

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:

1 Section 1. Section 215 of the abandoned property law, as amended by
2 chapter 550 of the laws of 1978, is amended to read as follows:
3 § 215. Claims against state. Where an action has been commenced and
4 final judgment in favor of the people entered therein by reason of the
5 escheat of real property to the people and the said property has been
6 sold pursuant to section two hundred four, any party or parties thereto,
7 or their successors in interest, who, but for the rendering of such
8 final judgment would have been entitled to such real property, or an
9 interest therein, shall have a claim against the state for the value of
10 such real property or interest therein at the time of the entry of such
11 judgment, but no such claim shall exist in favor of such party or
12 parties or their successors in interest unless a petition therefor shall
13 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.

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

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

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

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

30 (a) As guardian, receiver, trustee, committee or conservator of the
31 estate of any minor, mentally ill person, [~~mentally-retarded~~] intellec-
32 tually disabled person, person of unsound mind, alcohol abuser or
33 conservatee or in any other fiduciary capacity;

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

36 3. Committee of incompetent or conservator of a conservatee. Any court
37 having jurisdiction to appoint a trustee, guardian, receiver, committee
38 of the estate of a mentally ill person, [~~mentally-retarded~~] intellectu-
39 ally disabled person or alcohol abuser or conservator of the estate of a
40 conservatee, or to make any fiduciary appointment, may appoint any trust
41 company to be such trustee, guardian, receiver, committee or conserva-
42 tor, or to act in any other fiduciary capacity.

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

45 1. Notwithstanding any other provision of law to the contrary, upon a
46 finding in an ex parte proceeding that expert services are reasonably
47 necessary for the prosecution of the case whether in connection with
48 issues relating to guilt or sentencing or that investigative services
49 relating to a separate sentencing proceeding or [~~mental-retardation~~]
50 intellectual disability hearing pursuant to section 400.27 of the crimi-
51 nal procedure law are reasonably necessary, the trial court shall
52 authorize the payment of fees and expenses for such services. Upon a
53 finding that timely procurement of such services could not practicably
54 await prior authorization, the court may authorize the provision and
55 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

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

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

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

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

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

1 conducted if the defendant is thereafter convicted of murder in the
2 first degree. In the event a separate sentencing proceeding is not
3 conducted, the court, upon conviction of a defendant for the crime of
4 murder in the first degree, shall sentence the defendant to life impri-
5 sonment without parole or to a sentence of imprisonment for the class
6 A-I felony of murder in the first degree other than a sentence of life
7 imprisonment without parole. Whenever [~~a mental retardation~~] an intel-
8 lectual disability hearing is held and a finding is rendered pursuant to
9 this paragraph, the court may not conduct a hearing pursuant to para-
10 graph (a) of this subdivision. For purposes of this subdivision and
11 paragraph (b) of subdivision nine of this section, [~~"mental retarda-~~
12 ~~tion"~~] "intellectual disability" means significantly subaverage general
13 intellectual functioning existing concurrently with deficits in adaptive
14 behavior which were manifested before the age of eighteen.

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

30 (a) As used in this subdivision, the term "psychiatric evidence" means
31 evidence of mental disease, defect or condition in connection with
32 either a mitigating factor defined in this section or [~~a mental retarda-~~
33 ~~tion~~] an intellectual disability hearing pursuant to this section to be
34 offered by a psychiatrist, psychologist or other person who has received
35 training, or education, or has experience relating to the identifica-
36 tion, diagnosis, treatment or evaluation of mental disease, mental
37 defect or mental condition.

38 (c) When a defendant serves notice pursuant to this subdivision, the
39 district attorney may make application, upon notice to the defendant,
40 for an order directing that the defendant submit to an examination by a
41 psychiatrist, licensed psychologist, or licensed clinical social worker
42 designated by the district attorney, for the purpose of rebutting
43 evidence offered by the defendant with respect to a mental disease,
44 defect, or condition in connection with either a mitigating factor
45 defined in this section, including whether the defendant was acting
46 under duress, was mentally or emotionally disturbed or [~~mentally~~
47 ~~retarded~~] intellectually disabled, or was under the influence of alcohol
48 or any drug. If the application is granted, the district attorney shall
49 schedule a time and place for the examination, which shall be recorded.
50 Counsel for the people and the defendant shall have the right to be
51 present at the examination. A transcript of the examination shall be
52 made available to the defendant and the district attorney promptly after
53 its conclusion. The district attorney shall promptly serve on the
54 defendant a written copy of the findings and evaluation of the examiner.
55 If the court finds that the defendant has wilfully refused to cooperate
56 fully in an examination pursuant to this paragraph, it shall, upon

1 request of the district attorney, instruct the jury that the defendant
2 did not submit to or cooperate fully in such psychiatric examination.
3 When a defendant is subjected to an examination pursuant to an order
4 issued in accordance with this subdivision, any statement made by the
5 defendant for the purpose of the examination shall be inadmissible in
6 evidence against him in any criminal action or proceeding on any issue
7 other than that of whether a mitigating factor has been established or
8 whether the defendant is [~~mentally-retarded~~] intellectually disabled,
9 but such statement is admissible upon such an issue whether or not it
10 would otherwise be deemed a privileged communication.

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

13 (c) If, after complying with the provisions of this section or an
14 order pursuant thereto, a party finds either before or during a sentenc-
15 ing proceeding or [~~mental-retardation~~] intellectual disability hearing,
16 additional material subject to discovery or covered by court order, the
17 party shall promptly make disclosure or apply for a protective order.

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

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

24 § 9. Section 251 of the debtor and creditor law, as amended by chapter
25 115 of the laws of 1981, is amended to read as follows:

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

43 § 10. Section 252 of the debtor and creditor law, as amended by chap-
44 ter 115 of the laws of 1981, is amended to read as follows:

45 § 252. Payment by committee or conservator of claims. A committee of
46 the property of a person, incompetent by reason of mental illness,
47 [~~mental-retardation~~] intellectual disability or alcohol abuse, to manage
48 his affairs, or a conservator of the property of a conservatee, may,
49 under direction of the court exercising jurisdiction of such estate,
50 after payment of the expenses, disbursements and commissions of such
51 trust, apply so much of the funds and property of said estate remaining
52 in his hands as such committee or conservator, as may be necessary to
53 pay and discharge the proper claims of creditors who have presented
54 claims pursuant to the notice in this article provided for, to the
55 payment of such claims, and if the property so remaining be insufficient
56 to pay such claims in full, then the committee or conservator may

1 distribute the same according to law among the creditors who have
2 presented and proved their claims as in this article provided, and such
3 payment, when so made in good faith and under direction of such court,
4 shall relieve such committee or conservator and his sureties from
5 liability to creditors who have failed to present their claims as in
6 this article provided.

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

10 Rubella infection poses a grave threat to the unborn child, especially
11 during the first four months of pregnancy. It can lead to miscarriage,
12 stillbirth, or one or all of the tragic defects such as deafness, blind-
13 ness, crippling congenital heart disease, [~~mental retardation~~] intellec-
14 tual disability and muscular and bone defects.

