERVICE; AND (6) THE NUMBER OF ADULTS ON THE STATEWIDE WAIT LIST FOR EACH CATEGORY OF RESIDENTIAL SERVICE. SUCH REPORT SHALL INCLUDE FOR EACH CATEGORY AND COUNTY, THE NUMBER OF MONTHS ON THE WAIT LIST FOR EACH PERSON. SUCH REPORT SHALL INCLUDE THE TYPES, CAPACITIES AND VACANCY RATES OF RESIDENTIAL SERVICES OFFERED IN EACH COUNTY. THE REPORTS SHALL INCLUDE ANY ACTIONS TAKEN BY THE OFFICE TO REDUCE THE LENGTH OF THE WAIT LIST FOR

EACH CATEGORY OF RESIDENTIAL SERVICES, INCLUDING THE METHODS BY WHICH THE OFFICE PRIORITIZES THE PROVISIONS OF SERVICES TO PERSONS ON THE STATEWIDE COMMUNITY HOUSING WAIT LIST AND THE ACTIONS OF THE OFFICE TO INFORM THE PUBLIC ABOUT THE COMMUNITY HOUSING WAIT LIST AND THE AVAILABILITY OF COMMUNITY HOUSING AND SERVICES FOR ADULTS WITH A DOCUMENTED MENTAL ILLNESS. THE OFFICE SHALL SUBMIT THE REPORT TO THE GOVERNOR, THE CHAIRPERSON OF THE SENATE MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES COMMITTEE AND THE CHAIRPERSON OF THE ASSEMBLY MENTAL HEALTH COMMITTEE ON OR BEFORE JANUARY FIRST, TWO THOUSAND SIXTEEN AND QUARTERLY THEREAFTER.

S 2. This act shall take effect on the one hundred twentieth day after it shall have become a law; provided, however, that effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized and directed to be made and completed on or before such effective date.