

STATE OF NEW YORK

4037

2025-2026 Regular Sessions

IN ASSEMBLY

January 30, 2025

Introduced by M. of A. HEVESI -- read once and referred to the Committee on Social Services

AN ACT relating to programs that are eligible for a cost of living adjustment

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 of the office of mental
3 health, office for people with developmental disabilities, office of
4 addiction services and supports, office of temporary and disability
5 assistance, office of children and family services, the state office for
6 the aging, and the department of health (hereinafter "the commission-
7 ers") shall establish a state fiscal year 2026-2027 cost of living
8 adjustment (COLA), effective April 1, 2026, for projecting for the
9 effects of inflation upon rates of payments, contracts, or any other
10 form of reimbursement for the programs and services listed in subdivi-
11 sion five of this section. The COLA established herein shall be applied
12 to the appropriate portion of reimbursable costs or contract amounts.
13 Where appropriate, transfers to the department of health (DOH) shall be
14 made as reimbursement for the state share of medical assistance.

15 2. Notwithstanding any inconsistent provision of law, subject to the
16 approval of the director of the budget and available appropriations
17 therefore, for the period of April 1, 2026 through March 31, 2027, the
18 commissioners shall provide funding to support a seven and eight-tenths
19 percent (7.8%) cost of living adjustment under this section for all
20 eligible programs and services as determined pursuant to subdivision
21 five of this section.

22 3. Notwithstanding any inconsistent provision of law, and as approved
23 by the director of the budget, the 7.8 percent cost of living adjustment
24 (COLA) established herein shall be inclusive of all other cost of living
25 type increases, inflation factors, or trend factors that are newly

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

LBD07257-02-5

1 applied effective April 1, 2026. Except for the 7.8 percent cost of
2 living adjustment (COLA) established herein, for the period commencing
3 on April 1, 2026 and ending March 31, 2027 the commissioners shall not
4 apply any other new cost of living adjustments for the purpose of estab-
5 lishing rates of payments, contracts or any other form of reimbursement.
6 The phrase "all other cost of living type increases, inflation factors,
7 or trend factors" as defined in this subdivision shall not include
8 payments made pursuant to the American Rescue Plan Act or other federal
9 relief programs related to the Coronavirus Disease 2019 (COVID-19)
10 pandemic public health emergency. This subdivision shall not prevent the
11 office of children and family services from applying additional trend
12 factors or staff retention factors to eligible programs and services
13 under paragraph (v) of subdivision five of this section.

14 4. Each local government unit or direct contract provider receiving
15 the cost of living adjustment established herein shall use such funding
16 to provide a targeted salary increase of at least one and seven-tenths
17 percent (1.7%) to eligible individuals in accordance with subdivision
18 six of this section. Notwithstanding any inconsistent provision of law,
19 the commissioners shall develop guidelines for local government units
20 and direct contract providers on implementation of such targeted salary
21 increase.

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

54 (ii) Programs and services funded, licensed, or certified by the
55 office for people with developmental disabilities (OPWDD) eligible for
56 the cost of living adjustment established herein, pending federal

1 approval where applicable, include: local/unified services; chapter 620
2 services; voluntary operated community residential services; article 16
3 clinics; day treatment services; family support services; 100% day
4 training; epilepsy services; traumatic brain injury services; hepatitis
5 B services; independent practitioner services for individuals with
6 intellectual and/or developmental disabilities; crisis services for
7 individuals with intellectual and/or developmental disabilities; family
8 care residential habilitation; supervised residential habilitation;
9 supportive residential habilitation; respite; day habilitation; prevoca-
10 tional services; supported employment; community habilitation; interme-
11 diate care facility day and residential services; specialty hospital;
12 pathways to employment; intensive behavioral services; community transi-
13 tion services; family education and training; fiscal intermediary;
14 support broker; and personal resource accounts.

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

39 (iv) Programs and services funded, licensed, or certified by the
40 office of temporary and disability assistance (OTDA) eligible for the
41 cost of living adjustment established herein, pending federal approval
42 where applicable, include: nutrition outreach and education program
43 (NOEP).

44 (v) Programs and services funded, licensed, or certified by the office
45 of children and family services (OCFS) eligible for the cost of living
46 adjustment established herein, pending federal approval where applica-
47 ble, include: programs for which the office of children and family
48 services establishes maximum state aid rates pursuant to section 398-a
49 of the social services law and section 4003 of the education law; emer-
50 gency foster homes; foster family boarding homes and therapeutic foster
51 homes; supervised settings as defined by subdivision twenty-two of
52 section 371 of the social services law; adoptive parents receiving
53 adoption subsidy pursuant to section 453 of the social services law; and
54 congregate and scattered supportive housing programs and supportive
55 services provided under the NY/NY III supportive housing agreement to
56 young adults leaving or having recently left foster care.

1 (vi) Programs and services funded, licensed, or certified by the state
2 office for the aging (SOFA) eligible for the cost of living adjustment
3 established herein, pending federal approval where applicable, include:
4 community services for the elderly; expanded in-home services for the
5 elderly; and wellness in nutrition program.