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

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

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

25 (c) Party [~~a mentally retarded~~] an intellectually disabled person or
26 mentally ill person. An action to annul a marriage on the ground that
27 one of the parties thereto was [~~a mentally retarded~~] an intellectually
28 disabled person may be maintained at any time during the life-time of
29 either party by any relative of [~~a mentally retarded~~] an intellectually
30 disabled person, who has an interest to avoid the marriage. An action
31 to annul a marriage on the ground that one of the parties thereto was a
32 mentally ill person may be maintained at any time during the continuance
33 of the mental illness, or, after the death of the mentally ill person in
34 that condition, and during the life of the other party to the marriage,
35 by any relative of the mentally ill person who has an interest to avoid
36 the marriage. Such an action may also be maintained by the mentally ill
37 person at any time after restoration to a sound mind; but in that case,
38 the marriage should not be annulled if it appears that the parties free-
39 ly cohabited as husband and wife after the mentally ill person was
40 restored to a sound mind. Where one of the parties to a marriage was a
41 mentally ill person at the time of the marriage, an action may also be
42 maintained by the other party at any time during the continuance of the
43 mental illness, provided the plaintiff did not know of the mental
44 illness at the time of the marriage. Where no relative of the [~~mentally~~
45 ~~retarded~~] intellectually disabled person or mentally ill person brings
46 an action to annul the marriage and the mentally ill person is not
47 restored to sound mind, the court may allow an action for that purpose
48 to be maintained at any time during the life-time of both the parties to
49 the marriage, by any person as the next friend of the [~~mentally~~
50 ~~retarded~~] intellectually disabled person or mentally ill person.

51 § 14. Section 142 of the domestic relations law, as amended by chapter
52 550 of the laws of 1978, is amended to read as follows:

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

1 requires, although, in a like case, the party to the marriage, if plain-
2 tiff, would be entitled to judgment.

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

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

9 § 16. The section heading and subdivisions 1, 2 and 3 of section
10 1004-a of the education law, the section heading and subdivisions 1 and
11 3 as amended by chapter 1014 of the laws of 1974 and subdivision 2 as
12 separately amended by chapters 474 and 475 of the laws of 1978, are
13 amended to read as follows:

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

33 2. Special provisions relating to [~~mentally-retarded~~] intellectually
34 disabled, mentally ill and severely physically handicapped persons in
35 extended sheltered employment in workshops. Notwithstanding any other
36 provision of this article, when it shall appear to the satisfaction of
37 the department that a [~~mentally-retarded~~] intellectually disabled,
38 mentally ill or severely physically handicapped person over the chrono-
39 logical age of seventeen years can reasonably be expected to benefit
40 from, or in his best interests reasonably requires extended sheltered
41 employment in a workshop as defined in section ten hundred two, subdivi-
42 sion eight of article twenty-one of this chapter, furnished by an
43 approved non-profit organization, the department is authorized to
44 contract with such organization for the furnishing of such sheltered
45 employment to such [~~mentally-retarded~~] intellectually disabled, mentally
46 ill or severely physically handicapped person; and the department is
47 further authorized to expend for such purpose a sum or sums not less
48 than one thousand five hundred dollars per annum for each such [~~mentally~~
49 ~~retarded~~] intellectually disabled, mentally ill or severely physically
50 handicapped person, for or towards the cost of providing such sheltered
51 employment for each such [~~mentally-retarded~~] intellectually disabled,
52 mentally ill or severely physically handicapped person.

53 The department shall pay at least quarterly during the state fiscal
54 year such sums as are authorized to such organizations for such shel-
55 tered employment immediately upon the completion of evaluation and
56 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

1 home or institution is located. The education department is authorized
2 to reimburse each school district furnishing educational services to
3 such children for the direct cost of such services in accordance with
4 regulations promulgated by the commissioner and approved by the director
5 of the budget. The educational costs for these children shall not be
6 otherwise aidable or reimbursable. The school district in which the
7 child resided at the time the department of mental hygiene assumed
8 responsibility for the support and maintenance of such child shall reim-
9 burse the education department for its expenditure on behalf of such
10 child in an amount equal to the school district basic contribution, as
11 such term is defined in subdivision eight of section four thousand four
12 hundred one of this chapter. The comptroller may deduct from any state
13 funds which become due to a school district an amount equal to the
14 reimbursement required to be made by such school district in accordance
15 with this paragraph, and the amount so deducted shall not be included in
16 the operating expense of such district for the purpose of computing the
17 approved operating expense pursuant to paragraph t of subdivision one of
18 section thirty-six hundred two of this chapter. The department of mental
19 hygiene shall notify the education department of the name of the child,
20 the location of the family home or institution where the child is to be
21 placed and the name of the school district in which such child resided
22 at the time the department of mental hygiene assumed responsibility for
23 his or her support and maintenance.

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

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

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

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

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

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

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

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

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

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

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

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

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

48 § 4809. Transfer of pupils. The board of managers shall have full
49 power to transfer to other institutions any child committed by a court
50 found to be incorrigible, not amenable to proper discipline and training
51 of the school, or [~~mentally-retarded~~] intellectually disabled, in the
52 manner and by the methods prescribed and set forth in the penal law.

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

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

37 § 24. Subparagraph (i) of paragraph (a) of subdivision 1 of section
38 509 of the executive law, as added by chapter 659 of the laws of 1977
39 and renumbered by chapter 465 of the laws of 1992, is amended to read as
40 follows:

41 (i) that such child is mentally ill or ~~mentally retarded~~ intellectu-
42 ally disabled and will substantially benefit from care and treatment in
43 such a state school or hospital; and

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

47 (b) The family court has such other jurisdiction as is set forth in
48 this act, including jurisdiction over habeas corpus proceedings and over
49 applications for support, maintenance, a distribution of marital proper-
50 ty and custody in matrimonial actions when referred to the family court
51 by the supreme court, conciliation proceedings, and proceedings concern-
52 ing physically handicapped and ~~mentally defective or retarded~~ intel-
53 lectually disabled children.

54 § 26. Section 28 of the general construction law, as amended by chap-
55 ter 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 1 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

1	Ranking minority member of assembly insurance committee	9,000
2	Chairman of assembly labor committee	14,000
3	Ranking minority member of assembly labor committee	9,000
4	Chairman of assembly racing and wagering committee	12,500
5	Ranking minority member of assembly racing and wagering	
6	committee	9,000
7	Chairman of assembly social services committee	12,500
8	Ranking minority member of assembly social services	
9	committee	9,000
10	Chairman of assembly small business committee	12,500
11	Ranking minority member of assembly small business	
12	committee	9,000
13	Chairman of assembly transportation committee	15,000
14	Ranking minority member of assembly transportation	
15	committee	9,500
16	Chairman of assembly veterans' affairs committee	12,500
17	Ranking minority member of assembly veterans' affairs	
18	committee	9,000
19	Chairman of assembly aging committee	12,500
20	Ranking minority member of assembly aging committee	9,000
21	Chairman of the assembly alcoholism and drug abuse	
22	committee	12,500
23	Ranking minority member of the assembly	
24	alcoholism and drug abuse committee	9,000
25	Chairman of assembly committee on mental health[7	
26	mental retardation and developmental disabilities]	12,500
27	Ranking minority member of assembly committee on mental health[7	
28	mental retardation and developmental disabilities]	9,000
29	Chairman of assembly higher education committee	12,500
30	Ranking minority member of assembly higher education	
31	committee	9,000
32	Chairman of assembly real property taxation committee	12,500
33	Ranking minority member of assembly real property	
34	taxation committee	9,000
35	Chairman of assembly election law committee	12,500
36	Ranking minority member of assembly election	
37	law committee	9,000
38	Chairman of assembly children and families committee	12,500
39	Ranking minority member of assembly children	
40	and families committee	9,000
41	Chairman of assembly consumer affairs and protection	
42	committee	12,500
43	Ranking minority member of assembly consumer affairs and	
44	protection committee	9,000
45	Chairman of the assembly energy committee	12,500
46	Ranking minority member of assembly energy committee	9,000
47	Chairman of assembly tourism, parks, arts and sports development	
48	committee	12,500
49	Ranking minority member of assembly tourism, parks, arts and	
50	sports development committee	9,000
51	Chairman of assembly oversight, analysis and investigation	
52	committee	12,500
53	Ranking minority member of assembly oversight,	
54	analysis and investigation committee	9,000
55	Chairman of assembly office of state-federal relations	12,500
56	Chairman of majority house operations	12,500

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

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

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

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

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

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

19 any provisions of this article which explicitly or implicitly apply
20 to, or reference, persons who are, or who are alleged to be, [~~mentally~~
21 ~~retarded~~] intellectually disabled shall be deemed to apply to, or to be
22 a reference to, persons who are, or who are alleged to be, develop-
23 mentally disabled.

