



## Legislation Text

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**File #:** Int 2141-2020, **Version:** A

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Int. No. 2141-A

By Council Members Rivera, Kallos, Louis, Rosenthal, Chin, Dinowitz, Cabán and Gennaro

A Local Law to amend the New York city charter and the administrative code of the city of New York, in relation to removing outdated clinical language, and to repeal paragraph 2 of subdivision a of section 555 of such charter in relation to a report on the establishment of the department of health and mental hygiene

Be it enacted by the Council as follows:

Section 1. Subdivision d of section 15 of the New York city charter, as added by a vote of the electors on November 6, 2001, and paragraph 2 of such subdivision, as amended by local law number 22 for the year 2002, is amended to read as follows:

d. 1. The city of New York recognizes that services for people suffering from [mental retardation] intellectual and developmental disabilities are provided by programs administered within a number of different city agencies, as well as by non-governmental entities. The city of New York further recognizes the need for coordination and cooperation among city agencies and between city agencies and non-governmental entities that provide such services.

2. There shall be [mental retardation] intellectual and developmental disability coordination within the office of operations. In performing functions relating to such coordination, the office of operations shall be authorized to: develop methods to: (i) improve the coordination within and among city agencies that provide services to people with [mental retardation] intellectual or developmental disabilities, including but not limited to the department of health and mental hygiene, the administration for children's services, the human resources administration, department of youth and community development, the department of juvenile justice, and the department of employment, or the successors to such agencies, and the health and hospitals corporation and the

board of education; and (ii) facilitate coordination between such agencies and non-governmental entities providing services to people with [mental retardation] intellectual or developmental disabilities; review state and federal programs and legislative proposals that may affect people with [mental retardation] intellectual or developmental disabilities and provide information and advice to the mayor regarding the impact of such programs or legislation; recommend legislative proposals or other initiatives that will benefit people with [mental retardation] intellectual or developmental disabilities; and perform such other duties and functions as the mayor may request to assist people with [mental retardation] intellectual or developmental disabilities and their family members.

§ 2. Section 550 of the New York city charter, as added by a vote of the electors on November 6, 2001, is amended to read as follows:

§ 550. Definitions. a. When used in this chapter[: the], the following terms have the following meanings:

Mentally disabled. The term “mentally disabled” [shall mean] means those with mental illness, [mental retardation, alcoholism, substance dependence or chemical dependence] developmental disability, or addiction disorder, as these terms are defined in section 1.03 of the mental hygiene law, or those with intellectual disability; or any other mental illness or mental condition placed under the jurisdiction of the department by the mayor[; the].

Provider of services. The term “provider of services” [shall mean] means an individual, association, corporation or public or private agency which provides for the mentally disabled[; and the].

Services for the mentally disabled. The term “services for the mentally disabled” [shall mean] means examination, diagnosis, care, treatment, rehabilitation, training, education, research, preventive services, referral, residential services or domiciliary care of or for the mentally disabled, not specifically limited by any other law.

b. Notwithstanding the foregoing, planning and programs for persons with substance dependence or

chemical dependence shall be conducted by the department, and the department may act as a “local agency” to conduct substance abuse programs and seek reimbursement therefore pursuant to provisions of the mental hygiene law relating to funding for substance abuse services, as deemed appropriate by the commissioner in recognition of the programs currently administered by the New York state office of alcoholism and substance abuse services or its successor agency under article [nineteen] 19 of the mental hygiene law.

§ 3. Subdivision a of section 551 of the New York city charter, as amended by local law number 22 for the year 2002, is amended to read as follows:

a. There shall be a department of health and mental hygiene, the head of which shall be the commissioner of health and mental hygiene who shall be appointed by the mayor. The department shall have and exercise all powers of a local health department set forth in law. Notwithstanding any other provision of this charter to the contrary, the department shall be a social services district for purposes of the administration of health-related public assistance programs to the extent agreed upon by the department, the department of social services and the department of homeless services. Appropriations to the department for mental health, [mental retardation] intellectual and developmental disability, and alcoholism services shall be set forth in the expense budget in separate and distinct units of appropriation. In determining the annual amount of city funds to be appropriated by the city for mental health, [mental retardation] intellectual and developmental disability, and alcoholism services, the following provision shall apply: in the event that the executive budget proposes a decrease in city funds measured against the budget for the current fiscal year, as modified in accordance with section [one hundred seven] 107, for the units of appropriation for mental health, [mental retardation] intellectual and developmental disability, and alcoholism services, the executive budget shall not propose a greater percentage decrease in city funds measured against the budget for the current fiscal year, as modified in accordance with section [one hundred seven] 107, for the units of appropriation for mental health, [mental retardation] intellectual and developmental disability, and alcoholism services than has been proposed for the units of appropriation for public health services. If, however, in his or her discretion, the mayor determines that

it is in the city's best interest to submit an executive budget at variance with the requirements of this provision, the mayor shall include an explanation of the basis for this variation as part of the budget message.

