STATE OF NEW YORK

6789--A

2021-2022 Regular Sessions

IN SENATE

May 17, 2021

Introduced by Sen. PERSAUD -- read twice and ordered printed, and when printed to be committed to the Committee on Disabilities -- recommitted to the Committee on Disabilities in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the social services law, the abandoned property law, the arts and cultural affairs 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 developmentally disabled or variations of such term

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

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

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

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

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

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§ 215. Claims against state. Where an action has been commenced and final judgment in favor of the people entered therein by reason of the escheat of real property to the people and the said property has been sold pursuant to section two hundred four, any party or parties thereto, or their successors in interest, who, but for the rendering of such final judgment would have been entitled to such real property, or an interest therein, shall have a claim against the state for the value of such real property or interest therein at the time of the entry of such judgment, but no such claim shall exist in favor of such party or parties or their successors in interest unless a petition therefor shall have been filed as hereinafter provided within fifteen years from the date of entry of such final judgment unless such party or parties to such ejectment action shall have been, at the time of the commencement of such action or entry of final judgment, incompetent to conduct his or her affairs by reason of mental illness or [~~mental retardation~~] **developmental disability** or have been under the age of eighteen years, or be imprisoned in execution upon conviction of a criminal offense, in which event the period of such disability shall not be deemed to be a part of the time limited within which such petition may be filed. Such party or parties, or their successors in interest shall petition the commissioner of general services for payment of the sum or a part thereof received by the state, upon the sale made pursuant to section two hundred four, and the said commissioner if satisfied that the claim is just and is made by a party who, except for the entry of final judgment in an action authorized by section two hundred one would have been entitled to the real property or an interest therein affected by said action, may certify such facts to the court of claims, whereupon that court is empowered and authorized to determine the amount of such claim or claims and award judgment therefor, the total of which in no event shall exceed the amount received by the people upon the sale of said real property pursuant to section two hundred four.

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

(d) In any illegal, indecent, or immoral exhibition or practice; or in the exhibition of any such child when mentally ill, [~~mentally retarded~~] **developmentally disabled**, or when presenting the appearance of any deformity or unnatural physical formation or development; or

§ 4. Paragraph (d) of subdivision 1 and the opening paragraph of subdivision 2 of section 330.20 of the criminal procedure law, paragraph (d) of subdivision 1 as amended by chapter 672 of the laws of 2019 and the opening paragraph of subdivision 2 as amended by chapter 693 of the laws of 1989, are amended to read as follows:

(d) "Mentally ill" means that a defendant currently suffers from a mental illness for which care and treatment as a patient, in the in-patient services of a psychiatric center under the jurisdiction of the state office of mental health, is essential to such defendant's welfare and that his **or her** judgment is so impaired that he is unable to understand the need for such care and treatment; and, where a defendant [~~is mentally retarded~~] **has a developmental disability**, the term "mentally ill" shall also mean, for purposes of this section, that the defendant is in need of care and treatment as a resident in the in-patient services of a developmental center or other residential facility for [~~the mentally retarded and developmentally disabled~~] **individuals with developmental disabilities** under the jurisdiction of the state office for people with developmental disabilities.

Upon entry of a verdict of not responsible by reason of mental disease or defect, or upon the acceptance of a plea of not responsible by reason of mental disease or defect, the court must immediately issue an examination order. Upon receipt of such order, the commissioner must designate two qualified psychiatric examiners to conduct the examination to examine the defendant. In conducting their examination, the psychiatric examiners may employ any method which is accepted by the medical profession for the examination of persons alleged to be suffering from a dangerous mental disorder or to be mentally ill or [~~retarded~~] **having a developmental disability**. The court may authorize a psychiatrist or psychologist retained by a defendant to be present at such examination. The clerk of the court must promptly forward a copy of the examination order to the mental hygiene legal service and such service may thereafter participate in all subsequent proceedings under this section.

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

§ 252. Payment by committee or conservator of claims. A committee of the property of a person, incompetent by reason of mental illness, [~~mental retardation~~] **a developmental disability** or alcohol abuse, to manage his **or her** affairs, or a conservator of the property of a conservatee, may, under direction of the court exercising jurisdiction of such estate, after payment of the expenses, disbursements and commissions of such trust, apply so much of the funds and property of said estate remaining in his **or her** hands as such committee or conservator, as may be necessary to pay and discharge the proper claims of creditors 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.

§ 6. 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~~] **developmental disability** and muscular and bone defects.

§ 7. 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~~] **developmentally disabled**, proof shall be submitted that such disability exists at the time of the proposed adoption.

§ 8. 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 developmental disabilities** operated by a private organization approved by the commissioner [~~of education~~].

§ 9. 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 developmental disabilities, mental illness or a severe physical handicap**. 1. Declaration of purpose. The conditions [~~of mental retardation~~] **associated with a 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 **or her** 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 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 a 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 a 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 such [~~mentally retarded, mentally ill or severely physically handicapped person~~] **individual with a developmental disability, mental illness or a severe physical handicap**; and the department is further authorized to expend for such purpose a sum or sums not less than one thousand five hundred dollars per annum for each such [~~mentally retarded, mentally ill or severely physically handicapped person~~] **individual with a developmental disability, mental illness or a severe physical handicap**, for or towards the cost of providing such sheltered employment for each such [~~mentally retarded, mentally ill or severely physically handicapped person~~] **individual with a developmental disability, mental illness or a severe physical handicap**.

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

3. The department shall maintain a register of such nonprofit organizations which, after inspection of the facilities for sheltered employment provided by them, it deems qualified to meet the needs of such [~~mentally retarded, mentally ill and severely physically handicapped persons~~] individuals with developmental disabilities, mental illness or a severe physical handicap. Such inspection shall also determine the eligibility of such organization to receive the funds hereinbefore specified.

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

8-a. Notwithstanding any other provision of this section and with the consent of the commissioner, the city school district of the city of Syracuse may, upon consent of the board of cooperative educational services for the sole supervisory district for Onondaga and Madison counties, be included as a component district for the sole purpose of operating a combined program and/or constructing a combined facility for [~~the trainable mentally retarded~~] children with developmental disabilities in the city of Syracuse and the county of Onondaga. Such city school district shall add an amount to its budget and levy, collect and pay the same to such board of cooperative educational services to defray the proportional expenses of constructing and operating such facility for such children. Such city school district shall not be liable for payment of administrative expenses as provided for in paragraph b of subdivision four of this section nor shall such city school district be eligible for the payment of state aid under this section except such city school district shall receive state aid based on its proportionate share of building expenses related to this program as determined by the commissioner.

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

a. Children who reside in a school for [~~the mentally retarded~~] individuals with developmental disabilities operated by the department of mental hygiene and for whom the department has assumed responsibility for support and maintenance prior to July one, nineteen hundred seventy-seven and who are placed in a family home at board, a duly incorporated orphan asylum or other institution for the care, custody and treatment of children shall be admitted to the schools of the school district in which such family home or institution is located. The [~~education~~] department is authorized to reimburse each school district furnishing educational services to such children for the direct cost of such services in accordance with regulations promulgated by the commissioner and approved by the director of the budget. The educational costs for these children shall not be otherwise aidable or reimbursable.

b. Children who reside in a school for [~~the mentally retarded~~] individuals with developmental disabilities operated by the department of mental hygiene and for whose support and maintenance the department assumes responsibility on or after July one, nineteen hundred seventy-

seven and who are thereafter placed in a family home at board, a duly incorporated orphan asylum or other institution for the care, custody and treatment of children shall be admitted to the schools of the school district in which such family home or institution is located. The [~~education~~] department is authorized to reimburse each school district furnishing educational services to such children for the direct cost of such services in accordance with regulations promulgated by the commissioner and approved by the director of the budget. The educational costs for these children shall not be otherwise aidable or reimbursable. The school district in which the child resided at the time the department of mental hygiene assumed responsibility for the support and maintenance of such child shall reimburse the education department for its expenditure on behalf of such child in an amount equal to the school district basic contribution, as such term is defined in subdivision eight of section forty-four hundred one of this chapter. The comptroller may deduct from any state funds which become due to a school district an amount equal to the reimbursement required to be made by such school district in accordance with this paragraph, and the amount so deducted shall not be included in the operating expense of such district for the purpose of computing the approved operating expense pursuant to paragraph t of subdivision one of section thirty-six hundred two of this chapter. The department of mental hygiene shall notify the [~~education~~] department of the name of the child, the location of the family home or institution where the child is to be placed and the name of the school district in which such child resided at the time the department of mental hygiene assumed responsibility for his or her support and maintenance.

