STATE OF NEW YORK

2006--B

IN SENATE

January 23, 2017

A BUDGET BILL, submitted by the Governor pursuant to article seven of the Constitution -- read twice and ordered printed, and when printed to be committed to the Committee on Finance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law, in relation to contracts for excellence and the apportionment of public moneys; to amend the education law, in relation to requiring the commissioner of education to include certain information in the official score report of all students; to amend the education law, in relation to textbooks; to amend the education law, in relation to English language learner pupils; in relation to direct certification data; to amend the education law, in relation to community school aid; to amend the education law, in relation to building aid; to amend the education law, in relation to academic enhancement aid; to amend the education law, in relation to high tax aid; to amend the education law, in relation to the teachers of tomorrow teacher recruitment and retention program; to amend the education law, in relation to class sizes for special classes containing certain students with disabilities; to amend chapter 425 of the laws of 2002, amending the education law relating to the provision of supplemental educational services, attendance at a safe public school and suspension of pupils who bring a firearm to or possess a firearm at a school, in relation to the effectiveness thereof; to amend the general municipal law, in relation to the purchase of food by school districts; to amend chapter 472 of the laws of 1998, amending the education law relating to the lease of school buses by school districts, in relation to the effectiveness thereof; to amend chapter 82 of the laws of 1995, amending the education law and certain other laws relating to state aid to school districts and the appropriation of funds for the support of government, in relation to the effectiveness thereof; to amend chapter 101 of the laws of 2003, amending the education law relating to implementation of the No Child Left Behind Act of 2001, in relation to the effectiveness thereof; to amend chapter 756 of the laws of 1992, relating to funding a program for work force education conducted by the consortium for worker education in New York city, in relation to reimbursements for the 2017-2018 school

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

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year; to amend chapter 756 of the laws of 1992, relating to funding a program for work force education conducted by the consortium for worker education in New York city, in relation to withholding a portion of employment preparation education aid and in relation to the effectiveness thereof; to amend chapter 89 of the laws of 2016, relating to supplementary funding for dedicated programs for public school students in the East Ramapo central school district, in relation to reimbursement to such school district and in relation to the effectiveness thereof; to amend chapter 147 of the laws of 2001, amending the education law relating to conditional appointment of school district, charter school or BOCES employees, in relation to the effectiveness thereof; relating to school bus driver training; relates to special apportionment for salary expenses and public pension accruals; relating to the city school district of the city of Rochester; relates to total foundation aid for the purpose of the development, maintenance or expansion of certain magnet schools or magnet school programs for the 2017-2018 school year; and relates to the support of public libraries (Part A); to amend the education law, in relation to total foundation aid; to amend chapter 507 of the laws of 1974, relating to providing for the apportionment of state monies to certain nonpublic schools, to reimburse them for their expenses in complying with certain state requirements for the administration of state testing and evaluation programs and for participation in state programs for the reporting of basic educational data, in relation to the state's immunization program; to amend the education law, in relation to charter school participation in universal pre-kindergarten programs, in relation to the total number of charter schools, in relation to building aid for schools, in relation to funding for critical support personnel, in relation to the salary of certain teachers providing instruction in career and technical education to school age students, in relation to establishing the state office of nonpublic schools, in relation to grants for hiring teachers, in relation to contracting with school districts to educate Native American pupils, in relation to compliance with certain regulations for hiring a teacher who is dual-certified, in relation to a waiver program for school districts, in relation to the internal audit function of certain school districts, in relation to moneys apportioned for students with disabilities, in relation to state aid adjustments, in relation to extending provisions for internal audits by school districts from annually to every five years, in relation to criminal background checks of certain prospective employees, authorizing the withdrawal of certain funds by school districts; to amend the tax law, in relation to exempting school buses and certain equipment from sales and compensating use tax; to amend the education law, in relation to transportation reimbursement of certain costs incurred by licensed transportation carriers in the city of New York and in relation to the extension of certain transportation contracts; to amend the education law, in relation to requiring the board of regents to request a fiscal note; to amend the public authorities law, in relation to special financing authority for public school districts impacted by tax certiorari settlements in excess of the total budget of the school district; to amend the education law, in relation to universal pre-kindergarten aid; to amend part CC of chapter 56 of the laws of 2014, amending the education law relating to universal full-day pre-kindergarten, in relation to providing for the repeal of such provisions; to amend the education law, in relation to the eligibility of parents of children

attending pre-kindergarten programs to serve on a community district education council; to amend chapter 57 of the laws of 2008 amending the education law relating to the universal pre-kindergarten program, in relation to extending the expiration of certain provisions of such chapter; to amend the education law, in relation to security reimbursements for nonpublic schools; to repeal subdivision 11 of section 94 of part C of chapter 57 of the laws of 2004 relating to support of education, relating thereto; and providing for the repeal of certain provisions upon expiration thereof (Part A-1); to amend the education law, in relation to enacting "Erin Merryn's law" (Part A-2); in relation to the closure of the Indian Point nuclear power plant located within the Hendrick Hudson central school district (Part A-3); to amend the education law, in relation to the establishment of Recovery High Schools by boards of cooperative educational services; and providing for the repeal of such provisions upon expiration thereof (Part B); to amend the education law, in relation to the education of homeless children (Part C); intentionally omitted (Part D); intentionally omitted (Part E); intentionally omitted (Part F); intentionally omitted (Part G); intentionally omitted (Part H); intentionally omitted (Part I); intentionally omitted (Part J); to amend chapter 83 of the laws of 2002, amending the executive law and other laws relating to funding for children and family services, in relation to extending the effectiveness thereof (Subpart A); and to amend the social services law and the education law, in relation to restructuring financing for residential school placements (Subpart B) (Part K); to amend the family court act, in relation to the definition of an abused child (Part L); to amend the executive law, the social services law and the family court act, in relation to increasing the age of youth eligible to be served in RHYA programs and to allow for additional length of stay for youth in residential programs (Part M); intentionally omitted (Part N); to amend the social services law and the tax law, in relation to increasing the amount of lottery winnings that the state can recoup related to current and former public assistance recipients (Part O); to amend the social services law, in relation to increasing the standards of monthly need for aged, blind and disabled persons living in the community (Part P); to amend the social services law, in relation to expanding inquiries of the statewide central register of child abuse and maltreatment and allowing additional reviews of criminal history information (Part Q); to utilize reserves in the mortgage insurance fund for various housing purposes (Part R); to amend the real property tax law, in relation to the affordable New York housing program; to amend the emergency housing rent control law, the emergency tenant protection act of nineteen seventy-four, and the administrative code of the city of New York, in relation to making technical corrections; and to repeal subdivision 16-a of section 421-a and section 467-i of the real property tax law relating to real property tax abatement and the affordable New York housing program (Part S); to amend the criminal procedure law, the judiciary law and the executive law, in relation to removal of a criminal action to a veterans treatment court (Part T); intentionally omitted (Part U); to amend the education law, in relation to state appropriations to the state university of New York and the city university of New York (Part V); to amend the education law, the state finance law, the civil practice law and rules and the tax law, in relation to establishing the New York state pre-paid tuition plan (Part W); to establish a private student loan refinance task force;

and providing for the repeal of such provisions upon expiration thereof (Part X); to amend the education law, in relation to college room and board price disclosure (Part Y); to amend the education law, in relation to the New York state science, technology, engineering and mathematics incentive program (Part Z); to amend the education law, in relation to the college affordability planning committee (Part AA); to amend the education law, in relation to the state university of New York student telecounseling network (Part BB); to amend the private housing finance law, in relation to the mobile and manufactured home replacement program (Part CC); to amend the private housing finance law, in relation to establishing the New York state first home savings program, which authorizes first time home buyers to establish savings accounts to purchase a home; and to amend the tax law, in relation to establishing a personal income tax deduction for deposits into such accounts (Part DD); to amend the private housing finance law, in relation to establishing the affordable senior housing and services program (Part EE); to amend the real property tax law, in relation to tax abatements for dwelling units occupied by certain persons residing in rent-controlled or rent regulated properties (Part FF); to establish the New York city tax reform study commission, and providing for its powers and duties (Part GG); to amend the general municipal law and the municipal home rule law, in relation to establishing limitations upon real property tax levies in cities with a population of one million or more (Part HH); to amend the real property tax law, the administrative code of the city of New York and the real property law, in relation to classifying properties held in condominium and cooperative form for assessment purposes as class one-a properties; and to repeal certain provisions of the real property tax law relating thereto (Part II); to amend the real property tax law, in relation to increasing the allowable maximum income of persons occupying rental units otherwise eligible for tax abatement in certain cases (Part JJ); to amend the administrative code of the city of New York, in relation to the establishment of homeless shelters and the use of units in privately owned hotels for the provision of housing for homeless individuals (Part KK); to amend the public housing law and the New York city charter, in relation to authorizing the New York city council to oversee the activities of the New York city housing authority (Part LL); to amend the administrative code of the city of New York and the public housing law, in relation to establishing the New York city housing authority repair certificate program (Part MM); to amend the public housing law, in relation to preferences and priorities for prospective public housing and section 8 tenants in the city of New York (Part NN); to amend the public housing law, in relation to veterans' eligibility for public housing (Part OO); to amend the labor law, in relation to exemptions from licensure requirements for mold inspection, assessment and remediation (Part PP); to amend the public housing law, in relation to providing for the appointment of an independent monitor for the New York city housing authority, and providing for the powers and duties of such monitor (Part QQ); to amend the social services law and the banking law, in relation to authorizing banking institutions to refuse to disburse moneys in circumstances of financial exploitation of a vulnerable adult (Part RR); to direct the office of children and family services to examine, evaluate and make recommendations on the availability of day care for children; and providing for the repeal of such provisions upon expiration thereof (Part SS); to amend the social services law, in relation to safety in

child day care programs (Part TT); to amend the education law, in relation to establishing the New York State child welfare worker incentive scholarship program and the New York State child welfare worker loan forgiveness incentive program (Part UU); to amend the education law, in relation to tuition assistance program awards for certain graduate students (Part VV); to amend the education law, in relation to establishing enhanced tuition assistance program awards (Part WW); to amend the education law, in relation to establishing part-time tuition assistance program awards for community college students at the state university of New York (Part XX); to amend the education law, in relation to establishing the community college funding study (Part YY); to amend part K of chapter 54 of the laws of 2016 relating to the rate of minimum wage, in relation to smoothing wages and modifying an existing wage order (Part ZZ); and to amend the retirement and social security law, in relation to the earnings limitation for certain retired police officers (Part AAA)

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. This act enacts into law major components of legislation which are necessary to implement the state fiscal plan for the 2017-2018 state fiscal year. Each component is wholly contained within a Part identified as Parts A through AAA. The effective date for each particular provision contained within such Part is set forth in the last section of such Part. Any provision in any section contained within a Part, including the effective date of the Part, which makes a reference to a section "of this act", when used in connection with that particular component, shall be deemed to mean and refer to the corresponding section of the Part in which it is found. Section three of this act sets forth the general effective date of this act.

PART A

Section 1. Paragraph e of subdivision 1 of section 211-d of the education law, as amended by section 1 of part A of chapter 54 of the laws of 2016, is amended to read as follows:

e. Notwithstanding paragraphs a and b of this subdivision, a school district that submitted a contract for excellence for the two thousand eight--two thousand nine school year shall submit a contract for excellence for the two thousand nine--two thousand ten school year in conformity with the requirements of subparagraph (vi) of paragraph a of subdivision two of this section unless all schools in the district are identified as in good standing and provided further that, a school district that submitted a contract for excellence for the two thousand nine--two thousand ten school year, unless all schools in the district are identified as in good standing, shall submit a contract for excellence for the two thousand eleven--two thousand twelve school year which shall, notwithstanding the requirements of subparagraph (vi) of paragraph a of subdivision two of this section, provide for the expenditure of an amount which shall be not less than the product of the amount approved by the commissioner in the contract for excellence for the two thousand nine--two thousand ten school year, multiplied by the district's gap elimination adjustment percentage and provided further that, a school district that submitted a contract for excellence for the

two thousand eleven--two thousand twelve school year, unless all schools in the district are identified as in good standing, shall submit a contract for excellence for the two thousand twelve--two thousand thirteen school year which shall, notwithstanding the requirements of subparagraph (vi) of paragraph a of subdivision two of this section, provide for the expenditure of an amount which shall be not less than the amount approved by the commissioner in the contract for excellence for the two thousand eleven--two thousand twelve school year and provided further that, a school district that submitted a contract for excellence for the two thousand twelve--two thousand thirteen school year, unless all schools in the district are identified as in good standing, shall submit a contract for excellence for the two thousand thirteen--two thousand fourteen school year which shall, notwithstanding the requirements of subparagraph (vi) of paragraph a of subdivision two of this section, provide for the expenditure of an amount which shall be not less than the amount approved by the commissioner in the contract for excellence for the two thousand twelve--two thousand thirteen school year and provided further that, a school district that submitted a contract for excellence for the two thousand thirteen--two thousand fourteen school year, unless all schools in the district are identified as in good standing, shall submit a contract for excellence for the two thousand fourteen--two thousand fifteen school year which shall, notwithstanding the requirements of subparagraph (vi) of paragraph a of subdivision two of this section, provide for the expenditure of an amount which shall be not less than the amount approved by the commissioner in the contract for excellence for the two thousand thirteen--two thousand fourteen school year; and provided further that, a school district that submitted a contract for excellence for the two thousand fourteen--two thousand fifteen school year, unless all schools in the district are identified as in good standing, shall submit a contract for excellence for the two thousand fifteen--two thousand sixteen school year which shall, notwithstanding the requirements of subparagraph (vi) of paragraph a of subdivision two of this section, provide for the expenditure of an amount which shall be not less than the amount approved by the commissioner in the contract for excellence for the two thousand fourteen--two thousand fifteen school year; and provided further that a school district that submitted a contract for excellence for the two thousand fifteen--two thousand sixteen school year, unless all schools in the district are identified as in good standing, shall submit a contract for excellence for the two thousand sixteen--two thousand seventeen school year which shall, notwithstanding the requirements of subparagraph (vi) of paragraph a of subdivision two of this section, provide for the expenditure of an amount which shall be not less than the amount approved by the commissioner in the contract for excellence for the two thousand fifteen--two thousand sixteen school year**; and provided further that, a school district with a population of one million or more that submitted a contract for excellence for the two thousand sixteen--two thousand seventeen school year, unless all schools in the district are identified as in good standing, shall submit a contract for excellence for the two thousand seventeen--two thousand eighteen school year which shall, notwithstanding the requirements of subparagraph (vi) of paragraph a of subdivision two of this section, provide for the expenditure of an amount which shall be not less than the amount approved by the commissioner in the contract for excellence for the two thousand sixteen--two thousand seventeen school year**. For purposes of this paragraph, the "gap elimination adjustment percentage"

shall be calculated as the sum of one minus the quotient of the sum of the school district's net gap elimination adjustment for two thousand ten--two thousand eleven computed pursuant to chapter fifty-three of the laws of two thousand ten, making appropriations for the support of government, plus the school district's gap elimination adjustment for two thousand eleven--two thousand twelve as computed pursuant to chapter fifty-three of the laws of two thousand eleven, making appropriations for the support of the local assistance budget, including support for general support for public schools, divided by the total aid for adjustment computed pursuant to chapter fifty-three of the laws of two thousand eleven, making appropriations for the local assistance budget, including support for general support for public schools. Provided, further, that such amount shall be expended to support and maintain allowable programs and activities approved in the two thousand nine--two thousand ten school year or to support new or expanded allowable programs and activities in the current year.

§ 2. The education law is amended by adding a new section 2590-v to read as follows:

§ 2590-v. Notice to students regarding certain test scores. The office of the chancellor shall include a notice in the official score report of all students who received a score of "advanced" on the eighth grade state assessment in either English Language Arts or Mathematics, informing the student of opportunities to apply for admission to the specialized high schools authorized in paragraph (b) of subdivision 1 of section twenty-five hundred ninety-h of this article.

§ 3. Subdivision 2 of section 701 of the education law, as amended by section 1 of part A-1 of chapter 58 of the laws of 2011, is amended to read as follows:

2. A text-book, for the purposes of this section shall mean: (i) any book, or a book substitute, which shall include hard covered or paperback books, work books, or manuals and (ii) for expenses incurred after July first, nineteen hundred ninety-nine, any courseware or other content-based instructional materials in an electronic format, as such terms are defined in the regulations of the commissioner, which a pupil is required to use as a text, or a text-substitute, in a particular class or program in the school he or she legally attends. For expenses incurred on or after July first, two thousand eleven, a text-book shall also mean items of expenditure that are eligible for an apportionment pursuant to sections seven hundred eleven, seven hundred fifty-one and/or seven hundred fifty-three of this title, where such items are designated by the school district as eligible for aid pursuant to this section, provided, however, that if aided pursuant to this section, such expenses shall not be aidable pursuant to any other section of law. **For expenses incurred on or after July first, two thousand seventeen, a text-book shall also mean expenditures for high quality professional development, where such items are designated by the school district as eligible for aid pursuant to this section, provided, however, that the total expenditures for high quality professional development eligible for aid pursuant to this section shall not exceed the amount equal to the documented reduction of textbook expenditures in the base year resulting from the use of courseware or other content-based instructional materials in an electronic format provided to the school district without charge and provided further that if aided pursuant to this section, such expenses shall not be aidable pursuant to any other section of law.** Expenditures aided pursuant to this section shall not be eligible for aid pursuant to any other section of law. Courseware or

other content-based instructional materials in an electronic format included in the definition of textbook pursuant to this subdivision shall be subject to the same limitations on content as apply to books or book substitutes aided pursuant to this section.

§ 4. Intentionally omitted.

§ 5. Subparagraph 5 of paragraph (e) of subdivision 3 of section 2853 of the education law, as amended by section 11 of part A of chapter 54 of the laws of 2016, is amended to read as follows:

(5) For a new charter school whose charter is granted or for an existing charter school whose expansion of grade level, pursuant to this article, is approved by their charter entity, if the appeal results in a determination in favor of the charter school, **for any payments made after the effective date of the chapter of the laws of two thousand seventeen that amended this subparagraph,** the city school district shall pay the charter school an amount attributable to the grade level expansion or the formation of the new charter school that is equal to the lesser of:

(A) the actual **total facility** rental cost**, including but not limited to lease payments, maintenance, costs of capital improvements, costs of occupancy, security, insurance and real property taxes,** of an alternative privately owned site selected by the charter school or

(B) [~~twenty~~] **thirty** percent of the product of the charter school's basic tuition for the current school year and (i) for a new charter school that first commences instruction on or after July first, two thousand fourteen, the charter school's current year enrollment; or (ii) for a charter school which expands its grade level, pursuant to this article, the positive difference of the charter school's enrollment in the current school year minus the charter school's enrollment in the school year prior to the first year of the expansion.

§ 5-a. Paragraph c of subdivision 6-g of section 3602 of the education law, as amended by section 11-a of part A of chapter 54 of the laws of 2016, is amended to read as follows:

c. For purposes of this subdivision, the approved expenses attributable to a lease by a charter school of a privately owned site shall be the lesser of the actual [~~rent paid~~] **total facility rental cost, including but not limited to lease payments, maintenance, costs of capital improvements, costs of occupancy, security, insurance and real property taxes,** under the lease or the maximum cost allowance established by the commissioner for leases aidable under subdivision six of this section.

§ 5-b. Paragraph (e) of subdivision 3 of section 2853 of the education law is amended by adding a new subparagraph 1-a to read as follows:

(1-a) The co-location site or alternative space offered pursuant to subparagraph one of this paragraph shall be sufficient to accommodate all of a charter school's grades at a given school level, as defined by the school, to be educated at a single location.

§ 6. Subdivision 41 of section 3602 of the education law, as added by section 18 of part B of chapter 57 of the laws of 2007, the subdivision heading and opening paragraph as amended by section 20 of part B of chapter 57 of the laws of 2008, is amended to read as follows:

41. Transitional aid for charter school payments. In addition to any other apportionment under this section, for the two thousand seven--two thousand eight school year and thereafter, a school district other than a city school district in a city having a population of one million or more shall be eligible for an apportionment in an amount equal to the sum of

(a) the product of (i) the product of eighty percent multiplied by the charter school basic tuition computed for such school district for the base year pursuant to section twenty-eight hundred fifty-six of this chapter, multiplied by (ii) the positive difference, if any, of the number of resident pupils enrolled in the charter school in the base year less the number of resident pupils enrolled in a charter school in the year prior to the base year, provided, however, that a school district shall be eligible for an apportionment pursuant to this paragraph only if the number of its resident pupils enrolled in charter schools in the base year exceeds two percent of the total resident public school district enrollment of such school district in the base year or the total general fund payments made by such district to charter schools in the base year for resident pupils enrolled in charter schools exceeds two percent of total general fund expenditures of such district in the base year, plus

(b) the product of (i) the product of sixty percent multiplied by the charter school basic tuition computed for such school district for the base year pursuant to section twenty-eight hundred fifty-six of this chapter, multiplied by (ii) the positive difference, if any, of the number of resident pupils enrolled in the charter school in the year prior to the base year less the number of resident pupils enrolled in a charter school in the year two years prior to the base year, provided, however, that a school district shall be eligible for an apportionment pursuant to this paragraph only if the number of its resident pupils enrolled in charter schools in the year prior to the base year exceeds two percent of the total resident public school district enrollment of such school district in the year prior to the base year or the total general fund payments made by such district to charter schools in the year prior to the base year for resident pupils enrolled in charter schools exceeds two percent of the total general fund expenditures of such district in the year prior to the base year, plus

(c) the product of (i) the product of forty percent multiplied by the charter school basic tuition computed for such school district for the base year pursuant to section twenty-eight hundred fifty-six of this chapter, multiplied by (ii) the positive difference, if any, of the number of resident pupils enrolled in the charter school in the year two years prior to the base year less the number of resident pupils enrolled in a charter school in the year three years prior to the base year, provided, however, that a school district shall be eligible for an apportionment pursuant to this paragraph only if the number of its resident pupils enrolled in charter schools in the year two years prior to the base year exceeds two percent of the total resident public school district enrollment of such school district in the year two years prior to the base year or the total general fund payments made by such district to charter schools in the year two years prior to the base year for resident pupils enrolled in charter schools exceeds two percent of the total general fund expenditures of such district in the year two years prior to the base year[~~.~~]**, plus**

(d) **for aid payable in the two thousand eighteen--two thousand nineteen school year the product of (i) ninety percent, multiplied by (ii) the positive difference, if any, of the charter school basic tuition computed for such school district for the base year pursuant to section twenty-eight hundred fifty-six of this chapter less the charter school basic tuition computed for such school district for the two thousand ten--two thousand eleven school year pursuant to section twenty-eight hundred fifty-six of this chapter, multiplied by (iii) the number of**

resident pupils enrolled in the charter school in the base year, provided, however, that a school district shall be eligible for an apportionment pursuant to this paragraph only if the number of its resident pupils enrolled in charter schools in the base year exceeds five thousandths (0.005) of the total resident public school district enrollment of such school district in the base year or the total general fund payments made by such district to charter schools in the base year for resident pupils enrolled in charter schools exceeds five thousandths (0.005) of the total general fund expenditures of such district in the base year, plus

(e) for aid payable in the two thousand nineteen--two thousand twenty school year the product of (i) sixty percent, multiplied by (ii) the positive difference, if any, of the charter school basic tuition computed for such school district for the year prior to the base year pursuant to section twenty-eight hundred fifty-six of this chapter less the charter school basic tuition computed for such school district for the two thousand ten--two thousand eleven school year pursuant to section twenty-eight hundred fifty-six of this chapter, multiplied by (iii) the number of resident pupils enrolled in the charter school in the year prior to the base year, provided, however, that a school district shall be eligible for an apportionment pursuant to this paragraph only if the number of its resident pupils enrolled in charter schools in the year prior to the base year exceeds five thousandths (0.005) of the total resident public school district enrollment of such school district in the year prior to the base year or the total general fund payments made by such district to charter schools in the year prior to the base year for resident pupils enrolled in charter schools exceeds five thousandths (0.005) of the total general fund expenditures of such district in the year prior to the base year, plus

(f) for aid payable in the two thousand twenty--two thousand twenty-one school year the product of (i) thirty percent, multiplied by (ii) the positive difference, if any, of the charter school basic tuition computed for such school district for the year two years prior to the base year pursuant to section twenty-eight hundred fifty-six of this chapter less the charter school basic tuition computed for such school district for the two thousand ten--two thousand eleven school year pursuant to section twenty-eight hundred fifty-six of this chapter, multiplied by (iii) the number of resident pupils enrolled in the charter school in the year two years prior to the base year, provided, however, that a school district shall be eligible for an apportionment pursuant to this paragraph only if the number of its resident pupils enrolled in charter schools in the year two years prior to the base year exceeds five thousandths (0.005) of the total resident public school district enrollment of such school district in the year two years prior to the base year or the total general fund payments made by such district to charter schools in the year two years prior to the base year for resident pupils enrolled in charter schools exceeds five thousandths (0.005) of the total general fund expenditures of such district in the year two years prior to the base year.

(g) For purposes of this subdivision the number of pupils enrolled in a charter school shall not include pupils enrolled in a charter school for which the charter was approved by a charter entity contained in paragraph a of subdivision three of section twenty-eight hundred fifty-one of this chapter.

§ 7. Paragraph a of subdivision 33 of section 305 of the education law, as amended by chapter 621 of the laws of 2003, is amended to read as follows:

a. The commissioner shall establish procedures for the approval of providers of supplemental educational services in accordance with the provisions of subsection (e) of section one thousand one hundred sixteen of the No Child Left Behind Act of 2001 and shall adopt regulations to implement such procedures. Notwithstanding any other provision of state or local law, rule or regulation to the contrary, any local educational agency that receives federal funds pursuant to title I of the Elementary and Secondary Education Act of nineteen hundred sixty-five, as amended, shall be authorized to contract with the approved provider selected by a student's parent, as such term is defined in subsection [~~thirty-one~~] **thirty-eight** of section [~~nine~~] **eight** thousand one hundred one of the [~~No Child Left Behind Act of 2001~~] **Elementary and Secondary Education Act of nineteen hundred sixty-five, as amended**, for the provision of supplemental educational services to the extent required under such section one thousand one hundred sixteen. Eligible approved providers shall include, but not be limited to, public schools, BOCES, institutions of higher education, and community based organizations.

§ 8. Subdivision 7 of section 2802 of the education law, as amended by chapter 425 of the laws of 2002, is amended to read as follows:

7. Notwithstanding any other provision of state or local law, rule or regulation to the contrary, any student who attends a persistently dangerous public elementary or secondary school, as determined by the commissioner pursuant to paragraph a of this subdivision, or who is a victim of a violent criminal offense, as defined pursuant to paragraph b of this subdivision, that occurred on the grounds of a public elementary or secondary school that the student attends, shall be allowed to attend a safe public school within the local educational agency to the extent required by section [~~ninety-five~~] **eighty-five** hundred thirty-two of the [~~No Child Left Behind Act of 2001~~] **Elementary and Secondary Education Act of nineteen hundred sixty-five, as amended**.

a. The commissioner shall annually determine which public elementary and secondary schools are persistently dangerous in accordance with regulations of the commissioner developed in consultation with a representative sample of local educational agencies. Such determination shall be based on data submitted through the uniform violent incident reporting system over a period prescribed in the regulations, which shall not be less than two years.

b. Each local educational agency required to provide unsafe school choice shall establish procedures for determinations by the superintendent of schools or other chief school officer of whether a student is the victim of a violent criminal offense that occurred on school grounds of the school that the student attends. Such superintendent of schools or other chief school officer shall, prior to making any such determination, consult with any law enforcement agency investigating such alleged violent criminal offense and consider any reports or records provided by such agency. The trustees or board of education or other governing board of a local educational agency may provide, by local rule or by-law, for appeal of the determination of the superintendent of schools to such governing board. Notwithstanding any other provision of law to the contrary, the determination of such chief school officer pursuant to this paragraph shall not have collateral estoppel effect in any student disciplinary proceeding brought against the alleged victim or perpetrator of such violent criminal offense. For purposes of this

subdivision, "violent criminal offense" shall mean a crime that involved infliction of serious physical injury upon another as defined in the penal law, a sex offense that involved forcible compulsion or any other offense defined in the penal law that involved the use or threatened use of a deadly weapon.

c. Each local educational agency, as defined in subsection [~~twenty-six~~] thirty of section [~~ninety-one~~] eighty-one hundred one of the [~~No Child Left Behind Act of 2001~~] Elementary and Secondary Education Act of nineteen hundred sixty-five, as amended, that is required to provide school choice pursuant to section [~~ninety-five~~] eighty-five hundred thirty-two of the [~~No Child Left Behind Act of 2001~~] Elementary and Secondary Education Act of nineteen hundred sixty-five, as amended, shall establish procedures for notification of parents of, or persons in parental relation to, students attending schools that have been designated as persistently dangerous and parents of, or persons in parental relation to, students who are victims of violent criminal offenses of their right to transfer to a safe public school within the local educational agency and procedures for such transfer, except that nothing in this subdivision shall be construed to require such notification where there are no other public schools within the local educational agency at the same grade level or such transfer to a safe public school within the local educational agency is otherwise impossible or to require a local educational agency that has only one public school within the local educational agency or only one public school at each grade level to develop such procedures. The commissioner shall be authorized to adopt any regulations deemed necessary to assure that local educational agencies implement the provisions of this subdivision.

§ 9. Subdivision 7 of section 3214 of the education law, as added by chapter 101 of the laws of 2003, is amended to read as follows:

7. Transfer of disciplinary records. Notwithstanding any other provision of law to the contrary, each local educational agency, as such term is defined in subsection [~~twenty-six~~] thirty of section [~~ninety-one~~] eighty-one hundred one of the Elementary and Secondary Education Act of 1965, as amended, shall establish procedures in accordance with section [~~forty-one hundred fifty-five~~] eighty-five hundred thirty-seven of the Elementary and Secondary Education Act of 1965, as amended, and the Family Educational Rights and Privacy Act of 1974, to facilitate the transfer of disciplinary records relating to the suspension or expulsion of a student to any public or nonpublic elementary or secondary school in which such student enrolls or seeks, intends or is instructed to enroll, on a full-time or part-time basis.

§ 10. Intentionally omitted.

§ 11. Intentionally omitted.

§ 12. Section 4 of chapter 425 of the laws of 2002, amending the education law relating to the provision of supplemental educational services, attendance at a safe public school and the suspension of pupils who bring a firearm to or possess a firearm at a school, as amended by section 35 of part A of chapter 54 of the laws of 2016, is amended to read as follows:

§ 4. This act shall take effect July 1, 2002 and shall expire and be deemed repealed June 30, [~~2017~~] 2018.

§ 13. Section 5 of chapter 101 of the laws of 2003, amending the education law relating to the implementation of the No Child Left Behind Act of 2001, as amended by section 36 of part A of chapter 54 of the laws of 2016, is amended to read as follows:

§ 5. This act shall take effect immediately; provided that sections one, two and three of this act shall expire and be deemed repealed on June 30, [~~2017~~] 2018.

§ 14. Paragraph o of subdivision 1 of section 3602 of the education law, as amended by section 15 of part A of chapter 54 of the laws of 2016, is amended to read as follows:

o. "English language learner count" shall mean the number of pupils served in the base year in programs for pupils [~~with limited English proficiency~~] who are English language learners approved by the commissioner pursuant to the provisions of this chapter and in accordance with regulations adopted for such purpose.

§ 15. The commissioner of education shall include direct certification data, for the three most recently available school years, as referenced in the report submitted by such commissioner pursuant to section 46 of part A of chapter 54 of the laws of 2016 in the updated electronic data files prepared pursuant to paragraph b of subdivision 21 of section 305 of the education law.

§ 16. Intentionally omitted.

§ 17. Intentionally omitted.

§ 18. Intentionally omitted.

§ 19. Intentionally omitted.

§ 20. Intentionally omitted.

§ 21. Intentionally omitted.

§ 22. The closing paragraph of subdivision 5-a of section 3602 of the education law, as amended by section 2 of part A of chapter 54 of the laws of 2016, is amended to read as follows:

For the two thousand eight--two thousand nine school year, each school district shall be entitled to an apportionment equal to the product of fifteen percent and the additional apportionment computed pursuant to this subdivision for the two thousand seven--two thousand eight school year. For the two thousand nine--two thousand ten through two thousand [~~sixteen~~] seventeen--two thousand [~~seventeen~~] eighteen school years, each school district shall be entitled to an apportionment equal to the amount set forth for such school district as "SUPPLEMENTAL PUB EXCESS COST" under the heading "2008-09 BASE YEAR AIDS" in the school aid computer listing produced by the commissioner in support of the budget for the two thousand nine--two thousand ten school year and entitled "SA0910".

§ 23. Paragraph b of subdivision 6-c of section 3602 of the education law, as amended by section 24 of part A of chapter 54 of the laws of 2016, is amended to read as follows:

b. For projects approved by the commissioner authorized to receive additional building aid pursuant to this subdivision for the purchase of stationary metal detectors, security cameras or other security devices approved by the commissioner that increase the safety of students and school personnel, provided that for purposes of this paragraph such other security devices shall be limited to electronic security systems and hardened doors, and provided that for projects approved by the commissioner on or after the first day of July two thousand thirteen and before the first day of July two thousand [~~seventeen~~] eighteen such additional aid shall equal the product of (i) the building aid ratio computed for use in the current year pursuant to paragraph c of subdivision six of this section plus ten percentage points, except that in no case shall this amount exceed one hundred percent, and (ii) the actual approved expenditures incurred in the base year pursuant to this subdivision, provided that the limitations on cost allowances prescribed by

paragraph a of subdivision six of this section shall not apply, and provided further that any projects aided under this paragraph must be included in a district's school safety plan. The commissioner shall annually prescribe a special cost allowance for metal detectors, and security cameras, and the approved expenditures shall not exceed such cost allowance.

§ 24. Subdivision 12 of section 3602 of the education law is amended by adding a new undesignated paragraph to read as follows:

For the two thousand seventeen--two thousand eighteen school year, each school district shall be entitled to an apportionment equal to the amount set forth for such school district as "ACADEMIC ENHANCEMENT" under the heading "2016-17 ESTIMATED AIDS" in the school aid computer listing produced by the commissioner in support of the budget for the two thousand sixteen--two thousand seventeen school year and entitled "SA161-7", and such apportionment shall be deemed to satisfy the state obligation to provide an apportionment pursuant to subdivision eight of section thirty-six hundred forty-one of this article.

§ 25. The opening paragraph of subdivision 16 of section 3602 of the education law, as amended by section 4 of part A of chapter 54 of the laws of 2016, is amended to read as follows:

Each school district shall be eligible to receive a high tax aid apportionment in the two thousand eight--two thousand nine school year, which shall equal the greater of (i) the sum of the tier 1 high tax aid apportionment, the tier 2 high tax aid apportionment and the tier 3 high tax aid apportionment or (ii) the product of the apportionment received by the school district pursuant to this subdivision in the two thousand seven--two thousand eight school year, multiplied by the due-minimum factor, which shall equal, for districts with an alternate pupil wealth ratio computed pursuant to paragraph b of subdivision three of this section that is less than two, seventy percent (0.70), and for all other districts, fifty percent (0.50). Each school district shall be eligible to receive a high tax aid apportionment in the two thousand nine--two thousand ten through two thousand twelve--two thousand thirteen school years in the amount set forth for such school district as "HIGH TAX AID" under the heading "2008-09 BASE YEAR AIDS" in the school aid computer listing produced by the commissioner in support of the budget for the two thousand nine--two thousand ten school year and entitled "SA0910". Each school district shall be eligible to receive a high tax aid apportionment in the two thousand thirteen--two thousand fourteen through [~~two thousand sixteen--two thousand seventeen~~] **two thousand seventeen--two thousand eighteen** school years equal to the greater of (1) the amount set forth for such school district as "HIGH TAX AID" under the heading "2008-09 BASE YEAR AIDS" in the school aid computer listing produced by the commissioner in support of the budget for the two thousand nine--two thousand ten school year and entitled "SA0910" or (2) the amount set forth for such school district as "HIGH TAX AID" under the heading "2013-14 ESTIMATED AIDS" in the school aid computer listing produced by the commissioner in support of the executive budget for the 2013-14 fiscal year and entitled "BT131-4".

§ 26. Intentionally omitted.

§ 27. Intentionally omitted.

§ 28. Paragraphs b and f of subdivision 12 of section 3602-e of the education law, as amended by section 19 of part B of chapter 57 of the laws of 2007, are amended to read as follows:

b. [~~minimum~~] curriculum standards [~~that~~] **consistent with the New York state prekindergarten early learning standards to** ensure that such

programs have strong instructional content that is integrated with the school district's instructional program in grades kindergarten [~~though~~] through twelve;

f. time requirements which reflect the needs of the individual school districts [~~for flexibility, but meeting a minimum weekly time requirement~~]; provided, however, that a full-day shall be considered a minimum of five hours per school day, and a half-day shall be a minimum of two and one-half hours per school day;

§ 29. Subdivision 14 of section 3602-e of the education law, as amended by section 19 of part B of chapter 57 of the laws of 2007, is amended to read as follows:

14. On February fifteenth, two thousand, and annually thereafter, the commissioner and the board of regents shall include in its annual report to the legislature and the governor, information on school districts receiving grants under this section; the amount of each grant; a description of the program that each grant supports and an assessment by the commissioner of the extent to which the program meets measurable outcomes required by the grant program or regulations of such commissioner; and any other relevant information, which shall include but not be limited to the following: (a) (i) the total number of students served in state-funded district-operated prekindergarten programs, (ii) the total number of students served in state-funded community-based prekindergarten programs, (iii) the total number of students served in state-funded half-day prekindergarten programs, and (iv) the total number of students served in state-funded full-day prekindergarten programs; (b) (i) the total number of students served in state, federal and locally funded district-operated prekindergarten programs, (ii) the total number of students served in state, federal and locally funded community-based prekindergarten programs, (iii) the total number of students served in state, federal and locally funded half-day prekindergarten programs, and (iv) the total number of students served in state, federal and locally funded full-day prekindergarten programs; (c) the total spending on prekindergarten programs from state, federal, and local sources; and (d) for each program described in subparagraphs (i), (ii), (iii) and (iv) of paragraph (a) of this subdivision, and subparagraphs (i), (ii), (iii) and (iv) of paragraph (b) of this subdivision, the total number of students served with disabilities that have an individualized education plan and, of those, the total number of students requiring any of the following approved services: special education itinerant services; special class in an integrated setting; or a special class. Such report shall also contain any recommendations to improve or otherwise change the program.

§ 30. Section 3602-e of the education law is amended by adding a new subdivision 17 to read as follows:

17. Notwithstanding any inconsistent provision of law, as a condition of eligibility for receipt of funding pursuant to this section, a school district shall agree to adopt approved quality indicators within two years, including, but not limited to, valid and reliable measures of environmental quality, the quality of teacher-student interactions and child outcomes, and ensure that any such assessment of child outcomes shall not be used to make high-stakes educational decisions for individual children.

§ 31. Subdivision 16 of section 3602-ee of the education law, as amended by section 23 of part A of chapter 54 of the laws of 2016, is amended to read as follows:

16. The authority of the department to administer the universal full-day pre-kindergarten program shall expire June thirtieth, two thousand [~~seventeen~~] eighteen; provided that the program shall continue and remain in full effect.

§ 32. Intentionally omitted.

§ 33. The opening paragraph of section 3609-a of the education law, as amended by section 10 of part A of chapter 54 of the laws of 2016, is amended to read as follows:

For aid payable in the two thousand seven--two thousand eight school year through the two thousand sixteen--two thousand seventeen school year, "moneys apportioned" shall mean the lesser of (i) the sum of one hundred percent of the respective amount set forth for each school district as payable pursuant to this section in the school aid computer listing for the current year produced by the commissioner in support of the budget which includes the appropriation for the general support for public schools for the prescribed payments and individualized payments due prior to April first for the current year plus the apportionment payable during the current school year pursuant to subdivision six-a and subdivision fifteen of section thirty-six hundred two of this part minus any reductions to current year aids pursuant to subdivision seven of section thirty-six hundred four of this part or any deduction from apportionment payable pursuant to this chapter for collection of a school district basic contribution as defined in subdivision eight of section forty-four hundred one of this chapter, less any grants provided pursuant to subparagraph two-a of paragraph b of subdivision four of section ninety-two-c of the state finance law, less any grants provided pursuant to subdivision six of section ninety-seven-nnnn of the state finance law, less any grants provided pursuant to subdivision twelve of section thirty-six hundred forty-one of this article, or (ii) the apportionment calculated by the commissioner based on data on file at the time the payment is processed; provided however, that for the purposes of any payments made pursuant to this section prior to the first business day of June of the current year, moneys apportioned shall not include any aids payable pursuant to subdivisions six and fourteen, if applicable, of section thirty-six hundred two of this part as current year aid for debt service on bond anticipation notes and/or bonds first issued in the current year or any aids payable for full-day kindergarten for the current year pursuant to subdivision nine of section thirty-six hundred two of this part. The definitions of "base year" and "current year" as set forth in subdivision one of section thirty-six hundred two of this part shall apply to this section. [~~For aid payable in the two thousand sixteen--two thousand seventeen school year, reference to such "school aid computer listing for the current year" shall mean the printouts entitled "SA161-7".~~] For aid payable in the two thousand seventeen--two thousand eighteen school year and thereafter, "moneys apportioned" shall mean the lesser of: (i) the sum of one hundred percent of the respective amount set forth for each school district as payable pursuant to this section in the school aid computer listing for the current year produced by the commissioner in support of the executive budget request which includes the appropriation for the general support for public schools for the prescribed payments and individualized payments due prior to April first for the current year plus the apportionment payable during the current school year pursuant to subdivisions six-a and fifteen of section thirty-six hundred two of this part minus any reductions to current year aids pursuant to subdivision seven of section thirty-six hundred four of this part or any deduction from

apportionment payable pursuant to this chapter for collection of a school district basic contribution as defined in subdivision eight of section forty-four hundred one of this chapter, less any grants provided pursuant to subparagraph two-a of paragraph b of subdivision four of section ninety-two-c of the state finance law, less any grants provided pursuant to subdivisions six of section ninety-seven-nnnn of the state finance law, less any grants provided pursuant to subdivision twelve of section thirty-six hundred forty-one of this article, or (ii) the apportionment calculated by the commissioner based on data on file at the time the payment is processed; provided however, that for the purposes of any payments made pursuant to this section prior to the first business day of June of the current year, moneys apportioned shall not include any aids payable pursuant to subdivisions six and fourteen, if applicable, of section thirty-six hundred two of this part as current year aid for debt service on bond anticipation notes and/or bonds first issued in the current year or any aids payable for full-day kindergarten for the current year pursuant to subdivision nine of section thirty-six hundred two of this part. For aid payable in the two thousand seventeen--two thousand eighteen school year, reference to such "school aid computer listing for the current year" shall mean the printouts entitled "BT171-8".

§ 34. Paragraph b of subdivision 2 of section 3612 of the education law, as amended by section 26 of part A of chapter 54 of the laws of 2016, is amended to read as follows:

b. Such grants shall be awarded to school districts, within the limits of funds appropriated therefor, through a competitive process that takes into consideration the magnitude of any shortage of teachers in the school district, the number of teachers employed in the school district who hold temporary licenses to teach in the public schools of the state, the number of provisionally certified teachers, the fiscal capacity and geographic sparsity of the district, the number of new teachers the school district intends to hire in the coming school year and the number of summer in the city student internships proposed by an eligible school district, if applicable. Grants provided pursuant to this section shall be used only for the purposes enumerated in this section. Notwithstanding any other provision of law to the contrary, a city school district in a city having a population of one million or more inhabitants receiving a grant pursuant to this section may use no more than eighty percent of such grant funds for any recruitment, retention and certification costs associated with transitional certification of teacher candidates for the school years two thousand one--two thousand two through [~~two thousand sixteen--two thousand seventeen~~] two thousand seventeen--two thousand eighteen.

§ 35. Subdivision 6 of section 4402 of the education law, as amended by section 27 of part A of chapter 54 of the laws of 2016, is amended to read as follows:

6. Notwithstanding any other law, rule or regulation to the contrary, the board of education of a city school district with a population of one hundred twenty-five thousand or more inhabitants shall be permitted to establish maximum class sizes for special classes for certain students with disabilities in accordance with the provisions of this subdivision. For the purpose of obtaining relief from any adverse fiscal impact from under-utilization of special education resources due to low student attendance in special education classes at the middle and secondary level as determined by the commissioner, such boards of education shall, during the school years nineteen hundred ninety-five--nine-

ty-six through June thirtieth, two thousand [~~seventeen~~] eighteen of the [~~two thousand sixteen--two thousand seventeen~~] two thousand seventeen--two thousand eighteen school year, be authorized to increase class sizes in special classes containing students with disabilities whose age ranges are equivalent to those of students in middle and secondary schools as defined by the commissioner for purposes of this section by up to but not to exceed one and two tenths times the applicable maximum class size specified in regulations of the commissioner rounded up to the nearest whole number, provided that in a city school district having a population of one million or more, classes that have a maximum class size of fifteen may be increased by no more than one student and provided that the projected average class size shall not exceed the maximum specified in the applicable regulation, provided that such authorization shall terminate on June thirtieth, two thousand. Such authorization shall be granted upon filing of a notice by such a board of education with the commissioner stating the board's intention to increase such class sizes and a certification that the board will conduct a study of attendance problems at the secondary level and will implement a corrective action plan to increase the rate of attendance of students in such classes to at least the rate for students attending regular education classes in secondary schools of the district. Such corrective action plan shall be submitted for approval by the commissioner by a date during the school year in which such board increases class sizes as provided pursuant to this subdivision to be prescribed by the commissioner. Upon at least thirty days notice to the board of education, after conclusion of the school year in which such board increases class sizes as provided pursuant to this subdivision, the commissioner shall be authorized to terminate such authorization upon a finding that the board has failed to develop or implement an approved corrective action plan.

§ 36. The education law is amended by adding a new section 4403-a to read as follows:

§ 4403-a. Waivers from certain duties. 1. A local school district, approved private school or board of cooperative educational services may submit an application for a waiver from any requirement imposed on such district, school or board of cooperative educational services pursuant to section forty-four hundred two or section forty-four hundred three of this article, and regulations promulgated thereunder, for a specific school year. Such application must be submitted at least sixty days in advance of the proposed date on which the waiver would be effective and shall be in a form prescribed by the commissioner.

2. Before submitting an application for a waiver, the local school district, approved private school or board of cooperative educational services shall provide notice of the proposed waiver to the parents or persons in parental relationship to the students that would be impacted by the waiver if granted. Such notice shall be in a form and manner that will ensure that such parents and persons in parental relationship will be aware of all relevant changes that would occur under the waiver, and shall include information on the form, manner and date by which parents may submit written comments on the proposed waiver. The local school district, approved private school, or board of cooperative educational services shall provide at least sixty days for such parents and persons in parental relationship to submit written comments, and shall include in the waiver application submitted to the commissioner pursuant to subdivision one of this section any written comments received from such parents or persons in parental relationship to such students.

3. The commissioner may grant a waiver from any requirement imposed on a local school district, approved private school or board of cooperative educational services pursuant to section forty-four hundred two or section forty-four hundred three of this article, upon a finding that such waiver will enable a local school district, approved private school or board of cooperative educational services to implement an innovative special education program that is consistent with applicable federal requirements, and will enhance student achievement and/or opportunities for placement in regular classes and programs. In making such determination, the commissioner shall consider any comments received by the local school district, approved private school or board of cooperative educational services from parents or persons in parental relation to the students that would be directly affected by the waiver if granted.

4. Any local school district, approved private school or board of cooperative educational services granted a waiver shall submit an annual report to the commissioner regarding the operation and evaluation of the program no later than thirty days after the end of each school year for which a waiver is granted.

§ 37. Subparagraph (i) of paragraph a of subdivision 10 of section 4410 of the education law is amended by adding a new clause (D) to read as follows:

(D) Notwithstanding any other provision of law, rule or regulation to the contrary, commencing with the two thousand eighteen--two thousand nineteen school year, approved preschool integrated special class programs shall be reimbursed for such services based on an alternative methodology for reimbursement to be established by the commissioner. The alternative methodology, subject to the approval of the director of the budget, shall be proposed by the department no later than October first, two thousand seventeen.

§ 38. Intentionally omitted.

§ 39. Subparagraph (ii) of paragraph (a) of subdivision 9 of section 103 of the general municipal law, as amended by chapter 62 of the laws of 2016, is amended to read as follows:

(ii) such association of producers or growers is comprised of owners of farms who also operate such farms and have combined to fill the order of a school district, and where such order is for [~~twenty-five thousand~~] one hundred thousand dollars or less as herein authorized, provided however, that a school district may apply to the commissioner of education for permission to purchase orders of more than [~~twenty-five thousand~~] one hundred thousand dollars from an association of owners of such farms when no other producers or growers have offered to sell to such school;

§ 40. Section 7 of chapter 472 of the laws of 1998, amending the education law relating to the lease of school buses by school districts, as amended by section 18 of part A of chapter 56 of the laws of 2015, is amended to read as follows:

§ 7. This act shall take effect September 1, 1998, and shall expire and be deemed repealed September 1, [~~2017~~] 2019.

§ 41. Subdivision 6-a of section 140 of chapter 82 of the laws of 1995, amending the education law and certain other laws relating to state aid to school districts and the appropriation of funds for the support of government, as amended by section 17-a of part A of chapter 57 of the laws of 2012, is amended to read as follows:

(6-a) Section seventy-three of this act shall take effect July 1, 1995 and shall be deemed repealed June 30, [~~2017~~] 2022;

§ 42. Intentionally omitted.

§ 43. Intentionally omitted.

§ 44. Subdivision b of section 2 of chapter 756 of the laws of 1992, relating to funding a program for work force education conducted by the consortium for worker education in New York city, as amended by section 28 of part A of chapter 54 of the laws of 2016, is amended to read as follows:

b. Reimbursement for programs approved in accordance with subdivision a of this section for [~~the 2012--2013 school year shall not exceed 63.3 percent of the lesser of such approvable costs per contact hour or twelve dollars and thirty-five cents per contact hour, reimbursement for the 2013--2014 school year shall not exceed 62.3 percent of the lesser of such approvable costs per contact hour or twelve dollars and sixty-five cents per contact hour, reimbursement for the 2014--2015 school year shall not exceed 61.6 percent of the lesser of such approvable costs per contact hour or thirteen dollars per contact hour, reimbursement for~~] the 2015--2016 school year shall not exceed 60.7 percent of the lesser of such approvable costs per contact hour or thirteen dollars and forty cents per contact hour, [~~and~~] reimbursement for the 2016--2017 school year shall not exceed 60.3 percent of the lesser of such approvable costs per contact hour or thirteen dollars ninety cents per contact hour**, and reimbursement for the 2017--2018 school year shall not exceed 60.4 percent of the lesser of such approvable costs per contact hour or thirteen dollars and ninety cents per contact hour,** where a contact hour represents sixty minutes of instruction services provided to an eligible adult. Notwithstanding any other provision of law to the contrary, [~~for the 2012--2013 school year such contact hours shall not exceed one million six hundred sixty-four thousand five hundred thirty-two (1,664,532) hours; whereas for the 2013--2014 school year such contact hours shall not exceed one million six hundred forty-nine thousand seven hundred forty-six (1,649,746) hours; whereas for the 2014--2015 school year such contact hours shall not exceed one million six hundred twenty-five thousand (1,625,000) hours; whereas~~] for the 2015--2016 school year such contact hours shall not exceed one million five hundred ninety-nine thousand fifteen (1,599,015) hours; whereas for the 2016--2017 school year such contact hours shall not exceed one million five hundred fifty-one thousand three hundred twelve (1,551,312)**; and for the 2017--2018 school year such contact hours shall not exceed one million five hundred forty-nine thousand four hundred sixty-three (1,549,463)**. Notwithstanding any other provision of law to the contrary, the apportionment calculated for the city school district of the city of New York pursuant to subdivision 11 of section 3602 of the education law shall be computed as if such contact hours provided by the consortium for worker education, not to exceed the contact hours set forth herein, were eligible for aid in accordance with the provisions of such subdivision 11 of section 3602 of the education law.

§ 45. Section 4 of chapter 756 of the laws of 1992, relating to funding a program for work force education conducted by the consortium for worker education in New York city, is amended by adding a new subdivision v to read as follows:

v. The provisions of this subdivision shall not apply after the completion of payments for the 2017--2018 school year. Notwithstanding any inconsistent provisions of law, the commissioner of education shall withhold a portion of employment preparation education aid due to the city school district of the city of New York to support a portion of the costs of the work force education program. Such moneys shall be credited

to the elementary and secondary education fund-local assistance account and shall not exceed thirteen million dollars ($13,000,000).

§ 45-a. Enhanced credentials program. The legislature hereby authorizes reimbursement by the state education department for workforce education conducted by the consortium for worker education, a private not-for-profit located in the city of New York. In order to be eligible for reimbursement, such programs conducted by the consortium for worker education must be approved by the commissioner of education with the goals of enabling adults who are twenty-one years or older to obtain recognized industry credentials that will enhance their opportunities to achieve increased earning, career advancement and long term job retention. Such credentialing programs shall operate between July first and June thirtieth and many include, but not be limited to, day and evening programs which provide instruction designed to achieve specific industry recognized credentials as approved by such commissioner. Other authorized expenditures include those related to assessment, counseling, administration, purchase of instructional materials, purchase or lease of equipment, personal services related to development of curriculum, necessary and reasonable costs of credential acquisition, cost of inservice training for participating teachers or counselors and other administrative costs as approved by such commissioner. Allowable approved expenditures for this enhanced credentials program shall be reimbursed according to the payment schedule indicated in chapter 756 of the laws of 1992.

§ 46. Section 6 of chapter 756 of the laws of 1992, relating to funding a program for work force education conducted by the consortium for worker education in New York city, as amended by section 30 of part A of chapter 54 of the laws of 2016, is amended to read as follows:

§ 6. This act shall take effect July 1, 1992, and shall be deemed repealed on June 30, [~~2017~~] **2018**.

§ 47. Subdivisions 22 and 24 of section 140 of chapter 82 of the laws of 1995, amending the education law and certain other laws relating to state aid to school districts and the appropriation of funds for the support of government, as amended by section 33 of part A of chapter 54 of the laws of 2016, are amended to read as follows:

(22) sections one hundred twelve, one hundred thirteen, one hundred fourteen, one hundred fifteen and one hundred sixteen of this act shall take effect on July 1, 1995; provided, however, that section one hundred thirteen of this act shall remain in full force and effect until July 1, [~~2017~~] **2018** at which time it shall be deemed repealed;

(24) sections one hundred eighteen through one hundred thirty of this act shall be deemed to have been in full force and effect on and after July 1, 1995; provided further, however, that the amendments made pursuant to section one hundred twenty-four of this act shall be deemed to be repealed on and after July 1, [~~2017~~] **2018**;

§ 48. Paragraphs a-1 and (b) of section 5 of chapter 89 of the laws of 2016 relating to supplementary funding for dedicated programs for public school students in the East Ramapo central school district, are amended to read as follows:

(a-1) The East Ramapo central school district shall be eligible to receive reimbursement [~~from such funds made available~~] pursuant to [~~paragraph (a) of~~] this [~~section~~] **act, subject to available appropriation,** for its approved expenditures **in the two thousand sixteen--two thousand seventeen school year and thereafter** on services to improve and enhance the educational opportunities of students attending the public schools in such district. Such services shall include, but not be limit-

ed to, reducing class sizes, expanding academic and enrichment opportunities, establishing and expanding kindergarten programs, expanding extracurricular opportunities and providing student support services, provided, however, transportation services and expenses shall not be eligible for reimbursement from such funds.

(b) In order to receive such funds, the school district in consultation with the monitor or monitors shall develop a long term strategic academic and fiscal improvement plan within 6 months from the enactment of this act **and shall annually revise such plan by October first of each year thereafter**. Such plan**, including such annual revisions thereto,** shall be submitted to the commissioner for approval and shall include a set of goals with appropriate benchmarks and measurable objectives and identify strategies to address areas where improvements are needed in the district, including but not limited to its financial stability, academic opportunities and outcomes, education of students with disabilities, education of English language learners, and shall ensure compliance with all applicable state and federal laws and regulations. This improvement plan shall also include a comprehensive expenditure plan that will describe how the funds made available to the district pursuant to this section will be spent **in the applicable school year**. The comprehensive expenditure plan shall ensure that funds supplement, not supplant, expenditures from local, state and federal funds for services provided to public school students**, except that such funds may be used to continue services funded pursuant to this act in prior years**. Such expenditure plan shall be developed **and annually revised** in consultation with the monitor or monitors appointed by the commissioner. The board of education of the East Ramapo central school district must **annually** conduct a public hearing on the expenditure plan and shall consider the input of the community before adopting such plan. Such expenditure plan shall also be made publicly available and shall be **annually** submitted along with comments made by the community to the commissioner for approval once the plan is finalized. Upon review of the improvement plan and the expenditure plan, required to be submitted pursuant to this subdivision or section seven of this act, the commissioner shall approve or deny such plan in writing and, if denied, shall include the reasons therefor. The district in consultation with the monitors may resubmit such plan or plans with any needed modifications thereto.

§ 49. Section 8 of chapter 89 of the laws of 2016 relating to supplementary funding for dedicated programs for public school students in the East Ramapo central school district, is amended to read as follows:

§ 8. This act shall take effect July 1, 2016 and shall expire and be deemed repealed June 30, [~~2017~~] **2018**.

§ 50. Section 12 of chapter 147 of the laws of 2001, amending the education law relating to conditional appointment of school district, charter school or BOCES employees, as amended by section 34 of part A of chapter 54 of the laws of 2016, is amended to read as follows:

§ 12. This act shall take effect on the same date as chapter 180 of the laws of 2000 takes effect, and shall expire July 1, [~~2017~~] **2018** when upon such date the provisions of this act shall be deemed repealed.

§ 51. School bus driver training. In addition to apportionments otherwise provided by section 3602 of the education law, for aid payable in the 2017--2018 school year, the commissioner of education shall allocate school bus driver training grants to school districts and boards of cooperative educational services pursuant to sections 3650-a, 3650-b and 3650-c of the education law, or for contracts directly with not-for-profit educational organizations for the purposes of this section. Such

payments shall not exceed four hundred thousand dollars ($400,000) per school year.

§ 52. Special apportionment for salary expenses. a. Notwithstanding any other provision of law, upon application to the commissioner of education, not sooner than the first day of the second full business week of June 2018 and not later than the last day of the third full business week of June 2018, a school district eligible for an apportionment pursuant to section 3602 of the education law shall be eligible to receive an apportionment pursuant to this section, for the school year ending June 30, 2018, for salary expenses incurred between April 1 and June 30, 2017 and such apportionment shall not exceed the sum of (i) the deficit reduction assessment of 1990--1991 as determined by the commissioner of education, pursuant to paragraph f of subdivision 1 of section 3602 of the education law, as in effect through June 30, 1993, plus (ii) 186 percent of such amount for a city school district in a city with a population in excess of 1,000,000 inhabitants, plus (iii) 209 percent of such amount for a city school district in a city with a population of more than 195,000 inhabitants and less than 219,000 inhabitants according to the latest federal census, plus (iv) the net gap elimination adjustment for 2010--2011, as determined by the commissioner of education pursuant to chapter 53 of the laws of 2010, plus (v) the gap elimination adjustment for 2011--2012 as determined by the commissioner of education pursuant to subdivision 17 of section 3602 of the education law, and provided further that such apportionment shall not exceed such salary expenses. Such application shall be made by a school district, after the board of education or trustees have adopted a resolution to do so and in the case of a city school district in a city with a population in excess of 125,000 inhabitants, with the approval of the mayor of such city.

b. The claim for an apportionment to be paid to a school district pursuant to subdivision a of this section shall be submitted to the commissioner of education on a form prescribed for such purpose, and shall be payable upon determination by such commissioner that the form has been submitted as prescribed. Such approved amounts shall be payable on the same day in September of the school year following the year in which application was made as funds provided pursuant to subparagraph (4) of paragraph b of subdivision 4 of section 92-c of the state finance law, on the audit and warrant of the state comptroller on vouchers certified or approved by the commissioner of education in the manner prescribed by law from moneys in the state lottery fund and from the general fund to the extent that the amount paid to a school district pursuant to this section exceeds the amount, if any, due such school district pursuant to subparagraph (2) of paragraph a of subdivision 1 of section 3609-a of the education law in the school year following the year in which application was made.

c. Notwithstanding the provisions of section 3609-a of the education law, an amount equal to the amount paid to a school district pursuant to subdivisions a and b of this section shall first be deducted from the following payments due the school district during the school year following the year in which application was made pursuant to subparagraphs (1), (2), (3), (4) and (5) of paragraph a of subdivision 1 of section 3609-a of the education law in the following order: the lottery apportionment payable pursuant to subparagraph (2) of such paragraph followed by the fixed fall payments payable pursuant to subparagraph (4) of such paragraph and then followed by the district's payments to the teachers' retirement system pursuant to subparagraph (1) of such para-

graph, and any remainder to be deducted from the individualized payments due the district pursuant to paragraph b of such subdivision shall be deducted on a chronological basis starting with the earliest payment due the district.

