

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:

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

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

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

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.

1 Upon entry of a verdict of not responsible by reason of mental disease
2 or defect, or upon the acceptance of a plea of not responsible by reason
3 of mental disease or defect, the court must immediately issue an exam-
4 ination order. Upon receipt of such order, the commissioner must desig-
5 nate two qualified psychiatric examiners to conduct the examination to
6 examine the defendant. In conducting their examination, the psychiatric
7 examiners may employ any method which is accepted by the medical profes-
8 sion for the examination of persons alleged to be suffering from a
9 dangerous mental disorder or to be mentally ill or [~~retarded~~] having a
10 developmental disability. The court may authorize a psychiatrist or
11 psychologist retained by a defendant to be present at such examination.
12 The clerk of the court must promptly forward a copy of the examination
13 order to the mental hygiene legal service and such service may thereaft-
14 er participate in all subsequent proceedings under this section.

15 § 5. Section 252 of the debtor and creditor law, as amended by chapter
16 115 of the laws of 1981, is amended to read as follows:

17 § 252. Payment by committee or conservator of claims. A committee of
18 the property of a person, incompetent by reason of mental illness,
19 [~~mental retardation~~] a developmental disability or alcohol abuse, to
20 manage his or her affairs, or a conservator of the property of a conser-
21 vatee, may, under direction of the court exercising jurisdiction of such
22 estate, after payment of the expenses, disbursements and commissions of
23 such trust, apply so much of the funds and property of said estate
24 remaining in his or her hands as such committee or conservator, as may
25 be necessary to pay and discharge the proper claims of creditors who
26 have presented claims pursuant to the notice in this article provided
27 for, to the payment of such claims, and if the property so remaining be
28 insufficient to pay such claims in full, then the committee or conserva-
29 tor may distribute the same according to law among the creditors who
30 have presented and proved their claims as in this article provided, and
31 such payment, when so made in good faith and under direction of such
32 court, shall relieve such committee or conservator and his or her sure-
33 ties from liability to creditors who have failed to present their claims
34 as in this article provided.

35 § 6. The third undesignated paragraph of subdivision 1 of section 13-d
36 of the domestic relations law, as added by chapter 371 of the laws of
37 1986, is amended to read as follows:

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

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

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

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

53 (g) For classes of instruction for [~~mentally retarded~~] minors with
54 developmental disabilities operated by a private organization approved
55 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

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

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

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

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

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

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

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

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

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

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

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

1 or for the renewal of, a license, registration or limited permit to be a
2 physician, chiropractor, dentist, registered nurse, podiatrist, optome-
3 trist, psychiatrist, psychologist, licensed master social worker,
4 licensed clinical social worker, licensed creative arts therapist,
5 licensed marriage and family therapist, licensed mental health counse-
6 lor, licensed psychoanalyst, dental hygienist, licensed behavior
7 analyst, or certified behavior analyst assistant shall, in addition to
8 all the other licensure, certification or permit requirements, have
9 completed two hours of coursework or training regarding the identifica-
10 tion and reporting of child abuse and maltreatment. The coursework or
11 training shall be obtained from an institution or provider which has
12 been approved by the department to provide such coursework or training.
13 The coursework or training shall include information regarding the phys-
14 ical and behavioral indicators of child abuse and maltreatment and the
15 statutory reporting requirements set out in sections four hundred thir-
16 teen through four hundred twenty of the social services law, including
17 but not limited to, when and how a report must be made, what other
18 actions the reporter is mandated or authorized to take, the legal
19 protections afforded reporters, and the consequences for failing to
20 report. Such coursework or training may also include information regard-
21 ing the physical and behavioral indicators of the abuse of individuals
22 with [~~mental retardation and other~~] developmental disabilities and
23 voluntary reporting of abused or neglected adults to the office for
24 people with developmental disabilities or the local adult protective
25 services unit. Each applicant shall provide the department with documen-
26 tation showing that he or she has completed the required training. The
27 department shall provide an exemption from the child abuse and maltreat-
28 ment training requirements to any applicant who requests such an
29 exemption and who shows, to the department's satisfaction, that there
30 would be no need because of the nature of his or her practice for him or
31 her to complete such training;

32 § 16. Subparagraph (i) of paragraph (a) of subdivision 1 of section
33 509 of the executive law, as added by chapter 659 of the laws of 1977
34 and renumbered by chapter 465 of the laws of 1992, is amended to read as
35 follows:

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

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

42 (b) The family court has such other jurisdiction as is set forth in
43 this act, including jurisdiction over habeas corpus proceedings and over
44 applications for support, maintenance, a distribution of marital proper-
45 ty and custody in matrimonial actions when referred to the family court
46 by the supreme court, conciliation proceedings, and proceedings concern-
47 ing physically handicapped and [~~mentally defective or retarded~~] develop-
48 mentally disabled children.

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

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

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

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

8 (A) Coverage of an unmarried dependent child who is incapable of self-
9 sustaining employment by reason of mental illness, developmental disa-
10 bility, [~~or mental retardation,~~] as defined in the mental hygiene law,
11 or physical handicap and who became so incapable prior to attainment of
12 the age at which dependent coverage would otherwise terminate and who is
13 chiefly dependent upon such policyholder for support and maintenance,
14 shall not terminate while the policy remains in force and the dependent
15 remains in such condition, if the policyholder has within thirty-one
16 days of such dependent's attainment of the limiting age submitted proof
17 of such dependent's incapacity as described herein.

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

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

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

41 § 21. Item (ii) of subparagraph (A) of paragraph 1 and paragraph 3 of
42 subsection (d) of section 4304 of the insurance law, as amended by chap-
43 ter 219 of the laws of 2011, are amended to read as follows:

44 (ii) The coverage of any such "family contract" shall include any
45 other unmarried child, regardless of age, who is incapable of self-sus-
46 taining employment by reason of mental illness, developmental disabili-
47 ty, [~~mental retardation,~~] as defined in the mental hygiene law, or phys-
48 ical handicap and who became so incapable prior to attainment of the age
49 at which coverage would otherwise terminate.

50 (3) Coverage of an unmarried dependent child who is incapable of self-
51 sustaining employment by reason of mental illness, developmental disa-
52 bility [~~or mental retardation~~], as defined in the mental hygiene law, or
53 physical handicap and who became so incapable prior to attainment of the
54 age at which coverage would otherwise terminate and who is chiefly
55 dependent upon the contract holder for support and maintenance, shall
56 not terminate while the contract remains in force and the child remains

1 in such condition, if the contract holder has within thirty-one days of
2 such child's attainment of the limiting age submitted proof of such
3 child's incapacity as described herein.

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

7 (ii) a contract under which coverage terminates at a specified age
8 shall, with respect to an unmarried child who is incapable of self-sus-
9 taining employment by reason of mental illness, developmental disabili-
10 ty, [~~mental retardation~~], as defined in the mental hygiene law, or phys-
11 ical handicap and who became so incapable prior to attainment of the age
12 at which coverage would otherwise terminate and who is chiefly dependent
13 upon such member for support and maintenance, not so terminate while the
14 contract remains in force and the child remains in such condition, if
15 the member has within thirty-one days of such child's attainment of the
16 termination age submitted proof of such child's incapacity as described
17 herein.

