

# STATE OF NEW YORK

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2590

2025-2026 Regular Sessions

## IN ASSEMBLY

January 21, 2025

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Introduced by M. of A. HEVESI, SHIMSKY, LEVENBERG, LUNSFORD, CRUZ, PAULIN, SIMONE, BICHOTTE HERMELYN, TAYLOR, DE LOS SANTOS, ROZIC, GONZALEZ-ROJAS, ZACCARO, EPSTEIN, STECK, SIMON, COLTON, KELLES, RAGA -- read once and referred to the Committee on Ways and Means

AN ACT to establish a cost of living adjustment for designated human services programs

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

1 Section 1. 1. Subject to available appropriations and approval of the  
2 director of the budget, the commissioners and directors of the office of  
3 mental health, office for people with developmental disabilities, office  
4 of addiction services and supports, office of temporary and disability  
5 assistance, office of children and family services, office of victim  
6 services, department of health, and the state office for the aging  
7 (hereinafter "the commissioners") shall establish a state fiscal year  
8 2025-2026 cost of living adjustment (COLA), effective April 1, 2025, for  
9 projecting for the effects of inflation upon rates of payments,  
10 contracts, or any other form of reimbursement for the programs and  
11 services listed in subdivision five of this section. The COLA estab-  
12 lished herein shall be applied to the appropriate portion of reimbursa-  
13 ble costs or contract amounts. Where appropriate, transfers to the  
14 department of health (DOH) shall be made as reimbursement for the state  
15 share of medical assistance.

16 2. Notwithstanding any inconsistent provision of law, subject to the  
17 approval of the director of the budget and available appropriations  
18 therefore, for the period of April 1, 2025, through March 31, 2026, the  
19 commissioners and directors shall provide funding to support a seven and  
20 eight-tenths percent (7.8%) cost of living adjustment under this section  
21 for all eligible programs and services as determined pursuant to subdi-  
22 vision five of this section.

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

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1 3. Notwithstanding any inconsistent provision of law, and as approved  
2 by the director of the budget, the 7.8 percent cost of living adjustment  
3 (COLA) established herein shall be inclusive of all other cost of living  
4 type increases, inflation factors, or trend factors that are newly  
5 applied effective April 1, 2025. Except for the 7.8 percent cost of  
6 living adjustment (COLA) established herein, for the period commencing  
7 on April 1, 2025, and ending March 31, 2026 the commissioners and direc-  
8 tors shall not apply any other new cost of living adjustments for the  
9 purpose of establishing rates of payments, contracts or any other form  
10 of reimbursement. The phrase "all other cost of living type increases,  
11 inflation factors, or trend factors" as defined in this subdivision  
12 shall not include payments made pursuant to the American Rescue Plan Act  
13 or other federal relief programs related to the Coronavirus Disease 2019  
14 (COVID-19) pandemic public health emergency. This subdivision shall not  
15 prevent the office of children and family services from applying addi-  
16 tional trend factors or staff retention factors to eligible programs and  
17 services under paragraph (v) of subdivision five of this section.

18 4. Each local government unit or direct contract provider receiving  
19 the cost of living adjustment established herein shall use such funding  
20 to provide a targeted salary increase of at least two and six-tenths  
21 percent (2.6%) to eligible individuals in accordance with subdivision  
22 six of this section. Notwithstanding any inconsistent provision of law,  
23 the commissioners and directors shall develop guidelines for local  
24 government units and direct contract providers on implementation of such  
25 targeted salary increase.

26 5. Eligible programs and services. (i) Programs and services funded,  
27 licensed, or certified by the office of mental health (OMH) eligible for  
28 the cost of living adjustment established herein, pending federal  
29 approval where applicable, include: office of mental health licensed  
30 outpatient programs, pursuant to parts 587 and 599 of title 14 CRR-NY of  
31 the office of mental health regulations including clinic, continuing day  
32 treatment, day treatment, intensive outpatient programs and partial  
33 hospitalization; outreach; crisis residence; crisis stabilization,  
34 crisis/respite beds; mobile crisis, part 590 comprehensive psychiatric  
35 emergency program services; crisis intervention; home based crisis  
36 intervention; family care; supported single room occupancy; supported  
37 housing; supported housing community services; treatment congregate;  
38 supported congregate; community residence - children and youth;  
39 treatment/apartment; supported apartment; community residence single  
40 room occupancy; on-site rehabilitation; employment programs; recreation;  
41 respite care; transportation; psychosocial club; assertive community  
42 treatment; case management; care coordination, including health home  
43 plus services; local government unit administration; monitoring and  
44 evaluation; children and youth vocational services; single point of  
45 access; school-based mental health program; family support children and  
46 youth; advocacy/support services; drop in centers; recovery centers;  
47 transition management services; bridger; home and community based waiver  
48 services; behavioral health waiver services authorized pursuant to the  
49 section 1115 MRT waiver; self-help programs; consumer service dollars;  
50 conference of local mental hygiene directors; multicultural initiative;  
51 ongoing integrated supported employment services; supported education;  
52 mentally ill/chemical abuse (MICA) network; personalized recovery  
53 oriented services; children and family treatment and support services;  
54 residential treatment facilities operating pursuant to part 584 of title  
55 14-NYCRR; geriatric demonstration programs; community-based mental

1 health family treatment and support; coordinated children's service  
2 initiative; homeless services; and promises zone.

