STATE OF NEW YORK

6793

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

AN ACT to amend the abandoned property law, the arts and cultural affairs law, the banking 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 general construction law, 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, the New York state medical care facilities finance agency act, the administrative code of the city of New York and the New York city charter, 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 Assembly, do enact as follows:

Section 1. Section 215 of the abandoned property law, as amended by chapter 550 of the laws of 1978, is amended to read as follows:

§ 215. Claims against state. Where an action has been commenced and final judgment in favor of the people entered therein by reason of the escheat of real property to the people and the said property has been sold pursuant to section two hundred four, any party or parties thereto, or their successors in interest, who, but for the rendering of such final judgment would have been entitled to such real property, or an interest therein, shall have a claim against the state for the value of such real property or interest therein at the time of the entry of such judgment, but no such claim shall exist in favor of such party or parties or their successors in interest unless a petition therefor shall have been filed as hereinafter provided within fifteen years from the

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

LBD10921-02-1

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

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

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

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

(a) As guardian, receiver, trustee, committee or conservator of the estate of any minor, mentally ill person, [~~mentally retarded~~] **intellectually disabled** person, person of unsound mind, alcohol abuser or conservatee or in any other fiduciary capacity;

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

3. Committee of incompetent or conservator of a conservatee. Any court having jurisdiction to appoint a trustee, guardian, receiver, committee of the estate of a mentally ill person, [~~mentally retarded~~] **intellectually disabled** person or alcohol abuser or conservator of the estate of a conservatee, or to make any fiduciary appointment, may appoint any trust company to be such trustee, guardian, receiver, committee or conservator, or to act in any other fiduciary capacity.

§ 5. Subdivision 1 of section 707 of the county law, as added by chapter 1 of the laws of 1995, is amended to read as follows:

1. Notwithstanding any other provision of law to the contrary, upon a finding in an ex parte proceeding that expert services are reasonably necessary for the prosecution of the case whether in connection with issues relating to guilt or sentencing or that investigative services relating to a separate sentencing proceeding or [~~mental retardation~~] **intellectual disability** hearing pursuant to section 400.27 of the criminal procedure law are reasonably necessary, the trial court shall authorize the payment of fees and expenses for such services. Upon a finding that timely procurement of such services could not practicably await prior authorization, the court may authorize the provision and payment for such services nunc pro tunc.

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

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

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

§ 7. Paragraph (b) of subdivision 9, paragraphs (a), (b), (c), (d), (e) and (f) of subdivision 12, paragraphs (a) and (c) of subdivision 13 and the opening paragraph of paragraph (a) and paragraph (c) of subdivision 14 of section 400.27 of the criminal procedure law, paragraph (b) of subdivision 9, paragraphs (a), (b), (c), (d), (e) and (f) of subdivision 12 and paragraph (a) of subdivision 13 as added by chapter 1 of the laws of 1995, paragraph (c) of subdivision 13 as amended by chapter 230 of the laws of 2004 and the opening paragraph of paragraph (a) and paragraph (c) of subdivision 14 as amended by section 9 of part LLL of chapter 59 of the laws of 2019, are amended to read as follows:

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

(a) Upon the conviction of a defendant for the offense of murder in the first degree as defined in section 125.27 of the penal law, the court shall, upon oral or written motion of the defendant based upon a showing that there is reasonable cause to believe that the defendant is [~~mentally retarded~~] intellectually disabled, promptly conduct a hearing without a jury to determine whether the defendant is [~~mentally retarded~~] intellectually disabled. Upon the consent of both parties, such a hearing, or a portion thereof, may be conducted by the court contemporaneously with the separate sentencing proceeding in the presence of the

sentencing jury, which in no event shall be the trier of fact with respect to the hearing. At such hearing the defendant has the burden of proof by a preponderance of the evidence that he or she is [~~mentally retarded~~] intellectually disabled. The court shall defer rendering any finding pursuant to this subdivision as to whether the defendant is [~~mentally retarded~~] intellectually disabled until a sentence is imposed pursuant to this section.

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

(c) In the event the defendant is sentenced pursuant to this section to death, the court shall thereupon render a finding with respect to whether the defendant is [~~mentally retarded~~] intellectually disabled. If the court finds the defendant is [~~mentally retarded~~] intellectually disabled, the court shall set aside the sentence of death and sentence the defendant either to life imprisonment without parole or to a term of imprisonment for the class A-I felony of murder in the first degree other than a sentence of life imprisonment without parole. If the court finds the defendant is not [~~mentally retarded~~] intellectually disabled, then such sentence of death shall not be set aside pursuant to this subdivision.

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

(e) The foregoing provisions of this subdivision notwithstanding, at a reasonable time prior to the commencement of trial the defendant may, upon a written motion alleging reasonable cause to believe the defendant is [~~mentally retarded~~] intellectually disabled, apply for an order directing that [~~a mental retardation~~] an intellectual disability hearing be conducted prior to trial. If, upon review of the defendant's motion and any response thereto, the court finds reasonable cause to believe the defendant is [~~mentally retarded~~] intellectually disabled, it shall promptly conduct a hearing without a jury to determine whether the defendant is [~~mentally retarded~~] intellectually disabled. In the event the court finds after the hearing that the defendant is not [~~mentally retarded~~] intellectually disabled, the court must, prior to commencement of trial, enter an order so stating, but nothing in this paragraph shall preclude a defendant from presenting mitigating evidence of [~~mental retardation~~] intellectual disability at a separate sentencing proceeding. In the event the court finds after the hearing that the defendant, based upon a preponderance of the evidence, is [~~mentally retarded~~] intellectually disabled, the court must, prior to commencement of trial, enter an order so stating. Unless the order is reversed on an appeal by the people or unless the provisions of paragraph (d) of this subdivision apply, a separate sentencing proceeding under this section shall not be

conducted if the defendant is thereafter convicted of murder in the first degree. In the event a separate sentencing proceeding is not conducted, the court, upon conviction of a defendant for the crime of murder in the first degree, shall sentence the defendant to life imprisonment without parole or to a sentence of imprisonment for the class A-I felony of murder in the first degree other than a sentence of life imprisonment without parole. Whenever [~~a mental retardation~~] an intellectual disability hearing is held and a finding is rendered pursuant to this paragraph, the court may not conduct a hearing pursuant to paragraph (a) of this subdivision. For purposes of this subdivision and paragraph (b) of subdivision nine of this section, [~~"mental retardation"~~] "intellectual disability" means significantly subaverage general intellectual functioning existing concurrently with deficits in adaptive 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 sentencing 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.

§ 8. 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**.

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

§ 251. Authority for committee or conservator to compromise claims. A court exercising jurisdiction over the property of a mentally ill person, [~~mentally retarded~~] **intellectually disabled** person, alcohol abuser or conservatee may, upon the application of the committee of the property of such incompetent person or the conservator of the conservatee, and for good and sufficient cause shown, and upon such terms as it may direct, authorize the committee or conservator to sell, compromise or compound any claim or debt belonging to the estate of the incompetent person or conservatee. But such authority shall not prevent any party interested in the trust estate, from showing upon the final accounting of such committee or conservator that such debt or claim was fraudulently or negligently sold, compounded or compromised. The sale of any debt or claim heretofore made in good faith by any such committee or conservator, shall be valid, subject, however, to the approval of the court, and the committee or conservator shall be charged with and liable for, as a part of the trust fund, any sum which might or ought to have been collected by him.

§ 10. 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.

§ 11. 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.

§ 12. 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.

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

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

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

§ 142. Dismissal of complaint in action by next friend to annul a marriage. Where the next friend of an infant, [~~mentally retarded~~] **intellectually disabled** person or mentally ill person maintains an action annulling a marriage, the court may dismiss the complaint if justice so

requires, although, in a like case, the party to the marriage, if plaintiff, would be entitled to judgment.

§ 15. 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.

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

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

2. Special provisions relating to [~~mentally retarded~~] **intellectually disabled**, mentally ill and severely physically handicapped persons in extended sheltered employment in workshops. Notwithstanding any other provision of this article, when it shall appear to the satisfaction of the department that a [~~mentally retarded~~] **intellectually disabled**, mentally ill or severely physically handicapped person over the chronological age of seventeen years can reasonably be expected to benefit from, or in his best interests reasonably requires extended sheltered employment in a workshop as defined in section ten hundred two, subdivision eight of article twenty-one of this chapter, furnished by an approved non-profit organization, the department is authorized to contract with such organization for the furnishing of such sheltered employment to such [~~mentally retarded~~] **intellectually disabled**, mentally ill or severely physically handicapped person; and the department is further authorized to expend for such purpose a sum or sums not less than one thousand five hundred dollars per annum for each such [~~mentally retarded~~] **intellectually disabled**, mentally ill or severely physically handicapped person, for or towards the cost of providing such sheltered employment for each such [~~mentally retarded~~] **intellectually disabled**, mentally ill or severely physically handicapped person.

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

3. The department shall maintain a register of such nonprofit organizations which, after inspection of the facilities for sheltered employment provided by them, it deems qualified to meet the needs of such [~~mentally retarded~~] **intellectually disabled**, mentally ill and severely physically handicapped persons. Such inspection shall also determine the eligibility of such organization to receive the funds hereinbefore specified.

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

8-a. Notwithstanding any other provision of this section and with the consent of the commissioner, the city school district of the city of Syracuse may, upon consent of the board of cooperative educational services for the sole supervisory district for Onondaga and Madison counties, be included as a component district for the sole purpose of operating a combined program and/or constructing a combined facility for the trainable [~~mentally retarded~~] **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.