§ 53. Special apportionment for public pension accruals. a. Notwithstanding any other provision of law, upon application to the commissioner of education, not later than June 30, 2018, a school district eligible for an apportionment pursuant to section 3602 of the education law shall be eligible to receive an apportionment pursuant to this section, for the school year ending June 30, 2018 and such apportionment shall not exceed the additional accruals required to be made by school districts in the 2004--2005 and 2005--2006 school years associated with changes for such public pension liabilities. The amount of such additional accrual shall be certified to the commissioner of education by the president of the board of education or the trustees or, in the case of a city school district in a city with a population in excess of 125,000 inhabitants, the mayor of such city. Such application shall be made by a school district, after the board of education or trustees have adopted a resolution to do so and in the case of a city school district in a city with a population in excess of 125,000 inhabitants, with the approval of the mayor of such city.

b. The claim for an apportionment to be paid to a school district pursuant to subdivision a of this section shall be submitted to the commissioner of education on a form prescribed for such purpose, and shall be payable upon determination by such commissioner that the form has been submitted as prescribed. Such approved amounts shall be payable on the same day in September of the school year following the year in which application was made as funds provided pursuant to subparagraph (4) of paragraph b of subdivision 4 of section 92-c of the state finance law, on the audit and warrant of the state comptroller on vouchers certified or approved by the commissioner of education in the manner prescribed by law from moneys in the state lottery fund and from the general fund to the extent that the amount paid to a school district pursuant to this section exceeds the amount, if any, due such school district pursuant to subparagraph (2) of paragraph a of subdivision 1 of section 3609-a of the education law in the school year following the year in which application was made.

c. Notwithstanding the provisions of section 3609-a of the education law, an amount equal to the amount paid to a school district pursuant to subdivisions a and b of this section shall first be deducted from the following payments due the school district during the school year following the year in which application was made pursuant to subparagraphs (1), (2), (3), (4) and (5) of paragraph a of subdivision 1 of section 3609-a of the education law in the following order: the lottery apportionment payable pursuant to subparagraph (2) of such paragraph followed by the fixed fall payments payable pursuant to subparagraph (4) of such paragraph and then followed by the district's payments to the teachers' retirement system pursuant to subparagraph (1) of such paragraph, and any remainder to be deducted from the individualized payments due the district pursuant to paragraph b of such subdivision shall be deducted on a chronological basis starting with the earliest payment due the district.

§ 54. Intentionally omitted.

§ 55. Notwithstanding the provision of any law, rule, or regulation to the contrary, the city school district of the city of Rochester, upon the consent of the board of cooperative educational services of the

supervisory district serving its geographic region may purchase from such board for the 2017--2018 school year, as a non-component school district, services required by article 19 of the education law.

§ 56. The amounts specified in this section shall be set aside from the state funds which each such district is receiving from the total foundation aid: for the purpose of the development, maintenance or expansion of magnet schools or magnet school programs for the 2017--2018 school year. To the city school district of the city of New York there shall be paid forty-eight million one hundred seventy-five thousand dollars ($48,175,000) including five hundred thousand dollars ($500,000) for the Andrew Jackson High School; to the Buffalo city school district, twenty-one million twenty-five thousand dollars ($21,025,000); to the Rochester city school district, fifteen million dollars ($15,000,000); to the Syracuse city school district, thirteen million dollars ($13,000,000); to the Yonkers city school district, forty-nine million five hundred thousand dollars ($49,500,000); to the Newburgh city school district, four million six hundred forty-five thousand dollars ($4,645,000); to the Poughkeepsie city school district, two million four hundred seventy-five thousand dollars ($2,475,000); to the Mount Vernon city school district, two million dollars ($2,000,000); to the New Rochelle city school district, one million four hundred ten thousand dollars ($1,410,000); to the Schenectady city school district, one million eight hundred thousand dollars ($1,800,000); to the Port Chester city school district, one million one hundred fifty thousand dollars ($1,150,000); to the White Plains city school district, nine hundred thousand dollars ($900,000); to the Niagara Falls city school district, six hundred thousand dollars ($600,000); to the Albany city school district, three million five hundred fifty thousand dollars ($3,550,000); to the Utica city school district, two million dollars ($2,000,000); to the Beacon city school district, five hundred sixty-six thousand dollars ($566,000); to the Middletown city school district, four hundred thousand dollars ($400,000); to the Freeport union free school district, four hundred thousand dollars ($400,000); to the Greenburgh central school district, three hundred thousand dollars ($300,000); to the Amsterdam city school district, eight hundred thousand dollars ($800,000); to the Peekskill city school district, two hundred thousand dollars ($200,000); and to the Hudson city school district, four hundred thousand dollars ($400,000). Notwithstanding the provisions of this section, a school district receiving a grant pursuant to this section may use such grant funds for: (i) any instructional or instructional support costs associated with the operation of a magnet school; or (ii) any instructional or instructional support costs associated with implementation of an alternative approach to reduction of racial isolation and/or enhancement of the instructional program and raising of standards in elementary and secondary schools of school districts having substantial concentrations of minority students. The commissioner of education shall not be authorized to withhold magnet grant funds from a school district that used such funds in accordance with this paragraph, notwithstanding any inconsistency with a request for proposals issued by such commissioner. For the purpose of attendance improvement and dropout prevention for the 2017--2018 school year, for any city school district in a city having a population of more than one million, the setaside for attendance improvement and dropout prevention shall equal the amount set aside in the base year. For the 2017--2018 school year, it is further provided that any city school district in a city having a population of more than one million shall allocate at

least one-third of any increase from base year levels in funds set aside pursuant to the requirements of this subdivision to community-based organizations. Any increase required pursuant to this subdivision to community-based organizations must be in addition to allocations provided to community-based organizations in the base year. For the purpose of teacher support for the 2017--2018 school year: to the city school district of the city of New York, sixty-two million seven hundred seven thousand dollars ($62,707,000); to the Buffalo city school district, one million seven hundred forty-one thousand dollars ($1,741,000); to the Rochester city school district, one million seventy-six thousand dollars ($1,076,000); to the Yonkers city school district, one million one hundred forty-seven thousand dollars ($1,147,000); and to the Syracuse city school district, eight hundred nine thousand dollars ($809,000). All funds made available to a school district pursuant to this section shall be distributed among teachers including prekindergarten teachers and teachers of adult vocational and academic subjects in accordance with this section and shall be in addition to salaries heretofore or hereafter negotiated or made available; provided, however, that all funds distributed pursuant to this section for the current year shall be deemed to incorporate all funds distributed pursuant to former subdivision 27 of section 3602 of the education law for prior years. In school districts where the teachers are represented by certified or recognized employee organizations, all salary increases funded pursuant to this section shall be determined by separate collective negotiations conducted pursuant to the provisions and procedures of article 14 of the civil service law, notwithstanding the existence of a negotiated agreement between a school district and a certified or recognized employee organization. For the purpose of continuing contractual obligations of conversion charter schools and their employees for the 2017-2018 school year, to the city school district of the city of New York, eleven million dollars ($11,000,000). For teacher centers located in Bronx county, to the city of New York, one million two hundred fifty thousand dollars ($1,250,000).

§ 57. Support of public libraries. The moneys appropriated for the support of public libraries by a chapter of the laws of 2017 enacting the aid to localities budget shall be apportioned for the 2017-2018 state fiscal year in accordance with the provisions of sections 271, 272, 273, 282, 284, and 285 of the education law as amended by the provisions of this chapter and the provisions of this section, provided that library construction aid pursuant to section 273-a of the education law shall not be payable from the appropriations for the support of public libraries and provided further that no library, library system or program, as defined by the commissioner of education, shall receive less total system or program aid than it received for the year 2001-2002 except as a result of a reduction adjustment necessary to conform to the appropriations for support of public libraries. Notwithstanding any other provision of law to the contrary the moneys appropriated for the support of public libraries for the year 2017-2018 by a chapter of the laws of 2017 enacting the education, labor and family assistance budget shall fulfill the state's obligation to provide such aid and, pursuant to a plan developed by the commissioner of education and approved by the director of the budget, the aid payable to libraries and library systems pursuant to such appropriations shall be reduced proportionately to assure that the total amount of aid payable does not exceed the total appropriations for such purpose.

§ 58. Severability. The provisions of this act shall be severable, and if the application of any clause, sentence, paragraph, subdivision, section or part of this act to any person or circumstance shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not necessarily affect, impair or invalidate the application of any such clause, sentence, paragraph, subdivision, section, part of this act or remainder thereof, as the case may be, to any other person or circumstance, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

§ 59. This act shall take effect immediately, and shall be deemed to have been in full force and effect on and after April 1, 2017, provided, however, that:

1. sections one, three, five, five-a, five-b, six, fifteen, twenty-two, twenty-three, twenty-four, twenty-five, twenty-eight, twenty-nine, thirty, thirty-three, thirty-four, thirty-five, forty-four, forty-eight, forty-nine, fifty-one, fifty-five, and fifty-six of this act shall take effect July 1, 2017;

2. the amendments to chapter 756 of the laws of 1992, relating to funding a program for work force education conducted by a consortium for worker education in New York city, made by sections forty-four and forty-five of this act, shall not affect the repeal of such chapter and shall be deemed repealed therewith;

3. the amendments to chapter 89 of the laws of 2016, relating to supplementary funding for dedicated programs for public school students in the East Ramapo central school district, made by section forty-eight of this act shall not affect the repeal of such chapter and shall be deemed repealed therewith;

4. the amendments to subdivision 33 of section 305 of the education law, made by section seven of this act, shall not affect the repeal of such subdivision and shall be deemed repealed therewith;

5. the amendments to subdivision 7 of section 2802 of the education law, made by section eight of this act, shall not affect the repeal of such subdivision and shall be deemed repealed therewith;

6. the amendments to subdivision 7 of section 3214 of the education law, made by section nine of this act, shall not affect the repeal of such subdivision and shall be deemed repealed therewith; and

7. section forty-seven of this act shall take effect immediately and shall be deemed to have been in full force and effect on and after July 1, 2017.

PART A-1

Section 1. Clause (ii) of subparagraph 2 of paragraph b of subdivision 4 of section 3602 of the education law, as amended by section 7 of part A of chapter 54 of the laws of 2016, is amended and a new paragraph (b-3) is added to read as follows:

(ii) Phase-in foundation increase factor. For the two thousand eleven--two thousand twelve school year, the phase-in foundation increase factor shall equal thirty-seven and one-half percent (0.375) and the phase-in due minimum percent shall equal nineteen and forty-one hundredths percent (0.1941), for the two thousand twelve--two thousand thirteen school year the phase-in foundation increase factor shall equal one and seven-tenths percent (0.017), for the two thousand thirteen--two thousand fourteen school year the phase-in foundation increase factor

shall equal (1) for a city school district in a city having a population of one million or more, five and twenty-three hundredths percent (0.0523) or (2) for all other school districts zero percent, for the two thousand fourteen--two thousand fifteen school year the phase-in foundation increase factor shall equal (1) for a city school district of a city having a population of one million or more, four and thirty-two hundredths percent (0.0432) or (2) for a school district other than a city school district having a population of one million or more for which (A) the quotient of the positive difference of the foundation formula aid minus the foundation aid base computed pursuant to paragraph j of subdivision one of this section divided by the foundation formula aid is greater than twenty-two percent (0.22) and (B) a combined wealth ratio less than thirty-five hundredths (0.35), seven percent (0.07) or (3) for all other school districts, four and thirty-one hundredths percent (0.0431), and for the two thousand fifteen--two thousand sixteen school year the phase-in foundation increase factor shall equal: (1) for a city school district of a city having a population of one million or more, thirteen and two hundred seventy-four thousandths percent (0.13274); or (2) for districts where the quotient arrived at when dividing (A) the product of the total aidable foundation pupil units multiplied by the district's selected foundation aid less the total foundation aid base computed pursuant to paragraph j of subdivision one of this section divided by (B) the product of the total aidable foundation pupil units multiplied by the district's selected foundation aid is greater than nineteen percent (0.19), and where the district's combined wealth ratio is less than thirty-three hundredths (0.33), seven and seventy-five hundredths percent (0.0775); or (3) for any other district designated as high need pursuant to clause (c) of subparagraph two of paragraph c of subdivision six of this section for the school aid computer listing produced by the commissioner in support of the enacted budget for the two thousand seven--two thousand eight school year and entitled "SA0708", four percent (0.04); or (4) for a city school district in a city having a population of one hundred twenty-five thousand or more but less than one million, fourteen percent (0.14); or (5) for school districts that were designated as small city school districts or central school districts whose boundaries include a portion of a small city for the school aid computer listing produced by the commissioner in support of the enacted budget for the two thousand fourteen--two thousand fifteen school year and entitled "SA1415", four and seven hundred fifty-one thousandths percent (0.04751); or (6) for all other districts one percent (0.01), and for the two thousand sixteen--two thousand seventeen school year **the foundation aid phase-in increase factor** shall equal for an eligible school district the greater of: (1) for a city school district in a city with a population of one million or more, seven and seven hundred eighty four thousandths percent (0.07784); or (2) for a city school district in a city with a population of more than two hundred fifty thousand but less than one million as of the most recent federal decennial census, seven and three hundredths percent (0.0703); or (3) for a city school district in a city with a population of more than two hundred thousand but less than two hundred fifty thousand as of the most recent federal decennial census, six and seventy-two hundredths percent (0.0672); or (4) for a city school district in a city with a population of more than one hundred fifty thousand but less than two hundred thousand as of the most recent federal decennial census, six and seventy-four hundredths percent (0.0674); or (5) for a city school district in a city with a population of more than one hundred twenty-

five thousand but less than one hundred fifty thousand as of the most recent federal decennial census, nine and fifty-five hundredths percent (0.0955); or (6) for school districts that were designated as small city school districts or central school districts whose boundaries include a portion of a small city for the school aid computer listing produced by the commissioner in support of the enacted budget for the two thousand fourteen--two thousand fifteen school year and entitled "SA141-5" with a combined wealth ratio less than one and four tenths (1.4), nine percent (0.09), provided, however, that for such districts that are also districts designated as high need urban-suburban pursuant to clause (c) of subparagraph two of paragraph c of subdivision six of this section for the school aid computer listing produced by the commissioner in support of the enacted budget for the two thousand seven--two thousand eight school year and entitled "SA0708", nine and seven hundred and nineteen thousandths percent (0.09719); or (7) for school districts designated as high need rural pursuant to clause (c) of subparagraph two of paragraph c of subdivision six of this section for the school aid computer listing produced by the commissioner in support of the enacted budget for the two thousand seven--two thousand eight school year and entitled "SA0708", thirteen and six tenths percent (0.136); or (8) for school districts designated as high need urban-suburban pursuant to clause (c) of subparagraph two of paragraph c of subdivision six of this section for the school aid computer listing produced by the commissioner in support of the enacted budget for the two thousand seven--two thousand eight school year and entitled "SA0708", seven hundred nineteen thousandths percent (0.00719); or (9) for all other eligible school districts, forty-seven hundredths percent (0.0047)**,** and for the two thousand [~~**seventeen**~~] **eighteen**--two thousand [~~**eighteen**~~] **nineteen** school year and thereafter the commissioner shall annually determine the phase-in foundation increase factor subject to allocation pursuant to the provisions of subdivision eighteen of this section and any provisions of a chapter of the laws of New York as described therein.

b-3. Two thousand seventeen--two thousand eighteen foundation aid. Notwithstanding any inconsistent provision of law to the contrary, for the two thousand seventeen--two thousand eighteen school year a school district shall be eligible to receive total foundation aid equal to the greater of (A) the sum of the amount designated on the data file produced by the commissioner in support of the executive budget for the two thousand seventeen--two thousand eighteen school year entitled "BT1718" for foundation aid plus the sum of the community schools payment, the English language learner payment, the small cities payment, the sparsity payment, the large city payment, and the additional small schools payment, as computed pursuant to this paragraph, or (B) the product of total foundation aid payable for the two thousand sixteen--two thousand seventeen school year multiplied by twenty-two thousandths (0.022), subject to the maximum increase as computed pursuant to this paragraph.

(1) Community schools payment. The community schools payment, for any district that has an allocation as set forth as "COMMUNITY SCH INCR" in the data file produced by the commissioner in support of the executive budget for the two thousand seventeen--two thousand eighteen school year and entitled "BT1718", shall equal the sum of tier one plus tier two.

(A) Tier one, for school districts where the quotient arrived at by dividing the English language learner count pursuant to paragraph o of subdivision one of this section by the public school district enrollment pursuant to paragraph n of subdivision one of this section is less than

one hundred twenty-five one-thousandths (0.125) and the state sharing ratio for total foundation aid pursuant to paragraph g of subdivision three of this section is less than five hundred twelve one-thousandths (0.512), shall equal the maximum of (i) the product of public school district enrollment multiplied by thirty-two dollars ($32.00), or (ii) the product of public school district enrollment multiplied by one hundred sixty-nine dollars and forty cents ($169.40) multiplied by the difference of the quotient of the number of persons aged five to seventeen within the school district, based on the most recent decennial census as tabulated by the national center on education statistics, who were enrolled in public schools and whose families had incomes below the poverty level, divided by the total number of persons aged five to seventeen within the school district, based on such decennial census, who were enrolled in public schools, computed to four decimals without rounding less one one-hundredth (0.01).

(B) Tier two, for any district eligible for the community schools payment but not eligible for tier one, shall equal the maximum of (i) the product of public school enrollment multiplied by twenty-six dollars ($26.00) or (ii) the product of public school district enrollment multiplied by ten dollars ($10.00) multiplied by the sum of the state sharing ratio for total foundation aid plus the quotient arrived at when dividing the difference of five minus the pupil wealth ratio for total foundation aid computed pursuant to paragraph a of subdivision three of this section by the sum of two.

(2) English language learner payment. For school districts not located in a city having a population of one hundred twenty-five thousand or more, and (A) three-year average free and reduced price lunch percent computed pursuant to subparagraph (ii) of paragraph p of subdivision one of this section greater than one hundred fifteen one-thousandths (0.115), (B) a combined wealth ratio for total foundation aid computed pursuant to paragraph c of subdivision three of this section of less than one and three hundredths (1.03), and (C) where the quotient when arrived at by dividing the English language learner count pursuant to paragraph o of subdivision one of this section by the public school district enrollment pursuant to paragraph n of subdivision one of this section is greater than two hundred eighty-five ten-thousandths (0.0285), the English language learner payment shall equal the product of public school district enrollment multiplied by sixty dollars ($60.00).

(3) Small cities payment. For all school districts that were designated as small city school districts or central school districts whose boundaries include a portion of a small city for the school aid computer listing produced by the commissioner in support of the enacted budget for the two thousand fourteen--two thousand fifteen school year and entitled "SA1415" (A) that are not eligible for the English language learner payment pursuant to this paragraph, the small cities payment shall equal the product of public school district enrollment multiplied by sixty dollars ($60.00), and (B) that are eligible for such English language learner payment, the small cities payment shall equal the product of public school district enrollment multiplied by thirty dollars ($30.00).

(4) Sparsity payment. For school districts (A) operating a kindergarten through grade twelve school program with a positive quotient, if any, computed to three decimals without rounding, of the positive remainder of twenty-five (25) minus the enrollment per square mile divided by fifty and nine-tenths (50.9), (B) a combined wealth ratio of

less than six-tenths (0.6), and (C) not eligible for the English language learner payment pursuant to this paragraph, the sparsity payment shall equal the product of public school district enrollment multiplied by fifty-five dollars ($55.00).

(5) Large city payment. For a school district located in a city with a population of one million or more, the large city payment shall equal ninety-nine million two hundred thousand dollars.

(6) Additional small schools payment. For a school district not located in a city having a population of one hundred twenty-five thousand or more, the additional small schools payment shall equal the sum of (A) the product of five one-thousandths (0.005) multiplied by the total foundation aid payable in the two thousand sixteen--two thousand seventeen school year plus (B) the quotient arrived at when dividing the payment factor by the expense per pupil computed pursuant to paragraph f of subdivision one of this section. The payment factor shall equal the product of public school district enrollment multiplied by two hundred twenty-six thousand five hundred dollars (226,500.00) multiplied by calculation one multiplied by calculation two. Calculation one shall equal the product of two multiplied by one minus the product of the local tax factor multiplied by the income wealth index. Calculation two shall equal the difference of ten minus the quotient arrived at when dividing the combined wealth ratio for total foundation aid computed pursuant to paragraph c of subdivision three of this section divided by two and nine-tenths (2.9).

(7) Maximum increase. Notwithstanding any inconsistent provision of this paragraph to the contrary, no school district shall receive total foundation aid for the two thousand seventeen--two thousand eighteen school year in excess of the product of total foundation aid payable in the two thousand sixteen--two thousand seventeen school year multiplied by (A) for districts eligible for any of the community schools payment, the English language learner payment, the small cities payment, or the sparsity payment as computed pursuant to this paragraph, sixteen hundredths (0.16), and (B) for all other districts, twelve hundredths (0.12).

§ 1-a. Paragraph e of subdivision 4 of section 3602 of the education law, as added by section 8 of part A of chapter 54 of the laws of 2016, is amended to read as follows:

e. Community schools aid set-aside. Each school district [~~shall~~] may set aside from its total foundation aid computed for the current year pursuant to this subdivision an amount equal to [~~the following amount, if any, for such district and shall~~] the sum of (i) the amount, if any, set forth for such district as "COMMUNITY SCHL AID (BT1617)" in the data file produced by the commissioner in support of the enacted budget for the two thousand sixteen--two thousand seventeen school year and entitled "SA161-7" and (ii) the amount, if any, of the community schools payment computed pursuant to subparagraph one of paragraph b-3 of this subdivision. Each school district may use [~~the~~] such "COMMUNITY SCHL AID (BT1617)" amount [~~so set aside~~] to support the transformation of school buildings into community hubs to deliver co-located or school-linked academic, health, mental health, nutrition, counseling, legal and/or other services to students and their families, including but not limited to providing a community school site coordinator, or to support other costs incurred to maximize students' academic achievement[~~:~~]. Each school district may use such community schools payment amount to support the transformation of school buildings into community hubs to deliver co-located or school linked academic, health, mental health services and

personnel, afterschool programming, dual language programs, nutrition, counseling, legal and/or other services to students and their families, to maximize student achievement, including but not limited to, providing a community school site coordinator and programs for English language learners, provided further that a school district whose community schools payment amount exceeds one million dollars ($1,000,000) may use an amount equal to the greater of one hundred fifty thousand dollars ($150,000) or ten percent of such community schools payment amount to support such transformation at additional schools with extraordinary high levels of student need as identified by the commissioner, subject to the approval of the director of the budget.

[~~Addison $132,624~~
~~Adirondack $98,303~~
~~Afton $62,527~~
~~Albany $2,696,127~~
~~Albion $171,687~~
~~Altmar-Parish-Williamstown $154,393~~
~~Amityville $140,803~~
~~Amsterdam $365,464~~
~~Andover $41,343~~
~~Auburn $211,759~~
~~Ausable Valley $82,258~~
~~Avoca $40,506~~
~~Batavia $116,085~~
~~Bath $139,788~~
~~Beacon $87,748~~
~~Beaver River $67,970~~
~~Beekmantown $98,308~~
~~Belfast $44,520~~
~~Belleville Henderson $21,795~~
~~Binghamton $477,949~~
~~Bolivar-Richburg $102,276~~
~~Bradford $28,058~~
~~Brasher Falls $146,944~~
~~Brentwood $2,089,437~~
~~Bridgewater-West Winfield (Mt. Markham) $101,498~~
~~Brocton $63,939~~
~~Brookfield $24,973~~
~~Brushton-Moira $102,613~~
~~Buffalo $12,524,617~~
~~Camden $243,929~~
~~Campbell-Savona $81,862~~
~~Canajoharie $78,428~~
~~Canaseraga $24,622~~
~~Candor $69,400~~
~~Canisteo-Greenwood $105,783~~
~~Carthage $273,578~~
~~Cassadaga Valley $99,547~~
~~Catskill $69,599~~
~~Cattaraugus-Little Valley $89,771~~
~~Central Islip $650,359~~
~~Central Valley $154,059~~
~~Charlotte Valley $27,925~~
~~Chateaugay $43,580~~
~~Cheektowaga-Sloan $68,242~~
~~Chenango Valley $46,359~~

~~Cherry Valley-Springfield~~	~~$29,704~~
~~Cincinnatus~~	~~$71,378~~
~~Clifton-Fine~~	~~$17,837~~
~~Clyde-Savannah~~	~~$84,797~~
~~Clymer~~	~~$28,267~~
~~Cohoes~~	~~$110,625~~
~~Copenhagen~~	~~$35,037~~
~~Copiague~~	~~$308,995~~
~~Cortland~~	~~$147,875~~
~~Crown Point~~	~~$24,277~~
~~Cuba-Rushford~~	~~$67,917~~
~~Dalton-Nunda (Keshequa)~~	~~$65,630~~
~~Dansville~~	~~$136,766~~
~~De Ruyter~~	~~$38,793~~
~~Deposit~~	~~$37,615~~
~~Dolgeville~~	~~$82,884~~
~~Downsville~~	~~$10,000~~
~~Dundee~~	~~$59,404~~
~~Dunkirk~~	~~$224,658~~
~~East Ramapo (Spring Valley)~~	~~$360,848~~
~~Edmeston~~	~~$30,288~~
~~Edwards-Knox~~	~~$95,261~~
~~Elizabethtown-Lewis~~	~~$14,844~~
~~Ellenville~~	~~$128,950~~
~~Elmira~~	~~$501,348~~
~~Fallsburg~~	~~$111,523~~
~~Fillmore~~	~~$84,252~~
~~Forestville~~	~~$34,773~~
~~Fort Edward~~	~~$32,403~~
~~Fort Plain~~	~~$86,187~~
~~Franklin~~	~~$19,086~~
~~Franklinville~~	~~$84,503~~
~~Freeport~~	~~$479,702~~
~~Friendship~~	~~$51,013~~
~~Fulton~~	~~$241,424~~
~~Genesee Valley~~	~~$65,066~~
~~Geneva~~	~~$146,409~~
~~Georgetown-South Otselic~~	~~$34,626~~
~~Gilbertsville-Mount Upton~~	~~$30,930~~
~~Glens Falls Common~~	~~$10,000~~
~~Gloversville~~	~~$257,549~~
~~Gouverneur~~	~~$197,139~~
~~Gowanda~~	~~$122,173~~
~~Granville~~	~~$86,044~~
~~Green Island~~	~~$17,390~~
~~Greene~~	~~$87,782~~
~~Hadley-Luzerne~~	~~$37,868~~
~~Hammond~~	~~$18,750~~
~~Hancock~~	~~$34,174~~
~~Hannibal~~	~~$149,286~~
~~Harpursville~~	~~$89,804~~
~~Hempstead~~	~~$3,123,056~~
~~Herkimer~~	~~$64,467~~
~~Hermon-DeKalb~~	~~$49,211~~
~~Heuvelton~~	~~$53,905~~
~~Hinsdale~~	~~$47,128~~

Hornell	$152,327
Hudson	$86,263
Hudson Falls	$125,709
Indian River	$404,452
Jamestown	$422,610
Jasper-Troupsburg	$65,899
Jefferson	$22,350
Johnson	$179,735
Johnstown	$98,329
Kingston	$241,138
Kiryas Joel	$10,000
La Fargeville	$36,602
Lackawanna	$293,188
Lansingburgh	$170,080
Laurens	$32,110
Liberty	$141,704
Lisbon	$56,498
Little Falls	$76,292
Livingston Manor	$32,996
Lowville	$117,907
Lyme	$15,856
Lyons	$89,298
Madison	$43,805
Madrid-Waddington	$59,412
Malone	$241,483
Marathon	$79,560
Margaretville	$10,000
Massena	$227,985
Mcgraw	$51,558
Medina	$135,337
Middleburgh	$58,936
Middletown	$683,511
Milford	$28,281
Monticello	$185,418
Moriah	$76,592
Morris	$45,012
Morristown	$25,106
Morrisville-Eaton	$62,490
Mt Morris	$58,594
Mt Vernon	$517,463
New York City	$28,491,241
Newark	$137,556
Newburgh	$837,244
Newfield	$60,998
Niagara Falls	$733,330
North Rose-Wolcott	$107,958
Northern Adirondack	$84,115
Norwich	$155,921
Norwood-Norfolk	$116,262
Odessa-Montour	$70,110
Ogdensburg	$126,942
Olean	$129,603
Oppenheim-Ephratah-St. Johnsville	$86,646
Otego-Unadilla	$72,613
Oxford Acad & Central Schools	$80,443
Parishville-Hopkinton	$35,003

~~Peekskill~~	~~$230,795~~
~~Penn Yan~~	~~$71,001~~
~~Pine Valley (South Dayton)~~	~~$67,455~~
~~Plattsburgh~~	~~$75,055~~
~~Poland~~	~~$37,498~~
~~Port Chester-Rye~~	~~$241,428~~
~~Port Jervis~~	~~$189,220~~
~~Poughkeepsie~~	~~$1,747,582~~
~~Prattsburgh~~	~~$35,110~~
~~Pulaski~~	~~$89,146~~
~~Putnam~~	~~$10,000~~
~~Randolph~~	~~$88,646~~
~~Red Creek~~	~~$87,007~~
~~Remsen~~	~~$32,650~~
~~Rensselaer~~	~~$74,616~~
~~Richfield Springs~~	~~$37,071~~
~~Ripley~~	~~$18,495~~
~~Rochester~~	~~$7,624,908~~
~~Rome~~	~~$369,655~~
~~Romulus~~	~~$22,112~~
~~Roosevelt~~	~~$353,005~~
~~Salamanca~~	~~$139,051~~
~~Salmon River~~	~~$200,831~~
~~Sandy Creek~~	~~$72,287~~
~~Schenectady~~	~~$642,884~~
~~Schenevus~~	~~$29,516~~
~~Scio~~	~~$47,097~~
~~Sharon Springs~~	~~$26,994~~
~~Sherburne-Earlville~~	~~$154,286~~
~~Sherman~~	~~$45,067~~
~~Sidney~~	~~$98,699~~
~~Silver Creek~~	~~$68,538~~
~~Sodus~~	~~$100,038~~
~~Solvay~~	~~$85,506~~
~~South Kortright~~	~~$23,420~~
~~South Lewis~~	~~$95,627~~
~~South Seneca~~	~~$49,768~~
~~Spencer-Van Etten~~	~~$76,108~~
~~St Regis Falls~~	~~$30,078~~
~~Stamford~~	~~$20,137~~
~~Stockbridge Valley~~	~~$38,537~~
~~Syracuse~~	~~$10,186,478~~
~~Ticonderoga~~	~~$36,467~~
~~Tioga~~	~~$99,411~~
~~Troy~~	~~$277,420~~
~~Unadilla Valley~~	~~$90,571~~
~~Uniondale~~	~~$362,887~~
~~Utica~~	~~$273,267~~
~~Van Hornesville-Owen D. Young~~	~~$18,604~~
~~Walton~~	~~$82,541~~
~~Warrensburg~~	~~$57,996~~
~~Waterloo~~	~~$123,111~~
~~Watertown~~	~~$222,343~~
~~Watervliet~~	~~$94,487~~
~~Waverly~~	~~$120,319~~
~~Wayland-Cohocton~~	~~$125,273~~

~~Wellsville $114,359~~
~~West Canada Valley $58,917~~
~~Westbury $403,563~~
~~Westfield $46,542~~
~~Whitehall $46,192~~
~~Whitesville $26,719~~
~~Whitney Point $152,109~~
~~William Floyd $492,842~~
~~Worcester $26,862~~
~~Wyandanch $402,010~~
~~Yonkers $4,286,726~~
~~Yorkshire-Pioneer $210,306~~]

§ 2. Section 3 of chapter 507 of the laws of 1974, relating to providing for the apportionment of state monies to certain nonpublic schools, to reimburse them for their expenses in complying with certain state requirements for the administration of state testing and evaluation programs and for participation in state programs for the reporting of basic educational data, as amended by chapter 903 of the laws of 1984, is amended to read as follows:

§ 3. Apportionment. a. The commissioner shall annually apportion to each qualifying school, for school years beginning on and after July first, nineteen hundred seventy-four, an amount equal to the actual cost incurred by each such school during the preceding school year for providing services required by law to be rendered to the state in compliance with the requirements of the state's pupil evaluation program, the basic educational data system, regents examinations, the statewide evaluation plan, the uniform procedure for pupil attendance reporting, **the state's immunization program and other health-related requirements** and other similar state prepared examinations and reporting procedures.

b. The commissioner shall annually apportion to each qualifying school in the cities of New York, Buffalo and Rochester, for school years beginning on or after July first[~~, nineteen hundred eighty-four~~] **two thousand sixteen**, an amount equal to the actual cost incurred[~~, up to sixty cents per pupil,~~] by each such school during the preceding school year in meeting the recording and reporting requirements of the state school immunization program.

§ 3. Subdivision 12 of section 3602-ee of the education law, as added by section 1 of part CC of chapter 56 of the laws of 2014, is amended to read as follows:

12. Notwithstanding paragraph (a) of subdivision one of section twenty-eight hundred fifty-four of this chapter and paragraph (c) of subdivision two of section twenty-eight hundred fifty-four of this chapter, charter schools shall be eligible to participate in universal full-day pre-kindergarten programs under this section, provided that all such monitoring, programmatic review and operational requirements under this section shall be the responsibility of the charter entity and shall be consistent with the requirements under article fifty-six of this chapter**; wherefore, notwithstanding any other provision of law, participation by a charter school in universal pre-kindergarten programs may not be conditioned upon the charter school agreeing to contractual terms or conditions imposed by a non-charter entity**. The provisions of paragraph (b) of subdivision two of section twenty-eight hundred fifty-four of this chapter shall apply to the admission of pre-kindergarten students, except parents of pre-kindergarten children may submit applications for the two thousand fourteen--two thousand fifteen school year

by a date to be determined by the charter school upon selection to participate in the universal full-day pre-kindergarten program. The limitations on the employment of uncertified teachers under paragraph (a-1) of subdivision three of section twenty-eight hundred fifty-four of this chapter shall apply to all teachers from pre-kindergarten through grade twelve.

§ 4. Subdivision 1 of section 2856 of the education law is amended by adding a new paragraph (e) to read as follows:

(e) the school district shall also pay directly to any charter school reimbursement for allowable costs related to the services provided by nurses, security guards, custodians, food service workers, or other necessary support personnel employed by the charter school, in the amount of ten percent of the charter school basic tuition paid to the charter school, if such staff are not provided by the school district.

§ 5. Subdivision 9 of section 2852 of the education law, as amended by section 2 of subpart A of part B of chapter 20 of the laws of 2015, is amended to read as follows:

9. The total number of charters issued pursuant to this article state-wide shall not [~~exceed four hundred sixty. (a) All charters issued on or after July first, two thousand fifteen and counted toward the numerical limits established by this subdivision shall be issued by the board of regents upon application directly to the board of regents or on the recommendation of the board of trustees of the state university of New York pursuant to a competitive process in accordance with subdivision nine-a of this section. Fifty of such charters issued on or after July first, two thousand fifteen, and no more, shall be granted to a charter for a school to be located in a city having a population of one million or more. The failure of any body to issue the regulations authorized pursuant to this article shall not affect the authority of a charter entity to propose a charter to the board of regents or the board of regents' authority to grant such charter. A conversion of an existing public school to a charter school, or the renewal or extension of a charter approved by any charter entity, shall not be counted toward the numerical limits established by this subdivision.~~

~~(b) A charter that has been surrendered, revoked or terminated on or before July first, two thousand fifteen, including a charter that has not been renewed by action of its charter entity, may be reissued pursuant to paragraph (a) of this subdivision by the board of regents either upon application directly to the board of regents or on the recommendation of the board of trustees of the state university of New York pursuant to a competitive process in accordance with subdivision nine-a of this section. Provided that such reissuance shall not be counted toward the statewide numerical limit established by this subdivision, and provided further that no more than twenty-two charters may be reissued pursuant to this paragraph.~~

~~(c) For purposes of determining the total number of charters issued within the numerical limits established by this subdivision, the approval date of the charter entity shall be the determining factor.~~

~~(d)~~] **be subject to restrictions.** Notwithstanding any provision of this article to the contrary, any charter authorized to be issued by chapter fifty-seven of the laws of two thousand seven effective July first, two thousand seven, and that remains unissued as of July first, two thousand fifteen, may be issued pursuant to the provisions of law applicable to a charter authorized to be issued by such chapter in effect as of June fifteenth, two thousand fifteen[~~; provided however that nothing in this paragraph shall be construed to increase the numerical limit applicable~~

~~to a city having a population of one million or more as provided in paragraph (a) of this subdivision, as amended by a chapter of the laws of two thousand fifteen which added this paragraph~~].

§ 6. The opening paragraph of paragraph (a) of subdivision 9-a of section 2852 of the education law, as amended by section 2 of subpart A of part B of chapter 20 of the laws of 2015, is amended to read as follows:

The board of regents is hereby authorized and directed to issue [~~four hundred sixty~~] charters statewide upon either applications submitted directly to the board of regents or upon the recommendation of the board of trustees of the state university of New York pursuant to a competitive request for proposals process.

§ 7. Section 3602 of the education law is amended by adding a new subdivision 6-i to read as follows:

6-i. Building aid for schools authorized pursuant to article fifty-six of this chapter. a. Schools authorized pursuant to article fifty-six of this chapter shall be eligible for building aid to the same extent as school districts in a process prescribed by the commissioner, provided, that (1) aid apportionments for such schools shall be calculated based on the actual amortization and actual interest rate, (2) the building aid ratio used shall be the ratio for the school district in which the school is located, and the charter school shall be responsible for payment of the local share of any aidable building expenses, and (3) aid on expenditures for lease payments shall be apportioned only if the lease has been approved by the school's board of trustees, the authorizing entity, and the commissioner.

b. The commissioner shall be authorized to grant specific waivers from building aid program requirements to schools authorized pursuant to article fifty-six of this chapter upon a showing that compliance with such requirements would create an undue economic hardship or that some other good cause exists that makes compliance extremely impractical.

c. School districts that collect payments from a school authorized pursuant to article fifty-six of this chapter under a lease or any other arrangement for the use of district-owned facilities shall have its building aid apportionment reduced by an amount equal to the school's payments to the district provided, however, nothing in this subdivision shall be construed to authorize a reduction in building aid attributable to building projects subject to the provisions of subdivision four of section twenty-seven hundred ninety-nine-tt of the public authorities law.

d. In the event that a school is no longer authorized pursuant to article fifty-six of this chapter, building aid payments shall cease immediately.

e. A charter school authorized under this article shall not be entitled to receive both building aid under this subdivision and under subdivision three of section twenty-eight hundred fifty-three of this chapter.

§ 8. Paragraph b of subdivision 5 of section 1950 of the education law, as amended by chapter 296 of the laws of 2016, is amended to read as follows:

b. The cost of services herein referred to shall be the amount allocated to each component school district by the board of cooperative educational services to defray expenses of such board, including approved expenses from the testing of potable water systems of occupied school buildings under the board's jurisdiction as required pursuant to section eleven hundred ten of the public health law, except that that

part of the salary paid any teacher, supervisor or other employee of the board of cooperative educational services which is in excess of thirty thousand dollars shall not be such an approved expense, and except also that administrative and clerical expenses shall not exceed ten percent of the total expenses for purposes of this computation. **Provided however, that for teachers providing instruction in career and technical education to school age students, the salary, to be considered as an approved expense, shall not exceed thirty-four thousand dollars for the two thousand seventeen--two thousand eighteen school year; thirty-eight thousand dollars for the two thousand eighteen--two thousand nineteen school year; forty-two thousand dollars for the two thousand nineteen--two thousand twenty school year; forty-six thousand dollars for the two thousand twenty--two thousand twenty-one school year; and fifty thousand dollars for the two thousand twenty-one--two thousand twenty-two school year, and thereafter.** Any gifts, donations or interest earned by the board of cooperative educational services or on behalf of the board of cooperative educational services by the dormitory authority or any other source shall not be deducted in determining the cost of services allocated to each component school district. Any payments made to a component school district by the board of cooperative educational services pursuant to subdivision eleven of section six-p of the general municipal law attributable to an approved cost of service computed pursuant to this subdivision shall be deducted from the cost of services allocated to such component school district. The expense of transportation provided by the board of cooperative educational services pursuant to paragraph q of subdivision four of this section shall be eligible for aid apportioned pursuant to subdivision seven of section thirty-six hundred two of this chapter and no board of cooperative educational services transportation expense shall be an approved cost of services for the computation of aid under this subdivision. Transportation expense pursuant to paragraph q of subdivision four of this section shall be included in the computation of the ten percent limitation on administrative and clerical expenses.

§ 9. The education law is amended by adding a new section 3037 to read as follows:

§ 3037. Grants for hiring teachers. 1. For purposes of this section, the following term shall have the following meaning: "Eligible teacher" shall mean an individual that: (a) is certified to teach in New York state pursuant to section three thousand four of this chapter; or holds a Master's degree or Ph.D. in Mathematics, Science, Technology or Education; or holds a Bachelor's degree in Mathematics, Science, Technology or Education and is currently enrolled in a Master's or Ph.D. program in Mathematics, Science, Technology or Education within five years from the later of the effective date of this section or the employment start date with the nonpublic school, (b) teaches Mathematics, Science or Technology in any grades from three through twelve, and (c) is employed by a nonpublic school.

2. (a) Within amounts appropriated therefor, nonpublic schools shall, upon application, be reimbursed by the department for the salaries of eligible teachers. Each school which seeks a reimbursement pursuant to this section shall submit to the office of religious and independent schools an application therefor, together with such additional documents as the commissioner may reasonably require, at such times, in such form and containing such information as the commissioner may prescribe by regulation. Applications for reimbursement pursuant to this section

must be received by August first of each year for schools to be reimbursed for the salaries of eligible teachers in the prior year.

(b) Pursuant to paragraph (a) of this subdivision, reimbursement for eligible teachers shall be the average comparable teacher salary and personal service, per subject area, of public school teachers in the school district in which such nonpublic schools are located, multiplied by the percentage of full time equivalent secular instructional hours completed in the school day per subject area. Reimbursements shall not be provided for eligible teachers who provide instruction in mathematics, science or technology if such teachers also provide non-secular instruction in any capacity.

(c) In the event that the applications for reimbursement under this section exceed the appropriation available for this program, then each applicant shall only be reimbursed an amount equal to the percentage that each such applicant represents to the total of all applications submitted.

3. The commissioner may promulgate any rules or regulations necessary to carry out the provisions of this section.

§ 10. Subdivisions 1 and 2 of section 4101 of the education law, subdivision 1 as amended by chapter 387 of the laws of 1954, subdivision 2 as amended by section 30 of part B of chapter 57 of the laws of 2008, are amended to read as follows:

1. The commissioner of education shall establish schools in such places and maintain such courses of instruction therein for the education of the Indian children of the state as he or she shall deem necessary. He or she shall have general supervision of such education and shall cause to be erected where necessary convenient and suitable school buildings for the accommodation of all the Indian children of the state.

2. [~~The~~] Notwithstanding any other provision of law, rule or regulation to the contrary, the commissioner in his or her discretion may, instead of establishing schools and maintaining courses of instruction therein for the education of the Indian children of the state, contract, for a period of up to ten years, with any school district for the education of such Indian children. The consideration for any such contract shall not exceed the total cost to the school district of the education of Indian children pursuant to such contract, less any public moneys received by the school district by reason of the attendance of such Indian children in regular day school, except any public moneys received by the district as a building quota pursuant to the provisions of subdivision six-a of section thirty-six hundred two of this chapter. The commissioner of taxation and finance shall pay on the warrant of the comptroller bills, for the costs and expenses attending such contract, approved by the commissioner of education from the appropriation for the support and education of Indian children. In carrying out the provisions of this article the commissioner, notwithstanding any other provision of law, may lease any school ground, site or building established for a reservation and owned by the state of New York to any school district upon such terms and conditions as he or she shall deem necessary, convenient and proper. Nothing herein contained shall alter the title of the Indians to their lands.

§ 11. Section 4119 of the education law, as added by chapter 387 of the laws of 1954, is amended to read as follows:

§ 4119. School district may contract to educate Indian children. Notwithstanding any other provision of law, the trustee, trustees or board of education of any school district shall have power to contract with the commissioner of education for the instruction of Indian chil-

dren **for a period of ten years**. Notwithstanding any other provision of law, the trustee, trustees or board of education of any school district shall have authority to lease a site or school building owned by the state of New York whether located on or off an Indian reservation and such trustee, trustees or board of education shall have authority to maintain school in such building notwithstanding the fact that such building may not be located within the district boundary lines of such school district.

§ 12. The education law is amended by adding a new section 3006-b to read as follows:

§ 3006-b. Compliance with part 154 of the commissioners regulations. 1. Notwithstanding any provision of law, rule, or regulation this section shall apply to public school districts for purposes of complying with part 154 of the commissioners regulations (8 NYCRR 154).

2. School districts that make a good faith effort to hire a teacher that is dual-certified, but cannot hire such teacher due to a lack of qualified or acceptable candidates the district may satisfy such requirement by hiring an individual who is not dual-certified, but who meets one of the following criteria: (i) has at least an initial teaching certificate and has scored proficiently on a content specialty test in the language to be instructed in; or (ii) is certified for "teaching English to Speakers of Other Languages" (TESOL). Such individuals shall be deemed to satisfy instances where a second certified teacher is required for instruction in the native language of the student because the primary teacher is not dual-certified and the primary teacher is providing content specific instruction.

3. Individuals meeting either of the criteria for subdivision two of this section may also be used for purposes of administering the home language questionnaire that is used for initial identification purposes.

§ 13. Section 305 of the education law is amended by adding a new subdivision 56 to read as follows:

56. Notwithstanding any law, rule, or regulation to the contrary, the commissioner shall develop a waiver program for school districts to streamline and consolidate staff training requirements in order to promote efficiency. In developing the waiver, the commissioner shall consider consolidating various dates for training, changing annual requirements to biennial or five-year requirements, alternative notification and presentation of training information, and any other options deemed proper by the commissioner. Such waiver program shall be developed by July first, two thousand seventeen and districts shall be first eligible to apply for waivers beginning with the two thousand seventeen--eighteen school year, and thereafter.

§ 14. The opening paragraph of section 3609-b of the education law, as amended by section 33 of part B of chapter 57 of the laws of 2007, is amended to read as follows:

Moneys apportioned to school districts for the excess cost aid setaside pursuant to subdivision four of section thirty-six hundred two of this article and the apportionments for students with disabilities due in accordance with the provisions of subdivisions five and five-a of section thirty-six hundred two of this article and section forty-four hundred five of this chapter, shall be paid to or on behalf of school districts in accordance with the provisions of this section, provided, however, that payments made to or on behalf of any school district pursuant to this section shall be adjusted subsequent to the filing, in an acceptable manner, of aid claim forms prescribed by the commissioner**, provided, that the apportionments for students with disabilities due in**

accordance with the provisions of subdivision five of section thirty-six hundred two of this article and section forty-four hundred five of this chapter, who enroll in school districts after October first, shall be based on attendance in the current school year and shall be paid in the current school year subject to this section and subject to the STAC and AVL filing deadlines established by the commissioner.

§ 15. Paragraph a of subdivision 5 of section 3604 of the education law, as amended by chapter 161 of the laws of 2005, is amended to read as follows:

a. State aid adjustments. All errors or omissions in the apportionment shall be corrected by the commissioner. Whenever a school district has been apportioned less money than that to which it is entitled, the commissioner may allot to such district the balance to which it is entitled. Whenever a school district has been apportioned more money than that to which it is entitled, the commissioner may, by an order, direct such moneys to be paid back to the state to be credited to the general fund local assistance account for state aid to the schools, or may deduct such amount from the next apportionment to be made to said district, provided that any recovery initiated by the commissioner under this subdivision shall first be offset by any pending payment of moneys due to said district as a prior year adjustment payable pursuant to paragraph c of this subdivision, and that the commissioner shall remove such claim from the ordered list he or she prepares for such paragraph c, and provided, however, that, upon notification of excess payments of aid for which a recovery must be made by the state through deduction of future aid payments, a school district may request that such excess payments be recovered by deducting such excess payments from the payments due to such school district and payable in the month of June in (i) the school year in which such notification was received and (ii) the two succeeding school years, provided further that there shall be no interest penalty assessed against such district or collected by the state. Such request shall be made to the commissioner in such form as the commissioner shall prescribe, and shall be based on documentation that the total amount to be recovered is in excess of one percent of the district's total general fund expenditures for the preceding school year. The amount to be deducted in the first year shall be the greater of (i) the sum of the amount of such excess payments that is recognized as a liability due to other governments by the district for the preceding school year and the positive remainder of the district's unreserved fund balance at the close of the preceding school year less the product of the district's total general fund expenditures for the preceding school year multiplied by five percent, or (ii) one-third of such excess payments. The amount to be recovered in the second year shall equal the lesser of the remaining amount of such excess payments to be recovered or one-third of such excess payments, and the remaining amount of such excess payments shall be recovered in the third year. Provided further that, notwithstanding any other provisions of this subdivision, any pending payment of moneys due to such district as a prior year adjustment payable pursuant to paragraph c of this subdivision for aid claims that had been previously paid as current year aid payments in excess of the amount to which the district is entitled and for which recovery of excess payments is to be made pursuant to this paragraph, shall be reduced at the time of actual payment by any remaining unrecovered balance of such excess payments, and the remaining scheduled deductions of such excess payments pursuant to this paragraph shall be reduced by the commissioner to reflect the amount so recovered. The commissioner

shall certify no payment to a school district based on a claim submitted later than three years after the close of the school year in which such payment was first to be made. For claims for which payment is first to be made in the nineteen hundred ninety-six--ninety-seven school year, the commissioner shall certify no payment to a school district based on a claim submitted later than two years after the close of such school year. For claims for which payment is first to be made in the nineteen hundred ninety-seven--ninety-eight school year and thereafter, the commissioner shall certify no payment to a school district based on a claim submitted later than one year after the close of such school year. Provided, however, no payments shall be barred or reduced where such payment is required as a result of a final audit of the state. It is further provided that, until June thirtieth, nineteen hundred ninety-six, the commissioner may grant a waiver from the provisions of this section for any school district if it is in the best educational interests of the district pursuant to guidelines developed by the commissioner and approved by the director of the budget.

§ 16. a. All the acts done and proceedings heretofore had and taken or caused to be had and taken by a school district and by all officers, employees or agents of each such school district relating to or in connection with transportation contracts (1) identified by the state education department as having been filed or executed late prior to June 30, 2017, and (2) for which an aid adjustment or recovery has not been initiated by the state education department as of the effective date of this act are hereby legalized, validated, ratified and confirmed, notwithstanding any failure to comply with the contract filing provisions of the education law, other than those filing provisions defined in paragraph a of subdivision 5 of section 3604 of the education law, in relation to any omission, error, defect, irregularity or illegality in such proceeding had and taken.

b. The education department is hereby directed to consider the aforementioned contracts for transportation aid as valid and proper obligations of such school district.

§ 17. a. Notwithstanding any other provision of law to the contrary, the actions or omissions of an school district which failed to submit a final building project cost report by June 30 of the school year following June 30 of the school year in which the certificate of substantial completion of the project is issued by the architect or engineer, or six months after issuance of such certificate, whichever is later, are hereby ratified and validated, provided the following conditions have been met: (i) that such building project was eligible for aid in a year for which the commissioner of education is required to prepare an estimate of apportionments due and owing pursuant to paragraph c of subdivision 21 of section 305 of the education law, and (ii) (A) that the school district was notified in writing by the state education department after March 1, 2015 but before July 1, 2017 that such final building cost reports were late, or (B) such building project was eligible for an installment recovery pursuant to sections 48, 49, 50, 51, and 52 of part A of chapter 54 of the laws of 2016 or sections 25-a, 25-b, 25-c, 25-d, and 25-e of part A of chapter 56 of the laws of 2015 or section 9-a of part A of chapter 56 of the laws of 2014 or section 24-a of part A of chapter 57 of the laws of 2013; provided, however, that notwithstanding any other provision of law to the contrary, the state education department shall not refund any monies for which recovery of excess payments has already been made pursuant to paragraph c of subdivision 5 of section 3604 of the education law and this act.

b. The education department is hereby directed to adjust the approved costs of the aforementioned projects for the 2016-2017 school year and thereafter to reflect the ratification and validation provided in this act and to consider such adjusted approved costs as valid and proper obligations of such school districts.

§ 18. Subdivisions 1, 2 and 7 of section 2116-b of the education law, subdivisions 1 and 7 as added by chapter 263 of the laws of 2005, and subdivision 2 as amended by section 4 of part A of chapter 57 of the laws of 2013, are amended to read as follows:

1. No later than July first, two thousand six, each school district shall establish an internal audit function to be in operation no later than the following December thirty-first. Such function shall include: (a) development of a risk assessment of district operations, including but not limited to, a review of financial policies and procedures and the testing and evaluation of district internal controls; (b) [~~an annual~~] a review and update of such risk assessment; and (c) preparation of reports[~~, at least annually or more frequently as the trustees or board of education may direct,~~] which analyze significant risk assessment findings, recommend changes for strengthening controls and reducing identified risks, and specify timeframes for implementation of such recommendations. **Audits performed pursuant to this section shall be completed every five years.**

2. School districts of less than eight teachers, school districts with actual general fund expenditures totaling less than five million dollars in the previous school year, or school districts with actual enrollment of less than [~~one~~] **five** thousand [~~five hundred~~] students in the previous school year shall be exempt from this requirement. Any school district claiming such exemption shall annually certify to the commissioner that such school district meets the requirements set forth in this subdivision.

7. Nothing in this section shall be construed as requiring a school district in any city with a population of one hundred twenty-five thousand or more to replace or modify an existing internal audit function where such function already exists by special or local law, so long as the superintendent of the district [~~annually~~] certifies to the commissioner that the existing internal audit function meets or exceeds the requirements of this section**; provided, however, notwithstanding any special or local law to the contrary, school districts shall perform such internal audits every five years**.

§ 19. Section 3035 of the education law is amended by adding a new subdivision 3-b to read as follows:

3-b. Upon request from a prospective employee who has been cleared by the commissioner of motor vehicles pursuant to section five hundred nine-cc or section twelve hundred twenty-nine-d of the vehicle and traffic law, the department of motor vehicles shall be authorized to forward a copy of such individual's criminal history record and such individual's fingerprints to the commissioner for purposes of conducting a criminal history record check pursuant to this section. Furthermore, upon notification that such prospective employee has been cleared for employment by the commissioner pursuant to this section, the division of criminal justice services shall have the authority to provide subsequent criminal history notifications directly to the commissioner.

§ 20. Subdivision (a) of section 1115 of the tax law is amended by adding a new paragraph 44 to read as follows:

(44) School buses as such term is defined in section one hundred forty-two of the vehicle and traffic law, and parts, equipment, lubricants and fuel purchased and used in their operation.

§ 21. Paragraph a of subdivision 14 of section 305 of the education law, as amended by chapter 273 of the laws of 1999, is amended to read as follows:

a. All contracts for the transportation of school children, all contracts to maintain school buses owned or leased by a school district that are used for the transportation of school children, all contracts for mobile instructional units, and all contracts to provide, maintain and operate cafeteria or restaurant service by a private food service management company shall be subject to the approval of the commissioner, who may disapprove a proposed contract if, in his **or her** opinion, the best interests of the district will be promoted thereby. Except as provided in paragraph e of this subdivision, all such contracts involving an annual expenditure in excess of the amount specified for purchase contracts in the bidding requirements of the general municipal law shall be awarded to the lowest responsible bidder, which responsibility shall be determined by the board of education or the trustee of a district, with power hereby vested in the commissioner to reject any or all bids if, in his **or her** opinion, the best interests of the district will be promoted thereby and, upon such rejection of all bids, the commissioner shall order the board of education or trustee of the district to seek, obtain and consider new proposals. All proposals for such transportation, maintenance, mobile instructional units, or cafeteria and restaurant service shall be in such form as the commissioner may prescribe. Advertisement for bids shall be published in a newspaper or newspapers designated by the board of education or trustee of the district having general circulation within the district for such purpose. Such advertisement shall contain a statement of the time when and place where all bids received pursuant to such advertisement will be publicly opened and read either by the school authorities or by a person or persons designated by them. All bids received shall be publicly opened and read at the time and place so specified. At least five days shall elapse between the first publication of such advertisement and the date so specified for the opening and reading of bids. The requirement for competitive bidding shall not apply to an award of a contract for the transportation of pupils or a contract for mobile instructional units, if such award is based on an evaluation of proposals in response to a request for proposals pursuant to paragraph e of this subdivision. The requirement for competitive bidding shall not apply to annual, biennial, or triennial extensions of a contract nor shall the requirement for competitive bidding apply to quadrennial or quinquennial year extensions of a contract involving transportation of pupils, maintenance of school buses or mobile instructional units secured either through competitive bidding or through evaluation of proposals in response to a request for proposals pursuant to paragraph e of this subdivision, when such extensions (1) are made by the board of education or the trustee of a district, under rules and regulations prescribed by the commissioner, and, (2) do not extend the original contract period beyond five years from the date cafeteria and restaurant service commenced thereunder and in the case of contracts for the transportation of pupils, for the maintenance of school buses or for mobile instructional units, that such contracts may be extended, except that power is hereby vested in the commissioner, in addition to his **or her** existing statutory authority to approve or disapprove transportation or maintenance contracts, (i) to

reject any extension of a contract beyond the initial term thereof if he **or she** finds that amount to be paid by the district to the contractor in any year of such proposed extension fails to reflect any decrease in the regional consumer price index for the N.Y., N.Y.-Northeastern, N.J. area, based upon the index for all urban consumers (CPI-U) during the preceding twelve month period; and (ii) to reject any extension of a contract after ten years from the date transportation or maintenance service commenced thereunder, or mobile instructional units were first provided, if in his **or her** opinion, the best interests of the district will be promoted thereby. Upon such rejection of any proposed extension, the commissioner may order the board of education or trustee of the district to seek, obtain and consider bids pursuant to the provisions of this section**; and to reject any extension of a contract for transportation, or new contract, if he or she finds that the amount to be paid by the district to the contractor in any year of such proposed contract fails to reflect the savings realized from the sales tax exemption on school buses, parts, equipment, lubricants and fuel used for school purposes pursuant to paragraph forty-four of subdivision (a) of section eleven hundred fifteen of the tax law**. The board of education or the trustee of a school district electing to extend a contract as provided herein, may, in its discretion, increase the amount to be paid in each year of the contract extension by an amount not to exceed the regional consumer price index increase for the N.Y., N.Y.-Northeastern, N.J. area, based upon the index for all urban consumers (CPI-U), during the preceding twelve month period, provided it has been satisfactorily established by the contractor that there has been at least an equivalent increase in the amount of his **or her** cost of operation, during the period of the contract.

§ 22. Paragraph (b) of subdivision 1 of section 3627 of the education law, as amended by section 7 of part A of chapter 56 of the laws of 2014, is amended to read as follows:

(b) reimbursing the cost incurred by licensed transportation carriers pursuant to contracts**, which may include fringe benefits including, but not limited to, qualified tuition reductions allowable under federal law,** with such school district for providing transportation for those children attending public and nonpublic schools in grades kindergarten through six who remain at the same school for which they are enrolled for regularly scheduled academic classes from half-past nine o'clock in the morning or earlier until four o'clock in the afternoon or later, on weekdays, and reside at least one mile from their school of attendance for grades three through six, and at least one-half mile from their school of attendance for grades kindergarten through two.

§ 23. Subdivision 1 of section 3623-a of the education law is amended by adding a new paragraph g to read as follows:

g. For transportation contracts provided pursuant to section thirty-six hundred twenty-seven of this part, which may include fringe benefits including, but not limited to, qualified tuition reductions allowable under federal law.