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

21 a. When a court orders a hearing in a proceeding upon a writ of habeas
22 corpus to inquire into the cause of detention of a person in custody in
23 a state institution, or when it orders a hearing in a civil proceeding
24 to commit or transfer a person to or retain him in a state institution
25 when such person is alleged to be mentally ill, mentally defective or a
26 narcotic addict, or when it orders a hearing for the commitment of the
27 guardianship and custody of a child to an authorized agency by reason of
28 the mental illness or [~~mental retardation~~] developmental disability of a
29 parent, or when it orders a hearing to determine whether consent to the
30 adoption of a child shall be required of a parent who is alleged to be
31 mentally ill or [~~mentally retarded~~] developmentally disabled, or when it
32 orders a hearing to determine the best interests of a child when the
33 parent of the child revokes a consent to the adoption of such child and
34 such revocation is opposed or in any adoption or custody proceeding if
35 it determines that assignment of counsel in such cases is mandated by
36 the constitution of this state or of the United States, the court may
37 assign counsel to represent such person if it is satisfied that he is
38 financially unable to obtain counsel. Upon an appeal taken from an order
39 entered in any such proceeding, the appellate court may assign counsel
40 to represent such person upon the appeal if it is satisfied that he is
41 financially unable to obtain counsel.

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

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

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

50 1. develop standards for admissions to all facilities for the care of
51 the mentally ill, [~~mentally retarded and~~] developmentally disabled, and
52 those suffering from the disease of alcoholism, alcohol abuse, substance
53 abuse or substance dependence consistent with the requirements of arti-
54 cles nine[~~7~~] and fifteen [~~and twenty-one~~] of this chapter taking into
55 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,

1 fixtures, and articles of personal property, constructed, acquired,
2 reconstructed, rehabilitated, managed, owned, or operated by a company
3 pursuant to this article, to provide community residential facilities
4 for operation as hostels for the mentally disabled or for the care,
5 treatment, training, education of the mentally disabled, or both,
6 including such facilities as may be incidental or appurtenant thereto.

7 4. "Project cost", "community mental health services project cost" or
8 "community [~~mental-retardation~~] developmental disabilities services
9 project cost". The sum total of all costs incurred by a company as
10 approved by the commissioner as reasonable and necessary for carrying
11 out all works and undertakings and providing all necessary equipment for
12 the development of a project less any portion of any state, federal or
13 municipal assistance grant, as the commissioner shall, prior to the
14 making of a mortgage loan by the New York state housing finance agency
15 to a company, determine to be available to reimburse the company for the
16 payment of such project costs prior to the initial occupancy of the
17 project, and all costs relating to the refinancing of existing indebt-
18 edness associated with the development of the project which constitutes
19 a lien or other encumbrance upon the real property or assets of a compa-
20 ny to be mortgaged or otherwise pledged to the agency. These shall
21 include but are not necessarily limited to the carrying charges during
22 construction up to and including the occupancy date, working capital not
23 exceeding three per centum of the estimated total cost or three percen-
24 tum of the actual total final cost, whichever is larger, the cost of all
25 necessary studies, surveys, plans and specifications, architectural,
26 engineering, legal, or other special services, the cost of acquisition
27 of land and any improvements thereon, site preparation and development,
28 construction, reconstruction, rehabilitation, improvement and equipment,
29 including fixtures, equipment, and articles of personal property
30 required for the operation of care, treatment, training, educational,
31 and residential facilities, the reasonable cost of financing incurred by
32 the company in the course of the development of the project, up to and
33 including the occupancy date, the fees imposed by the commissioner and
34 by the New York state housing finance agency; other fees charged, and
35 necessary expenses incurred in connection with the initial occupancy of
36 the project, and the cost of such other items as the commissioner may
37 determine to be reasonable and necessary for the development of a
38 project, less any and all rents and other net revenues from the opera-
39 tion of the real property, improvements or personal property on the
40 project site, or any part thereof, by the company on and after the date
41 on which the contract between the company and the New York state housing
42 finance agency was entered into and prior to the occupancy date.

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

46 1. "Children with physical disabilities" means any persons under twen-
47 ty-one years of age who are disabled by reason of a defect or disabili-
48 ty, whether congenital or acquired by accident, injury, or disease, or
49 who are suffering from long-term disease, including, but without limit-
50 ing the generality of the foregoing, chronic granulomatous, cystic
51 fibrosis, epidermolysis bullosa, muscular dystrophy, nephrosis, rheumat-
52 ic fever and rheumatic heart disease, blood dyscrasies, cancer, lymphat-
53 ic diseases, including, but not limited to: insufficiency of lymphatic
54 circulatory function (to include all forms of lymphedema, both primary
55 and secondary); lipedema; complex vascular diseases of the lymphatic
56 vasculature, including lymphangiomatosis, lymphangioma-myomatosis,

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

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

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

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

25 Transfer of unappropriated state lands for mental health, [~~mental~~
26 ~~retardation~~] developmental disabilities, park, recreation, playground,
27 reforestation, street or highway purposes. 1. Such commissioner of
28 general services may, from time to time, transfer and convey to a city,
29 incorporated village, town or county, in consideration of one dollar to
30 be paid to the state of New York, and on such terms and conditions as
31 such commissioner may impose, a part or all of any parcel or parcels of
32 unappropriated state lands upon certification that such parcel or
33 parcels are useful for local mental health facilities, [~~mental-retarda-~~
34 ~~tion~~] developmental disabilities facilities, park, recreation, play-
35 ground, reforestation, street or highway purposes, and that they will be
36 properly improved and maintained for one or more of such purposes and
37 provided that this disposition of such parcel or parcels is not other-
38 wise prohibited. Certification shall be evidenced by a formal request
39 from the board of estimate, common council, village board, town board or
40 county board of supervisors, setting forth in detail the parcel or
41 parcels to be released, transferred and conveyed and the availability
42 and usefulness of such parcel or parcels for one or more of such
43 purposes. In the city of New York however, certification shall be
44 evidenced by a formal request from the mayor. In the event that lands
45 transferred under the provisions of this section are not properly
46 improved and maintained for one or more of the purposes contemplated by
47 this section by the city, village, town or county to which they were
48 transferred, the title thereto shall revert to the people of the state
49 of New York, and the attorney-general may institute an action in the
50 supreme court for a judgment declaring a revesting of such title in the
51 state. Such commissioner may also transfer any unappropriated state
52 lands to the office of parks, recreation and historic preservation or
53 the department of environmental conservation, upon the application of
54 the commissioner thereof indicating that such unappropriated state lands
55 are required for state park purposes within the area of jurisdiction of
56 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 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