(1) The [~~education~~] department is authorized to reimburse each school district furnishing educational services to children residing in schools for [~~the mentally retarded~~] **individuals with developmental disabilities** operated by the office for people with developmental disabilities for the direct cost of such services in accordance with regulations promulgated by the commissioner and approved by the director of the budget.

(2) The school district in which each such child resided at the time the office for people with developmental disabilities assumed responsibility for the support and maintenance of such child shall reimburse the [~~education~~] department for its expenditures on behalf of such child, in an amount equal to the school district basic contribution as such term is defined in subdivision eight of section forty-four hundred one of this chapter, for any such child admitted to a state school for [~~the retarded~~] **individuals with developmental disabilities** on or after July first, nineteen hundred seventy-eight. The comptroller may deduct from any state funds which become due to a school district an amount equal to the reimbursement required to be made by such school district in accordance with this paragraph and the amount so deducted shall not be included in the approved operating expense of such district for the purpose of computing the approved operating expenses pursuant to paragraph t of subdivision one of section thirty-six hundred two of this chapter.

(1) Children who reside in an intermediate care facility for [~~the mentally retarded~~] **individuals with developmental disabilities**, other than a state operated school for [~~the mentally retarded~~] **individuals with developmental disabilities**, as defined in regulations of the office for people with developmental disabilities, shall be admitted to the public schools, except as otherwise provided in subparagraph fourteen of this paragraph. The trustees or board of education of the school district in which such facility is located shall receive such children

in the school or schools of the district for instruction and for the provision of necessary related services for a compensation to be fixed by the trustees or board of education, unless such trustees or board of education shall establish to the satisfaction of the commissioner [~~of education~~] that there are valid and sufficient reasons for refusal to receive such children. Evaluation of the educational needs of such children and placement in appropriate educational programs shall be made in accordance with article eighty-nine of this chapter.

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

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

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

(iii) where neither such agency exists in the locality, either the area developmental disabilities services office, where the primary reason the child is at risk of placement relates to [~~mental retardation~~] **a developmental disability**, or the local mental health agency, where the primary reason the child is at risk of placement relates to any other mental disability.

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

(iii) where neither such agency exists in the locality, either the area developmental disabilities services office, where the primary reason the child is at risk of placement relates to [~~mental retardation or a~~] **a developmental disability**, or the local mental health agency, where the primary reason the child is at risk of placement relates to any other mental disability.

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

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

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

a. Establish standards for preprofessional and professional education, experience and licensing examinations as required to implement the article for each profession. Notwithstanding any other provision of law, the commissioner shall establish standards requiring that all persons applying, on or after January first, nineteen hundred ninety-one, initially,

or for the renewal of, a license, registration or limited permit to be a physician, chiropractor, dentist, registered nurse, podiatrist, optometrist, psychiatrist, psychologist, licensed master social worker, licensed clinical social worker, licensed creative arts therapist, licensed marriage and family therapist, licensed mental health counselor, licensed psychoanalyst, dental hygienist, licensed behavior analyst, or certified behavior analyst assistant shall, in addition to all the other licensure, certification or permit requirements, have completed two hours of coursework or training regarding the identification and reporting of child abuse and maltreatment. The coursework or training shall be obtained from an institution or provider which has been approved by the department to provide such coursework or training. The coursework or training shall include information regarding the physical and behavioral indicators of child abuse and maltreatment and the statutory reporting requirements set out in sections four hundred thirteen through four hundred twenty of the social services law, including but not limited to, when and how a report must be made, what other actions the reporter is mandated or authorized to take, the legal protections afforded reporters, and the consequences for failing to report. Such coursework or training may also include information regarding the physical and behavioral indicators of the abuse of individuals with [~~mental retardation and other~~] developmental disabilities and voluntary reporting of abused or neglected adults to the office for people with developmental disabilities or the local adult protective services unit. Each applicant shall provide the department with documentation showing that he or she has completed the required training. The department shall provide an exemption from the child abuse and maltreatment training requirements to any applicant who requests such an exemption and who shows, to the department's satisfaction, that there would be no need because of the nature of his or her practice for him or her to complete such training;

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

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

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

(b) The family court has such other jurisdiction as is set forth in this act, including jurisdiction over habeas corpus proceedings and over applications for support, maintenance, a distribution of marital property and custody in matrimonial actions when referred to the family court by the supreme court, conciliation proceedings, and proceedings concerning physically handicapped and [~~mentally defective or retarded~~] **developmentally disabled** children.

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

(i) Any unmarried dependent child, regardless of age, who is incapable of self-sustaining employment by reason of mental illness, **or** developmental disability[~~, or mental retardation~~] as defined in the mental hygiene law, or physical handicap and who became so incapable prior to the age at which dependent coverage would otherwise terminate, shall be

included in coverage subject to any pre-existing conditions limitation applicable to other dependents; or

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

(A) Coverage of an unmarried dependent child who is incapable of self-sustaining employment by reason of mental illness, 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 dependent coverage would otherwise terminate and who is chiefly dependent upon such policyholder for support and maintenance, shall not terminate while the policy remains in force and the dependent remains in such condition, if the policyholder has within thirty-one days of such dependent's attainment of the limiting age submitted proof of such dependent's incapacity as described herein.

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

§ 20. 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, 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.

§ 21. 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, 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, 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.

§ 22. 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, 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.

§ 23. 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 narcotic addict, or when it orders a hearing for the commitment of the guardianship and custody of a child to an authorized agency by reason of the mental illness or [~~mental retardation~~] **developmental disability** of a parent, or when it orders a hearing to determine whether consent to the adoption of a child shall be required of a parent who is alleged to be mentally ill or [~~mentally retarded~~] **developmentally disabled**, or when it orders a hearing to determine the best interests of a child when the parent of the child revokes a consent to the adoption of such child and such revocation is opposed or in any adoption or custody proceeding if it determines that assignment of counsel in such cases is mandated by the constitution of this state or of the United States, the court may assign counsel to represent such person if it is satisfied that he is financially unable to obtain counsel. Upon an appeal taken from an order entered in any such proceeding, the appellate court may assign counsel to represent such person upon the appeal if it is satisfied that he is financially unable to obtain counsel.

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

ADMISSION OF [~~THE MENTALLY RETARDED~~] **PEOPLE WITH DEVELOPMENTAL DISABILITIES** TO SCHOOLS

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

1. develop standards for admissions to all facilities for the care of the mentally ill, [~~mentally retarded and~~] developmentally disabled, and those suffering from the disease of alcoholism, alcohol abuse, substance abuse or substance dependence consistent with the requirements of articles nine[~~,~~] **and** fifteen [~~and twenty-one~~] of this chapter taking into account characteristics of clients and providers;

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

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

(i) Local governments shall be granted state aid, in accordance with the provisions of this subdivision, for approved net operating costs pursuant to an approved local services plan at the rate of fifty percent of the amount incurred during the local fiscal year by such local governments and by voluntary agencies pursuant to contract with such local governments; provided, however, that a local government having a population of less than two hundred thousand shall be granted state aid at the rate of seventy-five percent for the first one hundred thousand dollars of its approved net operating costs. Notwithstanding the foregoing, local governments shall be granted state aid of one hundred percent of the net operating costs expended by such local governments and by voluntary agencies pursuant to contract with such local governments for services to [~~mentally retarded or developmentally disabled persons~~] **people with developmental disabilities** who were patients in a state facility for a continuous period of five or more years 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 a 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.

§ 27. 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

§ 28. 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 percentum of the actual total final cost, whichever is larger, the cost of all necessary studies, surveys, plans and specifications, architectural, engineering, legal, or other special services, the cost of acquisition of land and any improvements thereon, site preparation and development, construction, reconstruction, rehabilitation, improvement and equipment, including fixtures, equipment, and articles of personal property required for the operation of care, treatment, training, educational, and residential facilities, the reasonable cost of financing incurred by the company in the course of the development of the project, up to and including the occupancy date, the fees imposed by the commissioner and by the New York state housing finance agency; other fees charged, and necessary expenses incurred in connection with the initial occupancy of the project, and the cost of such other items as the commissioner may determine to be reasonable and necessary for the development of a project, less any and all rents and other net revenues from the operation of the real property, improvements or personal property on the project site, or any part thereof, by the company on and after the date on which the contract between the company and the New York state housing finance agency was entered into and prior to the occupancy date.

