

# STATE OF NEW YORK

---

6793--A

Cal. No. 973

2021-2022 Regular Sessions

## IN SENATE

May 17, 2021

---

Introduced by Sen. KAMINSKY -- read twice and ordered printed, and when printed to be committed to the Committee on Disabilities -- recommit-  
ted to the Committee on Disabilities in accordance with Senate Rule 6,  
sec. 8 -- reported favorably from said committee, ordered to first and  
second report, ordered to a third reading, amended and ordered  
reprinted, retaining its place in the order of third reading

AN ACT to amend the abandoned property law, the arts and cultural  
affairs law, the county 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 legislative 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 social services law, the tax law, the facilities  
development corporation act, and the New York state medical care  
facilities finance agency act, in relation to replacing the terms  
"mentally retarded" and "mental retardation" with "intellectually  
disabled" and "intellectual disability"

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

1 Section 1. Section 215 of the abandoned property law, as amended by  
2 chapter 550 of the laws of 1978, is amended to read as follows:  
3 § 215. Claims against state. Where an action has been commenced and  
4 final judgment in favor of the people entered therein by reason of the  
5 escheat of real property to the people and the said property has been  
6 sold pursuant to section two hundred four, any party or parties thereto,  
7 or their successors in interest, who, but for the rendering of such  
8 final judgment would have been entitled to such real property, or an  
9 interest therein, shall have a claim against the state for the value of  
10 such real property or interest therein at the time of the entry of such  
11 judgment, but no such claim shall exist in favor of such party or

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

LBD10921-03-2

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

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

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

29 § 3. Subdivision 1 of section 707 of the county law, as added by chap-  
30 ter 1 of the laws of 1995, is amended to read as follows:

31 1. Notwithstanding any other provision of law to the contrary, upon a  
32 finding in an ex parte proceeding that expert services are reasonably  
33 necessary for the prosecution of the case whether in connection with  
34 issues relating to guilt or sentencing or that investigative services  
35 relating to a separate sentencing proceeding or ~~[mentally-retarded]~~  
36 intellectual disability hearing pursuant to section 400.27 of the crimi-  
37 nal procedure law are reasonably necessary, the trial court shall  
38 authorize the payment of fees and expenses for such services. Upon a  
39 finding that timely procurement of such services could not practicably  
40 await prior authorization, the court may authorize the provision and  
41 payment for such services nunc pro tunc.

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

47 (d) "Mentally ill" means that a defendant currently suffers from a  
48 mental illness for which care and treatment as a patient, in the in-pa-  
49 tient services of a psychiatric center under the jurisdiction of the  
50 state office of mental health, is essential to such defendant's welfare  
51 and that his judgment is so impaired that he is unable to understand the  
52 need for such care and treatment; and, where a defendant is ~~[mentally~~  
53 ~~retarded]~~ intellectually disabled, the term "mentally ill" shall also  
54 mean, for purposes of this section, that the defendant is in need of  
55 care and treatment as a resident in the in-patient services of a devel-  
56 opmental center or other residential facility for the ~~[mentally~~

1 ~~retarded~~] intellectually disabled and developmentally disabled under the  
2 jurisdiction of the state office for people with developmental disabili-  
3 ties.

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

18 § 5. Paragraph (b) of subdivision 9, paragraphs (a), (b), (c), (d),  
19 (e) and (f) of subdivision 12, paragraphs (a) and (c) of subdivision 13  
20 and the opening paragraph of paragraph (a) and paragraph (c) of subdivi-  
21 sion 14 of section 400.27 of the criminal procedure law, paragraph (b)  
22 of subdivision 9, paragraphs (a), (b), (c), (d), (e) and (f) of subdivi-  
23 sion 12 and paragraph (a) of subdivision 13 as added by chapter 1 of the  
24 laws of 1995, paragraph (c) of subdivision 13 as amended by chapter 230  
25 of the laws of 2004 and the opening paragraph of paragraph (a) and para-  
26 graph (c) of subdivision 14 as amended by section 9 of part LLL of chap-  
27 ter 59 of the laws of 2019, are amended to read as follows:

28 (b) The defendant was ~~mentally-retarded~~] intellectually disabled at  
29 the time of the crime, or the defendant's mental capacity was impaired  
30 or his ability to conform his conduct to the requirements of law was  
31 impaired but not so impaired in either case as to constitute a defense  
32 to prosecution;

33 (a) Upon the conviction of a defendant for the offense of murder in  
34 the first degree as defined in section 125.27 of the penal law, the  
35 court shall, upon oral or written motion of the defendant based upon a  
36 showing that there is reasonable cause to believe that the defendant is  
37 ~~mentally-retarded~~] intellectually disabled, promptly conduct a hearing  
38 without a jury to determine whether the defendant is ~~mentally-retarded~~] intellectually disabled. Upon the consent of both parties, such a hear-  
39 ing, or a portion thereof, may be conducted by the court contemporane-  
40 ously with the separate sentencing proceeding in the presence of the  
41 sentencing jury, which in no event shall be the trier of fact with  
42 respect to the hearing. At such hearing the defendant has the burden of  
43 proof by a preponderance of the evidence that he or she is ~~mentally~~  
44 ~~retarded~~] intellectually disabled. The court shall defer rendering any  
45 finding pursuant to this subdivision as to whether the defendant is  
46 ~~mentally-retarded~~] intellectually disabled until a sentence is imposed  
47 pursuant to this section.

48 (b) In the event the defendant is sentenced pursuant to this section  
49 to life imprisonment without parole or to a term of imprisonment for the  
50 class A-I felony of murder in the first degree other than a sentence of  
51 life imprisonment without parole, the court shall not render a finding  
52 with respect to whether the defendant is ~~mentally-retarded~~] intellec-  
53 ally disabled.

54 (c) In the event the defendant is sentenced pursuant to this section  
55 to death, the court shall thereupon render a finding with respect to  
56

1 whether the defendant is [~~mentally-retarded~~] intellectually disabled. If  
2 the court finds the defendant is [~~mentally-retarded~~] intellectually  
3 disabled, the court shall set aside the sentence of death and sentence  
4 the defendant either to life imprisonment without parole or to a term of  
5 imprisonment for the class A-I felony of murder in the first degree  
6 other than a sentence of life imprisonment without parole. If the court  
7 finds the defendant is not [~~-mentally-retarded~~] intellectually disabled,  
8 then such sentence of death shall not be set aside pursuant to this  
9 subdivision.

10 (d) In the event that a defendant is convicted of murder in the first  
11 degree pursuant to subparagraph (iii) of paragraph (a) of subdivision  
12 one of section 125.27 of the penal law, and the killing occurred while  
13 the defendant was confined or under custody in a state correctional  
14 facility or local correctional institution, and a sentence of death is  
15 imposed, such sentence may not be set aside pursuant to this subdivision  
16 upon the ground that the defendant is [~~mentally-retarded~~] intellectually  
17 disabled. Nothing in this paragraph or paragraph (a) of this subdivision  
18 shall preclude a defendant from presenting mitigating evidence of  
19 [~~mental-retardation~~] intellectual disability at the separate sentencing  
20 proceeding.

21 (e) The foregoing provisions of this subdivision notwithstanding, at a  
22 reasonable time prior to the commencement of trial the defendant may,  
23 upon a written motion alleging reasonable cause to believe the defendant  
24 is [~~mentally-retarded~~] intellectually disabled, apply for an order  
25 directing that [~~a-mental-retardation~~] an intellectual disability hearing  
26 be conducted prior to trial. If, upon review of the defendant's motion  
27 and any response thereto, the court finds reasonable cause to believe  
28 the defendant is [~~mentally-retarded~~] intellectually disabled, it shall  
29 promptly conduct a hearing without a jury to determine whether the  
30 defendant is [~~mentally-retarded~~] intellectually disabled. In the event  
31 the court finds after the hearing that the defendant is not [~~mentally-~~  
32 ~~retarded~~] intellectually disabled, the court must, prior to commencement  
33 of trial, enter an order so stating, but nothing in this paragraph shall  
34 preclude a defendant from presenting mitigating evidence of [~~mental-~~  
35 ~~retardation~~] intellectual disability at a separate sentencing proceed-  
36 ing. In the event the court finds after the hearing that the defendant,  
37 based upon a preponderance of the evidence, is [~~mentally-retarded~~]  
38 intellectually disabled, the court must, prior to commencement of trial,  
39 enter an order so stating. Unless the order is reversed on an appeal by  
40 the people or unless the provisions of paragraph (d) of this subdivision  
41 apply, a separate sentencing proceeding under this section shall not be  
42 conducted if the defendant is thereafter convicted of murder in the  
43 first degree. In the event a separate sentencing proceeding is not  
44 conducted, the court, upon conviction of a defendant for the crime of  
45 murder in the first degree, shall sentence the defendant to life impri-  
46 sonment without parole or to a sentence of imprisonment for the class  
47 A-I felony of murder in the first degree other than a sentence of life  
48 imprisonment without parole. Whenever [~~a-mental-retardation~~] an intel-  
49 lectual disability hearing is held and a finding is rendered pursuant to  
50 this paragraph, the court may not conduct a hearing pursuant to para-  
51 graph (a) of this subdivision. For purposes of this subdivision and  
52 paragraph (b) of subdivision nine of this section, [~~"mental-retarda-~~  
53 ~~tion"~~] "intellectual disability" means significantly subaverage general  
54 intellectual functioning existing concurrently with deficits in adaptive  
55 behavior which were manifested before the age of eighteen.

(f) In the event the court enters an order pursuant to paragraph (e) of this subdivision finding that the defendant is [~~mentally retarded~~] intellectually disabled, the people may appeal as of right from the order pursuant to subdivision ten of section 450.20 of this chapter. Upon entering such an order the court must afford the people a reasonable period of time, which shall not be less than ten days, to determine whether to take an appeal from the order finding that the defendant is [~~mentally retarded~~] intellectually disabled. The taking of an appeal by the people stays the effectiveness of the court's order and any order fixing a date for trial. Within six months of the effective date of this subdivision, the court of appeals shall adopt rules to ensure that appeals pursuant to this paragraph are expeditiously perfected, reviewed and determined so that pretrial delays are minimized. Prior to adoption of the rules, the court of appeals shall issue proposed rules and receive written comments thereon from interested parties.

(a) As used in this subdivision, the term "psychiatric evidence" means evidence of mental disease, defect or condition in connection with either a mitigating factor defined in this section or [~~a mental retardation~~] an intellectual disability hearing pursuant to this section to be offered by a psychiatrist, psychologist or other person who has received training, or education, or has experience relating to the identification, diagnosis, treatment or evaluation of mental disease, mental defect or mental condition.

(c) When a defendant serves notice pursuant to this subdivision, the district attorney may make application, upon notice to the defendant, for an order directing that the defendant submit to an examination by a psychiatrist, licensed psychologist, or licensed clinical social worker designated by the district attorney, for the purpose of rebutting evidence offered by the defendant with respect to a mental disease, defect, or condition in connection with either a mitigating factor defined in this section, including whether the defendant was acting under duress, was mentally or emotionally disturbed or [~~mentally retarded~~] intellectually disabled, or was under the influence of alcohol or any drug. If the application is granted, the district attorney shall schedule a time and place for the examination, which shall be recorded. Counsel for the people and the defendant shall have the right to be present at the examination. A transcript of the examination shall be made available to the defendant and the district attorney promptly after its conclusion. The district attorney shall promptly serve on the defendant a written copy of the findings and evaluation of the examiner. If the court finds that the defendant has wilfully refused to cooperate fully in an examination pursuant to this paragraph, it shall, upon request of the district attorney, instruct the jury that the defendant did not submit to or cooperate fully in such psychiatric examination. When a defendant is subjected to an examination pursuant to an order issued in accordance with this subdivision, any statement made by the defendant for the purpose of the examination shall be inadmissible in evidence against him in any criminal action or proceeding on any issue other than that of whether a mitigating factor has been established or whether the defendant is [~~mentally retarded~~] intellectually disabled, but such statement is admissible upon such an issue whether or not it would otherwise be deemed a privileged communication.

