

# STATE OF NEW YORK

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2006--B

## IN SENATE

January 23, 2017

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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

1 two thousand eleven--two thousand twelve school year, unless all schools  
2 in the district are identified as in good standing, shall submit a  
3 contract for excellence for the two thousand twelve--two thousand thir-  
4 teen school year which shall, notwithstanding the requirements of  
5 subparagraph (vi) of paragraph a of subdivision two of this section,  
6 provide for the expenditure of an amount which shall be not less than  
7 the amount approved by the commissioner in the contract for excellence  
8 for the two thousand eleven--two thousand twelve school year and  
9 provided further that, a school district that submitted a contract for  
10 excellence for the two thousand twelve--two thousand thirteen school  
11 year, unless all schools in the district are identified as in good  
12 standing, shall submit a contract for excellence for the two thousand  
13 thirteen--two thousand fourteen school year which shall, notwithstanding  
14 the requirements of subparagraph (vi) of paragraph a of subdivision two  
15 of this section, provide for the expenditure of an amount which shall be  
16 not less than the amount approved by the commissioner in the contract  
17 for excellence for the two thousand twelve--two thousand thirteen school  
18 year and provided further that, a school district that submitted a  
19 contract for excellence for the two thousand thirteen--two thousand  
20 fourteen school year, unless all schools in the district are identified  
21 as in good standing, shall submit a contract for excellence for the two  
22 thousand fourteen--two thousand fifteen school year which shall,  
23 notwithstanding the requirements of subparagraph (vi) of paragraph a of  
24 subdivision two of this section, provide for the expenditure of an  
25 amount which shall be not less than the amount approved by the commis-  
26 sioner in the contract for excellence for the two thousand thirteen--two  
27 thousand fourteen school year; and provided further that, a school  
28 district that submitted a contract for excellence for the two thousand  
29 fourteen--two thousand fifteen school year, unless all schools in the  
30 district are identified as in good standing, shall submit a contract for  
31 excellence for the two thousand fifteen--two thousand sixteen school  
32 year which shall, notwithstanding the requirements of subparagraph (vi)  
33 of paragraph a of subdivision two of this section, provide for the  
34 expenditure of an amount which shall be not less than the amount  
35 approved by the commissioner in the contract for excellence for the two  
36 thousand fourteen--two thousand fifteen school year; and provided  
37 further that a school district that submitted a contract for excellence  
38 for the two thousand fifteen--two thousand sixteen school year, unless  
39 all schools in the district are identified as in good standing, shall  
40 submit a contract for excellence for the two thousand sixteen--two thou-  
41 sand seventeen school year which shall, notwithstanding the requirements  
42 of subparagraph (vi) of paragraph a of subdivision two of this section,  
43 provide for the expenditure of an amount which shall be not less than  
44 the amount approved by the commissioner in the contract for excellence  
45 for the two thousand fifteen--two thousand sixteen school year; and  
46 provided further that, a school district with a population of one  
47 million or more that submitted a contract for excellence for the two  
48 thousand sixteen--two thousand seventeen school year, unless all schools  
49 in the district are identified as in good standing, shall submit a  
50 contract for excellence for the two thousand seventeen--two thousand  
51 eighteen school year which shall, notwithstanding the requirements of  
52 subparagraph (vi) of paragraph a of subdivision two of this section,  
53 provide for the expenditure of an amount which shall be not less than  
54 the amount approved by the commissioner in the contract for excellence  
55 for the two thousand sixteen--two thousand seventeen school year. For  
56 purposes of this paragraph, the "gap elimination adjustment percentage"

1 shall be calculated as the sum of one minus the quotient of the sum of  
2 the school district's net gap elimination adjustment for two thousand  
3 ten--two thousand eleven computed pursuant to chapter fifty-three of the  
4 laws of two thousand ten, making appropriations for the support of  
5 government, plus the school district's gap elimination adjustment for  
6 two thousand eleven--two thousand twelve as computed pursuant to chapter  
7 fifty-three of the laws of two thousand eleven, making appropriations  
8 for the support of the local assistance budget, including support for  
9 general support for public schools, divided by the total aid for adjust-  
10 ment computed pursuant to chapter fifty-three of the laws of two thou-  
11 sand eleven, making appropriations for the local assistance budget,  
12 including support for general support for public schools. Provided,  
13 further, that such amount shall be expended to support and maintain  
14 allowable programs and activities approved in the two thousand nine--two  
15 thousand ten school year or to support new or expanded allowable  
16 programs and activities in the current year.

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

19 § 2590-v. Notice to students regarding certain test scores. The office  
20 of the chancellor shall include a notice in the official score report of  
21 all students who received a score of "advanced" on the eighth grade  
22 state assessment in either English Language Arts or Mathematics, inform-  
23 ing the student of opportunities to apply for admission to the special-  
24 ized high schools authorized in paragraph (b) of subdivision 1 of  
25 section twenty-five hundred ninety-h of this article.

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

29 2. A text-book, for the purposes of this section shall mean: (i) any  
30 book, or a book substitute, which shall include hard covered or paper-  
31 back books, work books, or manuals and (ii) for expenses incurred after  
32 July first, nineteen hundred ninety-nine, any courseware or other  
33 content-based instructional materials in an electronic format, as such  
34 terms are defined in the regulations of the commissioner, which a pupil  
35 is required to use as a text, or a text-substitute, in a particular  
36 class or program in the school he or she legally attends. For expenses  
37 incurred on or after July first, two thousand eleven, a text-book shall  
38 also mean items of expenditure that are eligible for an apportionment  
39 pursuant to sections seven hundred eleven, seven hundred fifty-one  
40 and/or seven hundred fifty-three of this title, where such items are  
41 designated by the school district as eligible for aid pursuant to this  
42 section, provided, however, that if aided pursuant to this section, such  
43 expenses shall not be aidable pursuant to any other section of law. For  
44 expenses incurred on or after July first, two thousand seventeen, a  
45 text-book shall also mean expenditures for high quality professional  
46 development, where such items are designated by the school district as  
47 eligible for aid pursuant to this section, provided, however, that the  
48 total expenditures for high quality professional development eligible  
49 for aid pursuant to this section shall not exceed the amount equal to  
50 the documented reduction of textbook expenditures in the base year  
51 resulting from the use of courseware or other content-based instruc-  
52 tional materials in an electronic format provided to the school district  
53 without charge and provided further that if aided pursuant to this  
54 section, such expenses shall not be aidable pursuant to any other  
55 section of law. Expenditures aided pursuant to this section shall not be  
56 eligible for aid pursuant to any other section of law. Courseware or



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

5 § 4. Intentionally omitted.

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

9 (5) For a new charter school whose charter is granted or for an exist-  
10 ing charter school whose expansion of grade level, pursuant to this  
11 article, is approved by their charter entity, if the appeal results in a  
12 determination in favor of the charter school, for any payments made  
13 after the effective date of the chapter of the laws of two thousand  
14 seventeen that amended this subparagraph, the city school district shall  
15 pay the charter school an amount attributable to the grade level expan-  
16 sion or the formation of the new charter school that is equal to the  
17 lesser of:

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

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

30 § 5-a. Paragraph c of subdivision 6-g of section 3602 of the education  
31 law, as amended by section 11-a of part A of chapter 54 of the laws of  
32 2016, is amended to read as follows:

33 c. For purposes of this subdivision, the approved expenses attribut-  
34 able to a lease by a charter school of a privately owned site shall be  
35 the lesser of the actual [~~rent paid~~] total facility rental cost, includ-  
36 ing but not limited to lease payments, maintenance, costs of capital  
37 improvements, costs of occupancy, security, insurance and real property  
38 taxes, under the lease or the maximum cost allowance established by the  
39 commissioner for leases aidable under subdivision six of this section.

40 § 5-b. Paragraph (e) of subdivision 3 of section 2853 of the education  
41 law is amended by adding a new subparagraph 1-a to read as follows:

42 (1-a) The co-location site or alternative space offered pursuant to  
43 subparagraph one of this paragraph shall be sufficient to accommodate  
44 all of a charter school's grades at a given school level, as defined by  
45 the school, to be educated at a single location.

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

50 41. Transitional aid for charter school payments. In addition to any  
51 other apportionment under this section, for the two thousand seven--two  
52 thousand eight school year and thereafter, a school district other than  
53 a city school district in a city having a population of one million or  
54 more shall be eligible for an apportionment in an amount equal to the  
55 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

1 resident pupils enrolled in the charter school in the base year,  
2 provided, however, that a school district shall be eligible for an  
3 apportionment pursuant to this paragraph only if the number of its resi-  
4 dent pupils enrolled in charter schools in the base year exceeds five  
5 thousandths (0.005) of the total resident public school district enroll-  
6 ment of such school district in the base year or the total general fund  
7 payments made by such district to charter schools in the base year for  
8 resident pupils enrolled in charter schools exceeds five thousandths  
9 (0.005) of the total general fund expenditures of such district in the  
10 base year, plus

11 (e) for aid payable in the two thousand nineteen--two thousand twenty  
12 school year the product of (i) sixty percent, multiplied by (ii) the  
13 positive difference, if any, of the charter school basic tuition  
14 computed for such school district for the year prior to the base year  
15 pursuant to section twenty-eight hundred fifty-six of this chapter less  
16 the charter school basic tuition computed for such school district for  
17 the two thousand ten--two thousand eleven school year pursuant to  
18 section twenty-eight hundred fifty-six of this chapter, multiplied by  
19 (iii) the number of resident pupils enrolled in the charter school in  
20 the year prior to the base year, provided, however, that a school  
21 district shall be eligible for an apportionment pursuant to this para-  
22 graph only if the number of its resident pupils enrolled in charter  
23 schools in the year prior to the base year exceeds five thousandths  
24 (0.005) of the total resident public school district enrollment of such  
25 school district in the year prior to the base year or the total general  
26 fund payments made by such district to charter schools in the year prior  
27 to the base year for resident pupils enrolled in charter schools exceeds  
28 five thousandths (0.005) of the total general fund expenditures of such  
29 district in the year prior to the base year, plus

30 (f) for aid payable in the two thousand twenty--two thousand twenty-  
31 one school year the product of (i) thirty percent, multiplied by (ii)  
32 the positive difference, if any, of the charter school basic tuition  
33 computed for such school district for the year two years prior to the  
34 base year pursuant to section twenty-eight hundred fifty-six of this  
35 chapter less the charter school basic tuition computed for such school  
36 district for the two thousand ten--two thousand eleven school year  
37 pursuant to section twenty-eight hundred fifty-six of this chapter,  
38 multiplied by (iii) the number of resident pupils enrolled in the char-  
39 ter school in the year two years prior to the base year, provided,  
40 however, that a school district shall be eligible for an apportionment  
41 pursuant to this paragraph only if the number of its resident pupils  
42 enrolled in charter schools in the year two years prior to the base year  
43 exceeds five thousandths (0.005) of the total resident public school  
44 district enrollment of such school district in the year two years prior  
45 to the base year or the total general fund payments made by such  
46 district to charter schools in the year two years prior to the base year  
47 for resident pupils enrolled in charter schools exceeds five thousandths  
48 (0.005) of the total general fund expenditures of such district in the  
49 year two years prior to the base year.

50 (g) For purposes of this subdivision the number of pupils enrolled in  
51 a charter school shall not include pupils enrolled in a charter school  
52 for which the charter was approved by a charter entity contained in  
53 paragraph a of subdivision three of section twenty-eight hundred fifty-  
54 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

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

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

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

12 14. On February fifteenth, two thousand, and annually thereafter, the  
13 commissioner and the board of regents shall include in its annual report  
14 to the legislature and the governor, information on school districts  
15 receiving grants under this section; the amount of each grant; a  
16 description of the program that each grant supports and an assessment by  
17 the commissioner of the extent to which the program meets measurable  
18 outcomes required by the grant program or regulations of such commis-  
19 sioner; and any other relevant information, which shall include but not  
20 be limited to the following: (a) (i) the total number of students served  
21 in state-funded district-operated prekindergarten programs, (ii) the  
22 total number of students served in state-funded community-based prekin-  
23 dergarten programs, (iii) the total number of students served in state-  
24 funded half-day prekindergarten programs, and (iv) the total number of  
25 students served in state-funded full-day prekindergarten programs; (b)  
26 (i) the total number of students served in state, federal and locally  
27 funded district-operated prekindergarten programs, (ii) the total number  
28 of students served in state, federal and locally funded community-based  
29 prekindergarten programs, (iii) the total number of students served in  
30 state, federal and locally funded half-day prekindergarten programs, and  
31 (iv) the total number of students served in state, federal and locally  
32 funded full-day prekindergarten programs; (c) the total spending on  
33 prekindergarten programs from state, federal, and local sources; and (d)  
34 for each program described in subparagraphs (i), (ii), (iii) and (iv) of  
35 paragraph (a) of this subdivision, and subparagraphs (i), (ii), (iii)  
36 and (iv) of paragraph (b) of this subdivision, the total number of  
37 students served with disabilities that have an individualized education  
38 plan and, of those, the total number of students requiring any of the  
39 following approved services: special education itinerant services;  
40 special class in an integrated setting; or a special class. Such report  
41 shall also contain any recommendations to improve or otherwise change  
42 the program.

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

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

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



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

5 § 32. Intentionally omitted.

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

9 For aid payable in the two thousand seven--two thousand eight school  
10 year through the two thousand sixteen--two thousand seventeen school  
11 year, "moneys apportioned" shall mean the lesser of (i) the sum of one  
12 hundred percent of the respective amount set forth for each school  
13 district as payable pursuant to this section in the school aid computer  
14 listing for the current year produced by the commissioner in support of  
15 the budget which includes the appropriation for the general support for  
16 public schools for the prescribed payments and individualized payments  
17 due prior to April first for the current year plus the apportionment  
18 payable during the current school year pursuant to subdivision six-a and  
19 subdivision fifteen of section thirty-six hundred two of this part minus  
20 any reductions to current year aids pursuant to subdivision seven of  
21 section thirty-six hundred four of this part or any deduction from  
22 apportionment payable pursuant to this chapter for collection of a  
23 school district basic contribution as defined in subdivision eight of  
24 section forty-four hundred one of this chapter, less any grants provided  
25 pursuant to subparagraph two-a of paragraph b of subdivision four of  
26 section ninety-two-c of the state finance law, less any grants provided  
27 pursuant to subdivision six of section ninety-seven-nnnn of the state  
28 finance law, less any grants provided pursuant to subdivision twelve of  
29 section thirty-six hundred forty-one of this article, or (ii) the appor-  
30 tionment calculated by the commissioner based on data on file at the  
31 time the payment is processed; provided however, that for the purposes  
32 of any payments made pursuant to this section prior to the first busi-  
33 ness day of June of the current year, moneys apportioned shall not  
34 include any aids payable pursuant to subdivisions six and fourteen, if  
35 applicable, of section thirty-six hundred two of this part as current  
36 year aid for debt service on bond anticipation notes and/or bonds first  
37 issued in the current year or any aids payable for full-day kindergarten  
38 for the current year pursuant to subdivision nine of section thirty-six  
39 hundred two of this part. The definitions of "base year" and "current  
40 year" as set forth in subdivision one of section thirty-six hundred two  
41 of this part shall apply to this section. [~~For aid payable in the two~~

42 ~~thousand sixteen--two thousand seventeen school year, reference to such~~  
43 ~~"school aid computer listing for the current year" shall mean the print-~~  
44 ~~outs entitled "SA161-7".]~~ For aid payable in the two thousand seven-

45 teen--two thousand eighteen school year and thereafter, "moneys appor-  
46 tioned" shall mean the lesser of: (i) the sum of one hundred percent of  
47 the respective amount set forth for each school district as payable  
48 pursuant to this section in the school aid computer listing for the  
49 current year produced by the commissioner in support of the executive  
50 budget request which includes the appropriation for the general support  
51 for public schools for the prescribed payments and individualized  
52 payments due prior to April first for the current year plus the appor-  
53 tionment payable during the current school year pursuant to subdivisions  
54 six-a and fifteen of section thirty-six hundred two of this part minus  
55 any reductions to current year aids pursuant to subdivision seven of  
56 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 rang-  
es 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 popu-  
lation 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 pursu-  
ant to this subdivision, the commissioner shall be authorized to termi-  
nate 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



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

3 § 45-a. Enhanced credentials program. The legislature hereby author-  
4 izes reimbursement by the state education department for workforce  
5 education conducted by the consortium for worker education, a private  
6 not-for-profit located in the city of New York. In order to be eligible  
7 for reimbursement, such programs conducted by the consortium for worker  
8 education must be approved by the commissioner of education with the  
9 goals of enabling adults who are twenty-one years or older to obtain  
10 recognized industry credentials that will enhance their opportunities to  
11 achieve increased earning, career advancement and long term job  
12 retention. Such credentialing programs shall operate between July first  
13 and June thirtieth and may include, but not be limited to, day and  
14 evening programs which provide instruction designed to achieve specific  
15 industry recognized credentials as approved by such commissioner. Other  
16 authorized expenditures include those related to assessment, counseling,  
17 administration, purchase of instructional materials, purchase or lease  
18 of equipment, personal services related to development of curriculum,  
19 necessary and reasonable costs of credential acquisition, cost of inser-  
20 vice training for participating teachers or counselors and other admin-  
21 istrative costs as approved by such commissioner. Allowable approved  
22 expenditures for this enhanced credentials program shall be reimbursed  
23 according to the payment schedule indicated in chapter 756 of the laws  
24 of 1992.