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

1. "Children with physical disabilities" means any persons under twenty-one years of age who are disabled by reason of a defect or disability, whether congenital or acquired by accident, injury, or disease, or who are suffering from long-term disease, including, but without limiting the generality of the foregoing, chronic granulomatous, cystic fibrosis, epidermolysis bullosa, muscular dystrophy, nephrosis, rheumatic fever and rheumatic heart disease, blood dyscrasies, cancer, lymphatic diseases, including, but not limited to: insufficiency of lymphatic circulatory function (to include all forms of lymphedema, both primary and secondary); lipedema; complex vascular diseases of the lymphatic vasculature, including lymphangiomatosis, lymphangioleio-myomatosis,

lymphangiectasias, lymphangiomas, cystic hygromas, Gorham's disease, lymphangiosarcoma, and complex vascular/lymphatic malformations and syndromes, brain injured, and chronic asthma, or from any disease or condition likely to result in a disability in the absence of treatment, provided, however, no child shall be deprived of a service under the provisions of this chapter solely because of the degree of [~~mental retardation~~] **developmental disability**.

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

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

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

Transfer of unappropriated state lands for mental health, [~~mental retardation~~] **developmental disabilities**, park, recreation, playground, reforestation, street or highway purposes. 1. Such commissioner of general services may, from time to time, transfer and convey to a city, incorporated village, town or county, in consideration of one dollar to be paid to the state of New York, and on such terms and conditions as such commissioner may impose, a part or all of any parcel or parcels of unappropriated state lands upon certification that such parcel or parcels are useful for local mental health facilities, [~~mental retardation~~] **developmental disabilities** facilities, park, recreation, playground, reforestation, street or highway purposes, and that they will be properly improved and maintained for one or more of such purposes and provided that this disposition of such parcel or parcels is not otherwise prohibited. Certification shall be evidenced by a formal request from the board of estimate, common council, village board, town board or county board of supervisors, setting forth in detail the parcel or parcels to be released, transferred and conveyed and the availability and usefulness of such parcel or parcels for one or more of such purposes. In the city of New York however, certification shall be evidenced by a formal request from the mayor. In the event that lands transferred under the provisions of this section are not properly improved and maintained for one or more of the purposes contemplated by this section by the city, village, town or county to which they were transferred, the title thereto shall revert to the people of the state of New York, and the attorney-general may institute an action in the supreme court for a judgment declaring a revesting of such title in the state. Such commissioner may also transfer any unappropriated state lands to the office of parks, recreation and historic preservation or the department of environmental conservation, upon the application of the commissioner thereof indicating that such unappropriated state lands are required for state park purposes within the area of jurisdiction of such office or department.

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

8. Prompt provision of new and improved community mental health and [~~mental retardation~~] **developmental disabilities** facilities is required for the care and treatment of the increasing number of persons afflicted with mental illness, mental deficiencies, epilepsy and behavior or emotional disorders; that such facilities should be located close to the people they serve in order to speed rehabilitation and restoration and to provide for out-patient and in-patient care, including after care, diagnostic and rehabilitative services and residential accommodations for operation as hostels; that it is the policy of the state to promote the provision of such community mental health and [~~mental retardation~~] **developmental disabilities** facilities; that there is a need for non-profit corporations to construct low cost community mental health and [~~mental retardation~~] **developmental disabilities** facilities. In order to encourage the investment of private capital in such community mental health and [~~mental retardation~~] **developmental disabilities** facilities, and to assure the expeditious completion of such community mental health and [~~mental retardation~~] **developmental disabilities** facilities, the New York state housing finance agency should be empowered, through the issuance of its bonds, notes or other obligations to the private investing public, to obtain funds necessary to make mortgage loans, at low interest rates, to non-profit corporations for the construction, acquisition, reconstruction, rehabilitation or improvement of such mental health and [~~mental retardation~~] **developmental disabilities** facilities.

§ 33. Subdivisions 6-d, 14 and 14-a of section 42 of the private housing finance law, subdivision 6-d as added by chapter 380 of the laws of 1972, subdivision 14 as amended by chapter 281 of the laws of 1970 and subdivision 14-a as added by chapter 570 of the laws of 1982, are amended to read as follows:

6-d. "Mortgage loan" shall also mean a loan made by the agency to a company incorporated pursuant to the provisions of [~~article eight-B of the mental hygiene law and~~] the not-for-profit corporation law in an amount not to exceed the total community mental health services project cost or community [~~mental retardation~~] **developmental disabilities** services project cost, and secured by a first mortgage lien on the real property of which the community mental health services project or community [~~mental retardation~~] **developmental disabilities** services project consists and the personal property attached to or used in connection with the construction, acquisition, reconstruction, rehabilitation, improvement or operation of the community mental health services project or community [~~mental retardation~~] **developmental disabilities** services project. "Community mental health services company," "community [~~mental retardation~~] **developmental disabilities** services company," "community mental health services project cost," "community [~~mental retardation~~] **developmental disabilities** services project cost," "community mental health services project" and "community [~~mental retardation~~] **developmental disabilities** services project" shall mean community mental health services company, community [~~mental retardation~~] **developmental disabilities** services company, community mental health services project cost, community [~~mental retardation~~] **developmental disabilities** services project cost, community mental health services project and community [~~mental retardation~~] **developmental disabilities** services project, respectively[~~, as defined in article eight-B of the mental hygiene law~~].

14. "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" shall mean bonds and notes, respectively, issued by the agency for the purposes of making mortgage loans to companies incorporated pursuant to the not-for-profit corporation law [~~and article eight-B of the mental hygiene law~~], paying interest on such bonds and notes, establishing reserves to secure such bonds and notes, and paying of all other expenditures of the agency incident to and necessary or convenient for the making of such mortgage loans.

14-a. "Community mental health services and [~~mental retardation~~] **developmental disabilities** services project revenue bonds" and "community mental health services and [~~mental retardation~~] **developmental disabilities** services project revenue notes" shall mean bonds and notes, respectively, issued by the agency for the purpose of making mortgage loans to companies incorporated pursuant to the not-for-profit corporation law and article seventy-five **of title E** of the mental hygiene law, paying interest on such bonds and notes, establishing reserves to secure such bonds and notes, and paying of all other expenditures of the agency incident to and necessary or convenient for the making of such mortgage loans.

§ 34. Paragraphs (a) and (d) of subdivision 15 of section 44 of the private housing finance law, as amended by chapter 195 of the laws of 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.

