§ 460-a. Certificates of incorporation. 1. Unless the written approval of the department shall have been endorsed on or annexed to a certificate of incorporation, no such certificate shall hereafter be filed which includes among its corporate purposes the care of destitute, delinquent, abandoned, neglected or dependent children; the establishment or operation of any aged care accommodation, as defined in the private housing finance law, or adult care facility; the placing-out or boarding-out of children, as defined in this chapter; the establishment or operation of a home or shelter for unmarried mothers or a residential program for victims of domestic violence, as defined in subdivision four of section four hundred fifty-nine-a of this chapter; or the solicitation of contributions for any such purpose or purposes, provided, however, that the approval of the department shall not be required for filing of a certificate of incorporation which is restricted in its statement of corporate purposes to the establishment or operation of a facility for which an operating certificate is required by article twenty-three, nineteen, thirty-one or thirty-two of the mental hygiene law, or to the establishment or operation of a hospital, residential health care facility, or a home health agency, as those terms are defined in article twenty-eight of the public health law.

2. The department shall promulgate regulations establishing the procedure for submitting certificates of incorporation for approval and specifying the documentation to be submitted in connection with such approval. The department shall approve or disapprove a certificate of incorporation solely on the basis of information submitted pursuant to regulations. The department shall approve or disapprove a certificate of incorporation by indicating its approval by endorsement of the certificate of incorporation or its disapproval by giving written notice thereof, which notice shall state the reasons for disapproval. A certificate of incorporation not acted upon within sixty days of the receipt of all information and documentation required by department regulations shall be deemed to be disapproved.

3. Where a corporation engages in, or holds itself out as being authorized to engage in, activities described in this section without

having obtained requisite approvals, the department may institute and maintain an action in the supreme court through the attorney general to procure a judgement dissolving and vacating or annulling the certificate of incorporation of any such corporation.