§ 4. Section 552 of the New York city charter, as amended by a vote of the electors on November 6, 2001, is amended to read as follows:

§ 552. Deputy commissioners. The commissioner may appoint deputy commissioners, one of whom shall have the same qualifications as the commissioner. There shall be at least two executive deputy commissioners, one of whom shall have the qualifications established pursuant to the mental hygiene law for a director of community services of a local governmental unit, and shall be the director within the department of the division of mental hygiene services. Such division shall be and shall exercise the powers of a local governmental unit for purposes of the mental hygiene law, and the executive deputy commissioner heading such division shall have the powers of a director of community services of a local governmental unit as set forth in or pursuant to such law, and shall report directly to the commissioner. In the exercise of such powers, such executive deputy commissioner shall coordinate the fiscal and programmatic administration of contracts awarded by the department for mental health, [mental retardation] intellectual and developmental disability, and alcoholism services.

§ 5. Paragraph (2) of subdivision a of section 555 of the New York city charter is REPEALED.

§ 6. The opening paragraph of section 556 of the New York city charter, as added by a vote of the electors on November 6, 2001, is amended to read as follows:

§ 556. Functions, powers and duties of the department. Except as otherwise provided by law, the department shall have jurisdiction to regulate all matters affecting health in the city of New York and to perform all those functions and operations performed by the city that relate to the health of the people of the city, including but not limited to the mental health, [mental retardation] intellectual and developmental disability, alcoholism and substance abuse-related needs of the people of the city. The jurisdiction of the department shall include but not be limited to the following:

§ 7. Paragraphs (3) and (6) of subdivision b of section 556 of the New York city charter, as added by a vote of the electors on November 6, 2001, are amended to read as follows:

(3) engage in short-range, intermediate-range and long-range mental hygiene planning that reflects the entire array of city needs in the areas of mental health, [mental retardation] intellectual and developmental disabilities and alcoholism and substance abuse services within the department's jurisdiction;

(6) receive and expend funds made available for the purposes of providing mental health, [mental retardation] intellectual and developmental disability and alcoholism and substance abuse related services;

§ 8. Paragraph (1) of subdivision a of section 568 of the New York city charter, as added by a vote of the electors on November 6, 2001, is amended to read as follows:

(1) There shall be a mental hygiene advisory board which shall be advisory to the commissioner and the deputy commissioner for mental hygiene services in the development of community mental health, [mental retardation] intellectual and developmental disability, alcoholism and substance abuse facilities and services and programs related thereto. The board shall have separate subcommittees for mental health, for [mental retardation and] developmental disabilities, and for alcoholism and substance abuse. The board and its subcommittees shall be constituted and their appointive members appointed and removed in the manner prescribed for a community services board by the provisions of the mental hygiene law. Pursuant to the provisions of such law, such members may be reappointed without limitation on the number of consecutive terms which they may serve.

§ 9. Subdivision m of section 17-306 of the administrative code of the city of New York, as added by local law number 34 for the year 1993, is amended to read as follows:

m. "Disabled person". Any person who has or had a physical or mental impairment that substantially limits one or more major life activities and has a record of such an impairment. For the purposes of this subdivision, "physical impairment" means a physiological disorder or condition, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory,

including speech organs; cardiovascular; genitourinary; hemic and lymphatic; or skin and endocrine. It includes, but is not limited to, such diseases and conditions as orthopedic, visual, speech and hearing impairments, cerebral palsy, muscular dystrophy, and multiple sclerosis. For the purposes of this subdivision, “mental impairment” means any mental or psychological disorder such as [mental retardation] intellectual disability, organic brain syndrome, emotional or mental illness, and specific learning disabilities. For the purposes of this subdivision, “major life activities” means functions such as walking, seeing, hearing and speaking. For the purposes of this subdivision, a record of such an impairment shall be established by submission to the commissioner of either:

(a) A letter or certificate describing the physical or mental impairment of the applicant which must include the notarized signature of one of the following:

(i) A licensed physician, ophthalmologist, optometrist or psychologist; or

(ii) An authorized representative of a social agency that conducts programs for the disabled in cooperation with an official agency of the state and from which the applicant is receiving services such as, but not limited to, the state office of vocational rehabilitation; or

(b) A previous certification not more than one year old establishing the physical or mental impairment of the applicant such as, but not limited to, verification of an income tax exemption or social security benefits on the basis of physical or mental impairment.

§ 10. This local law takes effect immediately.

MHL/SIL  
LS #13139  
12/01/21 5:00 pm