At a reasonable time prior to the sentencing proceeding or [~~a mental retardation~~] an intellectual disability hearing:

(c) If, after complying with the provisions of this section or an order pursuant thereto, a party finds either before or during a sentenc-



ing proceeding or [~~mental retardation~~] intellectual disability hearing, additional material subject to discovery or covered by court order, the party shall promptly make disclosure or apply for a protective order.

§ 6. Subdivision 10 of section 450.20 of the criminal procedure law, as added by chapter 1 of the laws of 1995, is amended to read as follows:

10. An order, entered pursuant to paragraph (e) of subdivision twelve of section 400.27, finding that the defendant is [~~mentally retarded~~] intellectually disabled.

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

§ 252. Payment by committee or conservator of claims. A committee of the property of a person, incompetent by reason of mental illness, [~~mental retardation~~] intellectual disability or alcohol abuse, to manage his affairs, or a conservator of the property of a conservatee, may, under direction of the court exercising jurisdiction of such estate, after payment of the expenses, disbursements and commissions of such trust, apply so much of the funds and property of said estate remaining in his hands as such committee or conservator, as may be necessary to pay and discharge the proper claims of creditors who have presented claims pursuant to the notice in this article provided for, to the payment of such claims, and if the property so remaining be insufficient to pay such claims in full, then the committee or conservator may distribute the same according to law among the creditors who have presented and proved their claims as in this article provided, and such payment, when so made in good faith and under direction of such court, shall relieve such committee or conservator and his sureties from liability to creditors who have failed to present their claims as in this article provided.

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

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

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

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

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

(g) For classes of instruction for [~~mentally retarded~~] intellectually disabled minors operated by a private organization approved by the commissioner of education.

§ 11. 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:

1 Sheltered workshops for the [~~mentally retarded~~] intellectually disa-  
2 bled, mentally ill and severely physically handicapped. 1. Declaration  
3 of purpose. The conditions of [~~mental retardation~~] intellectual disa-  
4 bility, mental illness and severe physical handicap are such that many  
5 young people, after laborious training in the schools and otherwise,  
6 reach the point in their lives where they can and should, under proper  
7 and continued guidance, engage in sheltered employment. The effects of  
8 such employment are salutary in many ways. The affected individual is  
9 helped to become a contributing member of society. The state is saved  
10 the expense of his institutionalization in already overcrowded state  
11 schools and facilities. The family retains closer contact with him and  
12 is spared the anxieties naturally attaching to separation and institu-  
13 tionalization. All of these factors have also been shown to reflect  
14 tangible benefit upon the [~~mentally retarded~~] intellectually disabled,  
15 mentally ill and severely physically handicapped person in improving his  
16 overall condition. The purpose of this measure is to specifically  
17 encourage the development, improvement and expansion of such sheltered  
18 employment facilities by non-profit agencies, so that the salutary  
19 effects mentioned can be expediently accomplished.

20 2. Special provisions relating to [~~mentally retarded~~] intellectually  
21 disabled, mentally ill and severely physically handicapped persons in  
22 extended sheltered employment in workshops. Notwithstanding any other  
23 provision of this article, when it shall appear to the satisfaction of  
24 the department that a [~~mentally retarded~~] intellectually disabled,  
25 mentally ill or severely physically handicapped person over the chrono-  
26 logical age of seventeen years can reasonably be expected to benefit  
27 from, or in his best interests reasonably requires extended sheltered  
28 employment in a workshop as defined in section ten hundred two [~~subdi-~~  
29 ~~vision eight of article twenty-one~~] of this chapter, furnished by an  
30 approved non-profit organization, the department is authorized to  
31 contract with such organization for the furnishing of such sheltered  
32 employment to such [~~mentally retarded~~] intellectually disabled, mentally  
33 ill or severely physically handicapped person; and the department is  
34 further authorized to expend for such purpose a sum or sums not less  
35 than one thousand five hundred dollars per annum for each such [~~mentally~~  
36 ~~retarded~~] intellectually disabled, mentally ill or severely physically  
37 handicapped person, for or towards the cost of providing such sheltered  
38 employment for each such [~~mentally retarded~~] intellectually disabled,  
39 mentally ill or severely physically handicapped person.

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

44 3. The department shall maintain a register of such nonprofit organ-  
45 izations which, after inspection of the facilities for sheltered employ-  
46 ment provided by them, it deems qualified to meet the needs of such  
47 [~~mentally retarded~~] intellectually disabled, mentally ill and severely  
48 physically handicapped persons. Such inspection shall also determine the  
49 eligibility of such organization to receive the funds hereinbefore spec-  
50 ified.

51 § 12. Subdivision 8-a of section 1950 of the education law, as added  
52 by chapter 762 of the laws of 1972, is amended to read as follows:

53 8-a. Notwithstanding any other provision of this section and with the  
54 consent of the commissioner, the city school district of the city of  
55 Syracuse may, upon consent of the board of cooperative educational  
56 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~~ intellectually disabled children 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.

§ 13. Paragraphs a, b, and 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, 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~~ intellectually disabled 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~~ intellectually disabled 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 four thousand 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



1 reimbursement required to be made by such school district in accordance  
2 with this paragraph, and the amount so deducted shall not be included in  
3 the operating expense of such district for the purpose of computing the  
4 approved operating expense pursuant to paragraph t of subdivision one of  
5 section thirty-six hundred two of this chapter. The department of mental  
6 hygiene shall notify the education department of the name of the child,  
7 the location of the family home or institution where the child is to be  
8 placed and the name of the school district in which such child resided  
9 at the time the department of mental hygiene assumed responsibility for  
10 his or her support and maintenance.

11 c. (1) The education department is authorized to reimburse each school  
12 district furnishing educational services to children residing in schools  
13 for the [~~mentally-retarded~~] intellectually disabled operated by the  
14 office for people with developmental disabilities for the direct cost of  
15 such services in accordance with regulations promulgated by the commis-  
16 sioner and approved by the director of the budget.

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

32 (1) Children who reside in an intermediate care facility for the  
33 [~~mentally-retarded~~] intellectually disabled, other than a state operated  
34 school for the [~~mentally-retarded~~] intellectually disabled, as defined  
35 in regulations of the office for people with developmental disabilities,  
36 shall be admitted to the public schools, except as otherwise provided in  
37 subparagraph fourteen of this paragraph. The trustees or board of  
38 education of the school district in which such facility is located shall  
39 receive such children in the school or schools of the district for  
40 instruction and for the provision of necessary related services for a  
41 compensation to be fixed by the trustees or board of education, unless  
42 such trustees or board of education shall establish to the satisfaction  
43 of the commissioner of education that there are valid and sufficient  
44 reasons for refusal to receive such children. Evaluation of the educa-  
45 tional needs of such children and placement in appropriate educational  
46 programs shall be made in accordance with article eighty-nine of this  
47 chapter.

48 (8) A board of education of a school district which receives notifica-  
49 tion that a child has been placed in an intermediate care facility for  
50 the [~~mentally-retarded~~] intellectually disabled may deny financial  
51 responsibility for any child by written notice within twenty days of  
52 such notification to the school district furnishing instruction and the  
53 intermediate care facility.

54 (13) The school district providing educational services to children  
55 placed pursuant to this paragraph shall provide a report on the status  
56 of each such child with a handicapping condition annually to the commit-

tee on special education of the school district in which the child resided at the time of admission to the intermediate care facility for the ~~mentally retarded~~ intellectually disabled. Such report shall also be sent to the parent or guardian of the child and the office for people with developmental disabilities.

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

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

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

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

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

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

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

a. Establish standards for preprofessional and professional education, experience and licensing examinations as required to implement the article for each profession. Notwithstanding any other provision of law, the commissioner shall establish standards requiring that all persons applying, on or after January first, nineteen hundred ninety-one, initially, or for the renewal of, a license, registration or limited permit to be a physician, chiropractor, dentist, registered nurse, podiatrist, optometrist, psychiatrist, psychologist, licensed master social worker, licensed clinical social worker, licensed creative arts therapist, licensed marriage and family therapist, licensed mental health counselor, licensed psychoanalyst, dental hygienist, licensed behavior analyst, or certified behavior analyst assistant shall, in addition to all the other licensure, certification or permit requirements, have completed two hours of coursework or training regarding the identification and reporting of child abuse and maltreatment. The coursework or training shall be obtained from an institution or provider which has been approved by the department to provide such coursework or training. The coursework or training shall include information regarding the physical and behavioral indicators of child abuse and maltreatment and the statutory reporting requirements set out in sections four hundred thirteen through four hundred twenty of the social services law, including

1 but not limited to, when and how a report must be made, what other  
2 actions the reporter is mandated or authorized to take, the legal  
3 protections afforded reporters, and the consequences for failing to  
4 report. Such coursework or training may also include information regard-  
5 ing the physical and behavioral indicators of the abuse of individuals  
6 with [~~mental retardation~~] an intellectual disability and other develop-  
7 mental disabilities and voluntary reporting of abused or neglected  
8 adults to the office for people with developmental disabilities or the  
9 local adult protective services unit. Each applicant shall provide the  
10 department with documentation showing that he or she has completed the  
11 required training. The department shall provide an exemption from the  
12 child abuse and maltreatment training requirements to any applicant who  
13 requests such an exemption and who shows, to the department's satisfac-  
14 tion, that there would be no need because of the nature of his or her  
15 practice for him or her to complete such training;

16 § 18. Subparagraph (i) of paragraph (a) of subdivision 1 of section  
17 509 of the executive law, as added by chapter 659 of the laws of 1977  
18 and renumbered by chapter 465 of the laws of 1992, is amended to read as  
19 follows:

20 (i) that such child is mentally ill or [~~mentally retarded~~] intellectu-  
21 ally disabled and will substantially benefit from care and treatment in  
22 such a state school or hospital; and

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

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

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

36 (i) Any unmarried dependent child, regardless of age, who is incapable  
37 of self-sustaining employment by reason of mental illness, developmental  
38 disability, or [~~mental retardation~~] intellectual disability as defined  
39 in the mental hygiene law, or physical handicap and who became so inca-  
40 pable prior to the age at which dependent coverage would otherwise  
41 terminate, shall be included in coverage subject to any pre-existing  
42 conditions limitation applicable to other dependents; or

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

48 (A) Coverage of an unmarried dependent child who is incapable of self-  
49 sustaining employment by reason of mental illness, developmental disa-  
50 bility, or [~~mental retardation~~] intellectual disability, as defined in  
51 the mental hygiene law, or physical handicap and who became so incapable  
52 prior to attainment of the age at which dependent coverage would other-  
53 wise terminate and who is chiefly dependent upon such policyholder for  
54 support and maintenance, shall not terminate while the policy remains in  
55 force and the dependent remains in such condition, if the policyholder  
56 has within thirty-one days of such dependent's attainment of the limit-

ing age submitted proof of such dependent's incapacity as described herein.

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

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

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

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

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

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

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

(ii) a contract under which coverage terminates at a specified age shall, with respect to an unmarried child who is incapable of self-sustaining employment by reason of mental illness, developmental disability, ~~mental retardation~~ intellectual disability, as defined in the mental hygiene law, or physical handicap and who became so incapable prior to attainment of the age at which coverage would otherwise terminate and who is chiefly dependent upon such member for support and main-

tenance, not so terminate while the contract remains in force and the child remains in such condition, if the member has within thirty-one days of such child's attainment of the termination age submitted proof of such child's incapacity as described herein.

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

a. When a court orders a hearing in a proceeding upon a writ of habeas corpus to inquire into the cause of detention of a person in custody in a state institution, or when it orders a hearing in a civil proceeding to commit or transfer a person to or retain him in a state institution when such person is alleged to be mentally ill, mentally defective or a narcotic addict, or when it orders a hearing for the commitment of the guardianship and custody of a child to an authorized agency by reason of the mental illness or ~~mental retardation~~ intellectual disability of a parent, or when it orders a hearing to determine whether consent to the adoption of a child shall be required of a parent who is alleged to be mentally ill or ~~mentally retarded~~ intellectually disabled, or when it orders a hearing to determine the best interests of a child when the parent of the child revokes a consent to the adoption of such child and such revocation is opposed or in any adoption or custody proceeding if it determines that assignment of counsel in such cases is mandated by the constitution of this state or of the United States, the court may assign counsel to represent such person if it is satisfied that he is financially unable to obtain counsel. Upon an appeal taken from an order entered in any such proceeding, the appellate court may assign counsel to represent such person upon the appeal if it is satisfied that he is financially unable to obtain counsel.