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

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

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

(1) Children who reside in an intermediate care facility for the [~~mentally retarded~~] **intellectually disabled**, other than a state operated school for the [~~mentally retarded~~] **intellectually disabled**, as defined in regulations of the office for people with developmental disabilities, shall be admitted to the public schools, except as otherwise provided in subparagraph fourteen of this paragraph. The trustees or board of education of the school district in which such facility is located shall receive such children in the school or schools of the district for instruction and for the provision of necessary related services for a compensation to be fixed by the trustees or board of education, unless such trustees or board of education shall establish to the satisfaction of the commissioner of education that there are valid and sufficient

reasons for refusal to receive such children. Evaluation of the educational needs of such children and placement in appropriate educational programs shall be made in accordance with article eighty-nine of this chapter.

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

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

§ 19. 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.

§ 20. 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.

§ 21. 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.

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

§ 4809. Transfer of pupils. The board of managers shall have full power to transfer to other institutions any child committed by a court found to be incorrigible, not amenable to proper discipline and training of the school, or [~~mentally retarded~~] **intellectually disabled**, in the manner and by the methods prescribed and set forth in the penal law.

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

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

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

(i) that such child is mentally ill or [~~mentally retarded~~] **intellectually disabled** and will substantially benefit from care and treatment in such a state school or hospital; and

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

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

§ 26. Section 28 of the general construction law, as amended by chapter 550 of the laws of 1978, is amended to read as follows:

§ 28. Lunatic, mentally ill person, lunacy and mental illness. The terms lunatic, mentally ill person, lunacy and mental illness include every kind of unsoundness of mind except idiocy or [~~mental retardation~~] **intellectual disability**.

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

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

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

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

(B) Written notice of entitlement to a conversion policy shall be given by the insurer to the policyholder at least fifteen and not more than sixty days prior to the termination of coverage due to the initial limiting age of the covered dependent. Such notice shall include an explanation of the rights of the dependent with respect to the dependent being enrolled in an accredited institution of learning or his 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.

§ 29. 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.

§ 30. 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.

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

§ 32. 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.

§ 33. 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
Ranking minority member of assembly agriculture committee 9,000
Chairman of assembly economic development, job creation, commerce and industry committee 18,000
Ranking minority member of assembly economic development, job creation, commerce and industry committee 11,000
Chairman of assembly environmental conservation committee 12,500
Ranking minority member of assembly environmental conservation committee 9,000
Chairman of assembly corporations, authorities and commissions committee 15,000
Ranking minority member of assembly corporations, authorities, and commissions committee 9,500
Chairman of assembly correction committee 12,500
Ranking minority member of assembly correction committee 9,000
Chairman of assembly ethics and guidance committee 12,500
Ranking minority member of assembly ethics and guidance committee 9,000
Chairman of assembly governmental employees committee 12,500
Ranking minority member of assembly governmental employees committee 9,000
Chairman of assembly governmental operations committee 12,500
Ranking minority member of assembly governmental operations committee 9,000
Chairman of assembly housing committee 12,500
Ranking minority member of assembly housing committee 9,000
Chairman of assembly insurance committee 12,500

Ranking minority member of assembly insurance committee 9,000
Chairman of assembly labor committee 14,000
Ranking minority member of assembly labor committee 9,000
Chairman of assembly racing and wagering committee 12,500
Ranking minority member of assembly racing and wagering committee 9,000
Chairman of assembly social services committee 12,500
Ranking minority member of assembly social services committee 9,000
Chairman of assembly small business committee 12,500
Ranking minority member of assembly small business committee 9,000
Chairman of assembly transportation committee 15,000
Ranking minority member of assembly transportation committee 9,500
Chairman of assembly veterans' affairs committee 12,500
Ranking minority member of assembly veterans' affairs committee 9,000
Chairman of assembly aging committee 12,500
Ranking minority member of assembly aging committee 9,000
Chairman of the assembly alcoholism and drug abuse committee 12,500
Ranking minority member of the assembly alcoholism and drug abuse committee 9,000
Chairman of assembly committee on mental health[~~, mental retardation and developmental disabilities~~] 12,500
Ranking minority member of assembly committee on mental health[~~, mental retardation and developmental disabilities~~] 9,000
Chairman of assembly higher education committee 12,500
Ranking minority member of assembly higher education committee 9,000
Chairman of assembly real property taxation committee 12,500
Ranking minority member of assembly real property taxation committee 9,000
Chairman of assembly election law committee 12,500
Ranking minority member of assembly election law committee 9,000
Chairman of assembly children and families committee 12,500
Ranking minority member of assembly children and families committee 9,000
Chairman of assembly consumer affairs and protection committee 12,500
Ranking minority member of assembly consumer affairs and protection committee 9,000
Chairman of the assembly energy committee 12,500
Ranking minority member of assembly energy committee 9,000
Chairman of assembly tourism, parks, arts and sports development committee 12,500
Ranking minority member of assembly tourism, parks, arts and sports development committee 9,000
Chairman of assembly oversight, analysis and investigation committee 12,500
Ranking minority member of assembly oversight, analysis and investigation committee 9,000
Chairman of assembly office of state-federal relations 12,500
Chairman of majority house operations 12,500

Chairman of minority house operations 9,000
Co-chairman of the administrative regulations review commission 12,500

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

Any provisions of this article which explicitly or implicitly apply to, or reference, persons who are [~~mentally retarded~~] **intellectually disabled**, shall be deemed to apply to, or reference, persons with developmental disabilities.

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

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

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

any provisions of this article which explicitly or implicitly apply to, or reference, persons who are, or who are alleged to be, [~~mentally retarded~~] **intellectually disabled** shall be deemed to apply to, or to be a reference to, persons who are, or who are alleged to be, developmentally disabled.

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

Any provisions of this article which explicitly or implicitly apply to, or reference, persons who are [~~mentally retarded~~] **intellectually disabled**, shall be deemed to apply to, or reference, persons with developmental disabilities.

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

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

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

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

(i) Local governments shall be granted state aid, in accordance with the provisions of this subdivision, for approved net operating costs pursuant to an approved local services plan at the rate of fifty percent of the amount incurred during the local fiscal year by such local governments and by voluntary agencies pursuant to contract with such local governments; provided, however, that a local government having a population of less than two hundred thousand shall be granted state aid

at the rate of seventy-five percent for the first one hundred thousand dollars of its approved net operating costs. Notwithstanding the foregoing, local governments shall be granted state aid of one hundred percent of the net operating costs expended by such local governments and by voluntary agencies pursuant to contract with such local governments for services to [~~mentally retarded~~] **intellectually disabled** or developmentally disabled persons who were patients in a state facility for a continuous period of five or more years following the first day of January, nineteen hundred sixty-nine, provided that such services are rendered in accordance with an approved local services plan. Such one hundred percent state aid for services to such persons shall be also provided to a voluntary agency pursuant to a direct contract between such agency and an office of the department whenever such services provided pursuant to such direct contract are rendered in accordance with an approved local services plan for servicing such clients. For purposes of determining whether a person has been a patient in such a facility for a continuous period of five years or more, if a person who has been discharged or released from such a facility is thereafter returned to such a facility within ninety days of the discharge or release, the period of time between such discharge or release and such return shall not constitute an interruption of, and shall be counted as part of, the continuous period.

§ 40. Paragraph 1 of subdivision (a) and paragraphs 1 and 2 of subdivision (c) of section 41.40 of the mental hygiene law, as added by chapter 548 of the laws of 1982, are amended to read as follows:

1. "Respite" shall mean the provision of intermittent temporary substitute care of [~~mentally retarded~~] **intellectually disabled** or developmentally 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 concommitant 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.

§ 41. 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

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

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

1. "Children with physical disabilities" means any persons under twenty-one years of age who are disabled by reason of a defect or disability, whether congenital or acquired by accident, injury, or disease, or who are suffering from long-term disease, including, but without limiting the generality of the foregoing, chronic granulomatous, cystic

fibrosis, epidermolysis bullosa, muscular dystrophy, nephrosis, rheumatic fever and rheumatic heart disease, blood dyscrasies, cancer, lymphatic diseases, including, but not limited to: insufficiency of lymphatic circulatory function (to include all forms of lymphedema, both primary and secondary); lipedema; complex vascular diseases of the lymphatic vasculature, including lymphangiomatosis, lymphangioleio-myomatosis, lymphangiectasias, lymphangiomas, cystic hygromas, Gorham's disease, lymphangiosarcoma, and complex vascular/lymphatic malformations and syndromes, brain injured, and chronic asthma, or from any disease or condition likely to result in a disability in the absence of treatment, provided, however, no child shall be deprived of a service under the provisions of this chapter solely because of the degree of [~~mental retardation~~] **intellectual disability**.

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

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

§ 45. 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.

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

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

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

company, community mental health services project cost, community [~~mental retardation~~] intellectual disability services project cost, community mental health services project and community [~~mental retardation~~] intellectual disability services project, respectively, as defined in article eight-B of the mental hygiene law.

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

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

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

(a) Subject to the approval of the commissioner and to the provisions of any contract with noteholders or bondholders, except with any holders of hospital and nursing home project bonds or notes or youth facilities project bonds or notes, or community mental health services and [~~mental retardation~~] 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.

