

# STATE OF NEW YORK

8680

## IN SENATE

July 6, 2020

Introduced by Sen. PERSAUD -- read twice and ordered printed, and when printed to be committed to the Committee on Finance

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:

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

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

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

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

22 § 3. Notwithstanding any provision of law to the contrary, the commis-  
23 sioner of social services, in consultation with the director of the  
24 office for the aging, the commissioner of health, the commissioner of  
25 the division for youth, and the commissioner of mental health, shall  
26 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.

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1 to provide any necessary personal protective equipment (PPE) to such  
2 human services providers as determined by such commissioners.

3 § 4. Notwithstanding any provision of law to the contrary, all state  
4 agencies shall permit human services providers to utilize contracted  
5 funds to provide incentive pay to human services employees who are  
6 designated essential workers during the state disaster emergency  
7 declared pursuant to executive order 202 of 2020.

8 § 5. Notwithstanding any provision of law to the contrary, any state  
9 agency with a contract with a human services provider to provide human  
10 services for fiscal year 2021 shall immediately provide a 60 percent  
11 cash advance on such fiscal year 2021 contract.

12 § 6. Notwithstanding any provision of law to the contrary, any state  
13 taskforce involved in the recovery from the outbreak of novel coronavi-  
14 rus, COVID-19, shall include a representative of human services provid-  
15 ers.

16 § 7. Notwithstanding any provision of law to the contrary, subject to  
17 available appropriations, the commissioner of social services, in  
18 consultation with the director of the office for the aging, the commis-  
19 sioner of health, the commissioner of the division for youth, and the  
20 commissioner of mental health, shall establish an annual cost of living  
21 adjustment (COLA) of 3 percent effective April first of each state  
22 fiscal year, beginning with the 2021-2022 fiscal year through the 2026-  
23 2027 fiscal year, for the rates of payments, contracts or any other form  
24 of reimbursement for all state human services programs.

25 § 8. Notwithstanding any provision of law to the contrary, all not-  
26 for-profit human services debt incurred on state or local program  
27 contracts shall be forgiven. The commissioner of social services, in  
28 consultation with the director of the office for the aging, the commis-  
29 sioner of health, the commissioner of the division for youth, and the  
30 commissioner of mental health, shall promulgate rules and regulations to  
31 identify and forgive such debts.

32 § 9. Notwithstanding any provision of law to the contrary, any state  
33 agency with a contract with a human services provider to provide human  
34 services which has provided such human services provider with a cash  
35 advance on such contract shall not recoup such cash advance at the end  
36 of the fiscal year.

37 § 10. Notwithstanding any provision of law to the contrary, all state  
38 agencies, including but not limited to the dormitory authority of the  
39 state of New York, with a contract with a human services provider to  
40 provide human services which includes capital obligations, shall fulfill  
41 all such capital obligations.

42 § 11. Notwithstanding any provision of law to the contrary, the  
43 commissioner of social services, in consultation with the director of  
44 the office for the aging, the commissioner of health, the commissioner  
45 of the division for youth, and the commissioner of mental health, shall  
46 adopt an indirect cost rate for all human services contracts. Such indi-  
47 rect cost rate shall be modeled after the indirect cost rate funding  
48 initiative in the city of New York health and human services cost poli-  
49 cies and procedures manual adopted for the 2020 fiscal year.

50 § 12. There is hereby established a workgroup consisting of the not-  
51 for-profit contracting advisory committee established pursuant to  
52 section 179-aa of the state finance law, in consultation with the attor-  
53 ney general and representatives of human services providers to identify  
54 and make recommendations regarding the extension of any easing of  
55 reporting requirements as a result of COVID-19 which resulted in  
56 increased efficiency for the processing of human services contracts and

1 other related documents. The workgroup shall report to the governor and  
2 the legislature with any such recommendations within one year of the  
3 effective date of this act.

4 § 13. The sum of one hundred million dollars (\$100,000,000) is hereby  
5 appropriated to the nonprofit infrastructure capital investment program  
6 out of any moneys in the state treasury in the general fund to the cred-  
7 it of the state purposes account, not otherwise appropriated, and made  
8 immediately available, for the purpose of funding project costs for such  
9 program. Such moneys shall be payable on the audit and warrant of the  
10 comptroller on vouchers certified or approved by the commissioner of  
11 health in the manner prescribed by law.

12 § 14. Severability. If any provision of this act, or any application  
13 of any provision of this act, is held to be invalid, that shall not  
14 affect the validity or effectiveness of any other provision of this act,  
15 or of any other application of any provision of this act, which can be  
16 given effect without that provision or application; and to that end, the  
17 provisions and applications of this act are severable.

18 § 15. This act shall take effect immediately.