§ 26. That portion of subdivision 1 of section 5-a of the legislative law entitled "ASSEMBLYMEN SERVING IN SPECIAL CAPACITY", as amended by section 3 of part XX of chapter 56 of the laws of 2009, is amended to read as follows:

#### ASSEMBLYMEN SERVING IN SPECIAL CAPACITY

Chairman of assembly ways and means committee .....	34,000
Ranking minority member of assembly ways and means committee .....	20,500
Chairman of assembly judiciary committee .....	18,000
Ranking minority member of assembly judiciary committee .....	11,000
Chairman of assembly codes committee .....	18,000
Ranking minority member of assembly codes committee .....	11,000
Chairman of assembly banks committee .....	15,000
Ranking minority member of assembly banks committee .....	9,500
Chairman of assembly committee on cities .....	15,000
Ranking minority member of assembly committee on cities .....	9,500
Chairman of assembly education committee .....	18,000
Ranking minority member of assembly education committee .....	11,000
Chairman of assembly health committee .....	15,000
Ranking minority member of assembly health committee .....	9,500
Chairman of assembly local governments committee .....	15,000
Ranking minority member of assembly local governments committee .....	9,500
Chairman of assembly agriculture committee .....	12,500



1	Ranking minority member of assembly agriculture committee .....	9,000
2	Chairman of assembly economic development, job creation,	
3	commerce and industry committee .....	18,000
4	Ranking minority member of assembly economic development,	
5	job creation, commerce and industry committee .....	11,000
6	Chairman of assembly environmental conservation committee .....	12,500
7	Ranking minority member of assembly environmental	
8	conservation committee .....	9,000
9	Chairman of assembly corporations, authorities	
10	and commissions committee .....	15,000
11	Ranking minority member of assembly corporations,	
12	authorities, and commissions committee .....	9,500
13	Chairman of assembly correction committee .....	12,500
14	Ranking minority member of assembly correction committee .....	9,000
15	Chairman of assembly ethics and guidance committee .....	12,500
16	Ranking minority member of assembly ethics and guidance	
17	committee .....	9,000
18	Chairman of assembly governmental employees committee .....	12,500
19	Ranking minority member of assembly governmental	
20	employees committee .....	9,000
21	Chairman of assembly governmental operations committee .....	12,500
22	Ranking minority member of assembly governmental	
23	operations committee .....	9,000
24	Chairman of assembly housing committee .....	12,500
25	Ranking minority member of assembly housing committee .....	9,000
26	Chairman of assembly insurance committee .....	12,500
27	Ranking minority member of assembly insurance committee .....	9,000
28	Chairman of assembly labor committee .....	14,000
29	Ranking minority member of assembly labor committee .....	9,000
30	Chairman of assembly racing and wagering committee .....	12,500
31	Ranking minority member of assembly racing and wagering	
32	committee .....	9,000
33	Chairman of assembly social services committee .....	12,500
34	Ranking minority member of assembly social services	
35	committee .....	9,000
36	Chairman of assembly small business committee .....	12,500
37	Ranking minority member of assembly small business	
38	committee .....	9,000
39	Chairman of assembly transportation committee .....	15,000
40	Ranking minority member of assembly transportation	
41	committee .....	9,500
42	Chairman of assembly veterans' affairs committee .....	12,500
43	Ranking minority member of assembly veterans' affairs	
44	committee .....	9,000
45	Chairman of assembly aging committee .....	12,500
46	Ranking minority member of assembly aging committee .....	9,000
47	Chairman of the assembly alcoholism and drug abuse	
48	committee .....	12,500
49	Ranking minority member of the assembly	
50	alcoholism and drug abuse committee .....	9,000
51	Chairman of assembly committee on mental health[ <del>r</del>	
52	<del>mental retardation and developmental disabilities</del> ] .....	12,500
53	Ranking minority member of assembly committee on mental health[ <del>r</del>	
54	<del>mental retardation and developmental disabilities</del> ] .....	9,000
55	Chairman of assembly higher education committee .....	12,500
56	Ranking minority member of assembly higher education	

1	committee .....	9,000
2	Chairman of assembly real property taxation committee .....	12,500
3	Ranking minority member of assembly real property	
4	taxation committee .....	9,000
5	Chairman of assembly election law committee .....	12,500
6	Ranking minority member of assembly election	
7	law committee .....	9,000
8	Chairman of assembly children and families committee .....	12,500
9	Ranking minority member of assembly children	
10	and families committee .....	9,000
11	Chairman of assembly consumer affairs and protection	
12	committee .....	12,500
13	Ranking minority member of assembly consumer affairs and	
14	protection committee .....	9,000
15	Chairman of the assembly energy committee .....	12,500
16	Ranking minority member of assembly energy committee .....	9,000
17	Chairman of assembly tourism, parks, arts and sports development	
18	committee .....	12,500
19	Ranking minority member of assembly tourism, parks, arts and	
20	sports development committee .....	9,000
21	Chairman of assembly oversight, analysis and investigation	
22	committee .....	12,500
23	Ranking minority member of assembly oversight,	
24	analysis and investigation committee .....	9,000
25	Chairman of assembly office of state-federal relations .....	12,500
26	Chairman of majority house operations .....	12,500
27	Chairman of minority house operations .....	9,000
28	Co-chairman of the administrative regulations review	
29	commission .....	12,500

30 § 27. The closing paragraph of section 13.01 of the mental hygiene  
 31 law, as added by chapter 168 of the laws of 2010, is amended to read as  
 32 follows:

33 Any provisions of this article which explicitly or implicitly apply  
 34 to, or reference, persons who are [~~mentally-retarded~~] intellectually  
 35 disabled, shall be deemed to apply to, or reference, persons with devel-  
 36 opmental disabilities.

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

40 ADMISSION OF THE [~~MENTALLY RETARDED~~] INTELLECTUALLY  
 41 DISABLED TO SCHOOLS

42 § 29. The seventh undesignated paragraph of section 15.01 of the  
 43 mental hygiene law, as added by chapter 78 of the laws of 2000, is  
 44 amended to read as follows:

45 any provisions of this article which explicitly or implicitly apply  
 46 to, or reference, persons who are, or who are alleged to be, [~~mentally~~  
 47 ~~retarded~~] intellectually disabled shall be deemed to apply to, or to be  
 48 a reference to, persons who are, or who are alleged to be, develop-  
 49 mentally disabled.

50 § 30. The closing paragraph of section 16.00 of the mental hygiene  
 51 law, as added by chapter 168 of the laws of 2010, is amended to read as  
 52 follows:

53 Any provisions of this article which explicitly or implicitly apply  
 54 to, or reference, persons who are [~~mentally-retarded~~] intellectually

1 disabled, shall be deemed to apply to, or reference, persons with devel-  
2 opmental disabilities.

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

6 1. develop standards for admissions to all facilities for the care of  
7 the mentally ill, [~~mentally-retarded~~] intellectually disabled and devel-  
8 opmentally disabled, and those suffering from the disease of alcoholism,  
9 alcohol abuse, substance abuse or substance dependence consistent with  
10 the requirements of articles nine[~~7~~] and fifteen [~~and twenty-one~~] of  
11 this chapter taking into account characteristics of clients and provid-  
12 ers;

13 2. develop standards for discharges from all facilities for the care  
14 of the mentally ill, [~~mentally-retarded~~] intellectually disabled and  
15 developmentally disabled, and those suffering from the disease of alco-  
16 holism, alcohol abuse, substance abuse or substance dependence taking  
17 into account the availability and adequacy of community residential and  
18 treatment services and the rights of the patient;

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

22 (i) Local governments shall be granted state aid, in accordance with  
23 the provisions of this subdivision, for approved net operating costs  
24 pursuant to an approved local services plan at the rate of fifty percent  
25 of the amount incurred during the local fiscal year by such local  
26 governments and by voluntary agencies pursuant to contract with such  
27 local governments; provided, however, that a local government having a  
28 population of less than two hundred thousand shall be granted state aid  
29 at the rate of seventy-five percent for the first one hundred thousand  
30 dollars of its approved net operating costs. Notwithstanding the forego-  
31 ing, local governments shall be granted state aid of one hundred percent  
32 of the net operating costs expended by such local governments and by  
33 voluntary agencies pursuant to contract with such local governments for  
34 services to [~~mentally-retarded~~] intellectually disabled or develop-  
35 mentally disabled persons who were patients in a state facility for a  
36 continuous period of five or more years following the first day of Janu-  
37 ary, nineteen hundred sixty-nine, provided that such services are  
38 rendered in accordance with an approved local services plan. Such one  
39 hundred percent state aid for services to such persons shall be also  
40 provided to a voluntary agency pursuant to a direct contract between  
41 such agency and an office of the department whenever such services  
42 provided pursuant to such direct contract are rendered in accordance  
43 with an approved local services plan for servicing such clients. For  
44 purposes of determining whether a person has been a patient in such a  
45 facility for a continuous period of five years or more, if a person who  
46 has been discharged or released from such a facility is thereafter  
47 returned to such a facility within ninety days of the discharge or  
48 release, the period of time between such discharge or release and such  
49 return shall not constitute an interruption of, and shall be counted as  
50 part of, the continuous period.

51 § 33. Paragraph 1 of subdivision (a) and paragraphs 1 and 2 of subdivi-  
52 sion (c) of section 41.40 of the mental hygiene law, as added by chap-  
53 ter 548 of the laws of 1982, are amended to read as follows:

54 1. "Respite" shall mean the provision of intermittent temporary  
55 substitute care of [~~mentally-retarded~~] intellectually disabled or devel-  
56 opmentally disabled persons on behalf of and in the absence of the

parent or legal guardian of the [~~mentally-retarded~~] intellectually disabled or developmentally disabled person, for the purpose of providing relief from the stresses of responsibilities concomitant with providing continued care. Respite shall not exceed forty-two days in any calendar year for any individual except where authorized by the commissioner, subject to the approval of the director of the budget.

1. An analysis of the effectiveness of respite in promoting the continuance of quality care for such [~~mentally-retarded~~] intellectually disabled and developmentally disabled persons.

2. A qualitative and quantitative analysis of respite services rendered by providers herein, together with demographic analysis of the families and [~~mentally-retarded~~] intellectually disabled or developmentally disabled persons participating in the project and the degree of disability of participants.

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

COMMUNITY MENTAL HEALTH SERVICES AND [~~MENTAL  
RETARDATION~~] INTELLECTUAL DISABILITY  
SERVICES COMPANIES

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

1. "Company", "community mental health services company" or "community [~~mental-retardation~~] intellectual disability 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~~] intellectually disabled, and such facilities as may be incidental or appurtenant thereto.

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

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

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

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

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

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

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



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

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

§ 39. 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~~] intellectual disability 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~~] intellectual disability facilities; that there is a need for non-profit corporations to construct low cost community mental health and [~~mental retardation~~] intellectual disability facilities. In order to encourage the investment of private capital in such community mental health and [~~mental retardation~~] intellectual disability facilities, and to assure the expeditious completion of such community mental health and [~~mental retardation~~] intellectual disability 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

1 obtain funds necessary to make mortgage loans, at low interest rates, to  
2 non-profit corporations for the construction, acquisition, recon-  
3 struction, rehabilitation or improvement of such mental health and  
4 ~~[mental-retardation]~~ intellectual disability facilities.

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

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

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

44 14-a. "Community mental health services and ~~[mental-retardation]~~  
45 intellectual disability services project revenue bonds" and "community  
46 mental health services and ~~[mental-retardation]~~ intellectual disability  
47 services project revenue notes" shall mean bonds and notes, respective-  
48 ly, issued by the agency for the purpose of making mortgage loans to  
49 companies incorporated pursuant to the not-for-profit corporation law  
50 and article seventy-five of the mental hygiene law, paying interest on  
51 such bonds and notes, establishing reserves to secure such bonds and  
52 notes, and paying of all other expenditures of the agency incident to  
53 and necessary or convenient for the making of such mortgage loans.

54 § 41. Paragraphs (a) and (d) of subdivision 15 of section 44 of the  
55 private housing finance law, as amended by chapter 195 of the laws of  
56 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]~~ intellectual disability 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]~~ intellectual disability 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.

