

STATE OF NEW YORK

7882

2021-2022 Regular Sessions

IN ASSEMBLY

May 28, 2021

Introduced by M. of A. ABINANTI -- read once and referred to the Committee on People with Disabilities

AN ACT to amend the social services law, the abandoned property law, the arts and cultural affairs law, the banking law, the criminal procedure law, the debtor and creditor law, the domestic relations law, the education law, the executive law, the family court act, the insurance law, the judiciary law, the mental hygiene law, the public health law, the public lands law, the private housing finance law, the real property actions and proceedings law, the real property law, the real property tax law, the tax law, the facilities development corporation act, and the medical care facilities finance agency act, in relation to replacing certain instances of the term mentally retarded or variations of such term with the term intellectually or developmentally disabled or variations of such term

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

1 Section 1. Subdivision 1 of section 477 of the social services law, as
2 amended by chapter 550 of the laws of 1978, is amended to read as
3 follows:

4 1. All mentally ill, [~~mentally retarded~~] intellectually or develop-
5 mentally disabled, blind and deaf and mute persons, the expense of whose
6 support and maintenance now is, or, under the laws of the state of New
7 York, may become a charge upon the city of Poughkeepsie, or the county
8 of Dutchess, exclusive of said city, or both, and who are maintained, or
9 shall be maintained, in any of the institutions of the state of New
10 York, shall be supported by said county of Dutchess as one district.

11 § 2. Section 215 of the abandoned property law, as amended by chapter
12 550 of the laws of 1978, is amended to read as follows:

13 § 215. Claims against state. Where an action has been commenced and
14 final judgment in favor of the people entered therein by reason of the
15 escheat of real property to the people and the said property has been
16 sold pursuant to section two hundred four, any party or parties thereto,
17 or their successors in interest, who, but for the rendering of such
18 final judgment would have been entitled to such real property, or an

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

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1 interest therein, shall have a claim against the state for the value of
2 such real property or interest therein at the time of the entry of such
3 judgment, but no such claim shall exist in favor of such party or
4 parties or their successors in interest unless a petition therefor shall
5 have been filed as hereinafter provided within fifteen years from the
6 date of entry of such final judgment unless such party or parties to
7 such ejectment action shall have been, at the time of the commencement
8 of such action or entry of final judgment, incompetent to conduct his or
9 her affairs by reason of mental illness or [~~mental retardation~~] intel-
10 lectual or developmental disability or have been under the age of eigh-
11 teen years, or be imprisoned in execution upon conviction of a criminal
12 offense, in which event the period of such disability shall not be
13 deemed to be a part of the time limited within which such petition may
14 be filed. Such party or parties, or their successors in interest shall
15 petition the commissioner of general services for payment of the sum or
16 a part thereof received by the state, upon the sale made pursuant to
17 section two hundred four, and the said commissioner if satisfied that
18 the claim is just and is made by a party who, except for the entry of
19 final judgment in an action authorized by section two hundred one would
20 have been entitled to the real property or an interest therein affected
21 by said action, may certify such facts to the court of claims, whereupon
22 that court is empowered and authorized to determine the amount of such
23 claim or claims and award judgment therefor, the total of which in no
24 event shall exceed the amount received by the people upon the sale of
25 said real property pursuant to section two hundred four.

26 § 3. Paragraph (d) of subdivision 1 of section 35.07 of the arts and
27 cultural affairs law is amended to read as follows:

28 (d) In any illegal, indecent, or immoral exhibition or practice; or in
29 the exhibition of any such child when mentally ill, [~~mentally retarded~~]
30 intellectually or developmentally disabled, or when presenting the
31 appearance of any deformity or unnatural physical formation or develop-
32 ment; or

33 § 4. Paragraph (a) of subdivision 3 of section 100 of the banking law,
34 as amended by chapter 115 of the laws of 1981, is amended to read as
35 follows:

36 (a) As guardian, receiver, trustee, committee or conservator of the
37 estate of any minor, mentally ill person, [~~mentally retarded~~] a person
38 with an intellectual or developmental disability, person of unsound
39 mind, alcohol abuser or conservatee or in any other fiduciary capacity;

40 § 5. Subdivision 3 of section 100-a of the banking law, as amended by
41 chapter 115 of the laws of 1981, is amended to read as follows:

42 3. Committee of incompetent or conservator of a conservatee. Any court
43 having jurisdiction to appoint a trustee, guardian, receiver, committee
44 of the estate of a mentally ill person, [~~mentally retarded~~] person with
45 an intellectual or developmental disability or alcohol abuser or conser-
46 vator of the estate of a conservatee, or to make any fiduciary appoint-
47 ment, may appoint any trust company to be such trustee, guardian,
48 receiver, committee or conservator, or to act in any other fiduciary
49 capacity.

50 § 6. Paragraph (d) of subdivision 1 and the opening paragraph subdivi-
51 sion 2 of section 330.20 of the criminal procedure law, paragraph (d) of
52 subdivision 1 as amended by chapter 672 of the laws of 2019 and the
53 opening paragraph of subdivision 2 as amended by chapter 693 of the laws
54 of 1989, are amended to read as follows:

55 (d) "Mentally ill" means that a defendant currently suffers from a
56 mental illness for which care and treatment as a patient, in the in-pa-

1 tient services of a psychiatric center under the jurisdiction of the
2 state office of mental health, is essential to such defendant's welfare
3 and that his or her judgment is so impaired that he is unable to under-
4 stand the need for such care and treatment; and, where a defendant [~~is~~
5 ~~mentally retarded~~] has an intellectual or developmental disability, the
6 term "mentally ill" shall also mean, for purposes of this section, that
7 the defendant is in need of care and treatment as a resident in the
8 in-patient services of a developmental center or other residential
9 facility for [~~the mentally retarded and developmentally disabled~~] indi-
10 viduals with intellectual or developmental disabilities under the juris-

11 diction of the state office for people with developmental disabilities.
12 Upon entry of a verdict of not responsible by reason of mental disease
13 or defect, or upon the acceptance of a plea of not responsible by reason
14 of mental disease or defect, the court must immediately issue an exam-
15 ination order. Upon receipt of such order, the commissioner must desig-
16 nate two qualified psychiatric examiners to conduct the examination to
17 examine the defendant. In conducting their examination, the psychiatric
18 examiners may employ any method which is accepted by the medical profes-
19 sion for the examination of persons alleged to be suffering from a
20 dangerous mental disorder or to be mentally ill or [~~retarded~~] intellec-
21 tually or developmentally disabled. The court may authorize a psychia-
22 trist or psychologist retained by a defendant to be present at such
23 examination. The clerk of the court must promptly forward a copy of the
24 examination order to the mental hygiene legal service and such service
25 may thereafter participate in all subsequent proceedings under this
26 section.

27 § 7. Section 251 of the debtor and creditor law, as amended by chapter
28 115 of the laws of 1981, is amended to read as follows:

29 § 251. Authority for committee or conservator to compromise claims. A
30 court exercising jurisdiction over the property of a mentally ill
31 person, [~~mentally retarded~~] a person with an intellectual or develop-
32 mental disability, alcohol abuser or conservatee may, upon the applica-
33 tion of the committee of the property of such incompetent person or the
34 conservator of the conservatee, and for good and sufficient cause shown,
35 and upon such terms as it may direct, authorize the committee or conser-
36 vator to sell, compromise or compound any claim or debt belonging to the
37 estate of the incompetent person or conservatee. But such authority
38 shall not prevent any party interested in the trust estate, from showing
39 upon the final accounting of such committee or conservator that such
40 debt or claim was fraudulently or negligently sold, compounded or
41 compromised. The sale of any debt or claim heretofore made in good faith
42 by any such committee or conservator, shall be valid, subject, however,
43 to the approval of the court, and the committee or conservator shall be
44 charged with and liable for, as a part of the trust fund, any sum which
45 might or ought to have been collected by him.

46 § 8. Section 252 of the debtor and creditor law, as amended by chapter
47 115 of the laws of 1981, is amended to read as follows:

48 § 252. Payment by committee or conservator of claims. A committee of
49 the property of a person, incompetent by reason of mental illness,
50 [~~mental retardation~~] a developmental or intellectual disability or alco-
51 hol abuse, to manage his or her affairs, or a conservator of the proper-
52 ty of a conservatee, may, under direction of the court exercising juris-
53 diction of such estate, after payment of the expenses, disbursements and
54 commissions of such trust, apply so much of the funds and property of
55 said estate remaining in his or her hands as such committee or conserva-
56 tor, as may be necessary to pay and discharge the proper claims of cred-

itors who have presented claims pursuant to the notice in this article provided for, to the payment of such claims, and if the property so remaining be insufficient to pay such claims in full, then the committee or conservator may distribute the same according to law among the creditors who have presented and proved their claims as in this article provided, and such payment, when so made in good faith and under direction of such court, shall relieve such committee or conservator and his ~~or her~~ sureties from liability to creditors who have failed to present their claims as in this article provided.

§ 9. The third undesignated paragraph of subdivision 1 of section 13-d of the domestic relations law, as added by chapter 371 of the laws of 1986, is amended to read as follows:

Rubella infection poses a grave threat to the unborn child, especially during the first four months of pregnancy. It can lead to miscarriage, stillbirth, or one or all of the tragic defects such as deafness, blindness, crippling congenital heart disease, ~~[mental-retardation]~~ intellectual or developmental disability and muscular and bone defects.

§ 10. Subdivision 5 of section 115 of the domestic relations law, as amended by chapter 305 of the laws of 2008, is amended to read as follows:

5. Where the petition alleges that either or both of the birth parents of the child have been deprived of civil rights or are mentally ill or ~~[mentally-retarded]~~ intellectually or developmentally disabled, proof shall be submitted that such disability exists at the time of the proposed adoption.

§ 11. Subdivision (c) of section 140 of the domestic relations law, as amended by chapter 550 of the laws of 1978, is amended to read as follows:

(c) Party a ~~[mentally-retarded]~~ person with an intellectual or developmental disability or mentally ill person. An action to annul a marriage on the ground that one of the parties thereto was a ~~[mentally-retarded]~~ person with an intellectual or developmental disability may be maintained at any time during the life-time of either party by any relative of a ~~[mentally-retarded]~~ person with an intellectual or developmental disability, who has an interest to avoid the marriage. An action to annul a marriage on the ground that one of the parties thereto was a mentally ill person may be maintained at any time during the continuance of the mental illness, or, after the death of the mentally ill person in that condition, and during the life of the other party to the marriage, by any relative of the mentally ill person who has an interest to avoid the marriage. Such an action may also be maintained by the mentally ill person at any time after restoration to a sound mind; but in that case, the marriage should not be annulled if it appears that the parties freely cohabited as husband and wife after the mentally ill person was restored to a sound mind. Where one of the parties to a marriage was a mentally ill person at the time of the marriage, an action may also be maintained by the other party at any time during the continuance of the mental illness, provided the plaintiff did not know of the mental illness at the time of the marriage. Where no relative of the ~~[mentally-retarded]~~ person with an intellectual or developmental disability or mentally ill person brings an action to annul the marriage and the mentally ill person is not restored to sound mind, the court may allow an action for that purpose to be maintained at any time during the life-time of both the parties to the marriage, by any person as the next friend of the ~~[mentally-retarded]~~ person with an intellectual or developmental disability or mentally ill person.

§ 12. Section 142 of the domestic relations law, as amended by chapter 550 of the laws of 1978, is amended to read as follows:

§ 142. Dismissal of complaint in action by next friend to annul a marriage. Where the next friend of an infant, ~~[mentally-retarded]~~ person with an intellectual or developmental disability or mentally ill person maintains an action annulling a marriage, the court may dismiss the complaint if justice so requires, although, in a like case, the party to the marriage, if plaintiff, would be entitled to judgment.

§ 13. Paragraph (g) of subdivision 1 of section 414 of the education law, as amended by chapter 257 of the laws of 1976, is amended to read as follows:

(g) For classes of instruction for ~~[mentally-retarded]~~ minors with intellectual or developmental disabilities operated by a private organization approved by the commissioner ~~[of education]~~.

§ 14. The section heading and subdivisions 1, 2 and 3 of section 1004-a of the education law, the section heading and subdivisions 1 and 3 as amended by chapter 1014 of the laws of 1974 and subdivision 2 as separately amended by chapters 474 and 475 of the laws of 1978, are amended to read as follows:

Sheltered workshops for ~~[the mentally-retarded, mentally-ill and severely physically handicapped]~~ individuals with intellectual or developmental disabilities, mental illness or a severe physical handicap. 1. Declaration of purpose. The conditions of ~~[mental-retardation]~~ intellectual or developmental disability, mental illness and severe physical handicap are such that many young people, after laborious training in the schools and otherwise, reach the point in their lives where they can and should, under proper and continued guidance, engage in sheltered employment. The effects of such employment are salutary in many ways. The affected individual is helped to become a contributing member of society. The state is saved the expense of his or her institutionalization in already overcrowded state schools and facilities. The family retains closer contact with him and is spared the anxieties naturally attaching to separation and institutionalization. All of these factors have also been shown to reflect tangible benefit upon ~~[the mentally-retarded, mentally-ill and severely physically handicapped person]~~ individuals with intellectual or developmental disabilities, mental illness or a severe physical handicap in improving his or her overall condition. The purpose of this measure is to specifically encourage the development, improvement and expansion of such sheltered employment facilities by non-profit agencies, so that the salutary effects mentioned can be expediently accomplished.

2. Special provisions relating to ~~[mentally-retarded, mentally-ill and severely physically handicapped persons]~~ individuals with intellectual or developmental disabilities, mental illness or a severe physical handicap in extended sheltered employment in workshops. Notwithstanding any other provision of this article, when it shall appear to the satisfaction of the department that ~~[a mentally-retarded, mentally-ill or severely physically handicapped person]~~ an individual with an intellectual or developmental disability, mental illness or a severe physical handicap over the chronological age of seventeen years can reasonably be expected to benefit from, or in his or her best interests reasonably requires extended sheltered employment in a workshop as defined in subdivision eight of section ten hundred two~~[, subdivision eight of article twenty-one]~~ of this ~~[chapter]~~ article, furnished by an approved non-profit organization, the department is authorized to contract with such organization for the furnishing of such sheltered employment to

1 such [~~mentally retarded, mentally ill or severely physically handicapped~~
2 ~~person~~] individual with an intellectual or developmental disability,
3 mental illness or a severe physical handicap; and the department is
4 further authorized to expend for such purpose a sum or sums not less
5 than one thousand five hundred dollars per annum for each such [~~mentally~~
6 ~~retarded, mentally ill or severely physically handicapped person~~] indi-
7 vidual with an intellectual or developmental disability, mental illness
8 or a severe physical handicap, for or towards the cost of providing such
9 sheltered employment for each such [~~mentally retarded, mentally ill or~~
10 ~~severely physically handicapped person~~] individual with an intellectual
11 or developmental disability, mental illness or a severe physical hand-
12 icap.

13 The department shall pay at least quarterly during the state fiscal
14 year such sums as are authorized to such organizations for such shel-
15 tered employment immediately upon the completion of evaluation and
16 personal adjustment services under the sponsorship of the department.

17 3. The department shall maintain a register of such nonprofit organ-
18 izations which, after inspection of the facilities for sheltered employ-
19 ment provided by them, it deems qualified to meet the needs of such
20 [~~mentally retarded, mentally ill and severely physically handicapped~~
21 ~~persons~~] individuals with intellectual or developmental disabilities,
22 mental illness or a severe physical handicap. Such inspection shall also
23 determine the eligibility of such organization to receive the funds
24 hereinbefore specified.

25 § 15. The opening paragraph of subdivision 8-a of section 1950 of the
26 education law, as added by chapter 762 of the laws of 1972, is amended
27 to read as follows:

28 8-a. Notwithstanding any other provision of this section and with the
29 consent of the commissioner, the city school district of the city of
30 Syracuse may, upon consent of the board of cooperative educational
31 services for the sole supervisory district for Onondaga and Madison
32 counties, be included as a component district for the sole purpose of
33 operating a combined program and/or constructing a combined facility for
34 [~~the trainable mentally retarded~~] children with intellectual or develop-
35 mental disabilities in the city of Syracuse and the county of Onondaga.
36 Such city school district shall add an amount to its budget and levy,
37 collect and pay the same to such board of cooperative educational
38 services to defray the proportional expenses of constructing and operat-
39 ing such facility for such children. Such city school district shall not
40 be liable for payment of administrative expenses as provided for in
41 paragraph b of subdivision four of this section nor shall such city
42 school district be eligible for the payment of state aid under this
43 section except such city school district shall receive state aid based
44 on its proportionate share of building expenses related to this program
45 as determined by the commissioner.