§ 35. 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, para-
2 graph (c) of subdivision 1 as amended by chapter 232 of the laws of
3 2021, paragraphs (a) and (d) of subdivision 12 as amended by chapter 365
4 of the laws of 1973, paragraphs (b) and (c) of subdivision 12 as amended
5 by chapter 38 of the laws of 1976, subdivision 13 as amended by chapter
6 195 of the laws of 1973 and paragraphs (a), (b) and (c) of subdivision
7 16 as added by chapter 570 of the laws of 1982, are amended to read as
8 follows:
9 (a) The agency shall create and establish a special fund (herein
10 referred to as capital reserve fund), and shall pay into such capital
11 reserve fund (1) any monies appropriated and made available by the state
12 for the purposes of such fund, (2) any proceeds of sale of notes or
13 bonds other than state university construction notes or state university
14 construction bonds, equity notes or equity bonds, non-profit project
15 notes or non-profit project bonds, hospital and nursing home project
16 notes or hospital and nursing home project bonds, urban rental project
17 notes or urban rental project bonds, health facilities notes or health
18 facilities bonds, youth facilities project notes or youth facilities
19 project bonds, community mental health services and [~~mental retardation~~]
20 **developmental disabilities** services project notes or community mental
21 health services and [~~mental retardation~~] **developmental disabilities**
22 services project bonds, community senior citizens services project notes
23 or community senior citizens services project bonds, mental hygiene
24 improvement notes or mental hygiene improvement bonds and revenue hous-
25 ing bonds, and bonds and notes for the housing program to the extent
26 provided in the resolution of the agency authorizing the issuance there-
27 of, and (3) any other moneys which may be made available to the agency
28 for the purpose of such fund from any other source or sources. All
29 moneys held in the capital reserve fund, except as hereinafter provided,
30 shall be used solely for the payment of the principal of bonds of the
31 agency other than state university construction bonds, equity bonds,
32 non-profit project bonds, hospital and nursing home project bonds, urban
33 rental project bonds, health facilities bonds, youth facilities project
34 bonds, community mental health services and [~~mental retardation~~] **devel-**
35 **opmental disabilities** services project bonds, community senior citizens
36 services project bonds, mental hygiene improvement bonds and revenue
37 housing bonds, and bonds and notes for the housing program as the same
38 mature, required payments to any sinking fund established in a resol-
39 ution of the agency for the amortization of term bonds (hereinafter
40 referred to as "sinking fund payments"), the purchase or redemption of
41 bonds of the agency other than state university construction bonds,
42 equity bonds, non-profit project bonds, hospital and nursing home
43 project bonds, urban rental project bonds, health facilities bonds,
44 youth facilities project bonds, community mental health services and
45 [~~mental retardation~~] **developmental disabilities** services project bonds,
46 community senior citizens services project bonds, mental hygiene
47 improvement bonds and revenue housing bonds, and bonds and notes for the
48 housing program the payment of interest on such bonds of the agency or
49 the payment of any redemption premium required to be paid when such
50 bonds are redeemed prior to maturity; provided, however, that monies in
51 such fund shall not be withdrawn therefrom at any time in such amount as
52 would reduce the amount of such fund to less than the maximum amount of
53 principal and interest maturing and becoming due and sinking fund
54 payments required to be made in any succeeding calendar year on all
55 bonds of the agency then outstanding other than state university
56 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, except for the purpose of paying principal of, interest and sinking fund payments becoming due on such bonds of the agency maturing and becoming due and for the payment of which other moneys of the agency are not available. For the purposes of this subdivision [~~one~~], in computing the maximum amount of principal maturing at a single future date (herein called "term bonds") in any succeeding calendar year, the principal amount of any such term bonds which are subject to mandatory redemption prior to such future date by sinking fund payments shall not be included in the computation determining the maximum amount of principal maturing in said future year. Any income or interest earned by, or increment to, the capital reserve fund due to the investment thereof may be transferred by the agency to the general reserve fund or other fund of the agency to the extent it does not reduce the amount of the capital reserve fund below 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 all such 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.

(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 thirty-one 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 capital reserve fund of an amount equal to 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 all 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. In order further to assure such maintenance of the capital reserve fund, there shall be annually apportioned and paid to the agency for deposit in the capital reserve fund such sum, if any, as shall be certified by the chairman of the agency to the governor and director of the budget as necessary to restore the capital reserve fund to an amount equal to 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 the 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. The chairman of the agency shall annually, on or before December first, make and deliver to the governor and director of the budget his certificate stating the amount, if any, required to restore the capital reserve fund to the amount aforesaid and the amount so stated, if any, shall be apportioned and paid to the agency during the then current state fiscal year. The principal amount of bonds secured by the capital reserve fund to which state funds are apportionable pursuant to this

paragraph shall be limited to the total amount of bonds and notes outstanding on the effective date of this act, plus the total amount of bonds and notes contracted after the effective date of this act to finance projects in progress on the effective date of this act as determined by the New York state public authorities control board created pursuant to section fifty of the public authorities law whose affirmative determination shall be conclusive as to all matters of law and fact solely for the purposes of the limitations contained in this paragraph, but in no event shall the total amount of bonds so secured by such a capital reserve fund or funds exceed three hundred thirty-eight million dollars, excluding bonds issued to refund such outstanding bonds until the date of redemption of such outstanding bonds. As outstanding bonds so secured are paid, the amount so secured shall be reduced accordingly but the redemption of such outstanding bonds from the proceeds of refunding bonds shall not reduce the amount so secured.

2. The agency shall create and establish a special fund (herein referred to as general reserve fund) and shall pay into such fund all fees and charges collected by the agency pursuant to paragraph (a) of subdivision eleven of section forty-four of this article, or otherwise, other than fees and charges collected in connection with the making of mortgage loans (or commitments therefor) to mutual companies, non-profit companies, urban rental companies or community development corporations, and any monies which the agency shall transfer from the capital reserve fund pursuant to the provisions of paragraph (a) of subdivision one of this section. Such monies and any other monies paid into the general reserve fund may, in the discretion of the agency but subject to agreements with bondholders and noteholders, be used by the agency (a) for the repayment of advances from the state in accordance with the provisions of repayment agreements between the agency and the director of the budget, (b) to reimburse the division of housing and community renewal the reasonable costs of the services performed by the commissioner of housing and community renewal and division of housing and community renewal pursuant to section fifty-five of this article, (c) to pay all costs, expenses and charges of financing, including fees and expenses of trustees and paying agents, (d) for transfers to the capital reserve fund, (e) for the payment of the principal of and interest on bonds or notes other than state university construction bonds or state university construction notes, equity bonds or equity notes, non-profit project bonds or non-profit project notes, hospital and nursing home project bonds or hospital and nursing home project notes, urban rental project bonds or urban rental project notes, health facilities bonds or health facilities notes, youth facilities project bonds or youth facilities project notes, community mental health services and [~~mental retardation~~] **developmental disabilities** services project bonds or 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, mental hygiene improvement bonds or mental hygiene improvement notes and revenue housing bonds and bonds and notes for the housing program issued by the agency when the same shall become due whether at maturity or on call for redemption and for the payment of any redemption premium required to be paid where such bonds or notes are redeemed prior to their stated maturities, and to purchase bonds or notes other than state university construction bonds or state university construction notes, equity bonds or equity notes, non-profit project bonds or non-profit project notes, hospital and nursing home project bonds or hospital and nursing home

project notes, urban rental project bonds or urban rental project notes, health facilities bonds or health facilities notes, youth facilities project bonds or youth facilities project notes, community mental health services and [~~mental retardation~~] **developmental disabilities** services project bonds or 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, mental hygiene improvement bonds or mental hygiene improvement notes and revenue housing bonds and bonds and notes for the housing program issued by the agency, or (f) for such other corporate purposes of the agency as the agency in its discretion shall determine and provide.

(a) The agency may create and establish a special fund to be known as community mental health services and [~~mental retardation~~] **developmental disabilities** services capital reserve fund and may pay into such reserve funds (1) any monies appropriated and made available by the state for the purposes of such funds, (2) any proceeds of sale of 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, to the extent provided in the resolution of the agency authorizing the issuance thereof, and (3) any other monies which may be made available to the agency for the purposes of such accounts from any other source or sources. The monies held in or credited to the capital reserve fund established 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~~] **develop-**

mental 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 then in such reserve fund, will be not 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 then to be issued and on all other community mental health services and [~~mental retardation~~] developmental disabilities services project bonds of the agency then outstanding and secured by such reserve fund.

(c) 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 community mental health services and [~~mental retardation~~] developmental disabilities services capital reserve fund of an amount equal to 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. In order further to assure the maintenance of such community mental health services and [~~mental retardation~~] developmental disabilities services capital reserve fund, there shall be annually apportioned and paid to the agency for deposit in such community mental health services and [~~mental retardation~~] developmental disabilities services capital reserve fund such sum, if any, as shall be certified by the chairman of the agency to the governor and director of the budget as necessary to restore such reserve fund to an amount equal to 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. The chairman of the agency shall annually, on or before December first, make and deliver to the governor and director of the budget his or her certificate stating the sums, if any, required to restore such community mental health

services and [~~mental retardation~~] **developmental disabilities** services capital reserve fund to the amount aforesaid, and the sums so certified, if any, shall be apportioned and paid to the agency during the then current state fiscal year. The principal amount of bonds secured by the community mental health services and [~~mental retardation~~] **developmental disabilities** services capital reserve fund to which state funds are apportionable pursuant to this paragraph shall be limited to the total amount of bonds and notes outstanding on the effective date of this act, plus the total amount of bonds and notes contracted after the effective date of this act to finance projects in progress on the effective date of this act as determined by the New York state public authorities control board created pursuant to section fifty of the public authorities law whose affirmative determination shall be conclusive as to all matters of law and fact solely for the purposes of the limitations contained in this paragraph, but in no event shall the total amount of bonds so secured by such a capital reserve fund or funds exceed thirteen million dollars, excluding bonds issued to refund such outstanding bonds until the date of redemption of such outstanding bonds. As outstanding bonds so secured are paid, the amount so secured shall be reduced accordingly but the redemption of such outstanding bonds from the proceeds of refunding bonds shall not reduce the amount so secured.