§ 24. Section 207 of the education law is amended to read as follows:

§ 207. Legislative power. **1.** Subject and in conformity to the constitution and laws of the state, the regents shall exercise legislative functions concerning the educational system of the state, determine its educational policies, and, except, as to the judicial functions of the commissioner [~~**of education**~~], establish rules for carrying into effect the laws and policies of the state, relating to education, and the functions, powers, duties and trusts conferred or charged upon the universi-

ty and the [~~education~~] department. But no enactment of the regents shall modify in any degree the freedom of the governing body of any seminary for the training of priests or clergymen to determine and regulate the entire course of religious, doctrinal or theological instruction to be given in such institution. No rule by which more than a majority vote shall be required for any specified action by the regents shall be amended, suspended or repealed by a smaller vote than that required for action thereunder. Rules or regulations, or amendments or repeals thereof, adopted or prescribed by the commissioner [~~of education~~] as provided by law shall not be effective unless and until approved by the regents, except where authority is conferred by the regents upon the commissioner [~~of education~~] to adopt, prescribe, amend or repeal such rules or regulations.

2. Prior to promulgation of any rule, regulation, amendment or repeal, pursuant to this section of any other provision of law granting rulemaking or regulatory authority, the regents shall request a fiscal note from the division of budget. No rule, regulation, amendment, or repeal shall be promulgated unless a fiscal note from the division of budget has been filed with the secretary of the board of regents. Such fiscal note shall state the estimated annual costs of implementing the rule, regulation, amendment, or repeal to the state, school districts, and any other applicable political subdivisions. The requirement for a fiscal note may be waived at the discretion of the director of the division of budget for rules, regulations, amendments, or repeals promulgated pursuant to subdivision six of section two hundred two of the state administrative procedure act.

§ 25. The public authorities law is amended by adding a new section 1680-s to read as follows:

§ 1680-s. Special financing authority for public school districts facing tax certiorari settlements in excess of the total school budget. 1. "Eligible school district" shall mean a school district that is a party to a tax certiorari settlement agreement, the total costs of which exceed the total annual school budget at the time the district applies for refinancing through the authority.

2. Notwithstanding the provisions of any law to the contrary, the authority and the urban development corporation are authorized, upon application by an eligible school district, to issue bonds and notes in one or more series for purposes of assuming debt and interest from an eligible school district related to the repayment of a tax certiorari settlement agreement. The aggregate principal amount of such bonds and notes shall not exceed the total costs of such payments and interests as determined by the authority or three hundred sixty-nine million dollars, whichever is less. Such bonds and notes of the authority and the urban development corporation shall not be a debt of the state, and the state shall not be liable thereon.

§ 26. Subdivision 10 of section 3602-e of the education law, as amended by section 22 of part B of chapter 57 of the laws of 2008, the opening paragraph as amended by section 5 of part A of chapter 54 of the laws of 2016, is amended to read as follows:

10. Universal prekindergarten aid. **a.** Notwithstanding any provision of law to the contrary,

(i) for aid payable in the two thousand eight--two thousand nine school year, the grant to each eligible school district for universal prekindergarten aid shall be computed pursuant to this subdivision, and

(ii) for the two thousand nine--two thousand ten and two thousand ten--two thousand eleven school years, each school district shall be

eligible for a maximum grant equal to the amount computed for such school district for the base year in the electronic data file produced by the commissioner in support of the two thousand nine--two thousand ten education, labor and family assistance budget, provided, however, that in the case of a district implementing programs for the first time or implementing expansion programs in the two thousand eight--two thousand nine school year where such programs operate for a minimum of ninety days in any one school year as provided in section 151-1.4 of the regulations of the commissioner, for the two thousand nine--two thousand ten and two thousand ten--two thousand eleven school years, such school district shall be eligible for a maximum grant equal to the amount computed pursuant to paragraph a of subdivision nine of this section in the two thousand eight--two thousand nine school year, and

(iii) for the two thousand eleven--two thousand twelve school year each school district shall be eligible for a maximum grant equal to the amount set forth for such school district as "UNIVERSAL PREKINDERGARTEN" under the heading "2011-12 ESTIMATED AIDS" in the school aid computer listing produced by the commissioner in support of the enacted budget for the 2011-12 school year and entitled "SA111-2", and

(iv) for two thousand twelve--two thousand thirteen through two thousand sixteen--two thousand seventeen school years each school district shall be eligible for a maximum grant equal to the greater of [~~(i)~~] (A) the amount set forth for such school district as "UNIVERSAL PREKINDERGARTEN" under the heading "2010-11 BASE YEAR AIDS" in the school aid computer listing produced by the commissioner in support of the enacted budget for the 2011-12 school year and entitled "SA111-2", or [~~(ii)~~] (B) the amount set forth for such school district as "UNIVERSAL PREKINDERGARTEN" under the heading "2010-11 BASE YEAR AIDS" in the school aid computer listing produced by the commissioner on May fifteenth, two thousand eleven pursuant to paragraph b of subdivision twenty-one of section three hundred five of this chapter, and [~~provided further that the maximum grant shall not exceed the total actual grant expenditures incurred by the school district in the current school year as approved by the commissioner.~~

~~a. Each school district shall be eligible to receive a grant amount equal to the sum of (i) its prekindergarten aid base plus (ii) the product of its selected aid per prekindergarten pupil multiplied by the positive difference, if any, of the number of aidable prekindergarten pupils served in the current year, as determined pursuant to regulations of the commissioner, less the base aidable prekindergarten pupils calculated pursuant to this subdivision for the two thousand seven--two thousand eight school year, based on data on file for the school aid computer listing produced by the commissioner in support of the enacted budget for the two thousand seven--two thousand eight school year and entitled "SA070-8". Provided, however, that in computing an apportionment pursuant to this paragraph, for districts where the number of aidable prekindergarten pupils served is less than the number of unserved prekindergarten pupils, such grant amount shall be the lesser of such sum computed pursuant to this paragraph or the maximum allocation computed pursuant to subdivision nine of this section.~~]

(v) for the two thousand seventeen--two thousand eighteen school year, each school district shall be eligible to receive a grant amount equal to the sum of (A) the amount set forth for such school district as "UNIVERSAL PREKINDERGARTEN" under the heading "2016-17 ESTIMATED AIDS" in the school aid computer listing produced by the commissioner in support of the enacted budget for the two thousand sixteen--two thousand

seventeen school year and entitled "SA161-7", where, for the purposes of such run, the selected aid per full-day kindergarten pupil shall be computed pursuant to paragraph b of this subdivision plus (B) the amount awarded to such school district for the priority full-day prekindergarten and expanded half-day prekindergarten grant program for high need students for the two thousand sixteen--two thousand seventeen school year pursuant to chapter fifty-three of the laws of two thousand fourteen, and

(vi) for the two thousand eighteen--two thousand nineteen school year, each school district shall be eligible to receive a grant amount equal to the sum of (A) the amount set forth for such school district as "UNIVERSAL PREKINDERGARTEN" for the current year in the school aid computer listing produced by the commissioner in support of the enacted budget for the two thousand seventeen--two thousand eighteen school year plus (B) the amount awarded to such school district for the federal preschool development expansion grant for the two thousand seventeen--two thousand eighteen school year pursuant to the American Recovery and Reinvestment Act of 2009 (ARRA), Sections 14005, 14006, and 14013, Title XIV, (Public Law 112-10), as amended by section 1832(b) of Division B of the Department of Defense and Full-Year Continuing Appropriations Act, 2011 (Pub. L. 112-10), and the Department of Education Appropriations Act, 2012 (Title III Division F of Pub. L. 112-74, the Consolidated Appropriations Act, 2012), and

(vii) for the two thousand nineteen--two thousand twenty school year, each school district shall be eligible to receive a grant amount equal to the sum of (A) the amount set forth for such school district as "UNIVERSAL PREKINDERGARTEN" for the current year in the school aid computer listing produced by the commissioner in support of the enacted budget for the two thousand eighteen--two thousand nineteen school year plus (B) the amount awarded to such school district for the statewide full-day prekindergarten program for the two thousand eighteen--two thousand nineteen school year pursuant to section thirty-six hundred two-ee of this part, and

(viii) for the two thousand twenty--two thousand twenty-one school year, each school district shall be eligible to receive a grant amount equal to the sum of (A) the amount set forth for such school district as "UNIVERSAL PREKINDERGARTEN" for the current year in the school aid computer listing produced by the commissioner in support of the enacted budget for the two thousand nineteen--two thousand twenty school year plus (B) the amount awarded to such school district for the expanded prekindergarten program for three and four year-olds for the two thousand nineteen--two thousand twenty school year pursuant to chapter sixty-one of the laws of two thousand fifteen, and

(ix) for the two thousand twenty-one--two thousand twenty-two school year, each school district shall be eligible to receive a grant amount equal to the sum of (A) the amount set forth for such school district as "UNIVERSAL PREKINDERGARTEN" for the current year in the school aid computer listing produced by the commissioner in support of the enacted budget for the two thousand twenty--two thousand twenty-one school year plus (B) the amount awarded to such school district for the expanded prekindergarten for three year-olds in high need districts program for the two thousand twenty--two thousand twenty-one school year pursuant to chapter fifty-three of the laws of two thousand sixteen, and

(x) for the two thousand twenty-two--two thousand twenty-three school year and thereafter, each school district shall be eligible to receive a grant amount equal to the amount set forth for such school district as

"UNIVERSAL PREKINDERGARTEN" for the current year in the school aid computer listing produced by the commissioner in support of the enacted budget for the two thousand twenty-one--two thousand twenty-two school year.

b. For purposes of paragraph a of this subdivision:

(i) "Selected aid per prekindergarten pupil", for the two thousand seventeen--two thousand eighteen school year and thereafter shall equal the greater of (A) the [~~product of five-tenths and the~~] school district's selected foundation aid for the current year, or (B) [~~the aid per prekindergarten pupil calculated pursuant to this subdivision for the two thousand six-two thousand seven school year, based on data on file for the school aid computer listing produced by the commissioner in support of the enacted budget for the two thousand six--two thousand seven school year and entitled "SA060-7"; provided, however, that in the two thousand eight--two thousand nine school year, a city school district in a city having a population of one million inhabitants or more shall not be eligible to select aid per prekindergarten pupil pursuant to clause (A) of this subparagraph~~] ten thousand dollars;

(ii) [~~"Base aidable prekindergarten pupils". "Base aidable prekindergarten pupils" shall equal the sum of the base aidable prekindergarten pupils calculated pursuant to this subdivision for the base year, based on data on file for the school aid computer listing produced by the commissioner in support of the enacted budget for the base year, plus the additional aidable prekindergarten pupils calculated pursuant to this subdivision for the base year, based on data on file for the school aid computer listing produced by the commissioner in support of the enacted budget for the base year~~] "Full-day prekindergarten pupils" shall equal the maximum aidable full-day prekindergarten pupils and conversion pupils in the base year in any program eligible for universal prekindergarten funding in the current year;

(iii) "Half-day prekindergarten pupils" shall equal (A) the maximum aidable half-day prekindergarten pupils and conversion pupils in the base year in any program eligible for universal prekindergarten funding in the current year minus (B) the number of half-day prekindergarten pupils converted into full-day prekindergarten pupils under any program eligible for universal prekindergarten funding in the current year;

(iv) "Base year prekindergarten maintenance of effort" shall mean the sum of maximum aidable full day four year-old prekindergarten pupils in the base year plus the product of one half (0.5) multiplied by the maximum aidable half day four year-old prekindergarten pupils in the base year, provided that three year-old pupils previously served in any program shall not be considered for any maintenance effort;

(v) "Current year prekindergarten pupils served" shall mean the sum of full-day four year-old prekindergarten pupils served in the current year plus the product of one half (0.5) multiplied by the half-day four year-old prekindergarten pupils in the current year;

(vi) "Maintenance of effort factor" shall mean the quotient arrived at when dividing the current year prekindergarten pupils served by the base year prekindergarten maintenance of effort;

(vii) "Unserved prekindergarten pupils" shall mean the product of eighty-five percent multiplied by the positive difference, if any, between the sum of the public school enrollment and the nonpublic school enrollment of children attending full day and half day kindergarten programs in the district in the year prior to the base year less the number of resident children who attain the age of three or four before December first of the base year, who were served during such school year

by a prekindergarten program approved pursuant to section forty-four hundred ten of this chapter, where such services are provided for more than four hours per day[~~;~~

~~(iv) "Additional aidable prekindergarten pupils". For the two thousand seven--two thousand eight through two thousand eight--two thousand nine school years, "additional aidable prekindergarten pupils" shall equal the product of (A) the positive difference, if any, of the unserved prekindergarten pupils less the base aidable prekindergarten pupils multiplied by (B) the prekindergarten phase-in factor;~~

~~(v) the "prekindergarten aid base" shall mean the sum of the amounts the school district received for the two thousand six--two thousand seven school year for grants awarded pursuant to this section and for targeted prekindergarten grants;~~

~~(vi) The "prekindergarten phase-in factor". For the two thousand eight--two thousand nine school year, the prekindergarten phase-in factor shall equal the positive difference, if any, of the pupil need index computed pursuant to subparagraph three of paragraph a of subdivision four of section thirty-six hundred two of this part less one, provided, however, that: (A) for any district where (1) the maximum allocation computed pursuant to subdivision nine of this section for the base year is greater than zero and (2) the amount allocated pursuant to this subdivision for the base year, based on data on file for the school aid computer listing produced by the commissioner on February fifteenth of the base year, pursuant to paragraph b of subdivision twenty-one of section three hundred five of this chapter, is greater than the positive difference, if any, of such maximum allocation for the base year less twenty-seven hundred, the prekindergarten phase-in factor shall not exceed eighteen percent, and shall not be less than ten percent, and (B) for any district not subject to the provisions of clause (A) of this subparagraph where (1) the amount allocated pursuant to this subdivision for the base year is equal to zero or (2) the amount allocated pursuant to this section for the base year, based on data on file for the school aid computer listing produced by the commissioner on February fifteenth of the base year, pursuant to paragraph b of subdivision twenty-one of section three hundred five of this chapter, is less than or equal to the amount allocated pursuant to this section for the year prior to the base year, based on data on file for the school aid computer listing produced by the commissioner on February fifteenth of the base year, pursuant to paragraph b of subdivision twenty-one of section three hundred five of this chapter, the prekindergarten phase-in factor shall equal zero, and (C) for any district not subject to the provisions of clause (A) or (B) of this subparagraph, the prekindergarten phase-in factor shall not exceed thirteen percent, and shall not be less than seven percent;~~

~~(vii) "Base year" shall mean the base year as defined pursuant to subdivision one of section thirty-six hundred two of this part~~].

c. Notwithstanding any other provision of this section, the total grant payable pursuant to this section shall equal the lesser of: (i) the total grant amounts computed pursuant to this subdivision for the current year, based on data on file with the commissioner as of September first of the school year immediately following **less the maintenance of effort reduction pursuant to subdivision eleven of this section** or (ii) the total actual grant expenditures incurred by the school district as approved by the commissioner.

§ 27. Subdivision 11 of section 3602-e of the education law, as amended by section 10-b of part A of chapter 57 of the laws of 2012, is amended to read as follows:

11. [~~Notwithstanding the provisions of subdivision ten of this section, where the district serves fewer children during the current year than the lesser of the children served in the two thousand ten--two thousand eleven school year or its base aidable prekindergarten pupils computed for the two thousand seven--two thousand eight school year, the school district shall have its apportionment reduced in an amount proportional to such deficiency in the current year or in the succeeding school year, as determined by the commissioner, except such reduction shall not apply to school districts which have fully implemented a universal pre-kindergarten program by making such program available to all eligible children. Expenses incurred by the school district in implementing a pre-kindergarten program plan pursuant to this subdivision shall be deemed ordinary contingent expenses.~~] **Maintenance of effort reduction. Where a school district's current year prekindergarten pupils served is less than its base year prekindergarten maintenance of effort, the school district shall have its current year apportionment reduced by the product of the maintenance of effort factor computed in paragraph b of subdivision ten of this section multiplied by the grant amount it was eligible to receive in the current year pursuant to paragraph a of subdivision ten of this section.**

§ 28. Subdivision 21 of section 305 of the education law is amended by adding a new paragraph d to read as follows:

d. Notwithstanding any inconsistent provision of law to the contrary, for the purposes of determining the base year level of general support for public schools pursuant to paragraph b of this subdivision for the two thousand seventeen--two thousand eighteen through two thousand twenty-one--two thousand twenty-two school years, the commissioner is directed to include the grant amounts allocated pursuant to subdivision ten of section thirty-six hundred two-e of this chapter where such grants had previously been allocated to districts by means other than general support for public schools, provided that, notwithstanding any provision of law to the contrary, such base year grant amounts shall not be included in: (1) the allowable growth amount computed pursuant to paragraph dd of subdivision one of section thirty-six hundred two of this chapter, (2) the preliminary growth amount computed pursuant to paragraph ff of subdivision one of section thirty-six hundred two of this chapter, and (3) the allocable growth amount computed pursuant to paragraph gg of subdivision one of section thirty-six hundred two of this chapter, and shall not be considered, and shall not be available for interchange with, general support for public schools.

§ 29. Paragraph c of subdivision 1 of section 3602-e of the education law, as amended by section 19 of part B of chapter 57 of the laws of 2007, is amended to read as follows:

c. "Eligible children" shall mean resident children who are **three or** four years of age on or before December first of the year in which they are enrolled or who will otherwise be first eligible to enter public school kindergarten commencing with the following school year.

§ 30. Subparagraphs (i) and (ii) of paragraph c of subdivision 8 of section 3602-ee of the education law, as added by section 1 of part CC of chapter 56 of the laws of 2014, are amended to read as follows:

(i) for teachers hired on or after the effective date of this section as the teacher for a universal full-day pre-kindergarten classroom, within [~~three~~] **five** years after commencing employment, at which time such certification shall be required for employment; and

(ii) for teachers hired by such provider prior to the effective date of this section for other early childhood care and education programs,

no later than June thirtieth, two thousand [~~seventeen~~] nineteen, at which time such certification shall be required for employment.

§ 31. Section 2 of part CC of chapter 56 of the laws of 2014, amending the education law relating to universal full-day pre-kindergarten, is amended to read as follows:

§ 2. This act shall take effect immediately, and shall expire and be deemed repealed July 1, 2019.

§ 32. Paragraph (a) of subdivision 1 of section 2590-c of the education law, as amended by chapter 345 of the laws of 2009, is amended to read as follows:

(a) Nine voting members shall be parents whose children are attending a school or a pre-kindergarten program under the jurisdiction of the community district, or have attended a school or a pre-kindergarten program under the jurisdiction of the community district within the preceding two years, and shall be selected by the presidents and officers of the parents' association or parent-teachers' association. Such members shall serve for a term of two years. Presidents and officers of parents' associations or parent-teachers' associations who are candidates in the selection process pursuant to this section shall not be eligible to cast votes in such selection process. The association shall elect a member to vote in the place of each such president or officer for the purposes of the selection process.

§ 33. Subdivision 4 of section 51 of part B of chapter 57 of the laws of 2008 amending the education law relating to the universal pre-kindergarten program, as amended by section 23 of part A of chapter 57 of the laws of 2012, is amended to read as follows:

4. section [~~23~~] twenty-three of this act shall take effect July 1, 2008 and shall expire and be deemed repealed June 30, [~~2017~~] 2018;

§ 34. Subdivision 11 of section 94 of part C of chapter 57 of the laws of 2004 relating to support of education is REPEALED.

§ 35. Section 3641 of the education law is amended by adding a new subdivision 17 to read as follows:

17. Security reimbursements for nonpublic schools. Notwithstanding any law, rule, or regulation to the contrary, the state police shall develop risk assessment plans for nonpublic schools to recommend personnel needed to ensure school safety and infrastructure improvements needed to ensure school safety. In addition to existing nonpublic safety and security grants, nonpublic schools may be reimbursed for the costs of implementing such recommendations beginning with expenses incurred during the two thousand seventeen--two thousand eighteen school year. Such reimbursements shall be annually limited to thirty-four million dollars and shall be distributed by the office of religious and independent schools. In the event that applications for reimbursement exceed thirty-four million dollars, then each applicant shall only be reimbursed an amount equal to the percentage that each such applicant represents to the total of all applications submitted. For nonpublic schools located in cities with a population of one million or more, locally funded safety and security grants may be used to satisfy the recommendations of the risk assessment plan.

§ 36. This act shall take effect immediately; provided, however, that:

(a) the amendments to subdivision 1 of section 2856 of the education law made by section four of this act shall not affect the expiration of such subdivision and shall expire therewith;

(b) section twelve of this act shall expire and be deemed repealed July 1, 2019;

(c) section eighteen of this act shall take effect on the first of July next succeeding the date on which it shall have become a law;

(d) section twenty of this act shall take effect on the first day of a quarterly sales tax period as set forth in subdivision (b) of section 1136 of the tax law, next succeeding April 1, 2018;

(e) sections twenty-two and twenty-three of this act shall be deemed to have been in full force and effect on and after section 23 of part A of chapter 57 of the laws of 2013, took effect;

(f) the amendments to section 3602-ee of the education law, made by section thirty of this act, shall not affect the expiration and repeal of such section, and shall expire and be deemed repealed therewith; and

(g) the amendments to section 2590-c of the education law made by section thirty-two of this act shall not affect the repeal of such section and shall be deemed repealed therewith.

PART A-2

Section 1. Short title. This act shall be known and may be cited as "Erin Merryn's law".

§ 2. Legislative findings and intent. The legislature finds and declares that child sexual abuse, estimated to affect up to one in four girls and up to one in six boys, poses a grave threat to the health and safety of young people, and its damaging effects can last a lifetime.

The legislature also finds and declares that child sexual exploitation, including the use of children in pornography and prostitution, and child abduction pose a similar threat to the health and safety of young people, and put child victims at grave risk of death or severe bodily harm.

The legislature also finds and declares that the incidence of child sexual abuse, child sexual exploitation and child abduction can be reduced by raising awareness among young children of common dangers and warning signs, empowering children to better protect themselves from sexual predators, and teaching children how to obtain any necessary assistance or services.

It is hereby declared to be the public policy and in the public interest of this state to establish a comprehensive program to provide an age-appropriate course of instruction in the prevention of child abduction, child sexual exploitation and child sexual abuse.

§ 3. Section 305 of the education law is amended by adding a new subdivision 56 to read as follows:

56. a. The commissioner shall make recommendations to the regents relating to instruction to prevent child sexual exploitation and child abuse in grades kindergarten through eight.

b. Prior to making the recommendations to the regents, the commissioner shall:

(i) seek the recommendations of teachers, school administrators, teacher educators and others with educational expertise in the proposed curriculum;

(ii) seek comment from parents, students and other interested parties;

(iii) consider the amount of instructional time such curriculum will require and whether such time would detract from other mandated courses of study;

(iv) consider the fiscal impact, if any, on the state and school districts; and

(v) consider any additional factors the commissioner deems relevant.

c. No later than one hundred eighty days after the effective date of this subdivision, the commissioner shall provide a recommendation to the regents to either adopt and promulgate appropriate rules and regulations implementing such curriculum or reject the implementation of such curriculum. Upon receiving a recommendation from the commissioner, pursuant to this subdivision, the regents shall vote to either accept or reject the commissioner's recommendation no later than sixty days after receiving such recommendation.

d. If the regents adopt such curriculum, the curriculum requirement shall take effect no later than the next school year after such curriculum has been adopted.

e. If the regents reject such curriculum, the commissioner shall provide a report as to the determination of the regents to the governor, the temporary president of the senate, the speaker of the assembly and the chairs of the senate and assembly committees on education providing the reasons for such rejection not later than thirty days after the regents reject such curriculum.

§ 4. This act shall take effect immediately.

PART A-3

Section 1. Legislative findings. The legislature hereby finds that the closure of the Indian Point nuclear power plant located within the Hendrick Hudson central school district may result in instability in the real property tax base and the budgets of the district due to the uncertainty of future payments and impact the closure will have on the taxpayers.

§ 2. Definitions. As used in this act:

(a) "Board of education" or "board" means the board of education of the Hendrick Hudson central school district.

(b) "Energy system tax stabilization reserve fund" means the energy system tax stabilization fund established pursuant to this act.

(c) "School district" or "district" means the Hendrick Hudson central school district.

§ 3. The board of education is hereby authorized to establish an energy system tax stabilization reserve fund to lessen or prevent increases in the school district's real property tax levy resulting from decreases in revenue due to the closure of the Indian Point nuclear power plant provided, however, that no such fund shall be established unless approved by a majority vote of the voters present and voting on a separate ballot proposition therefor at either a special district meeting which the board of education may call for such purpose or at the annual district meeting and election, to be noticed and conducted in either case in accordance with article 41 of the education law. Such separate proposition shall set forth the maximum allowable balance to be deposited and held in the energy system stabilization reserve fund. Moneys shall be paid into and withdrawn from the fund and the fund shall be administered as follows:

(a) The board of education is hereby authorized to make payments into the energy system tax stabilization reserve fund in an amount not to exceed the balance over any maximum allowable balance in such unassigned fund balance and from any reserve funds authorized or required by law in amounts which the board of education shall determine are not reasonably necessary for the purpose of such fund or funds and which accrued prior to the establishment of the energy system tax stabilization reserve fund provided that no such payment from any unassigned fund balance or any

reserve fund shall cause the balance of the fund to exceed the amount approved in the ballot proposal pursuant to this section.

(b) Moneys may be withdrawn from the energy system tax stabilization reserve fund for any fiscal year to be expended for any lawful purpose. Withdrawals from the fund shall be disclosed in a manner consistent with the required disclosures of similar reserve funds held by the district, including disclosures required by the property tax report card prepared by the district pursuant to the provisions of subdivision 7 of section 1716 of the education law; and deposits and withdrawals made in each fiscal year shall be subject to he district's annual budget approval process.

(c) The moneys in the energy system tax stabilization reserve fund shall be deposited, invested and accounted for in the manner provided for in subdivisions 2 and 6 of section 3651 and section 3652 of the education law.

§ 4. This act shall take effect immediately.

PART B

Section 1. Subdivision 4 of section 1950 of the education law is amended by adding a new paragraph oo to read as follows:

oo. Boards of cooperative educational services may provide a collaborative alternative education program known as a "recovery high school" for students (i) diagnosed with substance use disorder, as defined by the Diagnostic and Statistical Manual of Mental Disorders V, and (ii) who have demonstrated a commitment to recovery. Provided that a recovery high school may be one of three such schools authorized by the commissioner of the office of alcoholism and substance abuse services in conjunction with the commissioner, provided that each recovery high school shall contain the following program elements: (a) a comprehensive four year high school education, (b) a structured plan of recovery for students, (c) a partnership with a local social services agency with expertise in substance use disorder and mental health, and (d) any other program elements pursuant to regulations of the commissioner of alcoholism and substance abuse services. One such school established pursuant to this section shall be located in either Nassau or Suffolk county and the other two schools shall be located in counties that are not Nassau or Suffolk county.

(1) Program and administrative costs allocated to component school districts in accordance with a recovery high school program pursuant to this paragraph shall be eligible for BOCES aid as an aidable shared service pursuant to this section and costs allocated to a participating non-component school district pursuant to a memorandum of understanding shall be aidable pursuant to subdivision five of this section to the same extent and on the same basis as costs allocated to a component school district.

(2) The trustees or board of education of a non-component school district, including city school districts of cities in excess of one hundred twenty-five thousand inhabitants, may enter into a memorandum of understanding with a board of cooperative educational services to participate in a recovery high school program for a period not to exceed five years upon such terms as such trustees or board of education and the board of cooperative educational services may mutually agree, provided that such agreement may provide for a charge for administration of the recovery high school program but participating non-component

school districts shall not be liable for payment of administrative expenses as defined in paragraph b of this subdivision.

§ 2. Paragraph h of subdivision 4 of section 1950 of the education law is amended by adding a new subparagraph 12 to read as follows:

(12) To enter into contracts with the commissioner of the office of alcoholism and substance abuse services, substance abuse treatment providers, and any other organization for the purpose of operating a recovery high school program. Any such proposed contract shall be subject to the review and approval of the commissioner.

§ 3. On or before December 31, 2017, and annually thereafter, the commissioner of the office of alcoholism and substance abuse services, in conjunction with the commissioner of education shall report to the governor, speaker of the assembly and temporary president of the senate on the status of schools established pursuant to this section and applicable statistics on the operation of the schools.

§ 4. This act shall take effect immediately, and shall expire July 1, 2022 when upon such date the provisions of this act shall be deemed repealed.

PART C

Section 1. Section 3209 of the education law, as amended by chapter 569 of the laws of 1994, paragraphs a and a-1 of subdivision 1 as amended and subdivision 2-a as added by chapter 101 of the laws of 2003, paragraph b of subdivision 3 as amended by section 28 of part B of chapter 57 of the laws of 2007, is amended to read as follows:

§ 3209. Education of homeless children. 1. Definitions.

a. Homeless child. For the purposes of this article, the term "homeless child" shall mean:

(1) a child or youth who lacks a fixed, regular, and adequate nighttime residence, including a child or youth who is:

(i) sharing the housing of other persons due to a loss of housing, economic hardship or a similar reason;

(ii) living in motels, hotels, trailer parks or camping grounds due to the lack of alternative adequate accommodations;

(iii) abandoned in hospitals; **or**

(iv) [~~**awaiting foster care placement; or**~~

~~**(v)**~~] a migratory child, as defined in subsection two of section thirteen hundred nine of the Elementary and Secondary Education Act of 1965, as amended **by the Every Student Succeeds Act of 2015**, who qualifies as homeless under any of the provisions of clauses (i) through [~~**(iv)**~~] **(iii)** of this subparagraph or subparagraph two of this paragraph; [~~**or**~~]

(v) an unaccompanied youth, as defined in section seven hundred twenty-five of subtitle B of title VII of the McKinney-Vento Homeless Assistance Act; or

(2) a child or youth who has a primary nighttime location that is:

(i) a supervised publicly or privately operated shelter designed to provide temporary living accommodations including, but not limited to, shelters operated or approved by the state or local department of social services, and residential programs for runaway and homeless youth established pursuant to article nineteen-H of the executive law; or

(ii) a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings, including a child or youth who is living in a car, park, public space, abandoned building, substandard housing, bus or train stations or similar setting.

a-1. Exception. For the purposes of this article the term "homeless child" shall not include a child in a foster care placement or receiving educational services pursuant to subdivision four, five, six, six-a or seven of section thirty-two hundred two of this [~~article~~] part or pursuant to article eighty-one, eighty-five, eighty-seven or eighty-eight of this chapter.

b. Designator. The term "designator" shall mean:

(1) the parent or the person in parental relation to a homeless child; or

(2) the homeless child, if no parent or person in parental relation is available; or

(3) the director of a residential program for runaway and homeless youth established pursuant to article nineteen-H of the executive law, in consultation with the homeless child, where such homeless child is living in such program.

c. School district of origin. The term "school district of origin" shall mean the school district within the state of New York in which the homeless child was attending a public school or preschool on a tuition-free basis or was entitled to attend when circumstances arose which caused such child to become homeless, which is different from the school district of current location. [~~Whenever the school district of origin is designated pursuant to subdivision two of this section, the child shall be entitled to return to the school building where previously enrolled.~~] School district of origin shall also mean the school district in the state of New York in which the child was residing when circumstances arose which caused such child to become homeless if such child was eligible to apply, register, or enroll in public preschool or kindergarten at the time such child became homeless, or the homeless child has a sibling who attends a school in the school district in which the child was residing when circumstances arose which caused such child to become homeless.

d. School district of current location. The term "school district of current location" shall mean the public school district within the state of New York in which the hotel, motel, shelter or other temporary housing arrangement of a homeless child, or the residential program for runaway and homeless youth, is located, which is different from the school district of origin. [~~Whenever the school district of current location is designated pursuant to subdivision two of this section, the child shall be entitled to attend the school that is zoned for his or her temporary location or any school that nonhomeless students who live in the same attendance zone in which the homeless child or youth is temporarily residing are entitled to attend.~~]

e. Regional placement plan. The term "regional placement plan" shall mean a comprehensive regional approach to the provision of educational placements for homeless children which has been approved by the commissioner.

f. Feeder school. The term "feeder school" shall mean:

(1) a preschool whose students are entitled to attend a specified elementary school or group of elementary schools upon completion of that preschool;

(2) a school whose students are entitled to attend a specified elementary, middle, intermediate, or high school or group of specified elementary, middle, intermediate, or high schools upon completion of the terminal grade of such school; or

(3) a school that sends its students to a receiving school in a neighboring school district pursuant to section two thousand forty of this chapter.

g. Preschool. The term "preschool" shall mean a publicly funded prekindergarten program administered by the department or a local educational agency or a Head Start program administered by a local educational agency and/or services under the Individuals with Disabilities Education Act administered by a local educational agency.

h. Receiving school. The term "receiving school" shall mean:

(1) a school that enrolls students from a specified or group of preschools, elementary schools, middle schools, intermediate schools, or high schools; or

(2) a school that enrolls students from a feeder school in a neighboring local educational agency pursuant to section two thousand forty of this chapter.

i. School of origin. The term "school of origin" shall mean a public school that a child or youth attended when permanently housed, or the school in which the child or youth was last enrolled, including a preschool or a charter school. Provided that, for a homeless child or youth who completes the final grade level served by the school of origin, the term "school of origin" shall include the designated receiving school at the next grade level for all feeder schools. Where the child is eligible to attend school in the school district of origin because the child becomes homeless after such child is eligible to apply, register, or enroll in the public preschool or kindergarten or the child is living with a school-age sibling who attends school in the school district of origin, the school of origin shall include any public school or preschool in which such child would have been entitled or eligible to attend based on such child's last residence before the circumstances arose which caused such child to become homeless.

2. Choice of district and school.

a. The designator shall have the right to designate one of the following as the school district within which the homeless child shall be entitled to attend upon instruction:

(1) the school district of current location;

(2) the school district of origin; or

(3) a school district participating in a regional placement plan.

b. The designator shall also have the right to designate one of the following as the school where a homeless child seeks to attend for instruction:

(1) the school of origin; or

(2) any school that nonhomeless children and youth who live in the attendance area in which the child or youth is actually living are eligible to attend, including a preschool.

c. (1) Notwithstanding any other provision of law to the contrary, where the public school district in which a homeless child is temporarily housed is the [~~same school district the child was attending on a tuition-free basis or was entitled to attend when circumstances arose which caused the child to become homeless~~] school district of origin, the homeless child shall be entitled to attend the schools of such district without the payment of tuition in accordance with subdivision one of section thirty-two hundred two of this article for the duration of the homelessness and until the end of the school year in which such child becomes permanently housed and for one additional year if that year constitutes the child's terminal year in such building. [~~Such child may choose to remain in the public school building they previously~~

~~attended until the end of the school year and for one additional year if that year constitutes the child's terminal year in such building in lieu of the school serving the attendance zone in which the temporary housing facility is located.~~]

(2) Notwithstanding any other provision of law to the contrary, where the [~~public~~] school [~~or school district~~] district of origin or school of origin that a homeless child was attending on a tuition-free basis or was entitled to attend when circumstances arose which caused the child to become homeless is located [~~outside the state~~] in New York state and the homeless child's temporary housing arrangement is located in a contiguous state, the homeless child shall be [~~deemed a resident of the school district in which the hotel, motel, shelter or other temporary housing arrangement of the child is currently located and shall be~~] entitled to [~~attend the schools of such district without payment of tuition in accordance with subdivision one of section thirty-two hundred two of this article. Such district of residence shall not be considered a school district of origin or a school district of current location for purposes of this section~~] attend the school of origin or any school that nonhomeless children and youth who live in the attendance area in which the child or youth is actually living are eligible to attend, including a preschool, subject to a best interest determination pursuant to subparagraph three of paragraph f of this subdivision, for the duration of the homelessness and until the end of the school year in which such child becomes permanently housed and for one additional year if that year constitutes the child's terminal year in such building.

(3) Notwithstanding any other provision of law to the contrary, where the child's temporary housing arrangement is located in New York state, the homeless child shall be entitled to attend the school of origin or any school that nonhomeless children and youth who live in the attendance area in which the child or youth is actually living are eligible to attend, including a preschool, subject to a best interest determination pursuant to subparagraph three of paragraph f of this subdivision, for the duration of the homelessness and until the end of the school year in which such child becomes permanently housed and for one additional year if that year constitutes the child's terminal year in such building.

[~~c.~~] d. Notwithstanding the provisions of paragraph a of this subdivision, a homeless child who has designated the school district of current location as the district of attendance and who has relocated to another temporary housing arrangement outside of such district, or to a different attendance zone or community school district within such district, shall be entitled to continue [~~the prior designation to enable the student to remain~~] to attend in the same school building or designate any school that nonhomeless children and youth who live in the attendance area in which the child or youth is actually living are eligible to attend, including a preschool, subject to a best interest determination in accordance with subparagraph three of paragraph f of this subdivision, for the duration of the homelessness and until the end of the school year in which the child becomes permanently housed and for one additional year if that year constitutes the child's terminal year in such building.

[~~d.~~] e. Such designation shall be made on forms specified by the commissioner, and shall include the name of the child, the name of the parent or person in parental relation to the child, the name and location of the temporary housing arrangement, the name of the school district of origin, the name of the school district where the child's records are located, the complete address where the family was located

at the time circumstances arose which caused such child to become homeless and any other information required by the commissioner. All school districts, temporary housing facilities operated or approved by a local social services district, and residential facilities for runaway and homeless youth shall make such forms available **and shall ensure that the completed designation forms are given to the local educational agency liaison for the local educational agency in which the designated school is located in a timeframe prescribed by the commissioner in regulations**. Where the homeless child is located in a temporary housing facility operated or approved by a local social services district, or a residential facility for runaway and homeless youth, the director of the facility or a person designated by the social services district, shall, within two business days, assist the designator in completing the designation forms and enrolling the homeless child in the designated school district **and shall forward the completed designation form to the local educational agency liaison for the local educational agency in which the designated school is located in a timeframe prescribed by the commissioner in regulations**.

[~~c.~~] **f.** Upon receipt of the designation form, the designated school district shall immediately:

(1) **review the designation form to ensure that it has been completed;**

(2) admit the homeless child **even if the child or youth is unable to produce records normally a requirement for enrollment, such as previous academic records, records of immunization and/or other required health records, proof of residency or other documentation and/or even if the child has missed application or enrollment deadlines during any period of homelessness, if applicable. Provided that nothing herein shall be construed to require the immediate attendance of an enrolled student lawfully excluded from school temporarily pursuant to section nine hundred six of this chapter because of a communicable or infectious disease that imposes a significant risk of infection of others**;

[~~(2)~~] **(3) determine whether the designation made by the designator is consistent with the best interests of the homeless child or youth. In determining a homeless child's best interest, a local educational agency shall:**

(i) presume that keeping the homeless child or youth in the school of origin is in the child's or youth's best interest, except when doing so is contrary to the request of the child's parent or guardian, or in the case of an unaccompanied youth, the youth;

(ii) consider student-centered factors, including but not limited to factors related to the impact of mobility on achievement, education, the health and safety of the homeless child, giving priority to the request of the child's or youth's parent or guardian or the youth in the case of an unaccompanied youth;

(iii) if after considering student-centered factors and conducting a best interest school placement determination, the local educational agency determines that it is not in the homeless child's best interest to attend the school of origin or the school designated by the designator, the local educational agency must provide a written explanation of the reasons for its determination, in a manner and form understandable to such parent, guardian, or unaccompanied youth. The information must also include information regarding the right to a timely appeal in accordance with regulations of the commissioner. The homeless child or youth must be enrolled in the school in which enrollment is sought by the designator during the pendency of all available appeals;

(4) treat the homeless child as a resident for all purposes;

[~~(3)~~] (5) make a written request to the school district where the child's records are located for a copy of such records; and

[~~(4)~~] (6) forward the designation form to the [~~commissioner, and the~~] school district of origin where applicable.

[~~f.~~] g. Within five days of receipt of a request for records pursuant to subparagraph [~~three~~] five of paragraph [~~e~~] f of this subdivision, the school district shall forward, in a manner consistent with state and federal law, a complete copy of the homeless child's records including, but not limited to, proof of age, academic records, evaluations, immunization records, and guardianship papers, if applicable.

[~~g.~~] **h. Where the school of origin is a charter school, the school district designated pursuant to this subdivision shall be deemed to be the school district of residence of such child for purposes of fiscal and programmatic responsibility under article fifty-six of this chapter and shall be responsible for transportation of the homeless child if a social services district is not otherwise responsible pursuant to subdivision four of this section.**

i. The commissioner shall promulgate regulations setting forth the circumstances pursuant to which a change in designation may be made and establishing a procedure for the identification of the school district of origin.

2-a. Notwithstanding any other provision of law to the contrary, each local educational agency, as such term is defined in subsection twenty-six of section ninety-one hundred one of the Elementary and Secondary Education Act of 1965, **as amended by the Every Student Succeeds Act of 2015,** shall designate a local educational agency liaison for homeless children and youths and shall, consistent with the provisions of this section, otherwise comply with the applicable requirements of paragraphs three through seven of subsection (g) of section seven hundred twenty-two of subtitle B of title VII of the McKinney-Vento Assistance Act.

3. Reimbursement.

a. Where either the school district of current location or a school district participating in a regional placement plan is designated as the district in which the homeless child shall attend upon instruction and such homeless child's school district of origin is within New York state, the school district providing instruction**, including preschool instruction,** shall be eligible for reimbursement by the department, as approved by the commissioner, for the direct cost of educational services, not otherwise reimbursed under special federal programs, calculated pursuant to regulations of the commissioner for the period of time for which such services are provided. The claim for such reimbursement shall be in a form prescribed by the commissioner. The educational costs for such children shall not be otherwise aidable or reimbursable.

b. The school district of origin shall reimburse the department for its expenditure for educational services on behalf of a homeless child pursuant to paragraph a of this subdivision in an amount equal to the school district basic contribution, as such term is defined in subdivision eight of section forty-four hundred one of this chapter, pro-rated for the period of time for which such services were provided in the base year by a school district other than the school district of origin. Upon certification by the commissioner, the comptroller shall deduct from any state funds which become due to the school district of origin an amount equal to the reimbursement required to be made by such school district in accordance with this paragraph, and the amount so deducted shall not be included in the operating expense of such district for the purpose of

computing the approved operating expense pursuant to paragraph t of subdivision one of section thirty-six hundred two of this chapter.

4. Transportation.

a. A social services district shall provide for the transportation of each homeless child, including those in preschool and students with disabilities identified pursuant to sections forty-four hundred one and forty-four hundred two of this chapter whose individualized education programs include special transportation services, who is eligible for benefits pursuant to section three hundred fifty-j of the social services law, to and from a temporary housing location in which the child was placed by the social services district and the school attended by such child pursuant to this section, if such temporary housing facility is located outside of the designated school district pursuant to paragraph a of subdivision two of this section. A social services district shall be authorized to contract with a board of education or a board of cooperative educational services for the provision of such transportation. Where the social services district requests that the designated school district of attendance provide or arrange for transportation for a homeless child eligible for transportation pursuant to this paragraph, the designated school district of attendance shall provide or arrange for the transportation and the social services district shall fully and promptly reimburse the designated school district of attendance for the cost as determined by the designated school district. This paragraph shall apply to placements made by a social services district without regard to whether a payment is made by the district to the operator of the temporary housing facility.

b. [~~The division for youth, to the extent funds are provided for such purpose, as determined by the director of the budget,~~] The designated school district of attendance shall provide for the transportation of each homeless child who is living in a residential program for runaway and homeless youth established pursuant to article nineteen-H of the executive law, to and from such residential program, and the school attended by such child pursuant to this section, if such temporary housing location is located outside the designated school district. The [~~division for youth or the director of a residential program for runaway and homeless youth~~] designated district of attendance shall be authorized to contract with [~~a school district or~~] a board of cooperative educational services or a residential program for runaway and homeless youth for the provision of such transportation. The department shall reimburse the designated school district of attendance for the cost of transporting such child to and from the residential program and the school attended by such child to the extent funds are provided for such purpose, as determined by the director of the budget.

c. Notwithstanding any other provision of law, any homeless child not entitled to receive transportation pursuant to [~~paragraph~~] paragraphs a and b of this subdivision who requires transportation in order to attend a school [~~district~~] of origin designated pursuant to [~~paragraph a of~~] subdivision two of this section [~~outside of the district in which such child is housed~~], shall be entitled to receive such transportation pursuant to this paragraph. [~~If the~~] The designated [~~school district pursuant to paragraph a of subdivision two of this section is the school district of origin or a school district participating in a regional placement plan, such~~] school district of attendance shall provide transportation to and from the child's temporary housing location and the school [~~the child legally attends~~] of origin. Such transportation shall not be in excess of fifty miles each way except where the commissioner

certifies that transportation in excess of fifty miles is in the best interest of the child. Any cost incurred for such transportation that is allowable pursuant to the applicable provision of parts two and three of article seventy-three of this chapter or herein, shall be aidable pursuant to subdivision seven of section thirty-six hundred two of this chapter, provided that the approved transportation expense shall not exceed an amount determined by the commissioner to be the total cost for providing the most cost-effective mode of such transportation in a manner consistent with commissioner's regulations. The commissioner shall promulgate regulations setting forth the circumstances pursuant to which parent accompaniment for transportation may be reimbursable, including but not limited to: the age of the child; the distance of the transportation; the cost-effectiveness of the transportation; and whether the child has a handicapping condition.

d. Notwithstanding any other provision of law, where a homeless child designates the school district of current location as the district the child will attend **and such child does not attend the school of origin**, such school district shall provide transportation to such child on the same basis as a resident student.

e. [~~**Notwithstanding any other provision of law, if a homeless child chooses to remain in the public school building the child previously attended pursuant to subparagraph one of paragraph b of subdivision two of this section or paragraph c of subdivision two of this section the school district shall provide transportation to and from the child's temporary housing location and the school the child legally attends if such temporary housing is located in a different attendance zone or community school district within such district. The cost of such transportation shall be reimbursed in accordance with the provisions of paragraph c of this subdivision.**~~] **Where the designated school district of attendance has recommended that the homeless child attend a summer educational program and the lack of transportation poses a barrier to such child's participation in the summer educational program, the designated school district of attendance shall provide transportation.**

f. The designated school district of attendance, or the social services district if such child is eligible for transportation from the social services district pursuant to paragraph a of this subdivision, shall provide or arrange for transportation to extracurricular or academic activities where:

(1) the homeless child participates in or would like to participate in an extracurricular or academic activity, including an after-school activity, at the school;

(2) the homeless child meets the relevant eligibility criteria for the activity; and

(3) the lack of transportation poses a barrier to such child's participation in the activity.

g. Where the homeless child is temporarily living in a contiguous state and has designated a school of origin located in the state of New York, the designated school district in New York state shall collaborate with the local educational agency in which such child is temporarily living to arrange for transportation in accordance with section 722(g)(1)(J)(iii)(II) of the McKinney-Vento Homeless Assistance Act.

h. Where the homeless child is temporarily living in New York state and continues to attend a school of origin located in a contiguous state, the school district of current location shall coordinate with the local educational agency where such child is attending school to arrange

for transportation in accordance with section 722(g)(1)(J)(iii)(II) of the McKinney-Vento Homeless Assistance Act.

i. Transportation as described in this subdivision must be provided to the homeless child by the designated school district of attendance or the social services district for the duration of homelessness. The designated district of attendance must transport the child for the remainder of the school year in which the child becomes permanently housed and one additional year if that year constitutes the child's terminal year in the designated school. Such transportation shall not be in excess of fifty miles each way except where the commissioner certifies that transportation in excess of fifty miles is in the best interest of the child. The designated school district of attendance shall be entitled to reimbursement from the current school district in which the child becomes permanently housed for any cost incurred for transportation for the remainder of the school year after the child becomes permanently housed and one additional year if that year constitutes the child's terminal year in the designated school.

5. Each school district shall:

a. establish procedures, in accordance with 42 U.S.C. section 11432(g)(3)(E), for the prompt resolution of disputes regarding school selection or enrollment of a homeless child or youth, including, but not limited to, disputes regarding transportation and/or a child's or youth's status as a homeless child or unaccompanied youth;

b. provide a written explanation, including a statement regarding the right to appeal pursuant to 42 U.S.C. section 11432(g)(3)(E)(ii), the name, post office address and telephone number of the local educational agency liaison and the form petition for commencing an appeal to the commissioner pursuant to section three hundred ten of this chapter of a final determination regarding enrollment, school selection and/or transportation, to the homeless child's or youth's parent or guardian, if the school district declines to either enroll and/or transport such child or youth to the school of origin or a school requested by the parent or guardian; and

c. shall immediately enroll the child or youth in the school in which enrollment is sought pending final resolution of the dispute over the school district's final determination of the child's or youth's homeless status, including all available appeals within the local educational agency and the commissioner pursuant to the provisions of section three hundred ten of this chapter.

6. a. By January thirty-first, nineteen hundred ninety-five, the commissioner, the commissioner of [~~social services, and the director of the division for youth~~] the office of temporary and disability assistance and the commissioner of the office of children and family services shall develop a plan to ensure coordination and access to education for homeless children and shall annually review such plan.

b. The commissioner shall periodically monitor local school districts to ensure their compliance with the provisions of this article, and that such districts review and revise any local regulations, policies, or practices that may act as barriers to the enrollment or attendance of homeless children in school or their receipt of comparable services as defined in Part B of Title VII of the Federal Stewart B. McKinney Act.

c. School districts shall periodically report such information to the commissioner as he or she may require to carry out the purposes of this section.

[~~6.~~] 7. Public welfare officials, except as otherwise provided by law, shall furnish indigent children with suitable clothing, shoes, books,

food, transportation and other necessaries to enable them to attend upon instruction as required by law. Upon demonstration of need, such necessaries shall also include transportation of indigent children for the purposes of evaluations pursuant to section forty-four hundred ten of this chapter and title II-A of article twenty-five of the public health law.

[~~7.~~] **8. Information about a homeless child's or youth's living situation shall be treated as a student educational record, and shall not be deemed to be directory information, under the McKinney-Vento Homeless Assistance Act, as amended by the Every Student Succeeds Act of 2015.**

9. Each homeless child to be assisted under this section shall be provided services comparable to services offered to other students in the school selected under this section, including the following: transportation services; educational services for which the child or youth meets the eligibility criteria, such as services provided under Title I of the Elementary and Secondary Education Act of 1965 or similar state or local programs; educational programs for children with disabilities; educational programs for English learners; programs in career and technical education; programs for gifted and talented students; and school nutrition programs.

10. The commissioner may promulgate regulations to carry out the purposes of this section.

§ 2. Paragraph a of subdivision 1 of section 3209 of the education law, as added by chapter 569 of the laws of 1994, is amended to read as follows:

a. Homeless child. For the purposes of this article, the term "homeless child" shall mean:

(1) a child who lacks a fixed, regular, and adequate nighttime residence**, including a child or youth who is:**

(i) sharing the housing of other persons due to a loss of housing, economic hardship or a similar reason;

(ii) living in motels, hotels, trailer parks or camping grounds due to the lack of alternative adequate accommodations;

(iii) abandoned in hospitals;

(iv) a migratory child, as defined in subsection two of section thirteen hundred nine of the Elementary and Secondary Education Act of 1965, as amended by the Every Student Succeeds Act of 2015, who qualifies as homeless under any of the provisions of clauses (i) through (iii) of this subparagraph or subparagraph two of this paragraph; or

(v) an unaccompanied youth, as defined in section seven hundred twenty-five of subtitle B of title VII of the McKinney-Vento Homeless Assistance Act; or

(2) a child who has a primary nighttime location that is:

(i) a supervised publicly or privately operated shelter designed to provide temporary living accommodations including, but not limited to, shelters operated or approved by the state or local department of social services, and residential programs for runaway and homeless youth established pursuant to article nineteen-H of the executive law; or

(ii) a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings**, including a child or youth who is living in a car, park, public space, abandoned building, substandard housing, bus or train stations or similar setting**.

(3) the term "homeless child" shall not include a child in foster care **placement** or receiving educational services pursuant to subdivision four, five, six, six-a or seven of section thirty-two hundred two of

this article or pursuant to article eighty-one, eighty-five, eighty-seven or eighty-eight of this chapter.

§ 3. This act shall take effect immediately; provided, however, that:

(a) the amendments to paragraph a of subdivision 1 of section 3209 of the education law made by section one of this act shall be subject to the expiration and reversion of such paragraph pursuant to section 5 of chapter 101 of the laws of 2003, as amended, when upon such date the provisions of section two of this act shall take effect;

(b) the amendments to paragraph a-1 of subdivision 1 of section 3209 of the education law made by section one of this act shall not affect the expiration of such paragraph and shall be deemed to expire therewith; and

(c) the amendments to subdivision 2-a of section 3209 of the education law made by section one of this act shall not affect the repeal of such subdivision and shall be deemed repealed therewith.

PART D

Intentionally Omitted

PART E

Intentionally Omitted

PART F

Intentionally Omitted

PART G

Intentionally Omitted

PART H

Intentionally Omitted

PART I

Intentionally Omitted

PART J

Intentionally Omitted

PART K

Section 1. This part enacts into law major components of legislation which are necessary for the financing of various child welfare services. Each component is wholly contained within a subpart identified as

subparts A through B. The effective date for each particular provision contained within a subpart is set forth in the last section of such subpart. Any provision in any section contained within a subpart, including the effective date of the subpart, which makes reference to a section "of this act", when used in connection with that particular component, shall be deemed to mean and refer to the corresponding section of the subpart in which it is found. Section three of this part sets forth the general effective date of this part.

SUBPART A

Section 1. Section 28 of part C of chapter 83 of the laws of 2002, amending the executive law and other laws relating to funding for children and family services, as amended by section 1 of part F of chapter 57 of the laws of 2012, is amended to read as follows:

§ 28. This act shall take effect immediately; provided that sections nine through eighteen and twenty through twenty-seven of this act shall be deemed to have been in full force and effect on and after April 1, 2002; provided, however, that section fifteen of this act shall apply to claims that are otherwise reimbursable by the state on or after April 1, 2002 except as provided in subdivision 9 of section 153-k of the social services law as added by section fifteen of this act; provided further however, that nothing in this act shall authorize the office of children and family services to deny state reimbursement to a social services district for violations of the provisions of section 153-d of the social services law for services provided from January 1, 1994 through March 31, 2002; provided that section nineteen of this act shall take effect September 13, 2002 and shall expire and be deemed repealed June 30, 2012; and, provided further, however, that notwithstanding any law to the contrary, the office of children and family services shall have the authority to promulgate, on an emergency basis, any rules and regulations necessary to implement the requirements established pursuant to this act; provided further, however, that the regulations to be developed pursuant to section one of this act shall not be adopted by emergency rule; and provided further that the provisions of sections nine through eighteen and twenty through twenty-seven of this act shall expire and be deemed repealed on June 30, [~~2017~~] **2022**.

§ 2. This act shall take effect immediately.

SUBPART B

Section 1. Subdivision 10 of section 153 of the social services law, as amended by section 2 of part O of chapter 58 of the laws of 2011, is amended to read as follows:

10. Expenditures made by a social services district for the maintenance of children with disabilities, placed by school districts, pursuant to section forty-four hundred five of the education law shall, if approved by the office of children and family services, be subject to eighteen and four hundred twenty-four thousandths percent reimbursement by the state and thirty-eight and four hundred twenty-four thousandths percent reimbursement by school districts**, except for social services districts located within a city with a population of one million or more, where such expenditures shall be subject to fifty-six and eight hundred forty-eight thousandths percent reimbursement by the school district,** in accordance with paragraph c of subdivision one of section forty-four hundred five of the education law, after first deducting

therefrom any federal funds received or to be received on account of such expenditures, except that in the case of a student attending a state-operated school for the deaf or blind pursuant to article eighty-seven or eighty-eight of the education law who was not placed in such school by a school district such expenditures shall be subject to fifty percent reimbursement by the state after first deducting therefrom any federal funds received or to be received on account of such expenditures and there shall be no reimbursement by school districts. Such expenditures shall not be subject to the limitations on state reimbursement contained in subdivision two of section one hundred fifty-three-k of this title. In the event of the failure of the school district to make the maintenance payment pursuant to the provisions of this subdivision, the state comptroller shall withhold state reimbursement to any such school district in an amount equal to the unpaid obligation for maintenance and pay over such sum to the social services district upon certification of the commissioner of the office of children and family services and the commissioner of education that such funds are overdue and owed by such school district. The commissioner of the office of children and family services, in consultation with the commissioner of education, shall promulgate regulations to implement the provisions of this subdivision.

§ 2. Paragraph (a) of subdivision 2 of section 153-k of the social services law, as added by section 15 of part C of chapter 83 of the laws of 2002, is amended to read as follows:

(a) Notwithstanding the provisions of this chapter or of any other law to the contrary, eligible expenditures by a social services district for foster care services shall be subject to reimbursement with state funds only to the extent of annual appropriations to the state foster care block grant. Such foster care services shall include expenditures for the provision and administration of: care, maintenance, supervision and tuition; supervision of foster children placed in federally funded job corps programs; and care, maintenance, supervision and tuition for adjudicated juvenile delinquents and persons in need of supervision placed in residential programs operated by authorized agencies and in out-of-state residential programs**; except that, notwithstanding any other provision of law to the contrary, reimbursement with state funds pursuant to the state foster care block grant shall not be available for tuition expenditures for foster children, including persons in need of supervision and adjudicated juvenile delinquents, made by a social services district located within a city having a population of one million or more**. Social services districts must develop and implement children and family services delivery systems that are designed to reduce the need for and the length of foster care placements and must document their efforts in the multi-year consolidated services plan and the annual implementation reports submitted pursuant to section thirty-four-a of this chapter.

§ 3. Paragraph c of subdivision 1 of section 4405 of the education law, as amended by section 1 of part O of chapter 58 of the laws of 2011, is amended to read as follows:

c. Expenditures made by a social services district for the maintenance of a child with a disability placed in a residential school under the provisions of this article, including a child with a disability placed by a school district committee on special education pursuant to this article in a special act school district, or a state school subject to the provisions of articles eighty-seven and eighty-eight of this chapter, shall be subject to [~~thirty-eight and four hundred twenty-four~~

~~thousandths percent~~] reimbursement by the child's school district of residence pursuant to the provisions of subdivision ten of section one hundred fifty-three of the social services law. The amount of such reimbursement shall be a charge upon such school district of residence.

§ 4. This act shall take effect immediately; provided, however, that the amendments to subdivision 10 of section 153 of the social services law made by section one of this act shall not affect the expiration of such subdivision and shall expire therewith; and the amendments made to paragraph (a) of subdivision 2 of section 153-k of the social services law made by section two of this act shall not affect the repeal of such section and shall be deemed repealed therewith.

§ 2. Severability. If any clause, sentence, paragraph, subdivision or section of this part shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision or section thereof directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the intent of the legislature that this part would have been enacted even if such invalid provisions had not been included herein.

§ 3. This act shall take effect immediately; provided, however, that the applicable effective date of subparts A and B of this part shall be as specifically set forth in the last section of such subparts.

PART L

Section 1. Paragraph (iii) of subdivision (e) of section 1012 of the family court act, as amended by chapter 320 of the laws of 2006, is amended to read as follows:

(iii) **(A)** commits, or allows to be committed an offense against such child defined in article one hundred thirty of the penal law; **(B)** allows, permits or encourages such child to engage in any act described in sections 230.25, 230.30 and 230.32 of the penal law; **(C)** commits any of the acts described in sections 255.25, 255.26 and 255.27 of the penal law; [~~or~~] **(D)** allows such child to engage in acts or conduct described in article two hundred sixty-three of the penal law**; or (E) permits or encourages such child to engage in any act or commits or allows to be committed against such child any offense that would render such child either a victim of sex trafficking or a victim of severe forms of trafficking in persons pursuant to 22 U.S.C. 7102 as enacted by public law 106-386 or any successor federal statute; (F)** provided, however, that [~~(a)~~] **(1)** the corroboration requirements contained in the penal law and [~~(b)~~] **(2)** the age requirement for the application of article two hundred sixty-three of such law shall not apply to proceedings under this article.

§ 2. This act shall take effect immediately.

PART M

Section 1. Paragraph a of subdivision 2 of section 420 of the executive law, as amended by section 3 of part G of chapter 57 of the laws of 2013, is amended to read as follows:

a. **(1)** A municipality may submit to the office of children and family services a plan for the providing of services for runaway and homeless youth, as defined in article nineteen-H of this chapter. Where such municipality is receiving state aid pursuant to paragraph a of subdivi-

sion one of this section, such runaway and homeless youth plan shall be submitted as part of the comprehensive plan and shall be consistent with the goals and objectives therein.