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

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

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

36 (22) sections one hundred twelve, one hundred thirteen, one hundred  
37 fourteen, one hundred fifteen and one hundred sixteen of this act shall  
38 take effect on July 1, 1995; provided, however, that section one hundred  
39 thirteen of this act shall remain in full force and effect until July 1,  
40 [~~2017~~] 2018 at which time it shall be deemed repealed;

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

46 § 48. Paragraphs a-1 and (b) of section 5 of chapter 89 of the laws of  
47 2016 relating to supplementary funding for dedicated programs for public  
48 school students in the East Ramapo central school district, are amended  
49 to read as follows:

50 (a-1) The East Ramapo central school district shall be eligible to  
51 receive reimbursement [~~from such funds made available~~] pursuant to  
52 [~~paragraph (a) of~~] this [~~section~~] act, subject to available appropri-  
53 ation, for its approved expenditures in the two thousand sixteen--two  
54 thousand seventeen school year and thereafter on services to improve and  
55 enhance the educational opportunities of students attending the public  
56 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



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

3 § 52. Special apportionment for salary expenses. a. Notwithstanding  
4 any other provision of law, upon application to the commissioner of  
5 education, not sooner than the first day of the second full business  
6 week of June 2018 and not later than the last day of the third full  
7 business week of June 2018, a school district eligible for an apportion-  
8 ment pursuant to section 3602 of the education law shall be eligible to  
9 receive an apportionment pursuant to this section, for the school year  
10 ending June 30, 2018, for salary expenses incurred between April 1 and  
11 June 30, 2017 and such apportionment shall not exceed the sum of (i) the  
12 deficit reduction assessment of 1990--1991 as determined by the commis-  
13 sioner of education, pursuant to paragraph f of subdivision 1 of section  
14 3602 of the education law, as in effect through June 30, 1993, plus (ii)  
15 186 percent of such amount for a city school district in a city with a  
16 population in excess of 1,000,000 inhabitants, plus (iii) 209 percent of  
17 such amount for a city school district in a city with a population of  
18 more than 195,000 inhabitants and less than 219,000 inhabitants accord-  
19 ing to the latest federal census, plus (iv) the net gap elimination  
20 adjustment for 2010--2011, as determined by the commissioner of educa-  
21 tion pursuant to chapter 53 of the laws of 2010, plus (v) the gap elimi-  
22 nation adjustment for 2011--2012 as determined by the commissioner of  
23 education pursuant to subdivision 17 of section 3602 of the education  
24 law, and provided further that such apportionment shall not exceed such  
25 salary expenses. Such application shall be made by a school district,  
26 after the board of education or trustees have adopted a resolution to do  
27 so and in the case of a city school district in a city with a population  
28 in excess of 125,000 inhabitants, with the approval of the mayor of such  
29 city.

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

46 c. Notwithstanding the provisions of section 3609-a of the education  
47 law, an amount equal to the amount paid to a school district pursuant to  
48 subdivisions a and b of this section shall first be deducted from the  
49 following payments due the school district during the school year  
50 following the year in which application was made pursuant to subpara-  
51 graphs (1), (2), (3), (4) and (5) of paragraph a of subdivision 1 of  
52 section 3609-a of the education law in the following order: the lottery  
53 apportionment payable pursuant to subparagraph (2) of such paragraph  
54 followed by the fixed fall payments payable pursuant to subparagraph (4)  
55 of such paragraph and then followed by the district's payments to the  
56 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

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

4 § 56. The amounts specified in this section shall be set aside from  
5 the state funds which each such district is receiving from the total  
6 foundation aid: for the purpose of the development, maintenance or  
7 expansion of magnet schools or magnet school programs for the 2017--2018  
8 school year. To the city school district of the city of New York there  
9 shall be paid forty-eight million one hundred seventy-five thousand  
10 dollars (\$48,175,000) including five hundred thousand dollars (\$500,000)  
11 for the Andrew Jackson High School; to the Buffalo city school district,  
12 twenty-one million twenty-five thousand dollars (\$21,025,000); to the  
13 Rochester city school district, fifteen million dollars (\$15,000,000);  
14 to the Syracuse city school district, thirteen million dollars  
15 (\$13,000,000); to the Yonkers city school district, forty-nine million  
16 five hundred thousand dollars (\$49,500,000); to the Newburgh city school  
17 district, four million six hundred forty-five thousand dollars  
18 (\$4,645,000); to the Poughkeepsie city school district, two million four  
19 hundred seventy-five thousand dollars (\$2,475,000); to the Mount Vernon  
20 city school district, two million dollars (\$2,000,000); to the New  
21 Rochelle city school district, one million four hundred ten thousand  
22 dollars (\$1,410,000); to the Schenectady city school district, one  
23 million eight hundred thousand dollars (\$1,800,000); to the Port Chester  
24 city school district, one million one hundred fifty thousand dollars  
25 (\$1,150,000); to the White Plains city school district, nine hundred  
26 thousand dollars (\$900,000); to the Niagara Falls city school district,  
27 six hundred thousand dollars (\$600,000); to the Albany city school  
28 district, three million five hundred fifty thousand dollars  
29 (\$3,550,000); to the Utica city school district, two million dollars  
30 (\$2,000,000); to the Beacon city school district, five hundred sixty-six  
31 thousand dollars (\$566,000); to the Middletown city school district,  
32 four hundred thousand dollars (\$400,000); to the Freeport union free  
33 school district, four hundred thousand dollars (\$400,000); to the Green-  
34 burgh central school district, three hundred thousand dollars  
35 (\$300,000); to the Amsterdam city school district, eight hundred thou-  
36 sand dollars (\$800,000); to the Peekskill city school district, two  
37 hundred thousand dollars (\$200,000); and to the Hudson city school  
38 district, four hundred thousand dollars (\$400,000). Notwithstanding the  
39 provisions of this section, a school district receiving a grant pursuant  
40 to this section may use such grant funds for: (i) any instructional or  
41 instructional support costs associated with the operation of a magnet  
42 school; or (ii) any instructional or instructional support costs associ-  
43 ated with implementation of an alternative approach to reduction of  
44 racial isolation and/or enhancement of the instructional program and  
45 raising of standards in elementary and secondary schools of school  
46 districts having substantial concentrations of minority students. The  
47 commissioner of education shall not be authorized to withhold magnet  
48 grant funds from a school district that used such funds in accordance  
49 with this paragraph, notwithstanding any inconsistency with a request  
50 for proposals issued by such commissioner. For the purpose of attendance  
51 improvement and dropout prevention for the 2017--2018 school year, for  
52 any city school district in a city having a population of more than one  
53 million, the setaside for attendance improvement and dropout prevention  
54 shall equal the amount set aside in the base year. For the 2017--2018  
55 school year, it is further provided that any city school district in a  
56 city having a population of more than one million shall allocate at

1 least one-third of any increase from base year levels in funds set aside  
2 pursuant to the requirements of this subdivision to community-based  
3 organizations. Any increase required pursuant to this subdivision to  
4 community-based organizations must be in addition to allocations  
5 provided to community-based organizations in the base year. For the  
6 purpose of teacher support for the 2017--2018 school year: to the city  
7 school district of the city of New York, sixty-two million seven hundred  
8 seven thousand dollars (\$62,707,000); to the Buffalo city school  
9 district, one million seven hundred forty-one thousand dollars  
10 (\$1,741,000); to the Rochester city school district, one million seven-  
11 ty-six thousand dollars (\$1,076,000); to the Yonkers city school  
12 district, one million one hundred forty-seven thousand dollars  
13 (\$1,147,000); and to the Syracuse city school district, eight hundred  
14 nine thousand dollars (\$809,000). All funds made available to a school  
15 district pursuant to this section shall be distributed among teachers  
16 including prekindergarten teachers and teachers of adult vocational and  
17 academic subjects in accordance with this section and shall be in addi-  
18 tion to salaries heretofore or hereafter negotiated or made available;  
19 provided, however, that all funds distributed pursuant to this section  
20 for the current year shall be deemed to incorporate all funds distrib-  
21 uted pursuant to former subdivision 27 of section 3602 of the education  
22 law for prior years. In school districts where the teachers are repres-  
23 ented by certified or recognized employee organizations, all salary  
24 increases funded pursuant to this section shall be determined by sepa-  
25 rate collective negotiations conducted pursuant to the provisions and  
26 procedures of article 14 of the civil service law, notwithstanding the  
27 existence of a negotiated agreement between a school district and a  
28 certified or recognized employee organization. For the purpose of  
29 continuing contractual obligations of conversion charter schools and  
30 their employees for the 2017-2018 school year, to the city school  
31 district of the city of New York, eleven million dollars (\$11,000,000).  
32 For teacher centers located in Bronx county, to the city of New York,  
33 one million two hundred fifty thousand dollars (\$1,250,000).

34 § 57. Support of public libraries. The moneys appropriated for the  
35 support of public libraries by a chapter of the laws of 2017 enacting  
36 the aid to localities budget shall be apportioned for the 2017-2018  
37 state fiscal year in accordance with the provisions of sections 271,  
38 272, 273, 282, 284, and 285 of the education law as amended by the  
39 provisions of this chapter and the provisions of this section, provided  
40 that library construction aid pursuant to section 273-a of the education  
41 law shall not be payable from the appropriations for the support of  
42 public libraries and provided further that no library, library system or  
43 program, as defined by the commissioner of education, shall receive less  
44 total system or program aid than it received for the year 2001-2002  
45 except as a result of a reduction adjustment necessary to conform to the  
46 appropriations for support of public libraries. Notwithstanding any  
47 other provision of law to the contrary the moneys appropriated for the  
48 support of public libraries for the year 2017-2018 by a chapter of the  
49 laws of 2017 enacting the education, labor and family assistance budget  
50 shall fulfill the state's obligation to provide such aid and, pursuant  
51 to a plan developed by the commissioner of education and approved by the  
52 director of the budget, the aid payable to libraries and library systems  
53 pursuant to such appropriations shall be reduced proportionately to  
54 assure that the total amount of aid payable does not exceed the total  
55 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

1 shall equal (1) for a city school district in a city having a population  
2 of one million or more, five and twenty-three hundredths percent  
3 (0.0523) or (2) for all other school districts zero percent, for the two  
4 thousand fourteen--two thousand fifteen school year the phase-in founda-  
5 tion increase factor shall equal (1) for a city school district of a  
6 city having a population of one million or more, four and thirty-two  
7 hundredths percent (0.0432) or (2) for a school district other than a  
8 city school district having a population of one million or more for  
9 which (A) the quotient of the positive difference of the foundation  
10 formula aid minus the foundation aid base computed pursuant to paragraph  
11 j of subdivision one of this section divided by the foundation formula  
12 aid is greater than twenty-two percent (0.22) and (B) a combined wealth  
13 ratio less than thirty-five hundredths (0.35), seven percent (0.07) or  
14 (3) for all other school districts, four and thirty-one hundredths  
15 percent (0.0431), and for the two thousand fifteen--two thousand sixteen  
16 school year the phase-in foundation increase factor shall equal: (1) for  
17 a city school district of a city having a population of one million or  
18 more, thirteen and two hundred seventy-four thousandths percent  
19 (0.13274); or (2) for districts where the quotient arrived at when  
20 dividing (A) the product of the total aidable foundation pupil units  
21 multiplied by the district's selected foundation aid less the total  
22 foundation aid base computed pursuant to paragraph j of subdivision one  
23 of this section divided by (B) the product of the total aidable founda-  
24 tion pupil units multiplied by the district's selected foundation aid is  
25 greater than nineteen percent (0.19), and where the district's combined  
26 wealth ratio is less than thirty-three hundredths (0.33), seven and  
27 seventy-five hundredths percent (0.0775); or (3) for any other district  
28 designated as high need pursuant to clause (c) of subparagraph two of  
29 paragraph c of subdivision six of this section for the school aid  
30 computer listing produced by the commissioner in support of the enacted  
31 budget for the two thousand seven--two thousand eight school year and  
32 entitled "SA0708", four percent (0.04); or (4) for a city school  
33 district in a city having a population of one hundred twenty-five thou-  
34 sand or more but less than one million, fourteen percent (0.14); or (5)  
35 for school districts that were designated as small city school districts  
36 or central school districts whose boundaries include a portion of a  
37 small city for the school aid computer listing produced by the commis-  
38 sioner in support of the enacted budget for the two thousand fourteen--  
39 two thousand fifteen school year and entitled "SA1415", four and seven  
40 hundred fifty-one thousandths percent (0.04751); or (6) for all other  
41 districts one percent (0.01), and for the two thousand sixteen--two  
42 thousand seventeen school year the foundation aid phase-in increase  
43 factor shall equal for an eligible school district the greater of: (1)  
44 for a city school district in a city with a population of one million or  
45 more, seven and seven hundred eighty four thousandths percent (0.07784);  
46 or (2) for a city school district in a city with a population of more  
47 than two hundred fifty thousand but less than one million as of the most  
48 recent federal decennial census, seven and three hundredths percent  
49 (0.0703); or (3) for a city school district in a city with a population  
50 of more than two hundred thousand but less than two hundred fifty thou-  
51 sand as of the most recent federal decennial census, six and seventy-two  
52 hundredths percent (0.0672); or (4) for a city school district in a city  
53 with a population of more than one hundred fifty thousand but less than  
54 two hundred thousand as of the most recent federal decennial census, six  
55 and seventy-four hundredths percent (0.0674); or (5) for a city school  
56 district in a city with a population of more than one hundred twenty-

1 five thousand but less than one hundred fifty thousand as of the most  
2 recent federal decennial census, nine and fifty-five hundredths percent  
3 (0.0955); or (6) for school districts that were designated as small city  
4 school districts or central school districts whose boundaries include a  
5 portion of a small city for the school aid computer listing produced by  
6 the commissioner in support of the enacted budget for the two thousand  
7 fourteen--two thousand fifteen school year and entitled "SA141-5" with a  
8 combined wealth ratio less than one and four tenths (1.4), nine percent  
9 (0.09), provided, however, that for such districts that are also  
10 districts designated as high need urban-suburban pursuant to clause (c)  
11 of subparagraph two of paragraph c of subdivision six of this section  
12 for the school aid computer listing produced by the commissioner in  
13 support of the enacted budget for the two thousand seven--two thousand  
14 eight school year and entitled "SA0708", nine and seven hundred and  
15 nineteen thousandths percent (0.09719); or (7) for school districts  
16 designated as high need rural pursuant to clause (c) of subparagraph two  
17 of paragraph c of subdivision six of this section for the school aid  
18 computer listing produced by the commissioner in support of the enacted  
19 budget for the two thousand seven--two thousand eight school year and  
20 entitled "SA0708", thirteen and six tenths percent (0.136); or (8) for  
21 school districts designated as high need urban-suburban pursuant to  
22 clause (c) of subparagraph two of paragraph c of subdivision six of this  
23 section for the school aid computer listing produced by the commissioner  
24 in support of the enacted budget for the two thousand seven--two thou-  
25 sand eight school year and entitled "SA0708", seven hundred nineteen  
26 thousandths percent (0.00719); or (9) for all other eligible school  
27 districts, forty-seven hundredths percent (0.0047), and for the two  
28 thousand [seventeen] eighteen--two thousand [eighteen] nineteen school  
29 year and thereafter the commissioner shall annually determine the phase-  
30 in foundation increase factor subject to allocation pursuant to the  
31 provisions of subdivision eighteen of this section and any provisions of  
32 a chapter of the laws of New York as described therein.

33 b-3. Two thousand seventeen--two thousand eighteen foundation aid.  
34 Notwithstanding any inconsistent provision of law to the contrary, for  
35 the two thousand seventeen--two thousand eighteen school year a school  
36 district shall be eligible to receive total foundation aid equal to the  
37 greater of (A) the sum of the amount designated on the data file  
38 produced by the commissioner in support of the executive budget for the  
39 two thousand seventeen--two thousand eighteen school year entitled  
40 "BT1718" for foundation aid plus the sum of the community schools  
41 payment, the English language learner payment, the small cities payment,  
42 the sparsity payment, the large city payment, and the additional small  
43 schools payment, as computed pursuant to this paragraph, or (B) the  
44 product of total foundation aid payable for the two thousand sixteen--  
45 two thousand seventeen school year multiplied by twenty-two thousandths  
46 (0.022), subject to the maximum increase as computed pursuant to this  
47 paragraph.

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

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



1 one hundred twenty-five one-thousandths (0.125) and the state sharing  
2 ratio for total foundation aid pursuant to paragraph q of subdivision  
3 three of this section is less than five hundred twelve one-thousandths  
4 (0.512), shall equal the maximum of (i) the product of public school  
5 district enrollment multiplied by thirty-two dollars (\$32.00), or (ii)  
6 the product of public school district enrollment multiplied by one  
7 hundred sixty-nine dollars and forty cents (\$169.40) multiplied by the  
8 difference of the quotient of the number of persons aged five to seven-  
9 teen within the school district, based on the most recent decennial  
10 census as tabulated by the national center on education statistics, who  
11 were enrolled in public schools and whose families had incomes below the  
12 poverty level, divided by the total number of persons aged five to  
13 seventeen within the school district, based on such decennial census,  
14 who were enrolled in public schools, computed to four decimals without  
15 rounding less one one-hundredth (0.01).