§ 49. 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 127 of the laws of 2019, 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 rental project bonds, health facilities bonds, youth facilities project bonds, community mental health services and [~~mental retardation~~] **intellectual disability** services project bonds, community senior citizens services project bonds, mental hygiene improvement bonds and revenue housing bonds, and bonds and notes for the housing program as the same mature, required payments to any sinking fund established in a resolution of the agency for the amortization of term bonds (hereinafter referred to as "sinking fund payments"), the purchase or redemption of bonds of the agency other than state university construction bonds, equity bonds, non-profit project bonds, hospital and nursing home project bonds, urban rental project bonds, health facilities bonds, youth facilities project bonds, community mental health services and [~~mental retardation~~] **intellectual disability** services project bonds, community senior citizens services project bonds, mental hygiene improvement bonds and revenue housing bonds, and bonds and notes for the housing program the payment of interest on such bonds of the agency or the payment of any redemption premium required to be paid when such bonds are redeemed prior to maturity; provided, however, that monies in such fund shall not be withdrawn therefrom at any time in such amount as would reduce the amount of such fund to less than the maximum amount of principal and interest maturing and becoming due and sinking fund payments required to be made in any succeeding calendar year on all bonds of the agency then outstanding other than state university construction bonds, equity bonds, non-profit project bonds, hospital and nursing home project bonds, urban rental project bonds, health facilities bonds, youth facilities project bonds, community mental health services and [~~mental retardation~~] **intellectual disability** services project bonds, community senior citizens services project bonds, mental

hygiene improvement bonds and revenue housing bonds and bonds and notes for the housing program, except for the purpose of paying principal of, interest and sinking fund payments becoming due on such bonds of the agency maturing and becoming due and for the payment of which other moneys of the agency are not available. For the purposes of this subdivision one, in computing the maximum amount of principal maturing at a single future date (herein called "term bonds") in any succeeding calendar year, the principal amount of any such term bonds which are subject to mandatory redemption prior to such future date by sinking fund payments shall not be included in the computation determining the maximum amount of principal maturing in said future year. Any income or interest earned by, or increment to, the capital reserve fund due to the investment thereof may be transferred by the agency to the general reserve fund or other fund of the agency to the extent it does not reduce the amount of the capital reserve fund below the maximum amount of principal and interest maturing and becoming due and sinking fund payments required to be made in any succeeding calendar year on all such bonds of the agency then outstanding other than state university construction bonds, equity bonds, non-profit project bonds, hospital and nursing home project bonds, urban rental project bonds, health facilities bonds, youth facilities project bonds, community mental health services and [~~mental retardation~~] **intellectual disability** services project bonds, community senior citizens services project bonds, mental hygiene improvement bonds and revenue housing bonds and bonds and notes for the housing program.

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

bonds, mental hygiene improvement bonds and revenue housing bonds and bonds and notes for the housing program.

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

(d) To assure the continued operation and solvency of the agency for the carrying out of the public purposes of this article, provision is made in paragraph (a) of this subdivision for the accumulation in the capital reserve fund of an amount equal to the maximum amount of principal and interest maturing and becoming due and sinking fund payments required to be made in any succeeding calendar year on all bonds of the agency then outstanding other than state university construction bonds, equity bonds, non-profit project bonds, hospital and nursing home project bonds, urban rental project bonds, health facilities bonds, youth facilities project bonds, community mental health services and [~~mental retardation~~] **intellectual disability** services project bonds, community senior citizens services project bonds, mental hygiene improvement bonds and revenue housing bonds and bonds and notes for the housing program. In order further to assure such maintenance of the capital reserve fund, there shall be annually apportioned and paid to the agency for deposit in the capital reserve fund such sum, if any, as shall be certified by the chairman of the agency to the governor and director of the budget as necessary to restore the capital reserve fund to an amount equal to the maximum amount of principal and interest maturing and becoming due and sinking fund payments required to be made in any succeeding calendar year on the bonds of the agency then outstanding other than state university construction bonds, equity bonds, non-profit project bonds, hospital and nursing home project bonds, urban rental project bonds, health facilities bonds, youth facilities project bonds, community mental health services and [~~mental retardation~~] **intellectual disability** services project bonds, community senior citizens services project bonds, mental hygiene improvement bonds and revenue housing bonds and bonds and notes for the housing program. The chairman of the agency shall annually, on or before December first, make and deliver to the governor and director of the budget his certificate stating the amount, if any, required to restore the capital reserve fund to the amount aforesaid and the amount so stated, if any, shall be apportioned and paid to the agency during the then current state fiscal year. The principal amount of bonds secured by the capital reserve fund to which state funds are apportionable pursuant to this paragraph shall be limited to the total amount of bonds and notes outstanding on the effective date of this act, plus the total amount of bonds and notes contracted after the effective date of this act to finance projects in progress on the effective date of this act as determined by the New York state public authorities control board created pursuant to section fifty

of the public authorities law whose affirmative determination shall be conclusive as to all matters of law and fact solely for the purposes of the limitations contained in this paragraph, but in no event shall the total amount of bonds so secured by such a capital reserve fund or funds exceed three hundred thirty-eight million dollars, excluding bonds issued to refund such outstanding bonds until the date of redemption of such outstanding bonds. As outstanding bonds so secured are paid, the amount so secured shall be reduced accordingly but the redemption of such outstanding bonds from the proceeds of refunding bonds shall not reduce the amount so secured.

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

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

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

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

12. (a) The agency may create and establish a special fund to be known as community mental health services and [~~mental retardation~~] **intellectual disability** services capital reserve fund and may pay into such reserve funds (1) any monies appropriated and made available by the state for the purposes of such funds, (2) any proceeds of sale of community mental health services and [~~mental retardation~~] **intellectual disability** services project notes or community mental health services and [~~mental retardation~~] **intellectual disability** services project bonds, to the extent provided in the resolution of the agency authorizing the issuance thereof, and (3) any other monies which may be made available to the agency for the purposes of such accounts from any other source or sources. The monies held in or credited to the capital reserve fund established under this subdivision except as hereinafter provided, shall be used solely for the payment of principal of community mental health services and [~~mental retardation~~] **intellectual disability** services project bonds of the agency secured by such reserve fund, as the same mature, the purchase of such community mental health services and [~~mental retardation~~] **intellectual disability** services project bonds of the agency, the payment of interest on such community mental health services and [~~mental retardation~~] **intellectual disability** services project bonds of the agency, or the payment of any redemption premium required to be paid when such bonds are redeemed prior to maturity; provided, however, that monies in any such fund shall not be withdrawn therefrom at any time in such amount as would reduce the amount of such fund to less than the maximum amount of principal and interest maturing and becoming due in any succeeding calendar year on the community mental health services and [~~mental retardation~~] **intellectual disability** services project bonds of the agency then outstanding and secured by such reserve fund, except for the purpose of paying principal and interest on community mental health services and [~~mental retardation~~] **intellectual disability** services project bonds of the agency secured by such reserve fund maturing and becoming due and for the payment of which other monies of the agency are not available. Any income or interest earned by, or increment to, any such community mental health services and [~~mental retardation~~] **intellectual disability** services capital reserve fund due to the investment thereof may be transferred to the community mental health services and [~~mental retardation~~] **intellectual disability** services general reserve fund or other fund of the agency, to

the extent it does not reduce the amount of such community mental health services and [~~mental retardation~~] intellectual disability services capital reserve fund below the maximum amount of principal and interest maturing and becoming due in any succeeding calendar year on all community mental health services and [~~mental retardation~~] intellectual disability services project bonds of the agency then outstanding and secured by such reserve fund.

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

(c) To assure the continued operation and solvency of the agency for the carrying out of the public purposes of this article provision is made in paragraph (a) of this subdivision for the accumulation in the community mental health services and [~~mental retardation~~] intellectual disability services capital reserve fund of an amount equal to the maximum amount of principal and interest maturing and becoming due in any succeeding calendar year on all community mental health services and [~~mental retardation~~] intellectual disability services project bonds of the agency then outstanding and secured by such reserve fund. In order further to assure the maintenance of such community mental health services and [~~mental retardation~~] intellectual disability services capital reserve fund, there shall be annually apportioned and paid to the agency for deposit in such community mental health services and [~~mental retardation~~] intellectual disability services capital reserve fund such sum, if any, as shall be certified by the chairman of the agency to the governor and director of the budget as necessary to restore such reserve fund to an amount equal to the maximum amount of principal and interest maturing and becoming due in any succeeding calendar year on the community mental health services and [~~mental retardation~~] intellectual disa-

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

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

13. The agency shall create and establish a special fund (herein referred to as community mental health services and [~~mental retardation~~] intellectual disability services general reserve fund) and shall pay into such fund all fees and charges collected by the agency pursuant to paragraph (c) of subdivision eleven of section forty-four of this article and any monies which the agency shall transfer from the community mental health services and [~~mental retardation~~] intellectual disability services capital reserve fund pursuant to the provisions of paragraph (a) of subdivision ten of this section. Such monies and any other monies paid into the community mental health services and [~~mental retardation~~] intellectual disability services general reserve fund may, in the discretion of the agency, but subject to agreements with bondholders and noteholders, be used by the agency (a) for the repayment of advances from the state in accordance with the provisions of repayment agreements between the agency and the director of the budget, (b) to reimburse the department of mental hygiene the reasonable costs of the services performed by the commissioner of mental hygiene and the department of mental hygiene pursuant to subdivision four of section fifty-five of this article, including the reasonable costs of such services performed by the health and mental hygiene facilities improvement corporation upon request by the commissioner of mental hygiene pursuant to the provisions of section 75.25 of the mental hygiene law, (c) to pay all costs, expenses and charges of financing, including fees and expenses of trustees and paying agents, (d) for transfers to the community mental health services and [~~mental retardation~~] intellectual disability services capi-

tal reserve fund, (e) for the payment of principal of and interest on community mental health services and [~~mental retardation~~] **intellectual disability** services project bonds and notes issued by the agency when the same shall become due whether at maturity or on call for redemption and for the payment of any redemption premium required to be paid where such community mental health services and [~~mental retardation~~] **intellectual disability** services project bonds and notes are redeemed prior to their stated maturities and to purchase community mental health services and [~~mental retardation~~] **intellectual disability** services project bonds or notes issued by the agency, or (f) for such other corporate purposes of the agency as the agency in its discretion shall determine and provide.

