

# STATE OF NEW YORK

1580--A

2025-2026 Regular Sessions

## IN SENATE

January 10, 2025

Introduced by Sens. PERSAUD, GONZALEZ, JACKSON, RIVERA, C. RYAN, SALAZAR, SKOUFIS, WEBB -- read twice and ordered printed, and when printed to be committed to the Committee on Finance -- recommitted to the Committee on Finance in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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 2026-2027 cost of living adjustment (COLA), effective April 1, 2026, 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 four of this section. The COLA estab-  
12 lished herein shall be applied to the appropriate portion of reimburse-  
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, 2026, through March 31, 2027, the  
19 commissioners and directors shall provide funding to support a two and  
20 seven-tenths percent (2.7%) cost of living adjustment under this section

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

LBD03869-11-6

1 for all eligible programs and services as determined pursuant to subdi-  
2 vision four of this section.

3 3. Notwithstanding any inconsistent provision of law, and as approved  
4 by the director of the budget, the 2.7 percent cost of living adjustment  
5 (COLA) established herein shall be inclusive of all other cost of living  
6 type increases, inflation factors, or trend factors that are newly  
7 applied effective April 1, 2026. Except for the 2.7 percent cost of  
8 living adjustment (COLA) established herein, for the period commencing  
9 on April 1, 2026, and ending March 31, 2027 the commissioners and direc-  
10 tors shall not apply any other new cost of living adjustments for the  
11 purpose of establishing rates of payments, contracts or any other form  
12 of reimbursement. The phrase "all other cost of living type increases,  
13 inflation factors, or trend factors" as defined in this subdivision  
14 shall not include payments made pursuant to the American Rescue Plan Act  
15 or other federal relief programs related to the Coronavirus Disease 2019  
16 (COVID-19) pandemic public health emergency. This subdivision shall not  
17 prevent the office of children and family services from applying addi-  
18 tional trend factors or staff retention factors to eligible programs and  
19 services under paragraph (v) of subdivision four of this section.

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

52 (ii) Programs and services funded, licensed, or certified by the  
53 office for people with developmental disabilities (OPWDD) eligible for  
54 the cost of living adjustment established herein, pending federal  
55 approval where applicable, include: local/unified services; chapter 620  
56 services; voluntary operated community residential services; article 16

1 clinics; day treatment services; family support services; 100% day  
2 training; epilepsy services; traumatic brain injury services; hepatitis  
3 B services; independent practitioner services for individuals with  
4 intellectual and/or developmental disabilities; crisis services for  
5 individuals with intellectual and/or developmental disabilities; family  
6 care residential habilitation; supervised residential habilitation;  
7 supportive residential habilitation; respite; day habilitation; prevoca-  
8 tional services; supported employment; community habilitation; interme-  
9 diate care facility day and residential services; specialty hospital;  
10 pathways to employment; intensive behavioral services; community transi-  
11 tion services; family education and training; fiscal intermediary;  
12 support broker; and personal resource accounts. The office, in collab-  
13 oration with the education department, shall also provide a comparable  
14 cost of living adjustment to the independent living centers program.

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; community services; and  
39 addiction treatment centers.

40 (iv) Programs and services funded, licensed, or certified by the  
41 office of temporary and disability assistance (OTDA) eligible for the  
42 cost of living adjustment established herein, pending federal approval  
43 where applicable, include: nutrition outreach and education program  
44 (NOEP); New York state supportive housing program; solutions to end  
45 homelessness program; disability advocacy programs; and state supple-  
46 mental nutrition assistance program outreach program.

47 (v) Programs and services funded, licensed, or certified by the office  
48 of children and family services (OCFS) eligible for the cost of living  
49 adjustment established herein, pending federal approval where applica-  
50 ble, include: programs for which the office of children and family  
51 services establishes maximum state aid rates pursuant to section 398-a  
52 of the social services law and section 4003 of the education law; emer-  
53 gency foster homes; foster family boarding homes and therapeutic foster  
54 homes; supervised settings as defined by subdivision twenty-two of  
55 section 371 of the social services law; adoptive parents receiving  
56 adoption subsidy pursuant to section 453 of the social services law;

1 congregate and scattered supportive housing programs and supportive  
2 services provided under the NY/NY III supportive housing agreement to  
3 young adults leaving or having recently left foster care; child care  
4 resource and referral agencies; healthy families New York; New York  
5 state learning and enrichment after-school program supports (LEAPS); New  
6 York state commission for the blind; residential and non-residential  
7 domestic violence services and preventative services as defined by  
8 section 409 of the social services law.

9 (vi) Programs and services funded, licensed, or certified by the state  
10 office for the aging (SOFA) eligible for the cost of living adjustment  
11 established herein, pending federal approval where applicable, include:  
12 community services for the elderly; expanded in-home services for the  
13 elderly; wellness in nutrition program; New York connects program; long  
14 term ombudsman program; naturally occurring retirement communities  
15 (NORCs); neighborhood naturally occurring retirement communities  
16 (NNORCs); and social adult day services program.

17 (vii) Programs and services funded, licensed, or certified by the  
18 department of health eligible for the cost of living adjustment estab-  
19 lished herein, pending federal approval where applicable, include:  
20 health home care management agencies authorized under section 365-1 of  
21 the social services law; rape crisis programs; maternal, infant, and  
22 early childhood home visiting (MIECHV) initiative, and medicaid trans-  
23 portation program.

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

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

53 6. Each local government unit or direct contract provider receiving  
54 funding for the cost of living adjustment established herein shall  
55 submit a written certification, in such form and at such time as each  
56 commissioner shall prescribe, attesting how such funding will be or was

1 used to first promote the recruitment and retention of support staff,  
2 direct care staff, clinical staff, non-executive administrative staff,  
3 or respond to other critical non-personal service costs prior to  
4 supporting any salary increases or other compensation for executive  
5 level job titles.

6 7. Notwithstanding any inconsistent provision of law to the contrary,  
7 agency commissioners and directors shall be authorized to recoup funding  
8 from a local governmental unit or direct contract provider for the cost  
9 of living adjustment established herein determined to have been used in  
10 a manner inconsistent with the appropriation, or any other provision of  
11 this section. Such agency commissioners and directors shall be author-  
12 ized to employ any legal mechanism to recoup such funds, including an  
13 offset of other funds that are owed to such local governmental unit or  
14 direct contract provider.

15 § 2. This act shall take effect immediately and shall be deemed to  
16 have been in full force and effect on and after April 1, 2026.