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

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

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

34 1. develop standards for admissions to all facilities for the care of
35 the mentally ill, [~~mentally-retarded~~] intellectually disabled and devel-
36 opmentally disabled, and those suffering from the disease of alcoholism,
37 alcohol abuse, substance abuse or substance dependence consistent with
38 the requirements of articles nine, fifteen and twenty-one of this chap-
39 ter taking into account characteristics of clients and providers;

40 2. develop standards for discharges from all facilities for the care
41 of the mentally ill, [~~mentally-retarded~~] intellectually disabled and
42 developmentally disabled, and those suffering from the disease of alco-
43 holism, alcohol abuse, substance abuse or substance dependence taking
44 into account the availability and adequacy of community residential and
45 treatment services and the rights of the patient;

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

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

1 at the rate of seventy-five percent for the first one hundred thousand
2 dollars of its approved net operating costs. Notwithstanding the forego-
3 ing, local governments shall be granted state aid of one hundred percent
4 of the net operating costs expended by such local governments and by
5 voluntary agencies pursuant to contract with such local governments for
6 services to [~~mentally-retarded~~] intellectually disabled or develop-
7 mentally disabled persons who were patients in a state facility for a
8 continuous period of five or more years following the first day of Janu-
9 ary, nineteen hundred sixty-nine, provided that such services are
10 rendered in accordance with an approved local services plan. Such one
11 hundred percent state aid for services to such persons shall be also
12 provided to a voluntary agency pursuant to a direct contract between
13 such agency and an office of the department whenever such services
14 provided pursuant to such direct contract are rendered in accordance
15 with an approved local services plan for servicing such clients. For
16 purposes of determining whether a person has been a patient in such a
17 facility for a continuous period of five years or more, if a person who
18 has been discharged or released from such a facility is thereafter
19 returned to such a facility within ninety days of the discharge or
20 release, the period of time between such discharge or release and such
21 return shall not constitute an interruption of, and shall be counted as
22 part of, the continuous period.

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

26 1. "Respite" shall mean the provision of intermittent temporary
27 substitute care of [~~mentally-retarded~~] intellectually disabled or devel-
28 opmentally disabled persons on behalf of and in the absence of the
29 parent or legal guardian of the [~~mentally-retarded~~] intellectually disa-
30 bled or developmentally disabled person, for the purpose of providing
31 relief from the stresses of responsibilities concomitant with providing
32 continued care. Respite shall not exceed forty-two days in any calendar
33 year for any individual except where authorized by the commissioner,
34 subject to the approval of the director of the budget.

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

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

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

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

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

51 1. "Company", "community mental health services company" or "community
52 [~~mental-retardation~~] intellectual disability services company". A compa-
53 ny, duly incorporated pursuant to the provisions of the not-for-profit
54 corporation law and this article, for the purpose of providing for the
55 care, treatment, training, education, and residence of the [~~mentally~~]

1 intellectually disabled, and such facilities as may be incidental or
2 appurtenant thereto.

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

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

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

52 1. "Children with physical disabilities" means any persons under twen-
53 ty-one years of age who are disabled by reason of a defect or disabili-
54 ty, whether congenital or acquired by accident, injury, or disease, or
55 who are suffering from long-term disease, including, but without limit-
56 ing the generality of the foregoing, chronic granulomatous, cystic

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

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

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

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

32 Transfer of unappropriated state lands for mental health, [~~mental~~
33 ~~retardation~~] intellectual disability, park, recreation, playground,
34 reforestation, street or highway purposes. 1. Such commissioner of
35 general services may, from time to time, transfer and convey to a city,
36 incorporated village, town or county, in consideration of one dollar to
37 be paid to the state of New York, and on such terms and conditions as
38 such commissioner may impose, a part or all of any parcel or parcels of
39 unappropriated state lands upon certification that such parcel or
40 parcels are useful for local mental health facilities, [~~mental-retarda-~~
41 ~~tion~~] intellectual disability facilities, park, recreation, playground,
42 reforestation, street or highway purposes, and that they will be proper-
43 ly improved and maintained for one or more of such purposes and provided
44 that this disposition of such parcel or parcels is not otherwise prohib-
45 ited. Certification shall be evidenced by a formal request from the
46 board of estimate, common council, village board, town board or county
47 board of supervisors, setting forth in detail the parcel or parcels to
48 be released, transferred and conveyed and the availability and useful-
49 ness of such parcel or parcels for one or more of such purposes. In the
50 city of New York however, certification shall be evidenced by a formal
51 request from the mayor. In the event that lands transferred under the
52 provisions of this section are not properly improved and maintained for
53 one or more of the purposes contemplated by this section by the city,
54 village, town or county to which they were transferred, the title there-
55 to shall revert to the people of the state of New York, and the attor-
56 ney-general may institute an action in the supreme court for a judgment

1 declaring a revesting of such title in the state. Such commissioner may
2 also transfer any unappropriated state lands to the office of parks,
3 recreation and historic preservation or the department of environmental
4 conservation, upon the application of the commissioner thereof indicat-
5 ing that such unappropriated state lands are required for state park
6 purposes within the area of jurisdiction of such office or department.

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

10 8. Prompt provision of new and improved community mental health and
11 ~~[mental-retardation]~~ intellectual disability facilities is required for
12 the care and treatment of the increasing number of persons afflicted
13 with mental illness, mental deficiencies, epilepsy and behavior or
14 emotional disorders; that such facilities should be located close to the
15 people they serve in order to speed rehabilitation and restoration and
16 to provide for out-patient and in-patient care, including after care,
17 diagnostic and rehabilitative services and residential accommodations
18 for operation as hostels; that it is the policy of the state to promote
19 the provision of such community mental health and ~~[mental-retardation]~~
20 intellectual disability facilities; that there is a need for non-profit
21 corporations to construct low cost community mental health and ~~[mental-~~
22 ~~retardation]~~ intellectual disability facilities. In order to encourage
23 the investment of private capital in such community mental health and
24 ~~[mental-retardation]~~ intellectual disability facilities, and to assure
25 the expeditious completion of such community mental health and ~~[mental-~~
26 ~~retardation]~~ intellectual disability facilities, the New York state
27 housing finance agency should be empowered, through the issuance of its
28 bonds, notes or other obligations to the private investing public, to
29 obtain funds necessary to make mortgage loans, at low interest rates, to
30 non-profit corporations for the construction, acquisition, recon-
31 struction, rehabilitation or improvement of such mental health and
32 ~~[mental-retardation]~~ intellectual disability facilities.