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

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

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

(c) The agency shall create and establish one or more special funds (herein referred to as community mental health services and [~~mental retardation~~] **intellectual disability** services general reserve funds) and shall to the extent provided in the applicable bond resolution of the agency authorizing the issuance of community mental services and [~~mental retardation~~] **intellectual disability** services project revenue bonds, pay into any such fund the fees and charges collected by the agency pursuant to paragraph (d) of subdivision eleven of section forty-four of this article and any monies which the agency shall transfer from a community mental health services and [~~mental retardation~~] **intellectual disability**

services capital reserve fund pursuant to the provisions of paragraph (a) of this subdivision. Such monies and any other monies paid into a community mental health services and [~~mental retardation~~] **intellectual disability** service general reserve fund may, in the discretion of the agency, but subject to agreements with bondholders and noteholders, be used by the agency (i) for the repayment of advances from the state in accordance with the provisions of repayment agreements between the agency and the director of the budget, (ii) to reimburse the department of mental hygiene the reasonable costs of the services performed by the commissioner of mental hygiene and the department of mental hygiene pursuant to subdivision five of section fifty-five of this article, including the reasonable costs of such services performed by the facilities development corporation upon request by the commissioner of mental hygiene pursuant to the provisions of section 75.25 of the mental hygiene law, (iii) to pay all costs, expenses and charges of financing, including fees and expenses of trustees and paying agents, (iv) for transfers to a community mental health services and [~~mental retardation~~] **intellectual disability** services capital reserve fund, (v) for the payment of principal of and interest on community mental health services and [~~mental retardation~~] **intellectual disability** services project revenue bonds and notes issued by the agency when the same shall become due whether at maturity or on call for redemption and for the payment of any redemption premium required to be paid where such community mental health services and [~~mental retardation~~] **intellectual disability** services project revenue bonds and notes are redeemed prior to their stated maturities and to purchase community mental health services and [~~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.

§ 52. 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.

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

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

b. In the event that the agency shall fail, within five years after the date of a lease or conveyance of such real property from such city or county to the corporation, to construct, reconstruct, rehabilitate or improve the community mental health and [~~retardation~~] **intellectual disability** facility or [~~facility~~] **facilities** thereon for which such lease or conveyance was made, as provided for in a lease, sublease or other agreement entered into by such city or county and the corporation, then, subject to the terms of any lease, sublease or other agreement undertaken by the agency, such real property and any facilities thereon shall revert to the corporation with right of re-entry thereupon, and such

lease or deed shall be made subject to such condition of reverter and re-entry; provided, however, that as a condition precedent to the exercise of such right of re-entry the corporation shall pay to the agency an amount equal to the sum of the purchase price of such real property, the depreciated cost of any community mental health and [~~retardation~~] **intellectual disability** facility or facilities constructed, reconstructed, rehabilitated or improved thereon and all other costs of the agency incident to the acquisition of such lands and the financing of construction, reconstruction, rehabilitation or improvement relating to such community mental health and [~~retardation~~] **intellectual disability** facility or facilities, all as provided in the aforesaid lease, sublease or other agreement entered into with the corporation.

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

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

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

c. Whether any defendant is known or unknown, and whether any defendant is or might be an infant, [~~mentally retarded~~] **intellectually disabled**, mentally ill or an alcohol abuser.

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

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

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

1. Where an infant, [~~mentally retarded~~] **intellectually disabled** person, mentally ill person, alcohol abuser or conservatee holds real property, in joint tenancy or in common, the general guardian of the infant, or the committee of the [~~mentally retarded~~] **intellectually disabled** person, mentally ill person, or alcohol abuser, or conservator of the conservatee, may apply to the supreme court or to the county court of the county wherein the real property is situated, for authority to agree to a partition of the real property. Where such application affects the interests of an incompetent person or a conservatee who has been committed to a state institution, and is an inmate thereof, notice of such application must be given to the superintendent, acting superintendent or state officer having special jurisdiction over the institution where the incompetent person or conservatee is confined. Irrespective of the location of any real property held by an infant in joint tenancy or in common, his general guardian may make such application to the surrogate's court which appointed such guardian. A certified copy of the decree entered in the surrogate's court on such application must be recorded in the office of the clerk of each county in which is situated property affected by such decree.

3. If, after due inquiry into the merits of the application, by a reference or otherwise, the court is of the opinion that the interests of the infant, or of the [~~mentally retarded~~] **intellectually disabled** person, mentally ill person, alcohol abuser or conservatee, will be promoted by the partition proposed, it may make an order authorizing the petitioner to agree to the partition proposed, and in the name of the infant, or of the [~~mentally retarded~~] **intellectually disabled** person, mentally ill person, alcohol abuser or conservatee, to execute releases of his right and interest in and to that part of the property which falls to the shares of the other joint-tenants or tenants in common. The court may, in its discretion, for the furtherance of the interests of said infant, [~~mentally retarded~~] **intellectually disabled** person, mentally ill person, alcohol abuser or conservatee, direct partition to be so made as to set off to him or them his or their share in common with any of the other owners, provided the consent in writing thereto of such owners shall be first obtained.

4. Releases so executed have the same validity and effect, as if they were executed by the person in whose behalf they are executed, and as if the infant was of full age, or the [~~mentally retarded~~] **intellectually disabled** person, mentally ill person, or alcohol abuser was of sound mind, and competent to manage his affairs, or the conservatee was competent to manage his affairs.

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

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

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

(a) Real property owned by a not-for-profit corporation organized pursuant to the not-for-profit corporation law and the provisions of article two of the private housing finance law, used exclusively to

provide housing and auxiliary facilities for faculty members, students, employees, nurses, interns, resident physicians, researchers and other personnel and their immediate families in attendance or employed at colleges, universities, educational institutions, child care institutions, hospitals and medical research institutes, or for handicapped or aged persons of low income, or owned by non-profit nursing home companies organized pursuant to the not-for-profit corporation law and the provisions of article twenty-eight-A of the public health law, used exclusively to provide facilities for nursing care to sick, invalid, infirm, disabled or convalescent persons of low income, or to provide health-related service as defined in article twenty-eight of the public health law to persons of low income, or any combination of the foregoing, and in addition thereto, to provide nursing care and health-related service, or either of them, to persons of low income who are not occupants of the project, or owned by housing development fund companies organized pursuant to the not-for-profit corporation law and article eleven of the private housing finance law, used exclusively to provide housing for handicapped or aged persons of low income, and financed by a federally-aided mortgage as defined in said article eleven, or owned by companies organized pursuant to the not-for-profit corporation law and the provisions of article seventy-five of the mental hygiene law, used exclusively to provide care, treatment, training, education and residential accommodations for operation as hostels for the mentally ill or [~~**mentally retarded**~~] **intellectually disabled**, or owned by companies organized pursuant to the membership corporations law and the provisions of article seven-A of the private housing finance law, used exclusively to provide programs, services and other facilities for the aging, shall be exempt from taxation and exempt from special ad valorem levies and special assessments to the extent provided in section four hundred ninety of this chapter, provided, however, that in a city having a population of one million or more real property owned by any such corporation which is to provide housing accommodations, substantially all of which are or are to be assisted by rent subsidies made or to be made available by the Federal government pursuant to a contract under section eight of the United States Housing Act of nineteen hundred thirty-seven, as amended, or pursuant to a project rental assistance contract under section two hundred two of the United States Housing Act of nineteen hundred fifty-nine, as amended, or pursuant to a project rental assistance contract under section eight hundred eleven of the National Affordable Housing Act of nineteen hundred ninety, as amended, shall from and after the commencement of construction be subject to taxation or exempt therefrom to the extent approved by a municipality acting through its local legislative body, as such local legislative body is defined in paragraph twelve of section two of the private housing finance law. No such corporation or company shall pay a dividend on any of its stock or pay interest on any of its debentures. Provided further, however, in a county having a population of one million or more and having not more than three towns within such county, real property owned by housing development fund companies organized pursuant to the not-for-profit corporation law and article eleven of the private housing finance law, used exclusively to provide housing for handicapped or aged persons of low income, and financed by a federally-aided mortgage as defined in said article eleven shall from and after the commencement of construction be subject to taxation or exempt therefrom to the extent approved by a municipality acting through its local legislative body, as such local legislative body is defined in paragraph twelve of section

two of the private housing finance law. Any tax payments and/or payments in lieu of taxes made to a municipality pursuant to the preceding sentence shall not be passed through nor become the liability of any of the occupants of such property.

§ 60. Paragraph (c) of subdivision 5 of section 62 of the social services law, as amended by chapter 344 of the laws of 1973, is amended to read as follows:

(c) When a mentally ill, [~~mentally retarded~~] **intellectually disabled** or epileptic person is in need of public assistance or care while on convalescent status or community status from a state hospital or institution under the provisions of section 29.15 of the mental hygiene law, the public welfare district, town or city from which he was admitted to such hospital or institution shall be responsible for providing and paying for such assistance or care as in the case of other persons requiring public assistance and care, except that such responsibility shall continue during any period such person is on convalescent status or community status outside the territory of such public welfare district, town or city and shall continue thereafter in accordance with the provisions of this paragraph and paragraph (b) if such person was receiving or should have been receiving public assistance or care from such public welfare district, town or city outside its territory at the time he was discharged from such convalescent status or community status.