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

13. The agency shall create and establish a special fund (herein referred to as community mental health services and [~~mental retardation~~] **developmental disabilities** services general reserve fund) and shall pay into such fund all fees and charges collected by the agency pursuant to paragraph (c) of subdivision eleven of section forty-four of this article and any monies which the agency shall transfer from the community mental health services and [~~mental retardation~~] **developmental disabilities** services capital reserve fund pursuant to the provisions of paragraph (a) of subdivision ten of this section. Such monies and any other monies paid into the community mental health services and [~~mental retardation~~] **developmental disabilities** services general reserve fund may, in the discretion of the agency, but subject to agreements with bondholders and noteholders, be used by the agency (a) for the repayment of advances from the state in accordance with the provisions of repayment agreements between the agency and the director of the budget, (b) to reimburse the department of mental hygiene the reasonable costs of the services performed by the commissioner of mental hygiene and the department of mental hygiene pursuant to subdivision four of section fifty-five of this article, including the reasonable costs of such services performed by the health and mental hygiene facilities improvement corporation upon request by the commissioner of mental hygiene pursuant to the provisions of section 75.25 of the mental hygiene law, (c) to pay all costs, expenses and charges of financing, including fees and expenses of trustees and paying agents, (d) for transfers to the community mental health services and [~~mental retardation~~] **developmental disabilities** services capital reserve fund, (e) for the payment of principal of and interest on community mental health services and [~~mental retardation~~] **developmental disabilities** services project bonds and notes issued by the agency when the same shall become due whether at maturity or on call for redemption and for the payment of any redemption premium required to be

paid where such community mental health services and [~~mental retardation~~] **developmental disabilities** services project bonds and notes are redeemed prior to their stated maturities and to purchase community mental health services and [~~mental retardation~~] **developmental disabilities** services project bonds or notes issued by the agency, or (f) for such other corporate purposes of the agency as the agency in its discretion shall determine and provide.

(a) The agency may create and establish one or more special funds to be known as community mental health services and [~~mental retardation~~] **developmental disabilities** services capital reserve funds and may pay into such reserve funds (1) any monies appropriated and made available by the state for the purposes of such funds, (2) any proceeds of the sale of community mental health services and [~~mental retardation~~] **developmental disabilities** services project revenue bonds or notes, to the extent provided in the resolution of the agency authorizing the issuance thereof, and (3) any other monies which may be made available to the agency for the purposes of such fund or funds from any other source or sources. The monies held in or credited to a capital reserve fund established under this subdivision, except as hereinafter provided and as provided in agreements with bondholders and noteholders, shall be used solely for the payment of principal of community mental health services and [~~mental retardation~~] **developmental disabilities** services project revenue bonds of the agency secured by such reserve fund, as the same mature, required payments to any sinking fund established in a resolution of the agency for the amortization of term bonds (hereinafter referred to as "sinking fund payments"), the purchase of such revenue bonds of the agency, the payment of interest on such revenue bonds of the agency, or the payment of any redemption premium required to be paid when such bonds are redeemed prior to maturity. 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 agency, subject to agreements with bondholders and noteholders.

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

(c) The agency shall create and establish one or more special funds (herein referred to as community mental health services and [~~mental retardation~~] **developmental disabilities** services general reserve funds) and shall to the extent provided in the applicable bond resolution of the agency authorizing the issuance of community mental **health** services and [~~mental retardation~~] **developmental disabilities** services project revenue bonds, pay into any such fund the fees and charges collected by the agency pursuant to paragraph (d) of subdivision eleven of section forty-four of this article and any monies which the agency shall transfer from a community mental health services and [~~mental retardation~~] **developmental disabilities** services capital reserve fund pursuant to the provisions of paragraph (a) of this subdivision. Such monies and any other monies paid into a community mental health services and [~~mental retardation~~] **developmental disabilities** service general reserve fund may, in the discretion of the agency, but subject to agreements with bondholders and noteholders, be used by the agency (i) for the repayment of advances from the state in accordance with the provisions of repay-

ment agreements between the agency and the director of the budget, (ii) to reimburse the department of mental hygiene the reasonable costs of the services performed by the commissioner of mental hygiene and the department of mental hygiene pursuant to subdivision five of section fifty-five of this article, including the reasonable costs of such services performed by the facilities development corporation upon request by the commissioner of mental hygiene pursuant to the provisions of section 75.25 of the mental hygiene law, (iii) to pay all costs, expenses and charges of financing, including fees and expenses of trustees and paying agents, (iv) for transfers to a community mental health services and [~~mental retardation~~] **developmental disabilities** services capital reserve fund, (v) for the payment of principal of and interest on community mental health services and [~~mental retardation~~] **developmental disabilities** services project revenue bonds and notes issued by the agency when the same shall become due whether at maturity or on call for redemption and for the payment of any redemption premium required to be paid where such community mental health services and [~~mental retardation~~] **developmental disabilities** services project revenue bonds and notes are redeemed prior to their stated maturities and to purchase community mental health services and [~~mental retardation~~] **developmental disabilities** services revenue bonds or notes issued by the agency, or (vi) for such other corporate purposes of the agency as the agency in its discretion shall determine and provide.

§ 36. 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 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.

§ 37. 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:

a. The agency shall have the power to acquire by lease or deed from the health and mental hygiene facilities improvement corporation any real property acquired by the corporation pursuant to the provisions of subdivision six of section nine of the [~~health and mental hygiene facilities improvement~~] **facilities development corporation** act (i) for the purpose of constructing, reconstructing, rehabilitating or improving thereon one or more community mental health and [~~retardation~~] **developmental disabilities** facilities or (ii) for the purpose of financing the acquisition, construction, reconstruction, rehabilitation or improvement thereon of one or more community mental health and [~~retardation~~] **developmental disabilities** facilities, pursuant to the provisions of this article and the [~~health and mental hygiene facilities improvement~~] **facilities development corporation** act. The agency is hereby authorized to lease or sublease such real property and facilities thereon to the corporation for the purpose of making the same available to a city or a county not wholly within a city, for use and occupancy in accordance with the provisions of a lease, sublease or other agreement between the corporation and such city or county.

b. In the event that the agency shall fail, within five years after the date of a lease or conveyance of such real property from such city or county to the corporation, to construct, reconstruct, rehabilitate or improve the community mental health and [~~retardation~~] **developmental disabilities** facility or facility thereon for which such lease or conveyance was made, as provided for in a lease, sublease or other agreement entered into by such city or county and the corporation, then, subject to the terms of any lease, sublease or other agreement undertaken by the agency, such real property and any facilities thereon shall revert to the corporation with right of re-entry thereupon, and such lease or deed shall be made subject to such condition of reverter and re-entry; provided, however, that as a condition precedent to the exercise of such right of re-entry the corporation shall pay to the agency an amount equal to the sum of the purchase price of such real property, the depreciated cost of any community mental health and [~~retardation~~]

developmental disabilities facility or facilities constructed, reconstructed, rehabilitated or improved thereon and all other costs of the agency incident to the acquisition of such lands and the financing of construction, reconstruction, rehabilitation or improvement relating to such community mental health and [~~retardation~~] developmental disabilities facility or facilities, all as provided in the aforesaid lease, sublease or other agreement entered into with the corporation.

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

5. The state commissioner of mental hygiene and the state department of mental hygiene are hereby designated to act for and in behalf of the agency in servicing the community mental health services and [~~mental retardation~~] developmental disabilities services companies mortgage loans of the agency and shall perform such functions and services in connection with the making, servicing and collection of such loans as shall be requested by the agency. The agency shall pay to the department of mental hygiene from any monies of the agency available for such purpose, such amounts as are necessary to reimburse the department of mental hygiene for the reasonable cost of the services performed by the commissioner of mental hygiene and department of mental hygiene pursuant to this section, including such amounts as are necessary to reimburse the health and mental hygiene facilities improvement corporation for the reasonable cost of such services performed by the health and mental hygiene facilities improvement corporation upon request by the commissioner of mental hygiene pursuant to the provisions of section 75.25 of the mental hygiene law.

