

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 ASSEM-  
BLY, DO ENACT AS FOLLOWS:

1 Section 1. Legislative findings and intent. The legislature hereby  
2 finds that there has been a substantial increase in the number of new  
3 adult day care centers constructed and/or opened in the city of New  
4 York, leading to concerns regarding the quality of and actual need for  
5 additional adult day care centers within the five boroughs. The legisla-  
6 ture declares that the absence of a statute authorizing the department  
7 of buildings of the city of New York to institute a moratorium on the  
8 construction and/or opening of such new adult day care centers has  
9 created confusion and uncertainty as to the services and general super-  
10 vision that such centers should provide to the elderly and individuals  
11 with disabilities. However, the legislature finds that such a moratorium  
12 should not affect current adult day care centers that are open and oper-  
13 ating on or before the effective date of this act.

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

16 S 28-105.13 TEMPORARY MORATORIUM ON CONSTRUCTION AND/OR OPENING OF NEW  
17 ADULT DAY CARE CENTERS. 1. FOR THE PURPOSES OF THIS SECTION, "ADULT DAY  
18 CARE CENTER" OR "ADULT DAY SERVICE" SHALL MEAN A NON-RESIDENTIAL FACILI-  
19 TY PROVIDING MEALS, ACTIVITIES, SOCIAL AND RECREATIONAL OUTINGS, AND  
20 GENERAL SUPERVISION FOR THE ELDERLY AND/OR INDIVIDUALS WITH DISABILITIES  
21 WITH A VARIETY OF MEDICAL NEEDS. AN ADULT DAY CARE CENTER IS ALSO TYPI-  
22 CALLY ASSIGNED A UNIQUE NATIONAL PROVIDER IDENTIFIER (NPI) NUMBER BY THE  
23 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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1       2. THERE SHALL BE A THREE-YEAR MORATORIUM ON THE CONSTRUCTION AND/OR  
2 OPENING OF NEW ADULT DAY CARE CENTERS WITHIN THE CITY OF NEW YORK. AS OF  
3 THE EFFECTIVE DATE OF THIS SECTION, NO NEW ADULT DAY CARE CENTER SHALL  
4 BE CONSTRUED OR OPENED WITHIN THE CITY OF NEW YORK DURING THE DURATION  
5 OF SUCH MORATORIUM. FOR THE DURATION OF THE MORATORIUM, THE DEPARTMENT  
6 OF BUILDINGS OF THE CITY OF NEW YORK SHALL NOT ISSUE A CONSTRUCTION  
7 PERMIT OR A CERTIFICATE OF OCCUPANCY TO ANY ADULT DAY CARE CENTER NOT  
8 PREVIOUSLY OPEN AND OPERATING AS OF THE EFFECTIVE DATE OF THIS SECTION.

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

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

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