

EXECUTIVE ORDERS

Executive Order No. 82: Temporary Suspension and Modification of Provisions of the Insurance Law.

WHEREAS, on October 26, 2012, I issued Executive Order Number 47, declaring a disaster emergency in all 62 counties in the State of New York; and

WHEREAS, on October 30, 2012, the President issued a major disaster declaration for the counties of Bronx, Kings, Nassau, New York, Queens, Richmond and Suffolk, on November 2, 2012, extended such declaration to include the counties of Rockland and Westchester and thereafter extended such declaration to include Orange County; and

WHEREAS, Hurricane Sandy brought damaging winds and torrential rainfall causing record flooding and severe storm surges throughout the State of New York that severely devastated the State; and

WHEREAS, the storm caused widespread damage to property throughout the affected counties, creating a substantial need for insurance adjusters to view and assess such damage to ensure that consumers' property/casualty insurance claims are timely processed;

NOW, THEREFORE, I, ANDREW M. CUOMO, Governor of the State of New York, by virtue of the authority vested in me by Section 29-a of Article 2-B of the Executive Law to temporarily suspend or modify specific provisions of any statute, local law, ordinance, orders, rules or regulations, or parts thereof, of any agency during a State disaster emergency, if compliance with such provisions would prevent, hinder or delay action necessary to cope with the disaster, hereby temporarily suspend and modify, as the case may be, for the period from the date of this Executive Order until further notice, the following:

Section 2108 of the Insurance Law, along with any associated regulations, to the extent that they require permanent licensing of public adjusters by the Department of Financial Services (the "Department") so that, for the purposes of this Executive Order only, the Department may issue temporary public adjuster licenses that authorize such temporary licensees to adjust property/casualty insurance claims in the counties of Bronx, Kings, Nassau, New York, Orange, Queens, Richmond, Rockland, Suffolk and Westchester that are commenced during the period for which this Executive Order is effective, as long as: (1) an application for a temporary license pursuant to this order is made on a form prescribed by the Superintendent of Financial Services; (2) such form is signed by a public adjuster who is licensed in this State pursuant to Section 2108 of the Insurance Law; whose license is in good standing; and who will be responsible for both the supervising of the temporary licensee either in an employer/employee relationship or other arrangement whereby the licensed public adjuster has control over the temporary licensee and the satisfactory completion of all adjustment undertaken by the temporary licensee; (3) the temporary licensee has not had an insurance license revoked, suspended or otherwise terminated for cause in any state in the United States in the last ten years; (4) the temporary licensee has not been charged with, been convicted of, or pleaded guilty to or nolo contendere with respect to a crime or misdemeanor in any state in the United States in the last ten years; (5) the temporary licensee has not been found liable for misrepresentation, fraud, or unethical conduct in any state in the United States in the last ten years; and (6) the temporary licensee is presently licensed in another state as a public or independent adjuster to adjust property/casualty insurance claims; or has 5 years prior experience within the last ten years as a public or independent

adjuster adjusting property/casualty insurance claims in the United States; or has been licensed as a public or independent adjuster in New York State within the last 5 years.

(L.S.)

GIVEN under my hand and the Privy Seal of the State in the City of Albany, this twenty-ninth day of November in the year two thousand twelve.

BY THE GOVERNOR

/S/ Andrew M. Cuomo

/s/ Lawrence Schwartz

Secretary to the Governor

Executive Order No. 83: Temporary Modification of Provisions Related to the New York City Juvenile Justice Services Close to Home Initiative.

WHEREAS, on October 26, 2012, I issued Executive Order Number 47 declaring a disaster emergency in all 62 counties of the State of New York; and

WHEREAS, on October 30, 2012, the President issued a major disaster declaration for the counties of Bronx, Kings, New York, Queens and Richmond; and

WHEREAS, the New York State Office of Children and Family Services ("OCFS") approved, effective September 1, 2012, the plan of the New York City Administration for Children's Services ("ACS"), acting as the applicable social services district, to implement a Juvenile Justice Services Close to Home Initiative for juvenile delinquents placed in non-secure settings; and

WHEREAS, the Social Services Law and the Family Court Act provide for an expedited process to transfer youth from OCFS to ACS custody during the first 90 days after the effective date of an approved Juvenile Justice Services Close to Home Initiative; and