§ 39. Paragraph c of subdivision 1 of section 1515 of the real property actions and proceedings law, as amended by chapter 550 of the laws of 1978, is amended to read as follows:

c. Whether any defendant is known or unknown, and whether any defendant is or might be an infant, [~~mentally retarded, mentally ill or an alcohol abuser~~] have a developmental disability or mental illness, or abuse alcohol.

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

§ 11. Capacity to transfer real property. A person other than a minor, a [~~mentally retarded~~] person with a developmental disability, or person of unsound mind, seized of or entitled to an estate or interest in real property, may transfer such estate or interest.

§ 41. Paragraph (a) of subdivision 1 of section 422 of the real property tax law, as amended by chapter 409 of the laws of 1993, is amended to read as follows:

(a) Real property owned by a not-for-profit corporation organized pursuant to the not-for-profit corporation law and the provisions of article two of the private housing finance law, used exclusively to provide housing and auxiliary facilities for faculty members, students, employees, nurses, interns, resident physicians, researchers and other personnel and their immediate families in attendance or employed at colleges, universities, educational institutions, child care institutions, hospitals and medical research institutes, or for handicapped or aged persons of low income, or owned by non-profit nursing home companies organized pursuant to the not-for-profit corporation law and the provisions of article twenty-eight-A of the public health law, used exclusively to provide facilities for nursing care to sick, invalid, infirm, disabled or convalescent persons of low income, or to provide

health-related service as defined in article twenty-eight of the public health law to persons of low income, or any combination of the foregoing, and in addition thereto, to provide nursing care and health-related service, or either of them, to persons of low income who are not occupants of the project, or owned by housing development fund companies organized pursuant to the not-for-profit corporation law and article eleven of the private housing finance law, used exclusively to provide housing for handicapped or aged persons of low income, and financed by a federally-aided mortgage as defined in said article eleven, or owned by companies organized pursuant to the not-for-profit corporation law and the provisions of article seventy-five **of title E** of the mental hygiene law, used exclusively to provide care, treatment, training, education and residential accommodations for operation as hostels for [~~the mentally ill or mentally retarded~~] **people with mental illness or developmental disabilities**, or owned by companies organized pursuant to the membership corporations law and the provisions of article seven-A of the private housing finance law, used exclusively to provide programs, services and other facilities for the aging, shall be exempt from taxation and exempt from special ad valorem levies and special assessments to the extent provided in section four hundred ninety of this chapter, provided, however, that in a city having a population of one million or more real property owned by any such corporation which is to provide housing accommodations, substantially all of which are or are to be assisted by rent subsidies made or to be made available by the Federal government pursuant to a contract under section eight of the United States Housing Act of nineteen hundred thirty-seven, as amended, or pursuant to a project rental assistance contract under section two hundred two of the United States Housing Act of nineteen hundred fifty-nine, as amended, or pursuant to a project rental assistance contract under section eight hundred eleven of the National Affordable Housing Act of nineteen hundred ninety, as amended, shall from and after the commencement of construction be subject to taxation or exempt therefrom to the extent approved by a municipality acting through its local legislative body, as such local legislative body is defined in [~~paragraph~~] **subdivision** twelve of section two of the private housing finance law. No such corporation or company shall pay a dividend on any of its stock or pay interest on any of its debentures. Provided further, however, in a county having a population of one million or more and having not more than three towns within such county, real property owned by housing development fund companies organized pursuant to the not-for-profit corporation law and article eleven of the private housing finance law, used exclusively to provide housing for handicapped or aged persons of low income, and financed by a federally-aided mortgage as defined in said article eleven shall from and after the commencement of construction be subject to taxation or exempt therefrom to the extent approved by a municipality acting through its local legislative body, as such local legislative body is defined in [~~paragraph~~] **subdivision** twelve of section two of the private housing finance law. Any tax payments and/or payments in lieu of taxes made to a municipality pursuant to the preceding sentence shall not be passed through nor become the liability of any of the occupants of such property.

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

(k) "Special care". Care, services and supplies relating to the treatment of mental illness, [~~mental retardation,~~] developmental disabili-

ties, alcoholism, alcohol abuse or substance abuse, or HIV infection/AIDS.

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

(ii) out-patient hospital and clinic services except for mental health services, [~~mental retardation and~~] and developmental disability services, alcohol and substance abuse services and methadone maintenance services;

§ 44. 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 Cattaraugus 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

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

19. "Voluntary agency" means a corporation organized under or existing pursuant to the not-for-profit corporation law providing or, pursuant to a written agreement with the appropriate commissioner, approved to provide housing that includes residences for persons with mental disabilities, or services benefitting or assisting in the care, treatment, rehabilitation or maintenance of persons with mental disabilities, community mental health or residential services, community [~~mental retardation~~] **developmental disabilities** services, or alcohol, substance-abuse, or chemical-dependency residential or non-residential treatment services, or for any combination of the foregoing. Notwithstanding any other provision of law to the contrary, voluntary agency shall also include any entity receiving financing, approvals or assistance of any form from the state housing finance agency or the state division of housing and community renewal for one or more integrated housing projects including projects serving persons with mental disabilities, which shall be approved by the appropriate commissioner. Such commissioner is hereby authorized to enter into any agreements necessary or useful for such projects, subject to the approval of the director of the budget.

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

It is hereby found and declared that the provision of new and improved state facilities relating to the care, maintenance and treatment of the mentally disabled must be accelerated if the state is to meet its responsibilities in the face of an increasing state population, a growing awareness that mental disability can be treated effectively, and new research advances in treatment methods. An expanded construction program is essential to relieve overcrowding in the state hospitals for the mentally ill, to provide treatment and care for the increasing population of [~~mentally retarded~~] **people with developmental disabilities** in state schools, and to permit the establishment of special treatment programs for mentally ill and emotionally disturbed children and for the

mentally ill blind and the mentally ill deaf. Existing state facilities require substantial modernization and structural change to accommodate new concepts of treatment for the mentally disabled and special units for the treatment of alcoholism and narcotics addiction. Larger and better equipped research facilities must be installed in order to insure that state treatment units are in the forefront of applying and developing advanced therapeutic methods. At the same time, improved training facilities and quarters are needed to attract and retain the best-qualified staff personnel.

§ 47. 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.

§ 48. 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 [~~retardation~~] **developmental disabilities** services, including services in a residential care center for adults, or (ii) for the conduct of an alcoholism or substance abuse treatment program as defined in article nineteen **of title D** of the mental hygiene law.

13. 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, and to the determination of the appropriate commissioner of the department, and in the case of community mental health and [~~retardation~~] **developmental disabilities** facilities, of the city or county, that such real property held for the purposes of a mental hygiene facilities improvement program is unnecessary for the present or foreseeable future needs of a mental hygiene facility, with the approval of the director of the budget, to convey for fair value any right, title or interest of the people of the state of New York in and to such real property to any appropriate state agency, or public corporation, city or county for other public use or for sale, lease or other disposition in accordance with law, real property held by the corporation, provided, however, nothing in this subdivision shall be deemed to supercede the provisions of section 41.34 of the mental hygiene law and provided further that any such conveyance shall be subject to, and consistent with the terms and objectives of, any plan developed by the state interagency council on mental hygiene property utilization. The corporation shall provide written notice at least thirty days in advance of the effective date of any conveyance to the governor, the majority leader of the senate and the speaker of the assembly. No conveyance as authorized in this subdivision that may adversely affect the tax exempt nature of any such lease, sublease, loan or other financing agreement with the state housing finance agency or the New York state medical care facilities finance agency may occur until the attorney general or other designated bond counsel determines in writing that the conveyance is consistent with all applicable state and federal laws, rules and regulations, and with deeds, leases, subleases, loan agreements, financing agreements, and bond resolutions relating to or affected by the conveyance, and that the conveyance does not impair the tax exempt status of outstanding obligations issued by the state housing finance agency or the New York state medical care facilities finance agency to finance or refinance the design, construction, acquisition, reconstruction, rehabilitation or improvement of mental health service facilities as defined in the New York state medical care facilities finance agency act.