(2) A runaway and homeless youth plan shall be developed in consultation with the municipal youth bureau and the county or city department of social services, shall be in accordance with the regulations of the office of children and family services, shall provide for a coordinated range of services for runaway and homeless youth and their families including preventive, temporary shelter, transportation, counseling, and other necessary assistance, and shall provide for the coordination of all available county resources for runaway and homeless youth and their families including services available through the municipal youth bureau, the county or city department of social services, local boards of education, local drug and alcohol programs and organizations or programs which have past experience dealing with runaway and homeless youth. [~~Such~~]

(3) In its plan **a municipality** may**:**

(i) include provisions for transitional independent living support programs [~~for homeless youth between the ages of sixteen and twenty-one~~] **and runaway and homeless youth crisis services programs** as provided in article nineteen-H of this chapter**;**

(ii) authorize services under article nineteen-H of this chapter to be provided to homeless young adults, as such term is defined in section five hundred thirty-two-a of this chapter;

(iii) authorize runaway and homeless youth to be served for additional periods of time in accordance with any of the following provisions of this chapter:

(A) paragraph (a) of subdivision two of section five hundred thirty-two-b;

(B) paragraph (b) of subdivision two of section five hundred thirty-two-b; or

(C) paragraph (b) of subdivision one of section five hundred thirty-two-d; and

(iv) require that another designated person or entity, in addition to the applicable runaway and homeless youth service coordinator, approve any exigent circumstance request as such term is defined in section five hundred thirty-two-a of this chapter, made to the office of children and family services.

(4) Such plan shall also provide for the designation and duties of the runaway and homeless youth service coordinator defined in section five hundred thirty-two-a of this chapter who is available on a twenty-four hour basis and maintains information concerning available shelter space, transportation and services.

(5) Such plan may include provision for the per diem reimbursement for residential care of runaway and homeless youth in [~~approved~~] **certified residential** runaway **and homeless youth** programs which are authorized agencies[~~, provided that such per diem reimbursement shall not exceed a total of thirty days for any one youth~~].

§ 2. Subdivisions 1, 2, 4 and 6 of section 532-a of the executive law, subdivisions 1 and 2 as amended by chapter 800 of the laws of 1985, subdivisions 4 and 6 as amended by section 6 of part G of chapter 57 of the laws of 2013, are amended, and two new subdivisions 9 and 10 are added, to read as follows:

1. "Runaway youth" shall mean a person under the age of eighteen years who is absent from his **or her** legal residence without the consent of his **or her** parent, legal guardian or custodian.

2. "Homeless youth" shall mean:

(a) a person under the age of [~~twenty-one~~] eighteen who is in need of services and is without a place of shelter where supervision and care are available; or

(b) a person who is under the age of twenty-one but is at least age eighteen and who is in need of services and is without a place of shelter.

(c) Provided however, when a municipality's approved comprehensive plan authorizes that services pursuant to this article be provided to "homeless young adults" as such term is defined in this section, then for purposes related to the provisions of that municipality's approved comprehensive plan that include "homeless young adults", the term "homeless youth" as used in this article shall be deemed to include "homeless young adults".

4. "[~~Approved runaway~~] Runaway and homeless youth crisis services program" shall mean:

(a) any non-residential program approved by the office of children and family services, after submission by the municipality[~~,~~] as part of its comprehensive plan, that provides services to runaway youth and homeless youth that are in crisis, in accordance with the regulations of the office of children and family services; or

(b) any residential [~~facility~~] program which is operated by an authorized agency as defined in subdivision ten of section three hundred seventy-one of the social services law, and [~~approved~~] certified by the office of children and family services [~~after submission by the municipality as part of its comprehensive plan, established and operated~~] to provide short-term residential services to runaway youth and homeless youth that are in crisis, in accordance with the applicable regulations of the office of temporary and disability assistance and the office of children and family services. [~~Such~~]

(c) Runaway and homeless youth crisis services programs may also provide non-residential crisis intervention and, if certified, residential respite services to youth in need of crisis intervention or respite services, as such term is defined in this section. Residential respite services in [~~an approved~~] a certified runaway and homeless youth crisis services program may be provided to such youth for no more than twenty-one days, in accordance with the regulations of the office of children and family services and section seven hundred thirty-five of the family court act.

6. "Transitional independent living support program" shall mean:

(a) any non-residential program approved by the office of children and family services, after submission by the municipality as part of its comprehensive plan, [~~or~~] that provides supportive services to enable homeless youth to progress from crisis care and transitional care to independent living, in accordance with the applicable regulations of the office of children and family services; or

(b) any residential [~~facility approved by the office of children and family services after submission by the municipality as part of its comprehensive plan to offer youth development programs,~~] program established and operated to provide supportive services, [~~for a period of up to eighteen months~~] in accordance with the regulations of the office of children and family services, to enable homeless youth [~~between the ages of sixteen and twenty-one~~] to progress from crisis care and transitional care to independent living.

[~~Such~~] (c) A transitional independent living support program may also provide services to youth in need of crisis intervention or respite

services. Notwithstanding the time limitation in paragraph (i) of subdivision (d) of section seven hundred thirty-five of the family court act, residential respite services may be provided in a transitional independent living support program for a period of more than twenty-one days.

9. "Homeless young adult" shall mean a person who is age twenty-four or younger but is at least age twenty-one and who is in need of services and is without a place of shelter.

10. "Exigent circumstance request" shall mean a request made by a municipality to the office of children and family services to approve:

(a) an additional length of stay in:

(i) a runaway and homeless youth crisis program pursuant to paragraph (c) of subdivision two of section five hundred thirty-two-b of this article; or

(ii) a transitional independent living program pursuant to paragraph (c) of subdivision one of section five hundred thirty-two-d of this article; or

(b) to allow a youth under the age of sixteen to be served in a transitional independent living program pursuant to subparagraph (ii) of paragraph (a) of subdivision one of section five hundred thirty-two-d of this article.

§ 3. Section 532-b of the executive law, as added by chapter 722 of the laws of 1978, the opening paragraph of subdivision 1 as amended by chapter 182 of the laws of 2002, paragraph (a) of subdivision 1 as amended by section 15 of part E of chapter 57 of the laws of 2005, paragraph (e) of subdivision 1 as amended by chapter 569 of the laws of 1994, and subdivision 2 as amended by section 7 of part G of chapter 57 of the laws of 2013, is amended to read as follows:

§ 532-b. Powers and duties of [~~approved~~] runaway [~~program~~] **and homeless youth crisis services programs**. 1. Notwithstanding any other provision of law, pursuant to regulations of the office of children and family services [~~an approved~~] **a** runaway **and homeless youth crisis services** program is authorized to and shall:

(a) provide assistance to any runaway or homeless youth or youth in need of crisis intervention or respite services as defined in this article;

(b) attempt to determine the cause for the youth's runaway or homeless status;

(c) explain to the runaway [~~and~~] **or** homeless youth his **or her** legal rights and options of service or other assistance available to the youth;

(d) work towards reuniting such youth with his **or her** parent or guardian as soon as practicable in accordance with section five hundred thirty-two-c of this article;

(e) assist in arranging for necessary services for runaway or homeless youth, and where appropriate, their families, including but not limited to food, shelter, clothing, medical care, education and individual and family counseling. Where the [~~approved~~] runaway **and homeless youth crisis services** program concludes that such runaway or homeless youth would be eligible for assistance, care or services from a local social services district, it shall assist the youth in securing such assistance, care or services as the youth is entitled to; [~~and~~]

(f) immediately report to the [~~local child protective service~~] **statewide central register of child abuse and maltreatment or vulnerable persons' central register, as appropriate,** where it has reasonable cause to suspect that the runaway or homeless youth has been abused or neglected or when such youth maintains such to be the case[~~.~~]**;**

(g) contact the appropriate local social services district if it is believed that the youth may be a destitute child, as such term is defined in section one thousand ninety-two of the family court act; and

(h) provide information to eligible youth about their ability to re-enter foster care in accordance with article ten-B of the family court act, and in appropriate cases, refer any such youth who may be interested in re-entering foster care to the applicable local social services district.

2. [~~The~~] (a) A runaway youth may remain in [~~the~~] a certified residential runaway and homeless youth crisis services program on a voluntary basis for a period not to exceed thirty days, or for a youth age fourteen or older for a period up to sixty days when authorized in the applicable municipality's approved comprehensive plan, from the date of admission where the filing of a petition pursuant to article ten of the family court act is not contemplated, in order that arrangements can be made for the runaway youth's return home, alternative residential placement pursuant to section three hundred ninety-eight of the social services law, or any other suitable plan.

(b) If the runaway youth and the parent, guardian or custodian agree[~~,~~] in writing, the runaway youth may remain in [~~the runaway~~] such program up to sixty days, or up to one hundred twenty days when authorized in the applicable municipality's approved county comprehensive plan, without the filing of a petition pursuant to article ten of the family court act, provided that in any such case the facility shall first have obtained the approval of the applicable municipal runaway and homeless youth services coordinator, who shall notify the municipality's youth bureau of his or her approval together with a statement as to the reason why such additional residential stay is necessary and a description of the efforts being made to find suitable alternative living arrangements for such youth.

(c) A runaway youth may remain in a certified residential runaway and homeless youth crisis services program beyond the applicable period authorized by paragraph (a) or (b) of this subdivision upon the approval of the commissioner of the office of children and family services or his or her designee upon written documentation of: the exigent circumstances that make the additional length of stay necessary; the diligent efforts that have been made by the program to find suitable alternative living arrangements for such youth; and the approval for the additional length of stay from the applicable municipal runaway and homeless youth services coordinator and any other individual or entity designated in the municipality's approved comprehensive plan.

§ 4. Section 532-c of the executive law, as added by chapter 722 of the laws of 1978, is amended to read as follows:

§ 532-c. Notice to parent; return of runaway youth to parent; alternative living arrangements. 1. The staff of [~~the~~] a residential runaway and homeless youth crisis services program shall, to the maximum extent possible, preferably within twenty-four hours but within no more than seventy-two hours following the youth's admission into the program, notify such runaway youth's parent, guardian or custodian of his or her physical and emotional condition, and the circumstances surrounding the runaway youth's presence at the program, unless there are compelling circumstances why the parent, guardian or custodian should not be so notified. Where such circumstances exist, the [~~runaway~~] program director or his or her designee shall either file an appropriate petition in the family court, refer the youth to the local social services district, or

in instances where abuse or neglect is suspected, report such case pursuant to title six of article six of the social services law.

2. Where custody of the youth upon leaving the [~~approved~~] program is assumed by a relative or other person, other than the parent or guardian, the staff of the program shall so notify the parent or guardian as soon as practicable after the release of the youth. The officers, directors or employees of [~~an approved runaway~~] the program shall be immune from any civil or criminal liability for or arising out of the release of a runaway or homeless youth to a relative or other responsible person other than a parent or guardian.

§ 5. Section 532-d of the executive law, as amended by chapter 182 of the laws of 2002, subdivisions (e) and (g) as amended and subdivision (f) as added by section 16 of part E of chapter 57 of the laws of 2005, is amended to read as follows:

§ 532-d. Residential [~~facilities operated as~~] transitional independent living support programs. Notwithstanding any inconsistent provision of law, pursuant to regulations of the office of children and family services, residential facilities operating as transitional independent living support programs are authorized to and shall:

[~~(a)~~] 1. (a) (i) provide shelter to homeless youth [~~between the ages of sixteen and twenty-one as defined in this article~~] who are at least age sixteen.

(ii) Provided, however, that shelter may be provided to a homeless youth under the age of sixteen upon the approval of the commissioner of the office of children and family services or his or her designee upon written documentation of: the exigent circumstances that warrant shelter being provided to the youth based on consideration of the youth's age; the diligent efforts that have been made by the program to find suitable alternative living arrangements for such youth; and approval for the youth to be sheltered in the program from the applicable municipal runaway and homeless youth coordinator and any other individual or entity designated in the municipality's approved comprehensive plan.

(b) Shelter may be provided to a homeless youth in a transitional independent living program for a period of up to eighteen months, or up to twenty-four months when authorized in the applicable municipality's approved comprehensive plan;

(c) A homeless youth who entered a transitional independent living program under the age of twenty-one may continue to receive shelter services in such program beyond the applicable period authorized by paragraph (b) of this subdivision, upon approval of the commissioner of the office of children and family services or his or her designee upon written documentation of: the exigent circumstances that make the additional length of stay necessary; the diligent efforts that have been made by the program to find suitable alternative living arrangements for such youth; and approval from the applicable municipal runaway and homeless youth services coordinator, and any other individual or entity designated in the municipality's approved comprehensive plan;

[~~(b)~~] 2. work toward reuniting such homeless youth with his or her parent, guardian or custodian, where possible;

[~~(c)~~] 3. provide or assist in securing necessary services for such homeless youth, and where appropriate, his or her family, including but not limited to housing, educational, medical care, legal, mental health, and substance and alcohol abuse services. Where such program concludes that such homeless youth would be eligible for assistance, care or services from a local social services district, it shall assist such youth in securing such assistance, care or services;

[~~(d)~~] 4. for a homeless youth whose service plan involves independent living, provide practical assistance in achieving independence, either through direct provision of services or through written agreements with other community and public agencies for the provision of services in the following areas; high school education or high school equivalency education; higher education assessment; job training and job placement; counseling; assistance in the development of socialization skills; guidance and assistance in securing housing appropriate to needs and income; and training in the development of skills necessary for responsible independent living, including but not limited to money and home management, personal care, and health maintenance; and

[~~(e)~~] 5. provide residential services to a youth in need of crisis intervention or respite services, as defined in this article; [~~and~~]

[~~(f)~~] 6. continue to provide services to a homeless youth who is not yet eighteen years of age but who has reached the [~~eighteen month~~] maximum time period provided by paragraph (b) of subdivision [~~six~~] one of this section [~~five hundred thirty-two-a of this article~~], until he or she is eighteen years of age or for an additional six months if he or she is still under the age of eighteen; and

[~~(g)~~] 7. contact the appropriate local social services district if it is believed that the youth may be a destitute child, as such term is defined in section one thousand ninety-two of the family court act;

8. provide information to eligible youth about their ability to re-enter foster care in accordance with article ten-B of the family court act, and in appropriate cases, refer any such youth who may be interested in re-entering foster care to the applicable local social services district; and

9. provide such reports and data as specified by the office of children and family services.

§ 6. The executive law is amended by adding a new section 532-f to read as follows:

§ 532-f. Required certification for residential programs. Notwithstanding any other provision of law to the contrary, any residential program established for the purpose of serving runaway and homeless youth that serves any youth under the age of eighteen or that is contained in a municipality's approved comprehensive plan, must be certified by the office of children and family services and must be operated by an authorized agency as such term is defined in subdivision ten of section three hundred seventy-one of the social services law.

§ 7. Paragraph (iii) of subdivision (b) of section 724 of the family court act, as amended by section 4 of part E of chapter 57 of the laws of 2005, is amended to read as follows:

(iii) take a youth in need of crisis intervention or respite services to [~~an approved~~] a runaway and homeless youth crisis services program or other approved respite or crisis program; or

§ 8. Subdivision 2 of section 447-a of the social services law, as added by chapter 569 of the laws of 2008, is amended to read as follows:

2. The term "short-term safe house" means a residential facility operated by an authorized agency as defined in subdivision ten of section three hundred seventy-one of this article including a residential facility operating as part of [~~an approved~~] a runaway and homeless youth crisis services program as defined in subdivision four of section five hundred thirty-two-a of the executive law or a not-for-profit agency with experience in providing services to sexually exploited youth and approved in accordance with the regulations of the office of children and family services that provides emergency shelter, services and care

to sexually exploited children including food, shelter, clothing, medical care, counseling and appropriate crisis intervention services at the time they are taken into custody by law enforcement and for the duration of any legal proceeding or proceedings in which they are either the complaining witness or the subject child. The short-term safe house shall also be available at the point in time that a child under the age of eighteen has first come into the custody of juvenile detention officials, law enforcement, local jails or the local commissioner of social services or is residing with the local runaway and homeless youth authority.

§ 9. This act shall take effect January 1, 2018; provided however, that:

(a) the office of children and family services is authorized to promulgate regulations regarding any of the provisions of this act on or before the effective date of such act;

(b) the amendments to article 19-H of the executive law made by section six of this act that require that certain residential runaway and homeless youth programs be operated by authorized agencies shall be deemed to apply to such programs that are certified by the office of children and family services on or after the effective date of this act;

(c) the amendments to:

(i) paragraph a of subdivision 2 of section 420 of the executive law, made by section one of this act, shall not affect the expiration and reversion of such subdivision pursuant to section 9 of part G of chapter 57 of the laws of 2013 and shall expire and be deemed repealed therewith; and

(ii) subdivisions 4 and 6 of section 532-a of the executive law, made by section two of this act, shall not affect the expiration and reversion of such subdivisions pursuant to section 9 of part G of chapter 57 of the laws of 2013 and shall expire and be deemed repealed therewith;

(iii) subdivision 2 of section 532-b of the executive law made by section three of this act, shall not affect the expiration and reversion of such subdivision pursuant to section 9 of part G of chapter 57 of the laws of 2013 and shall expire and be deemed repealed therewith.

PART N

Intentionally Omitted

PART O

Section 1. Subdivision 1 of section 131-r of the social services law, as added by chapter 81 of the laws of 1995 and as designated by chapter 340 of the laws of 2003, is amended to read as follows:

1. Any person who is receiving or has received, within the previous ten years, public assistance pursuant to the provisions of this article, and who wins a lottery prize of six hundred dollars or more shall reimburse the department from the winnings, for all such public assistance benefits paid to such person during the previous ten years[~~; provided, however, that such crediting to the department shall in no event exceed fifty percent of the amount of the lottery prize~~]. The commissioner shall enter into an agreement with the director of the lottery, pursuant to section sixteen hundred thirteen-b of the tax law, for the crediting of lottery prizes against public assistance benefits. Nothing herein shall limit the ability of a social services district to make recoveries

pursuant to section [~~104~~] **one hundred four** or section [~~106-b~~] **one hundred six-b** of this chapter.

§ 2. Subdivisions 1 and 3 of section 1613-b of the tax law, as amended by chapter 601 of the laws of 2007, are amended to read as follows:

(1) Notwithstanding any limitations in section one hundred four of the social services law, the director of the lottery, on behalf of the division of the lottery, shall enter into a written agreement with the commissioner of the office of temporary and disability assistance, on behalf of the office of temporary and disability assistance, which shall set forth the procedures for crediting any lottery prize of six hundred dollars or more awarded to an individual against any and all public assistance benefits which were given to or on behalf of such individual within a period of up to ten years prior to the issuance of such prize of which the director of the lottery has been notified by the commissioner of the office of temporary and disability assistance pursuant to the provisions of such agreement[~~; provided, however, that in no event shall such credit to the office of temporary and disability assistance exceed fifty percent of any such lottery prize and provided further~~] that, unless otherwise determined cost effective by the commissioner of the office of temporary and disability assistance and the director of the lottery such procedure shall be required only to the extent that and with respect to periods for which it can be effected through automated type match.

(3) Prior to awarding any lottery prize of six hundred dollars or more, the division of the lottery shall review the notice of liability of public assistance benefits paid provided by the office of temporary and disability assistance. For each lottery prize winner identified on such notice as an individual, who is receiving or has received, within the last ten years, public assistance benefits, the lottery division shall credit to the office of temporary and disability assistance such amount of the prize to satisfy the amount of public assistance benefits indicated as received within the previous ten years, and any remainder shall be awarded to the prize winner[~~; provided, however, that in no event shall such credit to the office of temporary and disability assistance exceed fifty percent of any such lottery prize~~].

§ 3. This act shall take effect July 1, 2017.

PART P

Section 1. Paragraphs (a), (b), (c) and (d) of subdivision 1 of section 131-o of the social services law, as amended by section 1 of part O of chapter 54 of the laws of 2016, are amended to read as follows:

(a) in the case of each individual receiving family care, an amount equal to at least $141.00 for each month beginning on or after January first, two thousand [~~sixteen~~] **seventeen**.

(b) in the case of each individual receiving residential care, an amount equal to at least $163.00 for each month beginning on or after January first, two thousand [~~sixteen~~] **seventeen**.

(c) in the case of each individual receiving enhanced residential care, an amount equal to at least [~~$193.00~~] **$194.00** for each month beginning on or after January first, two thousand [~~sixteen~~] **seventeen**.

(d) for the period commencing January first, two thousand [~~seventeen~~] **eighteen**, the monthly personal needs allowance shall be an amount equal to the sum of the amounts set forth in subparagraphs one and two of this paragraph:

(1) the amounts specified in paragraphs (a), (b) and (c) of this subdivision; and

(2) the amount in subparagraph one of this paragraph, multiplied by the percentage of any federal supplemental security income cost of living adjustment which becomes effective on or after January first, two thousand [~~seventeen~~] **eighteen**, but prior to June thirtieth, two thousand [~~seventeen~~] **eighteen**, rounded to the nearest whole dollar.

§ 2. Paragraphs (a), (b), (c), (d), (e) and (f) of subdivision 2 of section 209 of the social services law, as amended by section 2 of part O of chapter 54 of the laws of 2016, are amended to read as follows:

(a) On and after January first, two thousand [~~sixteen~~] **seventeen**, for an eligible individual living alone, [~~$820.00~~] **$822.00**; and for an eligible couple living alone, [~~$1204.00~~] **$1,207.00**.

(b) On and after January first, two thousand [~~sixteen~~] **seventeen**, for an eligible individual living with others with or without in-kind income, [~~$756.00~~] **$758.00**; and for an eligible couple living with others with or without in-kind income, [~~$1146.00~~] **$1,149.00**.

(c) On and after January first, two thousand [~~sixteen~~] **seventeen**, (i) for an eligible individual receiving family care, [~~$999.48~~] **$1,001.48** if he or she is receiving such care in the city of New York or the county of Nassau, Suffolk, Westchester or Rockland; and (ii) for an eligible couple receiving family care in the city of New York or the county of Nassau, Suffolk, Westchester or Rockland, two times the amount set forth in subparagraph (i) of this paragraph; or (iii) for an eligible individual receiving such care in any other county in the state, [~~$961.48~~] **$963.48**; and (iv) for an eligible couple receiving such care in any other county in the state, two times the amount set forth in subparagraph (iii) of this paragraph.

(d) On and after January first, two thousand [~~sixteen~~] **seventeen**, (i) for an eligible individual receiving residential care, [~~$1168.00~~] **$1,170.00** if he or she is receiving such care in the city of New York or the county of Nassau, Suffolk, Westchester or Rockland; and (ii) for an eligible couple receiving residential care in the city of New York or the county of Nassau, Suffolk, Westchester or Rockland, two times the amount set forth in subparagraph (i) of this paragraph; or (iii) for an eligible individual receiving such care in any other county in the state, [~~$1138.00~~] **$1,140.00**; and (iv) for an eligible couple receiving such care in any other county in the state, two times the amount set forth in subparagraph (iii) of this paragraph.

(e) (i) [~~On and after~~] **(A) From** January first, two thousand sixteen **to March thirty-first, two thousand seventeen**, for an eligible individual receiving enhanced residential care, $1427.00; and [~~(ii)~~] **(B)** for an eligible couple receiving enhanced residential care, two times the amount set forth in [~~subparagraph (i)~~] **clause (A)** of this [~~paragraph~~] **subparagraph**.

(ii) (A) From April first, two thousand seventeen to March thirty-first, two thousand eighteen, for an eligible individual receiving enhanced residential care, $1547; and (B) for an eligible couple receiving enhanced residential care, two times the amount set forth in clause (A) of this subparagraph.

(iii) (A) From April first, two thousand eighteen to March thirty-first, two thousand nineteen, for an eligible individual receiving enhanced residential care, $1667; and (B) for an eligible couple receiving enhanced residential care, two times the amount set forth in clause (A) of this subparagraph.

(iv) (A) From April first, two thousand nineteen to March thirty-first, two thousand twenty, for an eligible individual receiving enhanced residential care, $1787; and (B) for an eligible couple receiving enhanced residential care, two times the amount set forth in clause (A) of this subparagraph.

(v) (A) From April first, two thousand twenty to March thirty-first, two thousand twenty-one, for an eligible individual receiving enhanced residential care, $1907; and (B) for an eligible couple receiving enhanced residential care, two times the amount set forth in clause (A) of this subparagraph.

(vi) (A) From April first, two thousand twenty-one and thereafter, for an eligible individual receiving enhanced residential care, $2027; and (B) for an eligible couple receiving enhanced residential care, two times the amount set forth in clause (A) of this subparagraph.

(f) The amounts set forth in paragraphs (a) through (e) of this subdivision shall be increased to reflect any increases in federal supplemental security income benefits for individuals or couples which become effective on or after January first, two thousand [~~seventeen~~] eighteen but prior to June thirtieth, two thousand [~~seventeen~~] eighteen.

§ 3. This act shall take effect December 31, 2017; provided, however that paragraph (e) of subdivision 2 of section 209 of the social services law, as amended by section two of this act, shall take effect April 1, 2017.

PART Q

Section 1. Section 412 of the social services law is amended by adding a new subdivision 9 to read as follows:

9. A "publicly-funded emergency shelter for families with children" means any facility with overnight sleeping accommodations and that is used to house recipients of temporary housing assistance and which houses or may house children and families with children.

§ 2. Paragraph (a) of subdivision 1 of section 413 of the social services law, as separately amended by chapters 126 and 205 of the laws of 2014, is amended to read as follows:

(a) The following persons and officials are required to report or cause a report to be made in accordance with this title when they have reasonable cause to suspect that a child coming before them in their professional or official capacity is an abused or maltreated child, or when they have reasonable cause to suspect that a child is an abused or maltreated child where the parent, guardian, custodian or other person legally responsible for such child comes before them in their professional or official capacity and states from personal knowledge facts, conditions or circumstances which, if correct, would render the child an abused or maltreated child: any physician; registered physician assistant; surgeon; medical examiner; coroner; dentist; dental hygienist; osteopath; optometrist; chiropractor; podiatrist; resident; intern; psychologist; registered nurse; social worker; emergency medical technician; licensed creative arts therapist; licensed marriage and family therapist; licensed mental health counselor; licensed psychoanalyst; licensed behavior analyst; certified behavior analyst assistant; hospital personnel engaged in the admission, examination, care or treatment of persons; a Christian Science practitioner; school official, which includes but is not limited to school teacher, school guidance counselor, school psychologist, school social worker, school nurse, school administrator or other school personnel required to hold a teaching or

administrative license or certificate; full or part-time compensated school employee required to hold a temporary coaching license or professional coaching certificate; social services worker; **employee of a publicly-funded emergency shelter for families with children;** director of a children's overnight camp, summer day camp or traveling summer day camp, as such camps are defined in section thirteen hundred ninety-two of the public health law; day care center worker; school-age child care worker; provider of family or group family day care; employee or volunteer in a residential care facility for children that is licensed, certified or operated by the office of children and family services; or any other child care or foster care worker; mental health professional; substance abuse counselor; alcoholism counselor; all persons credentialed by the office of alcoholism and substance abuse services; peace officer; police officer; district attorney or assistant district attorney; investigator employed in the office of a district attorney; or other law enforcement official.

§ 3. Subdivision 3 of section 424-a of the social services law, as amended by section 8 of part D of chapter 501 of the laws of 2012, is amended to read as follows:

3. For purposes of this section, the term "provider" or "provider agency" shall mean**:** an authorized agency[~~,~~]**;** the office of children and family services[~~,~~]**;** juvenile detention facilities subject to the certification of [~~such~~] **the** office[~~,~~] **of children and family services;** programs established pursuant to article nineteen-H of the executive law[~~,~~]**;** non-residential or residential programs or facilities licensed or operated by the office of mental health or the office for people with developmental disabilities except family care homes[~~,~~]**;** licensed child day care centers, including head start programs which are funded pursuant to title V of the federal economic opportunity act of nineteen hundred sixty-four, as amended[~~,~~]**;** early intervention service established pursuant to section twenty-five hundred forty of the public health law[~~,~~]**;** preschool services established pursuant to section forty-four hundred ten of the education law[~~,~~]**;** school-age child care programs[~~,~~]**;** special act school districts as enumerated in chapter five hundred sixty-six of the laws of nineteen hundred sixty-seven, as amended[~~,~~]**;** programs and facilities licensed by the office of alcoholism and substance abuse services[~~,~~]**;** residential schools which are operated, supervised or approved by the education department[~~,~~]**; publicly-funded emergency shelters for families with children, provided, however, for purposes of this section, when the provider or provider agency is a publicly-funded emergency shelter for families with children, then all references in this section to the "potential for regular and substantial contact with individuals who are cared for by the agency" shall mean the potential for regular and substantial contact with children who are served by such shelter;** and any other facility or provider agency, as defined in subdivision four of section four hundred eighty-eight of this chapter, in regard to the employment of staff, or use of providers of goods and services and staff of such providers, consultants, interns and volunteers.

§ 4. The social services law is amended by adding a new section 460-h to read as follows:

§ 460-h. Review of criminal history information concerning prospective employees, consultants, assistants and volunteers of publicly-funded emergency shelters for families with children. 1. Every provider of services to publicly-funded emergency shelters for families with children, as such phrase is defined in subdivision nine of section four

hundred twelve of this chapter, shall request from the division of criminal justice services criminal history information, as such phrase is defined in paragraph (c) of subdivision one of section eight hundred forty-five-b of the executive law, concerning each prospective employee, consultant, assistant or volunteer of such provider who will have the potential for regular and substantial contact with children who are served by the publicly-funded emergency shelter for families with children.

(a) Prior to requesting criminal history information concerning any prospective employee, consultant, assistant or volunteer, a provider shall:

(1) inform the prospective employee, consultant, assistant or volunteer in writing that the provider is required to request his or her criminal history information from the division of criminal justice services and review such information pursuant to this section; and

(2) obtain the signed informed consent of the prospective employee, consultant, assistant or volunteer on a form supplied by the division of criminal justice services which indicates that such person has:

(i) been informed of the right and procedures necessary to obtain, review and seek correction of his or her criminal history information;

(ii) been informed of the reason for the request for his or her criminal history information;

(iii) consented to such request; and

(iv) supplied on the form a current mailing or home address.

(b) Upon receiving such written consent, the provider shall obtain a set of fingerprints of such prospective employee, consultant, assistant, or volunteer and provide such fingerprints to the division of criminal justice services pursuant to regulations established by the division of criminal justice services.

2. A provider shall designate one or two persons in its employ who shall be authorized to request, receive and review the criminal history information, and only such persons and the prospective employee, consultant, assistant or volunteer to which the criminal history information relates shall have access to such information; provided, however, the criminal history information may be disclosed to other personnel authorized by the provider who are empowered to make decisions concerning prospective employees, consultants, assistants or volunteers and provided further that such other personnel shall also be subject to the confidentiality requirements and all other provisions of this section. A provider shall notify each person authorized to have access to criminal history information pursuant to this section.

3. A provider requesting criminal history information pursuant to this section shall also complete a form developed for such purpose by the division of criminal justice services. Such form shall include a sworn statement of the person designated by such provider to request, receive and review criminal history information pursuant to subdivision two of this section certifying that:

(a) such criminal history information will be used by the provider solely for purposes authorized by this section;

(b) the provider and its staff are aware of and will abide by the confidentiality requirements and all other provisions of this section; and

(c) the persons designated by the provider to receive criminal history information pursuant to subdivision two of this section shall upon receipt immediately mark such criminal history information "confiden-

tial," and shall at all times maintain such criminal history information in a secure place.

4. Upon receipt of the fingerprints and sworn statement required by this section, the provider shall promptly submit the fingerprints to the division of criminal justice services.

5. The division of criminal justice services shall promptly provide the requested criminal history information, if any, to the provider that transmitted the fingerprints to it. Such information shall at all times be maintained by the provider in a secure place.

6. Upon receipt of criminal history information from the division of criminal justice services, the provider may request, and is entitled to receive, information pertaining to any crime identified on such criminal history information from any state or local law enforcement agency, district attorney, parole officer, probation officer or court for the purposes of determining whether any grounds relating to such crime exist for denying any application, renewal, or employment.

7. After receiving criminal history information pursuant to subdivisions five and six of this section and before making a determination, the provider shall provide the prospective employee, consultant, assistant or volunteer with a summary of such criminal history information and a copy of article twenty-three-A of the correction law and inform such prospective employee, consultant, assistant and volunteer of his or her right to seek correction of any incorrect information contained in such criminal history information provided by the division of criminal justice services pursuant to the regulations and procedures established by the division of criminal justice services and the right of the prospective employee, consultant, assistant or volunteer to provide information relevant to such analysis.

8. Criminal history information obtained pursuant to subdivisions five and six of this section shall be considered by the provider in accordance with the provisions of article twenty-three-A of the correction law and subdivisions fifteen and sixteen of section two hundred ninety-six of the executive law.

9. A prospective employee, consultant, assistant or volunteer may withdraw from the application process, without prejudice, at any time regardless of whether he or she, or the provider, has reviewed his or her criminal history information. Where a prospective employee, consultant, assistant or volunteer withdraws from the application process, any fingerprints and criminal history information concerning such prospective employee, consultant, assistant or volunteer received by the provider shall, within ninety days, be returned to such prospective employee, consultant, assistant or volunteer by the person designated for receipt of criminal history information pursuant to subdivision two of this section.

10. Any person who willfully permits the release of any confidential criminal history information contained in the report to persons not permitted by this section to receive such information shall be guilty of a misdemeanor.

11. The commissioner of the division of criminal justice services, in consultation with the office of temporary and disability assistance, shall promulgate all rules and regulations necessary to implement the provisions of this section, which shall include convenient procedures for the provider to promptly verify the accuracy of the reviewed criminal history information and, to the extent authorized by law, to have access to relevant documents related thereto.

§ 5. Severability. If any clause, sentence, paragraph, subdivision, or section contained in this act shall be adjudged by any court of competent jurisdiction to be invalid, such judgement shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or section directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the intent of the legislature that this act would have been enacted even if such invalid provision had not been included herein.

§ 6. This act shall take effect on the ninetieth day after it shall have become a law; provided however that: the commissioner of the office of children and family services, in consultation with the office of temporary and disability assistance, shall promulgate all rules and regulations necessary to implement the provisions of section two of this act; the commissioner of the office of temporary and disability assistance, in consultation with the office of children and family services, shall promulgate all rules and regulations necessary to implement the provisions of sections one and three of this act; and the commissioner of the division of criminal justice services, in consultation with the office of temporary and disability assistance, shall promulgate all rules and regulations necessary to implement the provisions of section four of this act; and provided further, the aforementioned rules or regulations may be promulgated on an emergency basis.

PART R

Section 1. Notwithstanding any other provision of law, the housing trust fund corporation may provide, for purposes of the rural rental assistance program, a sum not to exceed twenty-two million nine hundred sixty thousand dollars for the fiscal year ending March 31, 2018. Notwithstanding any other provision of law, and subject to the approval of the New York state director of the budget, the board of directors of the state of New York mortgage agency shall authorize the transfer to the housing trust fund corporation, for the purposes of reimbursing any costs associated with rural rental assistance program contracts authorized by this section, a total sum not to exceed twenty-two million nine hundred sixty thousand dollars, such transfer to be made from (i) the special account of the mortgage insurance fund created pursuant to section 2429-b of the public authorities law, in an amount not to exceed the actual excess balance in the special account of the mortgage insurance fund, as determined and certified by the state of New York mortgage agency for the fiscal year 2016-2017 in accordance with section 2429-b of the public authorities law, if any, and/or (ii) provided that the reserves in the project pool insurance account of the mortgage insurance fund created pursuant to section 2429-b of the public authorities law are sufficient to attain and maintain the credit rating (as determined by the state of New York mortgage agency) required to accomplish the purposes of such account, the project pool insurance account of the mortgage insurance fund, such transfer to be made as soon as practicable but no later than June 30, 2017. Notwithstanding any other provision of law, such funds may be used by the corporation in support of contracts scheduled to expire in the fiscal year ending March 31, 2018 for as many as 10 additional years; in support of contracts for new eligible projects for a period not to exceed 5 years; and in support of contracts which reach their 25 year maximum in and/or prior to the fiscal year ending March 31, 2018 for an additional one year period.

§ 2. Notwithstanding any other provision of law, the housing finance agency may provide, for costs associated with the rehabilitation of Mitchell Lama housing projects, a sum not to exceed thirty-three million three hundred thousand dollars for the fiscal year ending March 31, 2018. Notwithstanding any other provision of law, and subject to the approval of the New York state director of the budget, the board of directors of the state of New York mortgage agency shall authorize the transfer to the housing finance agency, for the purposes of reimbursing any costs associated with Mitchell Lama housing projects authorized by this section, a total sum not to exceed thirty-three million three hundred thousand dollars, such transfer to be made from (i) the special account of the mortgage insurance fund created pursuant to section 2429-b of the public authorities law, in an amount not to exceed the actual excess balance in the special account of the mortgage insurance fund, as determined and certified by the state of New York mortgage agency for the fiscal year 2016-2017 in accordance with section 2429-b of the public authorities law, if any, and/or (ii) provided that the reserves in the project pool insurance account of the mortgage insurance fund created pursuant to section 2429-b of the public authorities law are sufficient to attain and maintain the credit rating (as determined by the state of New York mortgage agency) required to accomplish the purposes of such account, the project pool insurance account of the mortgage insurance fund, such transfer to be made as soon as practicable but no later than March 31, 2018.

§ 3. Notwithstanding any other provision of law, the housing trust fund corporation may provide, for purposes of the neighborhood preservation program, a sum not to exceed nine million nine hundred seventy-nine thousand dollars for the fiscal year ending March 31, 2018. Within this total amount two hundred fifty thousand dollars shall be used for the purpose of entering into a contract with the neighborhood preservation coalition to provide technical assistance and services to the companies funded pursuant to article XVI of the private housing finance law, or a unit of local government in the state of New York. Notwithstanding any other provision of law, and subject to the approval of the New York state director of the budget, the board of directors of the state of New York mortgage agency shall authorize the transfer to the housing trust fund corporation, for the purposes of reimbursing any costs associated with neighborhood preservation program contracts authorized by this section, a total sum not to exceed nine million nine hundred seventy-nine thousand dollars, such transfer to be made from (i) the special account of the mortgage insurance fund created pursuant to section 2429-b of the public authorities law, in an amount not to exceed the actual excess balance in the special account of the mortgage insurance fund, as determined and certified by the state of New York mortgage agency for the fiscal year 2016-2017 in accordance with section 2429-b of the public authorities law, if any, and/or (ii) provided that the reserves in the project pool insurance account of the mortgage insurance fund created pursuant to section 2429-b of the public authorities law are sufficient to attain and maintain the credit rating (as determined by the state of New York mortgage agency) required to accomplish the purposes of such account, the project pool insurance account of the mortgage insurance fund, such transfer to be made as soon as practicable but no later than June 30, 2017.

§ 4. Notwithstanding any other provision of law, the housing trust fund corporation may provide, for purposes of the rural preservation program, a sum not to exceed four million seven hundred thirty-nine

thousand dollars for the fiscal year ending March 31, 2018. Within this total amount two hundred fifty thousand dollars shall be used for the purpose of entering into a contract with the rural preservation coalition to provide technical assistance and services to the companies funded pursuant to article XVI of the private housing finance law, or a unit of local government in the state of New York. Notwithstanding any other provision of law, and subject to the approval of the New York state director of the budget, the board of directors of the state of New York mortgage agency shall authorize the transfer to the housing trust fund corporation, for the purposes of reimbursing any costs associated with rural preservation program contracts authorized by this section, a total sum not to exceed four million seven hundred thirty-nine thousand dollars, such transfer to be made from (i) the special account of the mortgage insurance fund created pursuant to section 2429-b of the public authorities law, in an amount not to exceed the actual excess balance in the special account of the mortgage insurance fund, as determined and certified by the state of New York mortgage agency for the fiscal year 2016-2017 in accordance with section 2429-b of the public authorities law, if any, and/or (ii) provided that the reserves in the project pool insurance account of the mortgage insurance fund created pursuant to section 2429-b of the public authorities law are sufficient to attain and maintain the credit rating (as determined by the state of New York mortgage agency) required to accomplish the purposes of such account, the project pool insurance account of the mortgage insurance fund, such transfer to be made as soon as practicable but no later than June 30, 2017.

§ 5. Notwithstanding any other provision of law, the housing trust fund corporation may provide, for purposes of the rural and urban community investment fund program created pursuant to article XXVII of the private housing finance law, a sum not to exceed thirty-six million dollars for the fiscal year ending March 31, 2018. Notwithstanding any other provision of law, and subject to the approval of the New York state director of the budget, the board of directors of the state of New York mortgage agency shall authorize the transfer to the housing trust fund corporation, for the purposes of reimbursing any costs associated with rural and urban community investment fund program contracts authorized by this section, a total sum not to exceed thirty-six million dollars, such transfer to be made from (i) the special account of the mortgage insurance fund created pursuant to section 2429-b of the public authorities law, in an amount not to exceed the actual excess balance in the special account of the mortgage insurance fund, as determined and certified by the state of New York mortgage agency for the fiscal year 2016-2017 in accordance with section 2429-b of the public authorities law, if any, and/or (ii) provided that the reserves in the project pool insurance account of the mortgage insurance fund created pursuant to section 2429-b of the public authorities law are sufficient to attain and maintain the credit rating (as determined by the state of New York mortgage agency) required to accomplish the purposes of such account, the project pool insurance account of the mortgage insurance fund, such transfer to be made as soon as practicable but no later than March 31, 2018.

§ 6. Notwithstanding any other provision of law, the housing trust fund corporation may provide, for the purposes of carrying out the provisions of the low income housing trust fund program created pursuant to article XVIII of the private housing finance law, a sum not to exceed twenty-one million dollars for the fiscal year ending March 31, 2018.

Notwithstanding any other provision of law, and subject to the approval of the New York state director of the budget, the board of directors of the state of New York mortgage agency shall authorize the transfer to the housing trust fund corporation, for the purposes of carrying out the provisions of the low income housing trust fund program created pursuant to article XVIII of the private housing finance law authorized by this section, a total sum not to exceed twenty-one million dollars, such transfer to be made from (i) the special account of the mortgage insurance fund created pursuant to section 2429-b of the public authorities law, in an amount not to exceed the actual excess balance in the special account of the mortgage insurance fund, as determined and certified by the state of New York mortgage agency for the fiscal year 2016-2017 in accordance with section 2429-b of the public authorities law, if any, and/or (ii) provided that the reserves in the project pool insurance account of the mortgage insurance fund created pursuant to section 2429-b of the public authorities law are sufficient to attain and maintain the credit rating (as determined by the state of New York mortgage agency) required to accomplish the purposes of such account, the project pool insurance account of the mortgage insurance fund, such transfer to be made as soon as practicable but no later than March 31, 2018.

§ 7. Notwithstanding any other provision of law, the housing trust fund corporation may provide, for purposes of the homes for working families program for deposit in the housing trust fund created pursuant to section 59-a of the private housing finance law and subject to the provisions of article XVIII of the private housing finance law, a sum not to exceed two million dollars for the fiscal year ending March 31, 2018. Notwithstanding any other provision of law, and subject to the approval of the New York state director of the budget, the board of directors of the state of New York mortgage agency shall authorize the transfer to the housing trust fund corporation, for the purposes of reimbursing any costs associated with homes for working families program contracts authorized by this section, a total sum not to exceed two million dollars, such transfer to be made from (i) the special account of the mortgage insurance fund created pursuant to section 2429-b of the public authorities law, in an amount not to exceed the actual excess balance in the special account of the mortgage insurance fund, as determined and certified by the state of New York mortgage agency for the fiscal year 2016-2017 in accordance with section 2429-b of the public authorities law, if any, and/or (ii) provided that the reserves in the project pool insurance account of the mortgage insurance fund created pursuant to section 2429-b of the public authorities law are sufficient to attain and maintain the credit rating (as determined by the state of New York mortgage agency) required to accomplish the purposes of such account, the project pool insurance account of the mortgage insurance fund, such transfer to be made as soon as practicable but no later than March 31, 2018.

§ 8. Notwithstanding any other provision of law, the homeless housing and assistance corporation may provide, for purposes of the New York state supportive housing program, the solutions to end homelessness program or the operational support for AIDS housing program, or to qualified grantees under those programs, in accordance with the requirements of those programs, a sum not to exceed six million five hundred twenty-two thousand dollars for the fiscal year ending March 31, 2018. The homeless housing and assistance corporation may enter into an agreement with the office of temporary and disability assistance to administer such sum in accordance with the requirements of the programs. Notwith-

standing any other provision of law, and subject to the approval of the New York state director of the budget, the board of directors of the state of New York mortgage agency shall authorize the transfer to the homeless housing and assistance corporation, a total sum not to exceed six million five hundred twenty-two thousand dollars, such transfer to be made from (i) the special account of the mortgage insurance fund created pursuant to section 2429-b of the public authorities law, in an amount not to exceed the actual excess balance in the special account of the mortgage insurance fund, as determined and certified by the state of New York mortgage agency for the fiscal year 2016-2017 in accordance with section 2429-b of the public authorities law, if any, and/or (ii) provided that the reserves in the project pool insurance account of the mortgage insurance fund created pursuant to section 2429-b of the public authorities law are sufficient to attain and maintain the credit rating (as determined by the state of New York mortgage agency) required to accomplish the purposes of such account, the project pool insurance account of the mortgage insurance fund, such transfer to be made as soon as practicable but no later than March 31, 2018.

§ 9. Notwithstanding any other provision of law, the housing trust fund corporation shall provide, for the purposes of the mobile and manufactured home replacement program, a sum not to exceed two million dollars for the fiscal year ending March 31, 2018.

Eligible units of local government or not-for-profit corporations with substantial experience in affordable housing, may apply to administer local programs to replace dilapidated mobile or manufactured homes that are sited on land owned by the homeowner with new manufactured, modular or site built homes. All replacement homes shall be energy star rated for energy efficiency. The total contract pursuant to any one eligible applicant in a specified region may not exceed five hundred thousand dollars. The corporation shall authorize the eligible applicant to spend seven and one-half percent of the contract amount for approved planning and costs associated with administering the program. The contract shall provide for completion of the program within a reasonable period, as specified therein, which shall not exceed four years from commencement of the program. Upon request, the corporation may extend the term of the contract for up to an additional one year period for good cause shown by the eligible applicant.

An eligible property must be the primary residence of the homeowner with a total household income that does not exceed eighty percent of area median income for the county in which a project is located as calculated by the United States department of housing and urban development. Funds shall be made available for relocation assistance to eligible property owners who are unable to voluntarily relocate during the demolition and construction phases of the project. The cost of demolition and removal shall be an eligible use within the program. The total payment to replace a mobile or manufactured home pursuant to any one eligible property shall not exceed one hundred thousand dollars and provide for completion not to exceed four years.

Financial assistance to property owners shall be one hundred percent grants in the form of deferred payment loans (DPL). A ten year declining balance lien in the form of a note and mortgage, duly filed at the county clerk's office, will be utilized for replacement projects. No interest or payments will be required on the DPL unless the property is sold or transferred before the regulatory term expires. In such cases funds will be recaptured from the proceeds of the sale of the home, on a declining balance basis, unless an income-eligible immediate family

member accepts ownership of, and resides in the home for the remainder of the regulatory term.

Notwithstanding any other provision of law, and subject to approval of the New York state director of the budget, the board of directors of the state of New York mortgage agency shall authorize the transfer to the housing trust fund corporation, for the purposes of carrying out the provisions of the mobile and manufactured home replacement program, a total sum not to exceed two million dollars, such transfer to be made from (i) the special account of the mortgage insurance fund created pursuant to section 2429-b of the public authorities law, in an amount not to exceed the actual excess balance in the special account of the mortgage insurance fund, as determined and certified by the state of New York mortgage agency for the fiscal year 2016--2017 in accordance with section 2429-b of the public authorities law, if any, and/or (ii) provided that the reserves in the project pool insurance account of the mortgage insurance fund created pursuant to section 2429-b of the public authorities law are sufficient to attain and maintain the credit rating (as determined by the state of New York mortgage agency) required to accomplish the purposes of such account, the project pool insurance account of the mortgage insurance fund, such transfer to be made as soon as practicable but no later than March 31, 2018.

§ 10. Notwithstanding any other provision of law to the contrary, the community restoration fund established pursuant to section 2405-f of the public authorities law, shall be authorized to spend a sum not to exceed three million dollars to facilitate the development of nonprofit community land trusts, including, but not limited to, planning, real property acquisitions and transfers, and other capital expenditures for the fiscal year ending March 31, 2018. Notwithstanding any other provision of law to the contrary, and subject to the approval of the New York state director of the budget, the board of directors of the state of New York mortgage agency shall authorize the transfer to the community restoration fund, for the purposes of reimbursing any costs associated with the development of community land trusts authorized by this section, a total sum not to exceed three million dollars, such transfer to be made from (i) the special account of the mortgage insurance fund created pursuant to section 2429-b of the public authorities law, in an amount not to exceed the actual excess balance in the special account of the mortgage insurance fund, as determined and certified by the state of New York mortgage agency for the fiscal year 2016--2017 in accordance with section 2429-b of the public authorities law, if any, and/or (ii) provided that the reserves in the project pool insurance account of the mortgage insurance fund created pursuant to section 2429-b of the public authorities law are sufficient to attain and maintain the credit rating (as determined by the state of New York mortgage agency) required to accomplish the purposes of such account, the project pool insurance account of the mortgage insurance fund, such transfer to be made as soon as practicable but no later than March 31, 2018.

§ 11. This act shall take effect immediately.

PART S

Section 1. The section heading of section 421-a of the real property tax law, as amended by chapter 857 of the laws of 1975 and such section as renumbered by chapter 110 of the laws of 1977, is amended to read as follows:

[~~Exemption of new multiple dwellings from local taxation.~~] **Affordable New York Housing Program.**

§ 2. Subparagraphs (i) and (iii) of paragraph (a) of subdivision 10 of section 421-a of the real property tax law, as amended by chapter 15 of the laws of 2008, are amended to read as follows:

(i) all rent stabilization registrations required to be filed on or after January first, two thousand eight shall contain a designation which identifies all units that are subject to the provisions of this section as "[~~421-a~~] **Affordable New York Housing Program** units" and specifically identifies affordable units created pursuant to this section and units which are required to be occupied by persons or families who meet specified income limits pursuant to the provisions of a local law enacted pursuant to this section as "[~~421-a~~] **Affordable New York Housing Program** affordable units" and shall contain an explanation of the requirements that apply to all such units. The owner of a unit that is subject to the provisions of this section shall, in addition to complying with the requirements of section 26-517 of the rent stabilization law, file a copy of the rent registration for each such unit with the local housing agency;

(iii) the local housing agency shall create a report which, at a minimum, contains the following information for every building which receives benefits pursuant to this section: address, commencement and termination date of the benefits, total number of residential units, number of "[~~421-a~~] **Affordable New York Housing Program** units" and number of "[~~421-a~~] **Affordable New York Housing Program** affordable units", apartment number or other designation of such units and the rent for each of such units. The local housing agency with the cooperation of the division of housing and community renewal shall maintain, and update such report no less than annually, with information secured from annual registrations. Such reports shall be available for public inspection in a form that assigns a unique designation to each unit other than its actual apartment number to maintain the privacy of such information; and

§ 2-a. Subdivision 13 of section 421-a of the real property tax law, as amended by chapter 15 of the laws of 2008, is amended to read as follows:

13. (a) As used in this subdivision, "UDC Large Scale Project" shall mean a multi-phase project that (i) includes the development of at least twenty-five hundred new dwelling units, (ii) is being implemented pursuant to a General Project Plan adopted by the New York State Urban Development Corporation and approved by Public Authorities Control Board or is otherwise set forth in agreements with the New York State Urban Development Corporation, (iii) includes a development over a single area containing a number of contiguous city blocks, and (iv) the units in which, in the aggregate for each successive fifteen hundred units of the project rather than for each multiple dwelling containing such fifteen hundred units and in the aggregate for the entire project rather than for each multiple dwelling in the project, meet the requirements of paragraph (c) of subdivision seven of this section.

(b) Except as otherwise provided in subparagraph (iv) of paragraph (a) of this subdivision, no portion of a UDC Large Scale Project shall be subject to the requirements of paragraph (c) of subdivision seven of this section.

(c) With respect to any multiple dwelling in a UDC Large Scale Project that meets the requirements of paragraph (c) of subdivision seven of this section, the period of tax benefits awarded to such multiple dwelling shall be the same as the period of tax benefits awarded under clause

(A) of subparagraph (iii) of paragraph (a) of subdivision two of this section. With respect to any multiple dwelling in a UDC Large Scale Project that does not meet the requirements of paragraph (c) of subdivision seven of this section, the period of tax benefits awarded to such multiple dwelling shall be the same as the period of tax benefits awarded under clause (A) of subparagraph (ii) of paragraph (a) of subdivision two of this section **and the provisions of subdivision nine of this section shall not apply**. The tax benefits awarded to any multiple dwelling in a UDC Large Scale Project shall commence upon the commencement of construction of such multiple dwelling, provided, however, that such multiple dwelling meets all of the requirements for tax benefits pursuant to this section. For each successive fifteen hundred units of a UDC Large Scale Project, the local housing agency must certify the completion of any affordable units, as defined in subparagraph (i) of paragraph (a) of subdivision seven of this section, required to qualify any multiple dwelling or multiple dwellings comprising such fifteen hundred units for any tax benefits awarded pursuant to this paragraph. The existence of such special certification requirement and its financial impact upon all units, including, but not limited to, revocation of tax benefits awarded pursuant to this paragraph if such special certification requirement is not met, shall be disclosed as a special risk in any offering plan for any units in a UDC Large Scale Project.

(d) With respect to any UDC Large Scale Project located in whole or in part within community district number eight in the borough of Brooklyn in the city of New York, notwithstanding the provisions of subparagraph (ii) of paragraph (d) of subdivision seven of this section, the priority specified in such subparagraph shall be granted to the residents of community districts two, three, six and eight of such borough.

(e) "Commencement date" shall mean, with respect to any building in a UDC Large Scale Project and notwithstanding any local law to the contrary, the date upon which excavation and construction of initial footings and foundations lawfully begins in good faith or, for an eligible conversion, the date upon which the actual construction of the conversion, alteration or improvement of the pre-existing building or structure lawfully begins in good faith.

(f) All multiple dwellings in a UDC Large Scale Project shall be eligible for exemption from taxation pursuant to (i) paragraph (c) of this subdivision and to the extent permitted by this section or (ii) at the election of such multiple dwelling, subdivision sixteen of this section and to the extent permitted by such subdivision, provided that (A) any multiple dwelling in a UDC Large Scale Project has a commencement date on or before December thirty-first, two thousand fifteen and (B) any multiple dwelling with a commencement date subsequent to December thirty-first, two thousand fifteen receives its first temporary or permanent certificate of occupancy covering all residential areas on or before December thirty-first, two thousand thirty-five.

§ 3. Subdivision 16 of section 421-a of the real property tax law, as added by section 63-c of part A of chapter 20 of the laws of 2015, is amended to read as follows:

16. (a) Definitions. For the purposes of this subdivision:

(i) "[~~421-a~~] **Affordable New York Housing Program** benefits" shall mean exemption from real property taxation pursuant to this subdivision.

(ii) "Affordability option A" shall mean that, within any eligible site: (A) not less than ten percent of the dwelling units are affordable housing forty percent units; (B) not less than an additional ten percent of the dwelling units are affordable housing sixty percent

units; (C) not less than an additional five percent of the dwelling units are affordable housing one hundred thirty percent units; and (D) such eligible site is developed without the substantial assistance of grants, loans or subsidies provided by a federal, state or local governmental agency or instrumentality pursuant to a program for the development of affordable housing, except that such eligible site may receive tax exempt bond proceeds and four percent tax credits.

(iii) "Affordability option B" shall mean that, within any eligible site, (A) not less than ten percent of the dwelling units are affordable housing seventy percent units, and (B) not less than an additional twenty percent of the dwelling units are affordable housing one hundred thirty percent units.

(iv) "Affordability option C" shall mean that, within any eligible site excluding the geographic area south of ninety-sixth street in the borough of Manhattan, and all other geographic areas in the city of New York excluded pursuant to local law, (A) not less than thirty percent of the dwelling units are affordable housing one hundred thirty percent units, and (B) such eligible site is developed without the substantial assistance of grants, loans or subsidies provided by a federal, state or local governmental agency or instrumentality pursuant to a program for the development of affordable housing.

(v) "Affordability option D" shall only apply to a homeownership project, of which one hundred percent of the units shall have an average assessed value not to exceed [~~sixty-five~~] eighty-five thousand dollars upon the first assessment following the completion date and where each owner, or relative within the third degree of consanguinity or affinity of any such unit shall agree, in writing, to maintain such unit as their primary residence for no less than five years from the acquisition of such unit.

(vi) "Affordability option E" shall mean that, within any eligible site within the enhanced affordability area, such site must consist of no less than three hundred rental dwelling units of which (A) not less than ten percent of the rental dwelling units are affordable housing forty percent units; (B) not less than an additional ten percent of the rental dwelling units are affordable housing sixty percent units; and (C) not less than an additional five percent of the rental dwelling units are affordable housing one hundred twenty percent units.

(vii) "Affordability option F" shall mean that, within any eligible site within the enhanced affordability area, such site must consist of no less than three hundred rental dwelling units of which (A) not less than ten percent of the rental dwelling units are affordable housing seventy percent units; and (B) not less than an additional twenty percent of the rental dwelling units are affordable housing one hundred thirty percent units.

(viii) "Affordability option G" shall mean that, within any eligible site located within the Brooklyn enhanced affordability area or the Queens enhanced affordability area, such site must consist of no less than three hundred rental dwelling units of which (A) not less than thirty percent of the rental dwelling units are affordable housing one-hundred thirty percent units; and (B) such eligible site is developed without the substantial assistance of grants, loans or subsidies provided by a federal, state or local governmental agency or instrumentality pursuant to a program for the development of affordable housing.

[~~(vi)~~] (ix) "Affordability percentage" shall mean a fraction, the numerator of which is the number of affordable housing units in an

eligible site and the denominator of which is the total number of dwelling units in such eligible site.

[~~(vii)~~] **(x)** "Affordable housing forty percent unit" shall mean a dwelling unit that: (A) is situated within the eligible site for which [~~421-a~~] **Affordable New York Housing Program** benefits are granted; and (B) upon initial rental and upon each subsequent rental following a vacancy during the restriction period, is affordable to and restricted to occupancy by individuals or families whose household income does not exceed forty percent of the area median income, adjusted for family size, at the time that such household initially occupies such dwelling unit.

[~~(viii)~~] **(xi)** "Affordable housing sixty percent unit" shall mean a dwelling unit that: (A) is situated within the eligible site for which [~~421-a~~] **Affordable New York Housing Program** benefits are granted; and (B) upon initial rental and upon each subsequent rental following a vacancy during the restriction period, is affordable to and restricted to occupancy by individuals or families whose household income does not exceed sixty percent of the area median income, adjusted for family size, at the time that such household initially occupies such dwelling unit.

[~~(ix)~~] **(xii)** "Affordable housing seventy percent unit" shall mean a dwelling unit that: (A) is situated within the eligible site for which [~~421-a~~] **Affordable New York Housing Program** benefits are granted; and (B) upon initial rental and upon each subsequent rental following a vacancy during the restriction period, is affordable to and restricted to occupancy by individuals or families whose household income does not exceed seventy percent of the area median income, adjusted for family size, at the time that such household initially occupies such dwelling unit**.**

(xiii) "Affordable housing one hundred twenty percent unit" shall mean a dwelling unit that: (A) is situated within the eligible site for which Affordable New York Housing Program benefits are granted; and (B) upon initial rental and upon each subsequent rental following a vacancy during the restriction period, is affordable to and restricted to occupancy by individuals or families whose household income does not exceed one hundred twenty percent of the area median income, adjusted for family size, at the time that such household initially occupies such dwelling unit.

[~~(x)~~] **(xiv)** "Affordable housing one hundred thirty percent unit" shall mean a dwelling unit that: (A) is situated within the eligible site for which [~~421-a~~] **Affordable New York Housing Program** benefits are granted; and (B) upon initial rental and upon each subsequent rental following a vacancy during the restriction period, is affordable to and restricted to occupancy by individuals or families whose household income does not exceed one hundred thirty percent of the area median income, adjusted for family size, at the time that such household initially occupies such dwelling unit.

[~~(xi)~~] **(xv)** "Affordable housing unit" shall mean, collectively and individually, affordable housing forty percent units, affordable housing sixty percent units, affordable housing seventy percent units, **affordable housing one hundred twenty percent units** and affordable housing one hundred thirty percent units.

[~~(xii)~~] **(xvi)** "Agency" shall mean the department of housing preservation and development.