46 § 16. Paragraphs a and b, subparagraphs 1 and 2 of paragraph c, and
47 subparagraphs 1, 8 and 13 of paragraph d of subdivision 5 of section
48 3202 of the education law, paragraph a as added by chapter 47 of the
49 laws of 1977, and as renumbered by chapter 563 of the laws of 1980,
50 paragraph b as amended by section 26 of part B of chapter 57 of the laws
51 of 2007, subparagraphs 1 and 2 of paragraph c and subparagraphs 1 and 13
52 of paragraph d as amended by chapter 672 of the laws of 2019, and
53 subparagraph 8 of paragraph d as added by chapter 721 of the laws of
54 1979, and as renumbered by chapter 57 of the laws of 1993, are amended
55 to read as follows:

1 a. Children who reside in a school for [~~the mentally retarded~~] indi-
2 viduals with intellectual or developmental disabilities operated by the
3 department of mental hygiene and for whom the department has assumed
4 responsibility for support and maintenance prior to July one, nineteen
5 hundred seventy-seven and who are placed in a family home at board, a
6 duly incorporated orphan asylum or other institution for the care,
7 custody and treatment of children shall be admitted to the schools of
8 the school district in which such family home or institution is located.

9 The [~~education~~] department is authorized to reimburse each school
10 district furnishing educational services to such children for the direct
11 cost of such services in accordance with regulations promulgated by the
12 commissioner and approved by the director of the budget. The educational
13 costs for these children shall not be otherwise aidable or reimbursable.

14 b. Children who reside in a school for [~~the mentally retarded~~] indi-
15 viduals with intellectual or developmental disabilities operated by the
16 department of mental hygiene and for whose support and maintenance the
17 department assumes responsibility on or after July one, nineteen hundred
18 seventy-seven and who are thereafter placed in a family home at board, a
19 duly incorporated orphan asylum or other institution for the care,
20 custody and treatment of children shall be admitted to the schools of
21 the school district in which such family home or institution is located.

22 The [~~education~~] department is authorized to reimburse each school
23 district furnishing educational services to such children for the direct
24 cost of such services in accordance with regulations promulgated by the
25 commissioner and approved by the director of the budget. The educational
26 costs for these children shall not be otherwise aidable or reimbursable.
27 The school district in which the child resided at the time the depart-
28 ment of mental hygiene assumed responsibility for the support and main-
29 tenance of such child shall reimburse the education department for its
30 expenditure on behalf of such child in an amount equal to the school
31 district basic contribution, as such term is defined in subdivision
32 eight of section forty-four hundred one of this chapter. The comptroller
33 may deduct from any state funds which become due to a school district an
34 amount equal to the reimbursement required to be made by such school
35 district in accordance with this paragraph, and the amount so deducted
36 shall not be included in the operating expense of such district for the
37 purpose of computing the approved operating expense pursuant to para-
38 graph t of subdivision one of section thirty-six hundred two of this
39 chapter. The department of mental hygiene shall notify the [~~education~~]
40 department of the name of the child, the location of the family home or
41 institution where the child is to be placed and the name of the school
42 district in which such child resided at the time the department of
43 mental hygiene assumed responsibility for his or her support and mainte-
44 nance.

45 (1) The [~~education~~] department is authorized to reimburse each school
46 district furnishing educational services to children residing in schools
47 for [~~the mentally retarded~~] individuals with intellectual or develop-
48 mental disabilities operated by the office for people with developmental
49 disabilities for the direct cost of such services in accordance with
50 regulations promulgated by the commissioner and approved by the director
51 of the budget.

52 (2) The school district in which each such child resided at the time
53 the office for people with developmental disabilities assumed responsi-
54 bility for the support and maintenance of such child shall reimburse the
55 [~~education~~] department for its expenditures on behalf of such child, in
56 an amount equal to the school district basic contribution as such term

1 is defined in subdivision eight of section forty-four hundred one of
2 this chapter, for any such child admitted to a state school for [~~the~~
3 ~~retarded~~] individuals with intellectual or developmental disabilities on
4 or after July first, nineteen hundred seventy-eight. The comptroller may
5 deduct from any state funds which become due to a school district an
6 amount equal to the reimbursement required to be made by such school
7 district in accordance with this paragraph and the amount so deducted
8 shall not be included in the approved operating expense of such district
9 for the purpose of computing the approved operating expenses pursuant to
10 paragraph t of subdivision one of section thirty-six hundred two of this
11 chapter.

12 (1) Children who reside in an intermediate care facility for [~~the~~
13 ~~mentally retarded~~] individuals with intellectual or developmental disa-
14 bilities, other than a state operated school for [~~the mentally retarded~~]
15 individuals with intellectual or developmental disabilities, as defined
16 in regulations of the office for people with developmental disabilities,
17 shall be admitted to the public schools, except as otherwise provided in
18 subparagraph fourteen of this paragraph. The trustees or board of
19 education of the school district in which such facility is located shall
20 receive such children in the school or schools of the district for
21 instruction and for the provision of necessary related services for a
22 compensation to be fixed by the trustees or board of education, unless
23 such trustees or board of education shall establish to the satisfaction
24 of the commissioner [~~of education~~] that there are valid and sufficient
25 reasons for refusal to receive such children. Evaluation of the educa-
26 tional needs of such children and placement in appropriate educational
27 programs shall be made in accordance with article eighty-nine of this
28 chapter.

29 (8) A board of education of a school district which receives notifica-
30 tion that a child has been placed in an intermediate care facility for
31 [~~the mentally retarded~~] individuals with intellectual or developmental
32 disabilities may deny financial responsibility for any child by written
33 notice within twenty days of such notification to the school district
34 furnishing instruction and the intermediate care facility.

35 (13) The school district providing educational services to children
36 placed pursuant to this paragraph shall provide a report on the status
37 of each such child with a handicapping condition annually to the commit-
38 tee on special education of the school district in which the child
39 resided at the time of admission to the intermediate care facility for
40 [~~the mentally retarded~~] individuals with intellectual or developmental
41 disabilities. Such report shall also be sent to the parent or guardian
42 of the child and the office for people with developmental disabilities.

43 § 17. Subclause (iii) of clause (c) of subparagraph 4 of paragraph b
44 of subdivision 1 of section 4402 of the education law, as amended by
45 chapter 378 of the laws of 2007, is amended to read as follows:

46 (iii) where neither such agency exists in the locality, either the
47 area developmental disabilities services office, where the primary
48 reason the child is at risk of placement relates to [~~mental retardation~~]
49 an intellectual or a developmental disability, or the local mental
50 health agency, where the primary reason the child is at risk of place-
51 ment relates to any other mental disability.

52 § 18. Subclause (iii) of clause (c) of subparagraph 4 of paragraph b
53 of subdivision 1 of section 4402 of the education law, as amended by
54 chapter 600 of the laws of 1994, is amended to read as follows:

55 (iii) where neither such agency exists in the locality, either the
56 area developmental disabilities services office, where the primary

1 reason the child is at risk of placement relates to [~~mental retardation~~
2 ~~or a~~] an intellectual or a developmental disability, or the local mental
3 health agency, where the primary reason the child is at risk of place-
4 ment relates to any other mental disability.

5 § 19. Subdivision 4 of section 4403 of the education law, as amended
6 by chapter 53 of the laws of 1986, is amended to read as follows:

7 4. To periodically inspect, report on the adequacy of and make recom-
8 mendations concerning instructional programs or special services for all
9 children with handicapping conditions who reside in or attend any state
10 operated or state financed social service facilities, youth facilities,
11 health facilities, mental health, [~~mental retardation~~] intellectual and
12 developmental disabilities facilities or state correctional facilities.

13 § 20. Section 4809 of the education law, as amended by chapter 550 of
14 the laws of 1978, is amended to read as follows:

15 § 4809. Transfer of pupils. The board of managers shall have full
16 power to transfer to other institutions any child committed by a court
17 found to be incorrigible, not amenable to proper discipline and training
18 of the school, or [~~mentally retarded~~] living with an intellectual or
19 developmental disability, in the manner and by the methods prescribed
20 and set forth in the penal law.

21 § 21. Paragraph a of subdivision 3 of section 6507 of the education
22 law, as amended by chapter 672 of the laws of 2019, is amended to read
23 as follows:

24 a. Establish standards for preprofessional and professional education,
25 experience and licensing examinations as required to implement the arti-
26 cle for each profession. Notwithstanding any other provision of law, the
27 commissioner shall establish standards requiring that all persons apply-
28 ing, on or after January first, nineteen hundred ninety-one, initially,
29 or for the renewal of, a license, registration or limited permit to be a
30 physician, chiropractor, dentist, registered nurse, podiatrist, optome-
31 trist, psychiatrist, psychologist, licensed master social worker,
32 licensed clinical social worker, licensed creative arts therapist,
33 licensed marriage and family therapist, licensed mental health counse-
34 lor, licensed psychoanalyst, dental hygienist, licensed behavior
35 analyst, or certified behavior analyst shall, in addition to
36 all the other licensure, certification or permit requirements, have
37 completed two hours of coursework or training regarding the identifica-
38 tion and reporting of child abuse and maltreatment. The coursework or
39 training shall be obtained from an institution or provider which has
40 been approved by the department to provide such coursework or training.
41 The coursework or training shall include information regarding the phys-
42 ical and behavioral indicators of child abuse and maltreatment and the
43 statutory reporting requirements set out in sections four hundred thir-
44 teen through four hundred twenty of the social services law, including
45 but not limited to, when and how a report must be made, what other
46 actions the reporter is mandated or authorized to take, the legal
47 protections afforded reporters, and the consequences for failing to
48 report. Such coursework or training may also include information regard-
49 ing the physical and behavioral indicators of the abuse of individuals
50 with [~~mental retardation and other~~] intellectual or developmental disa-
51 bilities and voluntary reporting of abused or neglected adults to the
52 office for people with developmental disabilities or the local adult
53 protective services unit. Each applicant shall provide the department
54 with documentation showing that he or she has completed the required
55 training. The department shall provide an exemption from the child abuse
56 and maltreatment training requirements to any applicant who requests

1 such an exemption and who shows, to the department's satisfaction, that
2 there would be no need because of the nature of his or her practice for
3 him or her to complete such training;

4 § 22. Subparagraph (i) of paragraph (a) of subdivision 1 of section
5 509 of the executive law, as added by chapter 659 of the laws of 1977
6 and renumbered by chapter 465 of the laws of 1992, is amended to read as
7 follows:

8 (i) that such child is [~~mentally ill or mentally retarded~~] living with
9 mental illness or an intellectual or developmental disability and will
10 substantially benefit from care and treatment in such a state school or
11 hospital; and

12 § 23. Subdivision (b) of section 115 of the family court act, as
13 amended by chapter 281 of the laws of 1980, is amended to read as
14 follows:

15 (b) The family court has such other jurisdiction as is set forth in
16 this act, including jurisdiction over habeas corpus proceedings and over
17 applications for support, maintenance, a distribution of marital proper-
18 ty and custody in matrimonial actions when referred to the family court
19 by the supreme court, conciliation proceedings, and proceedings concern-
20 ing physically handicapped and [~~mentally defective or retarded~~] intel-
21 lectually or developmentally disabled children.

22 § 24. Item (i) of subparagraph (A) of paragraph 4 of subsection (a) of
23 section 3216 of the insurance law, as amended by chapter 219 of the laws
24 of 2011, is amended to read as follows:

25 (i) Any unmarried dependent child, regardless of age, who is incapable
26 of self-sustaining employment by reason of mental illness, intellectual
27 or developmental disability[~~, or mental retardation~~] as defined in the
28 mental hygiene law, or physical handicap and who became so incapable
29 prior to the age at which dependent coverage would otherwise terminate,
30 shall be included in coverage subject to any pre-existing conditions
31 limitation applicable to other dependents; or

32 § 25. Subparagraph (A) of paragraph 4 and subparagraph (B) of para-
33 graph 5 of subsection (c) of section 3216 of the insurance law, subpara-
34 graph (A) of paragraph 4 as amended by chapter 93 of the laws of 1989,
35 and subparagraph (B) of paragraph 5 as amended by section 46-b of part D
36 of chapter 56 of the laws of 2013, are amended to read as follows:

37 (A) Coverage of an unmarried dependent child who is incapable of self-
38 sustaining employment by reason of mental illness, intellectual or
39 developmental disability, [~~or mental retardation~~], as defined in the
40 mental hygiene law, or physical handicap and who became so incapable
41 prior to attainment of the age at which dependent coverage would other-
42 wise terminate and who is chiefly dependent upon such policyholder for
43 support and maintenance, shall not terminate while the policy remains in
44 force and the dependent remains in such condition, if the policyholder
45 has within thirty-one days of such dependent's attainment of the limit-
46 ing age submitted proof of such dependent's incapacity as described
47 herein.

48 (B) Written notice of entitlement to a conversion policy shall be
49 given by the insurer to the policyholder at least fifteen and not more
50 than sixty days prior to the termination of coverage due to the initial
51 limiting age of the covered dependent. Such notice shall include an
52 explanation of the rights of the dependent with respect to the dependent
53 being enrolled in an accredited institution of learning or his or her
54 incapacity for self-sustaining employment by reason of mental illness,
55 intellectual or developmental disability [~~or mental retardation~~] as
56 defined in the mental hygiene law or physical handicap.

§ 26. Item (ii) of subparagraph (A) of paragraph 1 of subsection (f) of section 4235 of the insurance law, as amended by chapter 219 of the laws of 2011, is amended to read as follows:

(ii) a policy under which coverage terminates at a specified age shall not so terminate with respect to an unmarried child who is incapable of self-sustaining employment by reason of mental illness, intellectual or developmental disability, [~~mental retardation~~] as defined in the mental hygiene law, or physical handicap and who became so incapable prior to attainment of the age at which coverage would otherwise terminate and who is chiefly dependent upon such employee or member for support and maintenance, while the insurance of the employee or member remains in force and the child remains in such condition, if the insured employee or member has within thirty-one days of such child's attainment of the termination age submitted proof of such child's incapacity as described herein.

§ 27. Item (ii) of subparagraph (A) of paragraph 1 and paragraph 3 of subsection (d) of section 4304 of the insurance law, as amended by chapter 219 of the laws of 2011, are amended to read as follows:

(ii) The coverage of any such "family contract" shall include any other unmarried child, regardless of age, who is incapable of self-sustaining employment by reason of mental illness, intellectual or developmental disability, [~~mental retardation~~] as defined in the mental hygiene law, or physical handicap and who became so incapable prior to attainment of the age at which coverage would otherwise terminate.

(3) Coverage of an unmarried dependent child who is incapable of self-sustaining employment by reason of mental illness, intellectual or developmental disability [~~or mental retardation~~], as defined in the mental hygiene law, or physical handicap and who became so incapable prior to attainment of the age at which coverage would otherwise terminate and who is chiefly dependent upon the contract holder for support and maintenance, shall not terminate while the contract remains in force and the child remains in such condition, if the contract holder has within thirty-one days of such child's attainment of the limiting age submitted proof of such child's incapacity as described herein.

§ 28. Item (ii) of subparagraph (A) of paragraph 1 of subsection (c) of section 4305 of the insurance law, as amended by chapter 219 of the laws of 2011, is amended to read as follows:

(ii) a contract under which coverage terminates at a specified age shall, with respect to an unmarried child who is incapable of self-sustaining employment by reason of mental illness, intellectual or developmental disability, [~~mental retardation~~] as defined in the mental hygiene law, or physical handicap and who became so incapable prior to attainment of the age at which coverage would otherwise terminate and who is chiefly dependent upon such member for support and maintenance, not so terminate while the contract remains in force and the child remains in such condition, if the member has within thirty-one days of such child's attainment of the termination age submitted proof of such child's incapacity as described herein.