§ 61. The opening paragraph of subdivision 1 of section 131-o of the social services law, as amended by section 45 of part C of chapter 58 of the laws of 2005, is amended to read as follows:

Each individual receiving family care, residential care or care in a school for the [~~mentally retarded~~] **intellectually disabled**, or enhanced residential care as those terms are defined in section two hundred nine of this chapter, and who is receiving benefits under the program of additional state payments pursuant to this chapter while receiving such care, shall be entitled to a monthly personal allowance out of such benefits in the following amount:

§ 62. Section 199 of the social services law, as amended by chapter 195 of the laws of 1973, is amended to read as follows:

§ 199. Power of commissioner of public welfare to detain certain inmates. The commissioner of public welfare shall have power to detain in the public home, pending a vacancy for such person in a state institution, a person over the age of sixteen who has been certified as [~~mentally retarded~~] **intellectually disabled** or epileptic in accordance with the provisions of the mental hygiene law and for whom an application for admission to a state institution has been made. Whenever the commissioner shall so detain an inmate in the public home he shall at once notify the state department of mental hygiene.

§ 63. Paragraph (e) of subdivision 3 of section 209 of the social services law, as amended by chapter 672 of the laws of 2019, is amended to read as follows:

(e) "Receiving enhanced residential care" shall mean residing in a privately operated school for the [~~mentally retarded~~] **intellectually disabled** and developmentally disabled which is certified by the office for people with developmental disabilities of the department of mental hygiene, in accordance with applicable provisions of law and regulations or an adult home, or enriched housing program certified by the department of health in accordance with applicable law, rules and regulations to the extent permitted by federal law and regulations.

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

1. Any inconsistent provisions of this title or any other law notwithstanding, but subject to the provisions of subdivisions two and three of this section, an individual who is deemed to have met the eligibility criteria for additional state payments pursuant to paragraph (c) of subdivision one of section two hundred nine of this title, shall be entitled to receive for each month after December, nineteen hundred seventy-three an additional state payment in an amount which, when added to the supplemental security income benefit and other countable income, is equal to such individual's December, nineteen hundred seventy-three cash grant of assistance under the state's program of old age assistance, assistance to the blind, aid to the disabled or the combined program of aid to aged, blind and disabled persons, plus income not excluded under such state program, plus an amount equal to the January, nineteen hundred seventy-two bonus value of food stamps as determined in accordance with the regulations of the office of temporary and disability assistance plus, for any month after June, nineteen hundred seventy-five, an amount reflecting the federal supplemental security increases resulting from July first, nineteen hundred seventy-five cost of living increases in such benefits, plus for any month after June, nineteen hundred eighty-two, an amount equal to the July first, nineteen hundred eighty-two federal supplemental security income cost of living adjustment, providing such individual was eligible to receive a mandatory state supplement for the month of December, nineteen hundred eighty-one, plus for any month after June, nineteen hundred eighty-three, an amount equal to $17.70 for individuals, $26.55 for couples who are living alone or living with others and $35.40 for couples receiving family care, residential care or care in schools for the [~~mentally retarded~~] **intellectually disabled**, plus for any month after December, nineteen hundred eighty-three, an amount equal to $9.70 for individuals, $15.60 for couples who are living alone or living with others and $19.40 for couples receiving family care, residential care or care in schools for the [~~mentally retarded~~] **intellectually disabled**, plus for any month after December, nineteen hundred eighty-four, an amount equal to $11.00 for individuals, $16.00 for couples who are living alone or living with others and $22.00 for couples receiving family care, residential care or care in schools for the [~~mentally retarded~~] **intellectually disabled**, plus for any month after December, nineteen hundred eighty-five, an amount equal to $11.00 for individuals, $16.00 for couples who are living alone or living with others and $22.00 for couples receiving family care, residential care or care in schools for the [~~mentally retarded~~] **intellectually disabled**, plus for any month after December, nineteen hundred eighty-six an amount equal to $4.00 for individuals, $6.00 for couples who are living alone or living with others and $8.00 for couples receiving family care, residential care or care in schools for the [~~mentally retarded~~] **intellectually disabled**, plus for any month after December, nineteen hundred eighty-seven an amount equal to $14.00 for individuals, $22.00 for couples who are living alone or living with others and $28.00 for couples receiving family care, residential care or care in schools for the [~~mentally retarded~~] **intellectually disabled**, plus for any month after December, nineteen hundred eighty-eight an amount equal to $14.00 for individuals, $21.00 for couples who are living alone or living with others and $28.00 for couples receiving family care, residential care or care in schools for the [~~mentally~~

~~retarded~~] intellectually disabled, plus for any other month after December, nineteen hundred eighty-nine an amount equal to $18.00 for individuals, $27.00 for couples who are living alone or living with others and $36.00 for couples receiving family care, residential care or care in schools for the [~~mentally retarded~~] intellectually disabled, plus for any month after December, nineteen hundred ninety an amount equal to $21.00 for individuals, $31.00 for couples who are living alone or living with others and $42.00 for couples receiving family care, residential care or care in schools for the [~~mentally retarded~~] intellectually disabled, plus for any month after December, nineteen hundred ninety-one an amount equal to $15.00 for individuals, $23.00 for couples who are living alone or living with others and $30.00 for couples receiving family care, residential care or care in schools for the [~~mentally retarded~~] intellectually disabled, plus for any month after December, nineteen hundred ninety-two, an amount equal to $12.00 for individuals, $19.00 for couples who are living alone or living with others and $24.00 for couples receiving family care, residential care or care in schools for the [~~mentally retarded~~] intellectually disabled plus for any month after December, nineteen hundred ninety-three an amount equal to $12.00 for individuals, $17.00 for couples who are living alone or living with others and $24.00 for couples receiving family care, residential care or care in schools for the [~~mentally retarded~~] intellectually disabled plus for any month after December, nineteen hundred ninety-four an amount equal to $12.00 for individuals, $18.00 for couples who are living alone or living with others and $24.00 for couples receiving family care, residential care or care in schools for the [~~mentally retarded~~] intellectually disabled, plus for any month after December, nineteen hundred ninety-five an amount equal to $12.00 for individuals, $18.00 for couples who are living alone or living with others and $24.00 for couples receiving family care, residential care or care in schools for the [~~mentally retarded~~] intellectually disabled, plus for any month after December, nineteen hundred ninety-six, an amount equal to $14.00 for individuals and $21.00 for couples plus for any month after December, nineteen hundred ninety-seven an amount equal to $10.00 for individuals and $15.00 for couples plus for any month after December, nineteen hundred ninety-eight an amount equal to $6.00 for individuals and $11.00 for couples plus for any month after December, nineteen hundred ninety-nine an amount equal to $13.00 for individuals and $18.00 for couples plus for any month after December, two thousand an amount equal to $18.00 for individuals and $27.00 for couples plus for any month after December, two thousand one an amount equal to $15.00 for individuals and $21.00 for couples plus for any month after December, two thousand two an amount equal to $7.00 for individuals and $12.00 for couples plus for any month after December, two thousand three an amount equal to $12.00 for individuals and $17.00 for couples plus for any month after December, two thousand four an amount equal to $15.00 for individuals and $23.00 for couples plus for any month after December, two thousand five an amount equal to $24.00 for individuals and $35.00 for couples plus for any month after December, two thousand six an amount equal to the amount of any increases in federal supplemental security income benefits for individuals or couples pursuant to section 1617 of the Social Security Act (42 USC § 1382f) which become effective on or after January first, two thousand seven.

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

(k) "Special care". Care, services and supplies relating to the treatment of mental illness, [~~mental retardation~~] **intellectual disability**, developmental disabilities, alcoholism, alcohol abuse or substance abuse, or HIV infection/AIDS.

§ 66. Paragraph (c) of subdivision 2 and paragraph (a) of subdivision 4 of section 365 of the social services law, paragraph (c) of subdivision 2 as amended by chapter 516 of the laws of 1973 and paragraph (a) of subdivision 4 as amended by chapter 170 of the laws of 1994, are amended to read as follows:

(c) who are patients in that part of a public institution operated for the care of the [~~mentally retarded~~] **intellectually disabled** that has been approved pursuant to law as a hospital or nursing home;

(a) who are patients in that part of a public institution operated for the care of the [~~mentally retarded~~] **intellectually disabled** that has been approved pursuant to law as an intermediate care facility or who are participating in a program operated by the department of mental hygiene or by a voluntary agency under an agreement with such department, in that part of such a facility that has been approved as a day treatment program in accordance with the regulations of the state commissioner of mental hygiene;

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

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

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

(2) is a patient in a public institution operated primarily for the treatment of tuberculosis or care of the [~~mentally~~] **intellectually** disabled, with the exception of: (i) a person sixty-five years of age or older and a patient in any such institution; (ii) a person under twenty-one years of age and receiving in-patient psychiatric services in a public institution operated primarily for the care of the [~~mentally~~] **intellectually** disabled; (iii) a patient in a public institution operated primarily for the care of the [~~mentally retarded~~] **intellectually disabled** who is receiving medical care or treatment in that part of such institution that has been approved pursuant to law as a hospital or nursing home; (iv) a patient in an institution operated by the state department of mental hygiene, while under care in a hospital on release from such institution for the purpose of receiving care in such hospital; or (v) is a person residing in a community residence or a residential care center for adults.

