§ 461-j. Family type homes for adults; special needs funds. 1. The commissioner shall establish a procedure whereby payments shall be made to duly certified operators of family type homes for adults for the purpose of meeting one or more of certain special needs of persons residing in such facilities and properly receiving or eligible to receive supplemental security income, additional state payments or safety net assistance benefits, as follows:

(a) Payments to be used for necessary clothing, recreation, transportation and cultural activities of specified individual residents shall not exceed two hundred ninety dollars per resident per year.

(b) Payments to be used for provision of substitute care to residents during periods of emergency and scheduled absence of operators, including periods of operator absence for the purposes of education and training, shall not exceed five hundred dollars per facility per year.

(c) Payments to be used for health and safety equipment shall not exceed seventy-five dollars per facility per year.

2. Social services districts shall establish a separate account for special needs funds and shall administer payments to operators out of said account, in accordance with regulations which shall be promulgated by the department. The department shall pay district costs out of available appropriations for such purposes, to the extent of one hundred percent of the amount expended pursuant to subdivision one of this section, in accordance with the provisions of section one hundred fifty-three of this chapter. In addition, the department shall, in accordance with the provisions of section one hundred fifty-three of this chapter, reimburse one hundred percent of amounts expended by each district for administration under this section only to the extent of ten percent of the amount paid by such district pursuant to subdivision one of this section, and shall thereafter reimburse fifty percent of any additional amounts paid by such district for such administrative costs. The department may make advances to districts which shall then advance such funds to duly certified operators, to the extent provided for by department regulations, in anticipation of costs incurred in meeting the special needs as set forth in subdivision one of this section and related administrative costs in accordance with the procedure established by the commissioner. Nothing contained in this section shall

be construed to require expenditures by any district pursuant to subdivision one of this section, in excess of the amounts made available to the district by the department pursuant to this section.

3. Notwithstanding any other provision of law, state reimbursement to districts may be made only from and to the extent of moneys appropriated to the department for such purposes.

4. The department shall audit payments and maintenance of accounts in accordance with department regulations. The commissioner shall promulgate regulations to carry out the purposes of this section.