1 nursing home project bonds, urban rental project bonds, health facili-
2 ties bonds, youth facilities project bonds, community mental health
3 services and [~~mental-retardation~~] developmental disabilities services
4 project bonds, community senior citizens services project bonds, mental
5 hygiene improvement bonds and revenue housing bonds and bonds and notes
6 for the housing program, except for the purpose of paying principal of,
7 interest and sinking fund payments becoming due on such bonds of the
8 agency maturing and becoming due and for the payment of which other
9 moneys of the agency are not available. For the purposes of this subdi-
10 vision [~~one~~], in computing the maximum amount of principal maturing at a
11 single future date (herein called "term bonds") in any succeeding calen-
12 dar year, the principal amount of any such term bonds which are subject
13 to mandatory redemption prior to such future date by sinking fund
14 payments shall not be included in the computation determining the maxi-
15 mum amount of principal maturing in said future year. Any income or
16 interest earned by, or increment to, the capital reserve fund due to the
17 investment thereof may be transferred by the agency to the general
18 reserve fund or other fund of the agency to the extent it does not
19 reduce the amount of the capital reserve fund below the maximum amount
20 of principal and interest maturing and becoming due and sinking fund
21 payments required to be made in any succeeding calendar year on all such
22 bonds of the agency then outstanding other than state university
23 construction bonds, equity bonds, non-profit project bonds, hospital and
24 nursing home project bonds, urban rental project bonds, health facili-
25 ties bonds, youth facilities project bonds, community mental health
26 services and [~~mental-retardation~~] developmental disabilities services
27 project bonds, community senior citizens services project bonds, mental
28 hygiene improvement bonds and revenue housing bonds and bonds and notes
29 for the housing program.

30 (b) The agency shall not issue bonds other than state university
31 construction bonds, equity bonds, non-profit project bonds, hospital and
32 nursing home project bonds, urban rental project bonds, health facili-
33 ties bonds, youth facilities project bonds, community mental health
34 services and [~~mental-retardation~~] developmental disabilities services
35 project bonds, community senior citizens services project bonds, mental
36 hygiene improvement bonds and revenue housing bonds and bonds and notes
37 for the housing program at any time secured by the capital reserve fund
38 if the maximum amount of principal and interest maturing and becoming
39 due and sinking fund payments required to be made in a succeeding calen-
40 dar year on such bonds then to be issued and on all other bonds of the
41 agency then outstanding 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 will exceed the amount of the capital reserve fund at
49 the time of issuance unless the agency, at the time of issuance of such
50 bonds, shall deposit in such fund from the proceeds of the bonds so to
51 be issued, or otherwise, an amount which, together with the amount then
52 in such fund, will be not less than the maximum amount of principal and
53 interest maturing and becoming due and sinking fund payments required to
54 be made in any succeeding calendar year on such bonds then to be issued
55 and on all other bonds of the agency then outstanding other than state
56 university construction bonds, equity bonds, non-profit project bonds,

1 hospital and nursing home project bonds, urban rental project bonds,
2 health facilities bonds, youth facilities project bonds, community
3 mental health services and [~~mental-retardation~~] developmental disabili-
4 ties services project bonds, community senior citizens services project
5 bonds, mental hygiene improvement bonds and revenue housing bonds and
6 bonds and notes for the housing program.

7 (c) The agency shall not issue bonds and notes other than state
8 university construction bonds and state university construction notes,
9 hospital and nursing home project bonds and hospital and nursing home
10 project notes, health facilities bonds and health facilities notes,
11 youth facilities project bonds and youth facilities project notes,
12 community mental health services and [~~mental-retardation~~] developmental
13 disabilities services project bonds and community mental health services
14 and [~~mental-retardation~~] developmental disabilities services project
15 notes, community senior citizens services project notes or community
16 senior citizens services project bonds and mental hygiene improvement
17 bonds and mental hygiene improvement notes and bonds and notes for the
18 housing program for any of its corporate purposes in an aggregate prin-
19 cipal amount exceeding thirty-one billion two hundred eighty million
20 dollars, excluding bonds and notes issued to refund outstanding bonds
21 and notes.

22 (d) To assure the continued operation and solvency of the agency for
23 the carrying out of the public purposes of this article, provision is
24 made in paragraph (a) of this subdivision for the accumulation in the
25 capital reserve fund of an amount equal to the maximum amount of princi-
26 pal and interest maturing and becoming due and sinking fund payments
27 required to be made in any succeeding calendar year on all bonds of the
28 agency then outstanding other than state university construction bonds,
29 equity bonds, non-profit project bonds, hospital and nursing home
30 project bonds, urban rental project bonds, health facilities bonds,
31 youth facilities project bonds, community mental health services and
32 [~~mental-retardation~~] developmental disabilities services project bonds,
33 community senior citizens services project bonds, mental hygiene
34 improvement bonds and revenue housing bonds and bonds and notes for the
35 housing program. In order further to assure such maintenance of the
36 capital reserve fund, there shall be annually apportioned and paid to
37 the agency for deposit in the capital reserve fund such sum, if any, as
38 shall be certified by the chairman of the agency to the governor and
39 director of the budget as necessary to restore the capital reserve fund
40 to an amount equal to the maximum amount of principal and interest
41 maturing and becoming due and sinking fund payments required to be made
42 in any succeeding calendar year on the bonds of the agency then
43 outstanding other than state university construction bonds, equity
44 bonds, non-profit project bonds, hospital and nursing home project
45 bonds, urban rental project bonds, health facilities bonds, youth facil-
46 ities project bonds, community mental health services and [~~mental-retar-~~
47 ~~dation~~] developmental disabilities services project bonds, community
48 senior citizens services project bonds, mental hygiene improvement bonds
49 and revenue housing bonds and bonds and notes for the housing program.
50 The chairman of the agency shall annually, on or before December first,
51 make and deliver to the governor and director of the budget his certifi-
52 cate stating the amount, if any, required to restore the capital
53 reserve fund to the amount aforesaid and the amount so stated, if any,
54 shall be apportioned and paid to the agency during the then current
55 state fiscal year. The principal amount of bonds secured by the capital
56 reserve fund to which state funds are apportionable pursuant to this

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

16 2. The agency shall create and establish a special fund (herein
17 referred to as general reserve fund) and shall pay into such fund all
18 fees and charges collected by the agency pursuant to paragraph (a) of
19 subdivision eleven of section forty-four of this article, or otherwise,
20 other than fees and charges collected in connection with the making of
21 mortgage loans (or commitments therefor) to mutual companies, non-profit
22 companies, urban rental companies or community development corporations,
23 and any monies which the agency shall transfer from the capital reserve
24 fund pursuant to the provisions of paragraph (a) of subdivision one of
25 this section. Such monies and any other monies paid into the general
26 reserve fund may, in the discretion of the agency but subject to agree-
27 ments with bondholders and noteholders, be used by the agency (a) for
28 the repayment of advances from the state in accordance with the
29 provisions of repayment agreements between the agency and the director
30 of the budget, (b) to reimburse the division of housing and community
31 renewal the reasonable costs of the services performed by the commis-
32 sioner of housing and community renewal and division of housing and
33 community renewal pursuant to section fifty-five of this article, (c) to
34 pay all costs, expenses and charges of financing, including fees and
35 expenses of trustees and paying agents, (d) for transfers to the capital
36 reserve fund, (e) for the payment of the principal of and interest on
37 bonds or notes other than state university construction bonds or state
38 university construction notes, equity bonds or equity notes, non-profit
39 project bonds or non-profit project notes, hospital and nursing home
40 project bonds or hospital and nursing home project notes, urban rental
41 project bonds or urban rental project notes, health facilities bonds or
42 health facilities notes, youth facilities project bonds or youth facili-
43 ties project notes, community mental health services and [~~mental-retar-~~
44 ~~dation~~] developmental disabilities services project bonds or community
45 mental health services and [~~mental-retardation~~] developmental disabili-
46 ties services project notes, community senior citizens services project
47 notes or community senior citizens services project bonds, mental
48 hygiene improvement bonds or mental hygiene improvement notes and reven-
49 ue housing bonds and bonds and notes for the housing program issued by
50 the agency when the same shall become due whether at maturity or on call
51 for redemption and for the payment of any redemption premium required to
52 be paid where such bonds or notes are redeemed prior to their stated
53 maturities, and to purchase bonds or notes other than state university
54 construction bonds or state university construction notes, equity bonds
55 or equity notes, non-profit project bonds or non-profit project notes,
56 hospital and nursing home project bonds or hospital and nursing home