§ 69. Clauses (vii), (viii) and (ix) of subparagraph 1 of paragraph (d) of subdivision 5 of section 366 of the social services law, as added by chapter 170 of the laws of 1994, are amended to read as follows:

(vii) "institutionalized individual" means any individual who is an in-patient in a nursing facility, including an intermediate care facility for the [~~mentally retarded~~] **intellectually disabled**, or who is an in-patient in a medical facility and is receiving a level of care provided in a nursing facility, or who is receiving care, services or supplies pursuant to a waiver granted pursuant to subsection (c) of section 1915 of the federal social security act.

(viii) "intermediate care facility for the [~~mentally retarded"~~] intellectually disabled" means a facility certified under article sixteen of the mental hygiene law and which has a valid agreement with the department for providing intermediate care facility services and receiving payment therefor under title XIX of the federal social security act.

(ix) "nursing facility" means a nursing home as defined by section twenty-eight hundred one of the public health law and an intermediate care facility for the [~~mentally retarded~~] intellectually disabled.

§ 70. Clauses (vii), (viii) and (ix) of subparagraph 1 of paragraph (e) of subdivision 5 of section 366 of the social services law, clause (vii) as amended by section 51 of part C of chapter 58 of the laws of 2008 and clauses (viii) and (ix) as added by section 26-a of part C of chapter 109 of the laws of 2006, are amended to read as follows:

(vii) "institutionalized individual" means any individual who is an in-patient in a nursing facility, including an intermediate care facility for the [~~mentally retarded~~] intellectually disabled, or who is an in-patient in a medical facility and is receiving a level of care provided in a nursing facility, or who is described in section 1902(a)(10)(A)(ii)(VI) of the federal social security act.

(viii) "intermediate care facility for the [~~mentally retarded"~~] intellectually disabled" means a facility certified under article sixteen of the mental hygiene law and which has a valid agreement with the department for providing intermediate care facility services and receiving payment therefor under title XIX of the federal social security act.

(ix) "nursing facility" means a nursing home as defined by section twenty-eight hundred one of the public health law and an intermediate care facility for the [~~mentally retarded~~] intellectually disabled.

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

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

§ 72. The opening paragraph of subparagraph (ii) of paragraph (a) of subdivision 2 of section 369 of the social services law, as amended by section 62 of part C of chapter 60 of the laws of 2014, is amended to read as follows:

with respect to the real property of an individual who is an inpatient in a nursing facility, intermediate care facility for the [~~mentally retarded~~] intellectually disabled, or other medical institution, who is not reasonably expected to be discharged from the medical institution and to return home, and who is required, as a condition of receiving services in such institution under the state plan for medical assistance, to spend for costs of medical care all but a minimal amount of his or her income required for personal needs; provided, however, any such lien will dissolve upon the individual's discharge from the medical institution and return home; in addition, no such lien may be imposed on the individual's home if one of the following persons is lawfully residing in the home:

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

(e) In every proceeding upon a ground set forth in paragraph (c) of subdivision four the judge shall order the parent to be examined by, and shall take the testimony of, a qualified psychiatrist or a psychologist

licensed pursuant to article one hundred fifty-three of the education law as defined in section 730.10 of the criminal procedure law in the case of a parent alleged to be mentally ill or [~~retarded~~] **intellectually disabled**, such psychologist or psychiatrist to be appointed by the court pursuant to section thirty-five of the judiciary law. The parent and the authorized agency shall have the right to submit other psychiatric, psychological or medical evidence. If the parent refuses to submit to such court-ordered examination, or if the parent renders himself unavailable therefor whether before or after the initiation of a proceeding under this section, by departing from the state or by concealing himself therein, the appointed psychologist or psychiatrist, upon the basis of other available information, including, but not limited to, agency, hospital or clinic records, may testify without an examination of such parent, provided that such other information affords a reasonable basis for his opinion.

§ 74. Paragraph (f) of subdivision 2 of section 473-e of the social services law, as added by chapter 395 of the laws of 1995, is amended to read as follows:

(f) a person named as a court-appointed evaluator or guardian in accordance with article eighty-one of the mental hygiene law, or a person named as a guardian for the [~~mentally retarded~~] **intellectually disabled** in accordance with article seventeen-A of the surrogate's court procedure act; or

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

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

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

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

being carried out on such date within such county, the application of such monies by the comptroller shall be pro-rated among such municipalities on the basis of the respective amounts of state aid which are so obligated on such date; and

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

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

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

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

[~~retardation~~] **intellectual disability** facilities in order to insure their timely construction, acquisition, reconstruction, rehabilitation and improvement in relation to current and foreseeable needs and the emergence of new patterns of treatment and care and should be empowered to receive and administer monies for such purpose.

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

10. "Mental hygiene facility" shall mean a building, a unit within a building, a laboratory, a classroom, a housing unit, a dining hall, an activities center, a library, real property of any kind or description, or any structure on or improvement to real property, or an interest in real property, of any kind or description, owned by or under the jurisdiction of the corporation, including fixtures and equipment which are an integral part of any such building, unit, structure or improvement, a walkway, a roadway or a parking lot, and improvements and connections for water, sewer, gas, electrical, telephone, heating, air conditioning and other utility services, or a combination of any of the foregoing, whether for patient care and treatment or staff, staff family or service use, located at or related to any psychiatric center, any developmental center, or any state psychiatric or research institute or other facility now or hereafter established under the department. A mental hygiene facility shall also mean and include a residential care center for adults, a "community mental health and [~~retardation~~] **intellectual disability** facility" and a treatment facility for use in the conduct of an alcoholism or substance abuse treatment program as defined in the mental hygiene law unless such residential care center for adults, community mental health and [~~retardation~~] **intellectual disability** facility or alcoholism or substance abuse facility is expressly excepted, or the context clearly requires otherwise, and shall also mean and include any treatment facility for use in the conduct of an alcoholism or substance abuse treatment program that is also operated as an associated health care facility. The definition contained in this subdivision shall not be construed to exclude therefrom a facility owned or leased by one or more voluntary agencies that is to be financed, refinanced, designed, constructed, acquired, reconstructed, rehabilitated or improved under any lease, sublease, loan or other financing agreement entered into with such voluntary agencies, and shall not be construed to exclude therefrom a facility to be made available from the corporation to a voluntary agency at the request of the commissioners of the offices of the department having jurisdiction thereof. The definition contained in this subdivision shall not be construed to exclude therefrom a facility with respect to which a voluntary agency has an ownership interest in, and proprietary lease from, an organization formed for the purpose of the cooperative ownership of real estate.

19. "Voluntary agency" means a corporation organized under or existing pursuant to the not-for-profit corporation law providing or, pursuant to a written agreement with the appropriate commissioner, approved to provide housing that includes residences for persons with mental disabilities, or services benefitting or assisting in the care, treatment, rehabilitation or maintenance of persons with mental disabilities, community mental health or residential services, community [~~mental retardation~~] **intellectual disability** services, or alcohol, substance-abuse, or chemical-dependency residential or non-residential treatment

services, or for any combination of the foregoing. Notwithstanding any other provision of law to the contrary, voluntary agency shall also include any entity receiving financing, approvals or assistance of any form from the state housing finance agency or the state division of housing and community renewal for one or more integrated housing projects including projects serving persons with mental disabilities, which shall be approved by the appropriate commissioner. Such commissioner is hereby authorized to enter into any agreements necessary or useful for such projects, subject to the approval of the director of the budget.

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

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

13. Subject to the terms and conditions of any lease, sublease, loan or other financing agreement with the state housing finance agency or the state medical care facilities finance agency, and to the determination of the appropriate commissioner of the department, and in the case of community mental health and [~~retardation~~] **intellectual disability** facilities, of the city or county, that such real property held for the purposes of a mental hygiene facilities improvement program is unnecessary for the present or foreseeable future needs of a mental hygiene facility, with the approval of the director of the budget, to convey for fair value any right, title or interest of the people of the state of New York in and to such real property to any appropriate state agency, or public corporation, city or county for other public use or for sale, lease or other disposition in accordance with law, real property held by the corporation, provided, however, nothing in this subdivision shall be deemed to supercede the provisions of section 41.34 of the mental hygiene law and provided further that any such conveyance shall be subject to, and consistent with the terms and objectives of, any plan developed by the state interagency council on mental hygiene property utilization. The corporation shall provide written notice at least thirty days in advance of the effective date of any conveyance to

the governor, the majority leader of the senate and the speaker of the assembly. No conveyance as authorized in this subdivision that may adversely affect the tax exempt nature of any such lease, sublease, loan or other financing agreement with the state housing finance agency or the New York state medical care facilities finance agency may occur until the attorney general or other designated bond counsel determines in writing that the conveyance is consistent with all applicable state and federal laws, rules and regulations, and with deeds, leases, subleases, loan agreements, financing agreements, and bond resolutions relating to or affected by the conveyance, and that the conveyance does not impair the tax exempt status of outstanding obligations issued by the state housing finance agency or the New York state medical care facilities finance agency to finance or refinance the design, construction, acquisition, reconstruction, rehabilitation or improvement of mental health service facilities as defined in the New York state medical care facilities finance agency act.