16 (B) Tier two, for any district eligible for the community schools  
17 payment but not eligible for tier one, shall equal the maximum of (i)  
18 the product of public school enrollment multiplied by twenty-six dollars  
19 (\$26.00) or (ii) the product of public school district enrollment multi-  
20 plied by ten dollars (\$10.00) multiplied by the sum of the state sharing  
21 ratio for total foundation aid plus the quotient arrived at when divid-  
22 ing the difference of five minus the pupil wealth ratio for total foun-  
23 dation aid computed pursuant to paragraph a of subdivision three of this  
24 section by the sum of two.

25 (2) English language learner payment. For school districts not located  
26 in a city having a population of one hundred twenty-five thousand or  
27 more, and (A) three-year average free and reduced price lunch percent  
28 computed pursuant to subparagraph (ii) of paragraph p of subdivision one  
29 of this section greater than one hundred fifteen one-thousandths  
30 (0.115), (B) a combined wealth ratio for total foundation aid computed  
31 pursuant to paragraph c of subdivision three of this section of less  
32 than one and three hundredths (1.03), and (C) where the quotient when  
33 arrived at by dividing the English language learner count pursuant to  
34 paragraph o of subdivision one of this section by the public school  
35 district enrollment pursuant to paragraph n of subdivision one of this  
36 section is greater than two hundred eighty-five ten-thousandths  
37 (0.0285), the English language learner payment shall equal the product  
38 of public school district enrollment multiplied by sixty dollars  
39 (\$60.00).

40 (3) Small cities payment. For all school districts that were desig-  
41 nated as small city school districts or central school districts whose  
42 boundaries include a portion of a small city for the school aid computer  
43 listing produced by the commissioner in support of the enacted budget  
44 for the two thousand fourteen--two thousand fifteen school year and  
45 entitled "SA1415" (A) that are not eligible for the English language  
46 learner payment pursuant to this paragraph, the small cities payment  
47 shall equal the product of public school district enrollment multiplied  
48 by sixty dollars (\$60.00), and (B) that are eligible for such English  
49 language learner payment, the small cities payment shall equal the prod-  
50 uct of public school district enrollment multiplied by thirty dollars  
51 (\$30.00).

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

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

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

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

25 (7) Maximum increase. Notwithstanding any inconsistent provision of  
26 this paragraph to the contrary, no school district shall receive total  
27 foundation aid for the two thousand seventeen--two thousand eighteen  
28 school year in excess of the product of total foundation aid payable in  
29 the two thousand sixteen--two thousand seventeen school year multiplied  
30 by (A) for districts eligible for any of the community schools payment,  
31 the English language learner payment, the small cities payment, or the  
32 sparsity payment as computed pursuant to this paragraph, sixteen  
33 hundredths (0.16), and (B) for all other districts, twelve hundredths  
34 (0.12).

35 § 1-a. Paragraph e of subdivision 4 of section 3602 of the education  
36 law, as added by section 8 of part A of chapter 54 of the laws of 2016,  
37 is amended to read as follows:

38 e. Community schools aid set-aside. Each school district [~~shall~~] may  
39 set aside from its total foundation aid computed for the current year  
40 pursuant to this subdivision an amount equal to [~~the following amount,~~  
41 ~~if any, for such district and shall~~] the sum of (i) the amount, if any,  
42 set forth for such district as "COMMUNITY SCHL AID (BT1617)" in the data  
43 file produced by the commissioner in support of the enacted budget for  
44 the two thousand sixteen--two thousand seventeen school year and enti-  
45 tled "SA161-7" and (ii) the amount, if any, of the community schools  
46 payment computed pursuant to subparagraph one of paragraph b-3 of this  
47 subdivision. Each school district may use [~~the~~] such "COMMUNITY SCHL AID  
48 (BT1617)" amount [~~so set aside~~] to support the transformation of school  
49 buildings into community hubs to deliver co-located or school-linked  
50 academic, health, mental health, nutrition, counseling, legal and/or  
51 other services to students and their families, including but not limited  
52 to providing a community school site coordinator, or to support other  
53 costs incurred to maximize students' academic achievement[+]. Each  
54 school district may use such community schools payment amount to support  
55 the transformation of school buildings into community hubs to deliver  
56 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.

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

1	<del>Cherry Valley-Springfield</del>	<del>\$29,704</del>
2	<del>Cineinnatus</del>	<del>\$71,378</del>
3	<del>Clifton-Fine</del>	<del>\$17,837</del>
4	<del>Clyde-Savannah</del>	<del>\$84,797</del>
5	<del>Clymer</del>	<del>\$28,267</del>
6	<del>Cohoes</del>	<del>\$110,625</del>
7	<del>Copenhagen</del>	<del>\$35,037</del>
8	<del>Copiague</del>	<del>\$308,995</del>
9	<del>Cortland</del>	<del>\$147,875</del>
10	<del>Crown Point</del>	<del>\$24,277</del>
11	<del>Cuba-Rushford</del>	<del>\$67,917</del>
12	<del>Dalton-Nunda (Keshequa)</del>	<del>\$65,630</del>
13	<del>Dansville</del>	<del>\$136,766</del>
14	<del>De Ruyter</del>	<del>\$38,793</del>
15	<del>Deposit</del>	<del>\$37,615</del>
16	<del>Delgeville</del>	<del>\$82,884</del>
17	<del>Downsville</del>	<del>\$10,000</del>
18	<del>Dundee</del>	<del>\$59,404</del>
19	<del>Dunkirk</del>	<del>\$224,658</del>
20	<del>East Ramapo (Spring Valley)</del>	<del>\$360,848</del>
21	<del>Edmeston</del>	<del>\$30,288</del>
22	<del>Edwards-Knox</del>	<del>\$95,261</del>
23	<del>Elizabethtown-Lewis</del>	<del>\$14,844</del>
24	<del>Ellenville</del>	<del>\$128,950</del>
25	<del>Elmira</del>	<del>\$501,348</del>
26	<del>Fallsburg</del>	<del>\$111,523</del>
27	<del>Fillmore</del>	<del>\$84,252</del>
28	<del>Forestville</del>	<del>\$34,773</del>
29	<del>Fort Edward</del>	<del>\$32,403</del>
30	<del>Fort Plain</del>	<del>\$86,187</del>
31	<del>Franklin</del>	<del>\$19,086</del>
32	<del>Franklinville</del>	<del>\$84,503</del>
33	<del>Freeport</del>	<del>\$479,702</del>
34	<del>Friendship</del>	<del>\$51,013</del>
35	<del>Fulton</del>	<del>\$241,424</del>
36	<del>Genesee Valley</del>	<del>\$65,066</del>
37	<del>Geneva</del>	<del>\$146,409</del>
38	<del>Georgetown-South Otselic</del>	<del>\$34,626</del>
39	<del>Gilbertsville-Mount Upton</del>	<del>\$30,930</del>
40	<del>Glens Falls Common</del>	<del>\$10,000</del>
41	<del>Gloversville</del>	<del>\$257,549</del>
42	<del>Gouverneur</del>	<del>\$197,139</del>
43	<del>Gowanda</del>	<del>\$122,173</del>
44	<del>Granville</del>	<del>\$86,044</del>
45	<del>Green Island</del>	<del>\$17,390</del>
46	<del>Greene</del>	<del>\$87,782</del>
47	<del>Hadley-Luzerne</del>	<del>\$37,868</del>
48	<del>Hammond</del>	<del>\$18,750</del>
49	<del>Hancock</del>	<del>\$34,174</del>
50	<del>Hannibal</del>	<del>\$149,286</del>
51	<del>Harpursville</del>	<del>\$89,804</del>
52	<del>Hempstead</del>	<del>\$3,123,056</del>
53	<del>Herkimer</del>	<del>\$64,467</del>
54	<del>Heron-Dekalb</del>	<del>\$49,211</del>
55	<del>Heuvelton</del>	<del>\$53,905</del>
56	<del>Hinsdale</del>	<del>\$47,128</del>

1	<del>Hornell</del>	<del>\$152,327</del>
2	<del>Hudson</del>	<del>\$86,263</del>
3	<del>Hudson Falls</del>	<del>\$125,709</del>
4	<del>Indian River</del>	<del>\$404,452</del>
5	<del>Jamestown</del>	<del>\$422,610</del>
6	<del>Jasper-Troupsburg</del>	<del>\$65,899</del>
7	<del>Jefferson</del>	<del>\$22,350</del>
8	<del>Johnson</del>	<del>\$179,735</del>
9	<del>Johnstown</del>	<del>\$98,329</del>
10	<del>Kingston</del>	<del>\$241,138</del>
11	<del>Kiryas Joel</del>	<del>\$10,000</del>
12	<del>La Fargeville</del>	<del>\$36,602</del>
13	<del>Lackawanna</del>	<del>\$293,188</del>
14	<del>Lansingburgh</del>	<del>\$170,080</del>
15	<del>Laurens</del>	<del>\$32,110</del>
16	<del>Liberty</del>	<del>\$141,704</del>
17	<del>Lisbon</del>	<del>\$56,498</del>
18	<del>Little Falls</del>	<del>\$76,292</del>
19	<del>Livingston Manor</del>	<del>\$32,996</del>
20	<del>Lowville</del>	<del>\$117,907</del>
21	<del>Lyme</del>	<del>\$15,856</del>
22	<del>Lyons</del>	<del>\$89,298</del>
23	<del>Madison</del>	<del>\$43,805</del>
24	<del>Madrid-Waddington</del>	<del>\$59,412</del>
25	<del>Malone</del>	<del>\$241,483</del>
26	<del>Marathon</del>	<del>\$79,560</del>
27	<del>Margaretville</del>	<del>\$10,000</del>
28	<del>Massena</del>	<del>\$227,985</del>
29	<del>Mograw</del>	<del>\$51,558</del>
30	<del>Medina</del>	<del>\$135,337</del>
31	<del>Middleburgh</del>	<del>\$58,936</del>
32	<del>Middletown</del>	<del>\$683,511</del>
33	<del>Milford</del>	<del>\$28,281</del>
34	<del>Monticello</del>	<del>\$185,418</del>
35	<del>Moriah</del>	<del>\$76,592</del>
36	<del>Morris</del>	<del>\$45,012</del>
37	<del>Morristown</del>	<del>\$25,106</del>
38	<del>Morrisville-Eaton</del>	<del>\$62,490</del>
39	<del>Mt Morris</del>	<del>\$58,594</del>
40	<del>Mt Vernon</del>	<del>\$517,463</del>
41	<del>New York City</del>	<del>\$28,491,241</del>
42	<del>Newark</del>	<del>\$137,556</del>
43	<del>Newburgh</del>	<del>\$837,244</del>
44	<del>Newfield</del>	<del>\$60,998</del>
45	<del>Niagara Falls</del>	<del>\$733,330</del>
46	<del>North Rose-Walcott</del>	<del>\$107,958</del>
47	<del>Northern Adirondack</del>	<del>\$84,115</del>
48	<del>Norwich</del>	<del>\$155,921</del>
49	<del>Norwood-Norfolk</del>	<del>\$116,262</del>
50	<del>Odessa-Montour</del>	<del>\$70,110</del>
51	<del>Ogdensburg</del>	<del>\$126,942</del>
52	<del>Olean</del>	<del>\$129,603</del>
53	<del>Oppenheim-Ephratah-St. Johnsville</del>	<del>\$86,646</del>
54	<del>Otego-Unadilla</del>	<del>\$72,613</del>
55	<del>Oxford Acad &amp; Central Schools</del>	<del>\$80,443</del>
56	<del>Parishville-Hopkinton</del>	<del>\$35,003</del>

1	<del>Peekskill</del>	<del>\$230,795</del>
2	<del>Penn Yan</del>	<del>\$71,001</del>
3	<del>Pine Valley (South Dayton)</del>	<del>\$67,455</del>
4	<del>Plattsburgh</del>	<del>\$75,055</del>
5	<del>Poland</del>	<del>\$37,498</del>
6	<del>Port Chester-Rye</del>	<del>\$241,428</del>
7	<del>Port Jervis</del>	<del>\$189,220</del>
8	<del>Poughkeepsie</del>	<del>\$1,747,582</del>
9	<del>Prattsburgh</del>	<del>\$35,110</del>
10	<del>Pulaski</del>	<del>\$89,146</del>
11	<del>Putnam</del>	<del>\$10,000</del>
12	<del>Randolph</del>	<del>\$88,646</del>
13	<del>Red Creek</del>	<del>\$87,007</del>
14	<del>Remsen</del>	<del>\$32,650</del>
15	<del>Rensselaer</del>	<del>\$74,616</del>
16	<del>Richfield Springs</del>	<del>\$37,071</del>
17	<del>Ripley</del>	<del>\$18,495</del>
18	<del>Rochester</del>	<del>\$7,624,908</del>
19	<del>Rome</del>	<del>\$369,655</del>
20	<del>Romulus</del>	<del>\$22,112</del>
21	<del>Roosevelt</del>	<del>\$353,005</del>
22	<del>Salamanca</del>	<del>\$139,051</del>
23	<del>Salmon River</del>	<del>\$200,831</del>
24	<del>Sandy Creek</del>	<del>\$72,287</del>
25	<del>Schenectady</del>	<del>\$642,884</del>
26	<del>Schenevus</del>	<del>\$29,516</del>
27	<del>Seio</del>	<del>\$47,097</del>
28	<del>Sharon Springs</del>	<del>\$26,994</del>
29	<del>Sherburne-Earlville</del>	<del>\$154,286</del>
30	<del>Sherman</del>	<del>\$45,067</del>
31	<del>Sidney</del>	<del>\$98,699</del>
32	<del>Silver Creek</del>	<del>\$68,538</del>
33	<del>Sodus</del>	<del>\$100,038</del>
34	<del>Solvay</del>	<del>\$85,506</del>
35	<del>South Kortright</del>	<del>\$23,420</del>
36	<del>South Lewis</del>	<del>\$95,627</del>
37	<del>South Seneca</del>	<del>\$49,768</del>
38	<del>Spencer-Van Etten</del>	<del>\$76,108</del>
39	<del>St Regis Falls</del>	<del>\$30,078</del>
40	<del>Stamford</del>	<del>\$20,137</del>
41	<del>Stockbridge Valley</del>	<del>\$38,537</del>
42	<del>Syracuse</del>	<del>\$10,186,478</del>
43	<del>Tianderoga</del>	<del>\$36,467</del>
44	<del>Tioga</del>	<del>\$99,411</del>
45	<del>Troy</del>	<del>\$277,420</del>
46	<del>Unadilla Valley</del>	<del>\$90,571</del>
47	<del>Uniondale</del>	<del>\$362,887</del>
48	<del>Utica</del>	<del>\$273,267</del>
49	<del>Van Hornesville-Owen D. Young</del>	<del>\$18,604</del>
50	<del>Walton</del>	<del>\$82,541</del>
51	<del>Warrensburg</del>	<del>\$57,996</del>
52	<del>Waterloo</del>	<del>\$123,111</del>
53	<del>Watertown</del>	<del>\$222,343</del>
54	<del>Watervliet</del>	<del>\$94,487</del>
55	<del>Waverly</del>	<del>\$120,319</del>
56	<del>Wayland-Cohocton</del>	<del>\$125,273</del>

1	<del>Wellsville</del>	<del>\$114,359</del>
2	<del>West Canada Valley</del>	<del>\$58,917</del>
3	<del>Westbury</del>	<del>\$403,563</del>
4	<del>Westfield</del>	<del>\$46,542</del>
5	<del>Whitehall</del>	<del>\$46,192</del>
6	<del>Whitesville</del>	<del>\$26,719</del>
7	<del>Whitney Point</del>	<del>\$152,109</del>
8	<del>William Floyd</del>	<del>\$492,842</del>
9	<del>Worcester</del>	<del>\$26,862</del>
10	<del>Wyandanch</del>	<del>\$402,010</del>
11	<del>Yonkers</del>	<del>\$4,286,726</del>
12	<del>Yorkshire Pioneer</del>	<del>\$210,306]</del>

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

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

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

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

41 12. Notwithstanding paragraph (a) of subdivision one of section twenty-  
 42 eight hundred fifty-four of this chapter and paragraph (c) of subdivi-  
 43 sion two of section twenty-eight hundred fifty-four of this chapter,  
 44 charter schools shall be eligible to participate in universal full-day  
 45 pre-kindergarten programs under this section, provided that all such  
 46 monitoring, programmatic review and operational requirements under this  
 47 section shall be the responsibility of the charter entity and shall be  
 48 consistent with the requirements under article fifty-six of this  
 49 chapter; wherefore, notwithstanding any other provision of law, partic-  
 50 ipation by a charter school in universal pre-kindergarten programs may  
 51 not be conditioned upon the charter school agreeing to contractual terms  
 52 or conditions imposed by a non-charter entity. The provisions of para-  
 53 graph (b) of subdivision two of section twenty-eight hundred fifty-four  
 54 of this chapter shall apply to the admission of pre-kindergarten  
 55 students, except parents of pre-kindergarten children may submit appli-  
 56 cations for the two thousand fourteen--two thousand fifteen school year



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

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

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

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

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

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

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

49 (d) be subject to restrictions. Notwithstanding any provision of this  
50 article to the contrary, any charter authorized to be issued by chapter  
51 fifty-seven of the laws of two thousand seven effective July first, two  
52 thousand seven, and that remains unissued as of July first, two thousand  
53 fifteen, may be issued pursuant to the provisions of law applicable to a  
54 charter authorized to be issued by such chapter in effect as of June  
55 fifteenth, two thousand fifteen~~[, provided however that nothing in this~~  
56 ~~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

1 part of the salary paid any teacher, supervisor or other employee of the  
2 board of cooperative educational services which is in excess of thirty  
3 thousand dollars shall not be such an approved expense, and except also  
4 that administrative and clerical expenses shall not exceed ten percent  
5 of the total expenses for purposes of this computation. Provided howev-  
6 er, that for teachers providing instruction in career and technical  
7 education to school age students, the salary, to be considered as an  
8 approved expense, shall not exceed thirty-four thousand dollars for the  
9 two thousand seventeen--two thousand eighteen school year; thirty-eight  
10 thousand dollars for the two thousand eighteen--two thousand nineteen  
11 school year; forty-two thousand dollars for the two thousand nineteen--  
12 two thousand twenty school year; forty-six thousand dollars for the two  
13 thousand twenty--two thousand twenty-one school year; and fifty thousand  
14 dollars for the two thousand twenty-one--two thousand twenty-two school  
15 year, and thereafter. Any gifts, donations or interest earned by the  
16 board of cooperative educational services or on behalf of the board of  
17 cooperative educational services by the dormitory authority or any other  
18 source shall not be deducted in determining the cost of services allo-  
19 cated to each component school district. Any payments made to a compo-  
20 nent school district by the board of cooperative educational services  
21 pursuant to subdivision eleven of section six-p of the general municipal  
22 law attributable to an approved cost of service computed pursuant to  
23 this subdivision shall be deducted from the cost of services allocated  
24 to such component school district. The expense of transportation  
25 provided by the board of cooperative educational services pursuant to  
26 paragraph q of subdivision four of this section shall be eligible for  
27 aid apportioned pursuant to subdivision seven of section thirty-six  
28 hundred two of this chapter and no board of cooperative educational  
29 services transportation expense shall be an approved cost of services  
30 for the computation of aid under this subdivision. Transportation  
31 expense pursuant to paragraph q of subdivision four of this section  
32 shall be included in the computation of the ten percent limitation on  
33 administrative and clerical expenses.