1 project notes, urban rental project bonds or urban rental project notes,
2 health facilities bonds or health facilities notes, youth facilities
3 project bonds or youth facilities project notes, community mental health
4 services and [~~mental-retardation~~] developmental disabilities services
5 project bonds or community mental health services and [~~mental-retarda-~~
6 ~~tion~~] developmental disabilities services project notes, community
7 senior citizens services project notes or community senior citizens
8 services project bonds, mental hygiene improvement bonds or mental
9 hygiene improvement notes and revenue housing bonds and bonds and notes
10 for the housing program issued by the agency, or (f) for such other
11 corporate purposes of the agency as the agency in its discretion shall
12 determine and provide.

13 (a) The agency may create and establish a special fund to be known as
14 community mental health services and [~~mental-retardation~~] developmental
15 disabilities services capital reserve fund and may pay into such reserve
16 funds (1) any monies appropriated and made available by the state for
17 the purposes of such funds, (2) any proceeds of sale of community mental
18 health services and [~~mental-retardation~~] developmental disabilities
19 services project notes or community mental health services and [~~mental-~~
20 ~~retardation~~] developmental disabilities services project bonds, to the
21 extent provided in the resolution of the agency authorizing the issuance
22 thereof, and (3) any other monies which may be made available to the
23 agency for the purposes of such accounts from any other source or sourc-
24 es. The monies held in or credited to the capital reserve fund estab-
25 lished under this subdivision except as hereinafter provided, shall be
26 used solely for the payment of principal of community mental health
27 services and [~~mental-retardation~~] developmental disabilities services
28 project bonds of the agency secured by such reserve fund, as the same
29 mature, the purchase of such community mental health services and
30 [~~mental-retardation~~] developmental disabilities services project bonds
31 of the agency, the payment of interest on such community mental health
32 services and [~~mental-retardation~~] developmental disabilities services
33 project bonds of the agency, or the payment of any redemption premium
34 required to be paid when such bonds are redeemed prior to maturity;
35 provided, however, that monies in any such fund shall not be withdrawn
36 therefrom at any time in such amount as would reduce the amount of such
37 fund to less than the maximum amount of principal and interest maturing
38 and becoming due in any succeeding calendar year on the community mental
39 health services and [~~mental-retardation~~] developmental disabilities
40 services project bonds of the agency then outstanding and secured by
41 such reserve fund, except for the purpose of paying principal and inter-
42 est on community mental health services and [~~mental-retardation~~] devel-
43 opmental disabilities services project bonds of the agency secured by
44 such reserve fund maturing and becoming due and for the payment of which
45 other monies of the agency are not available. Any income or interest
46 earned by, or increment to, any such community mental health services
47 and [~~mental-retardation~~] developmental disabilities services capital
48 reserve fund due to the investment thereof may be transferred to the
49 community mental health services and [~~mental-retardation~~] developmental
50 disabilities services general reserve fund or other fund of the agency,
51 to the extent it does not reduce the amount of such community mental
52 health services and [~~mental-retardation~~] developmental disabilities
53 services capital reserve fund below the maximum amount of principal and
54 interest maturing and becoming due in any succeeding calendar year on
55 all community mental health services and [~~mental-retardation~~] develop-

1 mental disabilities services project bonds of the agency then outstand-
2 ing and secured by such reserve fund.

3 (b) The agency shall not issue community mental health services and
4 ~~[mental-retardation]~~ developmental disabilities services project bonds
5 and notes in an aggregate principal amount exceeding one hundred million
6 dollars excluding community mental health services and ~~[mental-retarda-~~
7 ~~tion]~~ developmental disabilities services project bonds and community
8 mental health services and ~~[mental-retardation]~~ developmental disabili-
9 ties services project notes issued to refund outstanding community
10 mental health services and ~~[mental-retardation]~~ developmental disabili-
11 ties services project bonds and community mental health services and
12 ~~[mental-retardation]~~ developmental disabilities services project notes,
13 nor shall it issue community mental health services and ~~[mental-retarda-~~
14 ~~tion]~~ developmental disabilities services project bonds at any time
15 secured by the community mental health services and ~~[mental-retardation]~~
16 developmental disabilities services capital reserve fund if the maximum
17 amount of principal and interest maturing and becoming due in a succeed-
18 ing calendar year on the community mental health services and ~~[mental-~~
19 ~~retardation]~~ developmental disabilities services project bonds outstand-
20 ing and then to be issued and secured by the community mental health
21 services and ~~[mental-retardation]~~ developmental disabilities services
22 capital reserve fund will exceed the amount of such reserve fund at the
23 time of issuance, unless the agency, at the time of issuance of such
24 bonds, shall deposit in such reserve fund from the proceeds of the bonds
25 so to be issued, or otherwise, an amount which together with the amount
26 then in such reserve fund, will be not less than the maximum amount of
27 principal and interest maturing and becoming due in any succeeding
28 calendar year on the community mental health services and ~~[mental-retar-~~
29 ~~dation]~~ developmental disabilities services project bonds then to be
30 issued and on all other community mental health services and ~~[mental-~~
31 ~~retardation]~~ developmental disabilities services project bonds of the
32 agency then outstanding and secured by such reserve fund.

33 (c) To assure the continued operation and solvency of the agency for
34 the carrying out of the public purposes of this article provision is
35 made in paragraph (a) of this subdivision for the accumulation in the
36 community mental health services and ~~[mental-retardation]~~ developmental
37 disabilities services capital reserve fund of an amount equal to the
38 maximum amount of principal and interest maturing and becoming due in
39 any succeeding calendar year on all community mental health services and
40 ~~[mental-retardation]~~ developmental disabilities services project bonds
41 of the agency then outstanding and secured by such reserve fund. In
42 order further to assure the maintenance of such community mental health
43 services and ~~[mental-retardation]~~ developmental disabilities services
44 capital reserve fund, there shall be annually apportioned and paid to
45 the agency for deposit in such community mental health services and
46 ~~[mental-retardation]~~ developmental disabilities services capital reserve
47 fund such sum, if any, as shall be certified by the chairman of the
48 agency to the governor and director of the budget as necessary to
49 restore such reserve fund to an amount equal to the maximum amount of
50 principal and interest maturing and becoming due in any succeeding
51 calendar year on the community mental health services and ~~[mental-retar-~~
52 ~~dation]~~ developmental disabilities services project bonds of the agency
53 then outstanding and secured by such reserve fund. The chairman of the
54 agency shall annually, on or before December first, make and deliver to
55 the governor and director of the budget his or her certificate stating
56 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

1 paid where such community mental health services and [~~mental-retarda-~~
2 ~~tion~~] developmental disabilities services project bonds and notes are
3 redeemed prior to their stated maturities and to purchase community
4 mental health services and [~~mental-retardation~~] developmental disabili-
5 ties services project bonds or notes issued by the agency, or (f) for
6 such other corporate purposes of the agency as the agency in its
7 discretion shall determine and provide.