§ 29. Paragraph a of subdivision 1 of section 35 of the judiciary law, as amended by chapter 817 of the laws of 1986, is amended to read as follows:

a. When a court orders a hearing in a proceeding upon a writ of habeas corpus to inquire into the cause of detention of a person in custody in a state institution, or when it orders a hearing in a civil proceeding to commit or transfer a person to or retain him in a state institution when such person is alleged to be mentally ill, mentally defective or a

1 narcotic addict, or when it orders a hearing for the commitment of the
2 guardianship and custody of a child to an authorized agency by reason of
3 the mental illness or [~~mental retardation~~] intellectual or developmental
4 disability of a parent, or when it orders a hearing to determine whether
5 consent to the adoption of a child shall be required of a parent who is
6 alleged to be mentally ill or [~~mentally retarded~~] intellectually or
7 developmentally disabled, or when it orders a hearing to determine the
8 best interests of a child when the parent of the child revokes a consent
9 to the adoption of such child and such revocation is opposed or in any
10 adoption or custody proceeding if it determines that assignment of coun-
11 sel in such cases is mandated by the constitution of this state or of
12 the United States, the court may assign counsel to represent such person
13 if it is satisfied that he is financially unable to obtain counsel. Upon
14 an appeal taken from an order entered in any such proceeding, the appel-
15 late court may assign counsel to represent such person upon the appeal
16 if it is satisfied that he is financially unable to obtain counsel.

17 § 30. The article heading of article 15 of title C of the mental
18 hygiene law, as renumbered by chapter 978 of the laws of 1977, is
19 amended to read as follows:

20 ADMISSION OF [~~THE MENTALLY RETARDED~~] PEOPLE WITH
21 INTELLECTUAL OR DEVELOPMENTAL DISABILITIES TO SCHOOLS

22 § 31. Paragraphs 1 and 2 of subdivision (a) of section 41.17 of the
23 mental hygiene law, as amended by chapter 471 of the laws of 1980, are
24 amended to read as follows:

25 1. develop standards for admissions to all facilities for the care of
26 the mentally ill, [~~mentally retarded and~~] intellectually or develop-
27 mentally disabled, and those suffering from the disease of alcoholism,
28 alcohol abuse, substance abuse or substance dependence consistent with
29 the requirements of articles nine[,] and fifteen [~~and twenty-one~~] of
30 this chapter taking into account characteristics of clients and provid-
31 ers;

32 2. develop standards for discharges from all facilities for the care
33 of the mentally ill, [~~mentally retarded and~~] intellectually or develop-
34 mentally disabled, and those suffering from the disease of alcoholism,
35 alcohol abuse, substance abuse or substance dependence taking into
36 account the availability and adequacy of community residential and
37 treatment services and the rights of the patient;

38 § 32. Paragraph (i) of subdivision (b) of section 41.18 of the mental
39 hygiene law, as amended by chapter 376 of the laws of 1991, is amended
40 to read as follows:

41 (i) Local governments shall be granted state aid, in accordance with
42 the provisions of this subdivision, for approved net operating costs
43 pursuant to an approved local services plan at the rate of fifty percent
44 of the amount incurred during the local fiscal year by such local
45 governments and by voluntary agencies pursuant to contract with such
46 local governments; provided, however, that a local government having a
47 population of less than two hundred thousand shall be granted state aid
48 at the rate of seventy-five percent for the first one hundred thousand
49 dollars of its approved net operating costs. Notwithstanding the forego-
50 ing, local governments shall be granted state aid of one hundred percent
51 of the net operating costs expended by such local governments and by
52 voluntary agencies pursuant to contract with such local governments for
53 services to [~~mentally retarded or developmentally disabled persons~~]
54 people with intellectual or developmental disabilities who were patients
55 in a state facility for a continuous period of five or more years
56 following the first day of January, nineteen hundred sixty-nine,

provided that such services are rendered in accordance with an approved local services plan. Such one hundred percent state aid for services to such persons shall be also provided to a voluntary agency pursuant to a direct contract between such agency and an office of the department whenever such services provided pursuant to such direct contract are rendered in accordance with an approved local services plan for servicing such clients. For purposes of determining whether a person has been a patient in such a facility for a continuous period of five years or more, if a person who has been discharged or released from such facility is thereafter returned to such a facility within ninety days of the discharge or release, the period of time between such discharge or release and such return shall not constitute an interruption of, and shall be counted as part of, the continuous period.

§ 33. The article heading of article 75 of title E of the mental hygiene law is amended to read as follows:

COMMUNITY MENTAL HEALTH SERVICES AND [~~MENTAL~~
~~RETARDATION~~] DEVELOPMENTAL DISABILITIES
SERVICES COMPANIES

§ 34. Subdivisions 1, 2 and 4 of section 75.05 of the mental hygiene law, subdivision 4 as amended by chapter 570 of the laws of 1982, are amended to read as follows:

1. "Company", "community mental health services company" or "community [~~mental-retardation~~] developmental disabilities services company". A company, duly incorporated pursuant to the provisions of the not-for-profit corporation law and this article, for the purpose of providing for the care, treatment, training, education, and residence of the mentally disabled, and such facilities as may be incidental or appurtenant thereto.

2. "Project", "community mental health services project" or "community [~~mental-retardation~~] developmental disabilities services project". A specific work or improvement, including lands, buildings, improvements, fixtures, and articles of personal property, constructed, acquired, reconstructed, rehabilitated, managed, owned, or operated by a company pursuant to this article, to provide community residential facilities for operation as hostels for the mentally disabled or for the care, treatment, training, education of the mentally disabled, or both, including such facilities as may be incidental or appurtenant thereto.

4. "Project cost", "community mental health services project cost" or "community [~~mental-retardation~~] developmental disabilities services project cost". The sum total of all costs incurred by a company as approved by the commissioner as reasonable and necessary for carrying out all works and undertakings and providing all necessary equipment for the development of a project less any portion of any state, federal or municipal assistance grant, as the commissioner shall, prior to the making of a mortgage loan by the New York state housing finance agency to a company, determine to be available to reimburse the company for the payment of such project costs prior to the initial occupancy of the project, and all costs relating to the refinancing of existing indebtedness associated with the development of the project which constitutes a lien or other encumbrance upon the real property or assets of a company to be mortgaged or otherwise pledged to the agency. These shall include but are not necessarily limited to the carrying charges during construction up to and including the occupancy date, working capital not exceeding three per centum of the estimated total cost or three per centum of the actual total final cost, whichever is larger, the cost of all necessary studies, surveys, plans and specifications, architectural,

1 engineering, legal, or other special services, the cost of acquisition
2 of land and any improvements thereon, site preparation and development,
3 construction, reconstruction, rehabilitation, improvement and equipment,
4 including fixtures, equipment, and articles of personal property
5 required for the operation of care, treatment, training, educational,
6 and residential facilities, the reasonable cost of financing incurred by
7 the company in the course of the development of the project, up to and
8 including the occupancy date, the fees imposed by the commissioner and
9 by the New York state housing finance agency; other fees charged, and
10 necessary expenses incurred in connection with the initial occupancy of
11 the project, and the cost of such other items as the commissioner may
12 determine to be reasonable and necessary for the development of a
13 project, less any and all rents and other net revenues from the opera-
14 tion of the real property, improvements or personal property on the
15 project site, or any part thereof, by the company on and after the date
16 on which the contract between the company and the New York state housing
17 finance agency was entered into and prior to the occupancy date.

18 § 35. Subdivision 1 of section 2581 of the public health law, as
19 amended by chapter 231 of the laws of 2010, is amended to read as
20 follows:

21 1. "Children with physical disabilities" means any persons under twen-
22 ty-one years of age who are disabled by reason of a defect or disabili-
23 ty, whether congenital or acquired by accident, injury, or disease, or
24 who are suffering from long-term disease, including, but without limit-
25 ing the generality of the foregoing, chronic granulomatous, cystic
26 fibrosis, epidermolysis bullosa, muscular dystrophy, nephrosis, rheumat-
27 ic fever and rheumatic heart disease, blood dyscrasies, cancer, lymphat-
28 ic diseases, including, but not limited to: insufficiency of lymphatic
29 circulatory function (to include all forms of lymphedema, both primary
30 and secondary); lipedema; complex vascular diseases of the lymphatic
31 vasculature, including lymphangiomatosis, lymphangioma-myomatosis,
32 lymphangiectasias, lymphangiomas, cystic hygromas, Gorham's disease,
33 lymphangiosarcoma, and complex vascular/lymphatic malformations and
34 syndromes, brain injured, and chronic asthma, or from any disease or
35 condition likely to result in a disability in the absence of treatment,
36 provided, however, no child shall be deprived of a service under the
37 provisions of this chapter solely because of the degree of [~~mental~~
38 ~~retardation~~] intellectual or developmental disability.

39 § 36. The opening paragraph of subdivision 3 of section 2994-b of the
40 public health law, as amended by chapter 708 of the laws of 2019, is
41 amended to read as follows:

42 Prior to seeking or relying upon a health care decision by a surrogate
43 for a patient under this article, if the attending practitioner has
44 reason to believe that the patient has a history of receiving services
45 for [~~mental-retardation~~] an intellectual or a developmental disability;
46 it reasonably appears to the attending practitioner that the patient has
47 [~~mental-retardation~~] an intellectual or a developmental disability; or
48 the practitioner has reason to believe that the patient has been trans-
49 ferred from a mental hygiene facility operated or licensed by the office
50 of mental health, then such physician, nurse practitioner or physician
51 assistant shall make reasonable efforts to determine whether paragraphs
52 (a), (b) or (c) of this subdivision are applicable:

53 § 37. The section heading and subdivision 1 of section 34 of the
54 public lands law, as amended by chapter 703 of the laws of 1994, are
55 amended to read as follows:

1 Transfer of unappropriated state lands for mental health, [~~mental~~
2 ~~retardation~~] developmental disabilities, park, recreation, playground,
3 reforestation, street or highway purposes. 1. Such commissioner of
4 general services may, from time to time, transfer and convey to a city,
5 incorporated village, town or county, in consideration of one dollar to
6 be paid to the state of New York, and on such terms and conditions as
7 such commissioner may impose, a part or all of any parcel or parcels of
8 unappropriated state lands upon certification that such parcel or
9 parcels are useful for local mental health facilities, [~~mental-retarda-~~
10 ~~tion~~] developmental disabilities facilities, park, recreation, play-
11 ground, reforestation, street or highway purposes, and that they will be
12 properly improved and maintained for one or more of such purposes and
13 provided that this disposition of such parcel or parcels is not other-
14 wise prohibited. Certification shall be evidenced by a formal request
15 from the board of estimate, common council, village board, town board or
16 county board of supervisors, setting forth in detail the parcel or
17 parcels to be released, transferred and conveyed and the availability
18 and usefulness of such parcel or parcels for one or more of such
19 purposes. In the city of New York however, certification shall be
20 evidenced by a formal request from the mayor. In the event that lands
21 transferred under the provisions of this section are not properly
22 improved and maintained for one or more of the purposes contemplated by
23 this section by the city, village, town or county to which they were
24 transferred, the title thereto shall revert to the people of the state
25 of New York, and the attorney-general may institute an action in the
26 supreme court for a judgment declaring a revesting of such title in the
27 state. Such commissioner may also transfer any unappropriated state
28 lands to the office of parks, recreation and historic preservation or
29 the department of environmental conservation, upon the application of
30 the commissioner thereof indicating that such unappropriated state lands
31 are required for state park purposes within the area of jurisdiction of
32 such office or department.

33 § 38. Subdivision 8 of section 41 of the private housing finance law,
34 as amended by chapter 264 of the laws of 1970, is amended to read as
35 follows:

36 8. Prompt provision of new and improved community mental health and
37 [~~mental-retardation~~] developmental disabilities facilities is required
38 for the care and treatment of the increasing number of persons afflicted
39 with mental illness, mental deficiencies, epilepsy and behavior or
40 emotional disorders; that such facilities should be located close to the
41 people they serve in order to speed rehabilitation and restoration and
42 to provide for out-patient and in-patient care, including after care,
43 diagnostic and rehabilitative services and residential accommodations
44 for operation as hostels; that it is the policy of the state to promote
45 the provision of such community mental health and [~~mental-retardation~~]
46 developmental disabilities facilities; that there is a need for non-pro-
47 fit corporations to construct low cost community mental health and
48 [~~mental-retardation~~] developmental disabilities facilities. In order to
49 encourage the investment of private capital in such community mental
50 health and [~~mental-retardation~~] developmental disabilities facilities,
51 and to assure the expeditious completion of such community mental health
52 and [~~mental-retardation~~] developmental disabilities facilities, the New
53 York state housing finance agency should be empowered, through the issu-
54 ance of its bonds, notes or other obligations to the private investing
55 public, to obtain funds necessary to make mortgage loans, at low inter-
56 est rates, to non-profit corporations for the construction, acquisition,

1 reconstruction, rehabilitation or improvement of such mental health and
2 [~~mental-retardation~~] developmental disabilities facilities.

3 § 39. Subdivisions 6-d, 14 and 14-a of section 42 of the private hous-
4 ing finance law, subdivision 6-d as added by chapter 380 of the laws of
5 1972, subdivision 14 as amended by chapter 281 of the laws of 1970 and
6 subdivision 14-a as added by chapter 570 of the laws of 1982, are
7 amended to read as follows:

8 6-d. "Mortgage loan" shall also mean a loan made by the agency to a
9 company incorporated pursuant to the provisions of [~~article eight-B of~~
10 ~~the mental hygiene law and~~] the not-for-profit corporation law in an
11 amount not to exceed the total community mental health services project
12 cost or community [~~mental-retardation~~] developmental disabilities
13 services project cost, and secured by a first mortgage lien on the real
14 property of which the community mental health services project or commu-
15 nity [~~mental-retardation~~] developmental disabilities services project
16 consists and the personal property attached to or used in connection
17 with the construction, acquisition, reconstruction, rehabilitation,
18 improvement or operation of the community mental health services project
19 or community [~~mental-retardation~~] developmental disabilities services
20 project. "Community mental health services company," "community [~~mental-~~
21 ~~retardation~~] developmental disabilities services company," "community
22 mental health services project cost," "community [~~mental-retardation~~]
23 developmental disabilities services project cost," "community mental
24 health services project" and "community [~~mental-retardation~~] develop-
25 mental disabilities services project" shall mean community mental health
26 services company, community [~~mental-retardation~~] developmental disabili-
27 ties services company, community mental health services project cost,
28 community [~~mental-retardation~~] developmental disabilities services
29 project cost, community mental health services project and community
30 [~~mental-retardation~~] developmental disabilities services project,
31 respectively[, ~~as defined in article eight-B of the mental hygiene law~~].

32 14. "Community mental health services and [~~mental-retardation~~] devel-
33 opmental disabilities services project bonds" and "community mental
34 health services and [~~mental-retardation~~] developmental disabilities
35 services project notes" shall mean bonds and notes, respectively, issued
36 by the agency for the purposes of making mortgage loans to companies
37 incorporated pursuant to the not-for-profit corporation law [~~and article~~
38 ~~eight-B of the mental hygiene law~~], paying interest on such bonds and
39 notes, establishing reserves to secure such bonds and notes, and paying
40 of all other expenditures of the agency incident to and necessary or
41 convenient for the making of such mortgage loans.

42 14-a. "Community mental health services and [~~mental-retardation~~]
43 developmental disabilities services project revenue bonds" and "communi-
44 ty mental health services and [~~mental-retardation~~] developmental disa-
45 bilities services project revenue notes" shall mean bonds and notes,
46 respectively, issued by the agency for the purpose of making mortgage
47 loans to companies incorporated pursuant to the not-for-profit corpo-
48 ration law and article seventy-five of title E of the mental hygiene
49 law, paying interest on such bonds and notes, establishing reserves to
50 secure such bonds and notes, and paying of all other expenditures of the
51 agency incident to and necessary or convenient for the making of such
52 mortgage loans.