§ 42. Subdivisions 1 and 2 of section 47 of the private housing finance law, as amended by chapter 215 of the laws of 1990, paragraph (c) of subdivision 1 as amended by chapter 232 of the laws of 2021, are amended to read as follows:

1. (a) The agency shall create and establish a special fund (herein referred to as capital reserve fund), and shall pay into such capital reserve fund (1) any monies appropriated and made available by the state for the purposes of such fund, (2) any proceeds of sale of notes or bonds other than state university construction notes or state university construction bonds, equity notes or equity bonds, non-profit project notes or non-profit project bonds, hospital and nursing home project notes or hospital and nursing home project bonds, urban rental project notes or urban rental project bonds, health facilities notes or health facilities bonds, youth facilities project notes or youth facilities project bonds, community mental health services and ~~[mental retardation]~~ intellectual disability services project notes or community mental health services and ~~[mental retardation]~~ intellectual disability services project bonds, community senior citizens services project notes or community senior citizens services project bonds, mental hygiene improvement notes or mental hygiene improvement bonds and revenue housing bonds, and bonds and notes for the housing program to the extent provided in the resolution of the agency authorizing the issuance thereof, and (3) any other moneys which may be made available to the agency for the purpose of such fund from any other source or sources. All moneys held in the capital reserve fund, except as hereinafter provided, shall be used solely for the payment of the principal of bonds of the agency other than state university construction bonds, equity bonds, non-profit project bonds, hospital and nursing home project bonds, urban

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

54 (b) The agency shall not issue bonds other than state university  
55 construction bonds, equity bonds, non-profit project bonds, hospital and  
56 nursing home project bonds, urban rental project bonds, health facili-

1 ties bonds, youth facilities project bonds, community mental health  
2 services and [~~mental-retardation~~] intellectual disability services  
3 project bonds, community senior citizens services project bonds, mental  
4 hygiene improvement bonds and revenue housing bonds and bonds and notes  
5 for the housing program at any time secured by the capital reserve fund  
6 if the maximum amount of principal and interest maturing and becoming  
7 due and sinking fund payments required to be made in a succeeding calen-  
8 dar year on such bonds then to be issued and on all other bonds of the  
9 agency then outstanding other than state university construction bonds,  
10 equity bonds, non-profit project bonds, hospital and nursing home  
11 project bonds, urban rental project bonds, health facilities bonds,  
12 youth facilities project bonds, community mental health services and  
13 [~~mental-retardation~~] intellectual disability services project bonds,  
14 community senior citizens services project bonds, mental hygiene  
15 improvement bonds and revenue housing bonds and bonds and notes for the  
16 housing program will exceed the amount of the capital reserve fund at  
17 the time of issuance unless the agency, at the time of issuance of such  
18 bonds, shall deposit in such fund from the proceeds of the bonds so to  
19 be issued, or otherwise, an amount which, together with the amount then  
20 in such fund, will be not less than the maximum amount of principal and  
21 interest maturing and becoming due and sinking fund payments required to  
22 be made in any succeeding calendar year on such bonds then to be issued  
23 and on all other bonds of the agency then outstanding other than state  
24 university construction bonds, equity bonds, non-profit project bonds,  
25 hospital and nursing home project bonds, urban rental project bonds,  
26 health facilities bonds, youth facilities project bonds, community  
27 mental health services and [~~mental-retardation~~] intellectual disability  
28 services project bonds, community senior citizens services project  
29 bonds, mental hygiene improvement bonds and revenue housing bonds and  
30 bonds and notes for the housing program.

31 (c) The agency shall not issue bonds and notes other than state  
32 university construction bonds and state university construction notes,  
33 hospital and nursing home project bonds and hospital and nursing home  
34 project notes, health facilities bonds and health facilities notes,  
35 youth facilities project bonds and youth facilities project notes,  
36 community mental health services and [~~mental-retardation~~] intellectual  
37 disability services project bonds and community mental health services  
38 and [~~mental-retardation~~] intellectual disability services project notes,  
39 community senior citizens services project notes or community senior  
40 citizens services project bonds and mental hygiene improvement bonds and  
41 mental hygiene improvement notes and bonds and notes for the housing  
42 program for any of its corporate purposes in an aggregate principal  
43 amount exceeding thirty-one billion two hundred eighty million dollars,  
44 excluding bonds and notes issued to refund outstanding bonds and notes.

45 (d) To assure the continued operation and solvency of the agency for  
46 the carrying out of the public purposes of this article, provision is  
47 made in paragraph (a) of this subdivision for the accumulation in the  
48 capital reserve fund of an amount equal to the maximum amount of princi-  
49 pal and interest maturing and becoming due and sinking fund payments  
50 required to be made in any succeeding calendar year on all bonds of the  
51 agency then outstanding other than state university construction bonds,  
52 equity bonds, non-profit project bonds, hospital and nursing home  
53 project bonds, urban rental project bonds, health facilities bonds,  
54 youth facilities project bonds, community mental health services and  
55 [~~mental-retardation~~] intellectual disability services project bonds,  
56 community senior citizens services project bonds, mental hygiene



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

39 (e) In computing the amount of the capital reserve fund for the  
40 purposes of this section, securities in which all or a portion of such  
41 fund shall be invested shall be valued at par or if purchased at less  
42 than par, at their cost to the agency.

43 2. The agency shall create and establish a special fund (herein  
44 referred to as general reserve fund) and shall pay into such fund all  
45 fees and charges collected by the agency pursuant to paragraph (a) of  
46 subdivision eleven of section forty-four of this article, or otherwise,  
47 other than fees and charges collected in connection with the making of  
48 mortgage loans (or commitments therefor) to mutual companies, non-profit  
49 companies, urban rental companies or community development corporations,  
50 and any monies which the agency shall transfer from the capital reserve  
51 fund pursuant to the provisions of paragraph (a) of subdivision one of  
52 this section. Such monies and any other monies paid into the general  
53 reserve fund may, in the discretion of the agency but subject to agree-  
54 ments with bondholders and noteholders, be used by the agency (a) for  
55 the repayment of advances from the state in accordance with the  
56 provisions of repayment agreements between the agency and the director

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

40 § 43. Subdivisions 12 and 13 of section 47 of the private housing  
41 finance law, subdivision 12 as added by chapter 1034 of the laws of 1969  
42 and as renumbered by chapter 48 of the laws of 1970, paragraphs (a) and  
43 (d) of subdivision 12 as amended by chapter 365 of the laws of 1973,  
44 paragraphs (b) and (c) of subdivision 12 as amended by chapter 38 of the  
45 laws of 1976, and subdivision 13 as amended by chapter 195 of the laws  
46 of 1973, are amended to read as follows:

47 12. (a) The agency may create and establish a special fund to be known  
48 as community mental health services and [~~mental-retardation~~] intellectu-  
49 al disability services capital reserve fund and may pay into such  
50 reserve funds (1) any monies appropriated and made available by the  
51 state for the purposes of such funds, (2) any proceeds of sale of commu-  
52 nity mental health services and [~~mental-retardation~~] intellectual disa-  
53 bility services project notes or community mental health services and  
54 [~~mental-retardation~~] intellectual disability services project bonds, to  
55 the extent provided in the resolution of the agency authorizing the  
56 issuance thereof, and (3) any other monies which may be made available

1 to the agency for the purposes of such accounts from any other source or  
2 sources. The monies held in or credited to the capital reserve fund  
3 established under this subdivision except as hereinafter provided, shall  
4 be used solely for the payment of principal of community mental health  
5 services and [~~mental-retardation~~] intellectual disability services  
6 project bonds of the agency secured by such reserve fund, as the same  
7 mature, the purchase of such community mental health services and  
8 [~~mental-retardation~~] intellectual disability services project bonds of  
9 the agency, the payment of interest on such community mental health  
10 services and [~~mental-retardation~~] intellectual disability services  
11 project bonds of the agency, or the payment of any redemption premium  
12 required to be paid when such bonds are redeemed prior to maturity;  
13 provided, however, that monies in any such fund shall not be withdrawn  
14 therefrom at any time in such amount as would reduce the amount of such  
15 fund to less than the maximum amount of principal and interest maturing  
16 and becoming due in any succeeding calendar year on the community mental  
17 health services and [~~mental-retardation~~] intellectual disability  
18 services project bonds of the agency then outstanding and secured by  
19 such reserve fund, except for the purpose of paying principal and inter-  
20 est on community mental health services and [~~mental-retardation~~] intel-  
21 lectual disability services project bonds of the agency secured by such  
22 reserve fund maturing and becoming due and for the payment of which  
23 other monies of the agency are not available. Any income or interest  
24 earned by, or increment to, any such community mental health services  
25 and [~~mental-retardation~~] intellectual disability services capital  
26 reserve fund due to the investment thereof may be transferred to the  
27 community mental health services and [~~mental-retardation~~] intellectual  
28 disability services general reserve fund or other fund of the agency, to  
29 the extent it does not reduce the amount of such community mental health  
30 services and [~~mental-retardation~~] intellectual disability services capi-  
31 tal reserve fund below the maximum amount of principal and interest  
32 maturing and becoming due in any succeeding calendar year on all commu-  
33 nity mental health services and [~~mental-retardation~~] intellectual disa-  
34 bility services project bonds of the agency then outstanding and secured  
35 by such reserve fund.

36 (b) The agency shall not issue community mental health services and  
37 [~~mental-retardation~~] intellectual disability services project bonds and  
38 notes in an aggregate principal amount exceeding one hundred million  
39 dollars excluding community mental health services and [~~mental-retarda-~~  
40 ~~tion~~] intellectual disability services project bonds and community  
41 mental health services and [~~mental-retardation~~] intellectual disability  
42 services project notes issued to refund outstanding community mental  
43 health services and [~~mental-retardation~~] intellectual disability  
44 services project bonds and community mental health services and [~~mental-~~  
45 ~~retardation~~] intellectual disability services project notes, nor shall  
46 it issue community mental health services and [~~mental-retardation~~]  
47 intellectual disability services project bonds at any time secured by  
48 the community mental health services and [~~mental-retardation~~] intellec-  
49 tual disability services capital reserve fund if the maximum amount of  
50 principal and interest maturing and becoming due in a succeeding calen-  
51 dar year on the community mental health services and [~~mental-retarda-~~  
52 ~~tion~~] intellectual disability services project bonds outstanding and  
53 then to be issued and secured by the community mental health services  
54 and [~~mental-retardation~~] intellectual disability services capital  
55 reserve fund will exceed the amount of such reserve fund at the time of  
56 issuance, unless the agency, at the time of issuance of such bonds,

1 shall deposit in such reserve fund from the proceeds of the bonds so to  
2 be issued, or otherwise, an amount which together with the amount then  
3 in such reserve fund, will be not less than the maximum amount of prin-  
4 cipal and interest maturing and becoming due in any succeeding calendar  
5 year on the community mental health services and [~~mental-retardation~~]  
6 intellectual disability services project bonds then to be issued and on  
7 all other community mental health services and [~~mental-retardation~~]  
8 intellectual disability services project bonds of the agency then  
9 outstanding and secured by such reserve fund.

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

55 (d) In computing any community mental health services and [~~mental-~~  
56 ~~retardation~~] intellectual disability services capital reserve fund for

1 the purposes of this section, securities in which all or a portion of  
2 such reserve fund shall be invested shall be valued at par if purchased  
3 at par, or if purchased at other than par, at amortized value.

