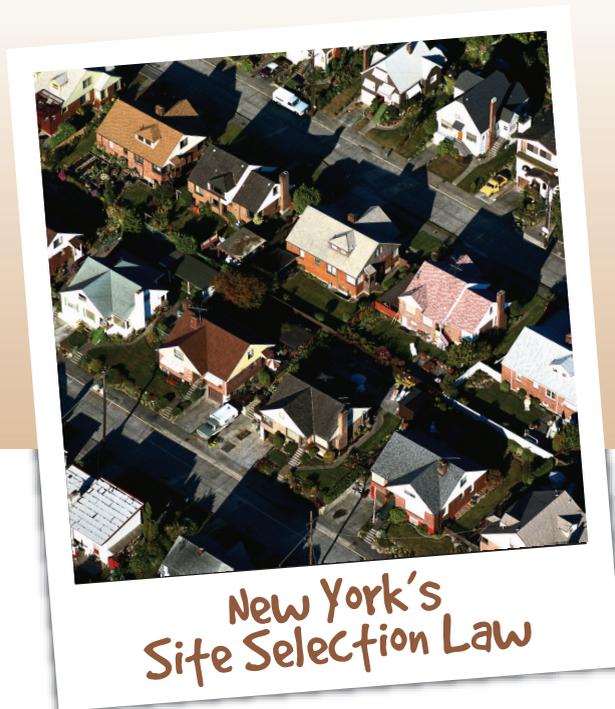


 NYS Office For People With Developmental Disabilities  
**Putting People First**



**A guide to the process for establishing community residences for persons with developmental disabilities**

**A Service Publication of the State of New York**

**(866) 946-9733**

**www.opwdd.ny.gov**



The Office For People With Developmental Disabilities (OPWDD) offers a wide range of supports and services for people with developmental disabilities and their families – among them is providing assistance to enable those we serve to live in a home of their choice. To do this, families, providers and individuals must understand New York’s Site Selection Law, which can be daunting. However, this brochure outlines the process for establishing community residential facilities as well as highlights and explains key terms. This guide is only another way that OPWDD helps people with developmental disabilities live richer lives.

*Laurie A. Kelley*

Laurie A. Kelley, Acting Commissioner

### **New York’s Site Selection Law**

**NOTIFICATION** – The sponsoring agency informs the chief executive officer of a municipality that it proposes to establish a community residence at a specific address.

**COMMUNITY OPTIONS** - The municipality has 40 days to make a decision. Public hearings may be held, but they are not mandatory. The municipality will waive its right to object to the site, if it fails to respond to the sponsoring agency’s 40-day notice letter by the deadline. There are three options the municipality can choose: (1) Approve the site, (2) Suggest alternatives, or (3) Object to the site on the grounds that the neighborhood is already saturated with sites.

**1. Approve site** – The municipality can approve the site selected by the sponsoring agency.

### **2. Suggest Alternatives:**

- **Alternatives Accepted** – The sponsoring agency approves the alternative site suggested by the municipality.
- **Alternative Rejected** – If the municipality proposes an alternative site the sponsoring agency finds unacceptable, the municipality then has 15 additional days to propose other alternatives.
- **Object Because Saturated** – It is up to the municipality to prove that a community residence should not be built because there is already such a concentration of sites that a new one would alter the character and nature of the community.

### **RESOLVING DISPUTES**

Disputes can occur only if: (1) the municipality objects to the site because it is already saturated, or (2) the sponsoring agency objects to the alternative site proposed.

**Commissioner’s Hearing** – The first step in resolving disputes is a hearing before the appropriate state commissioner (Mental Health or Mental Retardation and Developmental Disabilities). At the hearing the commissioner must determine if there is a need for the proposed residence. If the commissioner determines that the character of the neighborhood would be substantially altered, he, or she must sustain the objection. Determination is made within 30 days.

**Judicial Review** – The commissioner’s action may be reviewed through an Article 78 proceeding, according to the New York Civil Procedure Law and Rules.