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

36 § 3037. Grants for hiring teachers. 1. For purposes of this section,  
37 the following term shall have the following meaning: "Eligible teacher"  
38 shall mean an individual that: (a) is certified to teach in New York  
39 state pursuant to section three thousand four of this chapter; or holds  
40 a Master's degree or Ph.D. in Mathematics, Science, Technology or Educa-  
41 tion; or holds a Bachelor's degree in Mathematics, Science, Technology  
42 or Education and is currently enrolled in a Master's or Ph.D. program  
43 in Mathematics, Science, Technology or Education within five years from  
44 the later of the effective date of this section or the employment start  
45 date with the nonpublic school, (b) teaches Mathematics, Science or  
46 Technology in any grades from three through twelve, and (c) is employed  
47 by a nonpublic school.

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

1 must be received by August first of each year for schools to be reim-  
2 bursed for the salaries of eligible teachers in the prior year.

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

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

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

19 § 10. Subdivisions 1 and 2 of section 4101 of the education law,  
20 subdivision 1 as amended by chapter 387 of the laws of 1954, subdivision  
21 2 as amended by section 30 of part B of chapter 57 of the laws of 2008,  
22 are amended to read as follows:

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

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

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

53 § 4119. School district may contract to educate Indian children.  
54 Notwithstanding any other provision of law, the trustee, trustees or  
55 board of education of any school district shall have power to contract  
56 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 seven--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 set-aside 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



1 shall certify no payment to a school district based on a claim submitted  
2 later than three years after the close of the school year in which such  
3 payment was first to be made. For claims for which payment is first to  
4 be made in the nineteen hundred ninety-six--ninety-seven school year,  
5 the commissioner shall certify no payment to a school district based on  
6 a claim submitted later than two years after the close of such school  
7 year. For claims for which payment is first to be made in the nineteen  
8 hundred ninety-seven--ninety-eight school year and thereafter, the  
9 commissioner shall certify no payment to a school district based on a  
10 claim submitted later than one year after the close of such school year.  
11 Provided, however, no payments shall be barred or reduced where such  
12 payment is required as a result of a final audit of the state. It is  
13 further provided that, until June thirtieth, nineteen hundred ninety-  
14 six, the commissioner may grant a waiver from the provisions of this  
15 section for any school district if it is in the best educational inter-  
16 ests of the district pursuant to guidelines developed by the commission-  
17 er and approved by the director of the budget.

18 § 16. a. All the acts done and proceedings heretofore had and taken or  
19 caused to be had and taken by a school district and by all officers,  
20 employees or agents of each such school district relating to or in  
21 connection with transportation contracts (1) identified by the state  
22 education department as having been filed or executed late prior to June  
23 30, 2017, and (2) for which an aid adjustment or recovery has not been  
24 initiated by the state education department as of the effective date of  
25 this act are hereby legalized, validated, ratified and confirmed,  
26 notwithstanding any failure to comply with the contract filing  
27 provisions of the education law, other than those filing provisions  
28 defined in paragraph a of subdivision 5 of section 3604 of the education  
29 law, in relation to any omission, error, defect, irregularity or ille-  
30 gality in such proceeding had and taken.

31 b. The education department is hereby directed to consider the afore-  
32 mentioned contracts for transportation aid as valid and proper obli-  
33 gations of such school district.

34 § 17. a. Notwithstanding any other provision of law to the contrary,  
35 the actions or omissions of an school district which failed to submit a  
36 final building project cost report by June 30 of the school year follow-  
37 ing June 30 of the school year in which the certificate of substantial  
38 completion of the project is issued by the architect or engineer, or six  
39 months after issuance of such certificate, whichever is later, are here-  
40 by ratified and validated, provided the following conditions have been  
41 met: (i) that such building project was eligible for aid in a year for  
42 which the commissioner of education is required to prepare an estimate  
43 of apportionments due and owing pursuant to paragraph c of subdivision  
44 21 of section 305 of the education law, and (ii) (A) that the school  
45 district was notified in writing by the state education department after  
46 March 1, 2015 but before July 1, 2017 that such final building cost  
47 reports were late, or (B) such building project was eligible for an  
48 installment recovery pursuant to sections 48, 49, 50, 51, and 52 of part  
49 A of chapter 54 of the laws of 2016 or sections 25-a, 25-b, 25-c, 25-d,  
50 and 25-e of part A of chapter 56 of the laws of 2015 or section 9-a of  
51 part A of chapter 56 of the laws of 2014 or section 24-a of part A of  
52 chapter 57 of the laws of 2013; provided, however, that notwithstanding  
53 any other provision of law to the contrary, the state education depart-  
54 ment shall not refund any monies for which recovery of excess payments  
55 has already been made pursuant to paragraph c of subdivision 5 of  
56 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:

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

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

7 a. All contracts for the transportation of school children, all  
8 contracts to maintain school buses owned or leased by a school district  
9 that are used for the transportation of school children, all contracts  
10 for mobile instructional units, and all contracts to provide, maintain  
11 and operate cafeteria or restaurant service by a private food service  
12 management company shall be subject to the approval of the commissioner,  
13 who may disapprove a proposed contract if, in his or her opinion, the  
14 best interests of the district will be promoted thereby. Except as  
15 provided in paragraph e of this subdivision, all such contracts involv-  
16 ing an annual expenditure in excess of the amount specified for purchase  
17 contracts in the bidding requirements of the general municipal law shall  
18 be awarded to the lowest responsible bidder, which responsibility shall  
19 be determined by the board of education or the trustee of a district,  
20 with power hereby vested in the commissioner to reject any or all bids  
21 if, in his or her opinion, the best interests of the district will be  
22 promoted thereby and, upon such rejection of all bids, the commissioner  
23 shall order the board of education or trustee of the district to seek,  
24 obtain and consider new proposals. All proposals for such transporta-  
25 tion, maintenance, mobile instructional units, or cafeteria and restau-  
26 rant service shall be in such form as the commissioner may prescribe.  
27 Advertisement for bids shall be published in a newspaper or newspapers  
28 designated by the board of education or trustee of the district having  
29 general circulation within the district for such purpose. Such adver-  
30 tisement shall contain a statement of the time when and place where all  
31 bids received pursuant to such advertisement will be publicly opened and  
32 read either by the school authorities or by a person or persons desig-  
33 nated by them. All bids received shall be publicly opened and read at  
34 the time and place so specified. At least five days shall elapse between  
35 the first publication of such advertisement and the date so specified  
36 for the opening and reading of bids. The requirement for competitive  
37 bidding shall not apply to an award of a contract for the transportation  
38 of pupils or a contract for mobile instructional units, if such award is  
39 based on an evaluation of proposals in response to a request for  
40 proposals pursuant to paragraph e of this subdivision. The requirement  
41 for competitive bidding shall not apply to annual, biennial, or trienni-  
42 al extensions of a contract nor shall the requirement for competitive  
43 bidding apply to quadrennial or quinquennial year extensions of a  
44 contract involving transportation of pupils, maintenance of school buses  
45 or mobile instructional units secured either through competitive bidding  
46 or through evaluation of proposals in response to a request for  
47 proposals pursuant to paragraph e of this subdivision, when such exten-  
48 sions (1) are made by the board of education or the trustee of a  
49 district, under rules and regulations prescribed by the commissioner,  
50 and, (2) do not extend the original contract period beyond five years  
51 from the date cafeteria and restaurant service commenced thereunder and  
52 in the case of contracts for the transportation of pupils, for the main-  
53 tenance of school buses or for mobile instructional units, that such  
54 contracts may be extended, except that power is hereby vested in the  
55 commissioner, in addition to his or her existing statutory authority to  
56 approve or disapprove transportation or maintenance contracts, (i) to

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

29 § 22. Paragraph (b) of subdivision 1 of section 3627 of the education  
30 law, as amended by section 7 of part A of chapter 56 of the laws of  
31 2014, is amended to read as follows:

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

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

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

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

50 § 207. Legislative power. 1. Subject and in conformity to the consti-  
51 tution and laws of the state, the regents shall exercise legislative  
52 functions concerning the educational system of the state, determine its  
53 educational policies, and, except, as to the judicial functions of the  
54 commissioner [~~of education~~], establish rules for carrying into effect  
55 the laws and policies of the state, relating to education, and the func-  
56 tions, 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

1 eligible for a maximum grant equal to the amount computed for such  
2 school district for the base year in the electronic data file produced  
3 by the commissioner in support of the two thousand nine--two thousand  
4 ten education, labor and family assistance budget, provided, however,  
5 that in the case of a district implementing programs for the first time  
6 or implementing expansion programs in the two thousand eight--two thou-  
7 sand nine school year where such programs operate for a minimum of nine-  
8 ty days in any one school year as provided in section 151-1.4 of the  
9 regulations of the commissioner, for the two thousand nine--two thousand  
10 ten and two thousand ten--two thousand eleven school years, such school  
11 district shall be eligible for a maximum grant equal to the amount  
12 computed pursuant to paragraph a of subdivision nine of this section in  
13 the two thousand eight--two thousand nine school year, and

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

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

35 ~~a. Each school district shall be eligible to receive a grant amount~~  
36 ~~equal to the sum of (i) its prekindergarten aid base plus (ii) the prod-~~  
37 ~~uct of its selected aid per prekindergarten pupil multiplied by the~~  
38 ~~positive difference, if any of the number of aidable prekindergarten~~  
39 ~~pupils served in the current year, as determined pursuant to regulations~~  
40 ~~of the commissioner, less the base aidable prekindergarten pupils calcu-~~  
41 ~~lated pursuant to this subdivision for the two thousand seven two thou-~~  
42 ~~sand eight school year, based on data on file for the school aid comput-~~  
43 ~~er listing produced by the commissioner in support of the enacted budget~~  
44 ~~for the two thousand seven--two thousand eight school year and entitled~~  
45 ~~"SA070-8". Provided, however, that in computing an apportionment pursu-~~  
46 ~~ant to this paragraph, for districts where the number of aidable prekin-~~  
47 ~~dergarten pupils served is less than the number of unserved prekin-~~  
48 ~~dergarten pupils, such grant amount shall be the lesser of such sum~~  
49 ~~computed pursuant to this paragraph or the maximum allocation computed~~  
50 ~~pursuant to subdivision nine of this section.]~~

51 (v) for the two thousand seventeen--two thousand eighteen school year,  
52 each school district shall be eligible to receive a grant amount equal  
53 to the sum of (A) the amount set forth for such school district as  
54 "UNIVERSAL PREKINDERGARTEN" under the heading "2016-17 ESTIMATED AIDS"  
55 in the school aid computer listing produced by the commissioner in  
56 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

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

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

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

14 ~~(vi) The "prekindergarten phase-in factor". For the two thousand~~  
15 ~~eight two thousand nine school year, the prekindergarten phase-in~~  
16 ~~factor shall equal the positive difference, if any, of the pupil need~~  
17 ~~index computed pursuant to subparagraph three of paragraph a of subdivi-~~  
18 ~~sion four of section thirty-six hundred two of this part less one,~~  
19 ~~provided, however, that: (A) for any district where (1) the maximum~~  
20 ~~allocation computed pursuant to subdivision nine of this section for the~~  
21 ~~base year is greater than zero and (2) the amount allocated pursuant to~~  
22 ~~this subdivision for the base year, based on data on file for the school~~  
23 ~~aid computer listing produced by the commissioner on February fifteenth~~  
24 ~~of the base year, pursuant to paragraph b of subdivision twenty-one of~~  
25 ~~section three hundred five of this chapter, is greater than the positive~~  
26 ~~difference, if any, of such maximum allocation for the base year less~~  
27 ~~twenty-seven hundred, the prekindergarten phase-in factor shall not~~  
28 ~~exceed eighteen percent, and shall not be less than ten percent, and (B)~~  
29 ~~for any district not subject to the provisions of clause (A) of this~~  
30 ~~subparagraph where (1) the amount allocated pursuant to this subdivision~~  
31 ~~for the base year is equal to zero or (2) the amount allocated pursuant~~  
32 ~~to this section for the base year, based on data on file for the school~~  
33 ~~aid computer listing produced by the commissioner on February fifteenth~~  
34 ~~of the base year, pursuant to paragraph b of subdivision twenty-one of~~  
35 ~~section three hundred five of this chapter, is less than or equal to the~~  
36 ~~amount allocated pursuant to this section for the year prior to the base~~  
37 ~~year, based on data on file for the school aid computer listing produced~~  
38 ~~by the commissioner on February fifteenth of the base year, pursuant to~~  
39 ~~paragraph b of subdivision twenty-one of section three hundred five of~~  
40 ~~this chapter, the prekindergarten phase-in factor shall equal zero, and~~  
41 ~~(C) for any district not subject to the provisions of clause (A) or (B)~~  
42 ~~of this subparagraph, the prekindergarten phase-in factor shall not~~  
43 ~~exceed thirteen percent, and shall not be less than seven percent;~~

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

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

54 § 27. Subdivision 11 of section 3602-e of the education law, as  
55 amended by section 10-b of part A of chapter 57 of the laws of 2012, is  
56 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,

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

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

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

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

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

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

27 4. section [~~23~~] twenty-three of this act shall take effect July 1,  
28 2008 and shall expire and be deemed repealed June 30, [~~2017~~] 2018;

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

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

33 17. Security reimbursements for nonpublic schools. Notwithstanding  
34 any law, rule, or regulation to the contrary, the state police shall  
35 develop risk assessment plans for nonpublic schools to recommend person-  
36 nel needed to ensure school safety and infrastructure improvements need-  
37 ed to ensure school safety. In addition to existing nonpublic safety and  
38 security grants, nonpublic schools may be reimbursed for the costs of  
39 implementing such recommendations beginning with expenses incurred  
40 during the two thousand seventeen--two thousand eighteen school year.  
41 Such reimbursements shall be annually limited to thirty-four million  
42 dollars and shall be distributed by the office of religious and inde-  
43 pendent schools. In the event that applications for reimbursement exceed  
44 thirty-four million dollars, then each applicant shall only be reim-  
45 bursed an amount equal to the percentage that each such applicant  
46 represents to the total of all applications submitted. For nonpublic  
47 schools located in cities with a population of one million or more,  
48 locally funded safety and security grants may be used to satisfy the  
49 recommendations of the risk assessment plan.

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

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

54 (b) section twelve of this act shall expire and be deemed repealed  
55 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

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

3 (b) Moneys may be withdrawn from the energy system tax stabilization  
4 reserve fund for any fiscal year to be expended for any lawful purpose.  
5 Withdrawals from the fund shall be disclosed in a manner consistent with  
6 the required disclosures of similar reserve funds held by the district,  
7 including disclosures required by the property tax report card prepared  
8 by the district pursuant to the provisions of subdivision 7 of section  
9 1716 of the education law; and deposits and withdrawals made in each  
10 fiscal year shall be subject to the district's annual budget approval  
11 process.

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

16 § 4. This act shall take effect immediately.