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

38 6-d. "Mortgage loan" shall also mean a loan made by the agency to a
39 company incorporated pursuant to the provisions of article eight-B of
40 the mental hygiene law and the not-for-profit corporation law in an
41 amount not to exceed the total community mental health services project
42 cost or community ~~[mental-retardation]~~ intellectual disability services
43 project cost, and secured by a first mortgage lien on the real property
44 of which the community mental health services project or community
45 ~~[mental-retardation]~~ intellectual disability services project consists
46 and the personal property attached to or used in connection with the
47 construction, acquisition, reconstruction, rehabilitation, improvement
48 or operation of the community mental health services project or communi-
49 ty ~~[mental-retardation]~~ intellectual disability services project.
50 "Community mental health services company," "community ~~[mental-retarda-~~
51 ~~tion]~~ intellectual disability services company," "community mental
52 health services project cost," "community ~~[mental-retardation]~~ intellec-
53 tual disability services project cost," "community mental health
54 services project" and "community ~~[mental-retardation]~~ intellectual disa-
55 bility services project" shall mean community mental health services
56 company, community ~~[mental-retardation]~~ intellectual disability services

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

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

16 14-a. "Community mental health services and [~~mental-retardation~~]
17 intellectual disability services project revenue bonds" and "community
18 mental health services and [~~mental-retardation~~] intellectual disability
19 services project revenue notes" shall mean bonds and notes, respective-
20 ly, issued by the agency for the purpose of making mortgage loans to
21 companies incorporated pursuant to the not-for-profit corporation law
22 and article seventy-five of the mental hygiene law, paying interest on
23 such bonds and notes, establishing reserves to secure such bonds and
24 notes, and paying of all other expenditures of the agency incident to
25 and necessary or convenient for the making of such mortgage loans.

26 § 48. Paragraphs (a) and (d) of subdivision 15 of section 44 of the
27 private housing finance law, as amended by chapter 195 of the laws of
28 1973, are amended to read as follows:

29 (a) Subject to the approval of the commissioner and to the provisions
30 of any contract with noteholders or bondholders, except with any holders
31 of hospital and nursing home project bonds or notes or youth facilities
32 project bonds or notes, or community mental health services and [~~mental-~~
33 ~~retardation~~] intellectual disability services project bonds or notes,
34 whenever it deems it necessary or desirable in the fulfillment of the
35 purposes of this article, to consent to the modification, with respect
36 to rate of interest, time of payment of any installment of principal or
37 interest, security, or any other term, of any mortgage, mortgage loan,
38 mortgage loan commitment, contract or agreement of any kind to which the
39 agency is a party, except such mortgages, mortgage loans, mortgage loan
40 commitments, contracts or agreements as may have been entered into with
41 hospital corporations which are eligible borrowers as defined in article
42 twenty-eight-B of the public health law, nursing home companies or non-
43 profit corporations which are eligible borrowers as defined in title
44 five-A of article six of the social services law or companies incorpo-
45 rated pursuant to the not-for-profit corporation law and article seven-
46 ty-five of the mental hygiene law;

47 (d) Subject to the provisions of any contract with holders of communi-
48 ty mental health services and [~~mental-retardation~~] intellectual disabil-
49 ity services project bonds or notes, whenever it deems it necessary or
50 desirable in the fulfillment of the purposes of this article, to consent
51 to the modification, with respect to rate of interest, time of payment
52 of any installment of principal or interest, security, or any other term
53 of any mortgage, mortgage loan, mortgage loan commitment, contract or
54 agreement of any kind between the agency and a company incorporated
55 pursuant to the not-for-profit corporation law and article seventy-five
56 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

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

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

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

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

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

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

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

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

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

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

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

1 the extent it does not reduce the amount of such community mental health
2 services and [~~mental-retardation~~] intellectual disability services capi-
3 tal reserve fund below the maximum amount of principal and interest
4 maturing and becoming due in any succeeding calendar year on all commu-
5 nity mental health services and [~~mental-retardation~~] intellectual disa-
6 bility services project bonds of the agency then outstanding and secured
7 by such reserve fund.

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

38 (c) To assure the continued operation and solvency of the agency for
39 the carrying out of the public purposes of this article provision is
40 made in paragraph (a) of this subdivision for the accumulation in the
41 community mental health services and [~~mental-retardation~~] intellectual
42 disability services capital reserve fund of an amount equal to the maxi-
43 mum amount of principal and interest maturing and becoming due in any
44 succeeding calendar year on all community mental health services and
45 [~~mental-retardation~~] intellectual disability services project bonds of
46 the agency then outstanding and secured by such reserve fund. In order
47 further to assure the maintenance of such community mental health
48 services and [~~mental-retardation~~] intellectual disability services capi-
49 tal reserve fund, there shall be annually apportioned and paid to the
50 agency for deposit in such community mental health services and [~~mental-~~
51 ~~retardation~~] intellectual disability services capital reserve fund such
52 sum, if any, as shall be certified by the chairman of the agency to the
53 governor and director of the budget as necessary to restore such reserve
54 fund to an amount equal to the maximum amount of principal and interest
55 maturing and becoming due in any succeeding calendar year on the commu-
56 nity mental health services and [~~mental-retardation~~] intellectual disa-

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

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

32 13. The agency shall create and establish a special fund (herein
33 referred to as community mental health services and [~~mental-retardation~~]
34 intellectual disability services general reserve fund) and shall pay
35 into such fund all fees and charges collected by the agency pursuant to
36 paragraph (c) of subdivision eleven of section forty-four of this arti-
37 cle and any monies which the agency shall transfer from the community
38 mental health services and [~~mental-retardation~~] intellectual disability
39 services capital reserve fund pursuant to the provisions of paragraph
40 (a) of subdivision ten of this section. Such monies and any other monies
41 paid into the community mental health services and [~~mental-retardation~~]
42 intellectual disability services general reserve fund may, in the
43 discretion of the agency, but subject to agreements with bondholders and
44 noteholders, be used by the agency (a) for the repayment of advances
45 from the state in accordance with the provisions of repayment agreements
46 between the agency and the director of the budget, (b) to reimburse the
47 department of mental hygiene the reasonable costs of the services
48 performed by the commissioner of mental hygiene and the department of
49 mental hygiene pursuant to subdivision four of section fifty-five of
50 this article, including the reasonable costs of such services performed
51 by the health and mental hygiene facilities improvement corporation upon
52 request by the commissioner of mental hygiene pursuant to the provisions
53 of section 75.25 of the mental hygiene law, (c) to pay all costs,
54 expenses and charges of financing, including fees and expenses of trus-
55 tees and paying agents, (d) for transfers to the community mental health
56 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