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

41 § 44. Subdivision 16 of section 47 of the private housing finance law,  
42 as added by chapter 570 of the laws of 1982, is amended to read as  
43 follows:

44 16. (a) The agency may create and establish one or more special funds  
45 to be known as community mental health services and ~~[mental-retardation]~~  
46 intellectual disability services capital reserve funds and may pay into  
47 such reserve funds (1) any monies appropriated and made available by the  
48 state for the purposes of such funds, (2) any proceeds of the sale of  
49 community mental health services and ~~[mental-retardation]~~ intellectual  
50 disability services project revenue bonds or notes, to the extent  
51 provided in the resolution of the agency authorizing the issuance there-  
52 of, and (3) any other monies which may be made available to the agency  
53 for the purposes of such fund or funds from any other source or sources.  
54 The monies held in or credited to a capital reserve fund established  
55 under this subdivision, except as hereinafter provided and as provided  
56 in agreements with bondholders and noteholders, shall be used solely for



1 the payment of principal of community mental health services and [~~mental~~  
2 ~~retardation~~] intellectual disability services project revenue bonds of  
3 the agency secured by such reserve fund, as the same mature, required  
4 payments to any sinking fund established in a resolution of the agency  
5 for the amortization of term bonds (hereinafter referred to as "sinking  
6 fund payments"), the purchase of such revenue bonds of the agency, the  
7 payment of interest on such revenue bonds of the agency, or the payment  
8 of any redemption premium required to be paid when such bonds are  
9 redeemed prior to maturity. Any income or interest earned by, or incre-  
10 ment to, any such community mental health services and [~~mental-retarda-~~  
11 ~~tion~~] intellectual disability services capital reserve fund due to the  
12 investment thereof may be transferred to the agency, subject to agree-  
13 ments with bondholders and noteholders.

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

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

notes issued by the agency, or (vi) for such other corporate purposes of the agency as the agency in its discretion shall determine and provide.

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

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

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

§ 46. Paragraphs a and b of subdivision 7 of section 47-c of the private housing finance law, paragraph a as amended by chapter 607 of

1 the laws of 1970 and paragraph b as amended by chapter 433 of the laws  
2 of 1968, are amended to read as follows:

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

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

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

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

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

6 § 48. Paragraph c of subdivision 1 of section 1515 of the real proper-  
7 ty actions and proceedings law, as amended by chapter 550 of the laws of  
8 1978, is amended to read as follows:

9 c. Whether any defendant is known or unknown, and whether any defend-  
10 ant is or might be an infant, [~~mentally retarded~~] intellectually disa-  
11 bled, mentally ill or an alcohol abuser.

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

14 § 11. Capacity to transfer real property. A person other than a minor,  
15 [~~a mentally retarded~~] an intellectually disabled person, or person of  
16 unsound mind, seized of or entitled to an estate or interest in real  
17 property, may transfer such estate or interest.

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

21 (a) Real property owned by a not-for-profit corporation organized  
22 pursuant to the not-for-profit corporation law and the provisions of  
23 article two of the private housing finance law, used exclusively to  
24 provide housing and auxiliary facilities for faculty members, students,  
25 employees, nurses, interns, resident physicians, researchers and other  
26 personnel and their immediate families in attendance or employed at  
27 colleges, universities, educational institutions, child care insti-  
28 tutions, hospitals and medical research institutes, or for handicapped  
29 or aged persons of low income, or owned by non-profit nursing home  
30 companies organized pursuant to the not-for-profit corporation law and  
31 the provisions of article twenty-eight-A of the public health law, used  
32 exclusively to provide facilities for nursing care to sick, invalid,  
33 infirm, disabled or convalescent persons of low income, or to provide  
34 health-related service as defined in article twenty-eight of the public  
35 health law to persons of low income, or any combination of the forego-  
36 ing, and in addition thereto, to provide nursing care and health-related  
37 service, or either of them, to persons of low income who are not occu-  
38 pants of the project, or owned by housing development fund companies  
39 organized pursuant to the not-for-profit corporation law and article  
40 eleven of the private housing finance law, used exclusively to provide  
41 housing for handicapped or aged persons of low income, and financed by a  
42 federally-aided mortgage as defined in said article eleven, or owned by  
43 companies organized pursuant to the not-for-profit corporation law and  
44 the provisions of article seventy-five of the mental hygiene law, used  
45 exclusively to provide care, treatment, training, education and residen-  
46 tial accommodations for operation as hostels for the mentally ill or  
47 [~~mentally retarded~~] intellectually disabled, or owned by companies  
48 organized pursuant to the membership corporations law and the provisions  
49 of article seven-A of the private housing finance law, used exclusively  
50 to provide programs, services and other facilities for the aging, shall  
51 be exempt from taxation and exempt from special ad valorem levies and  
52 special assessments to the extent provided in section four hundred nine-  
53 ty of this chapter, provided, however, that in a city having a popu-  
54 lation of one million or more real property owned by any such corpo-  
55 ration which is to provide housing accommodations, substantially all of  
56 which are or are to be assisted by rent subsidies made or to be made

1 available by the Federal government pursuant to a contract under section  
2 eight of the United States Housing Act of nineteen hundred thirty-seven,  
3 as amended, or pursuant to a project rental assistance contract under  
4 section two hundred two of the United States Housing Act of nineteen  
5 hundred fifty-nine, as amended, or pursuant to a project rental assist-  
6 ance contract under section eight hundred eleven of the National Afford-  
7 able Housing Act of nineteen hundred ninety, as amended, shall from and  
8 after the commencement of construction be subject to taxation or exempt  
9 therefrom to the extent approved by a municipality acting through its  
10 local legislative body, as such local legislative body is defined in  
11 ~~[paragraph]~~ subdivision twelve of section two of the private housing  
12 finance law. No such corporation or company shall pay a dividend on any  
13 of its stock or pay interest on any of its debentures. Provided further,  
14 however, in a county having a population of one million or more and  
15 having not more than three towns within such county, real property owned  
16 by housing development fund companies organized pursuant to the not-for-  
17 profit corporation law and article eleven of the private housing finance  
18 law, used exclusively to provide housing for handicapped or aged persons  
19 of low income, and financed by a federally-aided mortgage as defined in  
20 said article eleven shall from and after the commencement of  
21 construction be subject to taxation or exempt therefrom to the extent  
22 approved by a municipality acting through its local legislative body, as  
23 such local legislative body is defined in ~~[paragraph]~~ subdivision twelve  
24 of section two of the private housing finance law. Any tax payments  
25 and/or payments in lieu of taxes made to a municipality pursuant to the  
26 preceding sentence shall not be passed through nor become the liability  
27 of any of the occupants of such property.

28 § 51. Subdivision 1 of section 210 of the social services law, as  
29 amended by chapter 515 of the laws of 2006, is amended to read as  
30 follows:

31 1. Any inconsistent provisions of this title or any other law notwith-  
32 standing, but subject to the provisions of subdivisions two and three of  
33 this section, an individual who is deemed to have met the eligibility  
34 criteria for additional state payments pursuant to paragraph (c) of  
35 subdivision one of section two hundred nine of this title, shall be  
36 entitled to receive for each month after December, nineteen hundred  
37 seventy-three an additional state payment in an amount which, when added  
38 to the supplemental security income benefit and other countable income,  
39 is equal to such individual's December, nineteen hundred seventy-three  
40 cash grant of assistance under the state's program of old age assist-  
41 ance, assistance to the blind, aid to the disabled or the combined  
42 program of aid to aged, blind and disabled persons, plus income not  
43 excluded under such state program, plus an amount equal to the January,  
44 nineteen hundred seventy-two bonus value of food stamps as determined in  
45 accordance with the regulations of the office of temporary and disabili-  
46 ty assistance plus, for any month after June, nineteen hundred seventy-  
47 five, an amount reflecting the federal supplemental security increases  
48 resulting from July first, nineteen hundred seventy-five cost of living  
49 increases in such benefits, plus for any month after June, nineteen  
50 hundred eighty-two, an amount equal to the July first, nineteen hundred  
51 eighty-two federal supplemental security income cost of living adjust-  
52 ment, providing such individual was eligible to receive a mandatory  
53 state supplement for the month of December, nineteen hundred eighty-one,  
54 plus for any month after June, nineteen hundred eighty-three, an amount  
55 equal to \$17.70 for individuals, \$26.55 for couples who are living alone  
56 or living with others and \$35.40 for couples receiving family care,



1 residential care or care in schools for the [~~mentally-retarded~~] intel-  
2 lectually disabled, plus for any month after December, nineteen hundred  
3 eighty-three, an amount equal to \$9.70 for individuals, \$15.60 for  
4 couples who are living alone or living with others and \$19.40 for  
5 couples receiving family care, residential care or care in schools for  
6 the [~~mentally-retarded~~] intellectually disabled, plus for any month  
7 after December, nineteen hundred eighty-four, an amount equal to \$11.00  
8 for individuals, \$16.00 for couples who are living alone or living with  
9 others and \$22.00 for couples receiving family care, residential care or  
10 care in schools for the [~~mentally-retarded~~] intellectually disabled,  
11 plus for any month after December, nineteen hundred eighty-five, an  
12 amount equal to \$11.00 for individuals, \$16.00 for couples who are  
13 living alone or living with others and \$22.00 for couples receiving  
14 family care, residential care or care in schools for the [~~mentally-~~  
15 ~~retarded~~] intellectually disabled, plus for any month after December,  
16 nineteen hundred eighty-six an amount equal to \$4.00 for individuals,  
17 \$6.00 for couples who are living alone or living with others and \$8.00  
18 for couples receiving family care, residential care or care in schools  
19 for the [~~mentally-retarded~~] intellectually disabled, plus for any month  
20 after December, nineteen hundred eighty-seven an amount equal to \$14.00  
21 for individuals, \$22.00 for couples who are living alone or living with  
22 others and \$28.00 for couples receiving family care, residential care or  
23 care in schools for the [~~mentally-retarded~~] intellectually disabled,  
24 plus for any month after December, nineteen hundred eighty-eight an  
25 amount equal to \$14.00 for individuals, \$21.00 for couples who are  
26 living alone or living with others and \$28.00 for couples receiving  
27 family care, residential care or care in schools for the [~~mentally-~~  
28 ~~retarded~~] intellectually disabled, plus for any other month after Decem-  
29 ber, nineteen hundred eighty-nine an amount equal to \$18.00 for individ-  
30 uals, \$27.00 for couples who are living alone or living with others and  
31 \$36.00 for couples receiving family care, residential care or care in  
32 schools for the [~~mentally-retarded~~] intellectually disabled, plus for  
33 any month after December, nineteen hundred ninety an amount equal to  
34 \$21.00 for individuals, \$31.00 for couples who are living alone or  
35 living with others and \$42.00 for couples receiving family care, resi-  
36 dential care or care in schools for the [~~mentally-retarded~~] intellectu-  
37 ally disabled, plus for any month after December, nineteen hundred nine-  
38 ty-one an amount equal to \$15.00 for individuals, \$23.00 for couples who  
39 are living alone or living with others and \$30.00 for couples receiving  
40 family care, residential care or care in schools for the [~~mentally-~~  
41 ~~retarded~~] intellectually disabled, plus for any month after December,  
42 nineteen hundred ninety-two, an amount equal to \$12.00 for individuals,  
43 \$19.00 for couples who are living alone or living with others and \$24.00  
44 for couples receiving family care, residential care or care in schools  
45 for the [~~mentally-retarded~~] intellectually disabled plus for any month  
46 after December, nineteen hundred ninety-three an amount equal to \$12.00  
47 for individuals, \$17.00 for couples who are living alone or living with  
48 others and \$24.00 for couples receiving family care, residential care or  
49 care in schools for the [~~mentally-retarded~~] intellectually disabled plus  
50 for any month after December, nineteen hundred ninety-four an amount  
51 equal to \$12.00 for individuals, \$18.00 for couples who are living alone  
52 or living with others and \$24.00 for couples receiving family care,  
53 residential care or care in schools for the [~~mentally-retarded~~] intel-  
54 lectually disabled, plus for any month after December, nineteen hundred  
55 ninety-five an amount equal to \$12.00 for individuals, \$18.00 for  
56 couples who are living alone or living with others and \$24.00 for

1 couples receiving family care, residential care or care in schools for  
2 the [~~mentally retarded~~] intellectually disabled, plus for any month  
3 after December, nineteen hundred ninety-six, an amount equal to \$14.00  
4 for individuals and \$21.00 for couples plus for any month after Decem-  
5 ber, nineteen hundred ninety-seven an amount equal to \$10.00 for indi-  
6 viduals and \$15.00 for couples plus for any month after December, nine-  
7 teen hundred ninety-eight an amount equal to \$6.00 for individuals and  
8 \$11.00 for couples plus for any month after December, nineteen hundred  
9 ninety-nine an amount equal to \$13.00 for individuals and \$18.00 for  
10 couples plus for any month after December, two thousand an amount equal  
11 to \$18.00 for individuals and \$27.00 for couples plus for any month  
12 after December, two thousand one an amount equal to \$15.00 for individ-  
13 uals and \$21.00 for couples plus for any month after December, two thou-  
14 sand two an amount equal to \$7.00 for individuals and \$12.00 for couples  
15 plus for any month after December, two thousand three an amount equal to  
16 \$12.00 for individuals and \$17.00 for couples plus for any month after  
17 December, two thousand four an amount equal to \$15.00 for individuals  
18 and \$23.00 for couples plus for any month after December, two thousand  
19 five an amount equal to \$24.00 for individuals and \$35.00 for couples  
20 plus for any month after December, two thousand six an amount equal to  
21 the amount of any increases in federal supplemental security income  
22 benefits for individuals or couples pursuant to section 1617 of the  
23 Social Security Act (42 USC § 1382f) which become effective on or after  
24 January first, two thousand seven.