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

3. To provide mental hygiene facilities, other than community health and [~~retardation~~] **developmental disabilities** facilities, for the care,

maintenance and treatment of the mentally disabled, for research and training related thereto, and for the members of the staff of state institutions in the department and their families, to reduce the time lag between determination of need for such facilities and actual occupancy thereof, to expedite the construction, acquisition, reconstruction, rehabilitation or improvement of such facilities, to assure that the same are completed and ready for the purposes intended in the light of foreseeable needs, to assure exclusive possession, jurisdiction, control and supervision over all mental hygiene facilities in order to effectuate the aforesaid purposes and to make such facilities available to the appropriate commissioner of the department for use in the care, maintenance and treatment of the mentally disabled.

4. To provide community mental health and [~~retardation~~] **developmental disabilities** facilities for the mentally disabled, for out-patient care and short-term in-patient care, including after care and diagnostic and rehabilitative services and training and research, for and at the request of cities and counties not wholly 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, to reduce the time between determination of the need for such facilities and actual occupancy thereof, to expedite the construction, acquisition, reconstruction, rehabilitation or improvement of such facilities, to assure that the same are completed and ready for the purposes intended in the light of current and foreseeable needs, all as approved by the appropriate commissioner of the department.

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

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

b. The directors of the corporation shall prepare or cause to be prepared for the state housing finance agency or the medical care facilities finance agency, within the amounts appropriated therefor or otherwise available, the building plans, the exterior drawings or models displaying the architectural concept of each mental hygiene facility thereafter to be constructed, reconstructed, rehabilitated or improved, and the detailed plans and specifications for all such construction, reconstruction, rehabilitation and improvement work to be performed, all of which shall be subject to the separate approval of the appropriate commissioner of the department and, in the case of community mental health and [~~retardation~~] **developmental disabilities** facilities, of the governing body of the city or county or of such officer, department, agency or community mental health board as may be designated by such governing body for the purpose of such approval. The directors of the corporation, except in the case of community mental health and [~~retardation~~] **developmental disabilities** facilities, may cause the building plans, drawings, models and detailed plans and specifications for such work to be prepared under the direction of the commissioner of general services in accordance with the terms of any agreement entered into between the corporation and such commissioner pursuant to subdivision

two of this section. In the case of community mental health and [~~retar-~~ ~~dation~~] **developmental disabilities** facilities, the directors of the corporation may cause such building plans, drawings, models and detailed plans and specifications for such work to be prepared by its own employees, or on a contract basis, or by agreement with a city or county or with any state department or agency authorized to perform such work.

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

Subject to the terms of any agreement entered into between the corporation and the commissioner of general services pursuant to subdivision two of this section and between the corporation and the state housing finance agency or the medical care facilities finance agency pursuant to such section, the directors of the corporation may from time to time modify, or authorize modifications to, such detailed plans and specifications provided (i) that the plans and specifications as so modified shall comply with the construction standards, if any, adopted pursuant to paragraph a of this subdivision and in effect at the time of the modification, and (ii) that such modifications, if substantial, are made with the separate approval of the appropriate commissioner of the department and, in the case of community mental health and [~~retardation~~] **developmental disabilities** facilities, of such governing body of the city or county or of such officer, department, agency or community mental health board as may be designated by such governing body for the purpose of such approval, and (iii) that in the event an amount for contingencies is appropriated or advanced to the corporation to pay the added costs during the then current state fiscal year of all modifications made in the course of construction, reconstruction, rehabilitation and improvement of mental hygiene facilities, no such modifications shall be made or authorized in such fiscal year without the approval of the director of the budget unless the cost thereof shall be less than five percentum of the total estimated cost of the facility as set forth in the budget bill referred to in paragraph a of subdivision two of this section, but in no event shall any such modification be made or authorized in such fiscal year if the cost thereof, plus the cost of all modifications theretofore made or authorized during the same state fiscal year, would exceed the amount for contingencies appropriated or advanced for the purpose of such modifications, and (iv) that in the event an amount for contingencies is not appropriated for the purpose of such modifications, no such modification involving an estimated expense of ten thousand dollars or more shall be made or authorized without the prior approval of the director of the budget.

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

§ 51. The opening paragraph of subparagraph (i) and subparagraph (ii) of paragraph b of subdivision 2 of section 9 of section 1 of chapter 359

of the laws of 1968, constituting the facilities development corporation act, the opening paragraph of subparagraph (i) as amended by chapter 166 of the laws of 1991 and subparagraph (ii) as amended by chapter 658 of the laws of 1973, are amended to read as follows:

The corporation may design, construct, reconstruct, rehabilitate and improve a mental hygiene facility, other than a community mental health and [~~retardation~~] **developmental disabilities** facility, whether as principal or as agent for the state housing finance agency or the medical care facilities finance agency, only by agreement with the commissioner of general services, except that in the case a mental hygiene facility owned or leased by a voluntary agency that is to be designed, constructed, reconstructed, rehabilitated and improved under any lease, sublease, loan or other financing agreement entered into with such voluntary agency, or jointly with such voluntary agency and one or more voluntary agencies that operate such facility the same may be designed, constructed, reconstructed, rehabilitated and improved by such voluntary agencies, and except that:

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

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

a. Subject to the provisions of this act, the directors of the corporation shall receive, accept, invest, administer, expend and disburse for its corporate purposes, other than for the purposes of any health facilities improvement program, (i) all payments made on or after January 1, 1964, for the care, maintenance and treatment of patients in every mental hygiene facility, other than a community mental health and [~~retardation~~] **developmental disabilities** facility or a mental hygiene facility made available under license or permit from the corporation to a voluntary agency for use in providing community mental health and [~~retardation~~] **developmental disabilities** services, or an office of [~~alcoholism and substance abuse services~~] **addiction services and supports** facility made available under license or permit from the corporation to a voluntary agency for use in the conduct of an alcoholism or substance abuse treatment program, (ii) all payments made to the corporation by a lessee or permittee as rentals, permit fees or otherwise under any lease, sublease, permit or agreement undertaken with respect to a community mental health and [~~retardation~~] **developmental disabilities** facility or current or former mental hygiene facility or from a voluntary agency with respect to a mental hygiene facility made available under lease, license or permit from the corporation to a voluntary agency, and (iii) all payments made to the corporation for the purchase of real property held by the corporation for the use of the department, other than payments derived from New York state medical care facilities finance agency financing or refinancing of the design, construction, acquisition, reconstruction, rehabilitation, improvement or renovation

of state operated mental hygiene facilities, and may receive, accept, invest, administer, expend and disburse for its corporate purposes, other than for the purposes of any health facilities improvement program, appropriations or advances from the capital projects fund and the state purposes account of the general fund of the state, and other revenues and monies made available or to be made available to the corporation from any or all sources, including gifts, grants, loans and payments from the federal government, any state agency, any county, city, town or village, any private foundation, organization or individual, or any other source, for the construction, acquisition, reconstruction, rehabilitation and improvement of mental hygiene facilities, and for the maintenance and repair of such facilities.