1 services capital reserve fund pursuant to the provisions of paragraph
2 (a) of this subdivision. Such monies and any other monies paid into a
3 community mental health services and [~~mental-retardation~~] intellectual
4 disability service general reserve fund may, in the discretion of the
5 agency, but subject to agreements with bondholders and noteholders, be
6 used by the agency (i) for the repayment of advances from the state in
7 accordance with the provisions of repayment agreements between the agen-
8 cy and the director of the budget, (ii) to reimburse the department of
9 mental hygiene the reasonable costs of the services performed by the
10 commissioner of mental hygiene and the department of mental hygiene
11 pursuant to subdivision five of section fifty-five of this article,
12 including the reasonable costs of such services performed by the facili-
13 ties development corporation upon request by the commissioner of mental
14 hygiene pursuant to the provisions of section 75.25 of the mental
15 hygiene law, (iii) to pay all costs, expenses and charges of financing,
16 including fees and expenses of trustees and paying agents, (iv) for
17 transfers to a community mental health services and [~~mental-retardation~~]
18 intellectual disability services capital reserve fund, (v) for the
19 payment of principal of and interest on community mental health services
20 and [~~mental-retardation~~] intellectual disability services project reven-
21 ue bonds and notes issued by the agency when the same shall become due
22 whether at maturity or on call for redemption and for the payment of any
23 redemption premium required to be paid where such community mental
24 health services and [~~mental-retardation~~] intellectual disability
25 services project revenue bonds and notes are redeemed prior to their
26 stated maturities and to purchase community mental health services and
27 [~~mental-retardation~~] intellectual disability services revenue bonds or
28 notes issued by the agency, or (vi) for such other corporate purposes of
29 the agency as the agency in its discretion shall determine and provide.
30 § 52. Paragraphs a and b of subdivision 1 of section 47-b of the
31 private housing finance law, as amended by chapter 471 of the laws of
32 1980, is amended to read as follows:

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

55 b. "Mental hygiene facility" shall mean a building, a unit within a
56 building, a laboratory, a classroom, a housing unit, a dining hall, an

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

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

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

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

1 lease or deed shall be made subject to such condition of reverter and
2 re-entry; provided, however, that as a condition precedent to the exer-
3 cise of such right of re-entry the corporation shall pay to the agency
4 an amount equal to the sum of the purchase price of such real property,
5 the depreciated cost of any community mental health and [~~retardation~~]
6 intellectual disability facility or facilities constructed, recon-
7 structed, rehabilitated or improved thereon and all other costs of the
8 agency incident to the acquisition of such lands and the financing of
9 construction, reconstruction, rehabilitation or improvement relating to
10 such community mental health and [~~retardation~~] intellectual disability
11 facility or facilities, all as provided in the aforesaid lease, sublease
12 or other agreement entered into with the corporation.

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

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

33 § 55. Paragraph c of subdivision 1 of section 1515 of the real proper-
34 ty actions and proceedings law, as amended by chapter 550 of the laws of
35 1978, is amended to read as follows:

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

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

42 1. A final judgment in favor of either party, in an action brought as
43 prescribed in this article, is conclusive, as to the title established
44 in the action, against the other party, known or unknown, including an
45 infant, [~~a mentally retarded~~] an intellectually disabled person, a
46 mentally ill person, or an alcohol abuser, and also against every person
47 claiming from, through or under that party, by title accruing after the
48 filing of the judgment roll, or of the notice of the pendency of the
49 action, as prescribed by law; also against each person not in being or
50 ascertained at the commencement of the action, who by any contingency
51 contained in a devise or grant or otherwise, could afterward become
52 entitled to a beneficial estate or interest in the property involved,
53 provided that every person in being who would have been entitled to such
54 estate or interest if such event had happened immediately before the
55 commencement of the action is a party thereto, or that a guardian ad
56 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

1 provide housing and auxiliary facilities for faculty members, students,
2 employees, nurses, interns, resident physicians, researchers and other
3 personnel and their immediate families in attendance or employed at
4 colleges, universities, educational institutions, child care insti-
5 tutions, hospitals and medical research institutes, or for handicapped
6 or aged persons of low income, or owned by non-profit nursing home
7 companies organized pursuant to the not-for-profit corporation law and
8 the provisions of article twenty-eight-A of the public health law, used
9 exclusively to provide facilities for nursing care to sick, invalid,
10 infirm, disabled or convalescent persons of low income, or to provide
11 health-related service as defined in article twenty-eight of the public
12 health law to persons of low income, or any combination of the forego-
13 ing, and in addition thereto, to provide nursing care and health-related
14 service, or either of them, to persons of low income who are not occu-
15 pants of the project, or owned by housing development fund companies
16 organized pursuant to the not-for-profit corporation law and article
17 eleven of the private housing finance law, used exclusively to provide
18 housing for handicapped or aged persons of low income, and financed by a
19 federally-aided mortgage as defined in said article eleven, or owned by
20 companies organized pursuant to the not-for-profit corporation law and
21 the provisions of article seventy-five of the mental hygiene law, used
22 exclusively to provide care, treatment, training, education and residen-
23 tial accommodations for operation as hostels for the mentally ill or
24 ~~mentally retarded~~ intellectually disabled, or owned by companies
25 organized pursuant to the membership corporations law and the provisions
26 of article seven-A of the private housing finance law, used exclusively
27 to provide programs, services and other facilities for the aging, shall
28 be exempt from taxation and exempt from special ad valorem levies and
29 special assessments to the extent provided in section four hundred nine-
30 ty of this chapter, provided, however, that in a city having a popu-
31 lation of one million or more real property owned by any such corpo-
32 ration which is to provide housing accommodations, substantially all of
33 which are or are to be assisted by rent subsidies made or to be made
34 available by the Federal government pursuant to a contract under section
35 eight of the United States Housing Act of nineteen hundred thirty-seven,
36 as amended, or pursuant to a project rental assistance contract under
37 section two hundred two of the United States Housing Act of nineteen
38 hundred fifty-nine, as amended, or pursuant to a project rental assist-
39 ance contract under section eight hundred eleven of the National Afford-
40 able Housing Act of nineteen hundred ninety, as amended, shall from and
41 after the commencement of construction be subject to taxation or exempt
42 therefrom to the extent approved by a municipality acting through its
43 local legislative body, as such local legislative body is defined in
44 paragraph twelve of section two of the private housing finance law. No
45 such corporation or company shall pay a dividend on any of its stock or
46 pay interest on any of its debentures. Provided further, however, in a
47 county having a population of one million or more and having not more
48 than three towns within such county, real property owned by housing
49 development fund companies organized pursuant to the not-for-profit
50 corporation law and article eleven of the private housing finance law,
51 used exclusively to provide housing for handicapped or aged persons of
52 low income, and financed by a federally-aided mortgage as defined in
53 said article eleven shall from and after the commencement of
54 construction be subject to taxation or exempt therefrom to the extent
55 approved by a municipality acting through its local legislative body, as
56 such local legislative body is defined in paragraph twelve of section

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

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

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

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

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

34 § 62. Section 199 of the social services law, as amended by chapter
35 195 of the laws of 1973, is amended to read as follows:

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

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

48 (e) "Receiving enhanced residential care" shall mean residing in a
49 privately operated school for the [~~mentally-retarded~~] intellectually
50 disabled and developmentally disabled which is certified by the office
51 for people with developmental disabilities of the department of mental
52 hygiene, in accordance with applicable provisions of law and regulations
53 or an adult home, or enriched housing program certified by the depart-
54 ment of health in accordance with applicable law, rules and regulations
55 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.