17 PART B

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

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

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

45 (2) The trustees or board of education of a non-component school  
46 district, including city school districts of cities in excess of one  
47 hundred twenty-five thousand inhabitants, may enter into a memorandum of  
48 understanding with a board of cooperative educational services to  
49 participate in a recovery high school program for a period not to exceed  
50 five years upon such terms as such trustees or board of education and  
51 the board of cooperative educational services may mutually agree,  
52 provided that such agreement may provide for a charge for administration  
53 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.

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

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

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

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

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

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

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

43 e. Regional placement plan. The term "regional placement plan" shall  
44 mean a comprehensive regional approach to the provision of educational  
45 placements for homeless children which has been approved by the commis-  
46 sioner.

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

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

51 (2) a school whose students are entitled to attend a specified elemen-  
52 tary, middle, intermediate, or high school or group of specified elemen-  
53 tary, middle, intermediate, or high schools upon completion of the  
54 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 pre-kindergarten 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.

~~[e-]~~ 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



1 at the time circumstances arose which caused such child to become home-  
2 less and any other information required by the commissioner. All school  
3 districts, temporary housing facilities operated or approved by a local  
4 social services district, and residential facilities for runaway and  
5 homeless youth shall make such forms available and shall ensure that the  
6 completed designation forms are given to the local educational agency  
7 liaison for the local educational agency in which the designated school  
8 is located in a timeframe prescribed by the commissioner in regulations.

9 Where the homeless child is located in a temporary housing facility  
10 operated or approved by a local social services district, or a residen-  
11 tial facility for runaway and homeless youth, the director of the facil-  
12 ity or a person designated by the social services district, shall, with-  
13 in two business days, assist the designator in completing the  
14 designation forms and enrolling the homeless child in the designated  
15 school district and shall forward the completed designation form to the  
16 local educational agency liaison for the local educational agency in  
17 which the designated school is located in a timeframe prescribed by the  
18 commissioner in regulations.

19 [~~e~~] f. Upon receipt of the designation form, the designated school  
20 district shall immediately:

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

32 [~~2~~] (3) determine whether the designation made by the designator is  
33 consistent with the best interests of the homeless child or youth. In  
34 determining a homeless child's best interest, a local educational agency  
35 shall:

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

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

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

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

1    [~~(3)~~] (5) make a written request to the school district where the  
2 child's records are located for a copy of such records; and  
3    [~~(4)~~] (6) forward the designation form to the [~~commissioner, and the~~]  
4 school district of origin where applicable.

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

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

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

22    2-a. Notwithstanding any other provision of law to the contrary, each  
23 local educational agency, as such term is defined in subsection twenty-  
24 six of section ninety-one hundred one of the Elementary and Secondary  
25 Education Act of 1965, as amended by the Every Student Succeeds Act of  
26 2015, shall designate a local educational agency liaison for homeless  
27 children and youths and shall, consistent with the provisions of this  
28 section, otherwise comply with the applicable requirements of paragraphs  
29 three through seven of subsection (g) of section seven hundred twenty-  
30 two of subtitle B of title VII of the McKinney-Vento Assistance Act.

31    3. Reimbursement.

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

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

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

3 4. Transportation.

4 a. A social services district shall provide for the transportation of  
5 each homeless child, including those in preschool and students with  
6 disabilities identified pursuant to sections forty-four hundred one and  
7 forty-four hundred two of this chapter whose individualized education  
8 programs include special transportation services, who is eligible for  
9 benefits pursuant to section three hundred fifty-j of the social  
10 services law, to and from a temporary housing location in which the  
11 child was placed by the social services district and the school attended  
12 by such child pursuant to this section, if such temporary housing facil-  
13 ity is located outside of the designated school district pursuant to  
14 paragraph a of subdivision two of this section. A social services  
15 district shall be authorized to contract with a board of education or a  
16 board of cooperative educational services for the provision of such  
17 transportation. Where the social services district requests that the  
18 designated school district of attendance provide or arrange for trans-  
19 portation for a homeless child eligible for transportation pursuant to  
20 this paragraph, the designated school district of attendance shall  
21 provide or arrange for the transportation and the social services  
22 district shall fully and promptly reimburse the designated school  
23 district of attendance for the cost as determined by the designated  
24 school district. This paragraph shall apply to placements made by a  
25 social services district without regard to whether a payment is made by  
26 the district to the operator of the temporary housing facility.

27 b. ~~[The division for youth, to the extent funds are provided for such~~  
28 ~~purpose, as determined by the director of the budget,]~~ The designated  
29 school district of attendance shall provide for the transportation of  
30 each homeless child who is living in a residential program for runaway  
31 and homeless youth established pursuant to article nineteen-H of the  
32 executive law, to and from such residential program, and the school  
33 attended by such child pursuant to this section, if such temporary hous-  
34 ing location is located outside the designated school district. The  
35 ~~[division for youth or the director of a residential program for runaway~~  
36 ~~and homeless youth]~~ designated district of attendance shall be author-  
37 ized to contract with ~~[a school district or]~~ a board of cooperative  
38 educational services or a residential program for runaway and homeless  
39 youth for the provision of such transportation. The department shall  
40 reimburse the designated school district of attendance for the cost of  
41 transporting such child to and from the residential program and the  
42 school attended by such child to the extent funds are provided for such  
43 purpose, as determined by the director of the budget.

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

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

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

20 e. ~~[Notwithstanding any other provision of law, if a homeless child~~  
21 ~~chooses to remain in the public school building the child previously~~  
22 ~~attended pursuant to subparagraph one of paragraph b of subdivision two~~  
23 ~~of this section or paragraph c of subdivision two of this section the~~  
24 ~~school district shall provide transportation to and from the child's~~  
25 ~~temporary housing location and the school the child legally attends if~~  
26 ~~such temporary housing is located in a different attendance zone or~~  
27 ~~community school district within such district. The cost of such trans-~~  
28 ~~portation shall be reimbursed in accordance with the provisions of para-~~  
29 ~~graph c of this subdivision.]~~ Where the designated school district of  
30 attendance has recommended that the homeless child attend a summer  
31 educational program and the lack of transportation poses a barrier to  
32 such child's participation in the summer educational program, the desig-  
33 nated school district of attendance shall provide transportation.

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

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

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

44 (3) the lack of transportation poses a barrier to such child's partic-  
45 ipation in the activity.

46 g. Where the homeless child is temporarily living in a contiguous  
47 state and has designated a school of origin located in the state of New  
48 York, the designated school district in New York state shall collaborate  
49 with the local educational agency in which such child is temporarily  
50 living to arrange for transportation in accordance with section  
51 722(g)(1)(J)(iii)(II) of the McKinney-Vento Homeless Assistance Act.

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

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

3 i. Transportation as described in this subdivision must be provided to  
4 the homeless child by the designated school district of attendance or  
5 the social services district for the duration of homelessness. The  
6 designated district of attendance must transport the child for the  
7 remainder of the school year in which the child becomes permanently  
8 housed and one additional year if that year constitutes the child's  
9 terminal year in the designated school. Such transportation shall not be  
10 in excess of fifty miles each way except where the commissioner certi-  
11 fies that transportation in excess of fifty miles is in the best inter-  
12 est of the child. The designated school district of attendance shall be  
13 entitled to reimbursement from the current school district in which the  
14 child becomes permanently housed for any cost incurred for transporta-  
15 tion for the remainder of the school year after the child becomes perma-  
16 nently housed and one additional year if that year constitutes the  
17 child's terminal year in the designated school.

18 5. Each school district shall:

19 a. establish procedures, in accordance with 42 U.S.C. section  
20 11432(g)(3)(E), for the prompt resolution of disputes regarding school  
21 selection or enrollment of a homeless child or youth, including, but not  
22 limited to, disputes regarding transportation and/or a child's or  
23 youth's status as a homeless child or unaccompanied youth;

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

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

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

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

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

55 [~~6.~~] 7. Public welfare officials, except as otherwise provided by law,  
56 shall furnish indigent children with suitable clothing, shoes, books,



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

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

11 9. Each homeless child to be assisted under this section shall be  
12 provided services comparable to services offered to other students in  
13 the school selected under this section, including the following: trans-  
14 portation services; educational services for which the child or youth  
15 meets the eligibility criteria, such as services provided under Title I  
16 of the Elementary and Secondary Education Act of 1965 or similar state  
17 or local programs; educational programs for children with disabilities;  
18 educational programs for English learners; programs in career and tech-  
19 nical education; programs for gifted and talented students; and school  
20 nutrition programs.

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

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

26 a. Homeless child. For the purposes of this article, the term "home-  
27 less child" shall mean:

28 (1) a child who lacks a fixed, regular, and adequate nighttime resi-  
29 dence, including a child or youth who is:

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

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

34 (iii) abandoned in hospitals;

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

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

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

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

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

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



1 this article or pursuant to article eighty-one, eighty-five, eighty-sev-  
2 en or eighty-eight of this chapter.

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

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

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

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

16 PART D

17 Intentionally Omitted

18 PART E

19 Intentionally Omitted

20 PART F

21 Intentionally Omitted

22 PART G

23 Intentionally Omitted

24 PART H

25 Intentionally Omitted

26 PART I

27 Intentionally Omitted

28 PART J

29 Intentionally Omitted

30 PART K

31 Section 1. This part enacts into law major components of legislation  
32 which are necessary for the financing of various child welfare services.  
33 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

1 therefrom any federal funds received or to be received on account of  
2 such expenditures, except that in the case of a student attending a  
3 state-operated school for the deaf or blind pursuant to article eighty-  
4 seven or eighty-eight of the education law who was not placed in such  
5 school by a school district such expenditures shall be subject to fifty  
6 percent reimbursement by the state after first deducting therefrom any  
7 federal funds received or to be received on account of such expenditures  
8 and there shall be no reimbursement by school districts. Such expendi-  
9 tures shall not be subject to the limitations on state reimbursement  
10 contained in subdivision two of section one hundred fifty-three-k of  
11 this title. In the event of the failure of the school district to make  
12 the maintenance payment pursuant to the provisions of this subdivision,  
13 the state comptroller shall withhold state reimbursement to any such  
14 school district in an amount equal to the unpaid obligation for mainte-  
15 nance and pay over such sum to the social services district upon certif-  
16 ication of the commissioner of the office of children and family  
17 services and the commissioner of education that such funds are overdue  
18 and owed by such school district. The commissioner of the office of  
19 children and family services, in consultation with the commissioner of  
20 education, shall promulgate regulations to implement the provisions of  
21 this subdivision.

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

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

47 § 3. Paragraph c of subdivision 1 of section 4405 of the education  
48 law, as amended by section 1 of part O of chapter 58 of the laws of  
49 2011, is amended to read as follows:

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

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

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

12 § 2. Severability. If any clause, sentence, paragraph, subdivision or  
 13 section of this part shall be adjudged by any court of competent juris-  
 14 diction to be invalid, such judgment shall not affect, impair, or inval-  
 15 idate the remainder thereof, but shall be confined in its operation to  
 16 the clause, sentence, paragraph, subdivision or section thereof directly  
 17 involved in the controversy in which such judgment shall have been  
 18 rendered. It is hereby declared to be the intent of the legislature that  
 19 this part would have been enacted even if such invalid provisions had  
 20 not been included herein.

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

#### 24 PART L

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

28 (iii) (A) commits, or allows to be committed an offense against such  
 29 child defined in article one hundred thirty of the penal law; (B)  
 30 allows, permits or encourages such child to engage in any act described  
 31 in sections 230.25, 230.30 and 230.32 of the penal law; (C) commits any  
 32 of the acts described in sections 255.25, 255.26 and 255.27 of the penal  
 33 law; ~~or~~ (D) allows such child to engage in acts or conduct described  
 34 in article two hundred sixty-three of the penal law; or (E) permits or  
 35 encourages such child to engage in any act or commits or allows to be  
 36 committed against such child any offense that would render such child  
 37 either a victim of sex trafficking or a victim of severe forms of traf-  
 38 ficking in persons pursuant to 22 U.S.C. 7102 as enacted by public law  
 39 106-386 or any successor federal statute; (F) provided, however, that  
 40 ~~(a)~~ (1) the corroboration requirements contained in the penal law and  
 41 ~~(b)~~ (2) the age requirement for the application of article two hundred  
 42 sixty-three of such law shall not apply to proceedings under this arti-  
 43 cle.

44 § 2. This act shall take effect immediately.

#### 45 PART M

46 Section 1. Paragraph a of subdivision 2 of section 420 of the execu-  
 47 tive law, as amended by section 3 of part G of chapter 57 of the laws of  
 48 2013, is amended to read as follows:

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

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

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

17 (3) In its plan a municipality may:

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

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

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

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

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

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

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

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

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

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

54 1. "Runaway youth" shall mean a person under the age of eighteen years  
55 who is absent from his or her legal residence without the consent of his  
56 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~~[r]~~ 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]~~ state-wide 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~~[.]~~;

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

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

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

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

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

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

44 § 532-c. Notice to parent; return of runaway youth to parent; alterna-  
45 tive living arrangements. 1. The staff of [~~the~~] a residential runaway  
46 and homeless youth crisis services program shall, to the maximum extent  
47 possible, preferably within twenty-four hours but within no more than  
48 seventy-two hours following the youth's admission into the program,  
49 notify such runaway youth's parent, guardian or custodian of his or her  
50 physical and emotional condition, and the circumstances surrounding the  
51 runaway youth's presence at the program, unless there are compelling  
52 circumstances why the parent, guardian or custodian should not be so  
53 notified. Where such circumstances exist, the [~~runaway~~] program director  
54 or his or her designee shall either file an appropriate petition in the  
55 family court, refer the youth to the local social services district, or

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

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

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

15 § 532-d. Residential ~~[facilities operated as]~~ transitional independent  
16 living support programs. Notwithstanding any inconsistent provision of  
17 law, pursuant to regulations of the office of children and family  
18 services, residential facilities operating as transitional independent  
19 living support programs are authorized to and shall:

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

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

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

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

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

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

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

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

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

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

23    8. provide information to eligible youth about their ability to re-en-  
24 ter foster care in accordance with article ten-B of the family court  
25 act, and in appropriate cases, refer any such youth who may be inter-  
26 ested in re-entering foster care to the applicable local social services  
27 district; and

28    9. provide such reports and data as specified by the office of chil-  
29 dren and family services.

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

32    § 532-f. Required certification for residential programs. Notwith-  
33 standing any other provision of law to the contrary, any residential  
34 program established for the purpose of serving runaway and homeless  
35 youth that serves any youth under the age of eighteen or that is  
36 contained in a municipality's approved comprehensive plan, must be  
37 certified by the office of children and family services and must be  
38 operated by an authorized agency as such term is defined in subdivision  
39 ten of section three hundred seventy-one of the social services law.

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

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

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

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

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

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

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

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

21 (c) the amendments to:

22 (i) paragraph a of subdivision 2 of section 420 of the executive law,  
23 made by section one of this act, shall not affect the expiration and  
24 reversion of such subdivision pursuant to section 9 of part G of chapter  
25 57 of the laws of 2013 and shall expire and be deemed repealed there-  
26 with; and

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

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

35 PART N

36 Intentionally Omitted

37 PART O

38 Section 1. Subdivision 1 of section 131-r of the social services law,  
39 as added by chapter 81 of the laws of 1995 and as designated by chapter  
40 340 of the laws of 2003, is amended to read as follows:

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



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

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

5 (1) Notwithstanding any limitations in section one hundred four of the  
6 social services law, the director of the lottery, on behalf of the divi-  
7 sion of the lottery, shall enter into a written agreement with the  
8 commissioner of the office of temporary and disability assistance, on  
9 behalf of the office of temporary and disability assistance, which shall  
10 set forth the procedures for crediting any lottery prize of six hundred  
11 dollars or more awarded to an individual against any and all public  
12 assistance benefits which were given to or on behalf of such individual  
13 within a period of up to ten years prior to the issuance of such prize  
14 of which the director of the lottery has been notified by the commis-  
15 sioner of the office of temporary and disability assistance pursuant to  
16 the provisions of such agreement[~~, provided, however, that in no event~~  
17 ~~shall such credit to the office of temporary and disability assistance~~  
18 ~~exceed fifty percent of any such lottery prize and provided further~~  
19 that, unless otherwise determined cost effective by the commissioner of  
20 the office of temporary and disability assistance and the director of  
21 the lottery such procedure shall be required only to the extent that and  
22 with respect to periods for which it can be effected through automated  
23 type match.