[~~(xiii)~~] **(xvii)** "Application" shall mean an application for [~~421-a~~] **Affordable New York Housing Program** benefits.

[~~(xiv)~~] (xviii) "Average hourly wage" shall mean the amount equal to the aggregate amount of all wages and all employee benefits paid to, or on behalf of, construction workers for construction work divided by the aggregate number of hours of construction work.

(xix) "Brooklyn enhanced affordability area" shall mean any tax lots now existing or hereafter created which are located entirely within community boards one or two of the borough of Brooklyn bounded and described as follows: All that piece or parcel of land situate and being in the boroughs of Queens and Brooklyn, New York. Beginning at the point of intersection of the centerline of Newtown Creek and the westerly bounds of the East River; Thence southeasterly along the centerline of Newtown Creek, said centerline also being the boundary between Queens County to the northeast and Kings County to the southwest, to the point of intersection with Greenpoint Avenue; Thence southwesterly along Greenpoint Avenue, to the intersection with Kings Land Avenue; Thence southerly along Kingsland Avenue to the intersection with Meeker Avenue; Thence southwesterly along Meeker Avenue to the intersection with Leonard Street; Thence southerly along Leonard Street to the intersection with Metropolitan Avenue; Thence westerly along Metropolitan Avenue to the intersection with Lorimer Street; Thence southerly along Lorimer Street to the intersection with Montrose Avenue; Thence westerly along Montrose Avenue to the intersection with Union Avenue; Thence southerly along Union Avenue to the intersection with Johnson Avenue; Thence westerly along Johnson Avenue to the intersection with Broadway; Thence northwesterly along Broadway to the intersection with Rutledge Street; Thence southwesterly along Rutledge Street to the intersection with Kent Avenue and Classon Avenue; Thence southwesterly and southerly along Classon Avenue to the intersection with Dekalb Avenue; Thence westerly along Dekalb Avenue to the intersection with Bond Street; Thence southwesterly along Bond Street to the intersection with Wyckoff Street; Thence northwesterly along Wyckoff Street to the intersection with Hoyt Street; Thence southwesterly along Hoyt Street to the intersection with Warren Street; Thence northwesterly along Warren Street to the intersection with Court Street; Thence northeasterly along Court Street to the intersection with Atlantic Avenue; Thence northwesterly along Atlantic Avenue, crossing under The Brooklyn Queens Expressway (aka Interstate 278), to the terminus of Atlantic Avenue at the Brooklyn Bridge Park/Pier 6; Thence northwesterly passing through the Brooklyn Bridge Park to the bulkhead of the East River at Pier 6; Thence in a general northeasterly direction along the easterly bulkhead or shoreline of the East River to the intersection with the centerline of Newtown Creek, and the point or place of Beginning.

(xx) "Building service employee" shall mean any person who is regularly employed at, and performs work in connection with the care or maintenance of, an eligible site, including, but not limited to, a watchman, guard, doorman, building cleaner, porter, handyman, janitor, gardener, groundskeeper, elevator operator and starter, and window cleaner, but not including persons regularly scheduled to work fewer than eight hours per week at the eligible site.

[~~(xv)~~] (xxi) "Commencement date" shall mean, with respect to any eligible multiple dwelling, the date upon which excavation and construction of initial footings and foundations lawfully begins in good faith or, for an eligible conversion, the date upon which the actual construction of the conversion, alteration or improvement of the pre-existing building or structure lawfully begins in good faith.

[~~(xvi)~~] (xxii) "Completion date" shall mean, with respect to any eligible multiple dwelling, the date upon which the local department of buildings issues the first temporary or permanent certificate of occupancy covering all residential areas of an eligible multiple dwelling.

[~~(xvii)~~] (xxiii) "Construction period" shall mean, with respect to any eligible multiple dwelling, a period: (A) beginning on the later of the commencement date of such eligible multiple dwelling or three years before the completion date of such eligible multiple dwelling; and (B) ending on the day preceding the completion date of such eligible multiple dwelling.

(xxiv) "Construction work" shall mean the provision of labor performed on an eligible site between the commencement date and the completion date, whereby materials and constituent parts are combined to initially form, make or build an eligible multiple dwelling, including without limitation, painting, or providing of material, articles, supplies or equipment in the eligible multiple dwelling, but excluding security personnel and work related to the fit-out of commercial spaces.

(xxv) "Construction workers" shall mean all persons performing construction work who (A) are paid on an hourly basis and (B) are not in a management or executive role or position.

(xxvi) "Contractor certified payroll report" shall mean an original payroll report submitted by a contractor or sub-contractor to the independent monitor setting forth to the best of the contractor's or sub-contractor's knowledge, the total number of hours of construction work performed by construction workers, the amount of wages and employee benefits paid to construction workers for construction work.

[~~(xviii)~~] (xxvii) "Eligible conversion" shall mean the conversion, alteration or improvement of a pre-existing building or structure resulting in a multiple dwelling in which no more than forty-nine percent of the floor area consists of such pre-existing building or structure.

[~~(xix)~~] (xxviii) "Eligible multiple dwelling" shall mean either (A) a multiple dwelling, including a portion of a multiple dwelling, or (B) an eligible planned project, or a homeownership project containing [~~six~~] four or more dwelling units created through new construction or eligible conversion for which the commencement date is after December thirty-first, two thousand fifteen and on or before June fifteenth, two thousand [~~nineteen~~] twenty-two and, except as otherwise provided in this subdivision for which the completion date is on or before June fifteenth, two thousand [~~twenty-three~~] twenty-six.

[~~(xx)~~] (xxix) "Eligible planned project" shall mean a multiple dwelling (including a portion of a multiple dwelling) being developed pursuant to a multi-phase general project plan or urban renewal plan adopted by a New York state or New York city governmental agency that includes the development of at least one thousand new dwelling units on contiguous city blocks for which the commencement date is after December thirty-first, two thousand fifteen and for which the completion date occurs during the period in which the general project plan or urban renewal plan remains in effect.

(xxx) "Eligible site" shall mean either: (A) a tax lot containing an eligible multiple dwelling; or (B) a zoning lot containing two or more eligible multiple dwellings that are part of a single application.

(xxxi) "Employee benefits" shall mean all supplemental compensation paid by the employer, on behalf of construction workers, other than wages, including, without limitation, any premiums or contributions made into plans or funds that provide health, welfare, non-occupational disa-

bility coverage, retirement, vacation benefits, holiday pay, life insurance and apprenticeship training. The value of any employee benefits received shall be determined based on the prorated hourly cost to the employer of the employee benefits received by construction workers.

(xxxii) "Enhanced affordability area" shall mean the Manhattan enhanced affordability area, the Brooklyn enhanced affordability area and the Queens enhanced affordability area.

(xxxiii) "Enhanced thirty-five year benefit" shall mean: (A) for the construction period, a one hundred percent exemption from real property taxation, other than assessments for local improvements; and (B) for the next thirty-five years of the extended restriction period, a one hundred percent exemption from real property taxation, other than assessments for local improvements.

(xxxiv) "Extended restriction period" shall mean a period commencing on the completion date and expiring on the fortieth anniversary of the completion date, notwithstanding any earlier termination or revocation of Affordable New York Housing Program benefits.

[~~(xxi)~~] (xxxv) "Fiscal officer" shall mean the comptroller or other analogous officer in a city having a population of one million or more.

[~~(xxii)~~] (xxxvi) "Floor area" shall mean the horizontal areas of the several floors, or any portion thereof, of a dwelling or dwellings, and accessory structures on a lot measured from the exterior faces of exterior walls, or from the center line of party walls.

[~~(xxiii)~~] (xxxvii) "Four percent tax credits" shall mean federal low income housing tax credits computed in accordance with clause (ii) of subparagraph (B) of paragraph (1) of subsection (b) of section forty-two of the internal revenue code of nineteen hundred eighty-six, as amended.

[~~(xxiv)~~] (xxxviii) "Homeownership project" shall mean a multiple dwelling or portion thereof operated as condominium or cooperative housing, however, it shall not include a multiple dwelling or portion thereof operated as cooperative or condominium housing located within the borough of Manhattan, and shall not include a multiple dwelling that contains more than [~~thirty-five~~] eighty units.

[~~(xxv)~~] (xxxix) "Independent monitor" shall mean an accountant licensed and in good standing pursuant to article one hundred forty-nine of the education law.

(xl) "Job action" shall mean any delay, interruption or interference with the construction work caused by the actions of any labor organization or concerted action of any employees at the eligible site, including without limitation, strikes, sympathy strikes, work stoppages, walk outs, slowdowns, picketing, bannering, hand billing, demonstrations, sickouts, refusals to cross a picket line, refusals to handle struck business, and use of the rat or other inflatable balloons or similar displays.

(xli) "Market unit" shall mean a dwelling unit in an eligible multiple dwelling other than an affordable housing unit.

[~~(xxvi)~~] (xlii) "Multiple dwelling" shall have the meaning set forth in the multiple dwelling law.

[~~(xxvii)~~] (xliii) "Non-residential tax lot" shall mean a tax lot that does not contain any dwelling units.

[~~(xxviii)~~] (xliv) "Manhattan enhanced affordability area" shall mean any tax lots now existing or hereafter created located entirely south of 96th street in the borough of Manhattan.

(xlv) "Project labor agreement" shall mean a pre-hire collective bargaining agreement setting forth the terms and conditions of employment for the construction workers on an eligible site.

(xlvi) "Project-wide certified payroll report" shall mean a certified payroll report submitted by the independent monitor to the agency based on each contractor certified payroll report which sets forth the total number of hours of construction work performed by construction workers, the aggregate amount of wages and employee benefits paid to construction workers for construction work and the average hourly wage.

(xlvii) "Queens enhanced affordability area" shall mean any tax lots now existing or hereafter created which are located entirely within community boards one or two of the borough of Queens bounded and described as follows: All that piece or parcel of land situate and being in the boroughs of Queens and Brooklyn, New York. Beginning at the point being the intersection of the easterly shore of the East River with a line of prolongation of 20th Avenue projected northwesterly; Thence southeasterly on the line of prolongation of 20th Avenue and along 20th Avenue to the intersection with 31st Street; Thence southwesterly along 31st Street to the intersection with Northern Boulevard; Thence southwesterly along Northern Boulevard to the intersection with Queens Boulevard (aka Route 25); Thence southeasterly along Queens Boulevard to the intersection with Van Dam Street; Thence southerly along Van Dam Street to the intersection with Borden Avenue; Thence southwesterly along Van Dam Street to the intersection with Greenpoint Avenue and Review Avenue; Thence southwesterly along Greenpoint Avenue to the point of intersection with the centerline of Newtown Creek, said centerline of Newtown Creek also being the boundary between Queens County to the north and Kings County to the south; Thence northwesterly along the centerline of Newtown Creek, also being the boundary between Queens County and Kings County to its intersection with the easterly bounds of the East River; Thence in a general northeasterly direction along the easterly bulkhead or shoreline of the East River to the point or place of Beginning.

(xlviii) "Rent stabilization" shall mean, collectively, the rent stabilization law of nineteen hundred sixty-nine, the rent stabilization code, and the emergency tenant protection act of nineteen seventy-four, all as in effect as of the effective date of the chapter of the laws of two thousand fifteen that added this subdivision or as amended thereafter, together with any successor statutes or regulations addressing substantially the same subject matter.

[~~(xxix)~~] (xlix) "Rental project" shall mean an eligible [~~site~~] multiple dwelling in which all dwelling units included in any application are operated as rental housing.

[~~(xxx)~~] (l) "Residential tax lot" shall mean a tax lot that contains dwelling units.

[~~(xxxi)~~] (li) "Restriction period" shall mean a period commencing on the completion date and expiring on the thirty-fifth anniversary of the completion date, notwithstanding any earlier termination or revocation of [~~421-a~~] Affordable New York Housing Program benefits.

[~~(xxxii)~~] (lii) "Tax exempt bond proceeds" shall mean the proceeds of an exempt facility bond, as defined in paragraph (7) of subsection (a) of section one hundred forty-two of the internal revenue code of nineteen hundred eighty-six, as amended, the interest upon which is exempt from taxation under section one hundred three of the internal revenue code of nineteen hundred eighty-six, as amended.

(liii) "Third party fund administrator" shall be a person or entity that receives funds pursuant to paragraph (c) of this subdivision and oversees and manages the disbursal of such funds to construction workers. The third party fund administrator shall be a person or entity approved by the agency, and recommended by one, or more, representative

or representatives of the largest trade association of residential real estate developers, either for profit or not-for-profit, in New York city and one, or more, representative or representatives of the largest trade labor association representing building and construction workers, with membership in New York city. The third party fund administrator shall be appointed for a term of three years, provided, however, that the administrator in place at the end of a three year term shall continue to serve beyond the end of the term until a replacement administrator is appointed. The agency, after providing notice and after meeting with the third party fund administrator, may remove such administrator for cause upon an agency determination that the administrator has been ineffective at overseeing or managing the disbursal of funds to the construction workers. The third party fund administrator shall, at the request of the agency, submit reports to the agency.

[~~(xxxiii)~~] (liv) "Thirty-five year benefit" shall mean: (A) for the construction period, a one hundred percent exemption from real property taxation, other than assessments for local improvements; (B) for the first twenty-five years of the restriction period, a one hundred percent exemption from real property taxation, other than assessments for local improvements; and (C) for the final ten years of the restriction period, an exemption from real property taxation, other than assessments for local improvements, equal to the affordability percentage.

[~~(xxxiv)~~] (lv) "Twenty year benefit" shall mean: (A) for the construction period, a one hundred percent exemption from real property taxation, other than assessments for local improvements; (B) for the first fourteen years of the restriction period, a one hundred percent exemption from real property taxation, other than assessments for local improvements, provided, however, that no exemption shall be given for any portion of a unit's assessed value that exceeds [~~$65,000~~] eighty-five thousand dollars; and (C) for the final six years of the restriction period, a twenty-five percent exemption from real property taxation, other than assessments for local improvements, provided, however, that no exemption shall be given for any portion of a unit's assessed value that exceeds [~~$65,000~~] eighty-five thousand dollars.

(lvi) "Wages" shall mean all compensation, remuneration or payments of any kind paid to, or on behalf of, construction workers, including, without limitation, any hourly compensation paid directly to the construction worker, together with employee benefits, such as health, welfare, non-occupational disability coverage, retirement, vacation benefits, holiday pay, life insurance and apprenticeship training, and payroll taxes, including, to the extent permissible by law, all amounts paid for New York state unemployment insurance, New York state disability insurance, metropolitan commuter transportation mobility tax, federal unemployment insurance and pursuant to the federal insurance contributions act or any other payroll tax that is paid by the employer.

(b) Benefit. In cities having a population of one million or more, notwithstanding the provisions of any other subdivision of this section or of any general, special or local law to the contrary, new eligible sites, except hotels, that comply with the provisions of this subdivision shall be exempt from real property taxation, other than assessments for local improvements, in the amounts and for the periods specified in this paragraph. A rental project that meets all of the requirements of this subdivision shall receive a thirty-five year benefit and a homeownership project that meets all of the requirements of this subdivision shall receive a twenty year benefit. A rental project that also meets

all of the requirements of paragraph (c) of this subdivision shall receive an enhanced thirty-five year benefit.

(c) In addition to all other requirements set forth in this subdivision, rental projects containing three hundred or more rental dwelling units located within the enhanced affordability area shall comply with the requirements set forth in this paragraph. For purposes of this paragraph, "contractor" shall mean any entity which by agreement with another party (including subcontractors) undertakes to perform construction work at an eligible site and "applicant" shall mean an applicant for Affordable New York Housing Program benefits and any successor thereto.

(i) Such rental project shall comply with either affordability option E, affordability option F or affordability option G.

(ii) The minimum average hourly wage paid to construction workers on an eligible site within the Manhattan enhanced affordability area shall be no less than sixty dollars per hour. Three years from the effective date of the chapter of the laws of two thousand seventeen that added this paragraph and every three years thereafter, the minimum average hourly wage shall be increased by five percent; provided, however, that any building with a commencement date prior to the date of such increase shall be required to pay the minimum average hourly wage as required on its commencement date.

(iii) The minimum average hourly wage paid to construction workers on an eligible site within the Brooklyn enhanced affordability area or the Queens enhanced affordability area shall be no less than forty-five dollars per hour. Three years from the effective date of the chapter of the laws of two thousand seventeen that added this paragraph and every three years thereafter, the minimum average hourly wage shall be increased by five percent; provided, however, that any building with a commencement date prior to the date of such increase shall be required to pay the minimum average hourly wage as required on its commencement date.

(iv) The requirements of subparagraphs (ii) and (iii) of this paragraph shall not be applicable to:

(A) an eligible multiple dwelling in which at least fifty percent of the dwelling units upon initial rental and upon each subsequent rental following a vacancy during the restriction period, are affordable to and restricted to occupancy by individuals or families whose household income does not exceed one hundred twenty-five percent of the area median income, adjusted for family size, at the time that such household initially occupies such dwelling unit;

(B) any portion of an eligible multiple dwelling which is owned and operated as a condominium or cooperative; or

(C) at the option of the applicant, to an eligible site subject to a project labor agreement.

(v) The applicant shall contract with an independent monitor. Such independent monitor shall submit to the agency within one year of the completion date a project-wide certified payroll report. In the event such project-wide certified payroll report is not submitted to the agency within the requisite time, the applicant shall be subject to a fine of one thousand dollars per week, or any portion thereof; provided that the maximum fine shall be seventy-five thousand dollars. In the event that the average hourly wage is less than the minimum average hourly wage set forth in subparagraph (ii) or (iii) of this paragraph as applicable, the project-wide certified payroll report shall also set forth the aggregate amount of such deficiency.

(vi) The contractor certified payroll report shall be submitted by each contractor and sub-contractor no later than ninety days after the completion of construction work by such contractor or sub-contractor. In the event that a contractor or sub-contractor fails or refuses to submit the contractor certified payroll report within the time prescribed in this subparagraph, the independent monitor shall notify the agency and the agency shall be authorized to fine such contractor or sub-contractor in the amount of one thousand dollars per week, or any portion thereof, provided that the maximum fine shall be seventy-five thousand dollars.

(vii) In the event that the project-wide certified payroll report shows that the average hourly wage as required by subparagraph (ii) or (iii) of this paragraph, as applicable, was not paid, (A) if the average hourly wage is within fifteen percent of the average hourly wage required by subparagraph (i) or (ii) of this paragraph, as applicable, then no later than one hundred twenty days from the date of submission of such project-wide certified payroll report, the applicant shall pay to the third party fund administrator an amount equal to the amount of the deficiency set forth in the project-wide certified payroll report. The third party fund administrator shall distribute such payment to the construction workers who performed construction work on such eligible site. Prior to making such repayment, the third party fund administrator shall submit to the agency a plan subject to the agency's approval setting forth the manner in which the third party fund administrator will reach the required average wage within one hundred fifty days of receiving the payment from the applicant and how any remaining funds will be disbursed in the event that the third party fund administrator cannot distribute the funds to the construction workers within one year of receiving agency approval. In the event that the applicant fails to make such payment within the time period prescribed in this subparagraph, the applicant shall be subject to a fine of one thousand dollars per week provided that the maximum fine shall be seventy-five thousand dollars; or (B) if the average hourly wage is more than fifteen percent below the minimum average hourly wage required by subparagraph (i) or (ii) of this paragraph, as applicable, then no later than one hundred twenty days from the date of submission of such project-wide certified payroll report, the applicant shall pay to the third party fund administrator an amount equal to the amount of the deficiency set forth in the project-wide payroll report. The third party fund administrator shall distribute such payment to the construction workers who performed construction work on such eligible site. Prior to making such repayment, the third party fund administrator shall submit to the agency a plan subject to the agency's approval setting forth the manner in which the third party fund administrator will reach the required average wage within one hundred fifty days of receiving the payment from the applicant and how any remaining funds will be disbursed in the event that the third party fund administrator cannot distribute the funds to the construction workers within one year of receiving agency approval. In addition, the agency shall impose a penalty on the applicant in an amount equal to twenty-five percent of the amount of the deficiency, provided, however, that the agency shall not impose such penalty where the eligible multiple dwelling has been the subject of a job action which results in a work delay. Any payments received by the agency pursuant to this subparagraph shall be used to provide affordable housing. In the event that the applicant fails to make such payment within the time period prescribed in this subparagraph, the applicant shall be subject to a fine of one thousand dollars per week, provided that the

maximum fine shall be seventy-five thousand dollars. Notwithstanding any provision of this paragraph, the applicant shall not be liable in any respect whatsoever for any payments, fines or penalties related to or resulting from contractor fraud, mistake, or negligence or for fraudulent or inaccurate contractor certified payroll reports or for fraudulent or inaccurate project-wide certified payroll reports, provided, however, that payment to the third party fund administrator in the amount set forth in the project-wide certified payroll report as described in this subparagraph shall still be made by the contractor or sub-contractor in the event of underpayment resulting from or caused by the contractor or sub-contractor, and that the applicant will be liable for underpayment to the third party administrator unless the agency determines, in its sole discretion, that the underpayment was the result of, or caused by, contractor fraud, mistake or negligence and/or for fraudulent or inaccurate contractor certified payroll reports and/or project-wide certified payroll reports. The applicant shall otherwise not be liable in any way whatsoever once the payment to the third party fund administrator has been made in the amount set forth in the project-wide certified payroll report.

(viii) Nothing in this paragraph shall be construed to confer a private right of action to enforce the provisions of this paragraph, provided, however, that this sentence shall not be construed as a waiver of any existing rights of construction workers or their representatives related to wage and benefit collection, wage theft or other labor protections or rights and provided, further, that nothing in this paragraph relieves any obligations pursuant to a collective bargaining agreement.

(ix) A rental project containing three hundred or more residential dwelling units not located within the enhanced affordability area may elect to comply with the requirements of this paragraph and be eligible to receive an enhanced thirty-five year benefit. Such election shall be made in the application and shall not thereafter be changed. Such rental project shall comply with all of the requirements of this paragraph and shall be deemed to be located within the Brooklyn enhanced affordability area or the Queens enhanced affordability area for the purposes of this paragraph.

[~~(c)~~] (d) Tax payments. In addition to any other amounts payable pursuant to this subdivision, the owner of any eligible site receiving [~~421-a~~] Affordable New York Housing Program benefits shall pay, in each tax year in which such [~~421-a~~] Affordable New York Housing Program benefits are in effect, real property taxes and assessments as follows:

(i) with respect to each eligible multiple dwelling constructed on such eligible site, real property taxes on the assessed valuation of such land and any improvements thereon in effect during the tax year prior to the commencement date of such eligible multiple dwelling, without regard to any exemption from or abatement of real property taxation in effect during such tax year, which real property taxes shall be calculated using the tax rate in effect at the time such taxes are due; and

(ii) all assessments for local improvements.

[~~(d)~~] (e) Limitation on benefits for non-residential space. If the aggregate floor area of commercial, community facility and accessory use space in an eligible site, other than parking which is located not more than twenty-three feet above the curb level, exceeds twelve percent of the aggregate floor area in such eligible site, any [~~421-a~~] Affordable New York Housing Program benefits shall be reduced by a percentage equal

to such excess. If an eligible site contains multiple tax lots, the tax arising out of such reduction in [~~421-a~~] **Affordable New York Housing Program** benefits shall first be apportioned pro rata among any non-residential tax lots. After any such non-residential tax lots are fully taxable, the remainder of the tax arising out of such reduction in [~~421-a~~] **Affordable New York Housing Program** benefits, if any, shall be apportioned pro rata among the remaining residential tax lots.

[~~(e)~~] **(f)** Calculation of benefit. Based on the certification of the agency certifying the applicant's eligibility for [~~421-a~~] **Affordable New York Housing Program** benefits, the assessors shall certify to the collecting officer the amount of taxes to be exempted.

[~~(f)~~] **(g)** Affordability requirements. During the restriction period, a rental project shall comply with either affordability option A, affordability option B, or affordability option C or for purposes of a homeownership project, such project shall comply with affordability option D. Such election shall be made in the application and shall not thereafter be changed. The rental project shall also comply with all provisions of this paragraph during the restriction period and with subparagraph (iii) of this paragraph both during and after the restriction period to the extent provided in such subparagraph. **A rental project containing three hundred or more rental dwelling units located in the enhanced affordability area or a rental project containing three hundred or more rental dwelling units not located within the enhanced affordability area which elects to comply with the requirements of paragraph (c) of this subdivision shall comply with either affordability option E, affordability option F, or affordability option G. Such election shall be made in the application and shall not thereafter be changed. Such rental project shall also comply with all provisions of this paragraph during the extended restriction period and with subparagraph (iii) of this paragraph both during and after the extended restriction period to the extent provided in such paragraph.**

(i) Affordable units **located in a rental project** shall share the same common entrances and common areas as market rate units **in such rental project**, and shall not be isolated to a specific floor or area of [~~a building~~] **the rental project**. Common entrances shall mean any area regularly used by any resident **of the rental project** for ingress and egress from [~~a multiple dwelling~~] **the rental project**; and

(ii) Unless preempted by the requirements of a federal, state or local housing program, either (A) the affordable housing units in an eligible site shall have a unit mix proportional to the market units, or (B) at least fifty percent of the affordable housing units in an eligible site shall have two or more bedrooms and no more than twenty-five percent of the affordable housing units shall have less than one bedroom.

(iii) Notwithstanding any provision of rent stabilization to the contrary, all affordable housing units shall be fully subject to rent stabilization during the restriction period, provided that tenants holding a lease and in occupancy of such affordable housing units at the expiration of the restriction period shall have the right to remain as rent stabilized tenants for the duration of their occupancy.

(iv) All rent stabilization registrations required to be filed pursuant to subparagraph (iii) of this paragraph shall contain a designation that specifically identifies affordable housing units created pursuant to this subdivision as "[~~421-a~~] **Affordable New York Housing Program** affordable housing units" and shall contain an explanation of the requirements that apply to all such affordable housing units.

(v) Failure to comply with the provisions of this paragraph that require the creation, maintenance, rent stabilization compliance and occupancy of affordable housing units or for purposes of a homeownership project the failure to comply with affordability option D shall result in revocation of any [~~421-a~~] **Affordable New York Housing Program** benefits for the period of such non-compliance.

(vi) Nothing in this subdivision shall (A) prohibit the occupancy of an affordable housing unit by individuals or families whose income at any time is less than the maximum percentage of the area median income, adjusted for family size, specified for such affordable housing unit pursuant to this subdivision, or (B) prohibit the owner of an eligible site from requiring, upon initial rental or upon any rental following a vacancy, the occupancy of any affordable housing unit by such lower income individuals or families.

(vii) Following issuance of a temporary certificate of occupancy and upon each vacancy thereafter, an affordable housing unit shall promptly be offered for rental by individuals or families whose income does not exceed the maximum percentage of the area median income, adjusted for family size, specified for such affordable housing unit pursuant to this subdivision and who intend to occupy such affordable housing unit as their primary residence. An affordable housing unit shall not be (A) rented to a corporation, partnership or other entity, or (B) held off the market for a period longer than is reasonably necessary to perform repairs needed to make such affordable housing unit available for occupancy.

(viii) An affordable housing unit shall not be rented on a temporary, transient or short-term basis. Every lease and renewal thereof for an affordable housing unit shall be for a term of one or two years, at the option of the tenant.

(ix) An affordable housing unit shall not be converted to cooperative or condominium ownership.

(x) The agency may establish by rule such requirements as the agency deems necessary or appropriate for (A) the marketing of affordable housing units, both upon initial occupancy and upon any vacancy, (B) monitoring compliance with the provisions of this paragraph and (C) the marketing and monitoring of any homeownership project that is granted an exemption pursuant to this subdivision. Such requirements may include, but need not be limited to, retaining a monitor approved by the agency and paid for by the owner.

(xi) Notwithstanding any provision of this subdivision to the contrary, a market unit shall be subject to rent stabilization unless, in the absence of [~~421-a~~] **Affordable New York Housing Program** benefits, the owner would be entitled to remove such market unit from rent stabilization upon vacancy by reason of the monthly rent exceeding any limit established thereunder.

[~~(g)~~] **(h)** Building service employees. (i) For the purposes of this paragraph, "applicant" shall mean an applicant for [~~421-a~~] **Affordable New York Housing Program** benefits, any successor to such applicant, or any employer of building service employees for such applicant, including, but not limited to, a property management company or contractor.

(ii) All building service employees employed by the applicant at the eligible site shall receive the applicable prevailing wage for the entire restriction period.

(iii) The fiscal officer shall have the power to enforce the provisions of this paragraph. In enforcing such provisions, the fiscal officer shall have the power:

(A) to investigate or cause an investigation to be made to determine the prevailing wages for building service employees; in making such investigation, the fiscal officer may utilize wage and fringe benefit data from various sources, including, but not limited to, data and determinations of federal, state or other governmental agencies;

(B) to institute and conduct inspections at the site of the work or elsewhere;

(C) to examine the books, documents and records pertaining to the wages paid to, and the hours of work performed by, building service employees;

(D) to hold hearings and, in connection therewith, to issue subpoenas, administer oaths and examine witnesses; the enforcement of a subpoena issued under this paragraph shall be regulated by the civil practice law and rules;

(E) to make a classification by craft, trade or other generally recognized occupational category of the building service employees and to determine whether such work has been performed by the building service employees in such classification;

(F) to require the applicant to file with the fiscal officer a record of the wages actually paid by such applicant to the building service employees and of their hours of work;

(G) to delegate any of the foregoing powers to his or her deputy or other authorized representative; and

(H) to promulgate rules as he or she shall consider necessary for the proper execution of the duties, responsibilities and powers conferred upon him or her by the provisions of this subparagraph.

(iv) If the fiscal officer finds that the applicant has failed to comply with the provisions of this paragraph, he or she shall present evidence of such noncompliance to the agency.

(v) Subparagraph (ii) of this paragraph shall not be applicable to:

(A) an eligible multiple dwelling containing less than thirty dwelling units; or

(B) an eligible multiple dwelling in which all of the dwelling units are affordable housing units and not less than fifty percent of such affordable housing units, upon initial rental and upon each subsequent rental following a vacancy during the restriction period, are affordable to and restricted to occupancy by individuals or families whose household income does not exceed one hundred twenty-five percent of the area median income, adjusted for family size, at the time that such household initially occupies such dwelling unit.

[~~(h)~~] **(i)** Replacement ratio. If the land on which an eligible site is located contained any dwelling units three years prior to the commencement date of the first eligible multiple dwelling thereon, then such eligible site shall contain at least one affordable housing unit for [~~each~~] **every four** dwelling [~~unit~~] **units** that existed on such date and [~~was~~] **which were** thereafter demolished, removed or reconfigured.

[~~(i)~~] **(j)** Concurrent exemptions or abatements. An eligible [~~multiple dwelling~~] **site** receiving [~~421-a~~] **Affordable New York Housing Program** benefits shall not receive any exemption from or abatement of real property taxation under any other law.

[~~(j)~~] **(k)** Voluntary renunciation or termination. Notwithstanding the provisions of any general, special or local law to the contrary, an owner shall not be entitled to voluntarily renounce or terminate any [~~421-a~~] **Affordable New York Housing Program** benefits unless the agency authorizes such renunciation or termination in connection with the

commencement of a new tax exemption pursuant to either the private housing finance law or section four hundred twenty-c of this title.

[~~(k)~~] (l) Termination or revocation. The agency may terminate or revoke [~~421-a~~] Affordable New York Housing Program benefits for noncompliance with this subdivision, provided, however, that the agency shall not terminate or revoke Affordable New York Housing Program benefits for a failure to comply with paragraph (c) of this subdivision. If [~~421-a~~] Affordable New York Housing Program benefits are terminated or revoked for noncompliance with this subdivision, [~~all of the affordable housing units shall remain subject to rent stabilization or for a homeownership project such project shall continue to comply with affordability option D of this subdivision and all other requirements of this subdivision for the restriction period and any additional period expressly provided in this subdivision, as if the 421-a benefits had not been terminated or revoked~~] (i) all of the affordable housing units shall remain subject to rent stabilization and all other requirements of this subdivision for the restriction period and any additional period expressly provided in this subdivision, as if the Affordable New York Housing Program benefits had not been terminated or revoked; (ii) all of the market rate housing units shall remain subject to rent stabilization and all other requirements of this subdivision for the restriction period and any additional period expressly provided in this subdivision, as if the Affordable New York Housing Program benefits had not been terminated or revoked, provided, however, that the owner shall still be entitled to remove such market unit from rent stabilization upon vacancy by reason of the monthly rent exceeding any limit established thereunder; (iii) or for a homeownership project such project shall continue to comply with affordability option D of this subdivision and all other requirements of this subdivision for the restriction period and any additional period expressly provided in this subdivision, as if the Affordable New York Housing Program benefits had not been terminated or revoked.

[~~(l)~~] (m) Powers cumulative. The enforcement provisions of this subdivision shall not be exclusive, and are in addition to any other rights, remedies, or enforcement powers set forth in any other law or available at law or in equity.

[~~(m)~~] (n) Multiple tax lots. If an eligible site contains multiple tax lots, an application may be submitted with respect to one or more of such tax lots. The agency shall determine eligibility for [~~421-a~~] Affordable New York Housing Program benefits based upon the tax lots included in such application and benefits for each multiple dwelling shall commence upon commencement of construction of such multiple dwelling.

[~~(n)~~] (o) Applications. (i) The application with respect to any eligible multiple dwelling shall be filed with the agency not later than one year after the completion date of such eligible multiple dwelling.

(ii) Notwithstanding the provisions of any general, special or local law to the contrary, the agency may require by rule that applications be filed electronically.

(iii) The agency may rely on certification by an architect or engineer submitted by an applicant in connection with the filing of an application. A false certification by such architect or engineer shall be deemed to be professional misconduct pursuant to section sixty-five hundred nine of the education law. Any licensee found guilty of such misconduct under the procedures prescribed in section sixty-five hundred ten of the education law shall be subject to the penalties prescribed in section sixty-five hundred eleven of the education law, and shall there-

after be ineligible to submit a certification pursuant to this subdivision.

(iv) The agency shall not require that the applicant demonstrate compliance with the requirements of paragraph (c) of this subdivision as a condition to approval of the application.

[~~(o)~~] (p) Filing fee. The agency may require a filing fee of three thousand dollars per dwelling unit in connection with any application. However, the agency may promulgate rules imposing a lesser fee for eligible sites containing eligible multiple dwellings constructed with the substantial assistance of grants, loans or subsidies provided by a federal, state or local governmental agency or instrumentality pursuant to a program for the development of affordable housing.

[~~(p)~~] (q) Rules. The agency shall have the sole authority to enforce the provisions of this subdivision. The agency [~~may~~] shall promulgate rules to carry out the provisions of this subdivision, including, but not limited to, provisions related to the calculation of the average hourly wage.

[~~(q) Authority of city to enact local law. Except as otherwise specified in this subdivision, a city to which this subdivision is applicable may enact a local law to restrict, limit or condition the eligibility for or the scope or amount of 421-a benefits in any manner, provided that such local law may not grant 421-a benefits beyond those provided in this subdivision and provided further that such local law shall not take effect sooner than one year after it is enacted. The provisions of sections 11-245 and 11-245.1 of the administrative code of the city of New York or of any other local law of the city of New York that were enacted on or before the effective date of the chapter of the laws of two thousand fifteen which added this paragraph shall not restrict, limit or condition the eligibility for or the scope or amount of 421-a benefits pursuant to this subdivision.~~]

(r) Election. Notwithstanding anything in this subdivision to the contrary, [~~if a memorandum of understanding pursuant to subdivision sixteen-a of this section has been executed and noticed,~~] a rental project or homeownership project with a commencement date on or before December thirty-first, two thousand fifteen that has not received benefits pursuant to this section prior to the effective date of the chapter of the laws of two thousand fifteen that added this subdivision may elect to comply with this subdivision and receive [~~421-a~~] Affordable New York Housing Program benefits pursuant to this subdivision, provided, however, that, for purposes of this subparagraph, any requirement under this subdivision for a rental project that is an eligible planned project to contain three hundred or more residential dwelling units shall be reduced to two hundred ninety-five or more residential dwelling units.

§ 4. Subdivision 16-a of section 421-a of the real property tax law is REPEALED.

§ 4-a. Paragraph (n) of subdivision 2 of section 2 of chapter 274 of the laws of 1946, constituting the emergency housing rent control law, as amended by section 7 of part A of chapter 20 of the laws of 2015, is amended to read as follows:

(n) any housing accommodation with a maximum rent of two thousand dollars or more per month at any time between the effective date of this paragraph and October first, nineteen hundred ninety-three which is or becomes vacant on or after the effective date of this paragraph; or, for any housing accommodation with a maximum rent of two thousand dollars or more per month at any time on or after the effective date of the rent

regulation reform act of 1997 and before the effective date of the rent act of 2011, which is or becomes vacant on or after the effective date of the rent regulation reform act of 1997 and before the effective date of the rent act of 2011. This exclusion shall apply regardless of whether the next tenant in occupancy or any subsequent tenant in occupancy is charged or pays less than two thousand dollars a month; or, for any housing accommodation with a maximum rent of two thousand five hundred dollars or more per month at any time on or after the effective date of the rent act of 2011, which is or becomes vacant on or after such effective date, but prior to the effective date of the rent act of 2015; or, any housing accommodation with a legal regulated rent [~~that was~~] **of** two thousand seven hundred dollars or more per month at any time on or after the effective date of the rent act of 2015, which becomes vacant after the effective date of the rent act of 2015, provided, however, that starting on January 1, 2016, and annually thereafter, the maximum legal regulated rent for this deregulation threshold, shall also be increased by the same percentage as the most recent one year renewal adjustment, adopted by the applicable rent guidelines board. This exclusion shall apply regardless of whether the next tenant in occupancy or any subsequent tenant in occupancy actually is charged or pays less than two thousand seven hundred dollars, as adjusted by the applicable rent guidelines board, per month. An exclusion pursuant to this paragraph shall not apply, however, to or become effective with respect to housing accommodations which the commissioner determines or finds that the landlord or any person acting on his or her behalf, with intent to cause the tenant to vacate, has engaged in any course of conduct (including, but not limited to, interruption or discontinuance of required services) which interfered with or disturbed or was intended to interfere with or disturb the comfort, repose, peace or quiet of the tenant in his or her use or occupancy of the housing accommodations and in connection with such course of conduct, any other general enforcement provision of this law shall also apply.

§ 4-b. Paragraph 13 of subdivision a of section 5 of section 4 of chapter 576 of the laws of 1974, constituting the emergency tenant protection act of nineteen seventy-four, as amended by section 8 of part A of chapter 20 of the laws of 2015, is amended to read as follows:

(13) any housing accommodation with a legal regulated rent of two thousand dollars or more per month at any time between the effective date of this paragraph and October first, nineteen hundred ninety-three which is or becomes vacant on or after the effective date of this paragraph; or, for any housing accommodation with a legal regulated rent of two thousand dollars or more per month at any time on or after the effective date of the rent regulation reform act of 1997 and before the effective date of the rent act of 2011, which is or becomes vacant on or after the effective date of the rent regulation reform act of 1997 and before the effective date of the rent act of 2011. This exclusion shall apply regardless of whether the next tenant in occupancy or any subsequent tenant in occupancy is charged or pays less than two thousand dollars a month; or, for any housing accommodation with a legal regulated rent of two thousand five hundred dollars or more per month at any time on or after the effective date of the rent act of 2011, which is or becomes vacant on or after such effective date, but prior to the effective date of the rent act of 2015; or, any housing accommodation with a legal regulated rent [~~that was~~] **of** two thousand seven hundred dollars or more per month at any time on or after the effective date of the rent act of 2015, which becomes vacant after the effective date of the rent

act of 2015, provided, however, that starting on January 1, 2016, and annually thereafter, the maximum legal regulated rent for this deregulation threshold, shall also be increased by the same percentage as the most recent one year renewal adjustment, adopted by the applicable rent guidelines board. An exclusion pursuant to this paragraph shall apply regardless of whether the next tenant in occupancy or any subsequent tenant in occupancy actually is charged or pays less than two thousand seven hundred dollars a month. Provided however, that an exclusion pursuant to this paragraph shall not apply to housing accommodations which became or become subject to this act (a) by virtue of receiving tax benefits pursuant to section four hundred twenty-one-a or four hundred eighty-nine of the real property tax law, except as otherwise provided in subparagraph (i) of paragraph (f) of subdivision two of section four hundred twenty-one-a of the real property tax law, or (b) by virtue of article seven-C of the multiple dwelling law. This paragraph shall not apply, however, to or become effective with respect to housing accommodations which the commissioner determines or finds that the landlord or any person acting on his or her behalf, with intent to cause the tenant to vacate, has engaged in any course of conduct (including, but not limited to, interruption or discontinuance of required services) which interfered with or disturbed or was intended to interfere with or disturb the comfort, repose, peace or quiet of the tenant in his or her use or occupancy of the housing accommodations and in connection with such course of conduct, any other general enforcement provision of this act shall also apply.

§ 4-c. Subparagraph (k) of paragraph 2 of subdivision e of section 26-403 of the administrative code of the city of New York, as amended by section 9 of part A of chapter 20 of the laws of 2015, is amended to read as follows:

(k) Any housing accommodation which becomes vacant on or after April first, nineteen hundred ninety-seven and before the effective date of the rent act of 2011, and where at the time the tenant vacated such housing accommodation the maximum rent was two thousand dollars or more per month; or, for any housing accommodation which is or becomes vacant on or after the effective date of the rent regulation reform act of 1997 and before the effective date of the rent act of 2011 with a maximum rent of two thousand dollars or more per month. This exclusion shall apply regardless of whether the next tenant in occupancy or any subsequent tenant in occupancy is charged or pays less than two thousand dollars a month; or, for any housing accommodation with a maximum rent of two thousand five hundred dollars or more per month at any time on or after the effective date of the rent act of 2011, which is or becomes vacant on or after such effective date, but prior to the effective date of the rent act of 2015; or, any housing accommodation with a legal regulated rent [~~that was~~] **of** two thousand seven hundred dollars or more per month at any time on or after the effective date of the rent act of 2015, which becomes vacant after the effective date of the rent act of 2015, provided, however, that starting on January 1, 2016, and annually thereafter, the maximum legal regulated rent for this deregulation threshold, shall also be increased by the same percent as the most recent one year renewal adjustment, adopted by the New York city rent guidelines board pursuant to the rent stabilization law. This exclusion shall apply regardless of whether the next tenant in occupancy or any subsequent tenant in occupancy actually is charged or pays less than two thousand seven hundred dollars a month. Provided however, that an exclusion pursuant to this subparagraph shall not apply to housing accommo-

dations which became or become subject to this law by virtue of receiving tax benefits pursuant to section four hundred eighty-nine of the real property tax law. This subparagraph shall not apply, however, to or become effective with respect to housing accommodations which the commissioner determines or finds that the landlord or any person acting on his or her behalf, with intent to cause the tenant to vacate, has engaged in any course of conduct (including, but not limited to, interruption or discontinuance of required services) which interfered with or disturbed or was intended to interfere with or disturb the comfort, repose, peace or quiet of the tenant in his or her use or occupancy of the housing accommodations and in connection with such course of conduct, any other general enforcement provision of this law shall also apply.

§ 4-d. Section 26-504.2 of the administrative code of the city of New York, as amended by section 10 of part A of chapter 20 of the laws of 2015, is amended to read as follows:

§ 26-504.2 Exclusion of high rent accommodations. a. "Housing accommodations" shall not include: any housing accommodation which becomes vacant on or after April first, nineteen hundred ninety-seven and before the effective date of the rent act of 2011 and where at the time the tenant vacated such housing accommodation the legal regulated rent was two thousand dollars or more per month; or, for any housing accommodation which is or becomes vacant on or after the effective date of the rent regulation reform act of 1997 and before the effective date of the rent act of 2011, with a legal regulated rent of two thousand dollars or more per month; or for any housing accommodation that becomes vacant on or after the effective date of the rent act of 2015, [~~where such~~] **with a** legal regulated rent [~~was~~] **of** two thousand seven hundred dollars or more, and as further adjusted by this section. Starting on January 1, 2016, and annually thereafter, the maximum legal regulated rent for this deregulation threshold, shall also be increased by the same percent as the most recent one year renewal adjustment, adopted by the New York city rent guidelines board pursuant to the rent stabilization law. This exclusion shall apply regardless of whether the next tenant in occupancy or any subsequent tenant in occupancy is charged or pays less than two thousand dollars a month; or, for any housing accommodation with a legal regulated rent of two thousand five hundred dollars or more per month at any time on or after the effective date of the rent act of 2011, which is or becomes vacant on or after such effective date, but prior to the effective date of the rent act of 2015; or, any housing accommodation with a legal regulated rent [~~that was~~] **of** two thousand seven hundred dollars or more per month at any time on or after the effective date of the rent act of 2015, which becomes vacant after the effective date of the rent act of 2015, provided, however, that starting on January 1, 2016, and annually thereafter, such legal regulated rent for this deregulation threshold, shall also be increased by the same percentage as the most recent one year renewal adjustment, adopted by the New York city rent guidelines board. This exclusion shall apply regardless of whether the next tenant in occupancy or any subsequent tenant in occupancy actually is charged or pays less than two thousand seven hundred dollars, as adjusted by the applicable rent guidelines board, a month. Provided however, that an exclusion pursuant to this subdivision shall not apply to housing accommodations which became or become subject to this law (a) by virtue of receiving tax benefits pursuant to section four hundred twenty-one-a or four hundred eighty-nine of the real property tax law, except as otherwise provided in subparagraph (i) of paragraph (f) of

subdivision two of section four hundred twenty-one-a of the real property tax law, or (b) by virtue of article seven-C of the multiple dwelling law. This section shall not apply, however, to or become effective with respect to housing accommodations which the commissioner determines or finds that the landlord or any person acting on his or her behalf, with intent to cause the tenant to vacate, engaged in any course of conduct (including, but not limited to, interruption or discontinuance of required services) which interfered with or disturbed or was intended to interfere with or disturb the comfort, repose, peace or quiet of the tenant in his or her use or occupancy of the housing accommodations and in connection with such course of conduct, any other general enforcement provision of this law shall also apply.

b. The owner of any housing accommodation that is not subject to this law pursuant to the provisions of subdivision a of this section or subparagraph k of paragraph 2 of subdivision e of section 26-403 of this code shall give written notice certified by such owner to the first tenant of that housing accommodation after such housing accommodation becomes exempt from the provisions of this law or the city rent and rehabilitation law. Such notice shall contain the last regulated rent, the reason that such housing accommodation is not subject to this law or the city rent and rehabilitation law, a calculation of how either the rental amount charged when there is no lease or the rental amount provided for in the lease has been derived so as to reach two thousand dollars or more per month or, for a housing accommodation with a legal regulated rent or maximum rent of two thousand five hundred dollars or more per month on or after the effective date of the rent act of 2011, and before the effective date of the rent act of 2015, which is or becomes vacant on or after such effective date, whether the next tenant in occupancy or any subsequent tenant in occupancy actually is charged or pays less than a legal regulated rent or maximum rent of two thousand five hundred dollars or more per month, or two thousand seven hundred dollars or more, per month, starting on January 1, 2016, and annually thereafter, the maximum legal regulated rent for this deregulation threshold, shall also be increased by the same percent as the most recent one year renewal adjustment, adopted by the New York city rent guidelines board pursuant to the rent stabilization law, a statement that the last legal regulated rent or the maximum rent may be verified by the tenant by contacting the state division of housing and community renewal, or any successor thereto, and the address and telephone number of such agency, or any successor thereto. Such notice shall be sent by certified mail within thirty days after the tenancy commences or after the signing of the lease by both parties, whichever occurs first or shall be delivered to the tenant at the signing of the lease. In addition, the owner shall send and certify to the tenant a copy of the registration statement for such housing accommodation filed with the state division of housing and community renewal indicating that such housing accommodation became exempt from the provisions of this law or the city rent and rehabilitation law, which form shall include the last regulated rent, and shall be sent to the tenant within thirty days after the tenancy commences or the filing of such registration, whichever occurs later.

§ 4-e. Paragraph 14 of subdivision c of section 26-511 of the administrative code of the city of New York, as amended by section 12 of part A of chapter 20 of the laws of 2015, is amended to read as follows:

(14) provides that where the amount of rent charged to and paid by the tenant is less than the legal regulated rent for the housing accommo-

dation, the amount of rent for such housing accommodation which may be charged upon renewal or upon vacancy thereof, may, at the option of the owner, be based upon such previously established legal regulated rent, as adjusted by the most recent applicable guidelines increases and any other increases authorized by law. Such housing accommodation shall be excluded from the provisions of this code pursuant to section 26-504.2 of this chapter when, subsequent to vacancy: (i) such legal regulated rent [~~prior to vacancy~~] is two thousand five hundred dollars per month, or more, for any housing accommodation that is or becomes vacant after the effective date of the rent act of 2011 but prior to the effective date of the rent act of 2015 or (ii) such legal regulated rent is two thousand seven hundred dollars per month or more, provided, however that on January 1, 2016, and annually thereafter, the maximum legal regulated rent for this deregulation threshold shall be adjusted by the same percentage as the most recent one year renewal adjustment as adjusted by the relevant rent guidelines board, for any housing accommodation that is or becomes vacant on or after the rent act of 2015.

§ 4-f. Section 467-i of the real property tax law is REPEALED.

§ 5. Severability clause. If any clause, sentence, paragraph, subdivision, section or part of this act shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part thereof directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the intent of the legislature that this act would have been enacted even if such invalid provisions had not been included herein.

§ 6. This act shall take effect immediately; provided, however, that:

(a) sections one, two, and three of this act shall be deemed to have been in full force and effect on and after January 1, 2016;

(b) the amendments to the emergency housing rent control law made by section four-a of this act shall expire on the same date as such law expires and shall not affect the expiration of such law as provided in subdivision 2 of section 1 of chapter 274 of the laws of 1946;

(c) the amendments to the emergency tenant protection act of nineteen seventy-four made by section four-b of this act shall expire on the same date as such act expires and shall not affect the expiration of such act as provided in section 17 of chapter 576 of the laws of 1974;

(d) the amendments to chapter 4 of title 26 of the administrative code of the city of New York made by sections four-d and four-e of this act shall expire on the same date as such chapter expires and shall not affect the expiration of such chapter as provided under section 26-520 of such law; and

(e) the amendments to chapter 3 of title 26 of the administrative code of the city of New York made by section four-c of this act shall remain in full force and effect only as long as the public emergency requiring the regulation and control of residential rents and evictions continues, as provided in subdivision 3 of section 1 of the local emergency housing rent control act.

PART T

Section 1. Subdivision 4 of section 170.15 of the criminal procedure law, as amended by chapter 67 of the laws of 2000, is amended to read as follows:

4. Notwithstanding any provision of this section to the contrary, in any county outside a city having a population of one million or more, upon or after arraignment of a defendant on an information, a simplified information, a prosecutor's information or a misdemeanor complaint pending in a local criminal court, such court may, upon motion of the defendant and with the consent of the district attorney, order that the action be removed from the court in which the matter is pending to another local criminal court in the same county which has been designated a drug court by the chief administrator of the courts, **or to another local criminal court in the same county or an adjoining county that has been designated a veterans treatment court by the chief administrator of the courts,** and such drug court may then conduct such action to [~~judgement~~] **judgment** or other final disposition; provided, however, that an order of removal issued under this subdivision shall not take effect until five days after the date the order is issued unless, prior to such effective date, the drug court **or veterans treatment court** notifies the court that issued the order that:

(a) it will not accept the action, in which event the order shall not take effect, or

(b) it will accept the action on a date prior to such effective date, in which event the order shall take effect upon such prior date.

Upon providing notification pursuant to paragraph (a) or (b) of this subdivision, the drug court **or veterans treatment court** shall promptly give notice to the defendant, his or her counsel and the district attorney.

§ 2. Subdivision 3 of section 180.20 of the criminal procedure law, as amended by chapter 67 of the laws of 2000, is amended to read as follows:

3. Notwithstanding any provision of this section to the contrary, in any county outside a city having a population of one million or more, upon or after arraignment of a defendant on a felony complaint pending in a local criminal court having preliminary jurisdiction thereof, such court may, upon motion of the defendant and with the consent of the district attorney, order that the action be removed from the court in which the matter is pending to another local criminal court in the same county which has been designated a drug court by the chief administrator of the courts, **or to another court in the same county or an adjoining county that has been designated a veterans treatment court by the chief administrator of the courts,** and such drug court **or veterans treatment court** may then dispose of such felony complaint pursuant to this article; provided, however, that an order of removal issued under this subdivision shall not take effect until five days after the date the order is issued unless, prior to such effective date, the drug court **or veterans treatment court** notifies the court that issued the order that:

(a) it will not accept the action, in which event the order shall not take effect, or

(b) it will accept the action on a date prior to such effective date, in which event the order shall take effect upon such prior date.

Upon providing notification pursuant to paragraph (a) or (b) of this subdivision, the drug court **or veterans treatment court** shall promptly give notice to the defendant, his or her counsel and the district attorney.

§ 3. Subdivision 2 of section 212 of the judiciary law is amended by adding a new paragraph (u) to read as follows:

(u) To the extent practicable, establish such number of veterans treatment courts as may be necessary to fulfill the purposes of subdivision four of section 170.15 and subdivision three of section 180.20 of the criminal procedure law.

§ 4. The executive law is amended by adding a new section 836-a to read as follows:

§ 836-a. Veterans treatment court peer-to-peer service grant program. 1. Notwithstanding any provision of law to the contrary, the division shall establish a grant program in support of veteran peer-to-peer programs to aid and/or assist veterans who have an action pending before a veterans treatment court. Such grant program shall be subject to, and funded pursuant to, any funds appropriated or suballocated for expenses related to the veterans treatment court program. Eligible applicants for this grant program shall include not-for-profit veterans service organizations and local county veterans services agencies, that maintain a peer-to-peer program where veteran service officers, or their volunteer equivalent, aid and/or assist veterans who have an action pending before a veterans treatment court. The awarding of such grants by the division shall be divided as equally as possible, within total amounts appropriated or suballocated therefor, between the different regions of the state.

2. Definitions. For purposes of this section, the following definitions shall apply:

(a) "Veterans treatment court" shall mean a court, designated by the chief administrator of the courts as a veterans treatment court, in accordance with subdivision four of section 170.15 of the criminal procedure law or subdivision three of section 180.20 of the criminal procedure law.

(b) "Veterans services officer" shall mean a professional veterans services officer employed by a county veterans service agency, or a volunteer equivalent associated with a not-for-profit veterans organization, operating a veteran peer-to-peer program to aid and/or assist veterans who have an action pending before a veterans treatment court.

(c) "Not-for-profit veterans service organization" shall mean a veterans organization chartered for the purposes of serving veterans and shall include such organizations as the American Legion, Veterans of Foreign Wars, Military Order of the Purple Heart, Vietnam Veterans of America, Disabled American Veterans, Amvets, Paralyzed Veterans of America, and/or any other organization recognized by the United States Department of Veterans Affairs or the New York State Division of Veterans Affairs for the operation of a veteran peer-to-peer program to aid and/or assist veterans who have an action pending before a veterans treatment court.

(d) "Regions of the state" shall mean and include the Nassau and Suffolk County Region; the Hudson Valley Region; the Capital District Region; the Adirondack and North Country Region; the Central New York Region and the Western New York Region.

§ 5. This act shall take effect immediately.

PART U

Intentionally Omitted

PART V

Section 1. Clause (iv) of subparagraph 4 of paragraph h of subdivision 2 of section 355 of the education law, as amended by section 1 of part D of chapter 54 of the laws of 2016, is renumbered clause (v) and a new clause (iv) is added to read as follows:

(iv) The state shall appropriate annually and make available general fund operating support including fringe benefits, for the state university in an amount not less than the amount appropriated and made available to the state university in state fiscal year two thousand eleven--two thousand twelve. Beginning in state fiscal year two thousand eighteen--two thousand nineteen and thereafter, the state shall appropriate and make available general fund operating support for the state university and the state university health science centers in an amount not less than the amounts separately appropriated and made available in the prior state fiscal year; provided, further, the state shall appropriate and make available general fund operating support to cover all mandatory costs of the state university and the state university health science centers, which shall include, but not be limited to, collective bargaining costs including salary increments, fringe benefits, and other non-personal service costs such as utility costs, building rentals and other inflationary expenses incurred by the state university and the state university health science centers. If the governor, however, declares a fiscal emergency, and communicates such emergency to the temporary president of the senate and speaker of the assembly, state support for operating expenses at the state university and city university may be reduced in a manner proportionate to one another, and the aforementioned provisions shall not apply.

§ 2. The opening paragraph of subparagraph 4 of paragraph h of subdivision 2 of section 355 of the education law, as amended by chapter 437 of the laws of 2015, is designated clause (i) and a new clause (ii) is added to read as follows:

(ii) The state shall appropriate annually and make available general fund operating support including fringe benefits, for the state university in an amount not less than the amount appropriated and made available to the state university in state fiscal year two thousand eleven--two thousand twelve. Beginning in state fiscal year two thousand eighteen--two thousand nineteen and thereafter, the state shall appropriate and make available general fund operating support for the state university and the state university health science centers in an amount not less than the amounts separately appropriated and made available in the prior state fiscal year; provided, further, the state shall appropriate and make available general fund operating support to cover all mandatory costs of the state university and the state university health science centers, which shall include, but not be limited to, collective bargaining costs including salary increments, fringe benefits, and other non-personal service costs such as utility costs, building rentals and other inflationary expenses incurred by the state university and the state university health science centers. If the governor, however, declares a fiscal emergency, and communicates such emergency to the temporary president of the senate and speaker of the assembly, the state support for operating expenses at the state university and city university may be reduced in a manner proportionate to one another, and the aforementioned provisions shall not apply.

§ 3. Paragraph (a) of subdivision 7 of section 6206 of the education law, as amended by section 2 of part D of chapter 54 of the laws of 2016, is amended by adding a new subparagraph (iv) to read as follows:

(iv) The state shall appropriate annually and make available state support for operating expenses, including fringe benefits, for the city university in an amount not less that the amount appropriated and made available to the city university in state fiscal year two thousand eleven--two thousand twelve. Beginning in state fiscal year two thousand eighteen--two thousand nineteen and thereafter, the state shall appropriate and make available state support for operating expense for the city university in an amount not less than the amounts separately appropriated and made available in the prior state fiscal year; provided, further, the state shall appropriate and make available general fund operating support to cover all mandatory costs of the city university, which shall include, but not be limited to, collective bargaining costs, including salary increments, fringe benefits, and other non-personal service costs such as utility costs, building rentals and other inflationary expenses incurred by the city university. If the governor, however, declares a fiscal emergency, and communicates such emergency to the temporary president of the senate and the speaker of the assembly, state support for operating expenses of the state university and city university may be reduced in a manner proportionate to one another, and the aforementioned provisions shall not apply.

§ 4. Paragraph (a) of subdivision 7 of section 6206 of the education law, as amended by chapter 327 of the laws of 2002, is amended by adding a new subparagraph (iv) to read as follows:

(iv) The state shall appropriate annually and make available state support for operating expenses, including fringe benefits, for the city university in an amount not less than the amount appropriated and made available to the city university in state fiscal year two thousand eleven--two thousand twelve. Beginning in state fiscal year two thousand eighteen--two thousand nineteen and thereafter, the state shall appropriate and make available state support for operating expenses for the city university in an amount not less than the amounts separately appropriated and made available in the prior state fiscal year; provided, further, the state shall appropriate and make available general fund operating support to cover all mandatory costs of the city university, which shall include, but not be limited to, collective bargaining costs, including salary increments, fringe benefits, and other non-personal service costs such as utility costs, building rentals and other inflationary expenses incurred by the city university. If the governor, however, declares a fiscal emergency, and communicates such emergency to the temporary president of the senate and speaker of the assembly, state support for operating expenses of the state university and city university may be reduced in a manner proportionate to one another, and the aforementioned provisions shall not apply.

§ 5. This act shall take effect immediately provided that:

(a) the amendments to subparagraph 4 of paragraph h of subdivision 2 of section 355 of the education law made by section one of this act shall be subject to the expiration and reversion of such subparagraph pursuant to chapter 260 of the laws of 2011, as amended, when upon such date section two of this act shall take effect; and

(b) the amendments to paragraph (a) of subdivision 7 of section 6206 of the education law made by section three of this act shall be subject to the expiration and reversion of such paragraph pursuant to chapter 260 of the laws of 2011, as amended, when upon such date section four of this act shall take effect.

