

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:

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.

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

LBD10718-04-4

1 (III) "AGENCY OR INSTITUTION" SHALL INCLUDE ADULT HOMES, NURSING  
2 HOMES, FOSTER CARE PROVIDERS, HOMELESS SHELTERS, STATE PSYCHIATRIC  
3 CENTERS, HOSPITALS, CORRECTIONAL FACILITIES AND OTHER REFERRING ENTI-  
4 TIES.

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

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

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

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

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

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