WHEREAS, as a result of Hurricane Sandy, ACS, the family courts for the five counties of the City of New York, attorneys for the youths subject to such initiative, the families of such children and OCFS have experienced multiple problems, including the loss of power, that have prevented the filing of petitions pursuant to the expedited process. In addition, some residential providers who are under contract to provide beds to provide services to the transferred youths have been unable to open or maintain those beds as a result of the storm, all of which has impeded the ability to implement the initiative as quickly as the applicable laws intended; and

WHEREAS, the enforcement of certain State statutes relating to such initiative, which OCFS has no ability to waive, could impede some affected parties ability to address the disaster emergency or to provide services to those affected by the disaster emergency;

NOW, THEREFORE, I, ANDREW M. CUOMO, Governor of the State of New York, by virtue of the authority vested in me by Section 29-a of Article 2-B of the Executive Law to temporarily suspend or modify specific provisions of any statute, local law, ordinance, order, rule or regulation, or parts thereof, of any agency during a State disaster emergency, if compliance with such provisions would prevent, hinder or delay action necessary to cope with the State disaster emergency, hereby temporarily modify from the date of this Executive Order until further notice, the following laws:

1. Paragraph (a) of subdivision 6 of Section 404 of the Social Services Law to the extent that the timeframe for OCFS to file petitions to transfer youths would be extended from ninety days to one hundred twenty days after the effective date of ACS' approved plan for the Juvenile Justice Services Close to Home Initiative for juvenile delinquents placed in non-secure settings; and

2. Subdivision 2 of Section 355.1 of the Family Court Act to the extent that the provisions in subdivision (b) of such section are modified to extend, from the first ninety days to the first one hundred twenty days after ACS' approved plan for said initiative is effective, the timeframe when the applicable family court must decide petitions filed by OCFS to transfer the custody of certain juvenile delinquents to ACS without a hearing; and, to modify the provisions of subdivision (c) of such section to apply beginning one hundred twenty-one days, instead of ninety-one days, after the effective date of such plan.

(L.S.) GIVEN under my hand and the Privy Seal of the State in the City of Albany, this thirtieth day of November in the year two thousand twelve.

BY THE GOVERNOR

/S/ Andrew M. Cuomo

/s/ Lawrence Schwartz

Secretary to the Governor

Executive Order No. 84: Establishing the Olmstead Plan Development and Implementation Cabinet.

WHEREAS, the United States Supreme Court held in *Olmstead v. L.C.*, 527 U.S. 581 (1999), that Title II of the Americans with Disabilities Act prohibits the unjustified segregation of people with disabilities and requires states to provide people with disabilities with necessary support and services in the most integrated setting appropriate to their needs;

WHEREAS, the Olmstead court recognized that unnecessary institutional placement can isolate people with disabilities and severely diminish their family relations, social contacts, employment options, economic independence and educational advancement;

WHEREAS, the State of New York is committed to the principle that people with disabilities should have access to community-based services, accessible housing with appropriate supports, and employment opportunities that enable them to live productive lives in their communities;

WHEREAS, all New Yorkers with disabilities and their families should have the opportunity to make informed choices regarding services, settings and related issues;

WHEREAS, the State of New York has taken important steps to strengthen community-based supports for people with disabilities, including accelerated access to care management that better addresses individual needs; and the creation of health homes that provide integrated care coordination for complex populations, including people with disabilities;

WHEREAS, the State of New York continues to fulfill its commitment to people with disabilities, through the inclusion of a supportive housing initiative and funding for supported housing in the State Fiscal Year 2012-13 Executive Budget; and

WHEREAS, it is critically important for the State of New York to develop and implement a comprehensive Olmstead Plan on behalf of all of New York's children and adults with disabilities;

NOW, THEREFORE, I, Andrew M. Cuomo, Governor of the State of New York, by virtue of the authority vested in me by the Constitution and laws of the State of New York, do hereby order as follows:

A. Definitions

As used herein, the following terms shall have the following meanings:

1. "State agency" or "agency" shall mean any state agency, department, office, board, bureau, division, committee, council or office.