8 (a) The agency may create and establish one or more special funds to
9 be known as community mental health services and [~~mental-retardation~~]
10 developmental disabilities services capital reserve funds and may pay
11 into such reserve funds (1) any monies appropriated and made available
12 by the state for the purposes of such funds, (2) any proceeds of the
13 sale of community mental health services and [~~mental-retardation~~] devel-
14 opmental disabilities services project revenue bonds or notes, to the
15 extent provided in the resolution of the agency authorizing the issuance
16 thereof, and (3) any other monies which may be made available to the
17 agency for the purposes of such fund or funds from any other source or
18 sources. The monies held in or credited to a capital reserve fund estab-
19 lished under this subdivision, except as hereinafter provided and as
20 provided in agreements with bondholders and noteholders, shall be used
21 solely for the payment of principal of community mental health services
22 and [~~mental-retardation~~] developmental disabilities services project
23 revenue bonds of the agency secured by such reserve fund, as the same
24 mature, required payments to any sinking fund established in a resol-
25 ution of the agency for the amortization of term bonds (hereinafter
26 referred to as "sinking fund payments"), the purchase of such revenue
27 bonds of the agency, the payment of interest on such revenue bonds of
28 the agency, or the payment of any redemption premium required to be paid
29 when such bonds are redeemed prior to maturity. Any income or interest
30 earned by, or increment to, any such community mental health services
31 and [~~mental-retardation~~] developmental disabilities services capital
32 reserve fund due to the investment thereof may be transferred to the
33 agency, subject to agreements with bondholders and noteholders.

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

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

1 ment agreements between the agency and the director of the budget, (ii)
2 to reimburse the department of mental hygiene the reasonable costs of
3 the services performed by the commissioner of mental hygiene and the
4 department of mental hygiene pursuant to subdivision five of section
5 fifty-five of this article, including the reasonable costs of such
6 services performed by the facilities development corporation upon
7 request by the commissioner of mental hygiene pursuant to the provisions
8 of section 75.25 of the mental hygiene law, (iii) to pay all costs,
9 expenses and charges of financing, including fees and expenses of trus-
10 tees and paying agents, (iv) for transfers to a community mental health
11 services and [~~mental-retardation~~] developmental disabilities services
12 capital reserve fund, (v) for the payment of principal of and interest
13 on community mental health services and [~~mental-retardation~~] develop-
14 mental disabilities services project revenue bonds and notes issued by
15 the agency when the same shall become due whether at maturity or on call
16 for redemption and for the payment of any redemption premium required to
17 be paid where such community mental health services and [~~mental-retarda-~~
18 ~~tion~~] developmental disabilities services project revenue bonds and
19 notes are redeemed prior to their stated maturities and to purchase
20 community mental health services and [~~mental-retardation~~] developmental
21 disabilities services revenue bonds or notes issued by the agency, or
22 (vi) for such other corporate purposes of the agency as the agency in
23 its discretion shall determine and provide.

24 § 36. Paragraphs a and b of subdivision 1 of section 47-b of the
25 private housing finance law, as amended by chapter 471 of the laws of
26 1980, are amended to read as follows:

27 a. "Community mental health and [~~retardation~~] developmental disabili-
28 ties facility" shall mean a building, a unit within a building, a labo-
29 ratory, a classroom, a housing unit, a dining hall, an activities
30 center, a library, or any structure on or improvement to real property
31 of any kind or description, including fixtures and equipment which are
32 an integral part of such building, unit or structure or improvement, a
33 walkway, a roadway or a parking lot and improvements and connections for
34 water, sewer, gas, electrical, telephone, heating, air conditioning and
35 other utility services, or a combination of any of the foregoing, wheth-
36 er for patient care and treatment or staff, staff family or service use,
37 located in a city, or in a county not wholly included within a city,
38 authorized to provide community mental health services in accordance
39 with the provisions of article forty-one of title E of the mental
40 hygiene law, which is utilized or to be utilized for the administration
41 and conduct of programs for [~~the mentally ill or the mentally retarded~~]
42 people living with either mental illness or developmental disabilities,
43 or both, and for the provision of services therefor. A community mental
44 health and retardation facility shall also mean and include a residen-
45 tial facility to be operated as a community residence for the mentally
46 disabled, and a treatment facility for use in the conduct of an alcohol-
47 ism treatment program or of a substance abuse treatment program as
48 defined in the mental hygiene law.

49 b. "Mental hygiene facility" shall mean a building, a unit within a
50 building, a laboratory, a classroom, a housing unit, a dining hall, an
51 activities center, a library, or any structure on or improvement to real
52 property of any kind or description, including fixtures and equipment
53 which are an integral part of any such building, unit, structure or
54 improvement, a walkway, a roadway or a parking lot, and improvements and
55 connections for water, sewer, gas, electrical, telephone, heating, air
56 conditioning and other utility services, or a combination of any of the

1 foregoing, whether for patient care and treatment or staff, staff family
2 or service use, located at or related to any state hospital, any state
3 school, or any state psychiatric or research institute now or hereafter
4 established under the professional jurisdiction, supervision and control
5 of the state department of mental hygiene. A mental hygiene facility
6 shall mean and include a "community mental health and [~~retardation~~
7 developmental disabilities facility", unless such facility is expressly
8 excepted or the context clearly requires otherwise, and shall also mean
9 and include a treatment facility for use in the conduct of an alcoholism
10 or substance abuse treatment program as defined in the mental hygiene
11 law, unless such facility is expressly excepted or the context clearly
12 requires otherwise. The definition contained in this subdivision shall
13 not be construed to exclude therefrom a facility to be made available
14 under license or permit from the health and mental hygiene facilities
15 improvement corporation to a voluntary agency at the request of the
16 commissioners of the offices of the department of mental hygiene having
17 jurisdiction thereof for use in providing community mental health and
18 [~~retardation~~ developmental disabilities services, or for use in the
19 conduct of an alcoholism or substance abuse treatment program.

