

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:

1 Section 1. Paragraph a of subdivision 1 of section 47-b of the private
2 housing finance law, as amended by chapter 479 of the laws of 2022, is
3 amended to read as follows:
4 a. "Community mental health and developmental disabilities facility"
5 shall mean a building, a unit within a building, a laboratory, a class-
6 room, a housing unit, a dining hall, an activities center, a library, or
7 any structure on or improvement to real property of any kind or
8 description, including fixtures and equipment which are an integral part
9 of such building, unit or structure or improvement, a walkway, a roadway
10 or a parking lot and improvements and connections for water, sewer, gas,
11 electrical, telephone, heating, air conditioning and other utility
12 services, or a combination of any of the foregoing, whether for patient
13 care and treatment or staff, staff family or service use, located in a
14 city, or in a county not wholly included within a city, authorized to
15 provide community mental health services in accordance with the
16 provisions of article forty-one of title E of the mental hygiene law,
17 which is utilized or to be utilized for the administration and conduct
18 of programs for people living with either mental illness or develop-
19 mental 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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1 for. A community mental health and [~~retardation~~] developmental disabili-
2 ties facility shall also mean and include a residential facility to be
3 operated as a community residence for the mentally disabled, and a
4 treatment facility for use in the conduct of an alcoholism treatment
5 program or of a substance abuse treatment program as defined in the
6 mental hygiene law.

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

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

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

20 Terence Cardinal Cooke Health Care Center for the[7] financing, refi-
21 nancing, construction, reconstruction, renovation, development, improve-
22 ment, expansion, and equipping of facilities to serve aged, disabled,
23 and chronically impaired, [~~mentally retarded and developmentally disa-~~
24 ~~bled persons~~] and persons who have a developmental disability.

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

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

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

38 Terence Cardinal Cooke Health Care Center for the financing, refinanc-
39 ing, construction, reconstruction, renovation, development, improvement,
40 expansion, and equipping of facilities to serve aged, disabled, and
41 chronically impaired, [~~mentally retarded and developmentally disabled~~
42 ~~persons~~] and persons who have a developmental disability.

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

48 a. The agency shall have the power to acquire by lease or deed from
49 the facilities development corporation any real property acquired by the
50 corporation pursuant to the provisions of subdivision six of section
51 nine of the facilities development corporation act (i) for the purpose
52 of constructing, reconstructing, rehabilitating or improving thereon one
53 or more community mental health and [~~retardation~~] developmental disabil-
54 ities facilities or (ii) for the purpose of financing or refinancing the
55 acquisition, construction, reconstruction, rehabilitation or improvement
56 thereon of one or more community mental health and [~~retardation~~] devel-

1 opmental disabilities facilities, pursuant to the provisions of this act
2 and the facilities development corporation act. The agency is hereby
3 authorized to lease or sublease such real property and facilities there-
4 on to the corporation for the purpose of making the same available to a
5 city or a county not wholly within a city, for use and occupancy in
6 accordance with the provisions of a lease, sublease or other agreement
7 between the corporation and such city or county.

8 b. In the event that the agency shall fail, within five years after
9 the date of a lease or conveyance of such real property from property
10 from such city or county to the corporation, to construct, reconstruct,
11 rehabilitate or improve the community mental health and [~~retardation~~]
12 developmental disabilities facility or facility thereon for which such
13 lease or conveyance was made, as provided for in a lease, sublease or
14 other financing agreement entered into by such city or county and the
15 corporation, then, subject to the terms of any lease, sublease or other
16 financing agreement undertaken by the agency, such real property and any
17 facilities thereon shall revert to the corporation with right of re-en-
18 try thereupon, and such lease or deed shall be made subject to such
19 condition of reverter and re-entry. Provided, however, that as a condi-
20 tion precedent to the exercise of such right of re-entry the corporation
21 shall pay to the agency an amount equal to the sum of the purchase price
22 of such real property, the depreciated cost of any community mental
23 health and [~~retardation~~] developmental disabilities facility or facili-
24 ties constructed, reconstructed, rehabilitated or improved thereon and
25 all other costs of the agency incident to the acquisition of such lands
26 and the financing of construction, reconstruction, rehabilitation or
27 improvement relating to such community mental health and [~~retardation~~]
28 developmental disabilities facility or facilities, all as provided in
29 the aforesaid lease, sublease or other financing agreement entered into
30 with the corporation. It is further provided that for the Corona unit of
31 the Bernard M. Fineson developmental disabilities services office, the
32 corporation may but is not required to pay to the agency an amount less
33 than or equal to the purchase price of the real property, the depreci-
34 ated cost of the sum of the community mental health and [~~retardation~~]
35 developmental disabilities facility constructed, reconstructed, rehabil-
36 itated, demolished or improved thereon and all other costs of the agency
37 incident to the acquisition of such lands and the financing of
38 construction, reconstruction, rehabilitation, demolition or improvement
39 relating to such community mental health and [~~retardation~~] developmental
40 disabilities facility, all as provided in the aforesaid lease, sublease
41 or other financing agreement entered into with the corporation.

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

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

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