53 § 40. Paragraphs (a) and (d) of subdivision 15 of section 44 of the
54 private housing finance law, as amended by chapter 195 of the laws of
55 1973, are amended to read as follows:

(a) Subject to the approval of the commissioner and to the provisions of any contract with noteholders or bondholders, except with any holders of hospital and nursing home project bonds or notes or youth facilities project bonds or notes, or community mental health services and ~~[mental retardation]~~ developmental disabilities services project bonds or notes, whenever it deems it necessary or desirable in the fulfillment of the purposes of this article, to consent to the modification, with respect to rate of interest, time of payment of any installment of principal or interest, security, or any other term, of any mortgage, mortgage loan, mortgage loan commitment, contract or agreement of any kind to which the agency is a party, except such mortgages, mortgage loans, mortgage loan commitments, contracts or agreements as may have been entered into with hospital corporations which are eligible borrowers as defined in article twenty-eight-B of the public health law, nursing home companies or non-profit corporations which are eligible borrowers as defined in title five-A of article six of the social services law or companies incorporated pursuant to the not-for-profit corporation law and article seventy-five of the mental hygiene law;

(d) Subject to the provisions of any contract with holders of community mental health services and ~~[mental-retardation]~~ developmental disabilities services project bonds or notes, whenever it deems it necessary or desirable in the fulfillment of the purposes of this article, to consent to the modification, with respect to rate of interest, time of payment of any installment of principal or interest, security, or any other term of any mortgage, mortgage loan, mortgage loan commitment, contract or agreement of any kind between the agency and a company incorporated pursuant to the not-for-profit corporation law and article seventy-five of the mental hygiene law.

§ 41. Paragraphs (a), (b), (c) and (d) of subdivision 1, subdivision 2, paragraphs (a), (b), (c) and (d) of subdivision 12, subdivision 13 and paragraphs (a), (b) and (c) of subdivision 16 of section 47 of the private housing finance law, paragraphs (a), (b) and (d) of subdivision 1 and subdivision 2 as amended by chapter 215 of the laws of 1990, paragraph (c) of subdivision 1 as amended by chapter 127 of the laws of 2019, paragraphs (a) and (d) of subdivision 12 as amended by chapter 365 of the laws of 1973 and subdivision 13 as amended by chapter 195 of the laws of 1973, paragraphs (b) and (c) of subdivision 12 as amended by chapter 38 of the laws of 1976 and paragraphs (a), (b) and (c) of subdivision 16 as added by chapter 570 of the laws of 1982, are amended to read as follows:

(a) The agency shall create and establish a special fund (herein referred to as capital reserve fund), and shall pay into such capital reserve fund (1) any monies appropriated and made available by the state for the purposes of such fund, (2) any proceeds of sale of notes or bonds other than state university construction notes or state university construction bonds, equity notes or equity bonds, non-profit project notes or non-profit project bonds, hospital and nursing home project notes or hospital and nursing home project bonds, urban rental project notes or urban rental project bonds, health facilities notes or health facilities bonds, youth facilities project notes or youth facilities project bonds, community mental health services and ~~[mental-retardation]~~ developmental disabilities services project notes or community mental health services and ~~[mental-retardation]~~ developmental disabilities services project bonds, community senior citizens services project notes or community senior citizens services project bonds, mental hygiene improvement notes or mental hygiene improvement bonds and revenue hous-

1 ing bonds, and bonds and notes for the housing program to the extent
2 provided in the resolution of the agency authorizing the issuance there-
3 of, and (3) any other moneys which may be made available to the agency
4 for the purpose of such fund from any other source or sources. All
5 moneys held in the capital reserve fund, except as hereinafter provided,
6 shall be used solely for the payment of the principal of bonds of the
7 agency other than state university construction bonds, equity bonds,
8 non-profit project bonds, hospital and nursing home project bonds, urban
9 rental project bonds, health facilities bonds, youth facilities project
10 bonds, community mental health services and [~~mental-retardation~~] devel-
11 opmental disabilities services project bonds, community senior citizens
12 services project bonds, mental hygiene improvement bonds and revenue
13 housing bonds, and bonds and notes for the housing program as the same
14 mature, required payments to any sinking fund established in a resol-
15 ution of the agency for the amortization of term bonds (hereinafter
16 referred to as "sinking fund payments"), the purchase or redemption of
17 bonds of the agency other than state university construction bonds,
18 equity bonds, non-profit project bonds, hospital and nursing home
19 project bonds, urban rental project bonds, health facilities bonds,
20 youth facilities project bonds, community mental health services and
21 [~~mental-retardation~~] developmental disabilities services project bonds,
22 community senior citizens services project bonds, mental hygiene
23 improvement bonds and revenue housing bonds, and bonds and notes for the
24 housing program the payment of interest on such bonds of the agency or
25 the payment of any redemption premium required to be paid when such
26 bonds are redeemed prior to maturity; provided, however, that monies in
27 such fund shall not be withdrawn therefrom at any time in such amount as
28 would reduce the amount of such fund to less than the maximum amount of
29 principal and interest maturing and becoming due and sinking fund
30 payments required to be made in any succeeding calendar year on all
31 bonds of the agency then outstanding other than state university
32 construction bonds, equity bonds, non-profit project bonds, hospital and
33 nursing home project bonds, urban rental project bonds, health facili-
34 ties bonds, youth facilities project bonds, community mental health
35 services and [~~mental-retardation~~] developmental disabilities services
36 project bonds, community senior citizens services project bonds, mental
37 hygiene improvement bonds and revenue housing bonds and bonds and notes
38 for the housing program, except for the purpose of paying principal of,
39 interest and sinking fund payments becoming due on such bonds of the
40 agency maturing and becoming due and for the payment of which other
41 moneys of the agency are not available. For the purposes of this subdi-
42 vision [~~one~~], in computing the maximum amount of principal maturing at a
43 single future date (herein called "term bonds") in any succeeding calen-
44 dar year, the principal amount of any such term bonds which are subject
45 to mandatory redemption prior to such future date by sinking fund
46 payments shall not be included in the computation determining the maxi-
47 mum amount of principal maturing in said future year. Any income or
48 interest earned by, or increment to, the capital reserve fund due to the
49 investment thereof may be transferred by the agency to the general
50 reserve fund or other fund of the agency to the extent it does not
51 reduce the amount of the capital reserve fund below the maximum amount
52 of principal and interest maturing and becoming due and sinking fund
53 payments required to be made in any succeeding calendar year on all such
54 bonds of the agency then outstanding other than state university
55 construction bonds, equity bonds, non-profit project bonds, hospital and
56 nursing home project bonds, urban rental project bonds, health facili-

ties bonds, youth facilities project bonds, community mental health services and [~~mental-retardation~~] developmental disabilities services project bonds, community senior citizens services project bonds, mental hygiene improvement bonds and revenue housing bonds and bonds and notes for the housing program.

(b) The agency shall not issue bonds other than state university construction bonds, equity bonds, non-profit project bonds, hospital and nursing home project bonds, urban rental project bonds, health facilities bonds, youth facilities project bonds, community mental health services and [~~mental-retardation~~] developmental disabilities services project bonds, community senior citizens services project bonds, mental hygiene improvement bonds and revenue housing bonds and bonds and notes for the housing program at any time secured by the capital reserve fund if the maximum amount of principal and interest maturing and becoming due and sinking fund payments required to be made in a succeeding calendar year on such bonds then to be issued and on all other bonds of the agency then outstanding other than state university construction bonds, equity bonds, non-profit project bonds, hospital and nursing home project bonds, urban rental project bonds, health facilities bonds, youth facilities project bonds, community mental health services and [~~mental-retardation~~] developmental disabilities services project bonds, community senior citizens services project bonds, mental hygiene improvement bonds and revenue housing bonds and bonds and notes for the housing program will exceed the amount of the capital reserve fund at the time of issuance unless the agency, at the time of issuance of such bonds, shall deposit in such fund from the proceeds of the bonds so to be issued, or otherwise, an amount which, together with the amount then in such fund, will be not less than the maximum amount of principal and interest maturing and becoming due and sinking fund payments required to be made in any succeeding calendar year on such bonds then to be issued and on all other bonds of the agency then outstanding other than state university construction bonds, equity bonds, non-profit project bonds, hospital and nursing home project bonds, urban rental project bonds, health facilities bonds, youth facilities project bonds, community mental health services and [~~mental-retardation~~] developmental disabilities services project bonds, community senior citizens services project bonds, mental hygiene improvement bonds and revenue housing bonds and bonds and notes for the housing program.

(c) The agency shall not issue bonds and notes other than state university construction bonds and state university construction notes, hospital and nursing home project bonds and hospital and nursing home project notes, health facilities bonds and health facilities notes, youth facilities project bonds and youth facilities project notes, community mental health services and [~~mental-retardation~~] developmental disabilities services project bonds and community mental health services and [~~mental-retardation~~] developmental disabilities services project notes, community senior citizens services project notes or community senior citizens services project bonds and mental hygiene improvement bonds and mental hygiene improvement notes and bonds and notes for the housing program for any of its corporate purposes in an aggregate principal amount exceeding twenty-nine billion two hundred eighty million dollars, excluding bonds and notes issued to refund outstanding bonds and notes.

(d) To assure the continued operation and solvency of the agency for the carrying out of the public purposes of this article, provision is made in paragraph (a) of this subdivision for the accumulation in the

1 capital reserve fund of an amount equal to the maximum amount of princi-
2 pal and interest maturing and becoming due and sinking fund payments
3 required to be made in any succeeding calendar year on all bonds of the
4 agency then outstanding other than state university construction bonds,
5 equity bonds, non-profit project bonds, hospital and nursing home
6 project bonds, urban rental project bonds, health facilities bonds,
7 youth facilities project bonds, community mental health services and
8 [~~mental-retardation~~] developmental disabilities services project bonds,
9 community senior citizens services project bonds, mental hygiene
10 improvement bonds and revenue housing bonds and bonds and notes for the
11 housing program. In order further to assure such maintenance of the
12 capital reserve fund, there shall be annually apportioned and paid to
13 the agency for deposit in the capital reserve fund such sum, if any, as
14 shall be certified by the chairman of the agency to the governor and
15 director of the budget as necessary to restore the capital reserve fund
16 to an amount equal to the maximum amount of principal and interest
17 maturing and becoming due and sinking fund payments required to be made
18 in any succeeding calendar year on the bonds of the agency then
19 outstanding other than state university construction bonds, equity
20 bonds, non-profit project bonds, hospital and nursing home project
21 bonds, urban rental project bonds, health facilities bonds, youth facil-
22 ities project bonds, community mental health services and [~~mental-retar-~~
23 ~~dation~~] developmental disabilities services project bonds, community
24 senior citizens services project bonds, mental hygiene improvement bonds
25 and revenue housing bonds and bonds and notes for the housing program.
26 The chairman of the agency shall annually, on or before December first,
27 make and deliver to the governor and director of the budget his certifi-
28 cate stating the amount, if any, required to restore the capital
29 reserve fund to the amount aforesaid and the amount so stated, if any,
30 shall be apportioned and paid to the agency during the then current
31 state fiscal year. The principal amount of bonds secured by the capital
32 reserve fund to which state funds are apportionable pursuant to this
33 paragraph shall be limited to the total amount of bonds and notes
34 outstanding on the effective date of this act, plus the total amount of
35 bonds and notes contracted after the effective date of this act to
36 finance projects in progress on the effective date of this act as deter-
37 mined by the New York state public authorities control board created
38 pursuant to section fifty of the public authorities law whose affirma-
39 tive determination shall be conclusive as to all matters of law and fact
40 solely for the purposes of the limitations contained in this paragraph,
41 but in no event shall the total amount of bonds so secured by such a
42 capital reserve fund or funds exceed three hundred thirty-eight million
43 dollars, excluding bonds issued to refund such outstanding bonds until
44 the date of redemption of such outstanding bonds. As outstanding bonds
45 so secured are paid, the amount so secured shall be reduced accordingly
46 but the redemption of such outstanding bonds from the proceeds of
47 refunding bonds shall not reduce the amount so secured.

48 2. The agency shall create and establish a special fund (herein
49 referred to as general reserve fund) and shall pay into such fund all
50 fees and charges collected by the agency pursuant to paragraph (a) of
51 subdivision eleven of section forty-four of this article, or otherwise,
52 other than fees and charges collected in connection with the making of
53 mortgage loans (or commitments therefor) to mutual companies, non-profit
54 companies, urban rental companies or community development corporations,
55 and any monies which the agency shall transfer from the capital reserve
56 fund pursuant to the provisions of paragraph (a) of subdivision one of

1 this section. Such monies and any other monies paid into the general
2 reserve fund may, in the discretion of the agency but subject to agree-
3 ments with bondholders and noteholders, be used by the agency (a) for
4 the repayment of advances from the state in accordance with the
5 provisions of repayment agreements between the agency and the director
6 of the budget, (b) to reimburse the division of housing and community
7 renewal the reasonable costs of the services performed by the commis-
8 sioner of housing and community renewal and division of housing and
9 community renewal pursuant to section fifty-five of this article, (c) to
10 pay all costs, expenses and charges of financing, including fees and
11 expenses of trustees and paying agents, (d) for transfers to the capital
12 reserve fund, (e) for the payment of the principal of and interest on
13 bonds or notes other than state university construction bonds or state
14 university construction notes, equity bonds or equity notes, non-profit
15 project bonds or non-profit project notes, hospital and nursing home
16 project bonds or hospital and nursing home project notes, urban rental
17 project bonds or urban rental project notes, health facilities bonds or
18 health facilities notes, youth facilities project bonds or youth facili-
19 ties project notes, community mental health services and [~~mental-retar-~~
20 ~~dation~~] developmental disabilities services project bonds or community
21 mental health services and [~~mental-retardation~~] developmental disabili-
22 ties services project notes, community senior citizens services project
23 notes or community senior citizens services project bonds, mental
24 hygiene improvement bonds or mental hygiene improvement notes and reven-
25 ue housing bonds and bonds and notes for the housing program issued by
26 the agency when the same shall become due whether at maturity or on call
27 for redemption and for the payment of any redemption premium required to
28 be paid where such bonds or notes are redeemed prior to their stated
29 maturities, and to purchase bonds or notes other than state university
30 construction bonds or state university construction notes, equity bonds
31 or equity notes, non-profit project bonds or non-profit project notes,
32 hospital and nursing home project bonds or hospital and nursing home
33 project notes, urban rental project bonds or urban rental project notes,
34 health facilities bonds or health facilities notes, youth facilities
35 project bonds or youth facilities project notes, community mental health
36 services and [~~mental-retardation~~] developmental disabilities services
37 project bonds or community mental health services and [~~mental-retarda-~~
38 ~~tion~~] developmental disabilities services project notes, community
39 senior citizens services project notes or community senior citizens
40 services project bonds, mental hygiene improvement bonds or mental
41 hygiene improvement notes and revenue housing bonds and bonds and notes
42 for the housing program issued by the agency, or (f) for such other
43 corporate purposes of the agency as the agency in its discretion shall
44 determine and provide.

45 (a) The agency may create and establish a special fund to be known as
46 community mental health services and [~~mental-retardation~~] developmental
47 disabilities services capital reserve fund and may pay into such reserve
48 funds (1) any monies appropriated and made available by the state for
49 the purposes of such funds, (2) any proceeds of sale of community mental
50 health services and [~~mental-retardation~~] developmental disabilities
51 services project notes or community mental health services and [~~mental~~
52 ~~retardation~~] developmental disabilities services project bonds, to the
53 extent provided in the resolution of the agency authorizing the issuance
54 thereof, and (3) any other monies which may be made available to the
55 agency for the purposes of such accounts from any other source or sourc-
56 es. The monies held in or credited to the capital reserve fund estab-

lished under this subdivision except as hereinafter provided, shall be used solely for the payment of principal of community mental health services and ~~[mental-retardation]~~ developmental disabilities services project bonds of the agency secured by such reserve fund, as the same mature, the purchase of such community mental health services and ~~[mental-retardation]~~ developmental disabilities services project bonds of the agency, the payment of interest on such community mental health services and ~~[mental-retardation]~~ developmental disabilities services project bonds of the agency, or the payment of any redemption premium required to be paid when such bonds are redeemed prior to maturity; provided, however, that monies in any such fund shall not be withdrawn therefrom at any time in such amount as would reduce the amount of such fund to less than the maximum amount of principal and interest maturing and becoming due in any succeeding calendar year on the community mental health services and ~~[mental-retardation]~~ developmental disabilities services project bonds of the agency then outstanding and secured by such reserve fund, except for the purpose of paying principal and interest on community mental health services and ~~[mental-retardation]~~ developmental disabilities services project bonds of the agency secured by such reserve fund maturing and becoming due and for the payment of which other monies of the agency are not available. Any income or interest earned by, or increment to, any such community mental health services and ~~[mental-retardation]~~ developmental disabilities services capital reserve fund due to the investment thereof may be transferred to the community mental health services and ~~[mental-retardation]~~ developmental disabilities services general reserve fund or other fund of the agency, to the extent it does not reduce the amount of such community mental health services and ~~[mental-retardation]~~ developmental disabilities services capital reserve fund below the maximum amount of principal and interest maturing and becoming due in any succeeding calendar year on all community mental health services and ~~[mental-retardation]~~ developmental disabilities services project bonds of the agency then outstanding and secured by such reserve fund.

