

LOCAL LAW “F” FOR 2023

A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK AMENDING CHAPTER 106 OF THE ALBANY COUNTY CODE, SETTING FORTH REQUIREMENTS [FOR LOCATION OF SUBSTANCE ABUSE TREATMENT FACILITIES WITHIN ALBANY COUNTY] FACILITIES WITHIN ALBANY COUNTY WHERE THE LOCAL GOVERNMENTAL UNIT IDENTIFIED BY NEW YORK STATE IS THE ALBANY COUNTY DEPARTMENT OF MENTAL HEALTH

Introduced: [0]6/12/23

By Mclean Lane:

BE IT ENACTED BY THE LEGISLATURE OF THE COUNTY OF ALBANY AS FOLLOWS:

Section 1. Article Creation.

Chapter 106, Article II, [Substance Abuse Treatment Clinics,] Local Governmental Unit, is hereby created.

Section 2. § 106-9 – Legislative Purpose and Intent.

[This legislation is to ensure that when a facility applies to dispense controlled substances for the purpose of treating substance use disorders, Albany County residents are offered the opportunity to be informed about the applicant and participate in the public process, including providing input, before any decisions are made by County or State authorities]

This legislation is to ensure that when an application is received by the Albany County Department of Mental Health where they are identified by New York State as the local governmental unit, before any decisions are made by County or State authorities.

Section 3. § 106-10 - Notice of Receipt of Application to Involved Representatives.

A. Within 10 days of receipt of an application or notice of application [from the New York State Office of Addiction Services and Supports (OASAS)] from a New York State Agency where the Albany County Department of Mental Health is identified as the “local governmental unit” [which is the Albany County Department of Mental Health related to a facility applying to treat substance use disorders in the County of

Albany,] the Commissioner of the Department of Mental Health shall provide to the following representatives a copy of the application and/or notice of application from OASAS, and allow 30 [60] days for those representatives to submit comment on the proposed facility:

1) The Albany County Legislator who represents the legislative district which contains the proposed location or facility; and

[2) The Albany County Legislator who represents any legislative district adjoining the district which contains the proposed location or facility; and]

2) [3] Each City, Town, or Village Mayor or Supervisor who represents the municipality which contains the proposed location or facility; and

3) [4] Each City, Town, or Village Council or Board member who represents the municipality which contains the proposed location or facility. [; and

5) Each New York State Senate and Assembly Representative who represents the municipality which contains the proposed location or facility; and

6) The principal of any elementary, middle, or high school within 1,500 feet of the address of the proposed location or facility, as well as the applicable school district Superintendent and School Board.]

B. All notifications pursuant to this Section shall be sent via regular mail, with an electronic mail following which shall contain a digital version or electronic link to the application and/or notice of application along with all accompanying documents and information.

C. No notice is required pursuant to this local law when the proposed application is only to re-locate an already existing facility within the same municipality in the County of Albany.

Section 4. § 106-11 - Notice of Public Meeting to Involved Representatives.

A. Within 5 days of the posting of a notice of a public meeting agenda of the Behavioral Health Services Advisory Council, the Albany County Community Services Board, and/or the Albany County Alcohol and Substance Abuse Subcommittee where an application to locate a facility to treat substance use disorders in the County of Albany is on the agenda, the Commissioner of the Department of Mental Health shall provide a copy of that notice to the following representatives:

1) The Albany County Legislator who represents the legislative district which contains the proposed location or facility; and

[2) The Albany County Legislator who represents any legislative district adjoining the district which contains the proposed location or facility; and]

2) [3] Each City, Town, or Village Mayor or Supervisor who represents the municipality which contains the proposed location or facility; and

3) [4] Each City, Town, or Village Council or Board member who represents the municipality which contains the proposed location or facility. [; and

5) Each New York State Senate and Assembly Representative who represents the municipality which contains the proposed location or facility; and

6) The principal of any elementary, middle, or high school within 1,500 feet of the address of the proposed location or facility, as well as the applicable school district Superintendent and School Board.]

B. All notifications pursuant to this Section shall be sent via regular mail, with an electronic mail following which shall contain a digital version or electronic link to the application and/or notice of application along with all accompanying documents and information.

C. No notice is required pursuant to this local law when the proposed application is only to re-locate an already existing facility within the same municipality in the County of Albany.

Section 5. Severability.

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm, corporation or circumstance, shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder of the Local Law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of the Local Law or in its application to the person, individual, firm, corporation or circumstance directly involved in the controversy in which such judgment or order may be rendered.

Section 6. SEQRA Compliance.

This County Legislature determines that this local law constitutes a “Type II action” pursuant to the provisions of the State Environmental Quality Review Act (SEQRA), and that no further action under SEQRA is required.

Section 7. Effective Date.

This local law shall take effect immediately after its filing with the Secretary of State.