§ 2. Definitions. When used in this chapter unless otherwise expressly stated or unless the context or subject matter requires a different interpretation.

1. Department means the state department of social services, provided however that for purposes of titles eleven, eleven-A and eleven-B of article five of this chapter, department means the state department of health, except that in subdivisions two and three of section three hundred sixty-four-i, clause (d) of subparagraph three of paragraph (b) of subdivision two of section three hundred sixty-six, paragraph (b) of subdivision four of section three hundred sixty-six, subdivisions one through five of section three hundred sixty-six-a, subdivision seven of section three hundred sixty-six-a, and section three hundred sixty-eight-c of this chapter and where the context thereof clearly requires otherwise, department means the state department of social services.

2. Board means the state board of social welfare as continued by the executive law.

6. Commissioner means the state commissioner of social services, provided however that for purposes of titles eleven, eleven-A and eleven-B of article five of this chapter, commissioner means the state commissioner of health, except that in clause (c) of subparagraph three of paragraph (b) of subdivision two of section three hundred sixty-six of this chapter and where the context thereof clearly requires otherwise, commissioner means the state commissioner of social services.

7. Social services district means a city or county social services district as constituted by section sixty-one.

8. County commissioner of social services shall mean the county officer, board or commission, by whatever title known, having authority to give the public assistance and care for the administration of which a county social services district is responsible.

9. City commissioner of social services shall mean the city officer,

board or commission, by whatever title known, having authority to give the public assistance and care for the administration of which a city social services district is responsible.

10. Commissioner of social services shall mean a city or county commissioner of social services.

14. Social services official shall mean a county commissioner of social services, a city commissioner of social services, a town social services officer or city social services officer to whom the power or duty referred to is assigned under the provisions of this chapter. In any law where reference is made by any title to an official charged with the duty of caring for the poor in a town, city or county, it shall be understood as referring to the one of the above mentioned social services officials on whom the power or duty referred to is conferred under the provisions of this chapter.

15. Public home means an adult care facility or a residential health care facility operated by a social services district. In any law where reference is made by any name to an almshouse maintained at public expense, it shall be construed as referring to a public home.

16. Legislative body means the board or boards empowered to make appropriations for public assistance and care in a county, town or city.

17. Social services department means the division or officer of city government or the office or official or board charged with the authority to administer public assistance or care in the county social services district.

18. Public assistance and care includes family assistance, safety net assistance, veteran assistance, medical assistance for needy persons, institutional care for adults and child care granted at public expense pursuant to this chapter.

19. Public assistance refers to family assistance, safety net assistance and veteran assistance.

* 21. Adult care facility shall mean a family type home for adults, a shelter for adults, a residence for adults, an enriched housing program or an adult home, which provides temporary or long-term residential care and services to adults who, though not requiring continual medical or nursing care as provided by facilities licensed pursuant to article twenty-eight of the public health law or articles nineteen, twenty-three, thirty-one and thirty-two of the mental hygiene law, are by reason of physical or other limitations associated with age, physical or mental disabilities or other factors, unable or substantially unable to live independently. In addition, a residence for adults, enriched housing program or an adult home may provide services to non-residents in accordance with the provisions of section four hundred sixty-one-k of this chapter.

* NB Effective until July 1, 2029

* 21. Adult care facility shall mean a family type home for adults, a shelter for adults, a residence for adults, an enriched housing program or an adult home, which provides temporary or long-term residential care and services to adults who, though not requiring continual medical or nursing care as provided by facilities licensed pursuant to article twenty-eight of the public health law or articles nineteen, twenty-three and thirty-one of the mental hygiene law, are by reason of physical or other limitations associated with age, physical or mental disabilities or other factors, unable or substantially unable to live independently.

* NB Effective July 1, 2029

22. A family type home for adults shall mean an adult care facility established and operated for the purpose of providing long-term residential care and personal care and/or supervision to four or fewer adult persons unrelated to the operator.