1 ~~retarded~~ intellectually disabled, plus for any other month after Decem-
2 ber, nineteen hundred eighty-nine an amount equal to \$18.00 for individ-
3 uals, \$27.00 for couples who are living alone or living with others and
4 \$36.00 for couples receiving family care, residential care or care in
5 schools for the ~~[mentally-retarded]~~ intellectually disabled, plus for
6 any month after December, nineteen hundred ninety an amount equal to
7 \$21.00 for individuals, \$31.00 for couples who are living alone or
8 living with others and \$42.00 for couples receiving family care, resi-
9 dential care or care in schools for the ~~[mentally-retarded]~~ intellectu-
10 ally disabled, plus for any month after December, nineteen hundred nine-
11 ty-one an amount equal to \$15.00 for individuals, \$23.00 for couples who
12 are living alone or living with others and \$30.00 for couples receiving
13 family care, residential care or care in schools for the ~~[mentally-~~
14 ~~retarded]~~ intellectually disabled, plus for any month after December,
15 nineteen hundred ninety-two, an amount equal to \$12.00 for individuals,
16 \$19.00 for couples who are living alone or living with others and \$24.00
17 for couples receiving family care, residential care or care in schools
18 for the ~~[mentally-retarded]~~ intellectually disabled plus for any month
19 after December, nineteen hundred ninety-three an amount equal to \$12.00
20 for individuals, \$17.00 for couples who are living alone or living with
21 others and \$24.00 for couples receiving family care, residential care or
22 care in schools for the ~~[mentally-retarded]~~ intellectually disabled plus
23 for any month after December, nineteen hundred ninety-four an amount
24 equal to \$12.00 for individuals, \$18.00 for couples who are living alone
25 or living with others and \$24.00 for couples receiving family care,
26 residential care or care in schools for the ~~[mentally-retarded]~~ intel-
27 lectually disabled, plus for any month after December, nineteen hundred
28 ninety-five an amount equal to \$12.00 for individuals, \$18.00 for
29 couples who are living alone or living with others and \$24.00 for
30 couples receiving family care, residential care or care in schools for
31 the ~~[mentally-retarded]~~ intellectually disabled, plus for any month
32 after December, nineteen hundred ninety-six, an amount equal to \$14.00
33 for individuals and \$21.00 for couples plus for any month after Decem-
34 ber, nineteen hundred ninety-seven an amount equal to \$10.00 for indi-
35 viduals and \$15.00 for couples plus for any month after December, nine-
36 teen hundred ninety-eight an amount equal to \$6.00 for individuals and
37 \$11.00 for couples plus for any month after December, nineteen hundred
38 ninety-nine an amount equal to \$13.00 for individuals and \$18.00 for
39 couples plus for any month after December, two thousand an amount equal
40 to \$18.00 for individuals and \$27.00 for couples plus for any month
41 after December, two thousand one an amount equal to \$15.00 for individ-
42 uals and \$21.00 for couples plus for any month after December, two thou-
43 sand two an amount equal to \$7.00 for individuals and \$12.00 for couples
44 plus for any month after December, two thousand three an amount equal to
45 \$12.00 for individuals and \$17.00 for couples plus for any month after
46 December, two thousand four an amount equal to \$15.00 for individuals
47 and \$23.00 for couples plus for any month after December, two thousand
48 five an amount equal to \$24.00 for individuals and \$35.00 for couples
49 plus for any month after December, two thousand six an amount equal to
50 the amount of any increases in federal supplemental security income
51 benefits for individuals or couples pursuant to section 1617 of the
52 Social Security Act (42 USC § 1382f) which become effective on or after
53 January first, two thousand seven.

54 § 65. Paragraph (k) of subdivision 1 of section 364-j of the social
55 services law, as amended by chapter 649 of the laws of 1996, is amended
56 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

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

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

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

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

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

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

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

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

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

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

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

33 It is further found and declared that the provision of new and
34 improved community mental health and ~~[retardation]~~ intellectual disabili-
35 ty facilities must be accelerated, in order to provide comprehensive
36 care and treatment of the mentally ill and ~~[mentally-retarded]~~ intellec-
37 tually disabled. Such community mental health and ~~[retardation]~~ intel-
38 lectual disability facilities should be located close to the people they
39 serve, in order to speed rehabilitation and restoration, by involving
40 families and community resources to the extent practicable. Such an
41 accelerated construction program will also help relieve overcrowding in
42 state facilities for the mentally ill and ~~[mentally-retarded]~~ intellec-
43 tually disabled and will afford treatment and care for the increasing
44 number of ~~[mentally-retarded]~~ intellectually disabled. Such a program
45 will increase the number of local facilities for out-patient care and
46 short-term in-patient care, including after care, diagnostic and rehabi-
47 litative services, training and research. While the responsibility for
48 the professional care, maintenance and treatment of the mentally ill and
49 ~~[mentally-retarded]~~ intellectually disabled at all such community mental
50 health and ~~[retardation]~~ intellectual disability facilities should
51 continue in the local governments, subject to the provisions of article
52 forty-one of the mental hygiene law and the regulations of the commis-
53 sioners of the offices of the department having jurisdiction thereof,
54 the legislature further finds and declares that the Facilities Develop-
55 ment Corporation should be empowered to aid cities and counties, at
56 their request, to provide new and improved community mental health and

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

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

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

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

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

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

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

37 13. Subject to the terms and conditions of any lease, sublease, loan
38 or other financing agreement with the state housing finance agency or
39 the state medical care facilities finance agency, and to the determi-
40 nation of the appropriate commissioner of the department, and in the
41 case of community mental health and [~~retardation~~] intellectual disabili-
42 ty facilities, of the city or county, that such real property held for
43 the purposes of a mental hygiene facilities improvement program is
44 unnecessary for the present or foreseeable future needs of a mental
45 hygiene facility, with the approval of the director of the budget, to
46 convey for fair value any right, title or interest of the people of the
47 state of New York in and to such real property to any appropriate state
48 agency, or public corporation, city or county for other public use or
49 for sale, lease or other disposition in accordance with law, real prop-
50 erty held by the corporation, provided, however, nothing in this subdi-
51 vision shall be deemed to supercede the provisions of section 41.34 of
52 the mental hygiene law and provided further that any such conveyance
53 shall be subject to, and consistent with the terms and objectives of,
54 any plan developed by the state interagency council on mental hygiene
55 property utilization. The corporation shall provide written notice at
56 least thirty days in advance of the effective date of any conveyance to

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

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

22 3. To provide mental hygiene facilities, other than community health
23 and [~~retardation~~] intellectual disability facilities, for the care,
24 maintenance and treatment of the [~~mentally~~] intellectually disabled, for
25 research and training related thereto, and for the members of the staff
26 of state institutions in the department and their families, to reduce
27 the time lag between determination of need for such facilities and actu-
28 al occupancy thereof, to expedite the construction, acquisition, recon-
29 struction, rehabilitation or improvement of such facilities, to assure
30 that the same are completed and ready for the purposes intended in the
31 light of foreseeable needs, to assure exclusive possession, jurisdic-
32 tion, control and supervision over all mental hygiene facilities in
33 order to effectuate the aforesaid purposes and to make such facilities
34 available to the appropriate commissioner of the department for use in
35 the care, maintenance and treatment of the [~~mentally~~] intellectually
36 disabled.