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

28 (k) "Special care". Care, services and supplies relating to the treat-  
29 ment of mental illness, [~~mental retardation~~] intellectual disability,  
30 developmental disabilities, alcoholism, alcohol abuse or substance  
31 abuse, or HIV infection/AIDS.

32 § 53. Subdivision 4 of section 365-g of the social services law, as  
33 amended by section 31 of part C of chapter 58 of the laws of 2008, is  
34 amended to read as follows:

35 4. The utilization thresholds established pursuant to this section  
36 shall not apply to [~~mental retardation~~] intellectually disabled and  
37 developmental disabilities services provided in clinics certified under  
38 article twenty-eight of the public health law, or article twenty-two or  
39 article thirty-one of the mental hygiene law.

40 § 54. Subdivision 3 of section 365-g of the social services law, as  
41 amended by section 1 of part W of chapter 57 of the laws of 2022, is  
42 amended to read as follows:

43 3. The utilization thresholds established pursuant to this section  
44 shall not apply to [~~mental retardation~~] intellectual disability and  
45 developmental disabilities services provided in clinics certified under  
46 article twenty-eight of the public health law, or article twenty-two or  
47 article thirty-one of the mental hygiene law.

48 § 55. Subparagraph 2 of paragraph (e) of subdivision 1 of section 366  
49 of the social services law, as added by section 1 of part D of chapter  
50 56 of the laws of 2013, is amended to read as follows:

51 (2) is a patient in a public institution operated primarily for the  
52 treatment of tuberculosis or care of the [~~mentally~~] intellectually disa-  
53 bled, with the exception of: (i) a person sixty-five years of age or  
54 older and a patient in any such institution; (ii) a person under twen-  
55 ty-one years of age and receiving in-patient psychiatric services in a  
56 public institution operated primarily for the care of the [~~mentally~~]

1 intellectually disabled; (iii) a patient in a public institution oper-  
2 ated primarily for the care of the [~~mentally-retarded~~] intellectually  
3 disabled who is receiving medical care or treatment in that part of such  
4 institution that has been approved pursuant to law as a hospital or  
5 nursing home; (iv) a patient in an institution operated by the state  
6 department of mental hygiene, while under care in a hospital on release  
7 from such institution for the purpose of receiving care in such hospi-  
8 tal; or (v) is a person residing in a community residence or a residen-  
9 tial care center for adults.

10 § 56. Subparagraph (ii) of paragraph (d) of subdivision 6 of section  
11 367-a of the social services law, as added by chapter 41 of the laws of  
12 1992, is amended to read as follows:

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

17 § 57. Paragraph (e) of subdivision 6 of section 384-b of the social  
18 services law, as amended by chapter 691 of the laws of 1991, is amended  
19 to read as follows:

20 (e) In every proceeding upon a ground set forth in paragraph (c) of  
21 subdivision four the judge shall order the parent to be examined by, and  
22 shall take the testimony of, a qualified psychiatrist or a psychologist  
23 licensed pursuant to article one hundred fifty-three of the education  
24 law as defined in section 730.10 of the criminal procedure law in the  
25 case of a parent alleged to be mentally ill or [~~retarded~~] intellectually  
26 disabled, such psychologist or psychiatrist to be appointed by the court  
27 pursuant to section thirty-five of the judiciary law. The parent and the  
28 authorized agency shall have the right to submit other psychiatric,  
29 psychological or medical evidence. If the parent refuses to submit to  
30 such court-ordered examination, or if the parent renders himself  
31 unavailable therefor whether before or after the initiation of a  
32 proceeding under this section, by departing from the state or by  
33 concealing himself therein, the appointed psychologist or psychiatrist,  
34 upon the basis of other available information, including, but not limit-  
35 ed to, agency, hospital or clinic records, may testify without an exam-  
36 ination of such parent, provided that such other information affords a  
37 reasonable basis for his opinion.

38 § 58. Subdivision 1 of section 477 of the social services law, as  
39 amended by chapter 550 of the laws of 1978, is amended to read as  
40 follows:

41 1. All mentally ill, [~~mentally-retarded~~] intellectually disabled,  
42 blind and deaf and mute persons, the expense of whose support and main-  
43 tenance now is, or, under the laws of the state of New York, may become  
44 a charge upon the city of Poughkeepsie, or the county of Dutchess,  
45 exclusive of said city, or both, and who are maintained, or shall be  
46 maintained, in any of the institutions of the state of New York, shall  
47 be supported by said county of Dutchess as one district.

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

51 (p) with respect to the remaining counties of the state except Catta-  
52 raugus county which have not suspended the imposition of such additional  
53 tax pursuant to subdivision two of section two hundred fifty-three of  
54 this article, to the comptroller to be paid by him or her into the  
55 general fund in the state treasury to the credit of the state purposes  
56 account; provided that money paid to the comptroller with respect to any

1 such remaining county in which on the date of such payment any mass  
2 transportation, airport or aviation, municipal historic site, municipal  
3 park, community mental health and [~~retardation~~] intellectual disability  
4 facility, or sewage treatment capital project is being carried out by a  
5 municipality with state aid, or for which state aid will be paid, pursu-  
6 ant to the provisions of title one of chapter seven hundred seventeen of  
7 the laws of nineteen hundred sixty-seven, section 17.05 of the parks,  
8 recreation and historic preservation law, section 41.18 of the mental  
9 hygiene law, or section 17-1903 of the environmental conservation law,  
10 shall be applied by him or her to increase the amount of aid for which  
11 the state is obligated in respect to such project on such date, provided  
12 that any such increase in state aid may not, together with any federal  
13 funds paid or to be paid on account of the cost of such project, exceed  
14 the total cost thereof, and where more than one such capital project is  
15 being carried out on such date within such county, the application of  
16 such monies by the comptroller shall be pro-rated among such munici-  
17 palities on the basis of the respective amounts of state aid which are  
18 so obligated on such date; and

19 § 60. The opening paragraph of section 2 of section 1 of chapter 359  
20 of the laws of 1968, constituting the facilities development corporation  
21 act, as separately amended by chapters 195 and 658 of the laws of 1973,  
22 is amended to read as follows:

23 It is hereby found and declared that the provision of new and improved  
24 state facilities relating to the care, maintenance and treatment of the  
25 [~~mentally~~] intellectually disabled must be accelerated if the state is  
26 to meet its responsibilities in the face of an increasing state popu-  
27 lation, a growing awareness that mental disability can be treated effec-  
28 tively, and new research advances in treatment methods. An expanded  
29 construction program is essential to relieve overcrowding in the state  
30 hospitals for the mentally ill, to provide treatment and care for the  
31 increasing population of [~~mentally-retarded~~] intellectually disabled in  
32 state schools, and to permit the establishment of special treatment  
33 programs for mentally ill and emotionally disturbed children and for the  
34 mentally ill blind and the mentally ill deaf. Existing state facilities  
35 require substantial modernization and structural change to accommodate  
36 new concepts of treatment for the [~~mentally~~] intellectually disabled and  
37 special units for the treatment of alcoholism and narcotics addiction.  
38 Larger and better equipped research facilities must be installed in  
39 order to insure that state treatment units are in the forefront of  
40 applying and developing advanced therapeutic methods. At the same time,  
41 improved training facilities and quarters are needed to attract and  
42 retain the best-qualified staff personnel.

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

47 It is further found and declared that the provision of new and  
48 improved community mental health and [~~retardation~~] intellectual disabil-  
49 ity facilities must be accelerated, in order to provide comprehensive  
50 care and treatment of the mentally ill and [~~mentally-retarded~~] intellec-  
51 tually disabled. Such community mental health and [~~retardation~~] intel-  
52 lectual disability facilities should be located close to the people they  
53 serve, in order to speed rehabilitation and restoration, by involving  
54 families and community resources to the extent practicable. Such an  
55 accelerated construction program will also help relieve overcrowding in  
56 state facilities for the mentally ill and [~~mentally-retarded~~] intellec-

1 ~~tu~~ally disabled and will afford treatment and care for the increasing  
2 number of [~~mentally-retarded~~] intellectually disabled. Such a program  
3 will increase the number of local facilities for out-patient care and  
4 short-term in-patient care, including after care, diagnostic and rehabi-  
5 litative services, training and research. While the responsibility for  
6 the professional care, maintenance and treatment of the mentally ill and  
7 [~~mentally-retarded~~] intellectually disabled at all such community mental  
8 health and [~~retardation~~] intellectual disability facilities should  
9 continue in the local governments, subject to the provisions of article  
10 forty-one of the mental hygiene law and the regulations of the commis-  
11 sioners of the offices of the department having jurisdiction thereof,  
12 the legislature further finds and declares that the Facilities Develop-  
13 ment Corporation should be empowered to aid cities and counties, at  
14 their request, to provide new and improved community mental health and  
15 [~~retardation~~] intellectual disability facilities in order to insure  
16 their timely construction, acquisition, reconstruction, rehabilitation  
17 and improvement in relation to current and foreseeable needs and the  
18 emergence of new patterns of treatment and care and should be empowered  
19 to receive and administer monies for such purpose.

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

25 10. "Mental hygiene facility" shall mean a building, a unit within a  
26 building, a laboratory, a classroom, a housing unit, a dining hall, an  
27 activities center, a library, real property of any kind or description,  
28 or any structure on or improvement to real property, or an interest in  
29 real property, of any kind or description, owned by or under the juris-  
30 diction of the corporation, including fixtures and equipment which are  
31 an integral part of any such building, unit, structure or improvement, a  
32 walkway, a roadway or a parking lot, and improvements and connections  
33 for water, sewer, gas, electrical, telephone, heating, air conditioning  
34 and other utility services, or a combination of any of the foregoing,  
35 whether for patient care and treatment or staff, staff family or service  
36 use, located at or related to any psychiatric center, any developmental  
37 center, or any state psychiatric or research institute or other facility  
38 now or hereafter established under the department. A mental hygiene  
39 facility shall also mean and include a residential care center for  
40 adults, a "community mental health and [~~retardation~~] intellectual disa-  
41 bility facility" and a treatment facility for use in the conduct of an  
42 alcoholism or substance abuse treatment program as defined in the mental  
43 hygiene law unless such residential care center for adults, community  
44 mental health and [~~retardation~~] intellectual disability facility or  
45 alcoholism or substance abuse facility is expressly excepted, or the  
46 context clearly requires otherwise, and shall also mean and include any  
47 treatment facility for use in the conduct of an alcoholism or substance  
48 abuse treatment program that is also operated as an associated health  
49 care facility. The definition contained in this subdivision shall not be  
50 construed to exclude therefrom a facility owned or leased by one or more  
51 voluntary agencies that is to be financed, refinanced, designed,  
52 constructed, acquired, reconstructed, rehabilitated or improved under  
53 any lease, sublease, loan or other financing agreement entered into with  
54 such voluntary agencies, and shall not be construed to exclude therefrom  
55 a facility to be made available from the corporation to a voluntary  
56 agency at the request of the commissioners of the offices of the depart-



1 ment having jurisdiction thereof. The definition contained in this  
2 subdivision shall not be construed to exclude therefrom a facility with  
3 respect to which a voluntary agency has an ownership interest in, and  
4 proprietary lease from, an organization formed for the purpose of the  
5 cooperative ownership of real estate.