(b) The agency shall not issue community mental health services and ~~[mental-retardation]~~ developmental disabilities services project bonds and notes in an aggregate principal amount exceeding one hundred million dollars excluding community mental health services and ~~[mental-retardation]~~ developmental disabilities services project bonds and community mental health services and ~~[mental-retardation]~~ developmental disabilities services project notes issued to refund outstanding community mental health services and ~~[mental-retardation]~~ developmental disabilities services project bonds and community mental health services and ~~[mental-retardation]~~ developmental disabilities services project notes, nor shall it issue community mental health services and ~~[mental-retardation]~~ developmental disabilities services project bonds at any time secured by the community mental health services and ~~[mental-retardation]~~ developmental disabilities services capital reserve fund if the maximum amount of principal and interest maturing and becoming due in a succeeding calendar year on the community mental health services and ~~[mental-retardation]~~ developmental disabilities services project bonds outstanding and then to be issued and secured by the community mental health services and ~~[mental-retardation]~~ developmental disabilities services capital reserve fund will exceed the amount of such reserve fund at the time of issuance, unless the agency, at the time of issuance of such bonds, shall deposit in such reserve fund from the proceeds of the bonds so to be issued, or otherwise, an amount which together with the amount

1 then in such reserve fund, will be not less than the maximum amount of
2 principal and interest maturing and becoming due in any succeeding
3 calendar year on the community mental health services and [~~mental-retar-~~
4 ~~dation~~] developmental disabilities services project bonds then to be
5 issued and on all other community mental health services and [~~mental-~~
6 ~~retardation~~] developmental disabilities services project bonds of the
7 agency then outstanding and secured by such reserve fund.

8 (c) To assure the continued operation and solvency of the agency for
9 the carrying out of the public purposes of this article provision is
10 made in paragraph (a) of this subdivision for the accumulation in the
11 community mental health services and [~~mental-retardation~~] developmental
12 disabilities services capital reserve fund of an amount equal to the
13 maximum amount of principal and interest maturing and becoming due in
14 any succeeding calendar year on all community mental health services and
15 [~~mental-retardation~~] developmental disabilities services project bonds
16 of the agency then outstanding and secured by such reserve fund. In
17 order further to assure the maintenance of such community mental health
18 services and [~~mental-retardation~~] developmental disabilities services
19 capital reserve fund, there shall be annually apportioned and paid to
20 the agency for deposit in such community mental health services and
21 [~~mental-retardation~~] developmental disabilities services capital reserve
22 fund such sum, if any, as shall be certified by the chairman of the
23 agency to the governor and director of the budget as necessary to
24 restore such reserve fund to an amount equal to the maximum amount of
25 principal and interest maturing and becoming due in any succeeding
26 calendar year on the community mental health services and [~~mental-retar-~~
27 ~~dation~~] developmental disabilities services project bonds of the agency
28 then outstanding and secured by such reserve fund. The chairman of the
29 agency shall annually, on or before December first, make and deliver to
30 the governor and director of the budget his or her certificate stating
31 the sums, if any, required to restore such community mental health
32 services and [~~mental-retardation~~] developmental disabilities services
33 capital reserve fund to the amount aforesaid, and the sums so certified,
34 if any, shall be apportioned and paid to the agency during the then
35 current state fiscal year. The principal amount of bonds secured by the
36 community mental health services and [~~mental-retardation~~] developmental
37 disabilities services capital reserve fund to which state funds are
38 apportionable pursuant to this paragraph shall be limited to the total
39 amount of bonds and notes outstanding on the effective date of this act,
40 plus the total amount of bonds and notes contracted after the effective
41 date of this act to finance projects in progress on the effective date
42 of this act as determined by the New York state public authorities
43 control board created pursuant to section fifty of the public authori-
44 ties law whose affirmative determination shall be conclusive as to all
45 matters of law and fact solely for the purposes of the limitations
46 contained in this paragraph, but in no event shall the total amount of
47 bonds so secured by such a capital reserve fund or funds exceed thirteen
48 million dollars, excluding bonds issued to refund such outstanding bonds
49 until the date of redemption of such outstanding bonds. As outstanding
50 bonds so secured are paid, the amount so secured shall be reduced
51 accordingly but the redemption of such outstanding bonds from the
52 proceeds of refunding bonds shall not reduce the amount so secured.

53 (d) In computing any community mental health services and [~~mental-~~
54 ~~retardation~~] developmental disabilities services capital reserve fund
55 for the purposes of this section, securities in which all or a portion

1 of such reserve fund shall be invested shall be valued at par if
2 purchased at par, or if purchased at other than par, at amortized value.

3 13. The agency shall create and establish a special fund (herein
4 referred to as community mental health services and [~~mental-retardation~~
5 developmental disabilities services general reserve fund) and shall pay
6 into such fund all fees and charges collected by the agency pursuant to
7 paragraph (c) of subdivision eleven of section forty-four of this arti-
8 cle and any monies which the agency shall transfer from the community
9 mental health services and [~~mental-retardation~~ developmental disabili-
10 ties services capital reserve fund pursuant to the provisions of para-
11 graph (a) of subdivision ten of this section. Such monies and any other
12 monies paid into the community mental health services and [~~mental-retar-~~
13 ~~dation~~ developmental disabilities services general reserve fund may, in
14 the discretion of the agency, but subject to agreements with bondholders
15 and noteholders, be used by the agency (a) for the repayment of advances
16 from the state in accordance with the provisions of repayment agreements
17 between the agency and the director of the budget, (b) to reimburse the
18 department of mental hygiene the reasonable costs of the services
19 performed by the commissioner of mental hygiene and the department of
20 mental hygiene pursuant to subdivision four of section fifty-five of
21 this article, including the reasonable costs of such services performed
22 by the health and mental hygiene facilities improvement corporation upon
23 request by the commissioner of mental hygiene pursuant to the provisions
24 of section 75.25 of the mental hygiene law, (c) to pay all costs,
25 expenses and charges of financing, including fees and expenses of trus-
26 tees and paying agents, (d) for transfers to the community mental health
27 services and [~~mental-retardation~~ developmental disabilities services
28 capital reserve fund, (e) for the payment of principal of and interest
29 on community mental health services and [~~mental-retardation~~ develop-
30 mental disabilities services project bonds and notes issued by the agen-
31 cy when the same shall become due whether at maturity or on call for
32 redemption and for the payment of any redemption premium required to be
33 paid where such community mental health services and [~~mental-retarda-~~
34 ~~tion~~ developmental disabilities services project bonds and notes are
35 redeemed prior to their stated maturities and to purchase community
36 mental health services and [~~mental-retardation~~ developmental disabili-
37 ties services project bonds or notes issued by the agency, or (f) for
38 such other corporate purposes of the agency as the agency in its
39 discretion shall determine and provide.

40 (a) The agency may create and establish one or more special funds to
41 be known as community mental health services and [~~mental-retardation~~
42 developmental disabilities services capital reserve funds and may pay
43 into such reserve funds (1) any monies appropriated and made available
44 by the state for the purposes of such funds, (2) any proceeds of the
45 sale of community mental health services and [~~mental-retardation~~ devel-
46 opmental disabilities services project revenue bonds or notes, to the
47 extent provided in the resolution of the agency authorizing the issuance
48 thereof, and (3) any other monies which may be made available to the
49 agency for the purposes of such fund or funds from any other source or
50 sources. The monies held in or credited to a capital reserve fund estab-
51 lished under this subdivision, except as hereinafter provided and as
52 provided in agreements with bondholders and noteholders, shall be used
53 solely for the payment of principal of community mental health services
54 and [~~mental-retardation~~ developmental disabilities services project
55 revenue bonds of the agency secured by such reserve fund, as the same
56 mature, required payments to any sinking fund established in a resol-

1 ution of the agency for the amortization of term bonds (hereinafter
2 referred to as "sinking fund payments"), the purchase of such revenue
3 bonds of the agency, the payment of interest on such revenue bonds of
4 the agency, or the payment of any redemption premium required to be paid
5 when such bonds are redeemed prior to maturity. Any income or interest
6 earned by, or increment to, any such community mental health services
7 and [~~mental-retardation~~] developmental disabilities services capital
8 reserve fund due to the investment thereof may be transferred to the
9 agency, subject to agreements with bondholders and noteholders.

10 (b) In computing any community mental health services and [~~mental-~~
11 ~~retardation~~] developmental disabilities services capital reserve fund
12 for the purposes of this section, securities in which all or a portion
13 of such reserve fund shall be invested shall be valued at par if
14 purchased at par, or if purchased at other than par, at the amortized
15 value.

16 (c) The agency shall create and establish one or more special funds
17 (herein referred to as community mental health services and [~~mental-~~
18 ~~retardation~~] developmental disabilities services general reserve funds)
19 and shall to the extent provided in the applicable bond resolution of
20 the agency authorizing the issuance of community mental health services
21 and [~~mental-retardation~~] developmental disabilities services project
22 revenue bonds, pay into any such fund the fees and charges collected by
23 the agency pursuant to paragraph (d) of subdivision eleven of section
24 forty-four of this article and any monies which the agency shall trans-
25 fer from a community mental health services and [~~mental-retardation~~]
26 developmental disabilities services capital reserve fund pursuant to the
27 provisions of paragraph (a) of this subdivision. Such monies and any
28 other monies paid into a community mental health services and [~~mental-~~
29 ~~retardation~~] developmental disabilities service general reserve fund
30 may, in the discretion of the agency, but subject to agreements with
31 bondholders and noteholders, be used by the agency (i) for the repayment
32 of advances from the state in accordance with the provisions of repay-
33 ment agreements between the agency and the director of the budget, (ii)
34 to reimburse the department of mental hygiene the reasonable costs of
35 the services performed by the commissioner of mental hygiene and the
36 department of mental hygiene pursuant to subdivision five of section
37 fifty-five of this article, including the reasonable costs of such
38 services performed by the facilities development corporation upon
39 request by the commissioner of mental hygiene pursuant to the provisions
40 of section 75.25 of the mental hygiene law, (iii) to pay all costs,
41 expenses and charges of financing, including fees and expenses of trus-
42 tees and paying agents, (iv) for transfers to a community mental health
43 services and [~~mental-retardation~~] developmental disabilities services
44 capital reserve fund, (v) for the payment of principal of and interest
45 on community mental health services and [~~mental-retardation~~] develop-
46 mental disabilities services project revenue bonds and notes issued by
47 the agency when the same shall become due whether at maturity or on call
48 for redemption and for the payment of any redemption premium required to
49 be paid where such community mental health services and [~~mental-retarda-~~
50 ~~tion~~] developmental disabilities services project revenue bonds and
51 notes are redeemed prior to their stated maturities and to purchase
52 community mental health services and [~~mental-retardation~~] developmental
53 disabilities services revenue bonds or notes issued by the agency, or
54 (vi) for such other corporate purposes of the agency as the agency in
55 its discretion shall determine and provide.

§ 42. Paragraphs a and b of subdivision 1 of section 47-b of the private housing finance law, as amended by chapter 471 of the laws of 1980, are amended to read as follows:

a. "Community mental health and ~~[retardation]~~ developmental disabilities facility" shall mean a building, a unit within a building, a laboratory, a classroom, a housing unit, a dining hall, an activities center, a library, or any structure on or improvement to real property of any kind or description, including fixtures and equipment which are an integral part of such building, unit or structure or improvement, a walkway, a roadway or a parking lot and improvements and connections for water, sewer, gas, electrical, telephone, heating, air conditioning and other utility services, or a combination of any of the foregoing, whether for patient care and treatment or staff, staff family or service use, located in a city, or in a county not wholly included within a city, authorized to provide community mental health services in accordance with the provisions of article forty-one of title E of the mental hygiene law, which is utilized or to be utilized for the administration and conduct of programs for ~~[the mentally ill or the mentally retarded]~~ people living with either mental illness or intellectual or developmental disabilities, or both, and for the provision of services therefor. A community mental health and retardation facility shall also mean and include a residential facility to be operated as a community residence for the mentally disabled, and a treatment facility for use in the conduct of an alcoholism treatment program or of a substance abuse treatment program as defined in the mental hygiene law.

b. "Mental hygiene facility" shall mean a building, a unit within a building, a laboratory, a classroom, a housing unit, a dining hall, an activities center, a library, or any structure on or improvement to real property of any kind or description, including fixtures and equipment which are an integral part of any such building, unit, structure or improvement, a walkway, a roadway or a parking lot, and improvements and connections for water, sewer, gas, electrical, telephone, heating, air conditioning and other utility services, or a combination of any of the foregoing, whether for patient care and treatment or staff, staff family or service use, located at or related to any state hospital, any state school, or any state psychiatric or research institute now or hereafter established under the professional jurisdiction, supervision and control of the state department of mental hygiene. A mental hygiene facility shall mean and include a "community mental health and ~~[retardation]~~ developmental disabilities facility", unless such facility is expressly excepted or the context clearly requires otherwise, and shall also mean and include a treatment facility for use in the conduct of an alcoholism or substance abuse treatment program as defined in the mental hygiene law, unless such facility is expressly excepted or the context clearly requires otherwise. The definition contained in this subdivision shall not be construed to exclude therefrom a facility to be made available under license or permit from the health and mental hygiene facilities improvement corporation to a voluntary agency at the request of the commissioners of the offices of the department of mental hygiene having jurisdiction thereof for use in providing community mental health and ~~[retardation]~~ developmental disabilities services, or for use in the conduct of an alcoholism or substance abuse treatment program.

§ 43. Paragraphs a and b of subdivision 7 of section 47-c of the private housing finance law, paragraph a as amended by chapter 607 of the laws of 1970, and paragraph b as amended by chapter 433 of the laws of 1968, are amended to read as follows:

1 a. The agency shall have the power to acquire by lease or deed from
2 the health and mental hygiene facilities improvement corporation any
3 real property acquired by the corporation pursuant to the provisions of
4 subdivision six of section nine of the [~~health and mental hygiene facil-~~
5 ~~ities improvement~~] facilities development corporation act (i) for the
6 purpose of constructing, reconstructing, rehabilitating or improving
7 thereon one or more community mental health and [~~retardation~~] develop-
8 mental disabilities facilities or (ii) for the purpose of financing the
9 acquisition, construction, reconstruction, rehabilitation or improvement
10 thereon of one or more community mental health and [~~retardation~~] devel-
11 opmental disabilities facilities, pursuant to the provisions of this
12 article and the [~~health and mental hygiene facilities improvement~~]
13 facilities development corporation act. The agency is hereby authorized
14 to lease or sublease such real property and facilities thereon to the
15 corporation for the purpose of making the same available to a city or a
16 county not wholly within a city, for use and occupancy in accordance
17 with the provisions of a lease, sublease or other agreement between the
18 corporation and such city or county.

