STATE OF NEW YORK

3606

2021-2022 Regular Sessions

IN ASSEMBLY

January 28, 2021

Introduced by M. of A. HEVESI, BARRON, TAYLOR, SEAWRIGHT, O'DONNELL, ENGLEBRIGHT, REYES, BRONSON, SIMON, FERNANDEZ, GOTTFRIED, EICHENSTEIN, DICKENS, L. ROSENTHAL, RA, OTIS, FAHY, THIELE, J. M. GIGLIO, LUPARDO -- read once and referred to the Committee on Ways and Means

AN ACT

to provide relief to human services providers in response to the outbreak of novel coronavirus, COVID-19 and making an appropriation therefor

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

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

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

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

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

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

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§ 3. Notwithstanding any provision of law to the contrary, the commissioner of social services, in consultation with the director of the office for the aging, the commissioner of health, the commissioner of the division for youth, and the commissioner of mental health, shall amend all state and passthrough contracts with human services providers to provide any necessary personal protective equipment (PPE) to such human services providers as determined by such commissioners.

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

§ 5. Notwithstanding any provision of law to the contrary, any state agency with a contract with a human services provider to provide human services for fiscal year 2022 shall immediately provide a 60 percent cash advance on such fiscal year 2022 contract.

§ 6. Notwithstanding any provision of law to the contrary, any state taskforce involved in the recovery from the outbreak of novel coronavirus, COVID-19, shall include a representative of human services providers.

§ 7. Notwithstanding any provision of law to the contrary, subject to available appropriations, the commissioner of social services, in consultation with the director of the office for the aging, the commissioner of health, the commissioner of the division for youth, and the commissioner of mental health, shall establish an annual cost of living adjustment (COLA) of 3 percent effective April first of each state fiscal year, beginning with the 2022-2023 fiscal year through the 2027-2028 fiscal year, for the rates of payments, contracts or any other form of reimbursement for all state human services programs.

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

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

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

§ 11. Notwithstanding any provision of law to the contrary, the commissioner of social services, in consultation with the director of the office for the aging, the commissioner of health, the commissioner of the division for youth, and the commissioner of mental health, shall adopt an indirect cost rate for all human services contracts. Such indirect cost rate shall be modeled after the indirect cost rate funding initiative in the city of New York health and human services cost policies and procedures manual adopted for the 2020 fiscal year.

§ 12. There is hereby established a workgroup consisting of the not-for-profit contracting advisory committee established pursuant to

section 179-aa of the state finance law, in consultation with the attorney general and representatives of human services providers to identify and make recommendations regarding the extension of any easing of reporting requirements as a result of COVID-19 which resulted in increased efficiency for the processing of human services contracts and other related documents. The workgroup shall report to the governor and the legislature with any such recommendations within one year of the effective date of this act.

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

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

§ 15. This act shall take effect immediately.