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

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2015-2016 Regular Sessions

I N S E N A T E

January 30, 2015

Introduced by Sens. YOUNG, FUNKE, GALLIVAN, KENNEDY, ORTT -- 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 integrated housing for individuals with developmental disabilities

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

Section 1. The mental hygiene law is amended by adding a new section 13.43 to read as follows:

S 13.43 INTEGRATED HOUSING PLAN.

(A) THE COMMISSIONER, IN CONSULTATION WITH THE DEVELOPMENTAL DISABILITIES ADVISORY COUNCIL, THE DEPARTMENT OF HEALTH, THE DIVISION OF HOUSING AND COMMUNITY RENEWAL, THE MOST INTEGRATED SETTINGS COORDINATING COUNCIL AND OTHER AGENCIES AS DETERMINED APPROPRIATE BY THE COMMISSIONER, SHALL ESTABLISH A PLAN TO INCREASE HOUSING OPPORTUNITIES FOR PEOPLE WITH DEVELOPMENTAL DISABILITIES. THE PLAN SHALL INCLUDE, BUT NOT BE LIMITED TO:

(1) THE CREATION AND MAINTENANCE OF AN INVENTORY OF AFFORDABLE AND ACCESSIBLE RENTAL UNITS FOR INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES; AND

(2) IDENTIFICATION OF STRATEGIES TO FACILITATE INDIVIDUALS RECEIVING OR ELIGIBLE FOR HOME AND COMMUNITY BASED (HCBS) WAIVERS TO LIVE IN THEIR OWN HOME, LEASED APARTMENT OR FAMILY'S HOME, WHEN SUCH A PLACEMENT IS THEIR INFORMED CHOICE AND THE MOST INTEGRATED SETTING APPROPRIATE TO THEIR NEEDS. ANY SUCH STRATEGIES AT A MINIMUM SHALL ADDRESS:

(I) FACILITATING OPPORTUNITIES FOR INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES, INCLUDING STUDENTS TRANSITIONING FROM EDUCATIONAL PROGRAMS

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

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TO LIVE INDEPENDENTLY IN THEIR OWN HOME OR APARTMENT AND AWAY FROM THEIR PARENTAL HOME;

(II) INCREASING THE STOCK OF AFFORDABLE AND ACCESSIBLE RENTAL UNITS FOR INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES;

(III) INCREASING AND EXPANDING ACCESS TO RENTAL SUBSIDIES FOR INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES;

(IV) BUILDING UNDERSTANDING AND AWARENESS OF INFORMED CHOICES FOR INDEPENDENT LIVING AMONG INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES, FAMILIES, PUBLIC AND PRIVATE ORGANIZATIONS, DEVELOPERS AND MEDICAID SERVICE COORDINATORS;

(V) REVIEWING AND EVALUATING POTENTIAL FEDERAL AND STATE POLICY CHANGES THAT WILL FACILITATE INCREASED ACCESS AND AVAILABILITY OF SERVICES AND SUPPORTS THAT PERMIT INDIVIDUALS TO CHOOSE MORE INDEPENDENT LIVING OPTIONS; AND

(VI) ASSESSING AND ADVANCING COORDINATED PLAN IMPLEMENTATION.

(B) THE COMMISSIONER, IN CONSULTATION WITH THE DEVELOPMENTAL DISABILITIES ADVISORY COUNCIL, THE DEPARTMENT OF HEALTH, THE DIVISION OF HOUSING AND COMMUNITY RENEWAL, THE MOST INTEGRATED SETTINGS COORDINATING COUNCIL AND OTHER AGENCIES AS DETERMINED APPROPRIATE BY THE COMMISSIONER, SHALL DEVELOP THE PLAN WITH INPUT FROM STAKEHOLDERS, INCLUDING INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES, PARENTS AND GUARDIANS OF INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES, ADVOCATES AND PROVIDERS OF SERVICES FOR INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES, SUCH PLAN MAY INCLUDE THE HOUSING TRANSFORMATION GOAL AND STRATEGIES IDENTIFIED IN THE OFFICE'S COST CONTAINMENT STRATEGY, SUBMITTED TO THE FEDERAL CENTERS FOR MEDICARE AND MEDICAID SERVICES, DATED JUNE FIRST, TWO THOUSAND THIRTEEN, AND ANY REQUIRED UPDATES THEREOF SUBMITTED TO SUCH CENTERS THEREAFTER.

(C) THE PLAN REQUIRED PURSUANT TO THIS SECTION SHALL BE DEVELOPED AND SUBMITTED TO THE TEMPORARY PRESIDENT OF THE SENATE, THE SPEAKER OF THE ASSEMBLY AND THE CHAIRS OF APPROPRIATE SENATE AND ASSEMBLY STANDING COMMITTEES, AND POSTED ON THE WEBSITE OF THE OFFICE ON OR BEFORE APRIL FIRST, TWO THOUSAND SEVENTEEN. SUCH PLAN SHALL BE REASSESSED AND UPDATED AT LEAST ANNUALLY THEREAFTER, ON OR BEFORE THE THIRTY-FIRST DAY OF JANUARY, TO ENSURE RESPONSIVENESS TO CHANGING NEEDS AND GOALS, TO REFLECT THE DEVELOPMENT OF NEW INFORMATION, AND TO REFLECT ACHIEVEMENT OF HOUSING TRANSFORMATION GOALS, EVALUATION OF SUCCESSFUL INTEGRATED HOUSING STRATEGIES AND MILESTONES TO MEET INTEGRATED HOUSING GOALS. SUCH UPDATED PLAN SHALL BE POSTED ON THE WEBSITE OF THE OFFICE, AND SUBMITTED TO THE TEMPORARY PRESIDENT OF THE SENATE AND SPEAKER OF THE ASSEMBLY.

S 2. This act shall take effect immediately.