STATE OF NEW YORK

2999

2019-2020 Regular Sessions

IN ASSEMBLY

January 28, 2019

Introduced by M. of A. ORTIZ -- read once and referred to the Committee on Mental Health

AN ACT to amend the mental hygiene law and the real property actions and proceedings law, in relation to discharge of residents of a community residence

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

Section 1. Section 41.33 of the mental hygiene law, as amended by chapter 298 of the laws of 1984, is amended to read as follows:

§ 41.33 Community residences for the mentally disabled.

The commissioner shall have the power to operate or cause to be operated community residential facilities for the mentally disabled. **Notwithstanding any contrary provision of law, nothing contained in this section shall be construed as creating a relationship of landlord and tenant between an operator of a community residence and a resident thereof.** Within amounts available therefor and subject to regulations established by him **or her** and notwithstanding any other provisions of this article, he **or she** may provide state aid to local governments and to voluntary agencies (i) in an amount not to exceed fifty percent for acquisition or construction of such community residences, and (ii) in an amount not to exceed fifty percent for the total operating costs of community residences except community residences for the mentally ill. Such state aid to voluntary agencies shall not be granted unless there has been prior approval of the proposed community residence by the local governmental unit.

§ 2. Section 41.41 of the mental hygiene law is amended by adding a new subdivision 3 to read as follows:

3. Notwithstanding any contrary provision of law, nothing contained in this section shall be construed as creating a relationship of landlord and tenant between an operator of a community residence and a resident thereof.

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

LBD07296-01-9

§ 3. Section 41.44 of the mental hygiene law is amended by adding a new subdivision (h) to read as follows:

(h) Notwithstanding any contrary provision of law, nothing contained in this section shall be construed as creating a relationship of landlord and tenant between an operator of a community residence and a resident thereof.

§ 4. The real property actions and proceedings law is amended by adding a new section 713-b to read as follows:

§ 713-b. Special requirements for discharge of residents from community residences or termination of residency agreements. 1. For purposes of this section, a "community residence" shall mean a community residence as defined in subdivision twenty-eight of section 1.03 of the mental hygiene law.

2. Notwithstanding any contrary provisions of law, nothing contained in this article shall be construed as creating a relationship of landlord and tenant between an operator of a community residence and a resident thereof, and discharge of a resident from a community residence or termination of a residency agreement shall be in accordance with the laws, regulations and procedures of the office of mental health or the office for people with developmental disabilities, as applicable.

§ 5. This act shall take effect immediately.