19 b. In the event that the agency shall fail, within five years after
20 the date of a lease or conveyance of such real property from such city
21 or county to the corporation, to construct, reconstruct, rehabilitate or
22 improve the community mental health and [~~retardation~~] developmental
23 disabilities facility or facility thereon for which such lease or
24 conveyance was made, as provided for in a lease, sublease or other
25 agreement entered into by such city or county and the corporation, then,
26 subject to the terms of any lease, sublease or other agreement undertak-
27 en by the agency, such real property and any facilities thereon shall
28 revert to the corporation with right of re-entry thereupon, and such
29 lease or deed shall be made subject to such condition of reverter and
30 re-entry; provided, however, that as a condition precedent to the exer-
31 cise of such right of re-entry the corporation shall pay to the agency
32 an amount equal to the sum of the purchase price of such real property,
33 the depreciated cost of any community mental health and [~~retardation~~]
34 developmental disabilities facility or facilities constructed, recon-
35 structed, rehabilitated or improved thereon and all other costs of the
36 agency incident to the acquisition of such lands and the financing of
37 construction, reconstruction, rehabilitation or improvement relating to
38 such community mental health and [~~retardation~~] developmental disabili-
39 ties facility or facilities, all as provided in the aforesaid lease,
40 sublease or other agreement entered into with the corporation.

41 § 44. Subdivision 5 of section 55 of the private housing finance law,
42 as amended by chapter 195 of the laws of 1973, is amended to read as
43 follows:

44 5. The state commissioner of mental hygiene and the state department
45 of mental hygiene are hereby designated to act for and in behalf of the
46 agency in servicing the community mental health services and [~~mental~~
47 ~~retardation~~] developmental disabilities services companies mortgage
48 loans of the agency and shall perform such functions and services in
49 connection with the making, servicing and collection of such loans as
50 shall be requested by the agency. The agency shall pay to the department
51 of mental hygiene from any monies of the agency available for such
52 purpose, such amounts as are necessary to reimburse the department of
53 mental hygiene for the reasonable cost of the services performed by the
54 commissioner of mental hygiene and department of mental hygiene pursuant
55 to this section, including such amounts as are necessary to reimburse
56 the health and mental hygiene facilities improvement corporation for the

1 reasonable cost of such services performed by the health and mental
2 hygiene facilities improvement corporation upon request by the commis-
3 sioner of mental hygiene pursuant to the provisions of section 75.25 of
4 the mental hygiene law.

5 § 45. Subdivision 1 of section 1531 of the real property actions and
6 proceedings law, as amended by chapter 550 of the laws of 1978, is
7 amended to read as follows:

8 1. A final judgment in favor of either party, in an action brought as
9 prescribed in this article, is conclusive, as to the title established
10 in the action, against the other party, known or unknown, including an
11 infant, a [~~mentally-retarded~~] person with an intellectual or develop-
12 mental disability, a mentally ill person, or an alcohol abuser, and also
13 against every person claiming from, through or under that party, by
14 title accruing after the filing of the judgment roll, or of the notice
15 of the pendency of the action, as prescribed by law; also against each
16 person not in being or ascertained at the commencement of the action,
17 who by any contingency contained in a devise or grant or otherwise,
18 could afterward become entitled to a beneficial estate or interest in
19 the property involved, provided that every person in being who would
20 have been entitled to such estate or interest if such event had happened
21 immediately before the commencement of the action is a party thereto, or
22 that a guardian ad litem is appointed, as prescribed by section 1513.

23 § 46. Paragraph c of subdivision 1 of section 1515 of the real proper-
24 ty actions and proceedings law, as amended by chapter 550 of the laws of
25 1978, is amended to read as follows:

26 c. Whether any defendant is known or unknown, and whether any defend-
27 ant is or might be an infant, [~~mentally-retarded~~] intellectually or
28 developmentally disabled, mentally ill or an alcohol abuser.

29 § 47. Subdivisions 1, 3 and 4 of section 1651 of the real property
30 actions and proceedings law, as amended by chapter 115 of the laws of
31 1981, are amended to read as follows:

32 1. Where an infant, [~~mentally-retarded~~] person with an intellectual or
33 developmental disability, mentally ill person, alcohol abuser or conser-
34 vatee holds real property, in joint tenancy or in common, the general
35 guardian of the infant, or the committee of the [~~mentally-retarded~~]
36 person with an intellectual or developmental disability, mentally ill
37 person, or alcohol abuser, or conservator of the conservatee, may apply
38 to the supreme court or to the county court of the county wherein the
39 real property is situated, for authority to agree to a partition of the
40 real property. Where such application affects the interests of an incom-
41 petent person or a conservatee who has been committed to a state insti-
42 tution, and is an inmate thereof, notice of such application must be
43 given to the superintendent, acting superintendent or state officer
44 having special jurisdiction over the institution where the incompetent
45 person or conservatee is confined. Irrespective of the location of any
46 real property held by an infant in joint tenancy or in common, his or
47 her general guardian may make such application to the surrogate's court
48 which appointed such guardian. A certified copy of the decree entered in
49 the surrogate's court on such application must be recorded in the office
50 of the clerk of each county in which is situated property affected by
51 such decree.

52 3. If, after due inquiry into the merits of the application, by a
53 reference or otherwise, the court is of the opinion that the interests
54 of the infant, or of the [~~mentally-retarded~~] person with an intellectual
55 or developmental disability, mentally ill person, alcohol abuser or
56 conservatee, will be promoted by the partition proposed, it may make an

1 order authorizing the petitioner to agree to the partition proposed, and
2 in the name of the infant, or of the ~~[mentally-retarded]~~ person with an
3 intellectual or developmental disability, mentally ill person, alcohol
4 abuser or conservatee, to execute releases of his or her right and
5 interest in and to that part of the property which falls to the shares
6 of the other joint-tenants or tenants in common. The court may, in its
7 discretion, for the furtherance of the interests of said infant,
8 ~~[mentally-retarded]~~ person with an intellectual or developmental disa-
9 bility, mentally ill person, alcohol abuser or conservatee, direct
10 partition to be so made as to set off to him or them his or their share
11 in common with any of the other owners, provided the consent in writing
12 thereto of such owners shall be first obtained.

13 4. Releases so executed have the same validity and effect, as if they
14 were executed by the person in whose behalf they are executed, and as if
15 the infant was of full age, or the ~~[mentally-retarded]~~ person with an
16 intellectual or developmental disability, mentally ill person, or alco-
17 hol abuser was of sound mind, and competent to manage his or her
18 affairs, or the conservatee was competent to manage his or her affairs.

19 § 48. Section 11 of the real property law, as amended by chapter 550
20 of the laws of 1978, is amended to read as follows:

21 § 11. Capacity to transfer real property. A person other than a minor,
22 a ~~[mentally-retarded]~~ person with an intellectual or developmental disa-
23 bility, or person of unsound mind, seized of or entitled to an estate or
24 interest in real property, may transfer such estate or interest.

25 § 49. Paragraph (a) of subdivision 1 of section 422 of the real prop-
26 erty tax law, as amended by chapter 409 of the laws of 1993, is amended
27 to read as follows:

28 (a) Real property owned by a not-for-profit corporation organized
29 pursuant to the not-for-profit corporation law and the provisions of
30 article two of the private housing finance law, used exclusively to
31 provide housing and auxiliary facilities for faculty members, students,
32 employees, nurses, interns, resident physicians, researchers and other
33 personnel and their immediate families in attendance or employed at
34 colleges, universities, educational institutions, child care insti-
35 tutions, hospitals and medical research institutes, or for handicapped
36 or aged persons of low income, or owned by non-profit nursing home
37 companies organized pursuant to the not-for-profit corporation law and
38 the provisions of article twenty-eight-A of the public health law, used
39 exclusively to provide facilities for nursing care to sick, invalid,
40 infirm, disabled or convalescent persons of low income, or to provide
41 health-related service as defined in article twenty-eight of the public
42 health law to persons of low income, or any combination of the forego-
43 ing, and in addition thereto, to provide nursing care and health-related
44 service, or either of them, to persons of low income who are not occu-
45 pants of the project, or owned by housing development fund companies
46 organized pursuant to the not-for-profit corporation law and article
47 eleven of the private housing finance law, used exclusively to provide
48 housing for handicapped or aged persons of low income, and financed by a
49 federally-aided mortgage as defined in said article eleven, or owned by
50 companies organized pursuant to the not-for-profit corporation law and
51 the provisions of article seventy-five of title E of the mental hygiene
52 law, used exclusively to provide care, treatment, training, education
53 and residential accommodations for operation as hostels for the mentally
54 ill or ~~[mentally-retarded]~~ intellectually or developmentally disabled,
55 or owned by companies organized pursuant to the membership corporations
56 law and the provisions of article seven-A of the private housing finance

1 law, used exclusively to provide programs, services and other facilities
2 for the aging, shall be exempt from taxation and exempt from special ad
3 valorem levies and special assessments to the extent provided in section
4 four hundred ninety of this chapter, provided, however, that in a city
5 having a population of one million or more real property owned by any
6 such corporation which is to provide housing accommodations, substan-
7 tially all of which are or are to be assisted by rent subsidies made or
8 to be made available by the Federal government pursuant to a contract
9 under section eight of the United States Housing Act of nineteen hundred
10 thirty-seven, as amended, or pursuant to a project rental assistance
11 contract under section two hundred two of the United States Housing Act
12 of nineteen hundred fifty-nine, as amended, or pursuant to a project
13 rental assistance contract under section eight hundred eleven of the
14 National Affordable Housing Act of nineteen hundred ninety, as amended,
15 shall from and after the commencement of construction be subject to
16 taxation or exempt therefrom to the extent approved by a municipality
17 acting through its local legislative body, as such local legislative
18 body is defined in [~~paragraph~~ subdivision twelve of section two of the
19 private housing finance law. No such corporation or company shall pay a
20 dividend on any of its stock or pay interest on any of its debentures.
21 Provided further, however, in a county having a population of one
22 million or more and having not more than three towns within such county,
23 real property owned by housing development fund companies organized
24 pursuant to the not-for-profit corporation law and article eleven of the
25 private housing finance law, used exclusively to provide housing for
26 handicapped or aged persons of low income, and financed by a federally-
27 aided mortgage as defined in said article eleven shall from and after
28 the commencement of construction be subject to taxation or exempt there-
29 from to the extent approved by a municipality acting through its local
30 legislative body, as such local legislative body is defined in [~~para-~~
31 ~~graph~~ subdivision twelve of section two of the private housing finance
32 law. Any tax payments and/or payments in lieu of taxes made to a munici-
33 pality pursuant to the preceding sentence shall not be passed through
34 nor become the liability of any of the occupants of such property.

35 § 50. Paragraph (k) of subdivision 1 of section 364-j of the social
36 services law, as amended by chapter 649 of the laws of 1996, is amended
37 to read as follows:

38 (k) "Special care". Care, services and supplies relating to the treat-
39 ment of mental illness, [~~mental retardation,~~ intellectual or develop-
40 mental disabilities, alcoholism, alcohol abuse or substance abuse, or
41 HIV infection/AIDS.

42 § 51. Subdivision 4 of section 365-g of the social services law, as
43 amended by section 31 of part C of chapter 58 of the laws of 2008, is
44 amended to read as follows:

45 4. The utilization thresholds established pursuant to this section
46 shall not apply to [~~mental retardation and~~ intellectual or develop-
47 mental disabilities services provided in clinics certified under article
48 twenty-eight of the public health law, or article twenty-two of title D
49 or article thirty-one of title E of the mental hygiene law.

50 § 52. Subparagraph (ii) of paragraph (d) of subdivision 6 of section
51 367-a of the social services law, as added by chapter 41 of the laws of
52 1992, is amended to read as follows:

53 (ii) out-patient hospital and clinic services except for mental health
54 services, [~~mental retardation and~~ intellectual or and developmental
55 disability services, alcohol and substance abuse services and methadone
56 maintenance services;

§ 53. Paragraph (p) of subdivision 1 of section 261 of the tax law, as amended by chapter 365 of the laws of 2005, is amended to read as follows:

(p) with respect to the remaining counties of the state except Catta-raugus county which have not suspended the imposition of such additional tax pursuant to subdivision two of section two hundred fifty-three of this article, to the comptroller to be paid by him or her into the general fund in the state treasury to the credit of the state purposes account; provided that money paid to the comptroller with respect to any such remaining county in which on the date of such payment any mass transportation, airport or aviation, municipal historic site, municipal park, community mental health and [~~retardation~~ developmental disabilities] facility, or sewage treatment capital project is being carried out by a municipality with state aid, or for which state aid will be paid, pursuant to the provisions of title one of chapter seven hundred seventeen of the laws of nineteen hundred sixty-seven, section 17.05 of the parks, recreation and historic preservation law, section 41.18 of the mental hygiene law, or section 17-1903 of the environmental conservation law, shall be applied by him or her to increase the amount of aid for which the state is obligated in respect to such project on such date, provided that any such increase in state aid may not, together with any federal funds paid or to be paid on account of the cost of such project, exceed the total cost thereof, and where more than one such capital project is being carried out on such date within such county, the application of such monies by the comptroller shall be pro-rated among such municipalities on the basis of the respective amounts of state aid which are so obligated on such date; and

§ 54. Subdivisions 10 and 19 of section 3 of section 1 of chapter 359 of the laws of 1968, constituting the facilities development corporation act, subdivision 10 as amended by section 1 of part N of chapter 59 of the laws of 2016 and subdivision 19 as amended by section 1 of part H of chapter 58 of the laws of 2008, are amended to read as follows:

10. "Mental hygiene facility" shall mean a building, a unit within a building, a laboratory, a classroom, a housing unit, a dining hall, an activities center, a library, real property of any kind or description, or any structure on or improvement to real property, or an interest in real property, of any kind or description, owned by or under the jurisdiction of the corporation, including fixtures and equipment which are an integral part of any such building, unit, structure or improvement, a walkway, a roadway or a parking lot, and improvements and connections for water, sewer, gas, electrical, telephone, heating, air conditioning and other utility services, or a combination of any of the foregoing, whether for patient care and treatment or staff, staff family or service use, located at or related to any psychiatric center, any developmental center, or any state psychiatric or research institute or other facility now or hereafter established under the department. A mental hygiene facility shall also mean and include a residential care center for adults, a "community mental health and [~~retardation~~ developmental disabilities] facility" and a treatment facility for use in the conduct of an alcoholism or substance abuse treatment program as defined in the mental hygiene law unless such residential care center for adults, community mental health and [~~retardation~~ developmental disabilities] facility or alcoholism or substance abuse facility is expressly excepted, or the context clearly requires otherwise, and shall also mean and include any treatment facility for use in the conduct of an alcoholism or substance abuse treatment program that is also operated as an associated health

1 care facility. The definition contained in this subdivision shall not be
2 construed to exclude therefrom a facility owned or leased by one or more
3 voluntary agencies that is to be financed, refinanced, designed,
4 constructed, acquired, reconstructed, rehabilitated or improved under
5 any lease, sublease, loan or other financing agreement entered into with
6 such voluntary agencies, and shall not be construed to exclude therefrom
7 a facility to be made available from the corporation to a voluntary
8 agency at the request of the commissioners of the offices of the depart-
9 ment having jurisdiction thereof. The definition contained in this
10 subdivision shall not be construed to exclude therefrom a facility with
11 respect to which a voluntary agency has an ownership interest in, and
12 proprietary lease from, an organization formed for the purpose of the
13 cooperative ownership of real estate.

14 19. "Voluntary agency" means a corporation organized under or existing
15 pursuant to the not-for-profit corporation law providing or, pursuant to
16 a written agreement with the appropriate commissioner, approved to
17 provide housing that includes residences for persons with mental disa-
18 bilities, or services benefitting or assisting in the care, treatment,
19 rehabilitation or maintenance of persons with mental disabilities,
20 community mental health or residential services, community [~~mental~~
21 ~~retardation~~] developmental disabilities services, or alcohol,
22 substance-abuse, or chemical-dependency residential or non-residential
23 treatment services, or for any combination of the foregoing. Notwith-
24 standing any other provision of law to the contrary, voluntary agency
25 shall also include any entity receiving financing, approvals or assist-
26 ance of any form from the state housing finance agency or the state
27 division of housing and community renewal for one or more integrated
28 housing projects including projects serving persons with mental disabil-
29 ities, which shall be approved by the appropriate commissioner. Such
30 commissioner is hereby authorized to enter into any agreements necessary
31 or useful for such projects, subject to the approval of the director of
32 the budget.