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

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

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

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

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

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

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

Subject to the terms of any agreement entered into between the corporation and the commissioner of general services pursuant to subdivision two of this section and between the corporation and the state housing finance agency or the medical care facilities finance agency pursuant to such section, the directors of the corporation may from time to time modify, or authorize modifications to, such detailed plans and specifications provided (i) that the plans and specifications as so modified shall comply with the construction standards, if any, adopted pursuant to paragraph a of this subdivision and in effect at the time of the modification, and (ii) that such modifications, if substantial, are made with the separate approval of the appropriate commissioner of the department and, in the case of community mental health and [~~retardation~~] **intellectual disability** facilities, of such governing body of the city or county or of such officer, department, agency or community mental health board as may be designated by such governing body for the purpose of such approval, and (iii) that in the event an amount for contingencies is appropriated or advanced to the corporation to pay the added costs during the then current state fiscal year of all modifications made in the course of construction, reconstruction, rehabilitation and improvement of mental hygiene facilities, no such modifications shall be made or authorized in such fiscal year without the approval of the director of the budget unless the cost thereof shall be less than five

percentum of the total estimated cost of the facility as set forth in the budget bill referred to in paragraph a of subdivision two of this section, but in no event shall any such modification be made or authorized in such fiscal year if the cost thereof, plus the cost of all modifications theretofore made or authorized during the same state fiscal year, would exceed the amount for contingencies appropriated or advanced for the purpose of such modifications, and (iv) that in the event an amount for contingencies is not appropriated for the purpose of such modifications, no such modification involving an estimated expense of ten thousand dollars or more shall be made or authorized without the prior approval of the director of the budget.

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

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

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

(ii) The corporation, with the approval of the director of the budget, may construct, reconstruct, rehabilitate and improve a community mental health and [~~retardation~~] **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.

§ 84. 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 other monies. Such monies shall be deposited in two or more separate bank accounts. One of such accounts, to which shall be credited (i) all payments made on or after January 1, 1964, for the care, maintenance and treatment of patients in every mental hygiene facility, other than a community mental health and [~~retardation~~] **intellectual disability** facility, (ii) all payments made to the corporation as rentals, lease payments, permit fees or otherwise under any lease, sublease or agreement undertaken with respect to a community mental health and [~~retardation~~] **intellectual disability** facility or a current or former mental hygiene facility, (iii) all payments made to the corporation for the purchase of real property held by the corporation for the use of the department, other than payments derived from New York state medical care facilities finance agency financing or refinancing of the design, construction, acquisition, reconstruction, rehabilitation, improvement

or renovation of state operated mental hygiene facilities, (iv) all income from investments and (v) all monies received or to be received for the purposes of such account on a recurring basis, shall be denominated the "mental hygiene facilities improvement fund income account". The monies in any account shall be paid out on checks signed by the commissioner of taxation and finance on requisition of the chairman of the corporation or of such other officer or employee or officers or employees as the corporation shall authorize to make such requisition. All deposits of such money shall, if required by the commissioner of taxation and finance or the directors of the corporation, be secured by obligations of the United States or of the state of a market value equal at all times to the amount of the deposit and all banks and trust companies are authorized to give such security for such deposits. Any moneys of the corporation not required for immediate use or disbursement may, at the discretion of the corporation, be invested by the commissioner of taxation and finance in accordance with the provisions of section 98-a of the state finance law. The mental hygiene facilities improvement fund and the income account therein shall remain in existence until terminated by the corporation by written notice to the commissioner of taxation and finance. Any moneys on deposit in the mental hygiene facilities improvement fund or the income account therein upon the termination of said fund and account shall be transferred by the commissioner of taxation and finance to the mental health services fund. The corporation shall not terminate the mental hygiene facilities improvement fund and the income account therein until all mental health services facilities bonds issued pursuant to: (i) the New York state medical care facilities finance agency act; (ii) article five-c of the state finance law; and (iii) article five-f of the state finance law and payable from the income account as described in paragraph g of this subdivision are no longer outstanding.

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

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

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

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

a. The governing body, as such term is defined in article forty-one of the mental hygiene law (except that with respect to the city of New York such term shall mean the board of estimate), of a city or county may, upon such terms and conditions as shall be approved by such governing body and for such consideration, if any, as may be determined by such governing body, but not to exceed the cost of acquisition thereof and the cost of improvements thereon, exclusive of any costs reimbursed or to be reimbursed in accordance with the provisions of article forty-one of the mental hygiene law otherwise, execute and deliver to the corporation a lease for a term not exceeding forty years or a deed (i) conveying to the corporation real property and one or more community mental health and [~~retardation~~] **intellectual disability** facilities of the city or county located thereon, a portion of the costs of which facilities are eligible for state reimbursement in accordance with the

provisions of article forty-one or article twenty-five of the mental hygiene law or (ii) conveying to the corporation real property of the city or county or an interest therein, for the purpose of causing to be constructed, reconstructed, rehabilitated or improved thereon one or more community mental health and [~~retardation~~] **intellectual disability** facilities pursuant to this act, such community mental health and [~~retardation~~] **intellectual disability** facilities to be made available to such county or city for use and occupancy under lease, sublease or other agreement upon such terms and conditions as may be agreed upon, including terms and conditions relating to length of terms, maintenance and repair of community mental health and [~~retardation~~] **intellectual disability** facilities during such term and the annual rentals to be paid therefor for the use thereof. The corporation is hereby authorized to accept any such lease or conveyance, to hold such real property, to enter into a lease, sublease or other agreement with such city or county for the purpose of making such community mental health and [~~retardation~~] **intellectual disability** facility so acquired or to be constructed, reconstructed, rehabilitated or improved thereon available for use and occupancy by such city or county, and to lease or convey real property so acquired to the New York state housing finance agency or the medical care facilities finance agency, provided, however, that any such further lease or conveyance shall be solely for the purpose of causing community mental health and [~~retardation~~] **intellectual disability** facilities to be acquired, constructed, reconstructed, rehabilitated or improved thereon, such community mental health and [~~retardation~~] **intellectual disability** facilities to be made available to such city or county for use and occupancy under a lease, sublease or other agreement between the corporation and such city or county, upon such terms and conditions as may be agreed upon. No such lease or conveyance from the corporation to the New York state housing finance agency or the state medical care facilities finance agency shall be for a consideration in excess of the cost of acquisition of such real property and the costs of improvements thereon. The appropriate commissioner of the department, on behalf of his office, and the director of the budget shall approve all leases, subleases or agreements, whether between the corporation and such city or county or between the corporation and the housing finance agency or the state medical care facilities finance agency, and the appropriate commissioner of the department shall be a party thereto. The appropriate division of the office of [~~alcoholism and substance abuse~~] **addiction services and supports** shall also approve all such leases, subleases or agreements relating to the construction, reconstruction, rehabilitation or improvement of community mental health and [~~retardation~~] **intellectual disability** facilities, constituting alcoholism or substance abuse facilities for use in an alcoholism or substance abuse treatment program as defined in the mental hygiene law.

b. In the event that the corporation shall fail, within five years after the date of such lease or conveyance, to construct, reconstruct, rehabilitate or improve the community mental health and [~~retardation~~] **intellectual disability** facility or facilities thereon for which such lease or conveyance was made, or to cause the same to be done, as provided for in a lease, sublease or other agreement entered into with such city or county, then, subject to the terms of any lease, sublease or other agreement undertaken by the New York state housing finance agency or the state medical care facilities finance agency, with respect thereto, such real property and any facilities thereon shall revert to such city or county with right of re-entry thereupon, and such lease or

deed shall be made subject to such condition of reverter and re-entry; provided, however, that as a condition precedent to the exercise of such right of re-entry, such city or county shall pay an amount equal to the sum of the purchase price of such real property, the depreciated cost of any facility or facilities constructed, reconstructed, rehabilitated or improved thereon, and all other costs of the corporation or the New York state housing finance agency or the state medical care facilities finance agency incident to the costs of the acquisition of such real property and the financing of construction, reconstruction, rehabilitation or improvement relating to such facility or facilities, all as provided in the aforesaid lease, sublease or other agreement entered into with such city or county.

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

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

e. The cost of construction, acquisition, reconstruction, rehabilitation or improvement of community mental health and [~~retardation~~] **intellectual disability** facilities undertaken by the corporation pursuant to this act may include the cost of acquisition of any real property leased or conveyed to the corporation pursuant to paragraph a of this subdivision [~~six~~] and the cost of the original furnishing, equipment, machinery and apparatus as determined by the corporation.

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

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

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

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

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

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

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

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

ration to a voluntary agency at the request of the commissioners of the offices and directors of the divisions of the department of mental hygiene having jurisdiction thereof for use in providing services in a residential care center for adults, community mental health and [~~retardation~~] **intellectual disability** services, or for use in the conduct of an alcoholism or substance abuse treatment program. For purposes of this section mental health services facility shall also mean mental hygiene facility as defined in subdivision ten of section three of the facilities development corporation act.