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

24 a. The agency shall have the power to acquire by lease or deed from
25 the health and mental hygiene facilities improvement corporation any
26 real property acquired by the corporation pursuant to the provisions of
27 subdivision six of section nine of the [~~health and mental hygiene facil-~~
28 ~~ities improvement~~ facilities development corporation act (i) for the
29 purpose of constructing, reconstructing, rehabilitating or improving
30 thereon one or more community mental health and [~~retardation~~ develop-
31 mental disabilities facilities or (ii) for the purpose of financing the
32 acquisition, construction, reconstruction, rehabilitation or improvement
33 thereon of one or more community mental health and [~~retardation~~ devel-
34 opmental disabilities facilities, pursuant to the provisions of this
35 article and the [~~health and mental hygiene facilities improvement~~
36 facilities development corporation act. The agency is hereby authorized
37 to lease or sublease such real property and facilities thereon to the
38 corporation for the purpose of making the same available to a city or a
39 county not wholly within a city, for use and occupancy in accordance
40 with the provisions of a lease, sublease or other agreement between the
41 corporation and such city or county.

42 b. In the event that the agency shall fail, within five years after
43 the date of a lease or conveyance of such real property from such city
44 or county to the corporation, to construct, reconstruct, rehabilitate or
45 improve the community mental health and [~~retardation~~ developmental
46 disabilities facility or facility thereon for which such lease or
47 conveyance was made, as provided for in a lease, sublease or other
48 agreement entered into by such city or county and the corporation, then,
49 subject to the terms of any lease, sublease or other agreement undertak-
50 en by the agency, such real property and any facilities thereon shall
51 revert to the corporation with right of re-entry thereupon, and such
52 lease or deed shall be made subject to such condition of reverter and
53 re-entry; provided, however, that as a condition precedent to the exer-
54 cise of such right of re-entry the corporation shall pay to the agency
55 an amount equal to the sum of the purchase price of such real property,
56 the depreciated cost of any community mental health and [~~retardation~~

1 developmental disabilities facility or facilities constructed, recon-
2 structed, rehabilitated or improved thereon and all other costs of the
3 agency incident to the acquisition of such lands and the financing of
4 construction, reconstruction, rehabilitation or improvement relating to
5 such community mental health and ~~[retardation]~~ developmental disabili-
6 ties facility or facilities, all as provided in the aforesaid lease,
7 sublease or other agreement entered into with the corporation.

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

11 5. The state commissioner of mental hygiene and the state department
12 of mental hygiene are hereby designated to act for and in behalf of the
13 agency in servicing the community mental health services and ~~[mental~~
14 ~~retardation]~~ developmental disabilities services companies mortgage
15 loans of the agency and shall perform such functions and services in
16 connection with the making, servicing and collection of such loans as
17 shall be requested by the agency. The agency shall pay to the department
18 of mental hygiene from any monies of the agency available for such
19 purpose, such amounts as are necessary to reimburse the department of
20 mental hygiene for the reasonable cost of the services performed by the
21 commissioner of mental hygiene and department of mental hygiene pursuant
22 to this section, including such amounts as are necessary to reimburse
23 the health and mental hygiene facilities improvement corporation for the
24 reasonable cost of such services performed by the health and mental
25 hygiene facilities improvement corporation upon request by the commis-
26 sioner of mental hygiene pursuant to the provisions of section 75.25 of
27 the mental hygiene law.

28 § 39. Paragraph c of subdivision 1 of section 1515 of the real proper-
29 ty actions and proceedings law, as amended by chapter 550 of the laws of
30 1978, is amended to read as follows:

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

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

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

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

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

1 health-related service as defined in article twenty-eight of the public
2 health law to persons of low income, or any combination of the forego-
3 ing, and in addition thereto, to provide nursing care and health-related
4 service, or either of them, to persons of low income who are not occu-
5 pants of the project, or owned by housing development fund companies
6 organized pursuant to the not-for-profit corporation law and article
7 eleven of the private housing finance law, used exclusively to provide
8 housing for handicapped or aged persons of low income, and financed by a
9 federally-aided mortgage as defined in said article eleven, or owned by
10 companies organized pursuant to the not-for-profit corporation law and
11 the provisions of article seventy-five of title E of the mental hygiene
12 law, used exclusively to provide care, treatment, training, education
13 and residential accommodations for operation as hostels for [~~the mental-~~
14 ~~ly ill or mentally retarded~~] people with mental illness or developmental
15 disabilities, or owned by companies organized pursuant to the membership
16 corporations law and the provisions of article seven-A of the private
17 housing finance law, used exclusively to provide programs, services and
18 other facilities for the aging, shall be exempt from taxation and exempt
19 from special ad valorem levies and special assessments to the extent
20 provided in section four hundred ninety of this chapter, provided,
21 however, that in a city having a population of one million or more real
22 property owned by any such corporation which is to provide housing
23 accommodations, substantially all of which are or are to be assisted by
24 rent subsidies made or to be made available by the Federal government
25 pursuant to a contract under section eight of the United States Housing
26 Act of nineteen hundred thirty-seven, as amended, or pursuant to a
27 project rental assistance contract under section two hundred two of the
28 United States Housing Act of nineteen hundred fifty-nine, as amended, or
29 pursuant to a project rental assistance contract under section eight
30 hundred eleven of the National Affordable Housing Act of nineteen
31 hundred ninety, as amended, shall from and after the commencement of
32 construction be subject to taxation or exempt therefrom to the extent
33 approved by a municipality acting through its local legislative body, as
34 such local legislative body is defined in [~~paragraph~~] subdivision twelve
35 of section two of the private housing finance law. No such corporation
36 or company shall pay a dividend on any of its stock or pay interest on
37 any of its debentures. Provided further, however, in a county having a
38 population of one million or more and having not more than three towns
39 within such county, real property owned by housing development fund
40 companies organized pursuant to the not-for-profit corporation law and
41 article eleven of the private housing finance law, used exclusively to
42 provide housing for handicapped or aged persons of low income, and
43 financed by a federally-aided mortgage as defined in said article eleven
44 shall from and after the commencement of construction be subject to
45 taxation or exempt therefrom to the extent approved by a municipality
46 acting through its local legislative body, as such local legislative
47 body is defined in [~~paragraph~~] subdivision twelve of section two of the
48 private housing finance law. Any tax payments and/or payments in lieu of
49 taxes made to a municipality pursuant to the preceding sentence shall
50 not be passed through nor become the liability of any of the occupants
51 of such property.

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

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

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

3 § 43. Subparagraph (ii) of paragraph (d) of subdivision 6 of section
4 367-a of the social services law, as added by chapter 41 of the laws of
5 1992, is amended to read as follows:

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

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

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

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

42 10. "Mental hygiene facility" shall mean a building, a unit within a
43 building, a laboratory, a classroom, a housing unit, a dining hall, an
44 activities center, a library, real property of any kind or description,
45 or any structure on or improvement to real property, or an interest in
46 real property, of any kind or description, owned by or under the juris-
47 diction of the corporation, including fixtures and equipment which are
48 an integral part of any such building, unit, structure or improvement, a
49 walkway, a roadway or a parking lot, and improvements and connections
50 for water, sewer, gas, electrical, telephone, heating, air conditioning
51 and other utility services, or a combination of any of the foregoing,
52 whether for patient care and treatment or staff, staff family or service
53 use, located at or related to any psychiatric center, any developmental
54 center, or any state psychiatric or research institute or other facility
55 now or hereafter established under the department. A mental hygiene
56 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

1 mentally ill blind and the mentally ill deaf. Existing state facilities
2 require substantial modernization and structural change to accommodate
3 new concepts of treatment for the mentally disabled and special units
4 for the treatment of alcoholism and narcotics addiction. Larger and
5 better equipped research facilities must be installed in order to insure
6 that state treatment units are in the forefront of applying and develop-
7 ing advanced therapeutic methods. At the same time, improved training
8 facilities and quarters are needed to attract and retain the best-quali-
9 fied staff personnel.