23. A shelter for adults shall mean an adult care facility established and operated for the purpose of providing temporary residential care, room, board, supervision, information and referral, and where required by the department or otherwise deemed necessary by the operator, social rehabilitation services, for adults in need of temporary accommodations, supervision and services. Such definition shall not include facilities providing such temporary residential services to fewer than twenty

persons, unless such facility is operated by a social services district.

24. A residence for adults shall mean an adult care facility established and operated for the purposes of providing long-term residential care, room, board, housekeeping and supervision to five or more adults, unrelated to the operator. The provisions of this subdivision shall not apply to any housing projects established pursuant to the private housing finance law, the public housing law, the membership corporations law or the not-for-profit corporation law except for those distinct programs operated by such projects which provide supervision and/or personal care and which are approved or certified by the department.

25. An adult home shall mean an adult care facility established and operated for the purpose of providing long-term residential care, room, board, housekeeping, personal care, (either directly or indirectly), and supervision to five or more adults unrelated to the operator. The provisions of this subdivision shall not apply to any housing projects established pursuant to the private housing finance law, the public housing law, the membership corporations law or the not-for-profit corporation law except for those distinct programs operated by such projects which provide supervision and/or personal care and which are approved or certified by the department.

26. A private proprietary residence for adults shall mean a residence for adults, as defined by subdivision twenty-four of this section, which is operated for compensation and profit.

27. A private proprietary adult home shall mean an adult home, as defined by subdivision twenty-five of this section, which is operated for compensation and profit.

28. An enriched housing program shall mean an adult care facility established and operated for the purpose of providing long-term residential care to five or more adults, primarily persons sixty-five years of age or older, in community-integrated settings resembling independent housing units. Such program shall provide or arrange the

provision of room, and provide board, housekeeping, personal care and supervision.

29. For purposes of title two, and, where applicable, title one of article seven of this chapter, an operator shall include any natural person or entity which provides or purports to provide residential care and services in an adult care facility.

30. An intermediate care facility shall mean a facility or part thereof approved by the state department of health to provide therein health-related care and services to persons who because of their physical or mental condition, or both, require institutional care and services, in addition to board and lodging, but who do not have such an illness, disease, injury, or other condition as to require the institutional care and services provided only by a hospital or nursing home, providing such facility meets standards of safety and sanitation in accordance with state and federal requirements in addition to those applicable to nursing homes under state law.

31. The term "infant" or "minor" shall mean a person who has not attained the age of eighteen years except with respect to article six of this chapter.

32. "Residential treatment facility for children and youth" shall have the meaning defined in section 1.03 of the mental hygiene law.

33. "Residential care center for adults" shall have the meaning defined in section 1.03 of the mental hygiene law.

35. Indian tribe shall mean those tribes designated as Indian tribes by the bureau of Indian affairs of the federal department of the interior or by the state of New York.

36. Indian child shall mean any unmarried person who:

(a) is under the age of eighteen; or

(b) is under the age of twenty-one, entered foster care prior to his/her eighteenth birthday and remains in care, and who:

(i) is a member of an Indian tribe, or

(ii) is eligible for membership in an Indian tribe, or

(iii) is the biological child of a member of an Indian tribe and is residing on or is domiciled within an Indian reservation.

* 37. "Comprehensive psychiatric emergency program" shall have the meaning defined in section 1.03 of the mental hygiene law.

* NB Repealed July 1, 2027

38. When used in this chapter, the following terms shall have the following meanings, unless otherwise expressly stated or unless the context or subject matter requires a different interpretation:

(a) "Medicaid" or "medical assistance" means title eleven of article five of this chapter and the program thereunder.

(b) "Family health plus" means title eleven-D of article five of this chapter and the program thereunder.

(c) "Child health plus" means title one-A of article twenty-five of the public health law and the program thereunder.

(d) "Medicaid managed care" means Medicaid provided under section three hundred sixty-four-j of this chapter.

(e) "Medicaid fee-for-service" means Medicaid provided other than under Medicaid managed care.

39. "Mental illness" shall have the same meaning as defined in section 1.03 of the mental hygiene law.

40. "Developmental disability" shall have the same meaning as defined in section 1.03 of the mental hygiene law.