STATE OF NEW YORK

5879--A

2023-2024 Regular Sessions

IN ASSEMBLY

March 23, 2023

Introduced by M. of A. SEAWRIGHT, McDONALD, GUNTHER, ALVAREZ, McMAHON, LUNSFORD, SANTABARBARA -- read once and referred to the Committee on Governmental Operations -- reported and referred to the Committee on Ways and Means -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the private housing finance law, the public authorities law and the New York state medical care facilities finance agency act, in relation to replacing the terms "mentally retarded" and "mental retardation" and variants thereof with "developmentally disabled" and "developmental disability"

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

Section 1. Paragraph a of subdivision 1 of section 47-b of the private housing finance law, as amended by chapter 479 of the laws of 2022, is amended to read as follows:

a. "Community mental health and developmental disabilities facility" shall mean a building, a unit within a building, a laboratory, a classroom, a housing unit, a dining hall, an activities center, a library, or any structure on or improvement to real property of any kind or description, including fixtures and equipment which are an integral part of such building, unit or structure or improvement, a walkway, a roadway or a parking lot and improvements and connections for water, sewer, gas, electrical, telephone, heating, air conditioning and other utility services, or a combination of any of the foregoing, whether for patient care and treatment or staff, staff family or service use, located in a city, or in a county not wholly included within a city, authorized to provide community mental health services in accordance with the provisions of article forty-one of title E of the mental hygiene law, which is utilized or to be utilized for the administration and conduct of programs for people living with either mental illness or developmental disabilities, or both, and for the provision of services there-

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

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for. A community mental health and [~~retardation~~] **developmental disabilities** facility shall also mean and include a residential facility to be operated as a community residence for the mentally disabled, and a treatment facility for use in the conduct of an alcoholism treatment program or of a substance abuse treatment program as defined in the mental hygiene law.

§ 2. An undesignated paragraph of paragraph (b) of subdivision 2 of section 1676 of the public authorities law, as added by chapter 433 of the laws of 1988, is amended to read as follows:

New Hope Community, Inc., a not-for-profit corporation, for the financing, construction and development of residences for [~~mentally retarded and developmentally disabled~~] adults **with a developmental disability** on forty acres of land purchased from Leon and Dave Scharf, d.b.a. New Hope Rehabilitation Center, located on State Route 52 in the Town of Fallsburg, to replace existing residential facilities operated by New Hope Rehabilitation Center.

§ 3. An undesignated paragraph of paragraph (b) of subdivision 2 of section 1676 of the public authorities law, as added by chapter 384 of the laws of 1998, is amended to read as follows:

Terence Cardinal Cooke Health Care Center for the[~~,~~] financing, refinancing, construction, reconstruction, renovation, development, improvement, expansion, and equipping of facilities to serve aged, disabled, **and** chronically impaired, [~~mentally retarded and developmentally disabled persons~~] **and persons who have a developmental disability**.

§ 4. An undesignated paragraph of subdivision 1 of section 1680 of the public authorities law, as added by chapter 433 of the laws of 1988, is amended to read as follows:

New Hope Community, Inc., a not-for-profit corporation, for the financing, construction and development of residences for [~~mentally retarded and developmentally disabled~~] adults **with a developmental disability** on forty acres of land purchased from Leon and Dave Scharf, d.b.a. New Hope Rehabilitation Center, located on State Route 52 in the Town of Fallsburg, to replace existing residential facilities operated by New Hope Rehabilitation Center.

§ 5. An undesignated paragraph of subdivision 1 of section 1680 of the public authorities law, as added by chapter 384 of the laws of 1998, is amended to read as follows:

Terence Cardinal Cooke Health Care Center for the financing, refinancing, construction, reconstruction, renovation, development, improvement, expansion, and equipping of facilities to serve aged, disabled, **and** chronically impaired, [~~mentally retarded and developmentally disabled persons~~] **and persons who have a developmental disability**.

§ 6. 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~~] **developmental disabilities** 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~~] **devel-**

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

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

(a) the amendments to an undesignated paragraph of paragraph (b) of subdivision 2 of section 1676 of the public authorities law made by section three of this act shall not affect the repeal of such undesignated paragraph and shall be deemed repealed therewith; and

(b) the amendments to an undesignated paragraph of subdivision 1 of section 1680 of the public authorities law made by section five of this act shall not affect the repeal of such undesignated paragraph and shall be deemed repealed therewith.