33 § 55. The first undesignated paragraph of section 2 of section 1 of
34 chapter 359 of the laws of 1968, constituting the facilities development
35 corporation act, as separately amended by chapters 195 and 658 of the
36 laws of 1973, is amended to read as follows:

37 It is hereby found and declared that the provision of new and improved
38 state facilities relating to the care, maintenance and treatment of the
39 mentally disabled must be accelerated if the state is to meet its
40 responsibilities in the face of an increasing state population, a grow-
41 ing awareness that mental disability can be treated effectively, and new
42 research advances in treatment methods. An expanded construction program
43 is essential to relieve overcrowding in the state hospitals for the
44 mentally ill, to provide treatment and care for the increasing popu-
45 lation of [~~mentally retarded~~] people with intellectual or developmental
46 disabilities in state schools, and to permit the establishment of
47 special treatment programs for mentally ill and emotionally disturbed
48 children and for the mentally ill blind and the mentally ill deaf.
49 Existing state facilities require substantial modernization and struc-
50 tural change to accommodate new concepts of treatment for the mentally
51 disabled and special units for the treatment of alcoholism and narcotics
52 addiction. Larger and better equipped research facilities must be
53 installed in order to insure that state treatment units are in the fore-
54 front of applying and developing advanced therapeutic methods. At the
55 same time, improved training facilities and quarters are needed to
56 attract and retain the best-qualified staff personnel.

§ 56. The third undesignated paragraph of section 2 of section 1 of chapter 359 of the laws of 1968, constituting the facilities development corporation act, as amended by chapter 547 of the laws of 1979, is amended to read as follows:

It is further found and declared that the provision of new and improved community mental health and ~~[retardation]~~ developmental disabilities facilities must be accelerated, in order to provide comprehensive care and treatment of the mentally ill and ~~[mentally-retarded]~~ developmentally disabled. Such community mental health and ~~[retardation]~~ developmental disabilities facilities should be located close to the people they serve, in order to speed rehabilitation and restoration, by involving families and community resources to the extent practicable. Such an accelerated construction program will also help relieve overcrowding in state facilities for the mentally ill and ~~[mentally-retarded]~~ developmentally disabled and will afford treatment and care for the increasing number of ~~[mentally-retarded]~~ people with developmental disabilities. Such a program will increase the number of local facilities for out-patient care and short-term in-patient care, including after care, diagnostic and rehabilitative services, training and research. While the responsibility for the professional care, maintenance and treatment of the mentally ill and ~~[mentally-retarded]~~ developmentally disabled at all such community mental health and ~~[retardation]~~ developmental disabilities facilities should continue in the local governments, subject to the provisions of article forty-one of title E of the mental hygiene law and the regulations of the commissioners of the offices of the department having jurisdiction thereof, the legislature further finds and declares that the Facilities Development Corporation should be empowered to aid cities and counties, at their request, to provide new and improved community mental health and ~~[retardation]~~ developmental disabilities facilities in order to insure their timely construction, acquisition, reconstruction, rehabilitation and improvement in relation to current and foreseeable needs and the emergence of new patterns of treatment and care and should be empowered to receive and administer monies for such purpose.

§ 57. Paragraph a of subdivision 8 and subdivision 13 of section 5 of section 1 of chapter 359 of the laws of 1968, constituting the facilities development corporation act, paragraph a of subdivision 8 as amended by chapter 58 of the laws of 1987 and subdivision 13 as amended by chapter 723 of the laws of 1993, are amended to read as follows:

a. With the approval of the appropriate commissioner of the department and the director of the budget, to purchase real property necessary or convenient for a mental hygiene facilities improvement program in the name of the state, except where such purchase is for the purpose of providing community mental health and ~~[retardation]~~ developmental disabilities facilities in which case such purchase shall be in its own name; provided, however, that all such purchases shall be made pursuant to legislation or appropriations in accordance with section nine of this act. Nothing in this section contained shall be construed to prohibit the acquisition of real property by purchase or appropriation by the appropriate commissioner of the department pursuant to article seventy-one of title E of the mental hygiene law for the purpose of making mental hygiene facilities available under license or permit from the corporation to a voluntary agency, subject to the terms and conditions of any lease, sublease, loan or other financing agreement with the state housing finance agency or the state medical care facilities finance agency, (i) for use in providing community mental health and ~~[retarda-~~

1 ~~tion~~ developmental disabilities services, including services in a resi-
2 dential care center for adults, or (ii) for the conduct of an alcoholism
3 or substance abuse treatment program as defined in article nineteen of
4 title D of the mental hygiene law.

5 13. Subject to the terms and conditions of any lease, sublease, loan
6 or other financing agreement with the state housing finance agency or
7 the state medical care facilities finance agency, and to the determi-
8 nation of the appropriate commissioner of the department, and in the
9 case of community mental health and [~~retardation~~] developmental disabil-
10 ities facilities, of the city or county, that such real property held
11 for the purposes of a mental hygiene facilities improvement program is
12 unnecessary for the present or foreseeable future needs of a mental
13 hygiene facility, with the approval of the director of the budget, to
14 convey for fair value any right, title or interest of the people of the
15 state of New York in and to such real property to any appropriate state
16 agency, or public corporation, city or county for other public use or
17 for sale, lease or other disposition in accordance with law, real prop-
18 erty held by the corporation, provided, however, nothing in this subdivi-
19 sion shall be deemed to supercede the provisions of section 41.34 of
20 the mental hygiene law and provided further that any such conveyance
21 shall be subject to, and consistent with the terms and objectives of,
22 any plan developed by the state interagency council on mental hygiene
23 property utilization. The corporation shall provide written notice at
24 least thirty days in advance of the effective date of any conveyance to
25 the governor, the majority leader of the senate and the speaker of the
26 assembly. No conveyance as authorized in this subdivision that may
27 adversely affect the tax exempt nature of any such lease, sublease, loan
28 or other financing agreement with the state housing finance agency or
29 the New York state medical care facilities finance agency may occur
30 until the attorney general or other designated bond counsel determines
31 in writing that the conveyance is consistent with all applicable state
32 and federal laws, rules and regulations, and with deeds, leases,
33 subleases, loan agreements, financing agreements, and bond resolutions
34 relating to or affected by the conveyance, and that the conveyance does
35 not impair the tax exempt status of outstanding obligations issued by
36 the state housing finance agency or the New York state medical care
37 facilities finance agency to finance or refinance the design,
38 construction, acquisition, reconstruction, rehabilitation or improvement
39 of mental health service facilities as defined in the New York state
40 medical care facilities finance agency act.

41 § 58. Subdivisions 3, 4 and 5 of section 6 of section 1 of chapter 359
42 of the laws of 1968, constituting the facilities development corporation
43 act, subdivisions 3 and 4 as amended by chapter 547 of the laws of 1979
44 and subdivision 5 as amended by chapter 351 of the laws of 1985, are
45 amended to read as follows:

46 3. To provide mental hygiene facilities, other than community health
47 and [~~retardation~~] developmental disabilities facilities, for the care,
48 maintenance and treatment of the mentally disabled, for research and
49 training related thereto, and for the members of the staff of state
50 institutions in the department and their families, to reduce the time
51 lag between determination of need for such facilities and actual occu-
52 pancy thereof, to expedite the construction, acquisition, recon-
53 struction, rehabilitation or improvement of such facilities, to assure
54 that the same are completed and ready for the purposes intended in the
55 light of foreseeable needs, to assure exclusive possession, jurisdic-
56 tion, control and supervision over all mental hygiene facilities in

1 order to effectuate the aforesaid purposes and to make such facilities
2 available to the appropriate commissioner of the department for use in
3 the care, maintenance and treatment of the mentally disabled.

4 4. To provide community mental health and [~~retardation~~] developmental
5 disabilities facilities for the mentally disabled, for out-patient care
6 and short-term in-patient care, including after care and diagnostic and
7 rehabilitative services and training and research, for and at the
8 request of cities and counties not wholly within a city, authorized to
9 provide community mental health services in accordance with the
10 provisions of article forty-one of title E of the mental hygiene law, to
11 reduce the time between determination of the need for such facilities
12 and actual occupancy thereof, to expedite the construction, acquisition,
13 reconstruction, rehabilitation or improvement of such facilities, to
14 assure that the same are completed and ready for the purposes intended
15 in the light of current and foreseeable needs, all as approved by the
16 appropriate commissioner of the department.

17 5. To provide mental hygiene facilities to be made available under
18 license or permit from the corporation to voluntary agencies at the
19 request of the appropriate commissioner of the department in accordance
20 with the provisions of this act for use in providing community mental
21 health and [~~retardation~~] developmental disabilities services and
22 services in a residential care center for adults.

23 § 59. Paragraphs b and c of subdivision 1 of section 9 of section 1 of
24 chapter 359 of the laws of 1968, constituting the facilities development
25 corporation act, paragraph b as amended by chapter 58 of the laws of
26 1987 and paragraph c as amended by chapter 547 of the laws of 1979, are
27 amended to read as follows:

28 b. The directors of the corporation shall prepare or cause to be
29 prepared for the state housing finance agency or the medical care facil-
30 ities finance agency, within the amounts appropriated therefor or other-
31 wise available, the building plans, the exterior drawings or models
32 displaying the architectural concept of each mental hygiene facility
33 thereafter to be constructed, reconstructed, rehabilitated or improved,
34 and the detailed plans and specifications for all such construction,
35 reconstruction, rehabilitation and improvement work to be performed, all
36 of which shall be subject to the separate approval of the appropriate
37 commissioner of the department and, in the case of community mental
38 health and [~~retardation~~] developmental disabilities facilities, of the
39 governing body of the city or county or of such officer, department,
40 agency or community mental health board as may be designated by such
41 governing body for the purpose of such approval. The directors of the
42 corporation, except in the case of community mental health and [~~retarda-~~
43 ~~tion~~] developmental disabilities facilities, may cause the building
44 plans, drawings, models and detailed plans and specifications for such
45 work to be prepared under the direction of the commissioner of general
46 services in accordance with the terms of any agreement entered into
47 between the corporation and such commissioner pursuant to subdivision
48 two of this section. In the case of community mental health and [~~retar-~~
49 ~~dation~~] developmental disabilities facilities, the directors of the
50 corporation may cause such building plans, drawings, models and detailed
51 plans and specifications for such work to be prepared by its own employ-
52 ees, or on a contract basis, or by agreement with a city or county or
53 with any state department or agency authorized to perform such work.

54 The detailed plans and specifications for any such work to be
55 performed pursuant to a contract shall comply with the construction
56 standards in effect at the time the contract is executed.

1 Subject to the terms of any agreement entered into between the corpo-
2 ration and the commissioner of general services pursuant to subdivision
3 two of this section and between the corporation and the state housing
4 finance agency or the medical care facilities finance agency pursuant to
5 such section, the directors of the corporation may from time to time
6 modify, or authorize modifications to, such detailed plans and specifi-
7 cations provided (i) that the plans and specifications as so modified
8 shall comply with the construction standards, if any, adopted pursuant
9 to paragraph a of this subdivision and in effect at the time of the
10 modification, and (ii) that such modifications, if substantial, are made
11 with the separate approval of the appropriate commissioner of the
12 department and, in the case of community mental health and [~~retardation~~]
13 developmental disabilities facilities, of such governing body of the
14 city or county or of such officer, department, agency or community
15 mental health board as may be designated by such governing body for the
16 purpose of such approval, and (iii) that in the event an amount for
17 contingencies is appropriated or advanced to the corporation to pay the
18 added costs during the then current state fiscal year of all modifica-
19 tions made in the course of construction, reconstruction, rehabilitation
20 and improvement of mental hygiene facilities, no such modifications
21 shall be made or authorized in such fiscal year without the approval of
22 the director of the budget unless the cost thereof shall be less than
23 five percentum of the total estimated cost of the facility as set forth
24 in the budget bill referred to in paragraph a of subdivision two of this
25 section, but in no event shall any such modification be made or author-
26 ized in such fiscal year if the cost thereof, plus the cost of all
27 modifications theretofore made or authorized during the same state
28 fiscal year, would exceed the amount for contingencies appropriated or
29 advanced for the purpose of such modifications, and (iv) that in the
30 event an amount for contingencies is not appropriated for the purpose of
31 such modifications, no such modification involving an estimated expense
32 of ten thousand dollars or more shall be made or authorized without the
33 prior approval of the director of the budget.

34 c. In the design, construction, acquisition, reconstruction, rehabili-
35 tation, alteration and improvement of mental hygiene facilities to be
36 made available under license or permit from the corporation to voluntary
37 agencies for use in providing community mental health and [~~retardation~~]
38 developmental disabilities services, the corporation shall be governed
39 by the provisions of this act relating to the design and construction of
40 mental hygiene facilities provided, however, that the program for each
41 such facility shall have been prepared under the supervision of the
42 appropriate commissioner of the department pursuant to the mental
43 hygiene law at the request of such voluntary agency and with the
44 approval of the community mental health board established pursuant to
45 article forty-one of title E of the mental hygiene law.

46 § 60. The opening paragraph of subparagraph (i) and subparagraph (ii)
47 of paragraph b of subdivision 2 of section 9 of section 1 of chapter 359
48 of the laws of 1968, constituting the facilities development corporation
49 act, the opening paragraph of subparagraph (i) as amended by chapter 166
50 of the laws of 1991 and subparagraph (ii) as amended by chapter 658 of
51 the laws of 1973, are amended to read as follows:

52 The corporation may design, construct, reconstruct, rehabilitate and
53 improve a mental hygiene facility, other than a community mental health
54 and [~~retardation~~] developmental disabilities facility, whether as prin-
55 cipal or as agent for the state housing finance agency or the medical
56 care facilities finance agency, only by agreement with the commissioner

1 of general services, except that in the case a mental hygiene facility
2 owned or leased by a voluntary agency that is to be designed,
3 constructed, reconstructed, rehabilitated and improved under any lease,
4 sublease, loan or other financing agreement entered into with such
5 voluntary agency, or jointly with such voluntary agency and one or more
6 voluntary agencies that operate such facility the same may be designed,
7 constructed, reconstructed, rehabilitated and improved by such voluntary
8 agencies, and except that:

9 (ii) The corporation, with the approval of the director of the budget,
10 may construct, reconstruct, rehabilitate and improve a community mental
11 health and [~~retardation~~] developmental disabilities facility by its own
12 employees, by agreement with a city or county or with any state depart-
13 ment or agency authorized to perform such work, or by contract awarded
14 pursuant to paragraph g of this subdivision. All contracts awarded by a
15 city or county on behalf of the corporation shall be awarded pursuant to
16 paragraph g of this subdivision, notwithstanding any provision of any
17 general, special or local law or any charter.

18 § 61. Paragraphs a and b of subdivision 3 of section 9 of section 1 of
19 chapter 359 of the laws of 1968, constituting the facilities development
20 corporation act, paragraph a as amended by chapter 723 of the laws of
21 1993 and paragraph b as amended by section 48 of part TTT of chapter 59
22 of the laws of 2019, are amended to read as follows:

23 a. Subject to the provisions of this act, the directors of the corpo-
24 ration shall receive, accept, invest, administer, expend and disburse
25 for its corporate purposes, other than for the purposes of any health
26 facilities improvement program, (i) all payments made on or after Janu-
27 ary 1, 1964, for the care, maintenance and treatment of patients in
28 every mental hygiene facility, other than a community mental health and
29 [~~retardation~~] developmental disabilities facility or a mental hygiene
30 facility made available under license or permit from the corporation to
31 a voluntary agency for use in providing community mental health and
32 [~~retardation~~] developmental disabilities services, or an office of
33 [~~alcoholism and substance abuse services~~] addiction services and
34 supports facility made available under license or permit from the corpo-
35 ration to a voluntary agency for use in the conduct of an alcoholism or
36 substance abuse treatment program, (ii) all payments made to the corpo-
37 ration by a lessee or permittee as rentals, permit fees or otherwise
38 under any lease, sublease, permit or agreement undertaken with respect
39 to a community mental health and [~~retardation~~] developmental disabili-
40 ties facility or current or former mental hygiene facility or from a
41 voluntary agency with respect to a mental hygiene facility made avail-
42 able under lease, license or permit from the corporation to a voluntary
43 agency, and (iii) all payments made to the corporation for the purchase
44 of real property held by the corporation for the use of the department,
45 other than payments derived from New York state medical care facilities
46 finance agency financing or refinancing of the design, construction,
47 acquisition, reconstruction, rehabilitation, improvement or renovation
48 of state operated mental hygiene facilities, and may receive, accept,
49 invest, administer, expend and disburse for its corporate purposes,
50 other than for the purposes of any health facilities improvement
51 program, appropriations or advances from the capital projects fund and
52 the state purposes account of the general fund of the state, and other
53 revenues and monies made available or to be made available to the corpo-
54 ration from any or all sources, including gifts, grants, loans and
55 payments from the federal government, any state agency, any county,
56 city, town or village, any private foundation, organization or individ-

1 ual, or any other source, for the construction, acquisition, recon-
2 struction, rehabilitation and improvement of mental hygiene facilities,
3 and for the maintenance and repair of such facilities.