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

14 It is further found and declared that the provision of new and
15 improved community mental health and [~~retardation~~] developmental disa-
16 bilities facilities must be accelerated, in order to provide comprehen-
17 sive care and treatment of the mentally ill and [~~mentally-retarded~~]
18 developmentally disabled. Such community mental health and [~~retarda-~~
19 ~~tion~~] developmental disabilities facilities should be located close to
20 the people they serve, in order to speed rehabilitation and restoration,
21 by involving families and community resources to the extent practicable.
22 Such an accelerated construction program will also help relieve over-
23 crowding in state facilities for the mentally ill and [~~mentally~~
24 ~~retarded~~] developmentally disabled and will afford treatment and care
25 for the increasing number of [~~mentally-retarded~~] people with develop-
26 mental disabilities. Such a program will increase the number of local
27 facilities for out-patient care and short-term in-patient care, includ-
28 ing after care, diagnostic and rehabilitative services, training and
29 research. While the responsibility for the professional care, mainte-
30 nance and treatment of the mentally ill and [~~mentally-retarded~~] develop-
31 mentally disabled at all such community mental health and [~~retardation~~]
32 developmental disabilities facilities should continue in the local
33 governments, subject to the provisions of article forty-one of title E
34 of the mental hygiene law and the regulations of the commissioners of
35 the offices of the department having jurisdiction thereof, the legisla-
36 ture further finds and declares that the Facilities Development Corpo-
37 ration should be empowered to aid cities and counties, at their request,
38 to provide new and improved community mental health and [~~retardation~~]
39 developmental disabilities facilities in order to insure their timely
40 construction, acquisition, reconstruction, rehabilitation and improve-
41 ment in relation to current and foreseeable needs and the emergence of
42 new patterns of treatment and care and should be empowered to receive
43 and administer monies for such purpose.

44 § 48. Paragraph a of subdivision 8 and subdivision 13 of section 5 of
45 section 1 of chapter 359 of the laws of 1968, constituting the facili-
46 ties development corporation act, paragraph a of subdivision 8 as
47 amended by chapter 58 of the laws of 1987 and subdivision 13 as amended
48 by chapter 723 of the laws of 1993, are amended to read as follows:

49 a. With the approval of the appropriate commissioner of the department
50 and the director of the budget, to purchase real property necessary or
51 convenient for a mental hygiene facilities improvement program in the
52 name of the state, except where such purchase is for the purpose of
53 providing community mental health and [~~retardation~~] developmental disa-
54 bilities facilities in which case such purchase shall be in its own
55 name; provided, however, that all such purchases shall be made pursuant
56 to legislation or appropriations in accordance with section nine of this

1 act. Nothing in this section contained shall be construed to prohibit
2 the acquisition of real property by purchase or appropriation by the
3 appropriate commissioner of the department pursuant to article seventy-
4 one of title E of the mental hygiene law for the purpose of making
5 mental hygiene facilities available under license or permit from the
6 corporation to a voluntary agency, subject to the terms and conditions
7 of any lease, sublease, loan or other financing agreement with the state
8 housing finance agency or the state medical care facilities finance
9 agency, (i) for use in providing community mental health and [~~retarda-~~
10 ~~tion~~] developmental disabilities services, including services in a resi-
11 dential care center for adults, or (ii) for the conduct of an alcoholism
12 or substance abuse treatment program as defined in article nineteen of
13 title D of the mental hygiene law.

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

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

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

1 maintenance and treatment of the mentally disabled, for research and
2 training related thereto, and for the members of the staff of state
3 institutions in the department and their families, to reduce the time
4 lag between determination of need for such facilities and actual occu-
5 pancy thereof, to expedite the construction, acquisition, recon-
6 struction, rehabilitation or improvement of such facilities, to assure
7 that the same are completed and ready for the purposes intended in the
8 light of foreseeable needs, to assure exclusive possession, jurisdic-
9 tion, control and supervision over all mental hygiene facilities in
10 order to effectuate the aforesaid purposes and to make such facilities
11 available to the appropriate commissioner of the department for use in
12 the care, maintenance and treatment of the mentally disabled.

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

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

32 § 50. Paragraphs b and c of subdivision 1 of section 9 of section 1 of
33 chapter 359 of the laws of 1968, constituting the facilities development
34 corporation act, paragraph b as amended by chapter 58 of the laws of
35 1987 and paragraph c as amended by chapter 547 of the laws of 1979, are
36 amended to read as follows:

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

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

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

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

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

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

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

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

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

27 § 52. Paragraphs a and b of subdivision 3 of section 9 of section 1 of
28 chapter 359 of the laws of 1968, constituting the facilities development
29 corporation act, paragraph a as amended by chapter 723 of the laws of
30 1993 and paragraph b as amended by section 48 of part TTT of chapter 59
31 of the laws of 2019, are amended to read as follows:

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

1 of state operated mental hygiene facilities, and may receive, accept,
2 invest, administer, expend and disburse for its corporate purposes,
3 other than for the purposes of any health facilities improvement
4 program, appropriations or advances from the capital projects fund and
5 the state purposes account of the general fund of the state, and other
6 revenues and monies made available or to be made available to the corpo-
7 ration from any or all sources, including gifts, grants, loans and
8 payments from the federal government, any state agency, any county,
9 city, town or village, any private foundation, organization or individ-
10 ual, or any other source, for the construction, acquisition, recon-
11 struction, rehabilitation and improvement of mental hygiene facilities,
12 and for the maintenance and repair of such facilities.