6 (vii) Programs and services funded, licensed, or certified by the
7 department of health eligible for the cost of living adjustment estab-
8 lished herein, pending federal approval where applicable, include:
9 special supplemental nutrition assistance program for women, infants and
10 children; perinatal and infant community health collaborative (PICHC);
11 consumer assistance for New York state health benefit exchange - naviga-
12 tor program; consumer assistance for the aged, blind, and disabled
13 (ABD); temporary SNAP outreach and enrollment assistance; comprehensive
14 family & reproductive planning; advancing tobacco free communities; NYS
15 nurse family partnership program; pre-exposure prophylaxis general and
16 HIV primary; adolescent pregnancy prevention services; young adult
17 community access program - AIDS institute (YACAP); home visiting;
18 HIV/AIDS adolescent services/ACT for youth; HIV/AIDS adolescent service
19 - general; HIV/AIDS adolescent services - schools; HIV/AIDS clinical
20 education; HIV/AIDS clinical guidelines development; HIV/AIDS clinical
21 scholars; HIV/AIDS clinical trials experimental treatment; HIV/AIDS
22 community development initiative; HIV/AIDS community HIV prevention and
23 primary care; HIV/AIDS community services programs; HIV/AIDS criminal
24 justice; HIV/AIDS education and training; HIV/AIDS evaluation and
25 research; HIV/AIDS expanded syringe access program; HIV/AIDS families in
26 transition; HIV/AIDS family centered care; HIV/AIDS harm reduction -
27 general; HIV/AIDS harm reduction - syringe exchange; HIV/AIDS HIV health
28 care and support services for women and kids; HIV/AIDS HIV prevention -
29 primary care; HIV/AIDS HIV prevention - support services for substance
30 abusers; HIV/AIDS homeless shelters; HIV/AIDS legal services and advoca-
31 cy; HIV/AIDS lesbian, gay, bisexual, transgender - adolescent; HIV/AIDS
32 lesbian, gay, bisexual, transgender - general; HIV/AIDS lesbian, gay,
33 bisexual, transgender - substance use; HIV/AIDS multiple service agency;
34 HIV/AIDS nutritional services; HIV/AIDS pediatric centers of excellence;
35 HIV/AIDS permanency planning; HIV/AIDS racial and ethnic minorities;
36 HIV/AIDS social day care; HIV/AIDS specialized care centers for youth;
37 HIV/AIDS specialty; HIV/AIDS supportive housing; HIV/AIDS treatment
38 adherence; HIV/AIDS women's services - general; HIV/AIDS women's
39 services - peer; HIV/AIDS women's services - supportive services;
40 HIV/AIDS youth access program, office of minority health; center for
41 community health program; red cross emergency preparedness; nutrition
42 outreach and education; obesity prevention; hunger prevention and nutri-
43 tion assistance; Indian health; asthma; rape crisis; early intervention;
44 sexuality related diseases - health and human services; maternity/early
45 childhood foundation; abstinence education; school health; sudden infant
46 death syndrome; childhood lead poisoning prevention; enhanced services
47 for kids; act for youth; children with special health care needs;
48 regional perinatal data centers; migrant health; dental services; osteo-
49 porosis prevention; eating disorders; cancer services; cancer registry;
50 healthy heart; Alzheimer's disease assistance centers; Alzheimer's
51 disease - research and education; diabetes screening - education and
52 prevention; tobacco control; rabies control; tick-borne illnesses;
53 immunization; public health campaign; sexually transmitted disease; and
54 tuberculosis control.

55 6. Eligible individuals. Support staff, direct care staff, clinical
56 staff, and non-executive administrative staff in programs and services

1 listed in subdivision five of this section shall be eligible for the
2 1.7% targeted salary increase established pursuant to subdivision four
3 of this section.

4 (a) For the office of mental health, office for people with develop-
5 mental disabilities, and office of addiction services and supports,
6 support staff shall mean individuals employed in consolidated fiscal
7 report position title codes ranging from 100 to 199; direct care staff
8 shall mean individuals employed in consolidated fiscal report position
9 title codes ranging from 200 to 299; clinical staff shall mean individ-
10 uals employed in consolidated fiscal report position title codes ranging
11 from 300 to 399; and non-executive administrative staff shall mean indi-
12 viduals employed in consolidated fiscal report position title codes 400,
13 500 to 599, 605 to 699, and 703 to 799. Individuals employed in consol-
14 idated fiscal report position title codes 601 to 604, 701 and 702 shall
15 be ineligible for the 1.7% targeted salary increase established herein.

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

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

30 8. Notwithstanding any inconsistent provision of law to the contrary,
31 agency commissioners shall be authorized to recoup funding from a local
32 governmental unit or direct contract provider for the cost of living
33 adjustment established herein determined to have been used in a manner
34 inconsistent with the appropriation, or any other provision of this
35 section. Such agency commissioners shall be authorized to employ any
36 legal mechanism to recoup such funds, including an offset of other funds
37 that are owed to such local governmental unit or direct contract provid-
38 er.

39 § 2. This act shall take effect April 1, 2026.