3 (ii) Programs and services funded, licensed, or certified by the  
4 office for people with developmental disabilities (OPWDD) eligible for  
5 the cost of living adjustment established herein, pending federal  
6 approval where applicable, include: local/unified services; chapter 620  
7 services; voluntary operated community residential services; article 16  
8 clinics; day treatment services; family support services; 100% day  
9 training; epilepsy services; traumatic brain injury services; hepatitis  
10 B services; independent practitioner services for individuals with  
11 intellectual and/or developmental disabilities; crisis services for  
12 individuals with intellectual and/or developmental disabilities; family  
13 care residential habilitation; supervised residential habilitation;  
14 supportive residential habilitation; respite; day habilitation; prevoca-  
15 tional services; supported employment; community habilitation; interme-  
16 diate care facility day and residential services; specialty hospital;  
17 pathways to employment; intensive behavioral services; community transi-  
18 tion services; family education and training; fiscal intermediary;  
19 support broker; and personal resource accounts. The office, in collab-  
20 oration with the education department, shall also provide a comparable  
21 cost of living adjustment to the independent living centers program.

22 (iii) Programs and services funded, licensed, or certified by the  
23 office of addiction services and supports (OASAS) eligible for the cost  
24 of living adjustment established herein, pending federal approval where  
25 applicable, include: medically supervised withdrawal services - residen-  
26 tial; medically supervised withdrawal services - outpatient; medically  
27 managed detoxification; medically monitored withdrawal; inpatient reha-  
28 bilitation services; outpatient opioid treatment; residential opioid  
29 treatment; KEEP units outpatient; residential opioid treatment to absti-  
30 nence; problem gambling treatment; medically supervised outpatient;  
31 outpatient rehabilitation; specialized services substance abuse  
32 programs; home and community based waiver services pursuant to subdivi-  
33 sion 9 of section 366 of the social services law; children and family  
34 treatment and support services; continuum of care rental assistance case  
35 management; NY/NY III post-treatment housing; NY/NY III housing for  
36 persons at risk for homelessness; permanent supported housing; youth  
37 clubhouse; recovery community centers; recovery community organizing  
38 initiative; residential rehabilitation services for youth (RRSY); inten-  
39 sive residential; community residential; supportive living; residential  
40 services; job placement initiative; case management; family support  
41 navigator; local government unit administration; peer engagement; voca-  
42 tional rehabilitation; support services; HIV early intervention  
43 services; dual diagnosis coordinator; problem gambling resource centers;  
44 problem gambling prevention; prevention resource centers; primary  
45 prevention services; other prevention services; community services; and  
46 addiction treatment centers.

47 (iv) Programs and services funded, licensed, or certified by the  
48 office of temporary and disability assistance (OTDA) eligible for the  
49 cost of living adjustment established herein, pending federal approval  
50 where applicable, include: nutrition outreach and education program  
51 (NOEP); New York state supportive housing program; solutions to end  
52 homelessness program; and state supplemental nutrition assistance  
53 program outreach program.

54 (v) Programs and services funded, licensed, or certified by the office  
55 of children and family services (OCFS) eligible for the cost of living  
56 adjustment established herein, pending federal approval where applica-

1 ble, include: programs for which the office of children and family  
2 services establishes maximum state aid rates pursuant to section 398-a  
3 of the social services law and section 4003 of the education law; emer-  
4 gency foster homes; foster family boarding homes and therapeutic foster  
5 homes; supervised settings as defined by subdivision twenty-two of  
6 section 371 of the social services law; adoptive parents receiving  
7 adoption subsidy pursuant to section 453 of the social services law;  
8 congregate and scattered supportive housing programs and supportive  
9 services provided under the NY/NY III supportive housing agreement to  
10 young adults leaving or having recently left foster care; child care  
11 resource and referral agencies; healthy families New York; maternal,  
12 infant, and early childhood home visiting (MIECHV) initiative; New York  
13 state learning and enrichment after-school program supports (LEAPS); New  
14 York state commission for the blind; residential and non-residential  
15 domestic violence services and preventative services as defined by  
16 section 409 of the social services law.

