



Legislation Text

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Res. No. 155

Resolution calling upon the New York State Legislature to pass, and the Governor to sign, legislation that adds a gravely disabled standard to the civil commitment law.

By Council Members Holden and Yeger

Whereas, Every state has civil commitment laws that establish criteria for determining when involuntary treatment for individuals with severe mental health needs who cannot seek care voluntarily is necessary; and

Whereas, New York State has such standards that include the use of court ordered treatment known as Assisted Outpatient Treatment (AOT), which 47 states and Washington DC have adopted, and such laws have led to a reduction in hospitalization, arrest, incarceration, homelessness, and violence related to mental illness; and

Whereas, The New York State 2023 enacted budget expanded upon these laws; and

Whereas, According to an analysis by the Treatment Advocacy Center of data from the US Census Bureau from 2020 and the National Institute of Mental Health prevalence rates from 2021 and 2017, there are approximately 177,000 and 370,000 adults with schizophrenia and severe bipolar disorder, respectively, which are deemed severe mental health illnesses; and

Whereas, The Treatment Advocacy Center, a national organization dedicated to removing barriers to effective severe mental health treatment, espouses a standard of a minimum of 50 public psychiatric beds per 100,000 people in order for states to adequately meet the need for treatment; and

Whereas, State psychiatric facilities in New York City lost 15 percent of their total bed capacity for adults between 2014 and 2018, and yet between 2015 and 2017, the number of severely mentally ill homeless people in the city increased by over 20 percent; and

Whereas, New York State lost 1,742 beds between 2010 and 2016, with 16.3 beds per 100,000 people, which is far below the minimum standard in order to adequately address the need for severe mental health treatment; and

Whereas, According to the New York State Nurses Association, New York City accounts for 72 percent of the decline in inpatient psychiatric beds between 2000 and 2019, a total loss of 459 beds; and

Whereas, In 1969, California enacted the Lanterman-Petris-Short Act or LPS Act, which established a standard for mental health commitment due to an individual being either an imminent danger or due to “grave disability,” in which a person is unable to meet their basic needs in order to survive, and the LPS Act served as a model for others states in crafting civil commitment laws; and

Whereas, “Grave disability” is generally defined as an individual’s inability to provide themselves with personal basic needs such as food, clothing, or shelter, with some states, such as Alaska, using a definition that also encompasses a standard of the disability being so severe as to cause a substantial risk that the individual will experience harm, according to the Substance Abuse and Mental Health Services Administration; and

Whereas, New York State’s current standard for the involuntarily commitment of an individual is if they are deemed in need of inpatient psychiatric treatment by physicians, are unable to make the determination of need for themselves, and present a threat of harm or a danger to themselves and others; and

Whereas, New York is one of four states, along with Washington, DC, that has failed to incorporate a grave disability standard into its standards for civil commitment of those with mental illnesses and the Treatment Advocacy Center urgently calls for the standard to be adopted into state law; now, therefore, be it

Resolved, That the Council of the City of New York calls on the New York State Legislature to pass, and the Governor to sign, legislation that adds a gravely disabled standard to the civil commitment law.

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