AN ACT to provide relief to human services providers in response to the outbreak of novel coronavirus, COVID-19 and making an appropriation therefor

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. As used in this act, the following terms shall have the following meanings:

1. "Human service" shall mean any service provided to individuals or groups of individuals, for the purpose of improving or enhancing such individuals' health and/or welfare, by addressing social problems including but not limited to: domestic violence, teenage pregnancy, migrant health problems, child abuse, nutritional deficiencies, suicide, hunger, unemployment, lack of suitable shelter, crime, drug and alcohol abuse and poverty.

2. "Human services provider" shall mean any public or not-for-profit private entity utilizing public and/or private funds to provide or contract for the provision of human services for the benefit of the general public or specific client groups.

§ 2. Notwithstanding any provision of law to the contrary, the commissioner of social services, in consultation with the director of the office for the aging, the commissioner of health, the commissioner of the division for youth, and the commissioner of mental health, shall amend all state and passthrough contracts with human services providers to provide retroactive incentive pay to all human services employees who were designated essential workers during the state disaster emergency declared pursuant to executive order 202 of 2020.

§ 3. Notwithstanding any provision of law to the contrary, the commissioner of social services, in consultation with the director of the office for the aging, the commissioner of health, the commissioner of the division for youth, and the commissioner of mental health, shall amend all state and passthrough contracts with human services providers

EXPLANATION--Matter in **italics** (underscored) is new; matter in brackets [*] is old law to be omitted.
to provide any necessary personal protective equipment (PPE) to such
human services providers as determined by such commissioners.
§ 4. Notwithstanding any provision of law to the contrary, all state
agencies shall permit human services providers to utilize contracted
funds to provide incentive pay to human services employees who are
designated essential workers during the state disaster emergency
declared pursuant to executive order 202 of 2020.
§ 5. Notwithstanding any provision of law to the contrary, any state
agency with a contract with a human services provider to provide human
services for fiscal year 2021 shall immediately provide a 60 percent
cash advance on such fiscal year 2021 contract.
§ 6. Notwithstanding any provision of law to the contrary, any state
taskforce involved in the recovery from the outbreak of novel coronavi-
rus, COVID-19, shall include a representative of human services provid-
ers.
§ 7. Notwithstanding any provision of law to the contrary, subject to
available appropriations, the commissioner of social services, in
consultation with the director of the office for the aging, the commis-
sioner of health, the commissioner of the division for youth, and the
commissioner of mental health, shall establish an annual cost of living
adjustment (COLA) of 3 percent effective April first of each state
fiscal year, beginning with the 2021-2022 fiscal year through the 2026-
2027 fiscal year, for the rates of payments, contracts or any other form
of reimbursement for all state human services programs.
§ 8. Notwithstanding any provision of law to the contrary, all not-
for-profit human services debt incurred on state or local program
contracts shall be forgiven. The commissioner of social services, in
consultation with the director of the office for the aging, the commis-
sioner of health, the commissioner of the division for youth, and the
commissioner of mental health, shall promulgate rules and regulations to
identify and forgive such debts.
§ 9. Notwithstanding any provision of law to the contrary, any state
agency with a contract with a human services provider to provide human
services which has provided such human services provider with a cash
advance on such contract shall not recoup such cash advance at the end
of the fiscal year.
§ 10. Notwithstanding any provision of law to the contrary, all state
agencies, including but not limited to the dormitory authority of the
state of New York, with a contract with a human services provider to
provide human services which includes capital obligations, shall fulfill
all such capital obligations.
§ 11. Notwithstanding any provision of law to the contrary, the
commissioner of social services, in consultation with the director of
the office for the aging, the commissioner of health, the commissioner
of the division for youth, and the commissioner of mental health, shall
adopt an indirect cost rate for all human services contracts. Such indi-
rect cost rate shall be modeled after the indirect cost rate funding
initiative in the city of New York health and human services cost poli-
cies and procedures manual adopted for the 2020 fiscal year.
§ 12. There is hereby established a workgroup consisting of the not-
for-profit contracting advisory committee established pursuant to
section 179-aa of the state finance law, in consultation with the attor-
ney general and representatives of human services providers to identify
and make recommendations regarding the extension of any easing of
reporting requirements as a result of COVID-19 which resulted in
increased efficiency for the processing of human services contracts and
other related documents. The workgroup shall report to the governor and
the legislature with any such recommendations within one year of the
effective date of this act.
§ 13. The sum of one hundred million dollars ($100,000,000) is hereby
appropriated to the nonprofit infrastructure capital investment program
out of any moneys in the state treasury in the general fund to the cred-
it of the state purposes account, not otherwise appropriated, and made
immediately available, for the purpose of funding project costs for such
program. Such moneys shall be payable on the audit and warrant of the
comptroller on vouchers certified or approved by the commissioner of
health in the manner prescribed by law.
§ 14. Severability. If any provision of this act, or any application
of any provision of this act, is held to be invalid, that shall not
affect the validity or effectiveness of any other provision of this act,
or of any other application of any provision of this act, which can be
given effect without that provision or application; and to that end, the
provisions and applications of this act are severable.
§ 15. This act shall take effect immediately.