PART W

Section 1. The education law is amended by adding a new section 355-d to read as follows:

§ 355-d. "New York state pre-paid tuition plan". 1. Definitions. For the purposes of this section, the following terms shall have the following meanings:

a. "Account" or "pre-paid tuition account" shall mean an individual pre-paid tuition account established in accordance with the provisions of this section.

b. "Account owner" shall mean a person who enters into a pre-paid tuition agreement pursuant to the provisions of this article, including a person who enters into such an agreement as a fiduciary or agent on behalf of a trust, estate, partnership, association, company or corporation. The account owner may also be the designated beneficiary of the account.

c. "City university" shall mean the city university of New York.

d. "Comptroller" shall mean the state comptroller.

e. "Designated beneficiary" shall mean, with respect to an account or accounts, the individual designated as the individual whose tuition expenses are expected to be paid from the account or accounts.

f. "Eligible educational institution" shall mean any institution of higher education defined as an eligible educational institution in section 529(e)(5) of the Internal Revenue Code of 1986, as amended.

g. "Financial organization" shall mean an organization authorized to do business in the state and (i) which is an authorized fiduciary to act as a trustee pursuant to the provisions of an act of congress entitled "Employee Retirement Income Security Act of 1974" as such provisions may be amended from time to time, or an insurance company; and (ii) (A) is licensed or chartered by the department of financial services, (B) is chartered by an agency of the federal government, (C) is subject to the jurisdiction and regulation of the securities and exchange commission of the federal government, or (D) is any other entity otherwise authorized to act in this state as a trustee pursuant to the provisions of an act of congress entitled "Employee Retirement Income Security Act of 1974" as such provisions may be amended from time to time.

h. "Member of family" shall mean a family member as defined in section 529 of the Internal Revenue Code of 1986, as amended.

i. "Nonqualified withdrawal" shall mean a withdrawal from an account, but shall not mean:

(i) a qualified withdrawal; (ii) a withdrawal made as the result of the death or disability of the designated beneficiary of an account; or (iii) a withdrawal made on the account of a scholarship.

j. "Plan" shall mean the New York state pre-paid tuition plan established pursuant to this section.

k. "Plan manager" shall mean a financial organization selected by the comptroller to act as a depository and manager of the plan.

l. "Qualified withdrawal" shall mean a withdrawal from an account to pay the qualified tuition expenses of the designated beneficiary.

m. "State university" shall mean the state university of New York.

n. "Tuition" shall mean any mandatory charges imposed by an eligible educational institution for attendance for an academic year as a condition of enrollment. Such term shall not include laboratory fees, room and board, or other similar fees and charges.

o. "Tuition savings agreement" shall mean an agreement between the comptroller or a financial organization and an account owner.

2. Powers and duties of the comptroller. The comptroller shall administer the plan and shall develop and implement programs for the pre-pay-

ment of undergraduate tuition, at a fixed, guaranteed level for application at any two-year or four-year eligible educational institution as defined in section 529 of the Internal Revenue Code of 1986, as amended, or other applicable federal law. In addition, the comptroller shall have the power and duty to:

a. develop and implement the plan in a manner consistent with the provisions of this section through rules and regulations established in accordance with the state administrative procedure act;

b. make arrangements with the state university, city university and any eligible educational institution located within the state which chooses to participate, to fulfill obligations under pre-paid tuition contracts for two-year or four-year degree programs, including, but not limited to, payment from the plan of the then actual in-state undergraduate tuition cost on behalf of a qualified beneficiary of a pre-paid tuition contract to the institution in which such beneficiary is admitted and enrolled, and application of such benefits towards graduate-level tuition and towards tuition costs at such eligible educational institutions, as that term is defined in 26 U.S.C. § 529 or any other applicable section of the Internal Revenue Code of 1986, as amended, as determined by the comptroller in his or her sole discretion. Such arrangements must include plans that allow an account owner to enter into contracts in which he or she can purchase tuition in installments equal to the cost of semesters as a full time student, but can also include plans that would allow for the pre-payment of tuition for tuition credit hours;

c. engage the services of consultants on a contract basis for rendering professional and technical assistance and advice;

d. seek rulings and other guidance from the United States department of Treasury and the Internal Revenue Service relating to the program;

e. make changes to the plan required for the participants to obtain the federal income tax benefits or treatment provided by section 529 of the Internal Revenue Code of 1986, as amended, or any similar successor legislation;

f. charge, impose and collect administrative fees and service charges in connection with any agreement, contract or transaction relating to the plan;

g. develop marketing plans and promotion material;

h. establish the methods by which the funds held in such accounts be disbursed;

i. establish the method by which funds shall be allocated to pay for administrative costs; and

j. do all things necessary and proper to carry out the purposes of this section.

3. Plan requirements. Every pre-paid tuition account shall comply with the provisions of this section.

a. A pre-paid tuition account may be opened by any person who desires to enter into a contract for pre-payment of tuition expenses at an institution of the state university, the city university or any participating eligible educational institution. An account owner may designate another person as successor owner of the account in the event of the death of the original account owner. Such person who opens an account or any successor owner shall be considered the account owner.

b. An application for such account shall be in the form prescribed by the comptroller and contain the following:

(i) the name, address and social security number or employer identification number of the account owner;

(ii) the designation of a designated beneficiary;
(iii) the name, address and social security number of the designated beneficiary; and
(iv) such other information as the comptroller may require.
c. The comptroller may establish a nominal fee for such application.
d. Any person, including the account owner, may make contributions to an account after the account is opened.
e. Contributions to accounts may be made only in cash.
f. Four years must elapse between the establishment of a pre-paid tuition account and the time the first qualified withdrawal is made for the payment of tuition expenses.
g. An account owner may withdraw all or part of the balance from an account on sixty days notice or such shorter period as may be authorized under rules governing the plan. Such rules shall include provisions that will generally enable the determination as to whether a withdrawal is a nonqualified withdrawal or a qualified withdrawal.
h. An account owner may change the designated beneficiary of an account to an individual who is a member of the family of the prior designated beneficiary in accordance with procedures established by the comptroller.
i. An account owner may transfer all or a portion of an account to another family tuition account, the subsequent designated beneficiary of which is a member of the family as defined in section 529 of the Internal Revenue Code of 1986, as amended.
j. The plan shall provide separate accounting for each designated beneficiary.
k. No account owner or designated beneficiary of any account shall be permitted to direct the investment of any contributions to an account or the earnings thereon.
l. Neither an account owner nor a designated beneficiary shall use an interest in an account as security for a loan. Any pledge of an interest in an account shall be of no force and effect.
m. (i) If there is any distribution from an account to any individual or for the benefit of any individual during a calendar year, such distribution shall be reported to the Internal Revenue Service and the account owner, the designated beneficiary or the distributee to the extent required by federal law or regulation.
(ii) Statements shall be provided to each account owner at least once each year within sixty days after the end of the twelve month period to which they relate. The statement shall identify the contributions made during a preceding twelve month period, the total contributions made to the account through the end of the period, the value of the account at the end of such period, distributions made during such period and any other information that the comptroller shall require to be reported to the account owner.
(iii) Statements and information relating to accounts shall be prepared and filed to the extent required by federal and state tax law.
n. (i) A local government or organization described in section 501(c)(3) of the Internal Revenue Code of 1986, as amended, may open and become the account owner of an account to fund scholarships for persons whose identity will be determined upon disbursement.
(ii) In the case of any account opened pursuant to paragraph a of this subdivision the requirement set forth in this subdivision that a designated beneficiary be designated when an account is opened shall not apply and each individual who receives an interest in such account as a

scholarship shall be treated as a designated beneficiary with respect to such interest.

o. An annual fee may be imposed upon the account owner for the maintenance of the account.

p. The plan shall disclose the following information in writing to each account owner and prospective account owner of a pre-paid tuition account:

(i) the terms and conditions for purchasing a pre-paid tuition account;

(ii) any restrictions on the substitution of beneficiaries;

(iii) the person or entity entitled to terminate the tuition pre-payment agreement;

(iv) the period of time during which a beneficiary may receive benefits under the tuition pre-payment agreement;

(v) the terms and conditions under which money may be wholly or partially withdrawn from the plan, including, but not limited to, any reasonable charges and fees that may be imposed for withdrawal;

(vi) the probable tax consequences associated with contributions to and distributions from accounts; and

(vii) all other right and obligations pursuant to pre-paid tuition agreements, and any other terms, conditions and provisions deemed necessary and appropriate by the comptroller pursuant to this subdivision.

q. Pre-paid tuition savings agreements shall be subject to section fourteen-c of the banking law and the "truth-in-savings" regulations promulgated thereunder.

r. Nothing in this article or in any pre-paid tuition savings agreement entered into pursuant to this article shall be construed as a guarantee by the state or any college that a beneficiary will be admitted to a college or university, or, upon admission to a college will be permitted to continue to attend or will receive a degree from a college or university.

4. State guarantee. a. Nothing in this section shall establish or be deemed to establish any obligation of the state, the comptroller or any agency or instrumentality of the state to guarantee any benefits to any account owner or designated beneficiary.

b. Notwithstanding the provisions of subdivision one of this section, in order to ensure that the plan is able to meet its obligations, the governor shall include in the budget submitted pursuant to section twenty-two of the state finance law, an appropriation sufficient for the purpose of ensuring that the plan can meet its obligations. Any sums appropriated for such purpose shall be transferred to the plan. All amounts paid into the plan pursuant to this subdivision shall constitute and be accounted for as advances by the state to the plan and, subject to the rights of the plan's contract holders, shall be repaid to the state without interest from available operating revenue of the plan in excess of amounts required for the payment of the obligations of the plan. As used in this section, "obligations of the plan" means amounts required for the payment of contract benefits or other obligations of the plan, the maintenance of the plan, and operating expenses for the current fiscal year.

§ 2. The state finance law is amended by adding a new section 78-c to read as follows:

§ 78-c. New York state pre-paid tuition plan fund. 1. There is hereby established in the sole custody of the state comptroller a special fund to be known as the New York state pre-paid tuition plan fund. All

payments from such fund shall be made in accordance with section three hundred fifty-five-d of the education law.

2. (a) The comptroller shall invest the assets of the fund in investments authorized by article four-A of the retirement and social security law, provided however, that:

(i) the provisions of paragraph (a) of subdivision two of section one hundred seventy-seven of the retirement and social security law shall not apply except for subparagraph (ii) of such paragraph; and (ii) notwithstanding the provisions of subdivision seven of section one hundred seventy-seven of the retirement and social security law or any other law to the contrary, the assets of the fund may be invested in any funding agreement issued in accordance with section three thousand two hundred twenty-two of the insurance law by a domestic life insurance company or a foreign life insurance company doing business in this state, subject to the following:

(1) such a funding agreement may provide for a guaranteed minimum rate of return;

(2) such a funding agreement may be allocated as either a separate account or a general account of the issuer, as the comptroller may decide;

(3) total investments of the fund pursuant to this paragraph in any funding agreements issued by a single life insurance company which are allocated as a general account of the issuer shall not, in the aggregate, exceed three hundred fifty million dollars; and

(4) no assets of the fund shall be invested in any such funding agreement unless, at the time of such investment, the general obligations or financial strength of the issuer have received either the highest or second highest rating by two nationally recognized rating services or by one nationally recognized rating service in the event that only one such service rates such obligations.

(b) Fund assets shall be kept separate and shall not be commingled with other assets. The comptroller may enter into contracts to provide for investment advice and management, custodial services and other professional services for the administration and investment of the plan. Administrative fees, costs and expenses, including investment fees and expenses, shall be paid from the assets of the fund.

3. The comptroller shall provide for the administration of the trust fund, including maintaining participant records and accounts, and providing annual audited reports. The comptroller may enter into contracts to provide administrative services and reporting.

§ 3. Section 5205 of the civil practice law and rules is amended by adding a new subdivision (p) to read as follows:

(p) Exemption for New York state pre-paid tuition plan monies. Monies in an account created pursuant to section three hundred fifty-five-d of the education law are exempt from application to the satisfaction of a money judgment as follows:

1. one hundred percent of monies in an account in connection with a pre-paid tuition plan established pursuant to such article is exempt; and

2. one hundred percent of monies in an account is exempt where the judgment debtor is the account owner or designated beneficiary of such account.

For the purposes of this subdivision, the terms "account owner" and "designated beneficiary" shall have the meanings ascribed to them in article fourteen-A of the education law.

§ 4. Paragraph 34 of subsection (b) of section 612 of the tax law, as amended by chapter 535 of the laws of 2000, subparagraph (B) as amended by chapter 593 of the laws of 2003, is amended to read as follows:

(34) (A) Excess distributions received during the taxable year by a distributee of a family tuition account established under the New York state college choice tuition savings program provided for under article fourteen-A of the education law, **or of a pre-paid tuition account established pursuant to section three hundred fifty-five-d of the education law,** to the extent such excess distributions are deemed attributable to deductible contributions under paragraph thirty-two of subsection (c) of this section.

(B) (i) The term "excess distributions" means distributions which are not

(I) qualified withdrawals within the meaning of subdivision nine of section six hundred ninety-five-b **or paragraph l of subdivision one of section three hundred fifty-five-d** of the education law;

(II) withdrawals made as a result of the death or disability of the designated beneficiary within the meaning of subdivision ten of section six hundred ninety-five-b **or paragraph i of subdivision one of section three hundred fifty-five-d** of such law; or

(III) transfers described in paragraph b of subdivision six of section six hundred ninety-five-e of such law.

(ii) Excess distributions shall be deemed attributable to deductible contributions to the extent the amount of any such excess distribution, when added to all previous excess distributions from the account, exceeds the aggregate of all nondeductible contributions to the account.

§ 5. Paragraphs 32 and 33 of subsection (c) of section 612 of the tax law, paragraph 32 as amended by chapter 81 of the laws of 2008 and paragraph 33 as added by chapter 546 of the laws of 1997, are amended to read as follows:

(32) Contributions made during the taxable year by an account owner to one or more family tuition accounts established under the New York state college choice tuition savings program provided for under article fourteen-A**, or to a pre-paid tuition account pursuant to section three hundred fifty-five-d** of the education law, to the extent not deductible or eligible for credit for federal income tax purposes, provided, however, the exclusion provided for in this paragraph shall not exceed [~~five~~] **ten** thousand dollars for an individual or head of household, and for married couples who file joint tax returns, shall not exceed [~~ten~~] **twenty** thousand dollars; provided, further, that such exclusion shall be available only to the account owner and not to any other person.

(33) Distributions from a family tuition account established under the New York state college choice tuition savings program provided for under article fourteen-A**, or from a pre-paid tuition account pursuant to section three hundred fifty-five-d** of the education law, to the extent includible in gross income for federal income tax purposes.

§ 6. This act shall take effect immediately and shall apply to taxable years commencing after December 31, 2017.

PART X

Section 1. There is hereby established the private student loan refinance task force. The purpose of such task force is to study and analyze ways lending institutions that offer private student loans to New York graduates of institutions of higher education can be incentivized and encouraged to create student loan refinance programs.

§ 2. The private student loan refinance task force shall consist of 11 members and shall include: the state comptroller or his or her designee, the superintendent of financial services or his or her designee, the president of the higher education services corporation or his or her designee, the chairs and ranking minority members of the senate and assembly committees on higher education or their designees, and 4 members appointed by the governor from lending institutions in New York that offer private student loans. All appointments of members of the private student loan refinance task force shall be made no later than thirty days after the effective date of this act.

§ 3. The president of the higher education services corporation shall be designated as the chairperson of the private student loan refinance task force. The members of the private student loan refinance task force shall serve without compensation, except that members shall be allowed their necessary and actual expenses incurred in the performance of their duties under this act.

§ 4. The private student loan refinance task force shall issue a report of its findings and recommendations to the governor, the temporary president of the senate and the speaker of the assembly no later than December 31, 2017.

§ 5. This act shall take effect immediately and shall expire and be deemed repealed January 1, 2018.

PART Y

Section 1. Section 355 of the education law is amended by adding a new subdivision 20 to read as follows:

20. College room and board price disclosure. The board of trustees shall direct each college president to disclose to the chancellor and the chairs of the senate and assembly higher education committees annually, and SUNY Central Administration shall post on its website annually, about:

a. The competitive process for any dormitory facilities constructed on the campus;

b. The actual cost for full construction of each dormitory facility on campus;

c. The amount of students housed in each building for the prior academic year;

d. The amount charged for room and board per student in the past five academic years;

e. How many years students are required to live in campus housing, if applicable;

f. The breakdown of how the cost charged to students for room and board is spent for maintenance, utility costs and other costs associated with maintenance of the facilities, if any;

g. The student capacity for different dormitory rooms, the justification for putting more students than the allocated capacity per dormitory room, and if a student receives a discount if put in a room above the allocated capacity, if any;

h. The lowest projected cost per student for room and board fees per year; and

i. Justification for any increases for the upcoming academic year, including but not limited to:

(1) Rising utility costs; and

(2) Costs of repair.

§ 2. Section 6206 of the education law is amended by adding a new subdivision 19 to read as follows:

19. College room and board price disclosure. The board of trustees shall direct each college president to disclose to the chancellor and the chairs of the senate and assembly higher education committees annually, and CUNY Central Administration shall post on its website annually, about:

a. The competitive process for any dormitory facilities constructed on the campus;

b. The actual costs for full construction of each dormitory facility on campus;

c. The amount of students housed in each building for the prior academic year;

d. The amount charged for room and board per student in the past five academic years;

e. How many years students are required to live in campus housing, if applicable;

f. The breakdown of how the cost charged to students for room and board is spent for maintenance, utility costs and other costs associated with maintenance of the facilities, if any;

g. The student capacity for different dormitory rooms, the justification for putting more students than the allocated capacity per dormitory room, and if a student receives a discount if put in a room above the allocated capacity, if any;

h. The lowest projected cost per student for room and board fees per year; and

i. Justification for any increases for the upcoming academic year, including but not limited to:

(1) Rising utility costs; and

(2) Costs of repair.

§ 3. This act shall take effect immediately; provided, however, the annual report required pursuant to sections one and two of this act shall be furnished on September 1, 2017, and every subsequent September first, thereafter.

PART Z

Section 1. Subdivision 1 of section 669-e of the education law, as added by section 1 of part G of chapter 56 of the laws of 2014, is amended to read as follows:

1. Undergraduate students who are matriculated in an approved undergraduate program leading to a career in science, technology, engineering or mathematics at a New York state [~~public institution of higher education~~] **college as defined in section six hundred one of this chapter** shall be eligible for an award under this section, provided the applicant: (a) graduates from a high school located in New York state during or after the two thousand thirteen--fourteen school year; and (b) graduates within the top ten percent of his or her high school class; and (c) enrolls in full-time study each term beginning in the fall term after his or her high school graduation in an approved undergraduate program in science, technology, engineering or mathematics, as defined by the corporation, at a New York state [~~public institution of higher education~~] **college as defined in section six hundred one of this chapter**; and (d) signs a contract with the corporation agreeing that his or her award will be converted to a student loan in the event the student fails to comply with the terms of this program as set forth in subdivision four

of this section; and (e) complies with the applicable provisions of this article and all requirements promulgated by the corporation for the administration of the program.

§ 2. This act shall take effect immediately.

PART AA

Section 1. The education law is amended by adding a new section 609-a to read as follows:

§ 609-a. College affordability planning committee (CAPC). 1. Non-public, not-for-profit degree granting college presidents shall be required to establish an internal committee that shall be directed to create and implement a specialized college affordability plan that takes into account the specific mission, needs, geographic location and uniqueness of each such college.

2. Each CAPC shall be responsible for examining affordability initiatives with the goal of reducing student costs, which may include but not be limited to: (a) text book affordability including digital options; (b) reducing minimum meal plan costs; (c) reducing housing costs through waivers, housing stipends or terminating requirements for on-campus living; (d) providing subsidized transportation; (e) increasing fundraising for student aid initiatives, including engaging private donors through means such as online portals; (f) increasing scholarship aid to veterans; (g) providing more on-campus or community job opportunities for students; and (h) reducing administrative costs.

3. Each CAPC shall report on the college affordability plans implemented pursuant to this section on August first, two thousand eighteen, and shall report additional progress towards reducing college costs on August first, two thousand nineteen. Such reports shall be submitted to the chairs of the senate and assembly higher education committees.

4. Any non-public, not-for-profit degree granting college that has already instituted college affordability measures consistent with the goals of this section may submit such information and shall be considered in compliance with this section.

§ 2. This act shall take effect immediately.

PART BB

Section 1. Section 355 of the education law is amended by adding a new subdivision 20 to read as follows:

20. State University of New York student telecounseling network (SUNY STCN) pilot program. a. Notwithstanding the provisions of any general, special or local law to the contrary and subject to appropriation, the state university of New York board of trustees shall create the SUNY Student Telecounseling Network (SUNY STCN) that would leverage the existing expertise of SUNY's academic health centers, including Upstate Medical Center, Downstate Medical Center, Stony Brook University and the University at Buffalo, to meet system-wide needs via the creation of a system or network of telecounseling. The board of trustees may designate up to five campuses to participate in this pilot program. The pilot campuses would coordinate with the academic health centers and local healthcare providers to arrange for mental health and counseling services to be provided through the telecounseling network.

b. The chancellor of the state university of New York shall submit a report to the governor, the chairs of the senate and assembly higher education committees and the board of trustees no later than one year

following the designation of the pilot programs. Such report shall include, but not be limited to, the status of such program, the effectiveness and results of such program and recommendations whether to continue, expand or alter such pilot program.

§ 2. This act shall take effect immediately.

PART CC

Section 1. The private housing finance law is amended by adding a new article 28 to read as follows:

ARTICLE XXVIII

MOBILE AND MANUFACTURED HOME REPLACEMENT PROGRAM

Section 1240. Statement of legislative findings and purpose.
1241. Definitions.
1242. Mobile and manufactured home replacement contracts.

§ 1240. Statement of legislative findings and purpose. The legislature hereby finds and declares that there exists in New York state a serious need to eliminate older, dilapidated mobile and manufactured homes and replace them with new manufactured, modular or site-built homes. Older mobile or manufactured home units with rusted, leaking metal roofs, metal-framed windows with interior take-out storms, and metal siding, are those that most need replacement. No matter the amount of rehabilitation investment, the end result is unsatisfactory in terms of longevity, energy efficiency and affordability. The legislature therefore finds that the state should establish a program to fund the replacement of mobile or manufactured homes with new affordable and energy efficient manufactured, modular or site-built homes.

§ 1241. Definitions. For the purposes of this article the following terms shall have the following meanings:

1. "Corporation" shall mean the housing trust fund corporation established in section forty-five-a of this chapter.

2. "Dilapidated" shall mean a housing unit that does not provide safe and adequate shelter, and in its present condition endangers the health, safety or well-being of the occupants. Such a housing unit shall have one or more critical defects, or a combination of intermediate defects in sufficient number or extent to require considerable repair or rebuilding. Such defects may involve original construction, or they may result from continued neglect or lack of repair or from serious damage to the structure.

3. "Eligible applicant" shall mean a unit of local government or a not-for-profit corporation in existence for a period of one or more years prior to application, which is, or will be at the time of award, incorporated under the not-for-profit corporation law and has substantial experience in affordable housing.

4. "Eligible property" shall mean a mobile or manufactured home that is the primary residence of a homeowner with a total household income that does not exceed eighty percent of area median income for the county in which a project is located as calculated by the United States department of housing and urban development.

5. "Manufactured home" shall have the same meaning as is set forth for such term in subdivision seven of section six hundred one of the executive law.

6. "Mobile and manufactured home replacement program" or "program" shall mean a proposal by an eligible applicant for the replacement of a dilapidated mobile or manufactured home with a new manufactured, modular

or site-built home. All replacement homes shall be energy star rated for energy efficiency.

7. "Modular home" shall have the same meaning as is set forth for such term in paragraph thirty-three of subdivision (b) of section eleven hundred one of the tax law.

8. "Site-built home" shall mean a structure built on-site using building materials delivered to the site, even if some of such materials were manufactured, produced or assembled off-site such as, by way of example and not by way of limitation, concrete blocks, windows, door units, wall or roof panels, trusses and dormers.

§ 1242. Mobile and manufactured home replacement contracts. 1. Grants. Within the limit of funds available in the mobile and manufactured home replacement program, the corporation is hereby authorized to enter into contracts with eligible applicants to provide grants, which shall be used to establish programs to provide assistance to eligible property owners to replace dilapidated mobile or manufactured homes in the state.

2. Program criteria. The corporation shall develop procedures, criteria and requirements related to the application and award of projects pursuant to this section which shall include: eligibility, market demand, feasibility and funding criteria; the funding determination process; supervision and evaluation of contracting applicants; reporting, budgeting and record-keeping requirements; provisions for modification and termination of contracts; and such other matters not inconsistent with the purposes and provisions of this article as the corporation shall deem necessary or appropriate.

3. Contract limitations. The total contract pursuant to any one eligible applicant in a specified region shall not exceed five hundred thousand dollars and the contract shall provide for completion of the program within a reasonable period, as specified therein, which shall not in any event exceed four years from commencement of the program. Upon request, the corporation may extend the term of the contract for up to an additional one year period for good cause shown by the eligible applicant.

4. Planning and administrative costs. The corporation shall authorize the eligible applicant to spend seven and one-half percent of the contract amount for approved planning and administrative costs associated with administering the program.

5. The corporation shall require that, in order to receive a grant pursuant to this article, the eligible property owner shall have no liens on the land after closing the grant other than the new home financing and currently existing mortgage or mortgages, and all property taxes and insurances must be current.

6. Assistance. Financial assistance to eligible property owners shall be one hundred percent grants in the form of deferred payment loans (hereinafter referred to in this subdivision as "DPL"). A ten year declining balance lien in the form of a note and mortgage, duly filed at the county clerk's office, will be utilized for replacement projects. No interest or payments will be required on the DPL unless the property is sold or transferred before the regulatory term expires. In such cases funds will be recaptured from the proceeds of the sale of the home, on a declining balance basis, unless an income-eligible immediate family member accepts ownership of, and resides in the new replacement home for the remainder of the regulatory term. In addition the mobile and manufactured home replacement program established by this article shall: (a) provide funds for relocation assistance to homeowners who are unable to voluntarily relocate during the demolition and construction phases of

the project; (b) provide funding for the costs of demolishing and disposing of the dilapidated home; and (c) complement and be in addition to any existing mobile home replacement established under the New York state HOME program pursuant to section eleven hundred seventy-two of this chapter, or any successor thereto, and funded with federal funds.

7. Homeownership training. The eligible property owner must agree to attend an approved homeownership training program for post-purchase, credit/budget, and home maintenance counseling as part of the application process.

8. Funding criteria. The total payment pursuant to any one grant contract shall not exceed one hundred thousand dollars and the contract shall provide for completion of the program within a reasonable period, as specified therein, not to exceed four years.

9. Funding and annual report. The corporation in its sole discretion shall authorize all funding decisions and make all award announcements. The corporation shall, on or before December thirty-first in each year submit a report to the legislature on the implementation of this article. Such report shall include, but not be limited to, for each award made to a grantee under this article: a description of such award; contract amount and cumulative total; and such other information as the corporation deems pertinent.

§ 2. This act shall take effect immediately.

PART DD

Section 1. The private housing finance law is amended by adding a new article 28 to read as follows:

ARTICLE XXVIII
NEW YORK STATE FIRST HOME SAVINGS PROGRAM

Section 1250. Program established.
1251. Purposes.
1252. Definitions.
1253. Functions of the comptroller.
1254. Powers of the comptroller.
1255. Program requirements; first home savings account.
1256. Program limitations; first home savings account.

§ 1250. Program established. There is hereby established a first home savings program and such program shall be known and may be cited as the "New York state first home savings program".

§ 1251. Purposes. The purposes of the program shall be to authorize the establishment of first home savings accounts and to provide guidelines for the maintenance of such accounts to:

1. enable residents of this state to benefit from the tax incentive provided for qualified state first home savings accounts under subsection (w) of section six hundred twelve of the tax law; and

2. incentivize residents to save for the purchase of a first home within the state.

§ 1252. Definitions. As used in this article, the following terms shall have the following meanings:

1. "Account" or "first home savings account" shall mean an individual savings account established in accordance with the provisions of this article for the exclusive benefit of the account owner or designated beneficiary that is the first time buyer of a home, townhome, condominium or unit in a cooperative housing corporation.

2. "Account owner" shall mean a taxpayer who enters into a first home savings agreement pursuant to the provisions of this article, including a person who enters into such an agreement as a fiduciary or agent on behalf of a trust, estate, partnership, association, company or corporation.

3. "Designated beneficiary" shall mean, with respect to an account or accounts, the designated individual or individuals whose first home purchase expenses are expected to be paid from the account or accounts.

4. "Financial organization" shall mean an organization authorized to do business in the state, and (a) which is an authorized fiduciary to act as a trustee pursuant to the provisions of an act of congress entitled "Employee Retirement Income Security Act of 1974", as such provisions may be amended from time to time, or an insurance company; and (b)(i) is licensed or chartered by the department of financial services, (ii) is chartered by an agency of the federal government, (iii) is subject to the jurisdiction and regulation of the securities and exchange commission of the federal government, (iv) is any other entity otherwise authorized to act in this state as a trustee pursuant to the provisions of an act of congress entitled "Employee Retirement Income Security Act of 1974", as such provisions may be amended from time to time, (v) or any banking organization as defined in subdivision eleven of section two of the banking law, national banking association, state chartered credit union, federal mutual savings bank, federal savings and loan association or federal credit union.

5. "First time home buyer" shall mean an individual or individuals, neither of whom has or had an ownership interest in a principal residence at any time, including residences owned in the United States or abroad. No such person shall own any other home including vacation or investment residences, including residences owned in the United States or abroad, except as otherwise provided in this subdivision. If either the individual or individuals are not first time home buyers, neither the individual or individuals shall be considered a first time home buyer. If an individual's only potentially disqualifying present ownership interest is ownership of a mobile or manufactured home, the individual shall be considered a first time home buyer and shall be eligible for a first home account deduction. For the purposes of this article a "mobile or manufactured home" shall mean a structure that is valued as personal property and not real property. If, due to his or her ownership of a mobile or manufactured home, the individual has claimed a real estate tax or home mortgage deduction on his or her personal income tax returns, such individual shall not be considered a first time home buyer regardless of whether the mobile of manufactured home was considered personal or real property.

6. "Ownership interest" shall mean a fee simple interest, a joint tenancy, a tenancy in common, a tenancy by the entirety, the interest of a tenant-share holder in a cooperative, a life estate or a land contract. Interests which do not constitute ownership interests include the following: (a) remainder interests, (b) a lease with or without an option to purchase, (c) a mere expectancy to inherit an interest in a residence, (d) the interest that a purchaser of a residence acquires on the execution of a purchase contract and (e) an interest in real estate other than a residence.

7. "Program" shall mean the New York first home savings program established pursuant to this article.

8. "Qualified first home purchase expenses" shall mean monies applied for the purchase or construction of a house, townhouse, condominium or

unit in a cooperative housing corporation within the state to be used as a primary residence of the account owner or designated beneficiary for a period of not less than two years after purchase.

9. "Qualified residential housing" shall mean a house, townhouse, condominium or unit in a cooperative housing corporation within the state.

10. "Qualified withdrawal" shall mean a withdrawal from an account to pay the qualified first home purchase expense of the account owner or designated beneficiary of the account.

11. "Nonqualified withdrawal" shall mean a withdrawal from an account but shall not include:

(a) a qualified withdrawal;

(b) a withdrawal made as the result of death;

(c) an unforeseeable emergency; or

(d) need based upon qualifying for military service in the armed forces of the United States as determined by rules an regulations promulgated by the comptroller.

12. "Comptroller" shall mean the state comptroller.

13. "Management contract" shall mean the contract executed by the comptroller and a financial organization selected to act as a depository and manager of the program.

14. "First home savings agreement" shall mean an agreement between the comptroller or a financial organization and the account owner.

15. "Program manager" shall mean a financial organization selected by the comptroller to act as a depository and manager of the program.

16. "Commissioner" shall mean the commissioner of taxation and finance.

§ 1253. Functions of the comptroller. 1. The comptroller shall implement the program under the terms and conditions established by this article and a memorandum of understanding with the commissioner relating to any terms or conditions not otherwise expressly provided for in this article.

2. In furtherance of such implementation the comptroller shall:

(a) develop and implement the program in a manner consistent with the provisions of this article through rules and regulations established in accordance with the state administrative procedure act;

(b) engage the services of consultants on a contract basis for rendering professional and technical assistance and advice;

(c) seek rulings and other guidance from the United States Department of Treasury and the Internal Revenue Service relating to the program;

(d) make changes to the program required for the participants in the program to obtain the state income tax benefits or treatment provided by this article;

(e) charge, impose and collect administrative fees and service charges in connection with any agreement, contract or transaction relating to the program;

(f) develop marketing plans and promotion materials;

(g) establish the methods by which the funds held in such accounts be dispersed;

(h) establish the method by which funds shall be allocated to pay for administrative costs; and

(i) do all things necessary and proper to carry out the purposes of this article.

§ 1254. Powers of the comptroller. 1. The comptroller may implement the program through use of financial organizations as account deposito-

ries and managers. Under the program, an account owner may establish accounts directly with an account depository.

2. The comptroller may solicit proposals from financial organizations to act as depositories and managers of the program. Financial organizations submitting proposals shall describe the investment instrument which will be held in accounts. The comptroller shall select as program depositories and managers the financial organization, from among the bidding financial organizations that demonstrates the most advantageous combination, both to potential program participants and this state, of the following factors:

(a) financial stability and integrity of the financial organization;

(b) the safety of the investment instrument being offered;

(c) the ability of the investment instrument to track increasing costs of residential housing;

(d) the ability of the financial organization to satisfy recordkeeping and reporting requirements;

(e) the financial organization's plan for promoting the program and the investment it is willing to make to promote the program;

(f) the fees, if any, proposed to be charged to persons for opening accounts;

(g) the minimum initial deposit and minimum contributions that the financial organization will require;

(h) the ability of banking organizations to accept electronic withdrawals, including payroll deduction plans; and

(i) other benefits to the state or its residents included in the proposal, including fees payable to the state to cover expenses of operation of the program.

3. The comptroller may enter into a contract with a financial organization. Such financial organization management may provide one or more types of investment instrument.

4. The comptroller may select more than one financial organization for the program.

5. A management contract shall include, at a minimum, terms requiring the financial organization to:

(a) take any action required to keep the program in compliance with requirements of section twelve hundred fifty-five of this article and any actions not contrary to its contract to manage the program to qualify as a "first home savings account" under subsection (w) of section six hundred twelve of the tax law;

(b) keep adequate records of each account, keep each account segregated from each other account, and provide the comptroller with the information necessary to prepare the statements required by section twelve hundred fifty-five of this article;

(c) compile and total information contained in statements required to be prepared under section twelve hundred fifty-five of this article and provide such compilations to the comptroller;

(d) if there is more than one program manager, provide the comptroller with such information necessary to determine compliance with section twelve hundred fifty-five of this article;

(e) provide the comptroller or his designee access to the books and records of the program manager to the extent needed to determine compliance with the contract;

(f) hold all accounts for the benefit of the account owner;

(g) be audited at least annually by a firm of certified public accountants selected by the program manager and that the results of such audit be provided to the comptroller;

(h) provide the comptroller with copies of all regulatory filings and reports made by it during the term of the management contract or while it is holding any accounts, other than confidential filings or reports that will not become part of the program. The program manager shall make available for review by the comptroller the results of any periodic examination of such manager by any state or federal banking, insurance or securities commission, except to the extent that such report or reports may not be disclosed under applicable law or the rules of such commission; and

(i) ensure that any description of the program, whether in writing or through the use of any media, is consistent with the marketing plan as developed pursuant to the provisions of section twelve hundred fifty-three of this article.

6. The comptroller may provide that an audit shall be conducted of the operations and financial position of the program depository and manager at any time if the comptroller has any reason to be concerned about the financial position, the recordkeeping practices, or the status of accounts of such program depository and manager.

7. During the term of any contract with a program manager, the comptroller shall conduct an examination of such manager and its handling of accounts. Such examination shall be conducted at least biennially if such manager is not otherwise subject to periodic examination by the superintendent of financial services, the federal deposit insurance corporation or other similar entity.

8. (a) If selection of a financial organization as a program manager or depository is not renewed, after the end of its term:

(i) accounts previously established and held in investment instruments at such financial organization may be terminated;

(ii) additional contributions may be made to such accounts;

(iii) no new accounts may be placed with such financial organization; and

(iv) existing accounts held by such depository shall remain subject to all oversight and reporting requirements established by the comptroller.

(b) If the comptroller terminates a financial organization as a program manager or depository, he or she shall take custody of accounts held by such financial organization and shall seek to promptly transfer such accounts to another financial organization that is selected as a program manager or depository and into investment instruments as similar to the original instruments as possible.

9. The comptroller may enter into such contracts as it deems necessary and proper for the implementation of the program.

§ 1255. Program requirements; first home savings account. 1. First home savings accounts established pursuant to the provisions of this article shall be governed by the provisions of this section.

2. A first home savings account may be opened by any person who desires to save money for the payment of the qualified first home purchase expenses of the account owner or designated beneficiary. An account owner may designate another person as successor owner of the account in the event of the death of the original account owner. Such person who opens an account or any successor owner shall be considered the account owner.

(a) An application for such account shall be in the form prescribed by the program and contain the following:

(i) the name, address and social security number or employer identification number of the account owner;

(ii) the designation of a designated beneficiary;

(iii) the name, address, and social security number of the designated beneficiary; and

(iv) such other information as the program may require.

(b) The comptroller and the corporation may establish a nominal fee for such application.

3. Any person, including the account owner, may make contributions to the account after the account is opened.

4. Contributions to accounts may be made only in cash.

5. An account owner may withdraw all or part of the balance from an account as authorized under rules governing the program. Such rules shall include provisions that will generally enable the determination as to whether a withdrawal is a nonqualified withdrawal or a qualified withdrawal.

6. (a) An account owner may change the designated beneficiary of an account in accordance with procedures established by the memorandum of understating pursuant to the provisions of section twelve hundred fifty-three of this article.

(b) An account owner may transfer all or a portion of an account to another first home savings account.

(c) Changes in designated beneficiaries and transfers under this subdivision shall not be permitted to the extent that they would cause all accounts for the same beneficiary to exceed the permitted aggregate maximum account balance.

7. The program shall provide separate accounting for each designated beneficiary.

8. No account owner or designated beneficiary of any account shall be permitted to direct the investment of any contributions to an account or the earnings thereon more than two times in any calendar year.

9. Neither an account owner nor a designated beneficiary may use an interest in an account as security for a loan. Any pledge of an interest in an account shall be of no force and effect.

10. The comptroller shall promulgate rules or regulations to prevent contributions on behalf of a designated beneficiary in excess of an amount that would cause the aggregate account balance for all accounts for a designated beneficiary to exceed a maximum account balance, as established from time to time by the comptroller.

11. Contributions to a first home savings account shall be limited to one hundred thousand dollars per account. This amount shall not take into consideration any gain or loss to the principal investment into the account.

12. In the event that an individual makes a "nonqualified withdrawal" of monies from the first home savings account such individual shall have the entire account taxed, including any interest, as though it was income at the account owner's federal tax rate in the tax years the monies were withdrawn, and incur an additional ten percent state penalty on the amount of earnings. In the event account owners or designated beneficiary does not use the qualified residential housing as a primary residence for a period of not less than two years after the purchase of such housing, the account owner shall have the entire account taxed, including any interest, as though it was ordinary income at the account owner's federal tax rate in the tax years the monies were withdrawn and incur an additional ten percent state penalty on the amount of earnings. For purposes of this article, the two year period shall begin at the time title is transferred to the first time home buyer. The penalty shall be in addition to any taxes due pursuant to a non-qualified withdrawal from a first home savings account.

13. Penalties may be waived by the commissioner if the individual can show proof that the reason the individual did not use the qualified residential housing as a primary residence for a period of two years or more after the purchase or construction was due to either:

(a) an employment relocation outside the state and such relocation required the individual to become a resident of another state;

(b) an unforeseeable emergency;

(c) an absence due to qualifying military service; or

(d) death.

For purposes of this subdivision, an "unforeseeable emergency" shall mean a severe financial hardship resulting from illness, accident or property loss to the account owner, or his or her dependents resulting in circumstances beyond their control. The circumstances that constitute an unforeseeable financial emergency will depend on the facts of each case, however, withdrawal of account funds may not be made, without penalty, to the extent that such hardship is or may be relieved by either:

(i) reimbursement or compensation by insurance or otherwise; or

(ii) liquidation of the individual's assets to the extent the liquidation of such assets would not itself cause severe financial hardship.

14. The commissioner and the comptroller are directed to promulgate all rules and regulations necessary to implement the provisions of this section and are hereby directed to establish, supervise and regulate first home savings accounts authorized to be created by this section.

15. (a) If there is any distribution from a first home savings account to any individual or for the benefit of any individual during a calendar year, such distribution shall be reported to the Internal Revenue Service and the account owner, the designated beneficiary, or the distributee to the extent required by federal law or regulation.

(b) Statements shall be provided to each account owner at least once each year within sixty days after the end of the twelve month period to which they relate. The statement shall identify the contributions made during a preceding twelve month period, the total contributions made to the account through the end of the period, the value of the account at the end of such period, distributions made during such period and any other information that the comptroller shall require to be reported to the account owner.

(c) Statements and information relating to accounts shall be prepared and filed to the extent required by federal and state tax laws.

16. An annual fee may be imposed upon the account owner for the maintenance of the account.

17. The program shall disclose the following information in writing to each account owner of a first home savings account:

(a) the terms and conditions for establishing a first home savings account;

(b) any restrictions on the substitution of beneficiaries;

(c) the person or entity entitled to terminate the first home savings agreement;

(d) the period of time during which a beneficiary may receive benefits under the first home savings agreement;

(e) the terms and conditions under which money may be wholly or partially withdrawn from the program, including, but not limited to, any reasonable charges and fees that may be imposed for withdrawal;

(f) the probable tax consequences associated with contributions to and distributions from accounts; and

(g) all other rights and obligations pursuant to first home savings agreements, and any other terms, conditions, and provisions deemed necessary and appropriate by the terms of the memorandum of understanding entered into pursuant to section twelve hundred fifty-three of this article.

18. First home savings agreements shall be subject to section fourteen-c of the banking law and the "truth-in-savings" regulations promulgated thereunder.

19. Nothing in this article or in any first home savings agreement entered into pursuant to this article shall be construed as a guarantee by the state that the account owner or designated beneficiary will qualify for the purchase of a home.

20. To establish that an account owner or designated beneficiary is a first time home buyer, the individual shall complete a form promulgated by the comptroller certifying, under the penalties of perjury, that such individual is a first time home buyer.

21. An individual must not intend to use any portion of the real property purchased using the first home savings account funds in a trade or business, or as a vacation home or as an investment, except as an owner occupied multiple dwelling with no more than two rental units.

22. Monies withdrawn from first home savings accounts and any interest which has accrued shall not be considered as ordinary income to the account owner for state personal income taxation purposes, so long as the monies are applied for the purchase or construction of a qualified first home purchase by the account owner or designated beneficiary of the account.

§ 1256. Program limitations; first home savings account. 1. Nothing in this article shall be construed to:

(a) give any designated beneficiary any rights or legal interest with respect to an account unless the designated beneficiary is the account owner;

(b) guarantee that the account owner or designated beneficiary will be financially qualified to purchase a home;

(c) create state residency for an individual merely because the individual is a designated beneficiary; or

(d) guarantee that amounts saved pursuant to the program will be sufficient to cover the down payment or closing costs pursuant to the purchase of a qualified first home.

2. (a) Nothing in this article shall create or be construed to create any obligation of the comptroller, the state, or any agency or instrumentality of the state to guarantee for the benefit of the account owner or designated beneficiary with respect to:

(i) the rate of interest or other return on any account; and

(ii) the payment of interest or other return on any account.

(b) The comptroller by rule or regulation shall provide that every contract, application, deposit slip or other similar document that may be used in connection with a contribution to an account clearly indicate that the account is not insured by the state and neither the principal deposited nor the investment return is guaranteed by the state.

§ 2. Subsection (c) of section 612 of the tax law is amended by adding a new paragraph 42 to read as follows:

(42) The amount that may be subtracted from federal adjusted gross income pursuant to subsection (w) of this section.

§ 3. Section 612 of the tax law is amended by adding a new subsection (w) to read as follows:

(w) Deductions for monies deposited into a first home savings account. A taxpayer, who is an account owner as defined in subdivision two of section twelve hundred fifty-two of the private housing finance law, shall be able to deduct annually from his or her federal adjusted gross income that amount, not to exceed five thousand dollars, deposited into a first home savings account created pursuant to article twenty-eight of the private housing finance law. A taxpayer and his or her spouse shall jointly be entitled to a maximum deduction of ten thousand dollars. This amount may be divided in any manner as the taxpayers desire for income tax purposes.

§ 4. This act shall take effect on the one hundred eightieth day after it shall have become a law, and shall apply to taxable years commencing on or after the first of January next succeeding the date on which it shall have become law; provided however, that subdivision 14 of section 1255 of the private housing finance law, as added by section one of this act, shall take effect immediately.

PART EE

Section 1. The private housing finance law is amended by adding a new article 28 to read as follows:

ARTICLE XXVIII
AFFORDABLE SENIOR HOUSING
AND SERVICES

Section 1240. Statement of legislative findings and purpose.
1241. Definitions.
1242. Affordable senior housing and services program.

§ 1240. Statement of legislative findings and purpose. The legislature hereby finds and declares that there exists in the state a serious shortage of rental housing for older persons who choose to live independently, and who may benefit from modest basic services in order to remain living independently. Providing capital funding to facilitate the construction and rehabilitation of affordable rental apartments for older persons over the age of sixty-two, and providing service coordination funds to not-for-profit organizations, will allow thousands of older New Yorkers to "age-in-place" comfortably in their community, reducing the likelihood of residing in an institutional setting.

§ 1241. Definitions. As used in this article:

1. "Corporation" shall mean the housing trust fund corporation established in section forty-five-a of this chapter.

2. "Eligible applicant" shall mean a person of low income, a housing development fund company incorporated pursuant to article eleven of this chapter, a not-for-profit corporation or charitable organization which has as one of its primary purposes the improvement of housing for persons of low income, a wholly-owned subsidiary of such a corporation or organization, a partnership at least fifty percent of the controlling interest of which is held by such a corporation or organization and which has agreed to limit profits or rate of return of investors in accordance with a formula established or approved by the corporation or a private developer which has agreed to limit profits or rate of return of investors in accordance with a formula established or approved by the corporation, a city, town, village or county, provided, however, that the county is only acting as an administrator of a program under which projects are rehabilitated or constructed or nonresidential properties

are converted by other eligible applicants, or a municipal housing authority created pursuant to the public housing law, provided, however, that any real property of such housing authority to be rehabilitated, constructed or converted under this article shall not have been financed pursuant to the provisions of the public housing law and shall not have been owned by such authority prior to July first, nineteen hundred eighty-six, and provided, further, however, that persons of low income shall not be direct recipients of payments, grants or loans from the corporation under this article but may receive such funds from another eligible applicant.

3. "Affordable senior housing property" shall mean an apartment building or complex occupied by individuals over sixty-two years of age, who live independently and at least eighty percent of whom have a total household income that does not exceed eighty percent of the area median income, and which apartment building or complex is not otherwise required to be licensed as an adult care facility pursuant to article seven of the social services law or an assisted living residence pursuant to article forty-six-B of the public health law.

4. "Healthy aging services" shall mean an array of optional services offered to residents of an affordable independent senior housing property on a voluntary participation basis that help promote healthy aging which may include, but not be limited to: establishing and maintaining networking relationships with community-based services and organizations; providing residents with information and referral lists for community services and assisting them with follow-ups; arranging for educational and socialization programs for residents; helping residents arrange for housekeeping, shopping, transportation, meals-on-wheels, cooking and laundry services; establishing resident safety programs; assisting residents to apply for government benefits; advocating for residents; offering opportunities for exercise; educating residents about healthy diet; and other services designed to address the needs of older adults residing in senior housing facilities by helping them extend their independence, improve their quality of life, and avoid unnecessary hospital and nursing home use.

§ 1242. Affordable senior housing and services program. 1. Establishment. Within amounts appropriated or otherwise available therefor, the corporation shall develop and administer an affordable senior housing and services program which shall provide assistance in the form of payments, grants and loans for reasonable and necessary expenses, to an eligible applicant for the creation, preservation or improvement of affordable senior housing properties, provided that such housing also provides access to healthy aging services on a voluntary basis for all residents of the affordable senior housing property.

2. Program criteria. The corporation shall develop procedures, criteria and requirements related to the application and award of projects pursuant to this section which shall include: eligibility, market demand, feasibility and funding criteria; the funding determination process; supervision and evaluation of contracting applicants; reporting, budgeting and recordkeeping requirements; provisions for modification and termination of contracts; and such other matters not inconsistent with the purposes and provisions of this article as the corporation shall deem necessary or appropriate.

3. Fund allocation. Sixty percent of the total funds awarded pursuant to this article in any fiscal year shall be allocated to projects located in urban areas of the state, as such term is defined in subdivision four of section twelve hundred thirty-one of this chapter. Forty

percent of the total funds awarded pursuant to this article in any fiscal year shall be allocated to projects located in rural areas of the state, as such term is defined in subdivision three of section twelve hundred thirty-one of this chapter.

4. Proof of available services. Applicants shall demonstrate proof that healthy aging services shall be made available to all residents of the property within thirty days of initial occupancy. There shall be no requirement that residents take part in such services. The property owner or his or her agent shall be responsible for ensuring that such services are available and that residents are made aware of the availability of such services. If the owner of the property or his or her agent also provides services such as home care, the owner or his or her agent shall not require that any resident of the property use services provided and shall proactively provide information to residents about the availability of other companies or organizations in the community that provide the same or similar services.

5. Services funding through the office for the aging. The corporation shall suballocate a portion of the amount appropriated for the affordable senior housing and services program to the office for the aging which shall provide grants on a competitive basis for not-for-profit organizations to provide healthy aging services. Such office shall develop regulations that will ensure that funds are provided to organizations that develop and operate affordable senior housing properties, as defined in this article. The office for the aging shall provide grants to organizations that have demonstrated experience working with persons eligible for the program for at least three years.

6. Annual report. The corporation shall annually, on or before December thirty-first, submit a report to the legislature on the implementation of this article. Such report shall include, but not be limited to, for each award made to a grantee under this article: a description of such award; contract amount and cumulative total; the specific activities in rural and urban areas performed by such grantee; and such other information as the corporation deems pertinent.

§ 2. This act shall take effect immediately.

PART FF

Section 1. The section heading of section 467-b of the real property tax law, as amended by section 1 of chapter 188 of the laws of 2005, is amended to read as follows:

Tax abatement for rent-controlled and rent regulated property occupied by senior citizens or persons with disabilities or persons paying a maximum rent or legal regulated rent which exceeds one-half of the combined income of all members of their household.

§ 2. Paragraph b of subdivision 1 of section 467-b of the real property tax law, as amended by section 1 of chapter 188 of the laws of 2005, is amended to read as follows:

b. "Head of the household" means a person (i) who is sixty-two years of age or older, or (ii) who qualifies as a person with a disability pursuant to subdivision five of this section, or (iii) who pays a maximum rent or legal regulated rent which exceeds one-half of the combined income of all members of their household, and is entitled to the possession or to the use or occupancy of a dwelling unit;

§ 3. Subdivision 2 of section 467-b of the real property tax law, as amended by chapter 747 of the laws of 1985, paragraph (c) as added by

chapter 553 of the laws of 2015, paragraph (d) as added by chapter 343 of the laws of 2016, is amended to read as follows:

2. The governing body of any municipal corporation is hereby authorized and empowered to adopt, after public hearing, in accordance with the provisions of this section, a local law, ordinance or resolution providing for the abatement of taxes of said municipal corporation imposed on real property containing a dwelling unit as defined herein by one of the following amounts: (a) where the head of the household does not receive a monthly allowance for shelter pursuant to the social services law, an amount not in excess of that portion of any increase in maximum rent or legal regulated rent which causes such maximum rent or legal regulated rent to exceed one-third of the combined income of all members of the household; or

(b) **where the head of the household qualifies as a person paying a maximum rent or legal regulated rent which exceeds one-half of the combined income of all members of the household and does not receive a monthly allowance for shelter pursuant to the social services law, an amount not in excess of that portion of any increase in maximum rent or legal regulated rent which causes such maximum rent or legal regulated rent to exceed one-half of the combined income of all members of the household; or**

(c) where the head of the household receives a monthly allowance for shelter pursuant to the social services law, an amount not in excess of that portion of any increase in maximum rent or legal regulated rent which is not covered by the maximum allowance for shelter which such person is entitled to receive pursuant to the social services law.

[~~(c)~~] **(d)** Provided, however, that in a city of a population of one million or more, where the head of household has been granted a rent increase exemption order that is in effect as of January first, two thousand fifteen or takes effect on or before July first, two thousand fifteen, the amount determined by paragraph (a) of this subdivision shall be an amount not in excess of the difference between the maximum rent or legal regulated rent and the amount specified in such order, as adjusted by any other provision of this section.

[~~(d)~~] **(e)** (1) Provided, however, that in a city with a population of one million or more, a head of the household who has received a rent increase exemption order that has expired and who, upon renewal application for the period commencing immediately after such expiration, is determined to be ineligible for a rent increase exemption order because the combined income of all members of the household exceeds the maximum amount allowed by this section or the maximum rent or legal regulated rent does not exceed one-third of the combined income of all members of the household, may submit a new application during the following calendar year, and if such head of the household receives a rent increase exemption order that commences during such calendar year, the tax abatement amount for such order shall be calculated as if such prior rent increase exemption order had not expired. However, no tax abatement benefits may be provided for the period of ineligibility.

(2) No head of the household may receive more than three rent increase exemption orders calculated as if a prior rent increase exemption order had not expired, as described in subparagraph one of this paragraph.

§ 4. Paragraph a of subdivision 3 of section 467-b of the real property tax law, as amended by section 1 of part U of chapter 55 of the laws of 2014, is amended to read as follows:

a. for a dwelling unit where the head of the household is a person sixty-two years of age or older **or where the head of the household pays**

a maximum rent or legal regulated rent which exceeds one-half of the combined income of all members of the household, no tax abatement shall be granted if the combined income of all members of the household for the income tax year immediately preceding the date of making application exceeds four thousand dollars, or such other sum not more than twenty-five thousand dollars beginning July first, two thousand five, twenty-six thousand dollars beginning July first, two thousand six, twenty-seven thousand dollars beginning July first, two thousand seven, twenty-eight thousand dollars beginning July first, two thousand eight, twenty-nine thousand dollars beginning July first, two thousand nine, and fifty thousand dollars beginning July first, two thousand fourteen, as may be provided by the local law, ordinance or resolution adopted pursuant to this section, provided that when the head of the household retires before the commencement of such income tax year and the date of filing the application, the income for such year may be adjusted by excluding salary or earnings and projecting his or her retirement income over the entire period of such year.

§ 5. Paragraph d of subdivision 1 of section 467-c of the real property tax law, as separately amended by chapters 188 and 205 of the laws of 2005, subparagraph 1 as amended by section 2 of part U of chapter 55 of the laws of 2014, is amended to read as follows:

d. "Eligible head of the household" means (1) a person or his or her spouse who is sixty-two years of age or older, or a person who pays a maximum rent which exceeds one-half of the combined income of all members of the household, and is entitled to the possession or to the use and occupancy of a dwelling unit, provided, however, with respect to a dwelling which was subject to a mortgage insured or initially insured by the federal government pursuant to section two hundred thirteen of the National Housing Act, as amended "eligible head of the household" shall be limited to that person or his or her spouse who was entitled to possession or the use and occupancy of such dwelling unit at the time of termination of such mortgage, and whose income when combined with the income of all other members of the household, does not exceed six thousand five hundred dollars for the taxable period, or such other sum not less than sixty-five hundred dollars nor more than twenty-five thousand dollars beginning July first, two thousand five, twenty-six thousand dollars beginning July first, two thousand six, twenty-seven thousand dollars beginning July first, two thousand seven, twenty-eight thousand dollars beginning July first, two thousand eight, twenty-nine thousand dollars beginning July first, two thousand nine, and fifty thousand dollars beginning July first, two thousand fourteen, as may be provided by local law; or (2) a person with a disability as defined in this subdivision.

§ 6. Subparagraph 1 of paragraph a of subdivision 3 of section 467-c of the real property tax law, as amended by chapter 747 of the laws of 1985, is amended to read as follows:

(1) where the eligible head of the household who is either sixty-two years of age or older or is disabled does not receive a monthly allowance for shelter pursuant to the social services law, the amount by which increases in the maximum rent subsequent to such person's eligibility date have resulted in the maximum rent exceeding one-third of the combined income of all members of the household for the taxable period, or where the eligible head of the household is a person who pays a maximum rent which exceeds one-half of the combined income of all members of the household and does not receive a monthly allowance for shelter pursuant to the social services law, the amount by which increases in

the maximum rent subsequent to such person's date have resulted in the maximum rent exceeding one-half of the combined income of all members of the household for the taxable period, except that in no event shall a rent increase exemption order/tax abatement certificate become effective prior to January first, nineteen hundred seventy-six; or

§ 7. This act shall take effect July 1, 2017; provided however, that

a. the amendments to section 467-b of the real property tax law, made by sections one, two, three and four of this act shall be subject to the expiration and reversion of such section pursuant to section 17 of chapter 576 of the laws of 1974, as amended, and shall expire and be deemed repealed therewith;

b. the amendments to paragraph a of subdivision 3 of section 467-b of the real property tax law, made by section four of this act shall be subject to the expiration of such paragraph pursuant to section 4 of part U of chapter 55 of the laws of 2014, as amended, and shall be deemed to expire therewith; and

c. the amendments to subparagraph 1 of paragraph d of subdivision 1 of section 467-c of the real property tax law, made by section five of this act shall not affect the expiration of such subparagraph pursuant to section 4 of part U of chapter 55 of the laws of 2014, as amended, and shall expire and be deemed repealed therewith.

PART GG

Section 1. There is hereby established the New York city tax reform study commission to provide the governor and the legislature with a blueprint for reforming the local real property tax system in the city of New York.

§ 2. The New York city tax reform study commission shall consist of 11 members appointed by the governor: three members shall be appointed upon the recommendation of the temporary president of the senate, three members shall be appointed upon the recommendation of the speaker of the assembly with one such member appointed upon the recommendation of the mayor of the city of New York, one member shall be appointed upon the recommendation of the minority leader of the senate, and one member shall be appointed upon the recommendation of the minority leader of the assembly. Such commission shall include at least one member representative of each of the following: the New York city municipal government, academia, real estate industry and a recognized labor organization, all based in the city of New York.

§ 3. On or before January 1, 2019, the New York city tax reform study commission shall provide the governor and the legislature with recommendations on any changes that should be made to, at a minimum, the class share system, assessment process and tax rate formulae utilized within the city of New York.

§ 4. The New York city tax reform study commission shall be assisted in its powers and duties pursuant to this act by personnel employed by state and city of New York agencies including, but not limited to, the state department of taxation and finance and the department of finance of the city of New York.

§ 5. This act shall take effect immediately.

PART HH

Section 1. The general municipal law is amended by adding a new section 3-e to read as follows:

§ 3-e. Limitation upon real property tax levies by cities having a population of one million or more. 1. Unless otherwise provided by law, the amount of real property taxes that may be levied by or on behalf of any city having a population of one million or more shall not exceed the tax levy limitation established pursuant to this section.

2. When used in this section:

(a) "Allowable levy growth factor" shall be the lesser of: (i) one and two one-hundredths; or (ii) the sum of one plus the inflation factor; provided, however, that in no case shall the levy growth factor be less than one.

(b) "Approved capital expenditures" means the expenditures associated with capital projects that have been approved by the qualified voters of the local government.

(c) "Available carryover" means the sum of the amount by which the tax levy for the prior fiscal year was below the tax levy limit for such fiscal year, if any, but no more than one and one-half percent of the tax levy limit for such fiscal year.

(d) "Capital tax levy" means the tax levy necessary to support capital expenditures, if any.

(e) "Coming fiscal year" means the fiscal year of the local government for which a tax levy limitation shall be determined pursuant to this section.

(f) "Inflation factor" means the quotient of: (i) the average of the national consumer price indexes determined by the United States department of labor for the twelve-month period ending six months prior to the start of the coming fiscal year minus the average of the national consumer price indexes determined by the United States department of labor for the twelve-month period ending six months prior to the start of the prior fiscal year, divided by: (ii) the average of the national consumer price indexes determined by the United States department of labor for the twelve-month period ending six months prior to the start of the prior fiscal year, with the result expressed as a decimal to four places.