4 b. All monies of the corporation received or accepted pursuant to
5 paragraph a of this subdivision, other than appropriations and advances
6 from the state and except as otherwise authorized or provided in this
7 section, shall be paid to the commissioner of taxation and finance as
8 agent of the corporation, who shall not commingle such monies with any
9 other monies. Such monies shall be deposited in two or more separate
10 bank accounts. One of such accounts, to which shall be credited (i) all
11 payments made on or after January 1, 1964, for the care, maintenance and
12 treatment of patients in every mental hygiene facility, other than a
13 community mental health and [~~retardation~~] developmental disabilities
14 facility, (ii) all payments made to the corporation as rentals, lease
15 payments, permit fees or otherwise under any lease, sublease or agree-
16 ment undertaken with respect to a community mental health and [~~retarda-~~
17 ~~tion~~] developmental disabilities facility or a current or former mental
18 hygiene facility, (iii) all payments made to the corporation for the
19 purchase of real property held by the corporation for the use of the
20 department, other than payments derived from New York state medical care
21 facilities finance agency financing or refinancing of the design,
22 construction, acquisition, reconstruction, rehabilitation, improvement
23 or renovation of state operated mental hygiene facilities, (iv) all
24 income from investments and (v) all monies received or to be received
25 for the purposes of such account on a recurring basis, shall be denomi-
26 nated the "mental hygiene facilities improvement fund income account".
27 The monies in any account shall be paid out on checks signed by the
28 commissioner of taxation and finance on requisition of the chairman of
29 the corporation or of such other officer or employee or officers or
30 employees as the corporation shall authorize to make such requisition.
31 All deposits of such money shall, if required by the commissioner of
32 taxation and finance or the directors of the corporation, be secured by
33 obligations of the United States or of the state of a market value equal
34 at all times to the amount of the deposit and all banks and trust compa-
35 nies are authorized to give such security for such deposits. Any moneys
36 of the corporation not required for immediate use or disbursement may,
37 at the discretion of the corporation, be invested by the commissioner of
38 taxation and finance in accordance with the provisions of section 98-a
39 of the state finance law. The mental hygiene facilities improvement fund
40 and the income account therein shall remain in existence until termi-
41 nated by the corporation by written notice to the commissioner of taxa-
42 tion and finance. Any moneys on deposit in the mental hygiene facilities
43 improvement fund or the income account therein upon the termination of
44 said fund and account shall be transferred by the commissioner of taxa-
45 tion and finance to the mental health services fund. The corporation
46 shall not terminate the mental hygiene facilities improvement fund and
47 the income account therein until all mental health services facilities
48 bonds issued pursuant to: (i) the New York state medical care facilities
49 finance agency act; (ii) article [~~five-e~~] five-C of the state finance
50 law; and (iii) article [~~five-f~~] five-F of the state finance law and
51 payable from the income account as described in paragraph g of this
52 subdivision are no longer outstanding.

53 § 62. The fifth undesignated paragraph of subdivision 5 of section 9
54 of section 1 of chapter 359 of the laws of 1968, constituting the facil-
55 ities development corporation act, as amended by chapter 58 of the laws
56 of 1987, is amended to read as follows:

1 The provisions of this subdivision shall not apply to community mental
2 health and [~~retardation~~] developmental disabilities facilities.

3 § 63. Subdivision 6 of section 9 of section 1 of chapter 359 of the
4 laws of 1968, constituting the facilities development corporation act,
5 paragraphs a and b as amended by chapter 58 of the laws of 1987, is
6 amended to read as follows:

7 6. Notwithstanding any provision of any general, special or local law
8 or of any charter:

9 a. The governing body, as such term is defined in article forty-one of
10 title E of the mental hygiene law (except that with respect to the city
11 of New York such term shall mean the board of estimate), of a city or
12 county may, upon such terms and conditions as shall be approved by such
13 governing body and for such consideration, if any, as may be determined
14 by such governing body, but not to exceed the cost of acquisition there-
15 of and the cost of improvements thereon, exclusive of any costs reim-
16 bursed or to be reimbursed in accordance with the provisions of article
17 forty-one of title E of the mental hygiene law otherwise, execute and
18 deliver to the corporation a lease for a term not exceeding forty years
19 or a deed (i) conveying to the corporation real property and one or more
20 community mental health and [~~retardation~~] developmental disabilities
21 facilities of the city or county located thereon, a portion of the costs
22 of which facilities are eligible for state reimbursement in accordance
23 with the provisions of article forty-one of title E or article twenty-
24 five of title D of the mental hygiene law or (ii) conveying to the
25 corporation real property of the city or county or an interest therein,
26 for the purpose of causing to be constructed, reconstructed, rehabili-
27 tated or improved thereon one or more community mental health and
28 [~~retardation~~] developmental disabilities facilities pursuant to this
29 act, such community mental health and [~~retardation~~] developmental disa-
30 bilities facilities to be made available to such county or city for use
31 and occupancy under lease, sublease or other agreement upon such terms
32 and conditions as may be agreed upon, including terms and conditions
33 relating to length of terms, maintenance and repair of community mental
34 health and [~~retardation~~] developmental disabilities facilities during
35 such term and the annual rentals to be paid therefor for the use there-
36 of. The corporation is hereby authorized to accept any such lease or
37 conveyance, to hold such real property, to enter into a lease, sublease
38 or other agreement with such city or county for the purpose of making
39 such community mental health and [~~retardation~~] developmental disabili-
40 ties facility so acquired or to be constructed, reconstructed, rehabili-
41 tated or improved thereon available for use and occupancy by such city
42 or county, and to lease or convey real property so acquired to the New
43 York state housing finance agency or the medical care facilities finance
44 agency, provided, however, that any such further lease or conveyance
45 shall be solely for the purpose of causing community mental health and
46 [~~retardation~~] developmental disabilities facilities to be acquired,
47 constructed, reconstructed, rehabilitated or improved thereon, such
48 community mental health and [~~retardation~~] developmental disabilities
49 facilities to be made available to such city or county for use and occu-
50 pancy under a lease, sublease or other agreement between the corporation
51 and such city or county, upon such terms and conditions as may be agreed
52 upon. No such lease or conveyance from the corporation to the New York
53 state housing finance agency or the state medical care facilities
54 finance agency shall be for a consideration in excess of the cost of
55 acquisition of such real property and the costs of improvements thereon.
56 The appropriate commissioner of the department, on behalf of his or her

1 office, and the director of the budget shall approve all leases,
2 subleases or agreements, whether between the corporation and such city
3 or county or between the corporation and the housing finance agency or
4 the state medical care facilities finance agency, and the appropriate
5 commissioner of the department shall be a party thereto. The appropriate
6 division of the office of [~~alcoholism and substance abuse~~] addiction
7 services and supports shall also approve all such leases, subleases or
8 agreements relating to the construction, reconstruction, rehabilitation
9 or improvement of community mental health and [~~retardation~~] develop-
10 mental disabilities facilities, constituting alcoholism or substance
11 abuse facilities for use in an alcoholism or substance abuse treatment
12 program as defined in the mental hygiene law.

13 b. In the event that the corporation shall fail, within five years
14 after the date of such lease or conveyance, to construct, reconstruct,
15 rehabilitate or improve the community mental health and [~~retardation~~]
16 developmental disabilities facility or facilities thereon for which such
17 lease or conveyance was made, or to cause the same to be done, as
18 provided for in a lease, sublease or other agreement entered into with
19 such city or county, then, subject to the terms of any lease, sublease
20 or other agreement undertaken by the New York state housing finance
21 agency or the state medical care facilities finance agency, with respect
22 thereto, such real property and any facilities thereon shall revert to
23 such city or county with right of re-entry thereupon, and such lease or
24 deed shall be made subject to such condition of reverter and re-entry;
25 provided, however, that as a condition precedent to the exercise of such
26 right of re-entry, such city or county shall pay an amount equal to the
27 sum of the purchase price of such real property, the depreciated cost of
28 any facility or facilities constructed, reconstructed, rehabilitated or
29 improved thereon, and all other costs of the corporation or the New York
30 state housing finance agency or the state medical care facilities
31 finance agency incident to the costs of the acquisition of such real
32 property and the financing of construction, reconstruction, rehabili-
33 tation or improvement relating to such facility or facilities, all as
34 provided in the aforesaid lease, sublease or other agreement entered
35 into with such city or county.

36 c. No real property or interest therein shall be acquired by the
37 corporation pursuant to this subdivision unless title thereto shall have
38 been approved by the attorney general.

39 d. The attorney general shall pass upon the form and sufficiency and
40 manner of execution of any deed of conveyance and of any lease of real
41 property authorized to be given under this subdivision by any city or
42 county to the corporation, and any lease, sublease or agreement between
43 the corporation and a city or county, and the same shall not be effec-
44 tive unless such deed, lease, sublease or agreement shall be so approved
45 by him.

46 e. The cost of construction, acquisition, reconstruction, rehabili-
47 tation or improvement of community mental health and [~~retardation~~]
48 developmental disabilities facilities undertaken by the corporation
49 pursuant to this act may include the cost of acquisition of any real
50 property leased or conveyed to the corporation pursuant to paragraph a
51 of this subdivision [~~is~~] and the cost of the original furnishing,
52 equipment, machinery and apparatus as determined by the corporation.

53 f. The provisions of this act shall not be deemed to prevent a city or
54 county from financing the cost of constructing, acquiring, reconstruct-
55 ing, rehabilitating or improving a community mental health and [~~retarda-~~

1 ~~tion~~ developmental disabilities facility by the issuance of bonds or
2 capital notes of such city or county pursuant to the local finance law.

3 § 64. The fifth undesignated paragraph of section 2 of section 1 of
4 chapter 392 of the laws of 1973, constituting the medical care facili-
5 ties finance agency act, as added by chapter 58 of the laws of 1987, is
6 amended to read as follows:

7 Prompt provision of well-equipped, modern hospitals, schools and other
8 facilities related to the care, maintenance and treatment of mentally
9 ill[~~, —mentally retarded~~] and intellectually or developmentally disabled
10 persons is also needed in the state. In order to encourage the invest-
11 ment of private capital in such hospitals, schools and other mental
12 health services facilities and to assure their timely construction,
13 acquisition, reconstruction, rehabilitation and improvement, or the
14 refinancing thereof, the New York state medical care facilities finance
15 agency should be empowered, through the issuance of its bonds, notes or
16 other obligations to the private investing public, to obtain all or a
17 portion of the funds necessary to finance the same and to meet the needs
18 of patients and staff at such facilities.

19 § 65. Subdivisions 4 and 6 of section 5-a of section 1 of chapter 392
20 of the laws of 1973, constituting the medical care facilities finance
21 agency act, subdivision 4 as amended by chapter 389 of the laws of 1987,
22 and subdivision 6 as amended by chapter 672 of the laws of 2019, are
23 amended to read as follows:

24 4. As used in this section or in connection with a federally-aided
25 mortgage loan, the term "project" means a specific work or improvement,
26 whether or not to effectuate all or any part of a plan, and includes
27 lands, buildings, improvements, fixtures and personal property
28 constructed, acquired, reconstructed, refinanced, rehabilitated,
29 improved, managed, owned or operated by a non-profit corporation pursu-
30 ant to this section, to provide hospital, residential health care, resi-
31 dential facilities for [~~the mentally retarded and~~] intellectually or
32 developmentally disabled persons or [~~the~~] mentally disabled persons or
33 for the care, treatment, training and education of [~~the mentally~~
34 ~~retarded and~~] intellectually or developmentally disabled persons or
35 [~~the~~] mentally disabled persons or comprehensive health services facili-
36 ties and such related incidental and appurtenant facilities as the agen-
37 cy may approve. The term "project" shall also mean a separate work or
38 improvement, including lands, buildings, fixtures and personal property
39 related thereto, managed, owned or operated by a non-profit corporation
40 pursuant to this section to provide such services, functions, capabili-
41 ties and facilities as may be convenient or desirable for the operation
42 of a hospital, a residential health care or comprehensive health
43 services facility.

44 6. As used in this section or in connection with federally-aided mort-
45 gage loan regarding residential facilities for [~~the mentally retarded~~
46 ~~and~~] intellectually or developmentally disabled persons or [~~the~~] mental-
47 ly disabled persons or for the care, treatment, training and education
48 of [~~the mentally retarded and~~] intellectually or developmentally disa-
49 bled persons or [~~the~~] mentally disabled persons the term "commissioner"
50 shall also mean the commissioner of mental health or the commissioner of
51 the office for people with developmental disabilities.

52 § 66. Paragraph a of subdivision 1 of section 9-a of section 1 of
53 chapter 392 of the laws of 1973, constituting the medical care facili-
54 ties finance agency act, as amended by chapter 166 of the laws of 1991,
55 is amended to read as follows:

1 a. "Mental health services facility" shall mean a building, a unit
2 within a building, a laboratory, a classroom, a housing unit, a dining
3 hall, an activities center, a library, real property of any kind or
4 description, or any structure on or improvement to real property of any
5 kind or description, including fixtures and equipment which may or may
6 not be an integral part of any such building, unit, structure or
7 improvement, a walkway, a roadway or a parking lot, and improvements and
8 connections for water, sewer, gas, electrical, telephone, heating, air
9 conditioning and other utility services, or a combination of any of the
10 foregoing, whether for patient care and treatment or staff, staff family
11 or service use, located at or related to any psychiatric center, any
12 developmental center, or any state psychiatric or research institute or
13 other facility now or hereafter established under the state department
14 of mental hygiene. A mental health services facility shall also mean and
15 include a residential care center for adults, a "community mental health
16 and [~~retardation~~] developmental disabilities facility", and a state or
17 voluntary operated treatment facility for use in the conduct of an alco-
18 holism or substance abuse treatment program as defined in the mental
19 hygiene law, unless such residential care center for adults, community
20 mental health and [~~retardation~~] developmental disabilities facility or
21 alcoholism or substance abuse facility is expressly excepted or the
22 context clearly requires otherwise. The definition contained in this
23 subdivision shall not be construed to exclude therefrom a facility,
24 whether or not owned or leased by a voluntary agency, to be made avail-
25 able under lease, or sublease, from the facilities development corpo-
26 ration to a voluntary agency at the request of the commissioners of the
27 offices and directors of the divisions of the department of mental
28 hygiene having jurisdiction thereof for use in providing services in a
29 residential care center for adults, community mental health and [~~retar-~~
30 ~~dation~~] developmental disabilities services, or for use in the conduct
31 of an alcoholism or substance abuse treatment program. For purposes of
32 this section mental health services facility shall also mean mental
33 hygiene facility as defined in subdivision ten of section three of the
34 facilities development corporation act.

35 § 67. Whenever the term "intellectual disability" or "intellectual or
36 developmental disability" or any equivalent expression thereof is used
37 in any provision of law amended pursuant to this act, such term shall be
38 deemed to mean the same as the definition of the term "developmental
39 disability" pursuant to subdivision 22 of section 1.03 of the mental
40 hygiene law.

41 § 68. This act shall take effect immediately, provided, however, that
42 the amendments to paragraph (k) of subdivision 1 of section 364-j of the
43 social services law made by section fifty of this act shall not affect
44 the repeal of such section and shall be deemed repealed therewith; and
45 provided further, that the amendments to subclause (iii) of clause (c)
46 of subparagraph 4 of paragraph b of subdivision 1 of section 4402 of the
47 education law made by section seventeen of this act shall be subject to
48 the expiration and reversion of such subdivision pursuant to subdivision
49 d of section 27 of chapter 378 of the laws of 2007, as amended when upon
50 such date the provisions of section eighteen of this act shall take
51 effect.