6 19. "Voluntary agency" means a corporation organized under or existing  
7 pursuant to the not-for-profit corporation law providing or, pursuant to  
8 a written agreement with the appropriate commissioner, approved to  
9 provide housing that includes residences for persons with mental disa-  
10 bilities, or services benefitting or assisting in the care, treatment,  
11 rehabilitation or maintenance of persons with mental disabilities,  
12 community mental health or residential services, community [~~mental~~  
13 ~~retardation~~] intellectual disability services, or alcohol, substance-a-  
14 buse, or chemical-dependency residential or non-residential treatment  
15 services, or for any combination of the foregoing. Notwithstanding any  
16 other provision of law to the contrary, voluntary agency shall also  
17 include any entity receiving financing, approvals or assistance of any  
18 form from the state housing finance agency or the state division of  
19 housing and community renewal for one or more integrated housing  
20 projects including projects serving persons with mental disabilities,  
21 which shall be approved by the appropriate commissioner. Such commis-  
22 sioner is hereby authorized to enter into any agreements necessary or  
23 useful for such projects, subject to the approval of the director of the  
24 budget.

25 § 63. Paragraph a of subdivision 8 and subdivision 13 of section 5 of  
26 section 1 of chapter 359 of the laws of 1968, constituting the facili-  
27 ties development corporation act, paragraph a of subdivision 8 as  
28 amended by chapter 58 of the laws of 1987 and subdivision 13 as amended  
29 by chapter 723 of the laws of 1993, are amended to read as follows:

30 a. With the approval of the appropriate commissioner of the department  
31 and the director of the budget, to purchase real property necessary or  
32 convenient for a mental hygiene facilities improvement program in the  
33 name of the state, except where such purchase is for the purpose of  
34 providing community mental health and [~~retardation~~] intellectual disa-  
35 bility facilities in which case such purchase shall be in its own name;  
36 provided, however, that all such purchases shall be made pursuant to  
37 legislation or appropriations in accordance with section nine of this  
38 act. Nothing in this section contained shall be construed to prohibit  
39 the acquisition of real property by purchase or appropriation by the  
40 appropriate commissioner of the department pursuant to article seventy-  
41 one of the mental hygiene law for the purpose of making mental hygiene  
42 facilities available under license or permit from the corporation to a  
43 voluntary agency, subject to the terms and conditions of any lease,  
44 sublease, loan or other financing agreement with the state housing  
45 finance agency or the state medical care facilities finance agency, (i)  
46 for use in providing community mental health and [~~retardation~~] intellec-  
47 tual disability services, including services in a residential care  
48 center for adults, or (ii) for the conduct of an alcoholism or substance  
49 abuse treatment program as defined in article nineteen of the mental  
50 hygiene law.

51 13. Subject to the terms and conditions of any lease, sublease, loan  
52 or other financing agreement with the state housing finance agency or  
53 the state medical care facilities finance agency, and to the determi-  
54 nation of the appropriate commissioner of the department, and in the  
55 case of community mental health and [~~retardation~~] intellectual disabili-  
56 ty facilities, of the city or county, that such real property held for

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

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

36 3. To provide mental hygiene facilities, other than community health  
37 and [~~retardation~~] intellectual disability facilities, for the care,  
38 maintenance and treatment of the [~~mentally~~] intellectually disabled, for  
39 research and training related thereto, and for the members of the staff  
40 of state institutions in the department and their families, to reduce  
41 the time lag between determination of need for such facilities and actu-  
42 al occupancy thereof, to expedite the construction, acquisition, recon-  
43 struction, rehabilitation or improvement of such facilities, to assure  
44 that the same are completed and ready for the purposes intended in the  
45 light of foreseeable needs, to assure exclusive possession, jurisdic-  
46 tion, control and supervision over all mental hygiene facilities in  
47 order to effectuate the aforesaid purposes and to make such facilities  
48 available to the appropriate commissioner of the department for use in  
49 the care, maintenance and treatment of the [~~mentally~~] intellectually  
50 disabled.

51 4. To provide community mental health and [~~retardation~~] intellectual  
52 disability facilities for the [~~mentally~~] intellectually disabled, for  
53 out-patient care and short-term in-patient care, including after care  
54 and diagnostic and rehabilitative services and training and research,  
55 for and at the request of cities and counties not wholly within a city,  
56 authorized to provide community mental health services in accordance

1 with the provisions of article forty-one of the mental hygiene law, to  
2 reduce the time between determination of the need for such facilities  
3 and actual occupancy thereof, to expedite the construction, acquisition,  
4 reconstruction, rehabilitation or improvement of such facilities, to  
5 assure that the same are completed and ready for the purposes intended  
6 in the light of current and foreseeable needs, all as approved by the  
7 appropriate commissioner of the department.

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

14 § 65. Paragraphs b and c of subdivision 1 of section 9 of section 1 of  
15 chapter 359 of the laws of 1968, constituting the facilities development  
16 corporation act, paragraph b as amended by chapter 58 of the laws of  
17 1987 and paragraph c as amended by chapter 547 of the laws of 1979, are  
18 amended to read as follows:

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

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

48 Subject to the terms of any agreement entered into between the corpo-  
49 ration and the commissioner of general services pursuant to subdivision  
50 two of this section and between the corporation and the state housing  
51 finance agency or the medical care facilities finance agency pursuant to  
52 such section, the directors of the corporation may from time to time  
53 modify, or authorize modifications to, such detailed plans and specifi-  
54 cations provided (i) that the plans and specifications as so modified  
55 shall comply with the construction standards, if any, adopted pursuant  
56 to paragraph a of this subdivision and in effect at the time of the

1 modification, and (ii) that such modifications, if substantial, are made  
2 with the separate approval of the appropriate commissioner of the  
3 department and, in the case of community mental health and [~~retardation~~]  
4 intellectual disability facilities, of such governing body of the city  
5 or county or of such officer, department, agency or community mental  
6 health board as may be designated by such governing body for the purpose  
7 of such approval, and (iii) that in the event an amount for contingen-  
8 cies is appropriated or advanced to the corporation to pay the added  
9 costs during the then current state fiscal year of all modifications  
10 made in the course of construction, reconstruction, rehabilitation and  
11 improvement of mental hygiene facilities, no such modifications shall be  
12 made or authorized in such fiscal year without the approval of the  
13 director of the budget unless the cost thereof shall be less than five  
14 percentum of the total estimated cost of the facility as set forth in  
15 the budget bill referred to in paragraph a of subdivision two of this  
16 section, but in no event shall any such modification be made or author-  
17 ized in such fiscal year if the cost thereof, plus the cost of all  
18 modifications theretofore made or authorized during the same state  
19 fiscal year, would exceed the amount for contingencies appropriated or  
20 advanced for the purpose of such modifications, and (iv) that in the  
21 event an amount for contingencies is not appropriated for the purpose of  
22 such modifications, no such modification involving an estimated expense  
23 of ten thousand dollars or more shall be made or authorized without the  
24 prior approval of the director of the budget.

25 c. In the design, construction, acquisition, reconstruction, rehabili-  
26 tation, alteration and improvement of mental hygiene facilities to be  
27 made available under license or permit from the corporation to voluntary  
28 agencies for use in providing community mental health and [~~retardation~~]  
29 intellectual disability services, the corporation shall be governed by  
30 the provisions of this act relating to the design and construction of  
31 mental hygiene facilities provided, however, that the program for each  
32 such facility shall have been prepared under the supervision of the  
33 appropriate commissioner of the department pursuant to the mental  
34 hygiene law at the request of such voluntary agency and with the  
35 approval of the community mental health board established pursuant to  
36 article forty-one of the mental hygiene law.

37 § 66. The opening paragraph of subparagraph (i) and subparagraph (ii)  
38 of paragraph b of subdivision 2 of section 9 of section 1 of chapter 359  
39 of the laws of 1968, constituting the facilities development corporation  
40 act, the opening paragraph of subparagraph (i) as amended by chapter 166  
41 of the laws of 1991 and subparagraph (ii) as amended by chapter 658 of  
42 the laws of 1973, are amended to read as follows:

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

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

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

a. Subject to the provisions of this act, the directors of the corporation shall receive, accept, invest, administer, expend and disburse for its corporate purposes, other than for the purposes of any health facilities improvement program, (i) all payments made on or after January 1, 1964, for the care, maintenance and treatment of patients in every mental hygiene facility, other than a community mental health and ~~[retardation]~~ intellectual disability facility or a mental hygiene facility made available under license or permit from the corporation to a voluntary agency for use in providing community mental health and ~~[retardation]~~ intellectual disability services, or an office of ~~[alcoholism and substance abuse]~~ addiction services and supports facility made available under license or permit from the corporation to a voluntary agency for use in the conduct of an alcoholism or substance abuse treatment program, (ii) all payments made to the corporation by a lessee or permittee as rentals, permit fees or otherwise under any lease, sublease, permit or agreement undertaken with respect to a community mental health and ~~[retardation]~~ intellectual disability facility or current or former mental hygiene facility or from a voluntary agency with respect to a mental hygiene facility made available under lease, license or permit from the corporation to a voluntary agency, and (iii) all payments made to the corporation for the purchase of real property held by the corporation for the use of the department, other than payments derived from New York state medical care facilities finance agency financing or refinancing of the design, construction, acquisition, reconstruction, rehabilitation, improvement or renovation of state operated mental hygiene facilities, and may receive, accept, invest, administer, expend and disburse for its corporate purposes, other than for the purposes of any health facilities improvement program, appropriations or advances from the capital projects fund and the state purposes account of the general fund of the state, and other revenues and monies made available or to be made available to the corporation from any or all sources, including gifts, grants, loans and payments from the federal government, any state agency, any county, city, town or village, any private foundation, organization or individual, or any other source, for the construction, acquisition, reconstruction, rehabilitation and improvement of mental hygiene facilities, and for the maintenance and repair of such facilities.

b. All monies of the corporation received or accepted pursuant to paragraph a of this subdivision, other than appropriations and advances from the state and except as otherwise authorized or provided in this section, shall be paid to the commissioner of taxation and finance as agent of the corporation, who shall not commingle such monies with any



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

45 § 68. The fifth undesignated paragraph of subdivision 5 of section 9  
46 of section 1 of chapter 359 of the laws of 1968, constituting the facil-  
47 ities development corporation act, as amended by chapter 58 of the laws  
48 of 1987, is amended to read as follows:

49 The provisions of this subdivision shall not apply to community mental  
50 health and [~~retardation~~] intellectual disability facilities.

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

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

1 a. The governing body, as such term is defined in article forty-one of  
2 the mental hygiene law (except that with respect to the city of New York  
3 such term shall mean the board of estimate), of a city or county may,  
4 upon such terms and conditions as shall be approved by such governing  
5 body and for such consideration, if any, as may be determined by such  
6 governing body, but not to exceed the cost of acquisition thereof and  
7 the cost of improvements thereon, exclusive of any costs reimbursed or  
8 to be reimbursed in accordance with the provisions of article forty-one  
9 of the mental hygiene law otherwise, execute and deliver to the corpo-  
10 ration a lease for a term not exceeding forty years or a deed (i)  
11 conveying to the corporation real property and one or more community  
12 mental health and [~~retardation~~] intellectual disability facilities of  
13 the city or county located thereon, a portion of the costs of which  
14 facilities are eligible for state reimbursement in accordance with the  
15 provisions of article forty-one or article twenty-five of the mental  
16 hygiene law or (ii) conveying to the corporation real property of the  
17 city or county or an interest therein, for the purpose of causing to be  
18 constructed, reconstructed, rehabilitated or improved thereon one or  
19 more community mental health and [~~retardation~~] intellectual disability  
20 facilities pursuant to this act, such community mental health and  
21 [~~retardation~~] intellectual disability facilities to be made available to  
22 such county or city for use and occupancy under lease, sublease or other  
23 agreement upon such terms and conditions as may be agreed upon, includ-  
24 ing terms and conditions relating to length of terms, maintenance and  
25 repair of community mental health and [~~retardation~~] intellectual disa-  
26 bility facilities during such term and the annual rentals to be paid  
27 therefor for the use thereof. The corporation is hereby authorized to  
28 accept any such lease or conveyance, to hold such real property, to  
29 enter into a lease, sublease or other agreement with such city or county  
30 for the purpose of making such community mental health and [~~retardation~~]  
31 intellectual disability facility so acquired or to be constructed,  
32 reconstructed, rehabilitated or improved thereon available for use and  
33 occupancy by such city or county, and to lease or convey real property  
34 so acquired to the New York state housing finance agency or the medical  
35 care facilities finance agency, provided, however, that any such further  
36 lease or conveyance shall be solely for the purpose of causing community  
37 mental health and [~~retardation~~] intellectual disability facilities to be  
38 acquired, constructed, reconstructed, rehabilitated or improved thereon,  
39 such community mental health and [~~retardation~~] intellectual disability  
40 facilities to be made available to such city or county for use and occu-  
41 pancy under a lease, sublease or other agreement between the corporation  
42 and such city or county, upon such terms and conditions as may be agreed  
43 upon. No such lease or conveyance from the corporation to the New York  
44 state housing finance agency or the state medical care facilities  
45 finance agency shall be for a consideration in excess of the cost of  
46 acquisition of such real property and the costs of improvements thereon.  
47 The appropriate commissioner of the department, on behalf of his office,  
48 and the director of the budget shall approve all leases, subleases or  
49 agreements, whether between the corporation and such city or county or  
50 between the corporation and the housing finance agency or the state  
51 medical care facilities finance agency, and the appropriate commissioner  
52 of the department shall be a party thereto. The appropriate division of  
53 the office of [~~alcoholism and substance abuse~~] addiction services and  
54 supports shall also approve all such leases, subleases or agreements  
55 relating to the construction, reconstruction, rehabilitation or improve-  
56 ment of community mental health and [~~retardation~~] intellectual disabili-

1 ~~ty~~ facilities, constituting alcoholism or substance abuse facilities for  
2 use in an alcoholism or substance abuse treatment program as defined in  
3 the mental hygiene law.