2. "Authority" shall mean a public authority or public benefit corporation created by or existing under any New York State law, with one or more of its members appointed by the Governor or who serve as members by virtue of holding a civil office of New York State, other than an interstate or international authority or public benefit corporation, including any subsidiaries of such public authority or public benefit corporation.

B. Olmstead Plan Development and Implementation Cabinet

1. There is hereby established the Olmstead Plan Development and Implementation Cabinet (the "Cabinet") to provide guidance and advice to the Governor.

2. The Cabinet shall be comprised of the Governor's Deputy Secretary for Health/Director of Healthcare Redesign; the Counsel to the Governor; the Director of the Budget; the Commissioner of Developmental Disabilities; the Commissioner of Health; the Commissioner of Labor; the Commissioner of Transportation; the Commissioner of Mental Health; the Commissioner of Alcoholism and Substance Abuse Services; the Commissioner of Children and Family Services; the Commissioner of Homes and Community Renewal; the Commissioner of Temporary and Disability Assistance; the Director of the State Office for the Aging; and the Chair of the Commission on Quality of Care and Advocacy for Persons with Disabilities. Additional members may be appointed to the Cabinet at the discretion of the Governor.

3. The Governor shall appoint the Chair of the Cabinet from among the members of the Cabinet.

4. Each member of the Cabinet may designate a staff member to represent him or her and participate in the Cabinet on his or her behalf. The Cabinet shall meet at the call of the Chair as often as is necessary and under circumstances as are appropriate to fulfill its duties under this section.

C. Cooperation with the Cabinet

1. Each agency and authority of the State of New York shall provide to the Cabinet such information, assistance and cooperation, including use of State facilities, which is reasonably necessary to accomplish the purposes of this Order.

2. Staff support necessary for the conduct of the Cabinet's work may be furnished by agencies and authorities (subject, as necessary, to the approval of the board of directors of such authorities).

D. Duties and Purposes

1. The Cabinet shall make recommendations to the Governor concerning the development, implementation and coordination of an Olmstead Plan (the "Plan") for the State of New York. In making such recommendations, the Cabinet shall consider potential elements of the Plan, including but not limited to:

a. identification of the essential requirements of compliance with Olmstead and the Americans with Disabilities Act;

b. assessment procedures to identify people with disabilities who could benefit from services in a more integrated setting and the development of a coordinated assessment process for individuals of all ages with disabilities in need of services;

c. measurable progress goals for achieving integrated residential living, including transition goals from segregated to residential housing, and employment opportunities for people with disabilities;

d. measurable goals for providing supports and accommodations necessary for successful community living;

e. statutory and regulatory changes to implement the Plan;

f. a coordination strategy for the work of state agencies and authorities to implement the Plan, including specific and reasonable timeframes for implementation;

g. actions to promote community understanding of and support for integrated residential living for people with disabilities;

h. other appropriate measures to achieve and implement a comprehensive and unified Plan; and

i. how best to maximize available resources in support of the Plan.

2. In developing recommendations for the development of the Olmstead Plan and its implementation and coordination, the Cabinet shall consult with the Most Integrated Setting Coordinating Council and other relevant entities and stakeholders concerned with development and implementation of the Olmstead Plan.

3. In carrying out its responsibilities under this Order, the Cabinet shall seek the guidance and expertise of stakeholders, including, but not limited to, organizations that advocate on behalf of people with disabilities, providers of services to people with disabilities, associations concerned with housing and employment for people with disabilities, academic institutions and local governments, and shall solicit input from the public.

4. The Cabinet shall commence its work immediately. On or before May 31, 2013, the Cabinet shall submit a final report to the Governor, setting forth its recommendations concerning establishment, implementation and coordination of the Olmstead Plan, at which time the Cabinet shall terminate its work and be relieved of all responsibilities and duties hereunder. Prior to such date, the Board shall issue additional reports to the Governor of its activities, findings, recommendations and coordination in furtherance of the purposes of this Order from time to time as directed by the Governor or the Governor's designee.

(L.S.)

GIVEN under my hand and the Privy Seal of the State in the City of Albany, this thirtieth day of November in the year two thousand twelve.

BY THE GOVERNOR

/S/ Andrew M. Cuomo

/s/ Lawrence Schwartz

Secretary to the Governor