17 (vi) Programs and services funded, licensed, or certified by the state  
18 office for the aging (SOFA) eligible for the cost of living adjustment  
19 established herein, pending federal approval where applicable, include:  
20 community services for the elderly; expanded in-home services for the  
21 elderly; wellness in nutrition program; New York connects program; long  
22 term ombudsman program; naturally occurring retirement communities  
23 (NORCs); neighborhood naturally occurring retirement communities  
24 (NNORCs); and social adult day services program.

25 (vii) Programs and services funded, licensed, or certified by the  
26 department of health eligible for the cost of living adjustment estab-  
27 lished herein, pending federal approval where applicable, include:  
28 health home care management agencies authorized under section 365-1 of  
29 the social services law; rape crisis programs; and medicaid transpor-  
30 tation program.

31 (viii) Programs and services funded, licensed, or certified by the  
32 office of victim services eligible for the cost of living adjustment  
33 established herein, pending federal approval where applicable, include:  
34 crime victim service programs as defined by section 631-a of the execu-  
35 tive law.

36 6. All state-funded human services programs not listed in paragraphs  
37 (i), (ii), (iii), (iv), (v), (vi), (vii), and (viii) of subdivision five  
38 of this section shall be deemed eligible for the cost of living adjust-  
39 ment established herein, pending federal approval where applicable, if  
40 such program or service is provided to individuals or groups of individ-  
41 uals, for the purpose of improving or enhancing such individuals' health  
42 and/or welfare, by addressing social problems. The commissioners and  
43 directors of the office of mental health, the office for people with  
44 developmental disabilities, the office of addiction services and  
45 supports, the office of temporary and disability assistance, the office  
46 of children and family services, the state office for the aging, the  
47 department of health, and the director of the office of victim services  
48 shall publish a list of such newly eligible programs and services each  
49 year on department websites no later than March first and review the  
50 current list of cost of living adjustment eligible programs every five  
51 years. Each local government unit or direct contract provider receiving  
52 funding for the cost of living adjustment established herein shall  
53 submit a written certification, in such form and at such time as each  
54 commissioner or director shall prescribe, attesting how such funding  
55 will be or was used to first promote the recruitment and retention of  
56 non-executive direct care staff, non-executive direct support profes-

1 sionals, non-executive clinical staff, or respond to other critical  
2 non-personal service costs prior to supporting any salary increases or  
3 other compensation for executive level job titles.

4 7. Eligible individuals. Support staff, direct care staff, clinical  
5 staff, and non-executive administrative staff in programs and services  
6 listed in subdivision five of this section shall be eligible for the  
7 2.6% targeted salary increase established pursuant to subdivision four  
8 of this section.

9 (a) For the office of mental health, office for people with develop-  
10 mental disabilities, and office of addiction services and supports,  
11 support staff shall mean individuals employed in consolidated fiscal  
12 report position title codes ranging from 100 to 199; direct care staff  
13 shall mean individuals employed in consolidated fiscal report position  
14 title codes ranging from 200 to 299; clinical staff shall mean individ-  
15 uals employed in consolidated fiscal report position title codes ranging  
16 from 300 to 399; and non-executive administrative staff shall mean indi-  
17 viduals employed in consolidated fiscal report position title codes 400,  
18 500 to 599, 605 to 699, and 703 to 799. Individuals employed in consol-  
19 idated fiscal report position title codes 601 to 604, 701 and 702 shall  
20 be ineligible for the 2.6% targeted salary increase established herein.

21 (b) For the office of temporary and disability assistance, office of  
22 children and family services, and the state office for the aging, eligi-  
23 ble support staff, direct care staff, clinical staff, and non-executive  
24 administrative staff titles shall be determined by each agency's commis-  
25 sioner.

26 8. Each local government unit or direct contract provider receiving  
27 funding for the cost of living adjustment established herein shall  
28 submit a written certification, in such form and at such time as each  
29 commissioner shall prescribe, attesting how such funding will be or was  
30 used to first promote the recruitment and retention of support staff,  
31 direct care staff, clinical staff, non-executive administrative staff,  
32 or respond to other critical non-personal service costs prior to  
33 supporting any salary increases or other compensation for executive  
34 level job titles.

35 9. Notwithstanding any inconsistent provision of law to the contrary,  
36 agency commissioners and directors shall be authorized to recoup funding  
37 from a local governmental unit or direct contract provider for the cost  
38 of living adjustment established herein determined to have been used in  
39 a manner inconsistent with the appropriation, or any other provision of  
40 this section. Such agency commissioners and directors shall be author-  
41 ized to employ any legal mechanism to recoup such funds, including an  
42 offset of other funds that are owed to such local governmental unit or  
43 direct contract provider.

44 § 2. This act shall take effect immediately and shall be deemed to  
45 have been in full force and effect on and after April 1, 2025.