(g) "Local government" means a city having a population of one million or more.

(h) "Prior fiscal year" means the fiscal year of the local government immediately preceding the coming fiscal year.

(i) "Tax levy limitation" means the amount of taxes a local government is authorized to levy pursuant to this section, provided, however, that the tax levy limit shall not include the local government's approved capital tax levy, if any.

3. (a) Beginning with the fiscal year that begins in two thousand eighteen, no local government shall adopt a budget that requires a tax levy that is greater than the tax levy limitation for the coming fiscal year.

(b) The state comptroller shall calculate the tax levy limitation for each local government by the one hundred twentieth day preceding the commencement of each local government's fiscal year, and shall notify each local government of the tax levy limitation so determined.

(c) The tax levy limitation applicable to the coming fiscal year shall be determined as follows:

(i) Ascertain the total amount of taxes levied for the prior fiscal year.

(ii) Add any payments in lieu of taxes that were receivable in the prior fiscal year.

(iii) Subtract the approved capital tax levy for the prior fiscal year, if any.

(iv) Subtract the levy attributable to a large legal settlement of a tort action excluded from the levy limitation in the prior fiscal year, if any.

(v) Multiply the result by the allowable levy growth factor.

(vi) Subtract any payments in lieu of taxes receivable in the coming fiscal year.

(vii) Add the available carryover, if any.

(d) In the event the city council of a local government has approved a legal settlement of a tort action against the government, the annual costs of which exceed ten percent of the property taxes levied by the local government in the prior fiscal year, the state comptroller, upon application by the local government, may adjust the tax levy limitation for the coming fiscal year applicable to such local government, by adding the annual costs of such settlement to the tax levy limitation.

(e) The state comptroller shall determine the portion of the tax levy of each local government that is attributable to any increase or decrease over the prior year in the cost of the local government share of direct cash assistance to persons eligible for the federal-state-local temporary assistance to needy families program or the state-local safety net assistance program and shall adjust the tax levy limitation for such local government to reflect such change.

4. A local government may adopt a budget that requires a tax levy that is greater than the tax levy limitation for the coming fiscal year only if the city council of such local government first enacts, by a two-thirds vote of the total voting power of such city council, a local law to override such limitation for such coming fiscal year only.

5. In the event a local government's actual tax levy for a given fiscal year exceeds the maximum allowable levy as established pursuant to this section due to clerical or technical errors, the local government shall place the excess amount of the levy in reserve in accordance with such requirements as the state comptroller may prescribe, and shall use such funds and any interest earned thereon to offset the tax levy for the ensuing fiscal year.

§ 2. Paragraphs j and k of subdivision 2 of section 23 of the municipal home rule law are relettered paragraphs k and l, and a new paragraph j is added to read as follows:

j. Overrides the tax levy limitation applicable for the coming fiscal year in accordance with section three-e of the general municipal law.

§ 3. This act shall take effect immediately and shall first apply to the levy of taxes by local governments for the fiscal year that begins in 2018.

PART II

Section 1. Subdivision 1 of section 1802 of the real property tax law, as separately amended by chapters 123 and 529 of the laws of 1990, paragraph class one as amended by chapter 332 of the laws of 2008, is amended to read as follows:

1. All real property, for the purposes of this article, in a special assessing unit shall be classified as follows:

Class one: (a) all one, two and three family residential real property, including such dwellings used in part for nonresidential purposes but which are used primarily for residential purposes, except such property held in cooperative or condominium forms of

ownership other than (i) property defined in subparagraphs (b) and (c) of this paragraph and (ii) property which contains no more than three dwelling units held in condominium form of ownership and which was classified within this class on a previous assessment roll; and provided that, notwithstanding the provisions of paragraph (g) of subdivision twelve of section one hundred two of this chapter, a mobile home or a trailer shall not be classified within this class unless it is owner-occupied and separately assessed; and (b) residential real property not more than three stories in height held in condominium form of ownership, provided that no dwelling unit therein previously was on an assessment roll as a dwelling unit in other than condominium form of ownership; and (c) residential real property consisting of one family house structures owned by the occupant, situated on land held in cooperative ownership by owner occupiers, provided that; (i) such house structures and land constituted bungalow colonies in existence prior to nineteen hundred forty; and (ii) the land is held in cooperative ownership for the sole purpose of maintaining one family residences for members own use; and (d) all vacant land located within a special assessing unit which is a city (i) other than such land in the borough of Manhattan, provided that any such vacant land which is not zoned residential must be situated immediately adjacent to property improved with a residential structure as defined in subparagraphs (a) and (b) of this paragraph, be owned by the same owner as such immediately adjacent residential property immediately prior to and since January 1, 1989, and have a total area not exceeding 10,000 square feet; and (ii) located in the borough of Manhattan north of or adjacent to the north side of 110th street provided such vacant land was classified within this class on the assessment roll with a taxable status date of January 5, 2008 and the owner of such land has entered into a recorded agreement with a governmental entity on or before December 31, 2008 requiring construction of housing affordable to persons or families of low income in accordance with the provisions of the private housing finance law. Notwithstanding the foregoing, such vacant land shall be classified according to its use on the assessment roll with a taxable status date immediately following commencement of construction, provided further, that construction pursuant to an approved plan for affordable housing shall commence no later than December 31, 2010; and (e) all vacant land located within a special assessing unit which is not a city, provided that such vacant land which is not zoned residential must be situated immediately adjacent to real property defined in subparagraph (a), (b) or (c) of this paragraph and be owned by the same person or persons who own the real property defined in such subparagraph immediately prior to and since January 1, 2003;

Class one-a: all other residential real property held in condominium or cooperative form of ownership which is not designated as class one; the department of finance of any city enacting a local law pursuant to this section shall reclassify class one-a properties used primarily to generate rental income to class two. The department of finance of any city enacting a local law pursuant to this section shall have, in addition to any other functions, powers and duties which have been or may be conferred

on it by law, the power to make and promulgate rules to carry out the purposes of this section including, but not limited to, rules defining the class one-a properties primarily used to generate rental income, and relating to the timing, form and manner of any certification required to be submitted under this section. If a property previously reclassified from class one-a to class two ceases to be used primarily to generate rental income, the department shall reclassify such property to class one-a. The department shall use a five-year period when determining whether a property is used primarily to generate rental income;

Class two: all other residential real property which is not designated as class one or class one-a, except hotels and motels and other similar commercial property;

Class three: utility real property and property subject to former section four hundred seventy of this chapter;

Class four: all other real property which is not designated as class one, class one-a, class two, or class three.

§ 1-a. The real property tax law is amended by adding a new section 1803-c to read as follows:

§ 1803-c. Calculation of shares. 1. For the calendar year two thousand eighteen, notwithstanding the provisions of sections eighteen hundred three, eighteen hundred three-a, and eighteen hundred three-b of this article to the contrary, the New York city commissioner of finance shall establish a new class one-a pursuant to subdivision one of section eighteen hundred two of this article and shall calculate shares for class one, class one-a, class two, class three and class four where the base year used in the calculation of the current base proportion shall be the 2017 assessment roll and the sum of class one-a and class two shall not exceed the prior year adjusted base proportion for such classes.

2. After two thousand nineteen, assessment rolls prepared according to January 1, 2019, the adjusted base proportions for class one and class one-a, shall not exceed each class' prior adjusted base proportion by more than five percent.

3. In a city having a population of one million or more, such city's tax fixing resolution shall set a tax rate for class one-a in the same manner as all class shares are calculated pursuant to sections eighteen hundred three, eighteen hundred three-a and eighteen hundred three-b of this article.

4. The assessment ratio for class one-a shall be six percent.

§ 2. Subdivision 1, paragraph (c) of subdivision 2 and subdivision 4 of section 307-a of the real property tax law, as added by section 1 of part G of chapter 63 of the laws of 2003, are amended to read as follows:

1. Generally. Notwithstanding any provision of any general, special or local law to the contrary, any city with a population of one million or more is hereby authorized and empowered to adopt and amend local laws in accordance with this section imposing an additional tax on certain class one and class one-a properties, as such properties are defined in section eighteen hundred two of this chapter, excluding vacant land.

(c) "Net real property tax" means the real property tax assessed on a class one or class one-a property after deduction for any exemption or abatement received pursuant to this chapter.

4. Property subject to additional tax. Such surcharge shall be imposed on class one and class one-a property, excluding vacant land, that

provides rental income and is not the primary residence of the owner or owners of such class one **or class one-a** property, or the primary residence of the parent or child of such owner or owners.

§ 3. Paragraph (f) of subdivision 1 of section 467-a of the real property tax law, as added by chapter 273 of the laws of 1996, is amended and a new paragraph (i) is added to read as follows:

(f) "Property" means real property designated as class [~~two~~] **one-a**, pursuant to section eighteen hundred two of this chapter, held in the cooperative or condominium form of ownership.

(i) "Market value" shall be calculated by the New York city department of finance based upon comparable sales.

§ 4. Paragraphs (d-1), (d-2), (d-3) and (d-4) of subdivision 2 of section 467-a of the real property tax law, as amended by section 62 of part A of chapter 20 of the laws of 2015, are amended and seven new paragraphs (d-7), (d-8), (d-9), (d-10), (d-11), (d-12) and (d-13) are added to read as follows:

(d-1) In the fiscal years commencing in calendar years two thousand twelve, two thousand thirteen and two thousand fourteen, eligible dwelling units in property whose average unit assessed value is less than or equal to fifty thousand dollars shall receive a partial abatement of the real property taxes attributable to or due on such dwelling units of twenty-five percent, twenty-six and one-half percent and twenty-eight and one-tenth percent respectively. In the fiscal years commencing in calendar years two thousand fifteen[~~,~~] **and** two thousand sixteen[~~, two thousand seventeen and two thousand eighteen~~] eligible dwelling units in property whose average unit assessed value is less than or equal to fifty thousand dollars shall receive a partial abatement of the real property taxes attributable to or due on such dwelling units of twenty-eight and one-tenth percent.

(d-2) In the fiscal years commencing in calendar years two thousand twelve, two thousand thirteen and two thousand fourteen, eligible dwelling units in property whose average unit assessed value is more than fifty thousand dollars, but less than or equal to fifty-five thousand dollars, shall receive a partial abatement of the real property taxes attributable to or due on such dwelling units of twenty-two and one-half percent, twenty-three and eight-tenths percent and twenty-five and two-tenths percent respectively. In the fiscal years commencing in calendar years two thousand fifteen[~~,~~] **and** two thousand sixteen[~~, two thousand seventeen and two thousand eighteen~~] eligible dwelling units in property whose average unit assessed value is more than fifty thousand dollars, but less than or equal to fifty-five thousand dollars, shall receive a partial abatement of the real property taxes attributable to or due on such dwelling units of twenty-five and two-tenths percent.

(d-3) In the fiscal years commencing in calendar years two thousand twelve, two thousand thirteen and two thousand fourteen, eligible dwelling units in property whose average unit assessed value is more than fifty-five thousand dollars, but less than or equal to sixty thousand dollars, shall receive a partial abatement of the real property taxes attributable to or due on such dwelling units of twenty percent, twenty-one and two-tenths percent, and twenty-two and five-tenths percent respectively. In the fiscal years commencing in calendar years two thousand fifteen[~~,~~] **and** two thousand sixteen[~~, two thousand seventeen and two thousand eighteen~~] eligible dwelling units in property whose average unit assessed value is more than fifty-five thousand dollars, but less than or equal to sixty thousand dollars, shall receive a partial abate-

ment of the real property taxes attributable to or due on such dwelling units of twenty-two and five-tenths percent.

(d-4) In the fiscal years commencing in calendar years two thousand twelve, two thousand thirteen, two thousand fourteen, two thousand fifteen[~~,~~] and two thousand sixteen[~~, two thousand seventeen and two thousand eighteen,~~] eligible dwelling units in property whose average unit assessed value is more than sixty thousand dollars shall receive a partial abatement of the real property taxes attributable to or due on such dwelling units of seventeen and one-half percent.

(d-7) Eligible dwelling units in property whose average unit market value is less than or equal to six hundred fifty thousand dollars shall receive a partial abatement of real property taxes attributable to or due on such dwelling units, not to exceed thirty-three percent in the fiscal year commencing in calendar year two thousand eighteen and thereafter.

(d-8) Eligible dwelling units in property whose average unit market value is between six hundred fifty thousand one dollars to seven hundred fifty thousand dollars shall receive a partial abatement of the real property taxes attributable to or due on such dwelling units, not to exceed twenty-two and five-tenths percent in the fiscal year commencing in calendar year two thousand eighteen and thereafter.

(d-9) Eligible dwelling units in property whose average unit market value is between seven hundred fifty thousand one and one million five hundred thousand dollars shall receive a partial abatement of the real property taxes attributable to or due on such dwelling units, not to exceed seventeen and five-tenths percent in the fiscal year commencing in calendar year two thousand eighteen and thereafter.

(d-10) Eligible dwelling units in property whose average unit market value is between one million five hundred thousand one dollars and two million six hundred sixty-six thousand six hundred sixty-seven dollars shall receive a partial abatement of the real property taxes attributable to or due on such dwelling units, not to exceed thirteen and thirteen-hundredths percent in the fiscal year commencing in calendar year two thousand eighteen and thereafter.

(d-11) Eligible dwelling units in property whose average unit market value is between two million six hundred sixty-six thousand six hundred sixty-eight dollars and three million eight hundred thirty-three thousand three hundred thirty-three dollars shall receive a partial abatement of the real property taxes attributable to or due on such dwelling units, not to exceed eight and seventy-five hundredth percent in the fiscal year commencing in calendar year two thousand eighteen and thereafter.

(d-12) Eligible dwelling units in property whose average unit market value is between three million eight hundred thirty-three thousand three hundred thirty-four dollars and five million dollars shall receive a partial abatement of the real property taxes attributable to or due on such dwelling units, not to exceed four and thirty-eight hundredths percent in the fiscal year commencing in calendar year two thousand eighteen and thereafter.

(d-13) Eligible dwelling units in property whose average unit market value is five million dollars or more shall receive a partial abatement of the real property taxes attributable to or due on such dwelling units, not to exceed zero percent in the fiscal year commencing in calendar year two thousand eighteen and thereafter.

§ 4-a. The real property tax law is amended by adding a new section 467-a-1 to read as follows:

§ 467-a-1. Enhanced partial abatement for certain condominiums and cooperative residences. 1. In addition to the partial abatement received pursuant to section four hundred sixty-seven-a of this article, in the fiscal year commencing in calendar year two thousand eighteen, eligible units in property whose average unit market value is less than six hundred fifty thousand dollars shall receive an enhanced abatement equal to the excess above two percent of the difference between the prior year's property tax and the current year's property tax.

2. In addition to the partial abatement received pursuant to section four hundred sixty-seven-a of this article, in the fiscal year commencing in calendar year two thousand nineteen, eligible units in property whose average unit market value is less than six hundred fifty thousand dollars shall receive an enhanced abatement equal to the excess above four percent of the difference between the prior year's property tax and the current year's property tax.

3. In addition to the partial abatement received pursuant to section four hundred sixty-seven-a of this article, in the fiscal year commencing in calendar year two thousand twenty and thereafter, eligible units in property whose average unit market value is less than six hundred fifty thousand dollars shall receive an enhanced abatement equal to the excess above six percent of the difference between the prior year's property tax and the current year's property tax. The enhanced condominium and cooperative abatement shall not be eligible for units where the commissioner determines that renovation or construction within the unit or building has produced a substantial yearly increase in the unit's assessed value.

§ 5. Subdivision 7 of section 499-aaa of the real property tax law, as added by chapter 461 of the laws of 2008, is amended to read as follows:

7. "Eligible building" shall mean a class one, class one-a, class two or class four real property, as defined in subdivision one of section eighteen hundred two of this chapter, located within a city having a population of one million or more persons. No building shall be eligible for more than one tax abatement pursuant to this title.

§ 6. Subdivision 7 of section 499-aaaa of the real property tax law, as added by chapter 473 of the laws of 2008, is amended to read as follows:

7. "Eligible building" shall mean a class one, class one-a, class two or class four real property, as defined in subdivision one of section eighteen hundred two of this chapter, located within a city having a population of one million or more persons. No building shall be eligible for more than one tax abatement pursuant to this title.

§ 7. Paragraph (b) of subdivision 3 of section 522 of the real property tax law, as added by chapter 714 of the laws of 1982, is amended to read as follows:

(b) in a special assessing unit, the determination, pursuant to section eighteen hundred two of this chapter, of whether real property is included in class one, one-a, two, three or four.

§ 8. Subdivision 10 of section 523-b of the real property tax law, as added by chapter 593 of the laws of 1998, is amended to read as follows:

10. On or before April first, each year the commission shall mail to each applicant, who has filed an application for the correction of the assessment, a notice of the commission's determination of such applicant's assessment. Such notice shall also contain the statement as to the final determination of the assessment review commission, or a statement that the commission has not yet made a determination as to the final assessed valuation which shall be made as soon as the petitioners

application is reviewed or heard. If the applicants property is a property defined in subdivision one of section eighteen hundred two of this chapter as "Class 1", the commissions determination shall contain the statement: "If you are dissatisfied with the determination of the Assessment Review Commission and you are the owner of a one, two or three family residential structure or residential real property not more than three stories in height held in condominium form of ownership, provided that no dwelling unit therein previously was on an assessment roll as a dwelling unit in other than condominium form of ownership, and you reside at such residence, you may seek judicial review of your assessment either under title one of article seven of the real property tax law or under small claims assessment review law provided by title one-A of article seven of the real property tax law." Such notice shall also state that the last date to file petitions for judicial review and the location where small claims assessment review petitions may be obtained.

Each applicant that has filed an application of a property as defined in subdivision one of section eighteen hundred two of this chapter as **"Class 1-a",** "Class 2", "Class 3" or "Class 4", shall receive a notice as to the final determination of the assessment review commission or a statement that the commission has not yet made a determination as to the final assessed valuation which shall be made as soon as the petitioners application is reviewed or heard. Such applicants determinations shall contain the statement: "If you are dissatisfied with the determination of the Assessment Review Commission you may seek judicial review of your assessment under title one of article seven of the real property tax law." Such notice shall also state the last date to file petitions for judicial review. A final determination when rendered shall contain the same statement. Failure to mail any such notice or failure of the applicant to receive the same shall not affect the validity of the assessment.

§ 9. Paragraph (b) of subdivision 3 of section 701 of the real property tax law, as added by chapter 714 of the laws of 1982, is amended to read as follows:

(b) In a special assessing unit, the determination, pursuant to section eighteen hundred two of this chapter, of whether real property is included in class one, **one-a,** two, three or four.

§ 10. Subparagraph 2 of paragraph (a) of subdivision 3 of section 720 of the real property tax law, as amended by chapter 679 of the laws of 1986, is amended to read as follows:

(2) "Major type of property" in special assessing units, for assessments on rolls completed after December thirty-first, nineteen hundred eighty-one, shall mean classes one, **one-a,** two, three and four as defined in subdivision one of section eighteen hundred two of this chapter.

§ 11. The opening paragraph of subdivision 1 of section 1805 of the real property tax law, as amended by chapter 935 of the laws of 1984, is amended and two new subdivisions 1-a and 1-b are added to read as follows:

The assessor of any special assessing unit shall not increase the assessment of any individual parcel classified in class one **or class one-a** in any one year, as measured from the assessment on the previous year's assessment roll, by more than six percent and shall not increase such assessment by more than twenty percent in any five-year period. The first such five-year period shall be measured from the individual assessment appearing on the assessment roll completed in nineteen

hundred eighty; provided that if such parcel would not have been subject to the provisions of this subdivision in nineteen hundred eighty had this subdivision then been in effect, the first such five-year period shall be measured from the first year after nineteen hundred eighty in which this subdivision applied to such parcel or would have applied to such parcel had this subdivision been in effect in such year.

If, in respect to any individual parcel classified in class one on the assessment roll completed and applicable for the year nineteen hundred eighty-two, the assessment for the year nineteen hundred eighty-one exceeds by more than twenty percent the assessment for the year nineteen hundred eighty, such assessor shall compute the actual assessments to be entered on assessment rolls applicable to the years nineteen hundred eighty-two through nineteen hundred ninety as follows:

1-a. Assessment rolls computed for class one-a shall include any outstanding phased-in increases accrued prior to the effective date of the chapter of the laws of two thousand seventeen which added this subdivision pursuant to subdivision three of this section.

1-b. Class one-a parcels shall be assessed in a method comparable to class one parcels.

§ 12. Subdivisions e and f of section 11-208.1 of the administrative code of the city of New York, subdivision e as amended by local law number 41 of the city of New York for the year 1986 and subdivision f as amended by chapter 385 of the laws of 2006, are amended to read as follows:

e. As used in this section, the term "income-producing property" means property owned for the purpose of securing an income from the property itself, but shall not include property with an assessed value of forty thousand dollars or less, or residential property containing ten or fewer dwelling units or property classified in class one**, one-a** or two as defined in article eighteen of the real property tax law containing six or fewer dwelling units and one retail store.

f. Except in accordance with proper judicial order or as otherwise provided by law, it shall be unlawful for the commissioner, any officer or employee of the department, the president or a commissioner or employee of the tax commission, any person engaged or retained by the department or the tax commission on an independent contract basis, or any person, who, pursuant to this section, is permitted to inspect any income and expense statement or to whom a copy, an abstract or a portion of any such statement is furnished, to divulge or make known in any manner except as provided in this subdivision, the amount of income and/or expense or any particulars set forth or disclosed in any such statement required under this section. The commissioner, the president of the tax commission, or any commissioner or officer or employee of the department or the tax commission charged with the custody of such statements shall not be required to produce any income and expense statement or evidence of anything contained in them in any action or proceeding in any court, except on behalf of the department or the tax commission. Nothing herein shall be construed to prohibit the delivery to an owner or his or her duly authorized representative of a certified copy of any statement filed by such owner pursuant to this section or to prohibit the publication of statistics so classified as to prevent the identification of particular statements and the items thereof, or making known aggregate income and expense information disclosed with respect to property classified as class four as defined in article eighteen of the real property tax law without identifying information about individual leases, or making known a range as determined by the commissioner within

which the income and expenses of a property classified as **class one-a or** class two falls, or the inspection by the legal representatives of the department or of the tax commission of the statement of any owner who shall bring an action to correct the assessment. Any violation of the provisions of this subdivision shall be punished by a fine not exceeding one thousand dollars or by imprisonment not exceeding one year, or both, at the discretion of the court, and if the offender be an officer or employee of the department or the tax commission, the offender shall be dismissed from office.

§ 13. Subdivision a of section 11-238 of the administrative code of the city of New York, as amended by local law number 27 of the city of New York for the year 2006, is amended to read as follows:

a. Imposition of surcharge. A real property tax surcharge is hereby imposed on class one **and class one-a** property, as defined in section eighteen hundred two of the real property tax law, excluding vacant land, that provides rental income and is not the primary residence of the owner or owners of such class one **or class one-a** property, or the primary residence of the parent or child of such owner or owners, in an amount equal to zero percent of the net real property taxes for fiscal years beginning on or after July first, two thousand six. As used in this section, "net real property tax" means the real property tax assessed on class one property after deduction for any exemption or abatement received pursuant to the real property tax law or this title.

§ 14. Subdivisions a, a-1, a-2, a-3, a-4 and a-5 of section 11-319 of the administrative code of the city of New York, subdivisions a, a-1, a-2 and a-3 as amended and subdivisions a-4 and a-5 as added by local law number 15 of the city of New York for the year 2011, are amended to read as follows:

a. A tax lien or tax liens on a property or any component of the amount thereof may be sold by the city as authorized by subdivision b of this section, when such tax lien or tax liens shall have remained unpaid in whole or in part for one year, provided, however, that a tax lien or tax liens on any class one property or on class [~~two~~] **one-a** property [~~that is a residential condominium or residential cooperative~~], as such classes of property are defined in subdivision one of section eighteen hundred two of the real property tax law, may be sold by the city only when the real property tax component of such tax lien or tax liens shall have remained unpaid in whole or in part for three years or, in the case of any class two residential property owned by a company organized pursuant to article XI of the state private housing finance law [~~that is not a residential condominium or a residential cooperative~~], as such class of property is defined in subdivision one of section eighteen hundred two of the real property tax law, for two years, and equals or exceeds the sum of five thousand dollars or, in the case of abandoned class one property or abandoned class [~~two~~] **one-a** property [~~that is a residential condominium or residential cooperative~~], for eighteen months, and after such sale, shall be transferred, in the manner provided by this chapter, and provided, further, however, that (i) the real property tax component of such tax lien may not be sold pursuant to this subdivision on any residential real property in class one that is receiving an exemption pursuant to section 11-245.3 or 11-245.4 of this title, or pursuant to section four hundred fifty-eight of the real property tax law with respect to real property purchased with payments received as prisoner of war compensation from the United States government, or pursuant to paragraph (b) or (c) of subdivision two of section four hundred fifty-eight-a of the real property tax law, or where the

owner of such residential real property in class one is receiving benefits in accordance with department of finance memorandum 05-3, or any successor memorandum thereto, relating to active duty military personnel, or where the owner of such residential real property in class one has been allowed a credit pursuant to subsection (e) of section six hundred six of the tax law for the calendar year in which the date of the first publication, pursuant to subdivision a of section 11-320 of this chapter, of the notice of sale, occurs or for the calendar year immediately preceding such date and (ii) the sewer rents component, sewer surcharges component or water rents component of such tax lien may not be sold pursuant to this subdivision on any one family residential real property in class one or on any two or three family residential real property in class one that is receiving an exemption pursuant to section 11-245.3 or 11-245.4 of this title, or pursuant to section four hundred fifty-eight of the real property tax law with respect to real property purchased with payments received as prisoner of war compensation from the United States government, or pursuant to paragraph (b) or (c) of subdivision two of section four hundred fifty-eight-a of the real property tax law, or where the owner of any two or three family residential real property in class one is receiving benefits in accordance with department of finance memorandum 05-3, or any successor memorandum thereto, relating to active duty military personnel, or where the owner of any two or three family residential real property in class one has been allowed a credit pursuant to subsection (e) of section six hundred six of the tax law for the calendar year in which the date of the first publication, pursuant to subdivision a of section 11-320 of this chapter, of the notice of sale, occurs or for the calendar year immediately preceding such date. A tax lien or tax liens on any property classified as a class two property, except [~~a class two property that is a residential condominium or residential cooperative, or~~] a class two residential property owned by a company organized pursuant to article XI of the state private housing finance law [~~that is not a residential condominium or a residential cooperative~~], or class three property, as such classes of property are defined in subdivision one of section eighteen hundred two of the real property tax law, shall not be sold by the city unless such tax lien or tax liens include a real property tax component as of the date of the first publication, pursuant to subdivision a of section 11-320 of this chapter, of the notice of sale. Notwithstanding any provision of this subdivision to the contrary, any such tax lien or tax liens that remain unpaid in whole or in part after such date may be sold regardless of whether such tax lien or tax liens include a real property tax component. A tax lien or tax liens on a property classified as a class four property, as such class of property is defined in subdivision one of section eighteen hundred two of the real property tax law, shall not be sold by the city unless such tax lien or tax liens include a real property tax component or sewer rents component or sewer surcharges component or water rents component or emergency repair charges component, where such emergency repair charges accrued on or after January first, two thousand six and are made a lien pursuant to section 27-2144 of this code, as of the date of the first publication, pursuant to subdivision a of section 11-320 of this chapter, of the notice of sale, provided, however, that any tax lien or tax liens that remain unpaid in whole or in part after such date may be sold regardless of whether such tax lien or tax liens include a real property tax component, sewer rents component, sewer surcharges component, water rents component or emergency repair charges component. For purposes of

this subdivision, the words "real property tax" shall not include an assessment or charge upon property imposed pursuant to section 25-411 of the administrative code. A sale of a tax lien or tax liens shall include, in addition to such lien or liens that have remained unpaid in whole or in part for one year, or, in the case of any class one property or class [~~two~~] **one-a** property [~~that is a residential condominium or residential cooperative~~], when the real property tax component of such lien or liens has remained unpaid in whole or in part for three years, or, in the case of any class two residential property owned by a company organized pursuant to article XI of the state private housing finance law [~~that is not a residential condominium or a residential cooperative~~], when the real property tax component of such lien or liens has remained unpaid in whole or in part for two years, and equals or exceeds the sum of five thousand dollars, any taxes, assessments, sewer rents, sewer surcharges, water rents, any other charges that are made a lien subject to the provisions of this chapter, the costs of any advertisements and notices given pursuant to this chapter, any other charges that are due and payable, a surcharge pursuant to section 11-332 of this chapter, and interest and penalties thereon or such component of the amount thereof as shall be determined by the commissioner of finance. The commissioner of finance may promulgate rules defining "abandoned" property, as such term is used in this subdivision.

a-1. A subsequent tax lien or tax liens on a property or any component of the amount thereof may be sold by the city pursuant to this chapter, provided, however, that notwithstanding any provision in this chapter to the contrary, such tax lien or tax liens may be sold regardless of whether such tax lien or tax liens have remained unpaid in whole or in part for one year and, notwithstanding any provision in this chapter to the contrary, in the case of any class one property or class [~~two~~] **one-a** property [~~that is a residential condominium or residential cooperative~~] or, beginning January first, two thousand twelve, in the case of any class two residential property owned by a company organized pursuant to article XI of the state private housing finance law [~~that is not a residential condominium or a residential cooperative~~], such tax lien or tax liens may be sold if the real property tax component of such tax lien or tax liens has remained unpaid in whole or in part for one year, and provided, further, however, that (i) the real property tax component of such tax lien may not be sold pursuant to this subdivision on any residential real property in class one that is receiving an exemption pursuant to section 11-245.3 or 11-245.4 of this title, or pursuant to section four hundred fifty-eight of the real property tax law with respect to real property purchased with payments received as prisoner of war compensation from the United States government, or pursuant to paragraph (b) or (c) of subdivision two of section four hundred fifty-eight-a of the real property tax law, or where the owner of such residential real property in class one is receiving benefits in accordance with department of finance memorandum 05-3, or any successor memorandum thereto, relating to active duty military personnel, or where the owner of such residential real property in class one has been allowed a credit pursuant to subsection (e) of section six hundred six of the tax law for the calendar year in which the date of the first publication, pursuant to subdivision a of section 11-320 of this chapter, of the notice of sale, occurs or for the calendar year immediately preceding such date and (ii) the sewer rents component, sewer surcharges component or water rents component of such tax lien may not be sold pursuant to this subdivision on any one family residential real property in class

one or on any two or three family residential real property in class one that is receiving an exemption pursuant to section 11-245.3 or 11-245.4 of this title, or pursuant to section four hundred fifty-eight of the real property tax law with respect to real property purchased with payments received as prisoner of war compensation from the United States government, or pursuant to paragraph (b) or (c) of subdivision two of section four hundred fifty-eight-a of the real property tax law, or where the owner of any two or three family residential real property in class one is receiving benefits in accordance with department of finance memorandum 05-3, or any successor memorandum thereto, relating to active duty military personnel, or where the owner of any two or three family residential real property in class one has been allowed a credit pursuant to subsection (e) of section six hundred six of the tax law for the calendar year in which the date of the first publication, pursuant to subdivision a of section 11-320 of this chapter, of the notice of sale, occurs or for the calendar year immediately preceding such date. For purposes of this subdivision, the term "subsequent tax lien or tax liens" shall mean any tax lien or tax liens on property that become such on or after the date of sale of any tax lien or tax liens on such property that have been sold pursuant to this chapter, provided that the prior tax lien or tax liens remain unpaid as of the date of the first publication, pursuant to subdivision a of section 11-320 of this chapter, of the notice of sale of the subsequent tax lien or tax liens. A subsequent tax lien or tax liens on any property classified as a class two property, except [~~a class two property that is a residential condominium or residential cooperative, or~~] a class two residential property owned by a company organized pursuant to article XI of the state private housing finance law [~~that is not a residential condominium or a residential cooperative~~], or class three property, as such classes of property are defined in subdivision one of section eighteen hundred two of the real property tax law, shall not be sold by the city unless such tax lien or tax liens include a real property tax component as of the date of the first publication, pursuant to subdivision a of section 11-320 of this chapter, of the notice of sale. Notwithstanding any provision of this subdivision to the contrary, any such tax lien or tax liens that remain unpaid in whole or in part after such date may be sold regardless of whether such tax lien or tax liens include a real property tax component. A subsequent tax lien or tax liens on a property classified as a class four property, as such class of property is defined in subdivision one of section eighteen hundred two of the real property tax law, shall not be sold by the city unless such tax lien or tax liens include a real property tax component or sewer rents component or sewer surcharges component or water rents component or emergency repair charges component, where such emergency repair charges accrued on or after January first, two thousand six and are made a lien pursuant to section 27-2144 of this code, as of the date of the first publication, pursuant to subdivision a of section 11-320 of this chapter, of the notice of sale, provided, however, that any tax lien or tax liens that remain unpaid in whole or in part after such date may be sold regardless of whether such tax lien or tax liens include a real property tax component, sewer rents component, sewer surcharges component, water rents component or emergency repair charges component. For purposes of this subdivision, the words "real property tax" shall not include an assessment or charge upon property imposed pursuant to section 25-411 of the administrative code. Nothing in this subdivision shall be deemed to limit the rights

conferred by section 11-332 of this chapter on the holder of a tax lien certificate with respect to a subsequent tax lien.

a-2. In addition to any sale authorized pursuant to subdivision a or subdivision a-1 of this section and notwithstanding any provision of this chapter to the contrary, beginning on December first, two thousand seven, the water rents, sewer rents and sewer surcharges components of any tax lien on any class of real property, as such real property is classified in subdivision one of section eighteen hundred two of the real property tax law, may be sold by the city pursuant to this chapter, where such water rents, sewer rents or sewer surcharges component of such tax lien, as of the date of the first publication, pursuant to subdivision a of section 11-320 of this chapter, of the notice of sale: (i) shall have remained unpaid in whole or in part for one year and (ii) equals or exceeds the sum of one thousand dollars or, beginning on March first, two thousand eleven, in the case of any two or three family residential real property in class one, for one year, and equals or exceeds the sum of two thousand dollars, or, beginning on January first, two thousand twelve, in the case of any class two residential property owned by a company organized pursuant to article XI of the state private housing finance law [~~that is not a residential condominium or a residential cooperative~~], as such class of property is defined in subdivision one of section eighteen hundred two of the real property tax law, for two years, and equals to exceeds the sum of five thousand dollars; provided, however, that such water rents, sewer rents or sewer surcharges component of such tax lien may not be sold pursuant to this subdivision on any one family residential real property in class one or on any two or three family residential real property in class one that is receiving an exemption pursuant to section 11-245.3 or 11-245.4 of this title, or pursuant to section four hundred fifty-eight of the real property tax law with respect to real property purchased with payments received as prisoner of war compensation from the United States government, or pursuant to paragraph (b) or (c) of subdivision two of section four hundred fifty-eight-a of the real property tax law, or where the owner of any two or three family residential real property in class one is receiving benefits in accordance with department of finance memorandum 05-3, or any successor memorandum thereto, relating to active duty military personnel, or where the owner of any two or three family residential real property in class one has been allowed a credit pursuant to subsection (e) of section six hundred six of the tax law for the calendar year in which the date of the first publication, pursuant to subdivision a of section 11-320 of this chapter, of the notice of sale, occurs or for the calendar year immediately preceding such date. After such sale, any such water rents, sewer rents or sewer surcharges component of such tax lien may be transferred in the manner provided by this chapter.

a-3. In addition to any sale authorized pursuant to subdivision a or subdivision a-1 of this section and notwithstanding any provision of this chapter to the contrary, beginning on December first, two thousand seven, a subsequent tax lien on any class of real property, as such real property is classified in subdivision one of section eighteen hundred two of the real property tax law, may be sold by the city pursuant to this chapter, regardless of whether such subsequent tax lien, or any component of the amount thereof, shall have remained unpaid in whole or in part for one year, and regardless of whether such subsequent tax lien, or any component of the amount thereof, equals or exceeds the sum of one thousand dollars or beginning on March first, two thousand elev-

en, in the case of any two or three family residential real property in class one, a subsequent tax lien on such property may be sold by the city pursuant to this chapter, regardless of whether such subsequent tax lien, or any component of the amount thereof, shall have remained unpaid in whole or in part for one year, and regardless of whether such subsequent tax lien, or any component of the amount thereof, equals or exceeds the sum of two thousand dollars, or, beginning on January first, two thousand twelve, in the case of any class two residential property owned by a company organized pursuant to article XI of the state private housing finance law [~~that is not a residential condominium or a residential cooperative~~], as such class of property is defined in subdivision one of section eighteen hundred two of the real property tax law, a subsequent tax lien on such property may be sold by the city pursuant to this chapter, regardless of whether such subsequent tax lien, or any component of the amount thereof, shall have remained unpaid in whole or in part for two years, and regardless of whether such subsequent tax lien, or any component of the amount thereof, equals or exceeds the sum of five thousand dollars; provided, however, that such subsequent tax lien may not be sold pursuant to this subdivision on any one family residential real property in class one or on any two or three family residential real property in class one that is receiving an exemption pursuant to section 11-245.3 or 11-245.4 of this title, or pursuant to section four hundred fifty-eight of the real property tax law with respect to real property purchased with payments received as prisoner of war compensation from the United States government, or pursuant to paragraph (b) or (c) of subdivision two of section four hundred fifty-eight-a of the real property tax law, or where the owner of any two or three family residential real property in class one is receiving benefits in accordance with department of finance memorandum 05-3, or any successor memorandum thereto, relating to active duty military personnel, or where the owner of any two or three family residential real property in class one has been allowed a credit pursuant to subsection (e) of section six hundred six of the tax law for the calendar year in which the date of the first publication, pursuant to subdivision a of section 11-320 of this chapter, of the notice of sale, occurs or for the calendar year immediately preceding such date. After such sale, any such subsequent tax lien, or any component of the amount thereof, may be transferred in the manner provided by this chapter. For purposes of this subdivision, the term "subsequent tax lien" shall mean the water rents, sewer rents or sewer surcharges component of any tax lien on property that becomes such on or after the date of sale of any water rents, sewer rents or sewer surcharges component of any tax lien on such property that has been sold pursuant to this chapter, provided that the prior tax lien remains unpaid as of the date of the first publication, pursuant to subdivision a of section 11-320 of this chapter, of the notice of sale of the subsequent tax lien. Nothing in this subdivision shall be deemed to limit the rights conferred by section 11-332 of this chapter on the holder of a tax lien certificate with respect to a subsequent tax lien.

a-4. In addition to any sale authorized pursuant to subdivision a, a-1, a-2 or a-3 of this section and notwithstanding any provision of this chapter to the contrary, beginning on March first, two thousand eleven, the emergency repair charges component or alternative enforcement expenses and fees component, where such emergency repair charges accrued on or after January first, two thousand six and are made a lien pursuant to section 27-2144 of this code, or where such alternative

enforcement expenses and fees are made a lien pursuant to section 27-2153 of this code, of any tax lien on any class of real property, as such real property is defined in subdivision one of section eighteen hundred two of the real property tax law, may be sold by the city pursuant to this chapter, where such emergency repair charges component or alternative enforcement expenses and fees component of such tax lien, as of the date of the first publication, pursuant to subdivision a of section 11-320 of this chapter, of the notice of sale: (i) shall have remained unpaid in whole or in part for one year, and (ii) equals or exceeds the sum of one thousand dollars or, beginning on January first, two thousand twelve, in the case of any class two residential property owned by a company organized pursuant to article XI of the state private housing finance law [~~that is not a residential condominium or a residential cooperative~~], as such class of property is defined in subdivision one of section eighteen hundred two of the real property tax law, for two years, and equals or exceeds the sum of five thousand dollars; provided, however, that such emergency repair charges component or alternative enforcement expenses and fees component of such tax lien may not be sold pursuant to this subdivision on any one, two or three family residential real property in class one, except a three family residential property in class one where such property is subject to the provisions of section 27-2153 of this code and is not the primary residence of the owner. After such sale, any such emergency repair charges component or alternative enforcement expenses and fees component of such tax lien may be transferred in the manner provided by this chapter.

a-5. In addition to any sale authorized pursuant to subdivision a, a-1, a-2 or a-3 of this section and notwithstanding any provision of this chapter to the contrary, beginning on March first, two thousand eleven, a subsequent tax lien on any class of real property, or beginning on January first, two thousand twelve in the case of any class two residential property owned by a company organized pursuant to article XI of the state private housing finance law [~~that is not a residential condominium or a residential cooperative~~], a subsequent tax lien on such property, may be sold by the city pursuant to this chapter, regardless of the length of time such subsequent tax lien, or any component of the amount thereof, shall have remained unpaid, and regardless of the amount of such subsequent tax lien. After such sale, any such subsequent tax lien, or any component of the amount thereof, may be transferred in the manner provided by this chapter. For purposes of this subdivision, the term "subsequent tax lien" shall mean the emergency repair charges component or alternative enforcement expenses and fees component, where such emergency repair charges accrued on or after January first, two thousand six and are made a lien pursuant to section 27-2144 of this code, or where such alternative enforcement expenses and fees are made a lien pursuant to section 27-2153 of this code, of any tax lien on property that becomes such on or after the date of sale of any emergency repair charges component or alternative enforcement expenses and fees component, of any tax lien on such property that has been sold pursuant to this chapter, provided that the prior tax lien remains unpaid as of the date of the first publication, pursuant to subdivision a of section 11-320 of this chapter, of the notice of sale of the subsequent tax lien. Nothing in this subdivision shall be deemed to limit the rights conferred by section 11-332 of this chapter on the holder of a tax lien certificate with respect to a subsequent tax lien.

§ 15. Subparagraph (i) of paragraph 2 of subdivision b and subparagraph (ii) of paragraph 1 of subdivision h of section 11-320 of the

administrative code of the city of New York, subparagraph (i) of paragraph 2 of subdivision b as amended by local law number 147 of the city of New York for the year 2013 and subparagraph (ii) of paragraph 1 of subdivision h as added by local law number 15 of the city of New York for the year 2011, are amended to read as follows:

(i) Such notices shall also include, with respect to any property owner in class one**, class one-a** or class two, as such classes of property are defined in subdivision one of section eighteen hundred two of the real property tax law, an exemption eligibility checklist. The exemption eligibility checklist shall also be posted on the website of the department no later than the first business day after March fifteenth of every year prior to the date of sale, and shall continue to be posted on such website until ten days prior to the date of sale. Within ten business days of receipt of a completed exemption eligibility checklist from such property owner, provided that such receipt occurs prior to the date of sale of any tax lien or tax liens on his or her property, the department of finance shall review such checklist to determine, based on the information provided by the property owner, whether such property owner could be eligible for any exemption, credit or other benefit that would entitle them to be excluded from a tax lien sale and, if the department determines that such property owner could be eligible for any such exemption, credit or other benefit, shall mail such property owner an application for the appropriate exemption, credit or other benefit. If, within twenty business days of the date the department mailed such application, the department has not received a completed application from such property owner, the department shall mail such property owner a second application, and shall telephone the property owner, if the property owner has included his or her telephone number on the exemption eligibility checklist.

(ii) all class two residential property owned by a company organized pursuant to article XI of the state private housing finance law [~~that is not a residential condominium or a residential cooperative~~] on which any tax lien has been sold pursuant to subdivision a, a-2 or a-4 of section 11-319 of this title.

§ 16. Subdivision (a) of section 11-354 of the administrative code of the city of New York, as amended by local law number 37 of the city of New York for the year 1996, is amended to read as follows:

(a) Notwithstanding any other provision of law and notwithstanding any omission to hold a tax lien sale, whenever any tax, assessment, sewer rent, sewer surcharge, water rent, any charge that is made a lien subject to the provisions of this chapter or chapter four of this title, or interest and penalties thereon, has been due and unpaid for a period of at least one year from the date on which the tax, assessment or other legal charge represented thereby became a lien, or in the case of any class one property or any class [~~two~~] **one-a** property [~~that is a residential condominium or residential cooperative~~], as such classes of property are defined in subdivision one of section eighteen hundred two of the real property tax law, or in the case of a multiple dwelling owned by a company organized pursuant to article XI of the private housing finance law with the consent and approval of the department of housing preservation and development, for a period of at least three years from the date on which the tax, assessment or other legal charge became a lien, the city, as owner of a tax lien, may maintain an action in the supreme court to foreclose such lien. Such action shall be governed by the procedures set forth in section 11-335 of this chapter; provided, however, that such parcel shall only be sold to the highest responsible

bidder. Such purchaser shall be deemed qualified as a responsible bidder pursuant to such criteria as are established in rules promulgated by the commissioner of finance after consultation with the commissioner of housing preservation and development.

§ 17. The opening paragraph of subdivision 4 of section 11-401 of the administrative code of the city of New York, as added by local law number 37 of the city of New York for the year 1996, is amended to read as follows:

"Distressed property." Any parcel of class one**, class one-a** or class two real property that is subject to a tax lien or liens with a lien or liens to value ratio, as determined by the commissioner of finance, equal to or greater than fifteen percent and that meets one of the following two criteria:

§ 18. Subdivisions a and b of section 11-401.1 of the administrative code of the city of New York, as added by local law number 37 of the city of New York for the year 1996, are amended to read as follows:

a. The commissioner of finance shall, not less than sixty days preceding the date of the sale of a tax lien or tax liens, submit to the commissioner of housing preservation and development a description by block and lot, or by such other identification as the commissioner of finance may deem appropriate, of any parcel of class one**, class one-a** or class two real property on which there is a tax lien that may be foreclosed by the city. The commissioner of housing preservation and development shall determine, and direct the commissioner of finance, not less than ten days preceding the date of the sale of a tax lien or tax liens, whether any such parcel is a distressed property as defined in subdivision four of section 11-401 of this chapter. Any tax lien on a parcel so determined to be a distressed property shall not be included in such sale. In connection with a subsequent sale of a tax lien or tax liens, the commissioner of finance may, not less than sixty days preceding the date of the sale, resubmit to the commissioner of housing preservation and development a description by block and lot, or by such other identification as the commissioner of finance may deem appropriate, of any parcel of class one**, class one-a** or class two real property that was previously determined to be a distressed property pursuant to this paragraph and on which there is a tax lien that may be included in such sale. The commissioner of housing preservation and development shall determine, and direct the commissioner of finance, not less than ten days preceding the date of the sale, whether such parcel remains a distressed property. If the commissioner of housing preservation and development determines that the parcel is not a distressed property, then the tax lien on the parcel may be included in the sale.

b. The commissioner of housing preservation and development may periodically review whether a parcel of class one**, class one-a** or class two real property that is subject to subdivision c of this section or subdivision j of section 11-412.1 of this chapter remains a distressed property. If the commissioner determines that the parcel is not a distressed property as defined in subdivision four of section 11-401 of this chapter, then the parcel shall not be subject to such subdivisions.

§ 19. Subdivision b of section 11-404 of the administrative code of the city of New York, as amended by local law number 37 of the city of New York for the year 1996, is amended to read as follows:

b. A tax lien on any class one property or any class [~~two~~] **one-a** property [~~that is a residential condominium or residential cooperative~~], as such classes of property are defined in subdivision one of section eighteen hundred two of the real property tax law, and on any multiple

dwelling owned by a company organized pursuant to article XI of the private housing finance law with the consent and approval of the department of housing preservation and development, shall not be foreclosed in the manner provided in this chapter until such tax lien has been due and unpaid for a period of at least three years from the date on which the tax, assessment or other legal charge represented thereby became a lien.

§ 20. Paragraph 5 of subdivision c of section 11-405 of the administrative code of the city of New York, as added by local law number 37 of the city of New York for the year 1996, is amended to read as follows:

(5) Notwithstanding paragraph one, two or three of this subdivision, with respect to installment agreements duly made, executed and filed on or after the date on which this paragraph takes effect, the commissioner of finance may also exclude or thereafter remove from such list any parcel of class one**, class one-a** or class two real property, other than a parcel described in paragraph four of this subdivision, as to which an agreement has been duly made, executed and filed with such commissioner for the payment of the delinquent taxes, assessments or other legal charges, and the interest and penalties thereon, in installments. The first installment thereof shall be paid upon the filing of the installment agreement with the commissioner and shall be in an amount equal to not less than fifteen percent of the total amount of such delinquent taxes, assessments or other legal charges and the interest and penalties thereon. The remaining installments, which shall be twice the number of unpaid quarters of real estate taxes or the equivalent thereof, but which shall in no event exceed thirty-two in number, shall be payable quarterly on the first days of July, October, January and April. For the purposes of calculating the number of such remaining installments, unpaid real estate taxes that are due and payable on other than a quarterly basis shall be deemed to be payable on a quarterly basis.

§ 21. Section 581 of the real property tax law is REPEALED.

§ 22. Subdivision 1 of section 339-y of the real property law, as amended by chapter 218 of the laws of 1986, subparagraph (ii) of paragraph (d) as amended by chapter 223 of the laws of 1989, paragraph (e) as added by chapter 135 of the laws of 1996 and paragraph (f) as added by chapter 293 of the laws of 1997, is amended to read as follows:

1. (a) With respect to all property submitted to the provisions of this article other than property which is the subject of a qualified leasehold condominium, each unit and its common interest, not including any personal property, shall be deemed to be a parcel and shall be subject to separate assessment and taxation by each assessing unit, school district, special district, county or other taxing unit, for all types of taxes authorized by law including but not limited to special ad valorem levies and special assessments, except that the foregoing shall not apply to a unit held under lease or sublease unless the declaration requires the unit owner to pay all taxes attributable to his unit. Neither the building, the property nor any of the common elements shall be deemed to be a parcel.

(b) [~~**In no event shall the aggregate of the assessment of the units plus their common interests exceed the total valuation of the property were the property assessed as a parcel.**~~

~~**(c)**~~] For the purposes of this and the next succeeding section the terms "assessing unit", "assessment", "parcel", "special ad valorem levy", "special assessment", "special district", "taxation" and "taxes" shall have the meanings specified in section one hundred two of the real property tax law.

[~~(d) The provisions of paragraph (b) of this subdivision shall not apply to such real property classified within:~~

~~(i) on and after January first, nineteen hundred eighty-six, class one of section one thousand eight hundred two of the real property tax law; or~~

~~(ii) on and after January first, nineteen hundred eighty-four, the homestead class of an approved assessing unit which has adopted the provisions of section one thousand nine hundred three of the real property tax law, or the homestead class of the portion outside an approved assessing unit of an eligible split school district which has adopted the provisions of section nineteen hundred three-a of the real property tax law; provided, however, that, in an approved assessing unit which adopted the provisions of section one thousand nine hundred three of the real property tax law prior to the effective date of this subdivision, paragraph (b) of this subdivision shall apply to all such real property (i) which is classified within the homestead class pursuant to paragraph one of subdivision (e) of section one thousand nine hundred one of the real property tax law and (ii) which, regardless of classification, was on the assessment roll prior to the effective date of this subdivision unless the governing body of such approved assessing unit provides by local law adopted after a public hearing, prior to the taxable status date of such assessing unit next occurring after December thirty-first, nineteen hundred eighty-three, that such paragraph (b) shall not apply to such real property to which this clause applies. Provided further, however, real property subject to the provisions of this subparagraph shall be assessed pursuant to subdivision two of section five hundred eighty-one of the real property tax law.~~

~~(e)~~] **(c)** On the first assessment roll with a taxable status date on or after the effective date of a declaration filed with the recording officer and on every assessment roll thereafter, the assessor shall enter each unit as a parcel, as provided in paragraph (a) of this subdivision, based upon the condition and ownership of each such unit on the appropriate valuation and taxable status dates. Units owned by a developer may be entered as a single parcel with a parcel description corresponding to the entire development, including the land under such development, and excluding those units appearing separately. Upon the first assessment roll where each unit is separately assessed, only an individual unit and its common interest shall constitute a parcel.

[~~(f) The provisions of paragraph (b) of this subdivision shall not apply to a converted condominium unit in a municipal corporation other than a special assessing unit, which has adopted, prior to the taxable status date of the assessment roll upon which its taxes will be levied, a local law or, for a school district, a resolution providing that the provisions of paragraph (b) of this subdivision shall not apply to a converted condominium unit within that municipal corporation. A converted condominium unit for purposes of this paragraph shall mean a dwelling unit held in condominium form of ownership that has previously been on an assessment roll as a dwelling unit in other than condominium form of ownership, and has not been previously subject to the provisions of paragraph (b) of this subdivision.~~]

§ 23. This act shall take effect on the first of January next succeeding the date on which it shall have become a law and shall apply to assessment rolls prepared pursuant to a taxable status date occurring on or after such date; provided, however, that effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary

for the implementation of this act on its effective date are authorized and directed to be made and completed on or before such effective date.

PART JJ

Section 1. Paragraph (a) of subdivision 3 of section 467 of the real property tax law, as amended by chapter 259 of the laws of 2009, is amended to read as follows:

(a) if the income of the owner or the combined income of the owners of the property for the income tax year immediately preceding the date of making application for exemption exceeds the sum of three thousand dollars, or such other sum not less than three thousand dollars nor more than twenty-six thousand dollars beginning July first, two thousand six, twenty-seven thousand dollars beginning July first, two thousand seven, twenty-eight thousand dollars beginning July first, two thousand eight, [~~and~~] twenty-nine thousand dollars beginning July first, two thousand nine**, and fifty thousand dollars beginning July first, two thousand seventeen**, as may be provided by the local law, ordinance or resolution adopted pursuant to this section. Income tax year shall mean the twelve month period for which the owner or owners filed a federal personal income tax return, or if no such return is filed, the calendar year. Where title is vested in either the husband or the wife, their combined income may not exceed such sum, except where the husband or wife, or ex-husband or ex-wife is absent from the property as provided in subparagraph (ii) of paragraph (d) of this subdivision, then only the income of the spouse or ex-spouse residing on the property shall be considered and may not exceed such sum. Such income shall include social security and retirement benefits, interest, dividends, total gain from the sale or exchange of a capital asset which may be offset by a loss from the sale or exchange of a capital asset in the same income tax year, net rental income, salary or earnings, and net income from self-employment, but shall not include a return of capital, gifts, inheritances, payments made to individuals because of their status as victims of Nazi persecution, as defined in P.L. 103-286 or monies earned through employment in the federal foster grandparent program and any such income shall be offset by all medical and prescription drug expenses actually paid which were not reimbursed or paid for by insurance, if the governing board of a municipality, after a public hearing, adopts a local law, ordinance or resolution providing therefor. Furthermore, such income shall not include the proceeds of a reverse mortgage, as authorized by section six-h of the banking law, and sections two hundred eighty and two hundred eighty-a of the real property law; provided, however, that monies used to repay a reverse mortgage may not be deducted from income, and provided additionally that any interest or dividends realized from the investment of reverse mortgage proceeds shall be considered income. The provisions of this paragraph notwithstanding, such income shall not include veterans disability compensation, as defined in Title 38 of the United States Code provided the governing board of such municipality, after public hearing, adopts a local law, ordinance or resolution providing therefor. In computing net rental income and net income from self-employment no depreciation deduction shall be allowed for the exhaustion, wear and tear of real or personal property held for the production of income;

§ 2. Paragraph (a) of subdivision 5 of section 459-c of the real property tax law, as separately amended by chapters 187 and 252 of the laws of 2006, is amended to read as follows:

(a) if the income of the owner or the combined income of the owners of the property for the income tax year immediately preceding the date of making application for exemption exceeds the sum of three thousand dollars, or such other sum not less than three thousand dollars nor more than twenty-six thousand dollars beginning July first, two thousand six, twenty-seven thousand dollars beginning July first, two thousand seven, twenty-eight thousand dollars beginning July first, two thousand eight, [~~and~~] twenty-nine thousand dollars beginning July first, two thousand nine, **and fifty thousand dollars beginning July first, two thousand seventeen,** as may be provided by the local law or resolution adopted pursuant to this section. Income tax year shall mean the twelve month period for which the owner or owners filed a federal personal income tax return, or if no such return is filed, the calendar year. Where title is vested in either the husband or the wife, their combined income may not exceed such sum, except where the husband or wife, or ex-husband or ex-wife is absent from the property due to divorce, legal separation or abandonment, then only the income of the spouse or ex-spouse residing on the property shall be considered and may not exceed such sum. Such income shall include social security and retirement benefits, interest, dividends, total gain from the sale or exchange of a capital asset which may be offset by a loss from the sale or exchange of a capital asset in the same income tax year, net rental income, salary or earnings, and net income from self-employment, but shall not include a return of capital, gifts, inheritances or monies earned through employment in the federal foster grandparent program and any such income shall be offset by all medical and prescription drug expenses actually paid which were not reimbursed or paid for by insurance, if the governing board of a municipality, after a public hearing, adopts a local law or resolution providing therefor. In computing net rental income and net income from self-employment no depreciation deduction shall be allowed for the exhaustion, wear and tear of real or personal property held for the production of income;

§ 3. This act shall take effect immediately.

PART KK

Section 1. Section 21-312 of the administrative code of the city of New York is amended by adding a new subdivision f to read as follows:

f. Establishment of new shelters. 1. Not less than forty-five days prior to the public hearing held by the mayor's office of contract services relating to the construction of a homeless shelter, the department shall provide, in not less than two forms of communication, notice of the details of the proposed shelter, including the social services operator of such shelter, the address of such shelter, the expected census of such shelter and the expected certified capacity of such shelter, to the following officials:

(i) the community board of the community in which the proposed shelter is to be located;

(ii) the city council member representing the district in which the proposed shelter is to be located;

(iii) the member of the state assembly representing the district in which the proposed shelter is to be located;

(iv) the state senator representing the district in which the proposed shelter is to be located;

(v) the member of the federal House of Representatives representing the district in which the proposed shelter is to be located; and

(vi) the borough president of the borough in which the proposed shelter is to be located.

2. Within fifteen days of receiving notice pursuant to paragraph one of this subdivision, the community board may request that the department schedule a public hearing to be held within fifteen days at a location within the community to be affected by the proposed shelter for the purpose of gaining public input thereon. Following any such public hearing, the department shall consider all such comments and, in accordance with reasonable concerns raised, modify its proposal for the establishment of a shelter.

3. The department, not less than forty-five days prior to the opening of any new shelter, shall provide notice of the address, proposed census and proposed certified capacity of such shelter to the precinct of the police department in which such shelter is located.

4. Not more than twenty days after the opening of any new shelter, the department shall establish and operate a community advisory board for the shelter to ensure ongoing collaboration with the community. Each such board shall be composed of community members, and designees of local elected officials and the community board.

§ 2. The administrative code of the city of New York is amended by adding a new section 21-317 to read as follows:

§ 21-317 Privately owned hotels providing shelter for homeless individuals. a. On a quarterly basis, the department shall issue a report on the use and proposed use of privately owned hotels for the provision of shelter for homeless individuals. Such report shall be submitted to:

1. each community board for the community in which such a hotel is located;

2. each city council member representing a district in which such a hotel is located;

3. each member of the state assembly representing a district in which such a hotel is located;

4. each state senator representing a district in which such a hotel is located;

5. each member of the federal House of Representatives representing a district in which such a hotel is located; and

6. each borough president.

b. Prior to the placement of any homeless individuals in a privately owned hotel, the department shall inspect and certify the hotel to ensure its safety and the welfare of the homeless individuals to be placed therein. Such inspection to ensure the safety and welfare of individuals shall include, but not be limited to, certification that such building has no outstanding violations. The department shall establish and maintain a list of hotels that have been certified as suitable for placement of homeless individuals with children which shall be made available to the public in accordance with chapter forty-eight of the city charter.

c. In the event that any additional hotel units are required to be utilized to meet a projected need for shelter, the department shall provide notice thereof, not less than one week prior to the utilization of such units, to the appropriate public officials and body listed in subdivision a of this section. Furthermore, the department shall cause an inspection to be made of such units, pursuant to subdivision b of this section, at least one week prior to the utilization thereof.

d. Whenever the department utilizes hotel units on a temporary basis for the housing of homeless persons, it shall provide not less than one week notice thereof to the public officials and body listed in subdivi-

sion a of this section, and to the precinct of the police department in which such units are located.

e. In the event the department utilizes twenty-five or more units within any single hotel, or utilizes any hotel unit for more than fifteen consecutive days, it shall provide notice thereof to the public officials and body listed in subdivision a of this section.

f. Within fifteen days of receiving any notice pursuant to subdivision c, d or e of this section, the appropriate community board may schedule to hold a public hearing within fifteen days within the community affected by the hotel for the purpose of gaining public input thereon, which shall be forwarded to the department.

