



STATE SEN. Frank Padavan receiving 1986 Humanitarian Award from Blanche Fierstein of New York City Association for Help of Retarded Children.

Where to put homes

The 1978 Padavan Law, formally known as the New York State Site Selection Law, governs community residences for the mentally disabled and requires written notification by the state or sponsoring agency to the municipal body of a community proposed as a location for a hostel. In New York City, the local community planning board is the municipal body.

After written notification, the municipality has 40 days to determine what action it wants to take—approve the site, offer an alternative site, or object to the proposed site on the ground that it would result in a "saturation" of the community with similar residences.

Usually, the affected municipal body holds public hearings before making that decision. Disputes between the municipal body and the sponsoring agency over the final site selection are resolved through hearings before the state Office of Mental Retardation and Developmental Disabilities, and ultimately the courts.

A study on the effects of the Padavan Law on

alleviating the frequency and bitterness of such disputes was issued recently by the Senate Committee on Mental Hygiene and Addiction Control. Among other things, the study found that:

- The experience of the last eight years, combined with widespread research, has confirmed that community residences, once established, do not affect property values or neighborhood safety and stability, and initial opposition subsides over time.

- Both statistical data and first-hand testimony indicate that the Site Selection Law provided needed and effective procedures to facilitate the establishment of community residences and allow for greater community input into the process.

- Although (the law) did not prevent litigation by determined opposition groups, the overall proportion of such litigation does not appear high. . . . The results of the judicial challenges demonstrated the courts' continued backing of the state's deinstitutionalization policy.

—Jack Leahy