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

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

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

37 e. The cost of construction, acquisition, reconstruction, rehabili-  
38 tation or improvement of community mental health and [~~retardation~~]  
39 intellectual disability facilities undertaken by the corporation pursu-  
40 ant to this act may include the cost of acquisition of any real property  
41 leased or conveyed to the corporation pursuant to paragraph a of this  
42 subdivision [~~six~~] and the cost of the original furnishing, equipment,  
43 machinery and apparatus as determined by the corporation.

44 f. The provisions of this act shall not be deemed to prevent a city or  
45 county from financing the cost of constructing, acquiring, reconstruct-  
46 ing, rehabilitating or improving a community mental health and [~~retarda-~~  
47 ~~tion~~] intellectual disability facility by the issuance of bonds or capi-  
48 tal notes of such city or county pursuant to the local finance law.

49 § 70. The fifth undesignated paragraph of section 2 of section 1 of  
50 chapter 392 of the laws of 1973, constituting the New York state medical  
51 care facilities finance agency act, as added by chapter 58 of the laws  
52 of 1987, is amended to read as follows:

53 Prompt provision of well-equipped, modern hospitals, schools and other  
54 facilities related to the care, maintenance and treatment of mentally  
55 ill, [~~mentally retarded~~] intellectually disabled and developmentally  
56 disabled persons is also needed in the state. In order to encourage the

1 investment of private capital in such hospitals, schools and other  
2 mental health services facilities and to assure their timely  
3 construction, acquisition, reconstruction, rehabilitation and improve-  
4 ment, or the refinancing thereof, the New York state medical care facil-  
5 ities finance agency should be empowered, through the issuance of its  
6 bonds, notes or other obligations to the private investing public, to  
7 obtain all or a portion of the funds necessary to finance the same and  
8 to meet the needs of patients and staff at such facilities.

9 § 71. Subdivisions 4 and 6 of section 5-a of section 1 of chapter 392  
10 of the laws of 1973, constituting the New York state medical care facil-  
11 ities finance agency act, subdivision 4 as amended by chapter 389 of the  
12 laws of 1987 and subdivision 6 as amended by chapter 672 of the laws of  
13 2019, are amended to read as follows:

14 4. As used in this section or in connection with a federally-aided  
15 mortgage loan, the term "project" means a specific work or improvement,  
16 whether or not to effectuate all or any part of a plan, and includes  
17 lands, buildings, improvements, fixtures and personal property  
18 constructed, acquired, reconstructed, refinanced, rehabilitated,  
19 improved, managed, owned or operated by a non-profit corporation pursu-  
20 ant to this section, to provide hospital, residential health care, resi-  
21 dential facilities for the [~~mentally-retarded~~] intellectually disabled  
22 and developmentally disabled [~~or the mentally-disabled~~] or for the care,  
23 treatment, training and education of the [~~mentally-retarded~~] intellctu-  
24 ally disabled and developmentally disabled [~~or the mentally-disabled~~] or  
25 comprehensive health services facilities and such related incidental and  
26 appurtenant facilities as the agency may approve. The term "project"  
27 shall also mean a separate work or improvement, including lands, build-  
28 ings, fixtures and personal property related thereto, managed, owned or  
29 operated by a non-profit corporation pursuant to this section to provide  
30 such services, functions, capabilities and facilities as may be conven-  
31 ient or desirable for the operation of a hospital, a residential health  
32 care or comprehensive health services facility.

33 6. As used in this section or in connection with federally-aided mort-  
34 gage loan regarding residential facilities for the [~~mentally-retarded~~]  
35 intellectually disabled and developmentally disabled [~~or the mentally~~  
36 ~~disabled~~] or for the care, treatment, training and education of the  
37 [~~mentally-retarded~~] intellectually disabled and developmentally disabled  
38 [~~or the mentally-disabled~~] the term "commissioner" shall also mean the  
39 commissioner of mental health or the commissioner of the office for  
40 people with developmental disabilities.

41 § 72. Paragraph a of subdivision 1 of section 9-a of section 1 of  
42 chapter 392 of the laws of 1973, constituting the New York state medical  
43 care facilities finance agency act, as amended by chapter 166 of the  
44 laws of 1991, is amended to read as follows:

45 a. "Mental health services facility" shall mean a building, a unit  
46 within a building, a laboratory, a classroom, a housing unit, a dining  
47 hall, an activities center, a library, real property of any kind or  
48 description, or any structure on or improvement to real property of any  
49 kind or description, including fixtures and equipment which may or may  
50 not be an integral part of any such building, unit, structure or  
51 improvement, a walkway, a roadway or a parking lot, and improvements and  
52 connections for water, sewer, gas, electrical, telephone, heating, air  
53 conditioning and other utility services, or a combination of any of the  
54 foregoing, whether for patient care and treatment or staff, staff family  
55 or service use, located at or related to any psychiatric center, any  
56 developmental center, or any state psychiatric or research institute or

1 other facility now or hereafter established under the state department  
2 of mental hygiene. A mental health services facility shall also mean and  
3 include a residential care center for adults, a "community mental health  
4 and [~~retardation~~] intellectual disability facility", and a state or  
5 voluntary operated treatment facility for use in the conduct of an alco-  
6 holism or substance abuse treatment program as defined in the mental  
7 hygiene law, unless such residential care center for adults, community  
8 mental health and [~~retardation~~] intellectual disability facility or  
9 alcoholism or substance abuse facility is expressly excepted or the  
10 context clearly requires otherwise. The definition contained in this  
11 subdivision shall not be construed to exclude therefrom a facility,  
12 whether or not owned or leased by a voluntary agency, to be made avail-  
13 able under lease, or sublease, from the facilities development corpo-  
14 ration to a voluntary agency at the request of the commissioners of the  
15 offices and directors of the divisions of the department of mental  
16 hygiene having jurisdiction thereof for use in providing services in a  
17 residential care center for adults, community mental health and [~~retar-~~  
18 ~~dation~~] intellectual disability services, or for use in the conduct of  
19 an alcoholism or substance abuse treatment program. For purposes of this  
20 section mental health services facility shall also mean mental hygiene  
21 facility as defined in subdivision ten of section three of the facili-  
22 ties development corporation act.

23 § 73. Paragraphs a and b of subdivision 7 of section 9-a of section 1  
24 of chapter 392 of the laws of 1973, constituting the New York state  
25 medical care facilities finance agency act, paragraph a as added by  
26 chapter 58 of the laws of 1987 and paragraph b as amended by chapter 506  
27 of the laws of 1997, are amended to read as follows:

28 a. The agency shall have the power to acquire by lease or deed from  
29 the facilities development corporation any real property acquired by the  
30 corporation pursuant to the provisions of subdivision six of section  
31 nine of the facilities development corporation act (i) for the purpose  
32 of constructing, reconstructing, rehabilitating or improving thereon one  
33 or more community mental health and [~~retardation~~] intellectual disabili-  
34 ty facilities or (ii) for the purpose of financing or refinancing the  
35 acquisition, construction, reconstruction, rehabilitation or improvement  
36 thereon of one or more community mental health and [~~retardation~~] intel-  
37 lectual disability facilities, pursuant to the provisions of this act  
38 and the facilities development corporation act. The agency is hereby  
39 authorized to lease or sublease such real property and facilities there-  
40 on to the corporation for the purpose of making the same available to a  
41 city or a county not wholly within a city, for use and occupancy in  
42 accordance with the provisions of a lease, sublease or other agreement  
43 between the corporation and such city or county.

44 b. In the event that the agency shall fail, within five years after  
45 the date of a lease or conveyance of such real property from property  
46 from such city or county to the corporation, to construct, reconstruct,  
47 rehabilitate or improve the community mental health and [~~retardation~~]  
48 intellectual disability facility or facility thereon for which such  
49 lease or conveyance was made, as provided for in a lease, sublease or  
50 other financing agreement entered into by such city or county and the  
51 corporation, then, subject to the terms of any lease, sublease or other  
52 financing agreement undertaken by the agency, such real property and any  
53 facilities thereon shall revert to the corporation with right of re-en-  
54 try thereupon, and such lease or deed shall be made subject to such  
55 condition of reverter and re-entry. Provided, however, that as a condi-  
56 tion precedent to the exercise of such right of re-entry the corporation



1 shall pay to the agency an amount equal to the sum of the purchase price  
2 of such real property, the depreciated cost of any community mental  
3 health and [~~retardation~~] intellectual disability facility or facilities  
4 constructed, reconstructed, rehabilitated or improved thereon and all  
5 other costs of the agency incident to the acquisition of such lands and  
6 the financing of construction, reconstruction, rehabilitation or  
7 improvement relating to such community mental health and [~~retardation~~]  
8 intellectual disability facility or facilities, all as provided in the  
9 aforesaid lease, sublease or other financing agreement entered into with  
10 the corporation. It is further provided that for the Corona unit of the  
11 Bernard M. Fineson developmental disabilities services office, the  
12 corporation may but is not required to pay to the agency an amount less  
13 than or equal to the purchase price of the real property, the depreci-  
14 ated cost of sum of the community mental health and [~~retardation~~] intel-  
15 lectual disability facility constructed, reconstructed, rehabilitated,  
16 demolished or improved thereon and all other costs of the agency inci-  
17 dent to the acquisition of such lands and the financing of construction,  
18 reconstruction, rehabilitation, demolition or improvement relating to  
19 such community mental health and [~~retardation~~] intellectual disability  
20 facility, all as provided in the aforesaid lease, sublease or other  
21 financing agreement entered into with the corporation.

22 § 74. This act shall take effect immediately; provided, however, that:

23 (a) the amendments to subclause (iii) of clause (c) of subparagraph 4  
24 of paragraph b of subdivision 1 of section 4402 of the education law  
25 made by section fourteen of this act shall be subject to the expiration  
26 and reversion of such clause pursuant to chapter 378 of the laws of  
27 2007, as amended when upon such date the provisions of section fifteen  
28 of this act shall take effect;

29 (b) the amendments to section 41.40 of the mental hygiene law made by  
30 section thirty-three of this act shall not affect the expiration of such  
31 section and shall be deemed to expire therewith;

32 (c) the amendments to section 364-j of the social services law made by  
33 section fifty-two of this act shall not affect the repeal of such  
34 section and shall be deemed repealed therewith; and

35 (d) the amendments to section 365-g of the social services law made by  
36 section fifty-three of this act shall be subject to the expiration and  
37 reversion of such section when upon such date the provisions of section  
38 fifty-four of this act shall take effect.