b. All monies of the corporation received or accepted pursuant to paragraph a of this subdivision, other than appropriations and advances from the state and except as otherwise authorized or provided in this section, shall be paid to the commissioner of taxation and finance as agent of the corporation, who shall not commingle such monies with any other monies. Such monies shall be deposited in two or more separate bank accounts. One of such accounts, to which shall be credited (i) all payments made on or after January 1, 1964, for the care, maintenance and treatment of patients in every mental hygiene facility, other than a community mental health and [~~retardation~~] **developmental disabilities** facility, (ii) all payments made to the corporation as rentals, lease payments, permit fees or otherwise under any lease, sublease or agreement undertaken with respect to a community mental health and [~~retardation~~] **developmental disabilities** facility or a current or former mental hygiene facility, (iii) all payments made to the corporation for the purchase of real property held by the corporation for the use of the department, other than payments derived from New York state medical care facilities finance agency financing or refinancing of the design, construction, acquisition, reconstruction, rehabilitation, improvement or renovation of state operated mental hygiene facilities, (iv) all income from investments and (v) all monies received or to be received for the purposes of such account on a recurring basis, shall be denominated the "mental hygiene facilities improvement fund income account". The monies in any account shall be paid out on checks signed by the commissioner of taxation and finance on requisition of the chairman of the corporation or of such other officer or employee or officers or employees as the corporation shall authorize to make such requisition. All deposits of such money shall, if required by the commissioner of taxation and finance or the directors of the corporation, be secured by obligations of the United States or of the state of a market value equal at all times to the amount of the deposit and all banks and trust companies are authorized to give such security for such deposits. Any moneys of the corporation not required for immediate use or disbursement may, at the discretion of the corporation, be invested by the commissioner of taxation and finance in accordance with the provisions of section 98-a of the state finance law. The mental hygiene facilities improvement fund and the income account therein shall remain in existence until terminated by the corporation by written notice to the commissioner of taxation and finance. Any moneys on deposit in the mental hygiene facilities improvement fund or the income account therein upon the termination of said fund and account shall be transferred by the commissioner of taxation and finance to the mental health services fund. The corporation shall not terminate the mental hygiene facilities improvement fund and the income account therein until all mental health services facilities

bonds issued pursuant to: (i) the New York state medical care facilities finance agency act; (ii) article [~~five-c~~] five-C of the state finance law; and (iii) article [~~five-f~~] five-F of the state finance law and payable from the income account as described in paragraph g of this subdivision are no longer outstanding.

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

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

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

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

a. The governing body, as such term is defined in article forty-one of title E of the mental hygiene law (except that with respect to the city of New York such term shall mean the board of estimate), of a city or county may, upon such terms and conditions as shall be approved by such governing body and for such consideration, if any, as may be determined by such governing body, but not to exceed the cost of acquisition thereof and the cost of improvements thereon, exclusive of any costs reimbursed or to be reimbursed in accordance with the provisions of article forty-one of title E of the mental hygiene law otherwise, execute and deliver to the corporation a lease for a term not exceeding forty years or a deed (i) conveying to the corporation real property and one or more community mental health and [~~retardation~~] developmental disabilities facilities of the city or county located thereon, a portion of the costs of which facilities are eligible for state reimbursement in accordance with the provisions of article forty-one of title E or article twenty-five of title D of the mental hygiene law or (ii) conveying to the corporation real property of the city or county or an interest therein, for the purpose of causing to be constructed, reconstructed, rehabilitated or improved thereon one or more community mental health and [~~retardation~~] developmental disabilities facilities pursuant to this act, such community mental health and [~~retardation~~] developmental disabilities facilities to be made available to such county or city for use and occupancy under lease, sublease or other agreement upon such terms and conditions as may be agreed upon, including terms and conditions relating to length of terms, maintenance and repair of community mental health and [~~retardation~~] developmental disabilities facilities during such term and the annual rentals to be paid therefor for the use thereof. The corporation is hereby authorized to accept any such lease or conveyance, to hold such real property, to enter into a lease, sublease or other agreement with such city or county for the purpose of making such community mental health and [~~retardation~~] developmental disabilities facility so acquired or to be constructed, reconstructed, rehabilitated or improved thereon available for use and occupancy by such city or county, and to lease or convey real property so acquired to the New York state housing finance agency or the medical care facilities finance agency, provided, however, that any such further lease or conveyance shall be solely for the purpose of causing community mental health and [~~retardation~~] developmental disabilities facilities to be acquired, constructed, reconstructed, rehabilitated or improved thereon, such

community mental health and [~~retardation~~] **developmental disabilities** facilities to be made available to such city or county for use and occupancy under a lease, sublease or other agreement between the corporation and such city or county, upon such terms and conditions as may be agreed upon. No such lease or conveyance from the corporation to the New York state housing finance agency or the state medical care facilities finance agency shall be for a consideration in excess of the cost of acquisition of such real property and the costs of improvements thereon. The appropriate commissioner of the department, on behalf of his **or her** office, and the director of the budget shall approve all leases, subleases or agreements, whether between the corporation and such city or county or between the corporation and the housing finance agency or the state medical care facilities finance agency, and the appropriate commissioner of the department shall be a party thereto. The appropriate division of the office of [~~alcoholism and substance abuse~~] **addiction services and supports** shall also approve all such leases, subleases or agreements relating to the construction, reconstruction, rehabilitation or improvement of community mental health and [~~retardation~~] **developmental disabilities** facilities, constituting alcoholism or substance abuse facilities for use in an alcoholism or substance abuse treatment program as defined in the mental hygiene law.

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

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

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

e. The cost of construction, acquisition, reconstruction, rehabilitation or improvement of community mental health and [~~retardation~~]

developmental disabilities facilities undertaken by the corporation pursuant to this act may include the cost of acquisition of any real property leased or conveyed to the corporation pursuant to paragraph a of this subdivision [~~six~~] and the cost of the original furnishing, equipment, machinery and apparatus as determined by the corporation.

f. The provisions of this act shall not be deemed to prevent a city or county from financing the cost of constructing, acquiring, reconstructing, rehabilitating or improving a community mental health and [~~retardation~~] developmental disabilities facility by the issuance of bonds or capital notes of such city or county pursuant to the local finance law.

§ 55. The fifth undesignated paragraph of section 2 of section 1 of chapter 392 of the laws of 1973, constituting the medical care facilities finance agency act, as added by chapter 58 of the laws of 1987, is amended to read as follows:

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

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

4. As used in this section or in connection with a federally-aided mortgage loan, the term "project" means a specific work or improvement, whether or not to effectuate all or any part of a plan, and includes lands, buildings, improvements, fixtures and personal property constructed, acquired, reconstructed, refinanced, rehabilitated, improved, managed, owned or operated by a non-profit corporation pursuant to this section, to provide hospital, residential health care, residential facilities for [~~the mentally retarded and~~] developmentally disabled persons or [~~the~~] mentally disabled persons or for the care, treatment, training and education of [~~the mentally retarded and~~] developmentally disabled persons or [~~the~~] mentally disabled persons or comprehensive health services facilities and such related incidental and appurtenant facilities as the agency may approve. The term "project" shall also mean a separate work or improvement, including lands, buildings, fixtures and personal property related thereto, managed, owned or operated by a non-profit corporation pursuant to this section to provide such services, functions, capabilities and facilities as may be convenient or desirable for the operation of a hospital, a residential health care or comprehensive health services facility.

6. As used in this section or in connection with federally-aided mortgage loan regarding residential facilities for [~~the mentally retarded and~~] developmentally disabled persons or [~~the~~] mentally disabled persons or for the care, treatment, training and education of [~~the mentally retarded and~~] developmentally disabled persons or [~~the~~] mentally disabled persons the term "commissioner" shall also mean the commissioner of

mental health or the commissioner of the office for people with developmental disabilities.

§ 57. Paragraph a of subdivision 1 of section 9-a of section 1 of chapter 392 of the laws of 1973, constituting the medical care facilities finance agency act, as amended by chapter 166 of the laws of 1991, is amended to read as follows:

a. "Mental health services 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 of any kind or description, including fixtures and equipment which may or may not be 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 state department of mental hygiene. A mental health services facility shall also mean and include a residential care center for adults, a "community mental health and [~~retardation~~] **developmental disabilities** facility", and a state or voluntary operated 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. The definition contained in this subdivision shall not be construed to exclude therefrom a facility, whether or not owned or leased by a voluntary agency, to be made available under lease, or sublease, from the facilities development corporation to a voluntary agency at the request of the commissioners of the offices and directors of the divisions of the department of mental hygiene having jurisdiction thereof for use in providing services in a residential care center for adults, community mental health and [~~retardation~~] **developmental disabilities** services, or for use in the conduct of an alcoholism or substance abuse treatment program. For purposes of this section mental health services facility shall also mean mental hygiene facility as defined in subdivision ten of section three of the facilities development corporation act.

§ 58. This act shall take effect immediately, provided, however, that the amendments to paragraph (k) of subdivision 1 of section 364-j of the social services law made by section forty-two of this act shall not affect the repeal of such section and shall be deemed repealed therewith; and provided further, that the amendments to subclause (iii) of clause (c) of subparagraph 4 of paragraph b of subdivision 1 of section 4402 of the education law made by section twelve of this act shall be subject to the expiration and reversion of such subdivision pursuant to subdivision d of section 27 of chapter 378 of the laws of 2007, as amended when upon such date the provisions of section thirteen of this act shall take effect.