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

50 5. To provide mental hygiene facilities to be made available under
51 license or permit from the corporation to voluntary agencies at the
52 request of the appropriate commissioner of the department in accordance
53 with the provisions of this act for use in providing community mental
54 health and [~~retardation~~] intellectual disability services and services
55 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

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

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

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

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

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

52 § 84. Paragraphs a and b of subdivision 3 of section 9 of section 1 of
53 chapter 359 of the laws of 1968, constituting the facilities development
54 corporation act, paragraph a as amended by chapter 723 of the laws of
55 1993 and paragraph b as amended by section 48 of part TTT of chapter 59
56 of the laws of 2019, are amended to read as follows:

1 a. Subject to the provisions of this act, the directors of the corpo-
2 ration shall receive, accept, invest, administer, expend and disburse
3 for its corporate purposes, other than for the purposes of any health
4 facilities improvement program, (i) all payments made on or after Janu-
5 ary 1, 1964, for the care, maintenance and treatment of patients in
6 every mental hygiene facility, other than a community mental health and
7 ~~[retardation]~~ intellectual disability facility or a mental hygiene
8 facility made available under license or permit from the corporation to
9 a voluntary agency for use in providing community mental health and
10 ~~[retardation]~~ intellectual disability services, or an office of ~~[alco-~~
11 ~~holism and substance abuse]~~ addiction services and supports facility
12 made available under license or permit from the corporation to a volun-
13 tary agency for use in the conduct of an alcoholism or substance abuse
14 treatment program, (ii) all payments made to the corporation by a lessee
15 or permittee as rentals, permit fees or otherwise under any lease,
16 sublease, permit or agreement undertaken with respect to a community
17 mental health and ~~[retardation]~~ intellectual disability facility or
18 current or former mental hygiene facility or from a voluntary agency
19 with respect to a mental hygiene facility made available under lease,
20 license or permit from the corporation to a voluntary agency, and (iii)
21 all payments made to the corporation for the purchase of real property
22 held by the corporation for the use of the department, other than
23 payments derived from New York state medical care facilities finance
24 agency financing or refinancing of the design, construction, acquisi-
25 tion, reconstruction, rehabilitation, improvement or renovation of state
26 operated mental hygiene facilities, and may receive, accept, invest,
27 administer, expend and disburse for its corporate purposes, other than
28 for the purposes of any health facilities improvement program, appropri-
29 ations or advances from the capital projects fund and the state purposes
30 account of the general fund of the state, and other revenues and monies
31 made available or to be made available to the corporation from any or
32 all sources, including gifts, grants, loans and payments from the feder-
33 al government, any state agency, any county, city, town or village, any
34 private foundation, organization or individual, or any other source, for
35 the construction, acquisition, reconstruction, rehabilitation and
36 improvement of mental hygiene facilities, and for the maintenance and
37 repair of such facilities.

38 b. All monies of the corporation received or accepted pursuant to
39 paragraph a of this subdivision, other than appropriations and advances
40 from the state and except as otherwise authorized or provided in this
41 section, shall be paid to the commissioner of taxation and finance as
42 agent of the corporation, who shall not commingle such monies with any
43 other monies. Such monies shall be deposited in two or more separate
44 bank accounts. One of such accounts, to which shall be credited (i) all
45 payments made on or after January 1, 1964, for the care, maintenance and
46 treatment of patients in every mental hygiene facility, other than a
47 community mental health and ~~[retardation]~~ intellectual disability facil-
48 ity, (ii) all payments made to the corporation as rentals, lease
49 payments, permit fees or otherwise under any lease, sublease or agree-
50 ment undertaken with respect to a community mental health and ~~[retarda-~~
51 ~~tion]~~ intellectual disability facility or a current or former mental
52 hygiene facility, (iii) all payments made to the corporation for the
53 purchase of real property held by the corporation for the use of the
54 department, other than payments derived from New York state medical care
55 facilities finance agency financing or refinancing of the design,
56 construction, acquisition, reconstruction, rehabilitation, improvement

1 or renovation of state operated mental hygiene facilities, (iv) all
2 income from investments and (v) all monies received or to be received
3 for the purposes of such account on a recurring basis, shall be denomi-
4 nated the "mental hygiene facilities improvement fund income account".
5 The monies in any account shall be paid out on checks signed by the
6 commissioner of taxation and finance on requisition of the chairman of
7 the corporation or of such other officer or employee or officers or
8 employees as the corporation shall authorize to make such requisition.
9 All deposits of such money shall, if required by the commissioner of
10 taxation and finance or the directors of the corporation, be secured by
11 obligations of the United States or of the state of a market value equal
12 at all times to the amount of the deposit and all banks and trust compa-
13 nies are authorized to give such security for such deposits. Any moneys
14 of the corporation not required for immediate use or disbursement may,
15 at the discretion of the corporation, be invested by the commissioner of
16 taxation and finance in accordance with the provisions of section 98-a
17 of the state finance law. The mental hygiene facilities improvement fund
18 and the income account therein shall remain in existence until termi-
19 nated by the corporation by written notice to the commissioner of taxa-
20 tion and finance. Any moneys on deposit in the mental hygiene facilities
21 improvement fund or the income account therein upon the termination of
22 said fund and account shall be transferred by the commissioner of taxa-
23 tion and finance to the mental health services fund. The corporation
24 shall not terminate the mental hygiene facilities improvement fund and
25 the income account therein until all mental health services facilities
26 bonds issued pursuant to: (i) the New York state medical care facilities
27 finance agency act; (ii) article five-c of the state finance law; and
28 (iii) article five-f of the state finance law and payable from the
29 income account as described in paragraph g of this subdivision are no
30 longer outstanding.

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

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

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

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

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

1 provisions of article forty-one or article twenty-five of the mental
2 hygiene law or (ii) conveying to the corporation real property of the
3 city or county or an interest therein, for the purpose of causing to be
4 constructed, reconstructed, rehabilitated or improved thereon one or
5 more community mental health and [~~retardation~~] intellectual disability
6 facilities pursuant to this act, such community mental health and
7 [~~retardation~~] intellectual disability facilities to be made available to
8 such county or city for use and occupancy under lease, sublease or other
9 agreement upon such terms and conditions as may be agreed upon, includ-
10 ing terms and conditions relating to length of terms, maintenance and
11 repair of community mental health and [~~retardation~~] intellectual disa-
12 bility facilities during such term and the annual rentals to be paid
13 therefor for the use thereof. The corporation is hereby authorized to
14 accept any such lease or conveyance, to hold such real property, to
15 enter into a lease, sublease or other agreement with such city or county
16 for the purpose of making such community mental health and [~~retardation~~]
17 intellectual disability facility so acquired or to be constructed,
18 reconstructed, rehabilitated or improved thereon available for use and
19 occupancy by such city or county, and to lease or convey real property
20 so acquired to the New York state housing finance agency or the medical
21 care facilities finance agency, provided, however, that any such further
22 lease or conveyance shall be solely for the purpose of causing community
23 mental health and [~~retardation~~] intellectual disability facilities to be
24 acquired, constructed, reconstructed, rehabilitated or improved thereon,
25 such community mental health and [~~retardation~~] intellectual disability
26 facilities to be made available to such city or county for use and occu-
27 pancy under a lease, sublease or other agreement between the corporation
28 and such city or county, upon such terms and conditions as may be agreed
29 upon. No such lease or conveyance from the corporation to the New York
30 state housing finance agency or the state medical care facilities
31 finance agency shall be for a consideration in excess of the cost of
32 acquisition of such real property and the costs of improvements thereon.
33 The appropriate commissioner of the department, on behalf of his office,
34 and the director of the budget shall approve all leases, subleases or
35 agreements, whether between the corporation and such city or county or
36 between the corporation and the housing finance agency or the state
37 medical care facilities finance agency, and the appropriate commissioner
38 of the department shall be a party thereto. The appropriate division of
39 the office of [~~alcoholism and substance abuse~~] addiction services and
40 supports shall also approve all such leases, subleases or agreements
41 relating to the construction, reconstruction, rehabilitation or improve-
42 ment of community mental health and [~~retardation~~] intellectual disabili-
43 ty facilities, constituting alcoholism or substance abuse facilities for
44 use in an alcoholism or substance abuse treatment program as defined in
45 the mental hygiene law.