13 b. All monies of the corporation received or accepted pursuant to
14 paragraph a of this subdivision, other than appropriations and advances
15 from the state and except as otherwise authorized or provided in this
16 section, shall be paid to the commissioner of taxation and finance as
17 agent of the corporation, who shall not commingle such monies with any
18 other monies. Such monies shall be deposited in two or more separate
19 bank accounts. One of such accounts, to which shall be credited (i) all
20 payments made on or after January 1, 1964, for the care, maintenance and
21 treatment of patients in every mental hygiene facility, other than a
22 community mental health and [~~retardation~~] developmental disabilities
23 facility, (ii) all payments made to the corporation as rentals, lease
24 payments, permit fees or otherwise under any lease, sublease or agree-
25 ment undertaken with respect to a community mental health and [~~retarda-~~
26 ~~tion~~] developmental disabilities facility or a current or former mental
27 hygiene facility, (iii) all payments made to the corporation for the
28 purchase of real property held by the corporation for the use of the
29 department, other than payments derived from New York state medical care
30 facilities finance agency financing or refinancing of the design,
31 construction, acquisition, reconstruction, rehabilitation, improvement
32 or renovation of state operated mental hygiene facilities, (iv) all
33 income from investments and (v) all monies received or to be received
34 for the purposes of such account on a recurring basis, shall be denomi-
35 nated the "mental hygiene facilities improvement fund income account".
36 The monies in any account shall be paid out on checks signed by the
37 commissioner of taxation and finance on requisition of the chairman of
38 the corporation or of such other officer or employee or officers or
39 employees as the corporation shall authorize to make such requisition.
40 All deposits of such money shall, if required by the commissioner of
41 taxation and finance or the directors of the corporation, be secured by
42 obligations of the United States or of the state of a market value equal
43 at all times to the amount of the deposit and all banks and trust compa-
44 nies are authorized to give such security for such deposits. Any moneys
45 of the corporation not required for immediate use or disbursement may,
46 at the discretion of the corporation, be invested by the commissioner of
47 taxation and finance in accordance with the provisions of section 98-a
48 of the state finance law. The mental hygiene facilities improvement fund
49 and the income account therein shall remain in existence until termi-
50 nated by the corporation by written notice to the commissioner of taxa-
51 tion and finance. Any moneys on deposit in the mental hygiene facilities
52 improvement fund or the income account therein upon the termination of
53 said fund and account shall be transferred by the commissioner of taxa-
54 tion and finance to the mental health services fund. The corporation
55 shall not terminate the mental hygiene facilities improvement fund and
56 the income account therein until all mental health services facilities

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

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

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

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

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

18 a. The governing body, as such term is defined in article forty-one of
19 title E of the mental hygiene law (except that with respect to the city
20 of New York such term shall mean the board of estimate), of a city or
21 county may, upon such terms and conditions as shall be approved by such
22 governing body and for such consideration, if any, as may be determined
23 by such governing body, but not to exceed the cost of acquisition there-
24 of and the cost of improvements thereon, exclusive of any costs reim-
25 bursed or to be reimbursed in accordance with the provisions of article
26 forty-one of title E of the mental hygiene law otherwise, execute and
27 deliver to the corporation a lease for a term not exceeding forty years
28 or a deed (i) conveying to the corporation real property and one or more
29 community mental health and [~~retardation~~] developmental disabilities
30 facilities of the city or county located thereon, a portion of the costs
31 of which facilities are eligible for state reimbursement in accordance
32 with the provisions of article forty-one of title E or article twenty-
33 five of title D of the mental hygiene law or (ii) conveying to the
34 corporation real property of the city or county or an interest therein,
35 for the purpose of causing to be constructed, reconstructed, rehabili-
36 tated or improved thereon one or more community mental health and
37 [~~retardation~~] developmental disabilities facilities pursuant to this
38 act, such community mental health and [~~retardation~~] developmental disa-
39 bilities facilities to be made available to such county or city for use
40 and occupancy under lease, sublease or other agreement upon such terms
41 and conditions as may be agreed upon, including terms and conditions
42 relating to length of terms, maintenance and repair of community mental
43 health and [~~retardation~~] developmental disabilities facilities during
44 such term and the annual rentals to be paid therefor for the use there-
45 of. The corporation is hereby authorized to accept any such lease or
46 conveyance, to hold such real property, to enter into a lease, sublease
47 or other agreement with such city or county for the purpose of making
48 such community mental health and [~~retardation~~] developmental disabili-
49 ties facility so acquired or to be constructed, reconstructed, rehabili-
50 tated or improved thereon available for use and occupancy by such city
51 or county, and to lease or convey real property so acquired to the New
52 York state housing finance agency or the medical care facilities finance
53 agency, provided, however, that any such further lease or conveyance
54 shall be solely for the purpose of causing community mental health and
55 [~~retardation~~] developmental disabilities facilities to be acquired,
56 constructed, reconstructed, rehabilitated or improved thereon, such

1 community mental health and [~~retardation~~] developmental disabilities
2 facilities to be made available to such city or county for use and occu-
3 pancy under a lease, sublease or other agreement between the corporation
4 and such city or county, upon such terms and conditions as may be agreed
5 upon. No such lease or conveyance from the corporation to the New York
6 state housing finance agency or the state medical care facilities
7 finance agency shall be for a consideration in excess of the cost of
8 acquisition of such real property and the costs of improvements thereon.
9 The appropriate commissioner of the department, on behalf of his or her
10 office, and the director of the budget shall approve all leases,
11 subleases or agreements, whether between the corporation and such city
12 or county or between the corporation and the housing finance agency or
13 the state medical care facilities finance agency, and the appropriate
14 commissioner of the department shall be a party thereto. The appropriate
15 division of the office of [~~alcoholism and substance abuse~~] addiction
16 services and supports shall also approve all such leases, subleases or
17 agreements relating to the construction, reconstruction, rehabilitation
18 or improvement of community mental health and [~~retardation~~] develop-
19 mental disabilities facilities, constituting alcoholism or substance
20 abuse facilities for use in an alcoholism or substance abuse treatment
21 program as defined in the mental hygiene law.

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

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

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

55 e. The cost of construction, acquisition, reconstruction, rehabili-
56 tation or improvement of community mental health and [~~retardation~~]

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

6 f. The provisions of this act shall not be deemed to prevent a city or
7 county from financing the cost of constructing, acquiring, reconstruct-
8 ing, rehabilitating or improving a community mental health and [~~retarda-~~
9 ~~tion~~] developmental disabilities facility by the issuance of bonds or
10 capital notes of such city or county pursuant to the local finance law.

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

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

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

32 4. As used in this section or in connection with a federally-aided
33 mortgage loan, the term "project" means a specific work or improvement,
34 whether or not to effectuate all or any part of a plan, and includes
35 lands, buildings, improvements, fixtures and personal property
36 constructed, acquired, reconstructed, refinanced, rehabilitated,
37 improved, managed, owned or operated by a non-profit corporation pursu-
38 ant to this section, to provide hospital, residential health care, resi-
39 dential facilities for [~~the mentally retarded and~~] developmentally dis-
40 abled persons or [~~the~~] mentally disabled persons or for the care,
41 treatment, training and education of [~~the mentally retarded and~~] devel-
42 opmentally disabled persons or [~~the~~] mentally disabled persons or
43 comprehensive health services facilities and such related incidental and
44 appurtenant facilities as the agency may approve. The term "project"
45 shall also mean a separate work or improvement, including lands, build-
46 ings, fixtures and personal property related thereto, managed, owned or
47 operated by a non-profit corporation pursuant to this section to provide
48 such services, functions, capabilities and facilities as may be conven-
49 ient or desirable for the operation of a hospital, a residential health
50 care or comprehensive health services facility.

51 6. As used in this section or in connection with federally-aided mort-
52 gage loan regarding residential facilities for [~~the mentally retarded~~
53 ~~and~~] developmentally disabled persons or [~~the~~] mentally disabled persons
54 or for the care, treatment, training and education of [~~the mentally~~
55 ~~retarded and~~] developmentally disabled persons or [~~the~~] mentally dis-
56 abled persons the term "commissioner" shall also mean the commissioner of

1 mental health or the commissioner of the office for people with develop-
2 mental disabilities.

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

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

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