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

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

b. In the event that the agency shall fail, within five years after the date of a lease or conveyance of such real property from property from such city or county to the corporation, to construct, reconstruct, rehabilitate or improve the community mental health and [~~retardation~~] **intellectual disability** facility or facility thereon for which such lease or conveyance was made, as provided for in a lease, sublease or other financing agreement entered into by such city or county and the corporation, then, subject to the terms of any lease, sublease or other financing agreement undertaken by the agency, such real property and any facilities thereon shall revert to the corporation with right of re-entry thereupon, and such lease or deed shall be made subject to such condition of reverter and re-entry. Provided, however, that as a condition precedent to the exercise of such right of re-entry the corporation shall pay to the agency an amount equal to the sum of the purchase price of such real property, the depreciated cost of any community mental health and [~~retardation~~] **intellectual disability** facility or facilities constructed, reconstructed, rehabilitated or improved thereon and all other costs of the agency incident to the acquisition of such lands and the financing of construction, reconstruction, rehabilitation or improvement relating to such community mental health and [~~retardation~~] intellectual disability facility or facilities, all as provided in the aforesaid lease, sublease or other financing agreement entered into with the corporation. It is further provided that for the Corona unit of the Bernard M. Fineson developmental disabilities services office, the corporation may but is not required to pay to the agency an amount less than or equal to the purchase price of the real property, the depreci-

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

§ 91. The opening paragraph of subdivision m of section 17-306 of the administrative code of the city of New York, as added by local law number 34 of the city of New York for the year 1993, is amended to read as follows:

"Disabled person". Any person who has or had a physical or mental impairment that substantially limits one or more major life activities and has a record of such an impairment. For the purposes of this subdivision, "physical impairment" means a physiological disorder or condition, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; genitourinary; hemic and lymphatic; or skin and endocrine. It includes, but is not limited to, such diseases and conditions as orthopedic, visual, speech and hearing impairments, cerebral palsy, muscular dystrophy, and multiple sclerosis. For the purposes of this subdivision, "mental impairment" means any mental or psychological disorder such as [~~mental retardation~~] **intellectual disabilities**, organic brain syndrome, emotional or mental illness, and specific learning disabilities. For the purposes of this subdivision, "major life activities" means functions such as walking, seeing, hearing and speaking. For the purposes of this subdivision, a record of such an impairment shall be established by submission to the commissioner of either:

§ 92. Subdivision d of section 15 of the New York city charter, as added by section 1 of proposition 5 of section 1 of the general election of the city of New York held in the year 2001 and paragraph 2 as amended by local law number 22 of the city of New York for the year 2002, is amended to read as follows:

d. 1. The city of New York recognizes that services for people suffering from [~~mental retardation~~] **intellectual disabilities** and developmental disabilities are provided by programs administered within a number of different city agencies, as well as by non-governmental entities. The city of New York further recognizes the need for coordination and cooperation among city agencies and between city agencies and non-governmental entities that provide such services.

2. There shall be [~~mental retardation~~] **intellectual disability** and developmental disability coordination within the office of operations. In performing functions relating to such coordination, the office of operations shall be authorized to: develop methods to: (i) improve the coordination within and among city agencies that provide services to people with [~~mental retardation~~] **intellectual disabilities** or developmental disabilities, including but not limited to the department of health and mental hygiene, the administration for children's services, the human resources administration, department of youth and community development, the department of juvenile justice, and the department of employment, or the successors to such agencies, and the health and hospitals corporation and the board of education; and (ii) facilitate coordination between such agencies and non-governmental entities providing services to people with [~~mental retardation~~] **intellectual disabili-**

ties or developmental disabilities; review state and federal programs and legislative proposals that may affect people with [~~mental retardation~~] intellectual disabilities or developmental disabilities and provide information and advice to the mayor regarding the impact of such programs or legislation; recommend legislative proposals or other initiatives that will benefit people with [~~mental retardation~~] intellectual disabilities or developmental disabilities; and perform such other duties and functions as the mayor may request to assist people with [~~mental retardation~~] intellectual disabilities or developmental disabilities and their family members.

§ 93. Section 550 of the New York city charter, as added by section 4 of proposition 5 of the general election of the city of New York held in the year 2001, is amended to read as follows:

§ 550. Definitions. When used in this chapter: the term "mentally disabled" shall mean those with mental illness, [~~mental retardation~~] intellectual disability, alcoholism, substance dependence or chemical dependence as these terms are defined in section 1.03 of the mental hygiene law; or any other mental illness or mental condition placed under the jurisdiction of the department by the mayor; the term "provider of services" shall mean an individual, association, corporation or public or private agency which provides for the [~~mentally~~] intellectually disabled; and the term "services for the [~~mentally~~] intellectually disabled" shall mean examination, diagnosis, care, treatment, rehabilitation, training, education, research, preventive services, referral, residential services or domiciliary care of or for the [~~mentally~~] intellectually disabled, not specifically limited by any other law. Notwithstanding the foregoing, planning and programs for persons with substance dependence or chemical dependence shall be conducted by the department, and the department may act as a "local agency" to conduct substance abuse programs and seek reimbursement therefore pursuant to provisions of the mental hygiene law relating to funding for substance abuse services, as deemed appropriate by the commissioner in recognition of the programs currently administered by the New York state office of [~~alcoholism and substance abuse~~] addiction services and supports or its successor agency under article nineteen of the mental hygiene law.

§ 94. Subdivision a of section 551 of the New York city charter, as amended by local law number 22 of the city of New York for the year 2002, is amended to read as follows:

a. There shall be a department of health and mental hygiene, the head of which shall be the commissioner of health and mental hygiene who shall be appointed by the mayor. The department shall have and exercise all powers of a local health department set forth in law. Notwithstanding any other provision of this charter to the contrary, the department shall be a social services district for purposes of the administration of health-related public assistance programs to the extent agreed upon by the department, the department of social services and the department of homeless services. Appropriations to the department for mental health, [~~mental retardation~~] intellectual disability and alcoholism services shall be set forth in the expense budget in separate and distinct units of appropriation. In determining the annual amount of city funds to be appropriated by the city for mental health, [~~mental retardation~~] intellectual disability and alcoholism services, the following provision shall apply: in the event that the executive budget proposes a decrease in city funds measured against the budget for the current fiscal year, as modified in accordance with section one hundred seven, for the units of appropriation for mental health, [~~mental retar-~~

~~dation~~] intellectual disability and alcoholism services, the executive budget shall not propose a greater percentage decrease in city funds measured against the budget for the current fiscal year, as modified in accordance with section one hundred seven, for the units of appropriation for mental health, [~~mental retardation~~] intellectual disability and alcoholism services than has been proposed for the units of appropriation for public health services. If, however, in his or her discretion, the mayor determines that it is in the city's best interest to submit an executive budget at variance with the requirements of this provision, the mayor shall include an explanation of the basis for this variation as part of the budget message.

§ 95. Section 552 of the New York city charter, as amended by section 6 of proposition 5 of the general election of the city of New York held in the year 2001, is amended to read as follows:

§ 552. Deputy commissioners. The commissioner may appoint deputy commissioners, one of whom shall have the same qualifications as the commissioner. There shall be at least two executive deputy commissioners, one of whom shall have the qualifications established pursuant to the mental hygiene law for a director of community services of a local governmental unit, and shall be the director within the department of the division of mental hygiene services. Such division shall be and shall exercise the powers of a local governmental unit for purposes of the mental hygiene law, and the executive deputy commissioner heading such division shall have the powers of a director of community services of a local governmental unit as set forth in or pursuant to such law, and shall report directly to the commissioner. In the exercise of such powers, such executive deputy commissioner shall coordinate the fiscal and programmatic administration of contracts awarded by the department for mental health, [~~mental retardation~~] intellectual disability, and alcoholism services.

§ 96. Paragraph 2 of subdivision a of section 555 of the New York city charter, as added by section 9 of proposition 5 of the general election of the city of New York held in the year 2001, is amended to read as follows:

(2) At the conclusion of the second year following the establishment of the department pursuant to this section, and again at the conclusion of the fourth year following such establishment, the mayor's office of operations shall conduct a review and submit a report to the mayor comparing such periods with the period preceding such establishment with regard to the department's delivery of mental health, [~~mental retardation~~] intellectual disability and alcoholism and substance abuse services, the access of consumers and their families to such services, and the administration and oversight of contracts for the delivery of such services.

§ 97. The opening paragraph of subdivision b of section 556 of the New York city charter, as added by section 11 of proposition 5 of the general election of the city of New York held in the year 2001, is amended to read as follows:

Except as otherwise provided by law, the department shall have jurisdiction to regulate all matters affecting health in the city of New York and to perform all those functions and operations performed by the city that relate to the health of the people of the city, including but not limited to the mental health, [~~mental retardation~~] intellectual disability, alcoholism and substance abuse-related needs of the people of the city. The jurisdiction of the department shall include but not be limited to the following:

§ 98. Paragraphs 3 and 6 of subdivision b of section 556 of the New York city charter, as added by section 11 of proposition 5 of the general election of the city of New York held in the year 2001, are amended to read as follows:

(3) engage in short-range, intermediate-range and long-range mental hygiene planning that reflects the entire array of city needs in the areas of mental health, [~~mental retardation~~] **intellectual disability** and developmental disabilities and alcoholism and substance abuse services within the department's jurisdiction;

(6) receive and expend funds made available for the purposes of providing mental health, [~~mental retardation~~] **intellectual disability** and developmental disability and alcoholism and substance abuse related services;

§ 99. Paragraph 1 of subdivision a of section 568 of the New York city charter, as added by section 16 of proposition 5 of the general election of the city of New York held in the year 2001, is amended to read as follows:

(1) There shall be a mental hygiene advisory board which shall be advisory to the commissioner and the deputy commissioner for mental hygiene services in the development of community mental health, [~~mental retardation~~] **intellectual disability**, alcoholism and substance abuse facilities and services and programs related thereto. The board shall have separate subcommittees for mental health, for [~~mental retardation~~] **intellectual disabilities** and developmental disabilities, and for alcoholism and substance abuse. The board and its subcommittees shall be constituted and their appointive members appointed and removed in the manner prescribed for a community services board by the provisions of the mental hygiene law. Pursuant to the provisions of such law, such members may be reappointed without limitation on the number of consecutive terms which they may serve.

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

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

(b) the amendments to section 41.40 of the mental hygiene law made by section forty of this act shall not affect the expiration of such section and shall be deemed to expire therewith; and

(c) the amendments to section 364-j of the social services law made by section sixty-five of this act shall not affect the repeal of such section and shall be deemed repealed therewith.