A sponsoring agency is not able to set up a community residence unless every necessary step is followed. If a community's objection is upheld by a commissioner's ruling or through judicial review, the site may be rejected.

### IMPORTANT TERMS

**A COMMUNITY RESIDENCE**, an individualized residential alternative, or a group home: is a residence of 14 or fewer beds either operated or licensed by the State Office For People With Developmental Disabilities (OPWDD). There are two types: supervised and supportive residences.

**A SUPERVISED** residence provides around-the-clock staff, while a **SUPPORTIVE** residence allows more independent living under periodic supervision. All supervised residences from one to 14 beds and supported residences with four to 14 beds must go through the site selection process.

**A SPONSORING AGENCY** is the person, voluntary non-profit agency, or governmental unit that plans to establish a community residence.

A **MUNICIPALITY** is either:

- A village;
- A town (which is affected only if the proposed community residence is to be located outside any village within the town);
- A city (except New York City); or
- A community board district in the City of New York

Once a residence has successfully completed the site selection process it must be considered a **FAMILY UNIT** according to appropriate local laws and ordinances.

### OPWDD's Vision Statement

People with developmental disabilities enjoy meaningful relationships with friends, family and others in their lives, experience personal health and growth and live in the home of their choice and fully participate in their communities.

### The Mission Statement

We help people with developmental disabilities live richer lives.

**Values** describe how we as employees of OPWDD interact with the individuals we serve, families, staff, the community and each other:

- Compassion
- Dignity
- Diversity
- Excellence
- Honesty

### OPWDD's Regional Offices

#### Region 1

**585-461-8500**

(Counties: Chemung, Livingston, Monroe, Ontario, Schuyler, Seneca, Steuben, Wayne, Wyoming, Yates)

**716-517-2000**

(Counties: Allegany, Cattaraugus, Chautauqua, Erie, Genesee, Niagara, Orleans)

#### Region 2

**607-770-0211**

(Counties: Broome, Chenango, Delaware, Otsego, Tioga, Tompkins)

**315-473-5050**

(Counties: Cayuga, Cortland, Herkimer, Lewis, Madison, Oneida, Onondaga, Otsego)

**518-359-3397**

(Counties: Clinton, Essex, Franklin, Hamilton, Jefferson, St. Lawrence)

#### Region 3

**518-370-7429**

(Counties: Albany, Fulton, Montgomery, Rensselaer, Saratoga, Schenectady, Schoharie, Warren, Washington)

**845-947-6100**

(Counties: Orange, Rockland, Sullivan, Westchester)

**845-473-5050**

(Counties: Columbia, Dutchess, Greene, Putnam, Ulster)

#### Region 4

**718-217-4242**

(County: Queens)

**718-642-6000, 718-642-6053/6054**

(County: Kings)

**646-766-3466**

(County: New York)

**718-430-0700**

(County: Bronx)

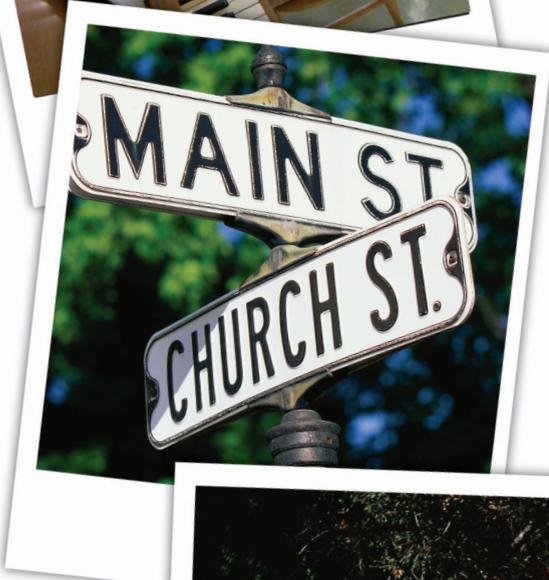
**718-983-5200**

(County: Richmond)

#### Region 5

**631-434-6100**

(Counties: Nassau, Suffolk)



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