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

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

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

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

23 e. The cost of construction, acquisition, reconstruction, rehabili-
24 tation or improvement of community mental health and [~~retardation~~]
25 intellectual disability facilities undertaken by the corporation pursu-
26 ant to this act may include the cost of acquisition of any real property
27 leased or conveyed to the corporation pursuant to paragraph a of this
28 subdivision [~~six~~] and the cost of the original furnishing, equipment,
29 machinery and apparatus as determined by the corporation.

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

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

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

51 § 88. Subdivisions 4 and 6 of section 5-a of section 1 of chapter 392
52 of the laws of 1973, constituting the New York state medical care facil-
53 ities finance agency act, subdivision 4 as amended by chapter 389 of the
54 laws of 1987 and subdivision 6 as amended by chapter 672 of the laws of
55 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-

1 ated cost of sum of the community mental health and [~~retardation~~] intel-
2 lectual disability facility constructed, reconstructed, rehabilitated,
3 demolished or improved thereon and all other costs of the agency inci-
4 dent to the acquisition of such lands and the financing of construction,
5 reconstruction, rehabilitation, demolition or improvement relating to
6 such community mental health and [~~retardation~~] intellectual disability
7 facility, all as provided in the aforesaid lease, sublease or other
8 financing agreement entered into with the corporation.

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

13 "Disabled person". Any person who has or had a physical or mental
14 impairment that substantially limits one or more major life activities
15 and has a record of such an impairment. For the purposes of this subdivi-
16 sion, "physical impairment" means a physiological disorder or condi-
17 tion, or anatomical loss affecting one or more of the following body
18 systems: neurological; musculoskeletal; special sense organs; respir-
19 atory, including speech organs; cardiovascular; genitourinary; hemic and
20 lymphatic; or skin and endocrine. It includes, but is not limited to,
21 such diseases and conditions as orthopedic, visual, speech and hearing
22 impairments, cerebral palsy, muscular dystrophy, and multiple sclerosis.
23 For the purposes of this subdivision, "mental impairment" means any
24 mental or psychological disorder such as [~~mental-retardation~~] intellec-
25 tual disabilities, organic brain syndrome, emotional or mental illness,
26 and specific learning disabilities. For the purposes of this subdivi-
27 sion, "major life activities" means functions such as walking, seeing,
28 hearing and speaking. For the purposes of this subdivision, a record of
29 such an impairment shall be established by submission to the commission-
30 er of either:

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

36 d. 1. The city of New York recognizes that services for people suffer-
37 ing from [~~mental-retardation~~] intellectual disabilities and develop-
38 mental disabilities are provided by programs administered within a
39 number of different city agencies, as well as by non-governmental enti-
40 ties. The city of New York further recognizes the need for coordination
41 and cooperation among city agencies and between city agencies and non-
42 governmental entities that provide such services.

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

1 ties or developmental disabilities; review state and federal programs
2 and legislative proposals that may affect people with [~~mental-retarda-~~
3 ~~tion~~] intellectual disabilities or developmental disabilities and
4 provide information and advice to the mayor regarding the impact of such
5 programs or legislation; recommend legislative proposals or other initi-
6 atives that will benefit people with [~~mental-retardation~~] intellectual
7 disabilities or developmental disabilities; and perform such other
8 duties and functions as the mayor may request to assist people with
9 [~~mental-retardation~~] intellectual disabilities or developmental disabil-
10 ities and their family members.

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

14 § 550. Definitions. When used in this chapter: the term "mentally
15 disabled" shall mean those with mental illness, [~~mental-retardation~~]
16 intellectual disability, alcoholism, substance dependence or chemical
17 dependence as these terms are defined in section 1.03 of the mental
18 hygiene law; or any other mental illness or mental condition placed
19 under the jurisdiction of the department by the mayor; the term "provid-
20 er of services" shall mean an individual, association, corporation or
21 public or private agency which provides for the [~~mentally~~] intellectual-
22 ly disabled; and the term "services for the [~~mentally~~] intellectually
23 disabled" shall mean examination, diagnosis, care, treatment, rehabili-
24 tation, training, education, research, preventive services, referral,
25 residential services or domiciliary care of or for the [~~mentally~~] intel-
26 lectually disabled, not specifically limited by any other law. Notwith-
27 standing the foregoing, planning and programs for persons with substance
28 dependence or chemical dependence shall be conducted by the department,
29 and the department may act as a "local agency" to conduct substance
30 abuse programs and seek reimbursement therefore pursuant to provisions
31 of the mental hygiene law relating to funding for substance abuse
32 services, as deemed appropriate by the commissioner in recognition of
33 the programs currently administered by the New York state office of
34 [~~alcoholism and substance abuse~~] addiction services and supports or its
35 successor agency under article nineteen of the mental hygiene law.

36 § 94. Subdivision a of section 551 of the New York city charter, as
37 amended by local law number 22 of the city of New York for the year
38 2002, is amended to read as follows:

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

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

12 § 95. Section 552 of the New York city charter, as amended by section
13 6 of proposition 5 of the general election of the city of New York held
14 in the year 2001, is amended to read as follows:

15 § 552. Deputy commissioners. The commissioner may appoint deputy
16 commissioners, one of whom shall have the same qualifications as the
17 commissioner. There shall be at least two executive deputy commission-
18 ers, one of whom shall have the qualifications established pursuant to
19 the mental hygiene law for a director of community services of a local
20 governmental unit, and shall be the director within the department of
21 the division of mental hygiene services. Such division shall be and
22 shall exercise the powers of a local governmental unit for purposes of
23 the mental hygiene law, and the executive deputy commissioner heading
24 such division shall have the powers of a director of community services
25 of a local governmental unit as set forth in or pursuant to such law,
26 and shall report directly to the commissioner. In the exercise of such
27 powers, such executive deputy commissioner shall coordinate the fiscal
28 and programmatic administration of contracts awarded by the department
29 for mental health, [~~mental-retardation~~] intellectual disability, and
30 alcoholism services.

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

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

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

49 Except as otherwise provided by law, the department shall have juris-
50 diction to regulate all matters affecting health in the city of New York
51 and to perform all those functions and operations performed by the city
52 that relate to the health of the people of the city, including but not
53 limited to the mental health, [~~mental-retardation~~] intellectual disabil-
54 ity, alcoholism and substance abuse-related needs of the people of the
55 city. The jurisdiction of the department shall include but not be limit-
56 ed to the following:

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

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

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

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

18 (1) There shall be a mental hygiene advisory board which shall be
19 advisory to the commissioner and the deputy commissioner for mental
20 hygiene services in the development of community mental health, [~~mental~~
21 ~~retardation~~] intellectual disability, alcoholism and substance abuse
22 facilities and services and programs related thereto. The board shall
23 have separate subcommittees for mental health, for [~~mental-retardation~~]
24 intellectual disabilities and developmental disabilities, and for alco-
25 holism and substance abuse. The board and its subcommittees shall be
26 constituted and their appointive members appointed and removed in the
27 manner prescribed for a community services board by the provisions of
28 the mental hygiene law. Pursuant to the provisions of such law, such
29 members may be reappointed without limitation on the number of consec-
30 utive terms which they may serve.

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

33 (a) the amendments to subclause (iii) of clause (c) of subparagraph 4
34 of paragraph b of subdivision 1 of section 4402 of the education law
35 made by section nineteen of this act shall be subject to the expiration
36 and reversion of such clause pursuant to chapter 378 of the laws of
37 2007, as amended when upon such date the provisions of section twenty of
38 this act shall take effect;

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

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