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

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

37 PART P

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

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

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

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

51 (d) for the period commencing January first, two thousand [~~seventeen~~]  
52 eighteen, the monthly personal needs allowance shall be an amount equal  
53 to the sum of the amounts set forth in subparagraphs one and two of this  
54 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

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

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

20 3. For purposes of this section, the term "provider" or "provider  
21 agency" shall mean: an authorized agency[7]; the office of children and  
22 family services[7]; juvenile detention facilities subject to the certif-  
23 ication of [~~such~~] the office[7] of children and family services;  
24 programs established pursuant to article nineteen-H of the executive  
25 law[7]; non-residential or residential programs or facilities licensed  
26 or operated by the office of mental health or the office for people with  
27 developmental disabilities except family care homes[7]; licensed child  
28 day care centers, including head start programs which are funded pursu-  
29 ant to title V of the federal economic opportunity act of nineteen  
30 hundred sixty-four, as amended[7]; early intervention service estab-  
31 lished pursuant to section twenty-five hundred forty of the public  
32 health law[7]; preschool services established pursuant to section  
33 forty-four hundred ten of the education law[7]; school-age child care  
34 programs[7]; special act school districts as enumerated in chapter five  
35 hundred sixty-six of the laws of nineteen hundred sixty-seven, as  
36 amended[7]; programs and facilities licensed by the office of alcoholism  
37 and substance abuse services[7]; residential schools which are operated,  
38 supervised or approved by the education department[7]; publicly-funded  
39 emergency shelters for families with children, provided, however, for  
40 purposes of this section, when the provider or provider agency is a  
41 publicly-funded emergency shelter for families with children, then all  
42 references in this section to the "potential for regular and substantial  
43 contact with individuals who are cared for by the agency" shall mean the  
44 potential for regular and substantial contact with children who are  
45 served by such shelter; and any other facility or provider agency, as  
46 defined in subdivision four of section four hundred eighty-eight of this  
47 chapter, in regard to the employment of staff, or use of providers of  
48 goods and services and staff of such providers, consultants, interns and  
49 volunteers.

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

52 § 460-h. Review of criminal history information concerning prospective  
53 employees, consultants, assistants and volunteers of publicly-funded  
54 emergency shelters for families with children. 1. Every provider of  
55 services to publicly-funded emergency shelters for families with chil-  
56 dren, as such phrase is defined in subdivision nine of section four

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

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

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

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

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

21 (ii) been informed of the reason for the request for his or her crimi-  
22 nal history information;

23 (iii) consented to such request; and

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

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

30 2. A provider shall designate one or two persons in its employ who  
31 shall be authorized to request, receive and review the criminal history  
32 information, and only such persons and the prospective employee,  
33 consultant, assistant or volunteer to which the criminal history infor-  
34 mation relates shall have access to such information; provided, however,  
35 the criminal history information may be disclosed to other personnel  
36 authorized by the provider who are empowered to make decisions concern-  
37 ing prospective employees, consultants, assistants or volunteers and  
38 provided further that such other personnel shall also be subject to the  
39 confidentiality requirements and all other provisions of this section. A  
40 provider shall notify each person authorized to have access to criminal  
41 history information pursuant to this section.

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

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

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

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

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

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

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

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

17 7. After receiving criminal history information pursuant to subdivi-  
18 sions five and six of this section and before making a determination,  
19 the provider shall provide the prospective employee, consultant, assist-  
20 ant or volunteer with a summary of such criminal history information and  
21 a copy of article twenty-three-A of the correction law and inform such  
22 prospective employee, consultant, assistant and volunteer of his or her  
23 right to seek correction of any incorrect information contained in such  
24 criminal history information provided by the division of criminal  
25 justice services pursuant to the regulations and procedures established  
26 by the division of criminal justice services and the right of the  
27 prospective employee, consultant, assistant or volunteer to provide  
28 information relevant to such analysis.

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

34 9. A prospective employee, consultant, assistant or volunteer may  
35 withdraw from the application process, without prejudice, at any time  
36 regardless of whether he or she, or the provider, has reviewed his or  
37 her criminal history information. Where a prospective employee, consult-  
38 ant, assistant or volunteer withdraws from the application process, any  
39 fingerprints and criminal history information concerning such prospec-  
40 tive employee, consultant, assistant or volunteer received by the  
41 provider shall, within ninety days, be returned to such prospective  
42 employee, consultant, assistant or volunteer by the person designated  
43 for receipt of criminal history information pursuant to subdivision two  
44 of this section.

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

49 11. The commissioner of the division of criminal justice services, in  
50 consultation with the office of temporary and disability assistance,  
51 shall promulgate all rules and regulations necessary to implement the  
52 provisions of this section, which shall include convenient procedures  
53 for the provider to promptly verify the accuracy of the reviewed crimi-  
54 nal history information and, to the extent authorized by law, to have  
55 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

1 thousand dollars for the fiscal year ending March 31, 2018. Within this  
2 total amount two hundred fifty thousand dollars shall be used for the  
3 purpose of entering into a contract with the rural preservation coali-  
4 tion to provide technical assistance and services to the companies fund-  
5 ed pursuant to article XVI of the private housing finance law, or a unit  
6 of local government in the state of New York. Notwithstanding any other  
7 provision of law, and subject to the approval of the New York state  
8 director of the budget, the board of directors of the state of New York  
9 mortgage agency shall authorize the transfer to the housing trust fund  
10 corporation, for the purposes of reimbursing any costs associated with  
11 rural preservation program contracts authorized by this section, a total  
12 sum not to exceed four million seven hundred thirty-nine thousand  
13 dollars, such transfer to be made from (i) the special account of the  
14 mortgage insurance fund created pursuant to section 2429-b of the public  
15 authorities law, in an amount not to exceed the actual excess balance in  
16 the special account of the mortgage insurance fund, as determined and  
17 certified by the state of New York mortgage agency for the fiscal year  
18 2016-2017 in accordance with section 2429-b of the public authorities  
19 law, if any, and/or (ii) provided that the reserves in the project pool  
20 insurance account of the mortgage insurance fund created pursuant to  
21 section 2429-b of the public authorities law are sufficient to attain  
22 and maintain the credit rating (as determined by the state of New York  
23 mortgage agency) required to accomplish the purposes of such account,  
24 the project pool insurance account of the mortgage insurance fund, such  
25 transfer to be made as soon as practicable but no later than June 30,  
26 2017.

27 § 5. Notwithstanding any other provision of law, the housing trust  
28 fund corporation may provide, for purposes of the rural and urban commu-  
29 nity investment fund program created pursuant to article XXVII of the  
30 private housing finance law, a sum not to exceed thirty-six million  
31 dollars for the fiscal year ending March 31, 2018. Notwithstanding any  
32 other provision of law, and subject to the approval of the New York  
33 state director of the budget, the board of directors of the state of New  
34 York mortgage agency shall authorize the transfer to the housing trust  
35 fund corporation, for the purposes of reimbursing any costs associated  
36 with rural and urban community investment fund program contracts author-  
37 ized by this section, a total sum not to exceed thirty-six million  
38 dollars, such transfer to be made from (i) the special account of the  
39 mortgage insurance fund created pursuant to section 2429-b of the public  
40 authorities law, in an amount not to exceed the actual excess balance in  
41 the special account of the mortgage insurance fund, as determined and  
42 certified by the state of New York mortgage agency for the fiscal year  
43 2016-2017 in accordance with section 2429-b of the public authorities  
44 law, if any, and/or (ii) provided that the reserves in the project pool  
45 insurance account of the mortgage insurance fund created pursuant to  
46 section 2429-b of the public authorities law are sufficient to attain  
47 and maintain the credit rating (as determined by the state of New York  
48 mortgage agency) required to accomplish the purposes of such account,  
49 the project pool insurance account of the mortgage insurance fund, such  
50 transfer to be made as soon as practicable but no later than March 31,  
51 2018.

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

1 Notwithstanding any other provision of law, and subject to the approval  
2 of the New York state director of the budget, the board of directors of  
3 the state of New York mortgage agency shall authorize the transfer to  
4 the housing trust fund corporation, for the purposes of carrying out the  
5 provisions of the low income housing trust fund program created pursuant  
6 to article XVIII of the private housing finance law authorized by this  
7 section, a total sum not to exceed twenty-one million dollars, such  
8 transfer to be made from (i) the special account of the mortgage insur-  
9 ance fund created pursuant to section 2429-b of the public authorities  
10 law, in an amount not to exceed the actual excess balance in the special  
11 account of the mortgage insurance fund, as determined and certified by  
12 the state of New York mortgage agency for the fiscal year 2016-2017 in  
13 accordance with section 2429-b of the public authorities law, if any,  
14 and/or (ii) provided that the reserves in the project pool insurance  
15 account of the mortgage insurance fund created pursuant to section  
16 2429-b of the public authorities law are sufficient to attain and main-  
17 tain the credit rating (as determined by the state of New York mortgage  
18 agency) required to accomplish the purposes of such account, the project  
19 pool insurance account of the mortgage insurance fund, such transfer to  
20 be made as soon as practicable but no later than March 31, 2018.

21 § 7. Notwithstanding any other provision of law, the housing trust  
22 fund corporation may provide, for purposes of the homes for working  
23 families program for deposit in the housing trust fund created pursuant  
24 to section 59-a of the private housing finance law and subject to the  
25 provisions of article XVIII of the private housing finance law, a sum  
26 not to exceed two million dollars for the fiscal year ending March 31,  
27 2018. Notwithstanding any other provision of law, and subject to the  
28 approval of the New York state director of the budget, the board of  
29 directors of the state of New York mortgage agency shall authorize the  
30 transfer to the housing trust fund corporation, for the purposes of  
31 reimbursing any costs associated with homes for working families program  
32 contracts authorized by this section, a total sum not to exceed two  
33 million dollars, such transfer to be made from (i) the special account  
34 of the mortgage insurance fund created pursuant to section 2429-b of the  
35 public authorities law, in an amount not to exceed the actual excess  
36 balance in the special account of the mortgage insurance fund, as deter-  
37 mined and certified by the state of New York mortgage agency for the  
38 fiscal year 2016-2017 in accordance with section 2429-b of the public  
39 authorities law, if any, and/or (ii) provided that the reserves in the  
40 project pool insurance account of the mortgage insurance fund created  
41 pursuant to section 2429-b of the public authorities law are sufficient  
42 to attain and maintain the credit rating (as determined by the state of  
43 New York mortgage agency) required to accomplish the purposes of such  
44 account, the project pool insurance account of the mortgage insurance  
45 fund, such transfer to be made as soon as practicable but no later than  
46 March 31, 2018.

47 § 8. Notwithstanding any other provision of law, the homeless housing  
48 and assistance corporation may provide, for purposes of the New York  
49 state supportive housing program, the solutions to end homelessness  
50 program or the operational support for AIDS housing program, or to qual-  
51 ified grantees under those programs, in accordance with the requirements  
52 of those programs, a sum not to exceed six million five hundred twenty-  
53 two thousand dollars for the fiscal year ending March 31, 2018. The  
54 homeless housing and assistance corporation may enter into an agreement  
55 with the office of temporary and disability assistance to administer  
56 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

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

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

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

48 § 11. This act shall take effect immediately.

#### 49 PART S

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

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

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

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

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

33 § 2-a. Subdivision 13 of section 421-a of the real property tax law,  
34 as amended by chapter 15 of the laws of 2008, is amended to read as  
35 follows:

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

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

53 (c) With respect to any multiple dwelling in a UDC Large Scale Project  
54 that meets the requirements of paragraph (c) of subdivision seven of  
55 this section, the period of tax benefits awarded to such multiple dwell-  
56 ing 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

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

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

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

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

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

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

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

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

1 eligible site and the denominator of which is the total number of dwell-  
2 ing units in such eligible site.

3 [~~(vii)~~] (x) "Affordable housing forty percent unit" shall mean a  
4 dwelling unit that: (A) is situated within the eligible site for which  
5 [421-a] Affordable New York Housing Program benefits are granted; and  
6 (B) upon initial rental and upon each subsequent rental following a  
7 vacancy during the restriction period, is affordable to and restricted  
8 to occupancy by individuals or families whose household income does not  
9 exceed forty percent of the area median income, adjusted for family  
10 size, at the time that such household initially occupies such dwelling  
11 unit.

12 [~~(viii)~~] (xi) "Affordable housing sixty percent unit" shall mean a  
13 dwelling unit that: (A) is situated within the eligible site for which  
14 [421-a] Affordable New York Housing Program benefits are granted; and  
15 (B) upon initial rental and upon each subsequent rental following a  
16 vacancy during the restriction period, is affordable to and restricted  
17 to occupancy by individuals or families whose household income does not  
18 exceed sixty percent of the area median income, adjusted for family  
19 size, at the time that such household initially occupies such dwelling  
20 unit.

21 [~~(ix)~~] (xii) "Affordable housing seventy percent unit" shall mean a  
22 dwelling unit that: (A) is situated within the eligible site for which  
23 [421-a] Affordable New York Housing Program benefits are granted; and  
24 (B) upon initial rental and upon each subsequent rental following a  
25 vacancy during the restriction period, is affordable to and restricted  
26 to occupancy by individuals or families whose household income does not  
27 exceed seventy percent of the area median income, adjusted for family  
28 size, at the time that such household initially occupies such dwelling  
29 unit.

30 (xiii) "Affordable housing one hundred twenty percent unit" shall mean  
31 a dwelling unit that: (A) is situated within the eligible site for which  
32 Affordable New York Housing Program benefits are granted; and (B) upon  
33 initial rental and upon each subsequent rental following a vacancy  
34 during the restriction period, is affordable to and restricted to occu-  
35 pancy by individuals or families whose household income does not exceed  
36 one hundred twenty percent of the area median income, adjusted for fami-  
37 ly size, at the time that such household initially occupies such dwell-  
38 ing unit.

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

48 [~~(xi)~~] (xv) "Affordable housing unit" shall mean, collectively and  
49 individually, affordable housing forty percent units, affordable housing  
50 sixty percent units, affordable housing seventy percent units, afforda-  
51 ble housing one hundred twenty percent units and affordable housing one  
52 hundred thirty percent units.

53 [~~(xii)~~] (xvi) "Agency" shall mean the department of housing preserva-  
54 tion and development.

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

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

5     (xix) "Brooklyn enhanced affordability area" shall mean any tax lots  
6 now existing or hereafter created which are located entirely within  
7 community boards one or two of the borough of Brooklyn bounded and  
8 described as follows: All that piece or parcel of land situate and being  
9 in the boroughs of Queens and Brooklyn, New York. Beginning at the point  
10 of intersection of the centerline of Newtown Creek and the westerly  
11 bounds of the East River; Thence southeasterly along the centerline of  
12 Newtown Creek, said centerline also being the boundary between Queens  
13 County to the northeast and Kings County to the southwest, to the point  
14 of intersection with Greenpoint Avenue; Thence southwesterly along  
15 Greenpoint Avenue, to the intersection with Kings Land Avenue; Thence  
16 southerly along Kingsland Avenue to the intersection with Meeker Avenue;  
17 Thence southwesterly along Meeker Avenue to the intersection with  
18 Leonard Street; Thence southerly along Leonard Street to the inter-  
19 section with Metropolitan Avenue; Thence westerly along Metropolitan  
20 Avenue to the intersection with Lorimer Street; Thence southerly along  
21 Lorimer Street to the intersection with Montrose Avenue; Thence westerly  
22 along Montrose Avenue to the intersection with Union Avenue; Thence  
23 southerly along Union Avenue to the intersection with Johnson Avenue;  
24 Thence westerly along Johnson Avenue to the intersection with Broadway;  
25 Thence northwesterly along Broadway to the intersection with Rutledge  
26 Street; Thence southwesterly along Rutledge Street to the intersection  
27 with Kent Avenue and Classon Avenue; Thence southwesterly and southerly  
28 along Classon Avenue to the intersection with Dekalb Avenue; Thence  
29 westerly along Dekalb Avenue to the intersection with Bond Street;  
30 Thence southwesterly along Bond Street to the intersection with Wyckoff  
31 Street; Thence northwesterly along Wyckoff Street to the intersection  
32 with Hoyt Street; Thence southwesterly along Hoyt Street to the inter-  
33 section with Warren Street; Thence northwesterly along Warren Street to  
34 the intersection with Court Street; Thence northeasterly along Court  
35 Street to the intersection with Atlantic Avenue; Thence northwesterly  
36 along Atlantic Avenue, crossing under The Brooklyn Queens Expressway  
37 (aka Interstate 278), to the terminus of Atlantic Avenue at the Brooklyn  
38 Bridge Park/Pier 6; Thence northwesterly passing through the Brooklyn  
39 Bridge Park to the bulkhead of the East River at Pier 6; Thence in a  
40 general northeasterly direction along the easterly bulkhead or shoreline  
41 of the East River to the intersection with the centerline of Newtown  
42 Creek, and the point or place of Beginning.

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

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

1     ~~[(xxvi)]~~ (xxii) "Completion date" shall mean, with respect to any  
2 eligible multiple dwelling, the date upon which the local department of  
3 buildings issues the first temporary or permanent certificate of occu-  
4 pancy covering all residential areas of an eligible multiple dwelling.

5     ~~[(xxvii)]~~ (xxiii) "Construction period" shall mean, with respect to any  
6 eligible multiple dwelling, a period: (A) beginning on the later of the  
7 commencement date of such eligible multiple dwelling or three years  
8 before the completion date of such eligible multiple dwelling; and (B)  
9 ending on the day preceding the completion date of such eligible multi-  
10 ple dwelling.

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

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

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

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

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

41     ~~[(xxx)]~~ (xxix) "Eligible planned project" shall mean a multiple dwell-  
42 ing (including a portion of a multiple dwelling) being developed pursu-  
43 ant to a multi-phase general project plan or urban renewal plan adopted  
44 by a New York state or New York city governmental agency that includes  
45 the development of at least one thousand new dwelling units on contig-  
46 uous city blocks for which the commencement date is after December thir-  
47 ty-first, two thousand fifteen and for which the completion date occurs  
48 during the period in which the general project plan or urban renewal  
49 plan remains in effect.