§ 3. Emergency shelter for individuals in privately owned hotels. In the event need for shelter exceeds the inventory of hotels currently eligible for placement pursuant to section 21-317 of the administrative code of the city of New York, as added by section two of this act, due to inclement weather, as defined in section 304.1(a) of title 18 of the New York state codes, rules and regulations, the department of homeless services of the city of New York shall have the authority to temporarily place individuals in hotels and conduct notification of community officials in the same manner as provided in such section of the administrative code of the city of New York, within 48 hours of the placements.

§ 4. This act shall take effect on the thirtieth day after it shall have become a law.

PART LL

Section 1. The public housing law is amended by adding a new section 402-d to read as follows:

§ 402-d. New York city council oversight. The New York city council as established in section twenty-one of the New York city charter is empowered to mandate that the New York city housing authority produce reports about any facets of its operations or the condition of the projects under its management, including any project based section eight voucher developments in which the authority has an ownership stake, through the passage of a local law. Such a law shall determine which information is to be included in the report, the deadline for the production of the report, whether the reporting mandate applies once or is recurring, and which local authorities shall receive copies. A copy of any such reports must be provided to the commissioner and shall be considered an agency document for the purposes of article six of the public officers law.

§ 2. Subdivision a of section 29 of the New York city charter, as added by a vote of the people of the city of New York at the general election held in November 1989, is amended to read as follows:

a. The council, acting as a committee of the whole, and each standing or special committee of the council, through hearings or otherwise:

1. [~~may~~] May investigate any matters within its jurisdiction relating to the property, affairs, or government of the city or of any county within the city, or to any other powers of the council, or to the effectuation of the purposes or provisions of this charter or any laws relating to the city or to any county within the city.

2. [~~shall~~] Shall review on a regular and continuous basis the activities of the agencies of the city, including their service goals and performance and management efficiency. Each unit of appropriation in the adopted budget of the city shall be assigned to a standing committee. Each standing committee of the council shall hold at least one

hearing each year relating to the activities of each of the agencies under its jurisdiction.

3. Shall review on a regular and continuous basis the activities of the New York city housing authority, including the service goals, performance and management efficiency of such authority. Such authority shall be assigned to a standing committee. Such standing committee of the council shall hold at least one hearing each year relating to the activities of the New York city housing authority.

§ 3. This act shall take effect on the thirtieth day after it shall have become a law.

PART MM

Section 1. The administrative code of the city of New York is amended by adding a new section 25-114 to read as follows:

§ 25-114 New York city housing authority repair certificate program. a. The city planning commission shall establish the New York city housing authority repair certificate program, in cooperation with the New York city housing authority. Under such program, the city planning commission shall grant amendments to zoning resolutions which increase the allowable development in areas covered by a New York city housing authority repair certificate issued pursuant to section four hundred two-d of the public housing law.

b. The city planning commission shall for each application for an amendment of a zoning resolution, establish the per foot value of any New York city housing authority repair certificate issued in the areas covered by such amendment and the maximum allowed foot area ratio that may be granted to the holder of such certificate in the newly zoned area. Such per foot value shall be updated annually based upon increases in the consumer price index for housing costs in the New York city metropolitan area.

c. A developer who seeks to obtain an increased foot area ratio in a newly zoned area, by means of being the holder of a New York city housing authority repair certificate, shall submit an application therefor to the city planning commission. Such commission shall within seven days of receiving an application pursuant to this subdivision, forward it to the New York city housing authority, along with the per foot value to be granted if the applicant receives a repair certificate from such authority.

d. Upon certification by the New York city housing authority that a developer has been awarded a repair certificate, the city planning commission shall approve such developer's application submitted pursuant to this section.

e. The transfer of a certificate must be registered with the city planning commission within seven days of the transfer.

§ 2. The public housing law is amended by adding a new section 402-d to read as follows:

§ 402-d. Issuance of repair certificate. 1. The New York city housing authority, in consultation with the New York city planning commission, shall establish procedures and guidelines for the awarding of repair certificates by such authority to developers which perform capital repairs to a project operated by the authority. No such certificate shall be awarded based upon the performance of any work which would constitute regular maintenance upon any project operated by such authority. The procedures and guidelines established pursuant to this subdivi-

sion shall provide maximum allowable costs for various kinds and types of capital repair projects.

2. There shall be established, within the New York city housing authority, an office of repair certification. Such office shall administer the repair certificate program. The office shall establish lists of repair projects, to authority facilities, which shall be eligible for the repair certificate program, the estimated value of each such repair project, and the priority of each repair project based upon its urgency and/or importance.

3. The office of repair certification shall receive each application forwarded to the New York city housing authority pursuant to subdivision c of section 25-114 of the administrative code of the city of New York. Within ten days of receiving an application, the office shall contact the applicant and provide it with a list of eligible repair projects equal in value to the benefit to be provided to such applicant by the city planning commission. Such list shall, to the extent practicable, include only those eligible repair projects within the same neighborhood included in the area to which the requested amendment to the zoning resolution relates, regardless of the importance or urgency of the repair project. Provided, however, if no such eligible repair projects exist in the neighborhood, then the projects shall be listed in order of priority.

4. Upon receipt of a list from the office, an applicant must reply within thirty days. If the applicant fails to do so, its application shall be terminated. Such reply to the office shall include designation of the project or projects the applicant desires to complete, the applicant's estimate of the cost of completing the repair project, and a timeline for the completion of the project.

5. The office of repair certification shall, within fourteen days of receiving an applicant's reply, review the costs and project plan submitted, and either approve or disapprove such reply. If an applicant's submission is disapproved, it shall have fifteen days to resubmit a new project plan and estimate of costs for review by the office. Upon a second submission, the office shall again make a determination within fourteen days, and, if the plan is disapproved, the office shall provide the applicant with a written explanation therefor.

6. For any repair project plan that is approved by the office of repair certification where the applicant's estimated cost thereof exceeds the value of the project established by the office, such office shall provide notice to the city planning commission that the zoning valuation of the zoning amendment must be adjusted within seven days.

7. Upon completion of the agreed upon repair project or projects by the applicant, the office shall award the applicant a certificate of completion and provide a copy thereof to the city planning commission within fourteen days of certifying the completion of the project.

§ 3. This act shall take effect on the one hundred eightieth day after it shall have become a law; provided, however, that effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized and directed to be made and completed on or before such effective date.

PART NN

Section 1. Paragraph (e) of subdivision 3 of section 402-b of the public housing law, as added by chapter 3 of the laws of 2010, is amended to read as follows:

(e) All prospective public housing and Section 8 tenants shall be selected from a waiting list which shall be maintained by the New York city housing authority in compliance with the federal public housing and Section 8 laws and all applicable rules and regulations. The New York city housing authority and each respective project owner shall screen tenants and jointly have final approval over tenant selection all in accordance with aforementioned laws, rules and regulations. All prospective public housing tenants shall be taken from the waiting list in the order in which they applied for the size appropriate unit, subject however to preferences and priorities provided for in [~~the public housing law~~] this chapter and all applicable rules and regulations; provided, however that, any priority or preference offered to applicants based on their residence in a city owned, operated or contracted homeless shelter must also be offered equitably and evenly to applicants residing in a city owned, operated or contracted domestic violence shelter or in a domestic violence shelter licensed by the office of children and family services.

§ 2. This act shall take effect immediately.

PART OO

Section 1. Subparagraph 1 of paragraph b of subdivision 1 of section 156 of the public housing law, as amended by chapter 179 of the laws of 2006, is amended to read as follows:

(1) have served in the armed forces of the United States for a period of at least six months (or any shorter period which terminated due to death or injury incurred in such service), provided some portion of the period of service was between the twenty-eighth day of February, nineteen hundred sixty-one to the seventh day of May, nineteen hundred seventy-five, or between the fourteenth day of September, two thousand one to the thirty-first day of December, two thousand eighteen, and

§ 2. Section 156 of the public housing law is amended by adding a new subdivision 8 to read as follows:

8. An authority shall grant a preference in the selection of tenants to veterans or families of veterans who have a military service connected disability provided that such veterans or families of veterans otherwise qualify for occupancy in such an authority's projects and provided further that such authority has complied with the provisions of section 960.206 of title 24 of the code of federal regulations relating to such preferences.

§ 3. This act shall take effect on the one hundred twentieth day after it shall have become a law.

PART PP

Section 1. Subdivision 4 of section 933 of the labor law, as amended by chapter 90 of the laws of 2015, is amended to read as follows:

4. a federal, state or local governmental unit or public authority and employees thereof that perform mold assessment, remediation, or abatement on any property owned, managed or remediated by such governmental unit or authority; provided, however, that the exemption under this subdivision shall not apply to the New York city housing authority.

§ 2. This act shall take effect immediately.

PART QQ

Section 1. The public housing law is amended by adding a new section 402-d to read as follows:

§ 402-d. Independent monitor. 1. There shall be established within the division of housing and community renewal, an office of independent monitor for the New York city housing authority. The head of such office shall be the New York city housing authority independent monitor, who shall be appointed by the governor, with the advice and consent of the senate for a term of three years; provided, however, that an independent monitor may be removed, by the governor, prior to the expiration of his or her term, after an opportunity to be heard, for substantial neglect of duty, gross misconduct in office, or inability to carry out the duties of such office. Any vacancy in the office of New York city housing authority independent monitor prior to the expiration of his or her term shall be filled in the same manner as provided for the original appointment for the remainder of such unexpired term. Upon the expiration of the term of any independent monitor, his or her successor shall be appointed for a term of four years.

2. The New York city housing authority independent monitor shall employ and may remove such personnel as he or she may deem necessary for the performance of the duties of the office of independent monitor for the New York city housing authority pursuant to this section, and fix their compensation within the amounts made available therefor.

3. (a) Such independent monitor, or any officer or employee of the office of independent monitor for the New York city housing authority as shall be designated by him or her, shall have the authority to, and may, in his or her sole discretion, require review and oversight, in whole or in part, of any project, and make recommendations regarding required corrective or other action to the New York city housing authority in connection with such project.

(b) For the purposes of this section, the term "project" shall mean any work associated with the planning, acquisition, design, engineering, environmental analysis, construction, reconstruction, restoration, rehabilitation, establishment, improvement, renovation, extension, repair, revitalization, management and development of a capital asset as defined in section two of the state finance law.

(c) The New York city housing authority upon undertaking such project shall fully cooperate with any determination of the New York city housing authority independent monitor, and provide access to all personnel, books, records, plans, specifications, data and other information as may be necessary for such independent monitor to perform his or her duties.

(d) In the event the New York city housing authority independent monitor determines that corrective or other action is necessary for such a project, then the independent monitor shall have the authority to direct that the New York city housing authority shall implement all corrective or other action as shall be required to accomplish the project, to the extent practicable, on time, within budget and at an acceptable overall cost to such authority. Such corrective or other action shall include, but not be limited to:

(i) Modification of such plans, specifications, designs and estimates of costs for the construction of the project and equipment of facilities;

(ii) Detailed analysis of the project schedule;

(iii) Detailed analysis of project budget;

(iv) Detailed analysis of change orders and/or payments to prime contractors, subcontractors and other parties;

(v) Detailed analysis of records of construction observations, inspections and deficiencies;

(vi) Termination of contracts, contractors, subcontractors or other consultants;

(vii) Procurement of independent auditors, project managers, legal counsel, or other professionals for the benefit of the project;

(viii) Regular reporting of project status and milestones to the public;

(ix) Active project management review and oversight utilizing additional resources provided by the New York city housing authority independent monitor; and

(x) Periodic project review and audit by the New York city housing authority independent monitor on a suitable time interval determined by such monitor.

(e) The New York city housing authority upon proposing a public works project having a total or aggregate construction value in excess of one million dollars shall include a summary of the provisions of this subdivision in all such proposal and/or bid documents for such projects.

(f) All contract documents shall expressly incorporate the provisions of this section and include compliance with the provisions hereof as a condition of performance.

4. The independent monitor shall, on or before February first each year, submit to the governor, each conference of the legislature, the authority, and the mayor and the city council of the city of New York, a report on his or her activities pursuant to this section during the previous calendar year, including any corrective actions that were required to be taken, and shall also report upon the status of all projects under taken by the New York city housing authority and whether such projects are progressing on schedule and within budget.

§ 2. This act shall take effect immediately.

PART RR

Section 1. Section 473 of the social services law is amended by adding a new subdivision 9 to read as follows:

9. (a) As used in this subdivision:

(i) "Covered banking institution" means any state or federally chartered banking organization, but shall not include private bankers, safe deposit companies or investment companies.

(ii) "Vulnerable adult" means an individual who because of mental and/or physical impairment, is unable to manage his or her own resources, or protect himself or herself from financial exploitation.

(b) If a covered banking institution, social services official or law enforcement agency reasonably believes that financial exploitation of a vulnerable adult has occurred or may occur, the covered banking institution may, but shall not be required to, refuse any transaction requiring the disbursal of moneys in the account of:

(i) a vulnerable adult;

(ii) which a vulnerable adult is a beneficiary, including trust and guardianship accounts; and

(iii) a person who is suspected of engaging in the financial exploitation of a vulnerable adult.

(c) A covered banking institution may also refuse to disburse moneys pursuant to this subdivision if a social services official or law

enforcement agency provides information to such institution demonstrating that it is reasonable to believe that financial exploitation of a vulnerable adult has occurred or may occur.

(d) A covered banking institution shall not be required to refuse to disburse funds pursuant to this section. Such a refusal shall be in the covered banking institution's discretion, based on the information available to such institution.

(e) Any covered banking institution which refuses to disburse moneys pursuant to this subdivision shall:

(i) make a reasonable effort to provide notice, orally or in writing, to all parties authorized to transact business on the account from which disbursement was refused; and

(ii) report the incident to the social services official responsible for administering adult protective services pursuant to this article.

(f) The refusal to disburse moneys pursuant to this subdivision shall terminate upon the earlier of:

(i) the time at which the covered banking institution is satisfied that the disbursement will not result in the financial exploitation of a vulnerable adult; or

(ii) the issuance of an order by a court of competent jurisdiction, directing the disbursal of the moneys.

(g) A covered banking institution may provide access to or copies of records relevant to suspected financial exploitation of a vulnerable adult to law enforcement agencies and social services officials responsible for administering the provisions of this article. Such records may include relevant historical records and recent transactions relating to suspected financial exploitation.

(h) A covered banking institution or an employee of such an institution shall be immune from criminal, civil or administrative liability for refusing to disburse moneys or disbursing moneys pursuant to this subdivision, and for actions taken in furtherance of that determination, including the making of a report or the providing of access to or copies of relevant records to a social services official or law enforcement agency, if such determinations and actions were made in good faith and in accordance with the provisions of this subdivision.

§ 2. The banking law is amended by adding a new article 2-BB to read as follows:

ARTICLE 2-BB

PROTECTION OF VULNERABLE ADULTS

Section 80-a. Definitions.

80-b. Refusal of a banking transaction.

80-c. Covered banking institution discretion to refuse to disburse funds.

80-d. Notice and reporting.

80-e. Termination of refusal of a banking transaction.

80-f. Production of records.

80-g. Qualified immunity.

80-h. Training and education.

§ 80-a. Definitions. Pursuant to this article:

1. The term "covered banking institution" means any state or federally chartered banking organization, but shall not include private bankers, safe deposit companies or investment companies.

2. The term "vulnerable adult" means an individual who because of mental and/or physical impairment, is unable to manage his or her own resources, or protect himself or herself from financial exploitation.

§ 80-b. Refusal of a banking transaction. 1. If a covered banking institution, social services official or law enforcement agency reasonably believes that financial exploitation of a vulnerable adult has occurred or may occur, the covered banking institution may, but shall not be required to, refuse any transaction requiring the disbursal of moneys in the account of:

(a) a vulnerable adult;

(b) which a vulnerable adult is a beneficiary, including trust and guardianship accounts; and

(c) a person who is suspected of engaging in the financial exploitation of a vulnerable adult.

2. A covered banking institution may also refuse to disburse moneys pursuant to this article if a social services official or law enforcement agency provides information to such institution demonstrating that it is reasonable to believe that financial exploitation of a vulnerable adult has occurred or may occur.

§ 80-c. Covered banking institution discretion to refuse to disburse funds. A covered banking institution shall not be required to refuse to disburse funds pursuant to this article. Such a refusal shall be in the covered banking institution's discretion, based on the information available to such institution.

§ 80-d. Notice and reporting. Any covered banking institution which refuses to disburse moneys pursuant to this article shall:

1. Make a reasonable effort to provide notice, orally or in writing, to all parties authorized to transact business on the account from which disbursement was refused; and

2. Report the incident to the social services official responsible for administering adult protective services pursuant to this article.

§ 80-e. Termination of refusal of a banking transaction. The refusal to disburse moneys pursuant to this article shall terminate upon the earlier of:

1. The time at which the covered banking institution is satisfied that the disbursement will not result in the financial exploitation of a vulnerable adult; or

2. The issuance of an order by a court of competent jurisdiction, directing the disbursal of the moneys.

§ 80-f. Production of records. A covered banking institution may provide access to or copies of records relevant to suspected financial exploitation of a vulnerable adult to law enforcement agencies and social services officials responsible for administering the provisions of this article and/or subdivision nine of section four hundred seventy-three of the social services law. Such records may include relevant historical records and recent transactions relating to suspected financial exploitation.

§ 80-g. Qualified immunity. A covered banking institution or an employee of such an institution shall be immune from criminal, civil or administrative liability for refusing to disburse moneys or disbursing moneys pursuant to this article and/or subdivision nine of section four hundred seventy-three of the social services law, and for actions taken in furtherance of that determination, including the making of a report or the providing of access to or copies of relevant records to a social services official or law enforcement agency, if such determinations and actions were made in good faith and in accordance with this article and/or subdivision nine of section four hundred seventy-three of the social services law.

§ 80-h. Training and education. 1. The superintendent, in consultation with the director of the office for the aging, the director of the bureau of adult protective services within the office of children and family services, and the director of the office of victim services shall develop a financial exploitation training and education program for covered banking institutions.

2. Participation in the financial exploitation training and education program shall be completely voluntary by the covered banking institution, and the superintendent shall not require, by regulation or otherwise, that any director, officer, employee or any other person affiliated with a covered banking institution participate in or attend such training and education program.

3. In developing the financial exploitation training and education program for covered banking institutions, the superintendent shall consult with and shall include instructors from organizations that provide services to vulnerable adults and may have experience in identifying financial exploitation.

4. It shall be the purpose of the financial exploitation training and education program to provide information, training and education on how to identify, help prevent and report the financial exploitation of a vulnerable adult.

5. The superintendent shall make the materials and instruction of the financial exploitation training and education program available to all covered banking institutions across the state at no cost, and shall further make such available via both live instruction platforms as well as through on-line instructional presentations accessible through the websites of the department, the office for the aging, the office of children and family services and the office of victim services.

§ 3. This act shall take effect on the one hundred eightieth day after it shall have become a law.

PART SS

Section 1. The office of children and family services shall examine, evaluate and make recommendations concerning the availability of day care for children in the state. Such office shall pay particular attention to the impact of the lack of necessary child day care upon the ability of women in poverty and those in working families to enter the labor force. The office of children and family services shall direct its attention to:

(a) establishing an inventory of child day care for working families and those at or near poverty;

(b) geographically identifying child day care shortage areas on a regional basis and projections of the future demand for child day care based on the regional birth rates, employment and population growth rates;

(c) comparing on a statewide and regional basis, the demand for child day care services over the succeeding five years, including whether the projected growth rate in the child day care industry will be sufficient to meet such future needs;

(d) assessing the cost to parents and guardians of day care for children on a regional basis, including the availability of government funds for parents and guardians toward child care costs;

(e) identifying nontraditional child care needs within the state and regionally for parents who work other than a 9:00 A.M. to 5:00 P.M. shift or part-time, including those who work night shifts or swing

shifts, and those parents who require early drop off and/or late pick up services from their child care provider.

Such information shall include, but not be limited to:

(1) an assessment of the demand for night shift child care subsidies statewide;

(2) an assessment of the costs and economic ramifications of subsidies for night shift workers in counties that currently offer such subsidies;

(3) an assessment of the effects on the availability of all child care subsidy slots in counties that currently offer such night shift subsidies and whether such subsidies have reduced the overall amount of child care slots in these counties;

(4) an assessment of how many families currently receive these subsidies in counties that currently offer such night shift subsidies;

(5) an analysis of any possible additional costs related to a requirement that subsidies for night shift workers be available statewide; and

(6) an analysis of the statewide and local ramifications of such requirements;

(f) identifying policies that would encourage the establishment and operation of more child day care center providers and increasing the capacity of existing child day care providers;

(g) identifying policies that would encourage and facilitate expansion of quality child day care services by neighbors and in communities where the working poor live and/or work; and

(h) identifying and quantifying those factors that contribute to quality child day care, are used to identify child day care providers who are committing violations, how such violations are addressed or prevented, and procedures for establishing quality child day care in those communities with the greatest needs.

§ 2. The office of children and family services may request and shall receive any available information from state agencies that is relevant and material to the study required by section one of this act.

§ 3. Within twelve months of the effective date of this act, the commissioner of children and family services shall submit a report, to the governor, the temporary president of the senate, the speaker of the assembly, the minority leader of the senate and the minority leader of the assembly, on the office's findings, conclusions and recommendations, and shall submit therewith such legislative proposals as the office of children and family services shall deem necessary to implement its recommendations. In addition, such office shall make such report available to the public and post it on the internet website operated by the office.

§ 4. This act shall take effect immediately, and shall expire and be deemed repealed one year after it shall take effect.

PART TT

Section 1. Paragraph (d) of subdivision 3 of section 390 of the social services law, as amended by chapter 416 of the laws of 2000, is amended to read as follows:

(d) **(i)** Where investigation or inspection reveals that a child day care provider which must be licensed [~~or~~], registered **or permitted** is not **duly licensed, registered or permitted**, the office of children and family services**, or for programs referenced in subdivision thirteen of this section, the local governmental entity referenced in such subdivision,** shall [~~advise the child day care provider~~] **provide notice,** in writing**, to the child day care provider indicating** that the provider is

in violation of the licensing [~~or~~], registration or permitting requirements and shall take such further action as is necessary to cause the provider to comply with the law, including directing an unlicensed [~~or~~], unregistered or unpermitted provider to cease operation [~~In addition, the office of children and family services shall~~] immediately.

(ii) The notice to the provider required by subparagraph (i) of this paragraph shall advise parents and caregivers that the program is closed for failure to comply with the applicable licensing, registration or permitting requirements, as applicable, and shall be immediately posted on the front door of the provider's premises in a prominent location and on the provider's website, if one exists.

(iii) The office of children and family services, or for programs referenced in subdivision thirteen of this section, the local governmental entity referenced in such subdivision, shall also require the provider to notify the parents or guardians of children receiving care from the provider in writing that the provider is in violation of the licensing [~~or~~], registration or permitting requirements and shall require the provider to [~~notify~~] confirm in writing with the office of children and family services or the local governmental entity referenced in subdivision thirteen of this section, as applicable, that the provider has done so.

(iv) Any provider who is directed to cease operations pursuant to this paragraph shall be entitled to a hearing before the office of children and family services, or for programs referenced in subdivision thirteen of this section, the local governmental entity referenced in such subdivision. If the provider requests a hearing to contest the directive to cease operations, such hearing must be scheduled to commence as soon as possible but in no event later than thirty days after the receipt of the request [~~by the office of children and family services~~]. The provider may not operate the center, home or program after being directed to cease operations, regardless of whether a hearing is requested.

(v) If the provider does not cease operations, the office of children and family services may impose a civil penalty pursuant to subdivision eleven of this section, seek an injunction pursuant to section three hundred ninety-one of this title, or both.

§ 2. Subdivision 8 of section 390 of the social services law, as added by chapter 750 of the laws of 1990, is amended to read as follows:

8. (a) The [~~department~~] office of children and family services shall establish and maintain a [~~list of all current~~] searchable registry that provides detailed information for all child day care programs registered and licensed [~~child day care programs and a list of all programs whose license or registration has been revoked, rejected, terminated, or suspended~~] by the office of children and family services and all child day care centers referenced in subdivision thirteen of this section that are permitted by the local governmental entity referenced in such subdivision. Such information shall be available to the public[~~, pursuant to procedures developed by the department~~] on the office of children and family services' website and shall be searchable by the name of the person on the license, registration or permit as well as by the name of the child day care program.

(b) (i) Such registry shall include comprehensible information about the programs listed in paragraph (a) of this subdivision that are operating or suspended and any program that has been revoked in the last six years. Such information shall include, but not necessarily be limited to, the particular program's compliance and inspection history, and whether the program's license, registration or permit has been revoked,

rejected, denied, limited or suspended and the reason or reasons therefore.

(ii) Such registry shall also contain information on programs that have been found to be operating without the required license, registration or permit in accordance with paragraph (d) of subdivision three of this section.

(c) Notwithstanding any other provision of law to the contrary, a local governmental entity referenced in subdivision thirteen of this section shall provide to the office of children and family services, in the time and manner required by the office, any information on child day care centers referenced in subdivision thirteen of this section that is needed pursuant to the requirements of this subdivision for the registry.

§ 3. Subdivision 10 of section 390 of the social services law, as amended by chapter 416 of the laws of 2000, is amended to read as follows:

10. (a) Any home or facility providing child day care shall be operated in accordance with applicable statutes and regulations. Any violation of applicable statutes or regulations shall be a basis to deny, reject, limit, suspend[~~,~~] or revoke[~~, or terminate~~] a license or registration.

(b) Consistent with articles twenty-three and twenty-three-A of the correction law, and guidelines referenced in subdivision two of section four hundred twenty-five of this article, if the office of children and family services is made aware of the existence of a criminal conviction or pending criminal charge concerning an operator of a family day care home, group family day care home, school-age child care program, or child day care center or concerning any assistant, employee or volunteer in such homes, programs or centers, or any persons age eighteen or over who reside in such homes, such conviction or charge may be a basis to deny, limit, suspend, revoke, or reject[~~, or terminate~~] a license or registration.

(c)(i) Before any license or registration issued pursuant to the provisions of this section is suspended, limited or revoked[~~, before registration pursuant to this section is suspended or terminated~~], or when an application for such license or registration is denied or [~~registration~~] rejected, the applicant for or holder of such registration or license is entitled, pursuant to section twenty-two of this chapter and the regulations of the office of children and family services, to a hearing before the office of children and family services.

(ii) However, a license or registration [~~shall~~] may be [~~temporarily~~] suspended or limited without a hearing upon written notice to the operator of the facility following a finding that suspension or limitation of the license or registration is necessary to protect the public health[~~, or an individual's safety or welfare, are in imminent danger.~~] or the health and safety of children. Provided, however, that a finding that suspension or limitation is necessary to protect the health and safety of children in accordance with this subparagraph shall only be made if the office of children and family services determines, as a result of a violation of this section or the applicable regulations of the office of children and family services, that:

(A) serious physical injury as defined in section 10.00 of the penal law or death of a child occurred;

(B) a condition occurred or exists that places a child at risk of serious physical, mental or emotional harm, or risk of death, serious or

protracted disfigurement or protracted impairment of physical or emotional health;

(C) the provider refused to provide inspection staff with access to the child day care program as is otherwise required or authorized by law during the program's hours of operation; or

(D) the provider refused to provide timely access to information regarding the program that is necessary to make determinations relating to the health and safety of children in the care of the program or that is required by state or federal law, rule or regulation if:

(1) the provider was given a reasonable period of time to produce such information; and

(2) if the information required to be provided is dependent on a third party providing such information, that the provider did not make reasonable efforts to timely obtain such information.

(iii) The holder of a license or registrant is entitled to a hearing before the office of children and family services to contest the [~~temporary~~] suspension or limitation. If the holder of a license or registrant requests a hearing to contest the [~~temporary~~] suspension or limitation, such hearing must be scheduled to commence as soon as possible but in no event later than thirty days after the receipt of the request by the office of children and family services. Suspension shall continue until the condition requiring suspension or limitation is corrected or until a hearing decision has been issued. If the office of children and family services determines after a hearing that the [~~temporary~~] suspension or limitation was proper, such suspension or limitation shall be extended until the condition requiring suspension or limitation has been corrected or until the license or registration has been revoked.

§ 4. Paragraph (a) of subdivision 11 of section 390 of the social services law, as amended by chapter 416 of the laws of 2000, is amended to read as follows:

(a) (i) The office of children and family services shall adopt regulations establishing civil penalties of no more than [~~five hundred~~] two thousand dollars per day to be assessed against child day care centers, school age child care programs, group family day care homes or family day care homes for violations of this section, sections three hundred ninety-a and three hundred ninety-b of this title and any regulations promulgated thereunder. The regulations establishing civil penalties shall specify the violations subject to penalty based on the severity of the violation. Provided, however, that such regulations shall provide that:

(A) a civil penalty of no more than one thousand dollars per day for a first time offense and no more than two thousand dollars per day for subsequent offenses may be assessed for a violation of this section or of a regulatory requirement of the office of children and family services which harms a child or places a child at risk of death, serious or protracted disfigurement, or protracted impairment of physical or emotional health;

(B) a civil penalty of no more than five hundred dollars per day for a first time offense and no more than one thousand dollars per day for subsequent offenses may be assessed for a violation of this section or of a regulatory requirement of the office of children and family services which places a child at risk of physical, mental or emotional harm; and

(C) a civil penalty of no more than two hundred dollars per day for a second offense in an eighteen month period, and no more than four hundred dollars per day for subsequent offenses may be assessed for a

violation of this section or of a regulatory requirement of the office of children and family services that is not included in clause (A) or (B) of this subparagraph.

(ii) The office of children and family services shall adopt regulations establishing civil penalties of no more than two thousand five hundred dollars per day to be assessed against child day care providers who operate child day care centers or group family day care homes without a license or who operate family day care homes, school-age child care programs, or child day care centers required to be registered without obtaining such registration.

(iii) In addition to any other civil or criminal penalty provided by law, the office of children and family services shall have the power to assess civil penalties in accordance with its regulations adopted pursuant to this subdivision after a hearing conducted in accordance with procedures established by regulations of the office of children and family services. Such procedures shall require that notice of the time and place of the hearing, together with a statement of charges of violations, shall be served in person or by certified mail addressed to the school age child care program, group family day care home, family day care home, or child day care center at least thirty days prior to the date of the hearing. The statement of charges shall set forth the existence of the violation or violations, the amount of penalty for which the program may become liable[~~,~~] and the steps which must be taken to rectify the violation, and where applicable, a statement that a penalty may be imposed regardless of rectification. A written answer to the charges of violations shall be filed with the office of children and family services not less than ten days prior to the date of hearing with respect to each of the charges and shall include all material and relevant matters which, if not disclosed in the answer, would not likely be known to the office of children and family services.

(iv) The hearing shall be held by the commissioner of the office of children and family services or the commissioner's designee. The burden of proof at such hearing shall be on the office of children and family services to show that the charges are supported by a preponderance of the evidence. The commissioner of the office of children and family services or the commissioner's designee, in his or her discretion, may allow the child day care center operator or provider to attempt to prove by a preponderance of the evidence any matter not included in the answer. Where the child day care provider satisfactorily demonstrates that it has rectified the violations in accordance with the requirements of paragraph (c) of this subdivision, no penalty shall be imposed except as provided in paragraph (c) of this subdivision.

(v) Nothing herein shall prohibit the office of children and family services from forgiving or reducing a civil penalty in the event that a violation is rectified, or as part of the enforcement or fair hearing process.

§ 5. Subparagraph (ii) of paragraph (c) of subdivision 11 of section 390 of the social services law, as amended by chapter 117 of the laws of 2010, is amended to read as follows:

(ii) [~~Clause~~] Subparagraph (i) of this paragraph notwithstanding, rectification shall not preclude the imposition of a penalty pursuant to this subdivision where:

(A) the child day care provider has operated a child day care center or group family day care home without a license, has refused to seek a license for the operation of such a center or home, or has continued to

operate such a center or home after denial of a license application, revocation of an existing license or suspension of an existing license;

(B) the child day care provider has operated a family day care home, school-age child care program or child day care center required to be registered without being registered, has refused to seek registration for the operation of such home, program or center or has continued to operate such a home, program or center after denial of a registration application, revocation of an existing registration or suspension of an existing registration;

(C) there has been a total or substantial failure of the facility's fire detection or prevention systems or emergency evacuation procedures;

(D) the child day care provider or an assistant, employee or volunteer has failed to provide adequate and competent supervision;

(E) the child day care provider or an assistant, employee or volunteer has failed to provide adequate sanitation;

(F) the child day care provider or an assistant, employee, volunteer or, for a family day care home or group family day care home, a member of the provider's household, has injured a child in care, unreasonably failed to obtain medical attention for a child in care requiring such attention, used corporal punishment against a child in care or abused or maltreated a child in care;

(G) the child day care provider has violated the same statutory or regulatory standard more than once within [~~a six~~] **an eighteen** month period;

(H) the child day care provider or an assistant, employee or volunteer has failed to make a report of suspected child abuse or maltreatment when required to do so pursuant to section four hundred thirteen of this article; [~~or~~]

(I) the child day care provider or an assistant, employee or volunteer has submitted to the office of children and family services a forged document as defined in section 170.00 of the penal law**; or**

(J) the child day care provider violated a statutory or regulatory requirement not otherwise contained in this subparagraph that resulted in harm or risk to a child in accordance with the standards contained in clauses (A) or (B) of subparagraph (i) of paragraph (a) of this subdivision.

§ 6. Paragraph (e) of subdivision 11 of section 390 of the social services law, as added by chapter 117 of the laws of 2010, is amended to read as follows:

(e)(i) The office of children and family services shall deny **or reject** a new application for licensure or registration made by a day care provider whose license or registration was previously **suspended or** revoked or [~~terminated~~] **whose renewal was denied or rejected** based on a violation of statute or regulation for a period of [~~two~~] **three** years from the date that the revocation [~~or termination~~] **or suspension** of the license or registration became finally effective[~~, unless such~~] **or the date the renewal was denied or rejected, whichever is earlier. Provided however, the application may be approved if the** office determines, in its discretion, that **such** approval [~~of the application~~] will not in any way jeopardize the health, safety or welfare of children in the center, program or home. For the purposes of this paragraph, the date that the revocation [~~or termination~~] became finally effective shall be, as applicable:

(A) the date that the revocation [~~or termination~~] became effective based on the notice of revocation [~~or termination~~];

(B) the date that the hearing decision was issued upholding the revocation [~~or termination~~];

(C) the date of issuance of a final court order affirming the revocation [~~or termination~~] or affirming a hearing decision that upheld the revocation [~~or termination~~]; or

(D) another date mutually agreed upon by the office of children and family services and the provider.

(ii)(A) Such office shall deny **or reject** a new application **or the renewal of an application** for licensure or registration made by a day care provider who is enjoined or otherwise prohibited by a court order from operation of a day care center, group family day care home, family day care home or school-age child care program without a license or registration for a period of [~~two~~] **three** years from the date of the court order unless the court order specifically enjoins the provider from providing day care for a period longer than [~~two~~] **three** years, in which case the office shall deny **or reject** any new application made by the provider while the provider is so enjoined.

(B) Such office shall deny **or reject** a new application for licensure or registration made by a day care provider who is assessed a second civil penalty by such office for having operated a day care center, group family day care home, family day care home or school-age child care program without a license or registration for a period of [~~two~~] **five** years from the date of the second fine. For the purposes of this paragraph, the date of the second fine shall be either the date upon which the day care provider signs a stipulation agreement to pay the second fine or the date upon which a hearing decision is issued affirming the determination of such office to impose the second fine, as applicable.

(iii) A day care provider who surrenders the provider's license or registration while such office is engaged in enforcement seeking suspension[~~,~~] **or** revocation [~~or termination~~] of such provider's license or registration pursuant to the regulations of such office, shall be deemed to have had their license or registration revoked [~~or terminated~~] and shall be subject to the prohibitions against licensing or registration pursuant to subparagraph (i) of this paragraph for a period of [~~two~~] **three** years from the date of surrender of the license or registration.

§ 7. Subdivision 11 of section 390 of the social services law is amended by adding a new paragraph (f) to read as follows:

(f) The office of children and family services shall deny a new application for licensure or registration or the renewal of an application for licensure or registration made by a child day care provider who operated a program referenced in subdivision thirteen of this section and whose permit was previously revoked or suspended or whose renewal was denied or rejected based on a violation of statute or regulation for a period of three years from the date that the revocation or suspension of the permit became finally effective or the date the renewal was denied or rejected. For the purposes of this paragraph, the date that the revocation or suspension became finally effective shall be based on an application of the provisions enumerated in paragraph (e) of this subdivision, as applicable.

§ 8. Section 390 of the social services law is amended by adding a new subdivision 11-a to read as follows:

11-a. When an enforcement action for suspension or revocation is commenced against a child care provider that owns multiple programs, the office of children and family services is authorized to assess the

health and safety of the children in the other programs owned by such provider within two business days.

§ 9. Subdivision 13 of section 390 of the social services law, as amended by chapter 160 of the laws of 2003, is amended to read as follows:

13. Notwithstanding any other provision of law[~~,~~] to the contrary:

(a) this section, except for this subdivision and, where applicable, paragraph [~~(a-1) of subdivision two-a~~] (d) of subdivision three, subdivision eight and paragraph (f) of subdivision eleven of this section, shall not apply to child day care centers in the city of New York[~~,~~];

(b) the applicable regulatory standard for child day care centers referenced in paragraph (a) of this subdivision shall not be less stringent than the applicable safety regulations for child day care centers contained in title eighteen of the New York codes, rules and regulations; and

(c) the office of children and family services may direct the local governmental entity that has oversight over the child day care centers referenced in paragraph (a) of this subdivision to take any action consistent with the provisions of this section when necessary to protect the public health or child health or safety in accordance with the standard detailed in subparagraph (ii) of paragraph (c) of subdivision ten of this section in relation to child day care centers referenced in paragraph (a) of this subdivision.

§ 10. Section 390-i of the social services law, as added by section 1 of part Q of chapter 56 of the laws of 2014, is amended to read as follows:

§ 390-i. Notice of inspection report, limitation, suspension or revocation. 1. In every child day care program that is licensed or registered pursuant to section three hundred ninety of this title, the child day care provider shall immediately post and maintain in a prominent place[~~, a~~] visible to parents or caregivers:

(a) A notice, to be provided by the office of children and family services, that shall state the date the most recent child care inspection occurred and provide information for parents and caregivers regarding how to obtain information from such office regarding the results of the inspection; and

(b) The provider's most recent compliance history as shown on the office of children and family services website.

2. In every child day care program that is licensed or registered pursuant to section three hundred ninety of this title and every child day care center referenced in subdivision thirteen of section three hundred ninety of this title, the child day care provider shall immediately post and maintain in a prominent place, visible to parents or caregivers, any notice issued to the provider of the suspension, revocation or limitation of the program. A notice of suspension or limitation must remain posted for a period of at least thirty days and at least until such time as the condition requiring suspension or limitation has been deemed corrected by the office of children and family services or the local governmental entity referenced in subdivision thirteen of section three hundred ninety of this title, or in the event that the condition is not deemed corrected, until the program's license, registration or permit has been revoked.

3. If possible, the child day care provider shall also post [~~such~~] all the information and notices listed in subdivisions one and two of this section on the child day care program's website. [~~Such child day care programs shall post and maintain, in a prominent place, such program's~~

~~most recent compliance history as shown on the office of children and family services website.~~]

§ 11. This act shall take effect immediately, provided, however, that:

a. Sections one, three, four, five, six, eight, and nine of this act shall take effect on the ninetieth day after it shall have become a law;

b. Section ten of this act shall take effect twelve months after it shall have become a law;

c. Sections two and seven of this act shall take effect eighteen months after it shall have become a law; and

d. The office of children and family services is authorized to promulgate any rule or regulation necessary for the timely implementation of this act.

PART UU

Section 1. Legislative intent. The legislature hereby recognizes the need to invest in individuals committed to working in the field of child welfare by providing higher education incentives for current and prospective employees. This workforce is in charge of ensuring the health, safety, and well-being of our state's most vulnerable children and families. By providing current and prospective employees the opportunity for affordable higher education, we are enhancing their ability to meet the needs of the children and youth in care, many of whom have experienced profound trauma, as well as providing the skills needed to operate in today's changing health landscape.

§ 2. The education law is amended by adding a new section 679-h to read as follows:

§ 679-h. New York state child welfare worker incentive scholarship program. 1. Purpose. The president shall grant scholarship awards for the purpose of enhancing the proficiency of current child welfare workers in New York state. Such awards shall be made on a competitive basis to applicants who are currently employed at a voluntary not-for-profit child welfare agency in the state licensed by the office of children and family services with at least two years' experience and are enrolling in an approved program to obtain a degree that will enhance their ability to work in such agency.

2. Eligibility. To be eligible for an award pursuant to this section, applicants shall: (a) be currently employed at a voluntary not-for-profit child welfare agency in the state licensed by the office of children and family services with at least two years' experience; (b) enroll in an undergraduate or graduate degree program in a field that would enhance their ability to work in such agency as determined by the president; (c) agree to work in a voluntary not-for-profit child welfare agency in the state licensed by the office of children and family services on a full-time basis for a period of no less than five years upon completion of such degree program; and (d) comply with subdivisions three and five of section six hundred sixty-one of this part.

3. Award conditions and requirements. a. Scholarships shall be awarded on a competitive basis to applicants whom the corporation has certified are eligible to receive such awards; and who agree to work in a voluntary not-for-profit child welfare agency in the state licensed by the office of children and family services on a full-time basis for a period of no less than five years upon completion of such degree.

b. An applicant must make every reasonable effort to obtain employment in a voluntary not-for-profit child welfare agency in the state licensed by the office of children and family services upon graduation.

4. Amount. The corporation shall grant such awards within the amounts appropriated for such purpose and based on availability of funds according to a schedule to be determined by the corporation in an amount:

a. equal to the tuition charged to state resident students attending an undergraduate or graduate degree program at the state university of New York; the average mandatory fees charged at the state university of New York, or the actual tuition and fees charged to the recipient, whichever is less; and the average non-tuition cost of attendance, as determined by the corporation and as approved by the director of the budget, for a student at the state university of New York or actual non-tuition cost of attendance at such institution, whichever is less, provided that the scholarship shall not exceed an amount that is equal to the total cost of attendance determined for federal Title IV student financial aid purposes, less all other scholarships and grants provided by the state, other states, the federal government, or other governments, and the amount of educational benefits paid under any program that would duplicate the purposes of this program, provided that any scholarships or grants provided to a recipient by the institution which are intended to fund any portion of the difference between the annual state award and the actual costs of attendance at any such institution shall not be considered to duplicate the purposes of this program.

b. not to exceed twenty thousand dollars for a master's degree program at a private institution; the average mandatory fees charged at the private institution, or the actual tuition and fees charged to the recipient, whichever is less; and the average non-tuition cost of attendance, as determined by the corporation and as approved by the director of the budget, for a student at such private institution or actual non-tuition cost of attendance at such institution, whichever is less, provided that the scholarship shall not exceed an amount that is equal to the total cost of attendance determined for federal Title IV student financial aid purposes, less all other scholarships and grants provided by the state, other states, the federal government, or other governments, and the amount of educational benefits paid under any program that would duplicate the purposes of this program, provided that any scholarships or grants provided to a recipient by the institution which are intended to fund any portion of the difference between the annual state award and the actual costs of attendance at any such institution shall not be considered to duplicate the purposes of this program.

5. Other awards. Award recipients shall be eligible to apply for other awards.

6. Penalties for noncompliance. a. The corporation may collect the full amount of the award given pursuant to this section, plus interest, according to a schedule to be determined by the corporation, if one year after the completion of the degree program it is found that an applicant did not begin employment at a voluntary not-for-profit child welfare agency in the state licensed by the office of children and family services.

b. The rate of interest charged for repayment of the scholarship award shall be determined by the corporation.

§ 3. The education law is amended by adding a new section 679-i to read as follows:

§ 679-i. New York state child welfare worker loan forgiveness incentive program. 1. Purpose. The president shall grant student loan forgiveness awards for the purpose of attracting workers to be employed in voluntary not-for-profit child welfare agencies in New York state

licensed by the office of children and family services. Such awards shall be made on a competitive basis, in accordance with rules and regulations promulgated by the corporation for such purposes, to applicants who meet the eligibility criteria.

2. Eligibility. To be eligible for an award pursuant to this section, applicants shall: (a) have graduated and obtained an undergraduate or graduate degree from an approved New York state college or university; (b) have an outstanding student loan debt from obtaining such degree; (c) agree to work in a voluntary not-for-profit child welfare agency in the state licensed by the office of children and family services on a full-time basis for a period of no less than five years; (d) apply for this program within two years of college graduation; and (e) comply with subdivisions three and five of section six hundred sixty-one of this part.

3. Awards. No greater than ten awards shall be granted to qualified applicants in the amount of up to ten thousand dollars per year, per applicant, not to exceed a duration of five years and not to exceed the total amount of such applicant's student loan debt. The corporation shall grant such awards within amounts appropriated for such purposes and based on the availability of funds. No one applicant shall receive more than a total of fifty thousand dollars upon the end of a five-year period.

4. Priority. First priority shall be given to applicants who are completing the second, third, fourth or fifth year of full-time employment at a voluntary not-for-profit child welfare agency in the state licensed by the office of children and family services. Second priority shall be given to an applicant who can demonstrate economic need but did not receive an award during the first year of this program's operation. If larger numbers of applicants are eligible pursuant to this subdivision than funds available, applicants shall be chosen pursuant to rules and regulations promulgated by the corporation. Provided, however, that each applicant chosen shall receive an award of up to ten thousand dollars in each year such applicant is accepted into the program.

§ 4. This act shall take effect immediately.

PART VV

Section 1. Subdivisions 1 and 2 of section 667 of the education law, subdivision 1 as amended by chapter 622 of the laws of 2008 and subdivision 2 as amended by section 1 of part J of chapter 58 of the laws of 2011, are amended to read as follows:

1. Recipient qualifications. Tuition assistance program awards are available for all students who are enrolled in approved programs and who demonstrate the ability to complete such courses, in accordance with standards established by the commissioner provided, however, that no award shall be made unless tuition (exclusive of educational fees) and, if applicable, the college fee levied by the state university of New York pursuant to the April first, nineteen hundred sixty-four financing agreements with the New York state dormitory authority charged for the program in which the student is enrolled total at least two hundred dollars a year, and provided further that, no award can exceed one hundred percent of the amount of tuition charged. Nothing in this section, section six hundred sixty-one of this part or any other provision of this chapter shall be deemed to exclude any graduate program from classification by the commissioner as an approved program for the purposes of this section.

2. Duration. No undergraduate shall be eligible for more than four academic years of study, or five academic years if the program of study normally requires five years. Students enrolled in a program of remedial study, approved by the commissioner in an institution of higher education and intended to culminate in a degree in undergraduate study shall, for purposes of this section, be considered as enrolled in a program of study normally requiring five years. An undergraduate student enrolled in an eligible two year program of study approved by the commissioner shall be eligible for no more than three academic years of study. **No graduate student shall be eligible for more than two academic years of study; provided, however, that no graduate student shall be eligible for more than one degree program at the master's, first professional or doctorate level. No student shall be eligible for a total of more than the equivalent of five years of combined undergraduate and graduate study.** Any semester, quarter, or term of attendance during which a student receives any award under this article, after the effective date of the former scholar incentive program and prior to academic year nineteen hundred eighty-nine--nineteen hundred ninety, shall be counted toward the maximum term of eligibility for tuition assistance under this section, except that any semester, quarter or term of attendance during which a student received an award pursuant to section six hundred sixty-six of this subpart shall be counted as one-half of a semester, quarter or term, as the case may be, toward the maximum term of eligibility under this section. Any semester, quarter or term of attendance during which a student received an award pursuant to section six hundred sixty-seven-a of this subpart shall not be counted toward the maximum term of eligibility under this section.

§ 2. Subdivision 3 of section 667 of the education law is amended by adding a new paragraph b-1 to read as follows:

b-1. Amount. The president shall make awards to graduate students who are matriculated in an approved combined undergraduate/graduate program at a New York state institution of higher education, in the following amounts:

(i) For each year of graduate study, assistance shall be provided as computed on the basis of the amount which is the lesser of the following:

(A) twenty-two hundred dollars; or

(B) Ninety percent of the amount of tuition (exclusive of education fees) charged,

(ii) Except for students as noted in subparagraph (iii) of this paragraph, the base amount as determined in subparagraph (i) of this paragraph, shall be reduced in relation to income as follows:

Amount of income	Schedule of reduction of base amount
(A) Less than two thousand dollars	None
(B) Two thousand dollars or more, but not more than twenty thousand dollars	Seven and seven-tenths per centum of the excess over two thousand dollars

(iii) For students who have been granted exclusion of parental income and were single with no dependent for income tax purposes during the tax year next preceding the academic year for which application is made, the base amount as determined in subparagraph (i) of this paragraph, shall be reduced in relation to income as follows:

Amount of income	Schedule of reduction of base amount
(A) Less than one thousand dollars	None
(B) One thousand dollars or more, but not more than five thousand six hundred sixty-six dollars	Twenty-six per centum of the excess over one thousand dollars

(iv) If the amount of reduction is not a whole dollar, it shall be reduced to the next lowest whole dollar.

(v) The award shall be the net amount of the base amount determined pursuant to subparagraph (ii) or (iii) of this paragraph but the award shall not be reduced below three hundred dollars. If the income exceeds the maximum amount of income allowable under subparagraph (ii) or (iii) of this paragraph, no award shall be made.

§ 3. Paragraph a of subdivision 3 of section 663 of the education law, as amended by section 4 of part J of chapter 58 of the laws of 2011, is amended to read as follows:

a. In determining the amount of an award for undergraduate and graduate students, the income of the parents shall be excluded if the student has been emancipated from his parents.

§ 4. The opening paragraph of subparagraph 1 of paragraph b of subdivision 3 of section 663 of the education law, as amended by section 5 of part J of chapter 58 of the laws of 2011, is amended to read as follows:

The applicant is a student who was married on or before December thirty-first of the calendar year prior to the beginning of the academic year for which application is made or is an undergraduate student who has reached the age of twenty-two on or before June thirtieth prior to the academic year for which application is made or is a graduate student and who, during the calendar year next preceding the semester, quarter or term of attendance for which application is made and at all times subsequent thereto up to and including the entire period for which application is made:

§ 5. Paragraph d of subdivision 3 of section 663 of the education law, as amended by section 6 of part J of chapter 58 of the laws of 2011, is amended to read as follows:

d. Any graduate or undergraduate student who was allowed to exclude parental income pursuant to the provisions of former subdivision three of section six hundred three of this chapter as they existed prior to July first, nineteen hundred seventy-four may continue to exclude such income for so long as he or she continues to comply with such provisions.

§ 6. This act shall take effect on the ninetieth day after it shall have become a law.

PART WW

Section 1. The education law is amended by adding a new section 667-d to read as follows:

§ 667-d. Enhanced tuition assistance program awards (E-TAP). 1. Recipient qualifications. a. Establishment. Enhanced tuition assistance program awards are available for students who are enrolled in approved programs and who demonstrate the ability to complete such courses, in accordance with standards established by the commissioner; provided, however, that no award shall be made unless tuition (exclusive of educa-

tional fees) and, if applicable, the college fee levied by the state university of New York pursuant to the April first, nineteen hundred sixty-four financing agreements with the dormitory authority charged for the program in which the student is enrolled total at least two hundred dollars a year; and provided, further that, no award can exceed one hundred percent of the amount of tuition charged.

b. Application for other awards. A student who would be eligible for a tuition assistance program award pursuant to section six hundred sixty-seven of this subpart and/or a federal Pell grant pursuant to section one thousand seventy of title twenty of the United States code, et. seq., is required to apply for each such award. Any E-TAP award shall be applied to tuition after the application of payments received under the tuition assistance program pursuant to section six hundred sixty-seven of this subpart.

c. GPA requirements. The college shall certify at the end of each semester that in regard to his or her grade point average status, such student is on track to on-time graduation. Provided, further that, for a student in a four-year program, at the end of the fifth semester, the student maintains a grade point average of 3.0 or higher.

d. Credit requirements. To remain eligible, each student shall earn thirty credits within an academic year. Depending upon the type of program in which such student is enrolled, the college shall certify such student as on-time to graduate in regard to credits earned at an appropriate time to be determined by the corporation.

e. Additional requirements. A student shall agree to live and work in New York state upon graduation for the number of years equal to the duration of the award received, and sign a contract with the corporation to have his or her E-TAP award converted into a student loan if such student fails to fulfill this requirement, provided however, a student may defer such requirement to attend graduate school in or outside the state, and this requirement may also be deferred for good cause shown to the corporation.

f. Failure to meet the conditions of the E-TAP award shall not otherwise disqualify a student's eligibility to receive an award under section six hundred sixty-seven of this subpart.

2. Duration. No undergraduate shall be eligible for more than four academic years of study, or five academic years if the program of study normally requires five years. An undergraduate student enrolled in an eligible two-year program approved by the commissioner shall be eligible for no more than two academic years. Under no circumstances shall a student receive an E-TAP award for a two-year program for more than two consecutive years of academic study or four consecutive semesters of academic study; or at a four or five-year program, for more than four consecutive years or eight consecutive semesters of academic study or five consecutive years, or ten consecutive semesters of study if the program normally requires five years.

3. Enhanced tuition assistance program awards. a. Amount. An E-TAP award shall increase a recipient's current TAP awards such that the total award shall be five thousand five hundred dollars, subject to a reduction as determined by the following schedule:

(i) For the 2017-2018 academic year:

Amount of income	Schedule of reduction of base amount

(A) Less than seven thousand dollars	None
(B) Seven thousand dollars or more, but less than eleven thousand dollars	Seven per centum of excess over seven thousand dollars
(C) Eleven thousand dollars or more, but less than eighteen thousand dollars	Two hundred eighty dollars plus ten per centum of excess over eleven thousand dollars
(D) Eighteen thousand dollars or more, but not more than one hundred thousand dollars	Nine hundred eighty dollars plus twelve per centum of excess over eighteen thousand dollars

(ii) For the 2018-2019 academic year:

Amount of income	Schedule or reduction of base amount
(A) Less than seven thousand dollars	None
(B) Seven thousand dollars or more, but less than eleven thousand dollars	Seven per centum of excess over seven thousand dollars
(C) Eleven thousand dollars or more, but less than eighteen thousand dollars	Two hundred eighty dollars plus ten per centum of excess over eleven thousand dollars
(D) Eighteen thousand dollars or more, but not more than one hundred ten thousand dollars	Nine hundred eighty dollars plus twelve per centum of excess over eighteen thousand dollars

(iii) For the 2019-2020 academic year and thereafter:

Amount of income	Schedule or reduction of base amount
(A) Less than seven thousand dollars	None
(B) Seven thousand dollars or more, but less than eleven thousand dollars	Seven per centum of excess over seven thousand dollars
(C) Eleven thousand dollars or more, but less than eighteen thousand dollars	Two hundred eighty dollars plus ten per centum of excess over eleven thousand dollars
(D) Eighteen thousand dollars or more, but not more than one hundred twenty-five thousand dollars	Nine hundred eighty dollars plus twelve per centum of excess over eighteen thousand dollars

(iv) If the amount of reduction is not a whole dollar, it shall be reduced to the next lowest whole dollar.

(v) The award shall be the net amount of the base amount determined pursuant to subparagraph (i), (ii), or (iii) of this paragraph but the award shall not be reduced below three thousand dollars. If the income exceeds the maximum amount of income allowable under subparagraph (i) of this paragraph for the two thousand seventeen--two thousand eighteen

academic year, no award shall be made. If the income exceeds the maximum amount of income allowable under subparagraph (ii) of this paragraph for the two thousand eighteen--two thousand nineteen academic year, no award shall be made. If the income exceeds the maximum amount of income allowable under subparagraph (iii) of this paragraph for the two thousand nineteen--two thousand twenty academic year and thereafter, no award shall be made.

b. Limit. Provided, however, that no award shall be reduced below three thousand dollars.

§ 2. This act shall take effect immediately.

PART XX

Section 1. The education law is amended by adding a new section 667-c-1 to read as follows:

§ 667-c-1. Part-time tuition assistance program awards for community college students at the state university of New York. 1. Notwithstanding any law, rule or regulation to the contrary, the president of the higher education services corporation is authorized to make tuition assistance program awards to part-time students enrolled at a community college established pursuant to article one hundred twenty-six of this chapter, who meet all requirements for tuition assistance program awards except for the students' part-time attendance.

2. For purposes of this section, a part-time student is one who:

a. enrolled as a first-time freshman during the two thousand seventeen--two thousand eighteen academic year or thereafter at a community college established pursuant to article one hundred twenty-six of this chapter; provided that no award shall be granted for the duration of more than three years;

b. is enrolled for at least six but less than twelve semester hours, or the equivalent, per semester in an approved undergraduate degree program; and

c. has a cumulative grade-point average of at least 2.50.

3. a. For part-time students defined in this section, the award shall be calculated as provided in section six hundred sixty-seven of this article, shall be in an amount equal to the enrollment factor percent of the award the student would have been eligible for if the student were enrolled full-time, and the award shall be granted pursuant to appropriation. The enrollment factor percent is the percentage obtained by dividing the number of credits the student is enrolled in, as certified by the school, by the number of credits required for full-time study in the semester, quarter or term as defined by the commissioner.

b. Any semester, quarter or term of attendance during which a student receives an award pursuant to this section shall be counted as the enrollment factor percent of a semester, quarter or term toward the maximum term of eligibility for tuition assistance awards pursuant to section six hundred sixty-seven of this article. The total period of study for which payment may be made shall not exceed the equivalent of the maximum period authorized for that award.

§ 2. This act shall take effect immediately.

PART YY

Section 1. Section 6304 of the education law is amended by adding a new subdivision 14 to read as follows:

14. Community college funding study. a. The state university board of trustees shall require each community college president to establish an internal committee that shall be directed to study the effectiveness of the current full time equivalent (FTE) funding formula and alternatives based on funding by academic program that takes into account the specific mission, needs, geographic location and uniqueness of such community college.

b. The internal committee established by each such community college president shall consult with the board of trustees of the state university of New York and provide information that may be requested to such trustees to aid in the creation of recommendations required pursuant to this subdivision, and may consult with higher education professionals and the regional state university of New York community college council in such region.

c. Each internal committee shall consider:

(i) the effect of the current FTE funding model on overall funding for the community college and alternatives to such model;

(ii) the creation of new academic programs that may be beneficial in supporting regional business and industry workforce needs;

(iii) duplication of academic degree programs in such community college's region; and

(iv) any other issues the internal committee deems necessary.

d. Each internal committee shall report recommendations to the state university board of trustees on December first, two thousand seventeen, and the board of trustees shall report recommendations to the chairs of the senate and assembly higher education committees by January first, two thousand eighteen provided however, that nothing in this section shall be construed to require a change in state support.

§ 2. This act shall take effect immediately.

PART ZZ

Section 1. Section 5 of part K of chapter 54 of the laws of 2016 relating to the rate of minimum wage, is amended to read as follows:

§ 5. Notwithstanding subdivision 2 of section 652 and subdivision (2) of section 653 of the labor law, the commissioner of labor [~~may~~] shall smooth wages and modify an existing wage order to conform with subdivision 1 of section 652 of the labor law, as amended by section one of this act, and provided further that in no event may a worker's wages be reduced by such conformity.

§ 2. This act shall take effect immediately.

PART AAA

Section 1. Subdivision 3 of section 212 of the retirement and social security law, as added by section 1 of part Y of chapter 55 of the laws of 2013, is amended to read as follows:

3. Notwithstanding section twenty-five of this chapter or the provisions of subdivisions one and two of this section, [~~the commissioner of education may determine, pursuant to section two hundred eleven of this article, that~~] such earnings limitations shall not apply to a retired police officer employed by a school district in either the classified or unclassified service as a school resource officer, school safety officer, school security officer or any other substantially similar position or office that is designed to provide safety and/or security on school grounds, provided that such retired police officer is duly

qualified, competent and physically fit for performance of the duties of the position in which he or she is to be employed as determined by the school district and is properly certified where such certification is required.

§ 2. Section 212 of the retirement and social security law is amended by adding a new subdivision 4 to read as follows:

4. Notwithstanding the provisions of section twenty-five of this chapter and the provisions of subdivisions one and two of this section, the earnings limitation for retired police officers in positions of public service under this section shall be fifty thousand dollars.

§ 3. This act shall take effect immediately.

§ 2. Severability clause. If any clause, sentence, paragraph, subdivision, section or part of this act shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part thereof directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the intent of the legislature that this act would have been enacted even if such invalid provisions had not been included herein.

§ 3. This act shall take effect immediately provided, however, that the applicable effective date of Parts A through AAA of this act shall be as specifically set forth in the last section of such Parts.