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

53     (xxxi) "Employee benefits" shall mean all supplemental compensation  
54 paid by the employer, on behalf of construction workers, other than  
55 wages, including, without limitation, any premiums or contributions made  
56 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.

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

[~~(xxxi)~~] (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.

[~~(xxxiii)~~] (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.

[~~(xxxiv)~~] (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.

[~~(xxxv)~~] (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.

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

[~~(xxviii)~~] (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.

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

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

~~(li)~~ (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.

~~(lii)~~ (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 disbursement 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

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

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

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

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

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

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

3 (c) In addition to all other requirements set forth in this subdivi-  
4 sion, rental projects containing three hundred or more rental dwelling  
5 units located within the enhanced affordability area shall comply with  
6 the requirements set forth in this paragraph. For purposes of this para-  
7 graph, "contractor" shall mean any entity which by agreement with anoth-  
8 er party (including subcontractors) undertakes to perform construction  
9 work at an eligible site and "applicant" shall mean an applicant for  
10 Affordable New York Housing Program benefits and any successor thereto.

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

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

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

32 (iv) The requirements of subparagraphs (ii) and (iii) of this para-  
33 graph shall not be applicable to:

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

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

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

45 (v) The applicant shall contract with an independent monitor. Such  
46 independent monitor shall submit to the agency within one year of the  
47 completion date a project-wide certified payroll report. In the event  
48 such project-wide certified payroll report is not submitted to the agen-  
49 cy within the requisite time, the applicant shall be subject to a fine  
50 of one thousand dollars per week, or any portion thereof; provided that  
51 the maximum fine shall be seventy-five thousand dollars. In the event  
52 that the average hourly wage is less than the minimum average hourly  
53 wage set forth in subparagraph (ii) or (iii) of this paragraph as appli-  
54 cable, the project-wide certified payroll report shall also set forth  
55 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

1 maximum fine shall be seventy-five thousand dollars. Notwithstanding any  
2 provision of this paragraph, the applicant shall not be liable in any  
3 respect whatsoever for any payments, fines or penalties related to or  
4 resulting from contractor fraud, mistake, or negligence or for fraudu-  
5 lent or inaccurate contractor certified payroll reports or for fraudu-  
6 lent or inaccurate project-wide certified payroll reports, provided,  
7 however, that payment to the third party fund administrator in the  
8 amount set forth in the project-wide certified payroll report as  
9 described in this subparagraph shall still be made by the contractor or  
10 sub-contractor in the event of underpayment resulting from or caused by  
11 the contractor or sub-contractor, and that the applicant will be liable  
12 for underpayment to the third party administrator unless the agency  
13 determines, in its sole discretion, that the underpayment was the result  
14 of, or caused by, contractor fraud, mistake or negligence and/or for  
15 fraudulent or inaccurate contractor certified payroll reports and/or  
16 project-wide certified payroll reports. The applicant shall otherwise  
17 not be liable in any way whatsoever once the payment to the third party  
18 fund administrator has been made in the amount set forth in the  
19 project-wide certified payroll report.

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

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

37 ~~[(e)]~~ (d) Tax payments. In addition to any other amounts payable  
38 pursuant to this subdivision, the owner of any eligible site receiving  
39 ~~[421-a]~~ Affordable New York Housing Program benefits shall pay, in each  
40 tax year in which such ~~[421-a]~~ Affordable New York Housing Program bene-  
41 fits are in effect, real property taxes and assessments as follows:

42 (i) with respect to each eligible multiple dwelling constructed on  
43 such eligible site, real property taxes on the assessed valuation of  
44 such land and any improvements thereon in effect during the tax year  
45 prior to the commencement date of such eligible multiple dwelling, with-  
46 out regard to any exemption from or abatement of real property taxation  
47 in effect during such tax year, which real property taxes shall be  
48 calculated using the tax rate in effect at the time such taxes are due;  
49 and

50 (ii) all assessments for local improvements.

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



1 to such excess. If an eligible site contains multiple tax lots, the tax  
2 arising out of such reduction in ~~[421-a]~~ Affordable New York Housing  
3 Program benefits shall first be apportioned pro rata among any non-resi-  
4 dential tax lots. After any such non-residential tax lots are fully  
5 taxable, the remainder of the tax arising out of such reduction in  
6 ~~[421-a]~~ Affordable New York Housing Program benefits, if any, shall be  
7 apportioned pro rata among the remaining residential tax lots.

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

12 ~~[(f)]~~ (g) Affordability requirements. During the restriction period, a  
13 rental project shall comply with either affordability option A, affor-  
14 dability option B, or affordability option C or for purposes of a homeown-  
15 ership project, such project shall comply with affordability option D.  
16 Such election shall be made in the application and shall not thereafter  
17 be changed. The rental project shall also comply with all provisions of  
18 this paragraph during the restriction period and with subparagraph (iii)  
19 of this paragraph both during and after the restriction period to the  
20 extent provided in such subparagraph. A rental project containing three  
21 hundred or more rental dwelling units located in the enhanced affor-  
22 dability area or a rental project containing three hundred or more rental  
23 dwelling units not located within the enhanced affordability area which  
24 elects to comply with the requirements of paragraph (c) of this subdivi-  
25 sion shall comply with either affordability option E, affordability  
26 option F, or affordability option G. Such election shall be made in the  
27 application and shall not thereafter be changed. Such rental project  
28 shall also comply with all provisions of this paragraph during the  
29 extended restriction period and with subparagraph (iii) of this para-  
30 graph both during and after the extended restriction period to the  
31 extent provided in such paragraph.

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

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

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

50 (iv) All rent stabilization registrations required to be filed pursu-  
51 ant to subparagraph (iii) of this paragraph shall contain a designation  
52 that specifically identifies affordable housing units created pursuant  
53 to this subdivision as "~~[421-a]~~ Affordable New York Housing Program  
54 affordable housing units" and shall contain an explanation of the  
55 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:

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

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

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

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

15 (E) to make a classification by craft, trade or other generally recog-  
16 nized occupational category of the building service employees and to  
17 determine whether such work has been performed by the building service  
18 employees in such classification;

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

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

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

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

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

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

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

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

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

51 [~~(j)~~] (k) Voluntary renunciation or termination. Notwithstanding the  
52 provisions of any general, special or local law to the contrary, an  
53 owner shall not be entitled to voluntarily renounce or terminate any  
54 ~~[421-a]~~ Affordable New York Housing Program benefits unless the agency  
55 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-

1 after be ineligible to submit a certification pursuant to this subdivi-  
2 sion.

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

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

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

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

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

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

47 § 4-a. Paragraph (n) of subdivision 2 of section 2 of chapter 274 of  
48 the laws of 1946, constituting the emergency housing rent control law,  
49 as amended by section 7 of part A of chapter 20 of the laws of 2015, is  
50 amended to read as follows:

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

1 regulation reform act of 1997 and before the effective date of the rent  
2 act of 2011, which is or becomes vacant on or after the effective date  
3 of the rent regulation reform act of 1997 and before the effective date  
4 of the rent act of 2011. This exclusion shall apply regardless of wheth-  
5 er the next tenant in occupancy or any subsequent tenant in occupancy is  
6 charged or pays less than two thousand dollars a month; or, for any  
7 housing accommodation with a maximum rent of two thousand five hundred  
8 dollars or more per month at any time on or after the effective date of  
9 the rent act of 2011, which is or becomes vacant on or after such effec-  
10 tive date, but prior to the effective date of the rent act of 2015; or,  
11 any housing accommodation with a legal regulated rent [~~that was~~ **of** two  
12 thousand seven hundred dollars or more per month at any time on or after  
13 the effective date of the rent act of 2015, which becomes vacant after  
14 the effective date of the rent act of 2015, provided, however, that  
15 starting on January 1, 2016, and annually thereafter, the maximum legal  
16 regulated rent for this deregulation threshold, shall also be increased  
17 by the same percentage as the most recent one year renewal adjustment,  
18 adopted by the applicable rent guidelines board. This exclusion shall  
19 apply regardless of whether the next tenant in occupancy or any subse-  
20 quent tenant in occupancy actually is charged or pays less than two  
21 thousand seven hundred dollars, as adjusted by the applicable rent  
22 guidelines board, per month. An exclusion pursuant to this paragraph  
23 shall not apply, however, to or become effective with respect to housing  
24 accommodations which the commissioner determines or finds that the land-  
25 lord or any person acting on his or her behalf, with intent to cause the  
26 tenant to vacate, has engaged in any course of conduct (including, but  
27 not limited to, interruption or discontinuance of required services)  
28 which interfered with or disturbed or was intended to interfere with or  
29 disturb the comfort, repose, peace or quiet of the tenant in his or her  
30 use or occupancy of the housing accommodations and in connection with  
31 such course of conduct, any other general enforcement provision of this  
32 law shall also apply.

33 § 4-b. Paragraph 13 of subdivision a of section 5 of section 4 of  
34 chapter 576 of the laws of 1974, constituting the emergency tenant  
35 protection act of nineteen seventy-four, as amended by section 8 of part  
36 A of chapter 20 of the laws of 2015, is amended to read as follows:

37 (13) any housing accommodation with a legal regulated rent of two  
38 thousand dollars or more per month at any time between the effective  
39 date of this paragraph and October first, nineteen hundred ninety-three  
40 which is or becomes vacant on or after the effective date of this para-  
41 graph; or, for any housing accommodation with a legal regulated rent of  
42 two thousand dollars or more per month at any time on or after the  
43 effective date of the rent regulation reform act of 1997 and before the  
44 effective date of the rent act of 2011, which is or becomes vacant on or  
45 after the effective date of the rent regulation reform act of 1997 and  
46 before the effective date of the rent act of 2011. This exclusion shall  
47 apply regardless of whether the next tenant in occupancy or any subse-  
48 quent tenant in occupancy is charged or pays less than two thousand  
49 dollars a month; or, for any housing accommodation with a legal regu-  
50 lated rent of two thousand five hundred dollars or more per month at any  
51 time on or after the effective date of the rent act of 2011, which is or  
52 becomes vacant on or after such effective date, but prior to the effec-  
53 tive date of the rent act of 2015; or, any housing accommodation with a  
54 legal regulated rent [~~that was~~ **of** two thousand seven hundred dollars or  
55 more per month at any time on or after the effective date of the rent  
56 act of 2015, which becomes vacant after the effective date of the rent



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

24 § 4-c. Subparagraph (k) of paragraph 2 of subdivision e of section  
25 26-403 of the administrative code of the city of New York, as amended by  
26 section 9 of part A of chapter 20 of the laws of 2015, is amended to  
27 read as follows:

28 (k) Any housing accommodation which becomes vacant on or after April  
29 first, nineteen hundred ninety-seven and before the effective date of  
30 the rent act of 2011, and where at the time the tenant vacated such  
31 housing accommodation the maximum rent was two thousand dollars or more  
32 per month; or, for any housing accommodation which is or becomes vacant  
33 on or after the effective date of the rent regulation reform act of 1997  
34 and before the effective date of the rent act of 2011 with a maximum  
35 rent of two thousand dollars or more per month. This exclusion shall  
36 apply regardless of whether the next tenant in occupancy or any subsequent  
37 tenant in occupancy is charged or pays less than two thousand  
38 dollars a month; or, for any housing accommodation with a maximum rent  
39 of two thousand five hundred dollars or more per month at any time on or  
40 after the effective date of the rent act of 2011, which is or becomes  
41 vacant on or after such effective date, but prior to the effective date  
42 of the rent act of 2015; or, any housing accommodation with a legal  
43 regulated rent [~~that was~~ of two thousand seven hundred dollars or more  
44 per month at any time on or after the effective date of the rent act of  
45 2015, which becomes vacant after the effective date of the rent act of  
46 2015, provided, however, that starting on January 1, 2016, and annually  
47 thereafter, the maximum legal regulated rent for this deregulation  
48 threshold, shall also be increased by the same percent as the most  
49 recent one year renewal adjustment, adopted by the New York city rent  
50 guidelines board pursuant to the rent stabilization law. This exclusion  
51 shall apply regardless of whether the next tenant in occupancy or any  
52 subsequent tenant in occupancy actually is charged or pays less than two  
53 thousand seven hundred dollars a month. Provided however, that an exclusion  
54 pursuant to this subparagraph shall not apply to housing accommo-



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

14 § 4-d. Section 26-504.2 of the administrative code of the city of New  
15 York, as amended by section 10 of part A of chapter 20 of the laws of  
16 2015, is amended to read as follows:

17 § 26-504.2 Exclusion of high rent accommodations. a. "Housing accommo-  
18 dations" shall not include: any housing accommodation which becomes  
19 vacant on or after April first, nineteen hundred ninety-seven and before  
20 the effective date of the rent act of 2011 and where at the time the  
21 tenant vacated such housing accommodation the legal regulated rent was  
22 two thousand dollars or more per month; or, for any housing accommo-  
23 dation which is or becomes vacant on or after the effective date of the  
24 rent regulation reform act of 1997 and before the effective date of the  
25 rent act of 2011, with a legal regulated rent of two thousand dollars or  
26 more per month; or for any housing accommodation that becomes vacant on  
27 or after the effective date of the rent act of 2015, [~~where-such~~ with a  
28 legal regulated rent [~~was~~ of two thousand seven hundred dollars or  
29 more, and as further adjusted by this section. Starting on January 1,  
30 2016, and annually thereafter, the maximum legal regulated rent for this  
31 deregulation threshold, shall also be increased by the same percent as  
32 the most recent one year renewal adjustment, adopted by the New York  
33 city rent guidelines board pursuant to the rent stabilization law. This  
34 exclusion shall apply regardless of whether the next tenant in occupancy  
35 or any subsequent tenant in occupancy is charged or pays less than two  
36 thousand dollars a month; or, for any housing accommodation with a legal  
37 regulated rent of two thousand five hundred dollars or more per month at  
38 any time on or after the effective date of the rent act of 2011, which  
39 is or becomes vacant on or after such effective date, but prior to the  
40 effective date of the rent act of 2015; or, any housing accommodation  
41 with a legal regulated rent [~~that-was~~ of two thousand seven hundred  
42 dollars or more per month at any time on or after the effective date of  
43 the rent act of 2015, which becomes vacant after the effective date of  
44 the rent act of 2015, provided, however, that starting on January 1,  
45 2016, and annually thereafter, such legal regulated rent for this dereg-  
46 ulation threshold, shall also be increased by the same percentage as the  
47 most recent one year renewal adjustment, adopted by the New York city  
48 rent guidelines board. This exclusion shall apply regardless of whether  
49 the next tenant in occupancy or any subsequent tenant in occupancy actu-  
50 ally is charged or pays less than two thousand seven hundred dollars, as  
51 adjusted by the applicable rent guidelines board, a month. Provided  
52 however, that an exclusion pursuant to this subdivision shall not apply  
53 to housing accommodations which became or become subject to this law (a)  
54 by virtue of receiving tax benefits pursuant to section four hundred  
55 twenty-one-a or four hundred eighty-nine of the real property tax law,  
56 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-

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

18 § 4-f. Section 467-i of the real property tax law is REPEALED.

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

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

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

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

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

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

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

## 50 PART T

51 Section 1. Subdivision 4 of section 170.15 of the criminal procedure  
52 law, as amended by chapter 67 of the laws of 2000, is amended to read as  
53 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 or veterans treatment 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:

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

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

7 § 836-a. Veterans treatment court peer-to-peer service grant program.

8 1. Notwithstanding any provision of law to the contrary, the division  
9 shall establish a grant program in support of veteran peer-to-peer  
10 programs to aid and/or assist veterans who have an action pending before  
11 a veterans treatment court. Such grant program shall be subject to, and  
12 funded pursuant to, any funds appropriated or suballocated for expenses  
13 related to the veterans treatment court program. Eligible applicants for  
14 this grant program shall include not-for-profit veterans service organ-  
15 izations and local county veterans services agencies, that maintain a  
16 peer-to-peer program where veteran service officers, or their volunteer  
17 equivalent, aid and/or assist veterans who have an action pending before  
18 a veterans treatment court. The awarding of such grants by the division  
19 shall be divided as equally as possible, within total amounts appropri-  
20 ated or suballocated therefor, between the different regions of the  
21 state.

22 2. Definitions. For purposes of this section, the following defi-  
23 nitions shall apply:

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

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

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

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

48 § 5. This act shall take effect immediately.

49 PART U

50 Intentionally Omitted

51 PART V

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

5 (iv) The state shall appropriate annually and make available general  
6 fund operating support including fringe benefits, for the state univer-  
7 sity in an amount not less than the amount appropriated and made avail-  
8 able to the state university in state fiscal year two thousand eleven--  
9 two thousand twelve. Beginning in state fiscal year two thousand  
10 eighteen--two thousand nineteen and thereafter, the state shall appro-  
11 priate and make available general fund operating support for the state  
12 university and the state university health science centers in an amount  
13 not less than the amounts separately appropriated and made available in  
14 the prior state fiscal year; provided, further, the state shall appro-  
15 priate and make available general fund operating support to cover all  
16 mandatory costs of the state university and the state university health  
17 science centers, which shall include, but not be limited to, collective  
18 bargaining costs including salary increments, fringe benefits, and other  
19 non-personal service costs such as utility costs, building rentals and  
20 other inflationary expenses incurred by the state university and the  
21 state university health science centers. If the governor, however,  
22 declares a fiscal emergency, and communicates such emergency to the  
23 temporary president of the senate and speaker of the assembly, state  
24 support for operating expenses at the state university and city univer-  
25 sity may be reduced in a manner proportionate to one another, and the  
26 forementioned provisions shall not apply.

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

31 (ii) The state shall appropriate annually and make available general  
32 fund operating support including fringe benefits, for the state univer-  
33 sity in an amount not less than the amount appropriated and made avail-  
34 able to the state university in state fiscal year two thousand eleven--  
35 two thousand twelve. Beginning in state fiscal year two thousand  
36 eighteen--two thousand nineteen and thereafter, the state shall appro-  
37 priate and make available general fund operating support for the state  
38 university and the state university health science centers in an amount  
39 not less than the amounts separately appropriated and made available in  
40 the prior state fiscal year; provided, further, the state shall appro-  
41 priate and make available general fund operating support to cover all  
42 mandatory costs of the state university and the state university health  
43 science centers, which shall include, but not be limited to, collective  
44 bargaining costs including salary increments, fringe benefits, and other  
45 non-personal service costs such as utility costs, building rentals and  
46 other inflationary expenses incurred by the state university and the  
47 state university health science centers. If the governor, however,  
48 declares a fiscal emergency, and communicates such emergency to the  
49 temporary president of the senate and speaker of the assembly, the state  
50 support for operating expenses at the state university and city univer-  
51 sity may be reduced in a manner proportionate to one another, and the  
52 forementioned provisions shall not apply.

53 § 3. Paragraph (a) of subdivision 7 of section 6206 of the education  
54 law, as amended by section 2 of part D of chapter 54 of the laws of  
55 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 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 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.

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

3 § 355-d. "New York state pre-paid tuition plan". 1. Definitions. For  
4 the purposes of this section, the following terms shall have the follow-  
5 ing meanings:

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

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

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

16 d. "Comptroller" shall mean the state comptroller.

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

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

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

35 h. "Member of family" shall mean a family member as defined in section  
36 529 of the Internal Revenue Code of 1986, as amended.

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

39 (i) a qualified withdrawal; (ii) a withdrawal made as the result of  
40 the death or disability of the designated beneficiary of an account; or  
41 (iii) a withdrawal made on the account of a scholarship.

42 j. "Plan" shall mean the New York state pre-paid tuition plan estab-  
43 lished pursuant to this section.

44 k. "Plan manager" shall mean a financial organization selected by the  
45 comptroller to act as a depository and manager of the plan.

46 l. "Qualified withdrawal" shall mean a withdrawal from an account to  
47 pay the qualified tuition expenses of the designated beneficiary.

48 m. "State university" shall mean the state university of New York.

49 n. "Tuition" shall mean any mandatory charges imposed by an eligible  
50 educational institution for attendance for an academic year as a condi-  
51 tion of enrollment. Such term shall not include laboratory fees, room  
52 and board, or other similar fees and charges.

53 o. "Tuition savings agreement" shall mean an agreement between the  
54 comptroller or a financial organization and an account owner.

55 2. Powers and duties of the comptroller. The comptroller shall admin-  
56 ister the plan and shall develop and implement programs for the pre-pay-

1 ment of undergraduate tuition, at a fixed, guaranteed level for applica-  
2 tion at any two-year or four-year eligible educational institution as  
3 defined in section 529 of the Internal Revenue Code of 1986, as amended,  
4 or other applicable federal law. In addition, the comptroller shall have  
5 the power and duty to:

6 a. develop and implement the plan in a manner consistent with the  
7 provisions of this section through rules and regulations established in  
8 accordance with the state administrative procedure act;

9 b. make arrangements with the state university, city university and  
10 any eligible educational institution located within the state which  
11 chooses to participate, to fulfill obligations under pre-paid tuition  
12 contracts for two-year or four-year degree programs, including, but not  
13 limited to, payment from the plan of the then actual in-state undergrad-  
14 uate tuition cost on behalf of a qualified beneficiary of a pre-paid  
15 tuition contract to the institution in which such beneficiary is admit-  
16 ted and enrolled, and application of such benefits towards graduate-lev-  
17 el tuition and towards tuition costs at such eligible educational insti-  
18 tutions, as that term is defined in 26 U.S.C. § 529 or any other  
19 applicable section of the Internal Revenue Code of 1986, as amended, as  
20 determined by the comptroller in his or her sole discretion. Such  
21 arrangements must include plans that allow an account owner to enter  
22 into contracts in which he or she can purchase tuition in installments  
23 equal to the cost of semesters as a full time student, but can also  
24 include plans that would allow for the pre-payment of tuition for  
25 tuition credit hours;

26 c. engage the services of consultants on a contract basis for render-  
27 ing professional and technical assistance and advice;

28 d. seek rulings and other guidance from the United States department  
29 of Treasury and the Internal Revenue Service relating to the program;

30 e. make changes to the plan required for the participants to obtain  
31 the federal income tax benefits or treatment provided by section 529 of  
32 the Internal Revenue Code of 1986, as amended, or any similar successor  
33 legislation;

34 f. charge, impose and collect administrative fees and service charges  
35 in connection with any agreement, contract or transaction relating to  
36 the plan;

37 g. develop marketing plans and promotion material;

38 h. establish the methods by which the funds held in such accounts be  
39 disbursed;

40 i. establish the method by which funds shall be allocated to pay for  
41 administrative costs; and

42 j. do all things necessary and proper to carry out the purposes of  
43 this section.

44 3. Plan requirements. Every pre-paid tuition account shall comply with  
45 the provisions of this section.

46 a. A pre-paid tuition account may be opened by any person who desires  
47 to enter into a contract for pre-payment of tuition expenses at an  
48 institution of the state university, the city university or any partic-  
49 ipating eligible educational institution. An account owner may designate  
50 another person as successor owner of the account in the event of the  
51 death of the original account owner. Such person who opens an account or  
52 any successor owner shall be considered the account owner.

53 b. An application for such account shall be in the form prescribed by  
54 the comptroller and contain the following:

55 (i) the name, address and social security number or employer identifi-  
56 cation number of the account owner;

1     (ii) the designation of a designated beneficiary;  
2     (iii) the name, address and social security number of the designated  
3     beneficiary; and  
4     (iv) such other information as the comptroller may require.  
5     c. The comptroller may establish a nominal fee for such application.  
6     d. Any person, including the account owner, may make contributions to  
7     an account after the account is opened.  
8     e. Contributions to accounts may be made only in cash.  
9     f. Four years must elapse between the establishment of a pre-paid  
10    tuition account and the time the first qualified withdrawal is made for  
11    the payment of tuition expenses.  
12    g. An account owner may withdraw all or part of the balance from an  
13    account on sixty days notice or such shorter period as may be authorized  
14    under rules governing the plan. Such rules shall include provisions that  
15    will generally enable the determination as to whether a withdrawal is a  
16    nonqualified withdrawal or a qualified withdrawal.  
17    h. An account owner may change the designated beneficiary of an  
18    account to an individual who is a member of the family of the prior  
19    designated beneficiary in accordance with procedures established by the  
20    comptroller.  
21    i. An account owner may transfer all or a portion of an account to  
22    another family tuition account, the subsequent designated beneficiary of  
23    which is a member of the family as defined in section 529 of the Inter-  
24    nal Revenue Code of 1986, as amended.  
25    j. The plan shall provide separate accounting for each designated  
26    beneficiary.  
27    k. No account owner or designated beneficiary of any account shall be  
28    permitted to direct the investment of any contributions to an account or  
29    the earnings thereon.  
30    l. Neither an account owner nor a designated beneficiary shall use an  
31    interest in an account as security for a loan. Any pledge of an interest  
32    in an account shall be of no force and effect.  
33    m. (i) If there is any distribution from an account to any individual  
34    or for the benefit of any individual during a calendar year, such  
35    distribution shall be reported to the Internal Revenue Service and the  
36    account owner, the designated beneficiary or the distributee to the  
37    extent required by federal law or regulation.  
38    (ii) Statements shall be provided to each account owner at least once  
39    each year within sixty days after the end of the twelve month period to  
40    which they relate. The statement shall identify the contributions made  
41    during a preceding twelve month period, the total contributions made to  
42    the account through the end of the period, the value of the account at  
43    the end of such period, distributions made during such period and any  
44    other information that the comptroller shall require to be reported to  
45    the account owner.  
46    (iii) Statements and information relating to accounts shall be  
47    prepared and filed to the extent required by federal and state tax law.  
48    n. (i) A local government or organization described in section  
49    501(c)(3) of the Internal Revenue Code of 1986, as amended, may open and  
50    become the account owner of an account to fund scholarships for persons  
51    whose identity will be determined upon disbursement.  
52    (ii) In the case of any account opened pursuant to paragraph a of this  
53    subdivision the requirement set forth in this subdivision that a desig-  
54    nated beneficiary be designated when an account is opened shall not  
55    apply and each individual who receives an interest in such account as a

1 scholarship shall be treated as a designated beneficiary with respect to  
2 such interest.

3 o. An annual fee may be imposed upon the account owner for the mainte-  
4 nance of the account.

5 p. The plan shall disclose the following information in writing to  
6 each account owner and prospective account owner of a pre-paid tuition  
7 account:

8 (i) the terms and conditions for purchasing a pre-paid tuition  
9 account;

10 (ii) any restrictions on the substitution of beneficiaries;

11 (iii) the person or entity entitled to terminate the tuition pre-pay-  
12 ment agreement;

13 (iv) the period of time during which a beneficiary may receive bene-  
14 fits under the tuition pre-payment agreement;

15 (v) the terms and conditions under which money may be wholly or  
16 partially withdrawn from the plan, including, but not limited to, any  
17 reasonable charges and fees that may be imposed for withdrawal;

18 (vi) the probable tax consequences associated with contributions to  
19 and distributions from accounts; and

20 (vii) all other right and obligations pursuant to pre-paid tuition  
21 agreements, and any other terms, conditions and provisions deemed neces-  
22 sary and appropriate by the comptroller pursuant to this subdivision.

23 q. Pre-paid tuition savings agreements shall be subject to section  
24 fourteen-c of the banking law and the "truth-in-savings" regulations  
25 promulgated thereunder.

26 r. Nothing in this article or in any pre-paid tuition savings agree-  
27 ment entered into pursuant to this article shall be construed as a guar-  
28 antee by the state or any college that a beneficiary will be admitted to  
29 a college or university, or, upon admission to a college will be permit-  
30 ted to continue to attend or will receive a degree from a college or  
31 university.

32 4. State guarantee. a. Nothing in this section shall establish or be  
33 deemed to establish any obligation of the state, the comptroller or any  
34 agency or instrumentality of the state to guarantee any benefits to any  
35 account owner or designated beneficiary.

36 b. Notwithstanding the provisions of subdivision one of this section,  
37 in order to ensure that the plan is able to meet its obligations, the  
38 governor shall include in the budget submitted pursuant to section twen-  
39 ty-two of the state finance law, an appropriation sufficient for the  
40 purpose of ensuring that the plan can meet its obligations. Any sums  
41 appropriated for such purpose shall be transferred to the plan. All  
42 amounts paid into the plan pursuant to this subdivision shall constitute  
43 and be accounted for as advances by the state to the plan and, subject  
44 to the rights of the plan's contract holders, shall be repaid to the  
45 state without interest from available operating revenue of the plan in  
46 excess of amounts required for the payment of the obligations of the  
47 plan. As used in this section, "obligations of the plan" means amounts  
48 required for the payment of contract benefits or other obligations of  
49 the plan, the maintenance of the plan, and operating expenses for the  
50 current fiscal year.

51 § 2. The state finance law is amended by adding a new section 78-c to  
52 read as follows:

53 § 78-c. New York state pre-paid tuition plan fund. 1. There is hereby  
54 established in the sole custody of the state comptroller a special fund  
55 to be known as the New York state pre-paid tuition plan fund. All



1 payments from such fund shall be made in accordance with section three  
2 hundred fifty-five-d of the education law.

3 2. (a) The comptroller shall invest the assets of the fund in invest-  
4 ments authorized by article four-A of the retirement and social security  
5 law, provided however, that:

6 (i) the provisions of paragraph (a) of subdivision two of section one  
7 hundred seventy-seven of the retirement and social security law shall  
8 not apply except for subparagraph (ii) of such paragraph; and (ii)  
9 notwithstanding the provisions of subdivision seven of section one  
10 hundred seventy-seven of the retirement and social security law or any  
11 other law to the contrary, the assets of the fund may be invested in any  
12 funding agreement issued in accordance with section three thousand two  
13 hundred twenty-two of the insurance law by a domestic life insurance  
14 company or a foreign life insurance company doing business in this  
15 state, subject to the following:

16 (1) such a funding agreement may provide for a guaranteed minimum rate  
17 of return;

18 (2) such a funding agreement may be allocated as either a separate  
19 account or a general account of the issuer, as the comptroller may  
20 decide;

21 (3) total investments of the fund pursuant to this paragraph in any  
22 funding agreements issued by a single life insurance company which are  
23 allocated as a general account of the issuer shall not, in the aggre-  
24 gate, exceed three hundred fifty million dollars; and

25 (4) no assets of the fund shall be invested in any such funding agree-  
26 ment unless, at the time of such investment, the general obligations or  
27 financial strength of the issuer have received either the highest or  
28 second highest rating by two nationally recognized rating services or by  
29 one nationally recognized rating service in the event that only one such  
30 service rates such obligations.

31 (b) Fund assets shall be kept separate and shall not be commingled  
32 with other assets. The comptroller may enter into contracts to provide  
33 for investment advice and management, custodial services and other  
34 professional services for the administration and investment of the plan.  
35 Administrative fees, costs and expenses, including investment fees and  
36 expenses, shall be paid from the assets of the fund.

37 3. The comptroller shall provide for the administration of the trust  
38 fund, including maintaining participant records and accounts, and  
39 providing annual audited reports. The comptroller may enter into  
40 contracts to provide administrative services and reporting.

41 § 3. Section 5205 of the civil practice law and rules is amended by  
42 adding a new subdivision (p) to read as follows:

43 (p) Exemption for New York state pre-paid tuition plan monies. Monies  
44 in an account created pursuant to section three hundred fifty-five-d of  
45 the education law are exempt from application to the satisfaction of a  
46 money judgment as follows:

47 1. one hundred percent of monies in an account in connection with a  
48 pre-paid tuition plan established pursuant to such article is exempt;  
49 and

50 2. one hundred percent of monies in an account is exempt where the  
51 judgment debtor is the account owner or designated beneficiary of such  
52 account.

53 For the purposes of this subdivision, the terms "account owner" and  
54 "designated beneficiary" shall have the meanings ascribed to them in  
55 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 1 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

1 following the designation of the pilot programs. Such report shall  
2 include, but not be limited to, the status of such program, the effec-  
3 tiveness and results of such program and recommendations whether to  
4 continue, expand or alter such pilot program.

5 § 2. This act shall take effect immediately.

6 PART CC

7 Section 1. The private housing finance law is amended by adding a new  
8 article 28 to read as follows:

9 ARTICLE XXVIII

10 MOBILE AND MANUFACTURED HOME REPLACEMENT PROGRAM

11 Section 1240. Statement of legislative findings and purpose.

12 1241. Definitions.

13 1242. Mobile and manufactured home replacement contracts.

14 § 1240. Statement of legislative findings and purpose. The legislature  
15 hereby finds and declares that there exists in New York state a serious  
16 need to eliminate older, dilapidated mobile and manufactured homes and  
17 replace them with new manufactured, modular or site-built homes. Older  
18 mobile or manufactured home units with rusted, leaking metal roofs,  
19 metal-framed windows with interior take-out storms, and metal siding,  
20 are those that most need replacement. No matter the amount of rehabili-  
21 tation investment, the end result is unsatisfactory in terms of longev-  
22 ity, energy efficiency and affordability. The legislature therefore  
23 finds that the state should establish a program to fund the replacement  
24 of mobile or manufactured homes with new affordable and energy efficient  
25 manufactured, modular or site-built homes.

26 § 1241. Definitions. For the purposes of this article the following  
27 terms shall have the following meanings:

28 1. "Corporation" shall mean the housing trust fund corporation estab-  
29 lished in section forty-five-a of this chapter.

30 2. "Dilapidated" shall mean a housing unit that does not provide safe  
31 and adequate shelter, and in its present condition endangers the health,  
32 safety or well-being of the occupants. Such a housing unit shall have  
33 one or more critical defects, or a combination of intermediate defects  
34 in sufficient number or extent to require considerable repair or  
35 rebuilding. Such defects may involve original construction, or they may  
36 result from continued neglect or lack of repair or from serious damage  
37 to the structure.

38 3. "Eligible applicant" shall mean a unit of local government or a  
39 not-for-profit corporation in existence for a period of one or more  
40 years prior to application, which is, or will be at the time of award,  
41 incorporated under the not-for-profit corporation law and has substan-  
42 tial experience in affordable housing.

43 4. "Eligible property" shall mean a mobile or manufactured home that  
44 is the primary residence of a homeowner with a total household income  
45 that does not exceed eighty percent of area median income for the county  
46 in which a project is located as calculated by the United States depart-  
47 ment of housing and urban development.

48 5. "Manufactured home" shall have the same meaning as is set forth for  
49 such term in subdivision seven of section six hundred one of the execu-  
50 tive law.

51 6. "Mobile and manufactured home replacement program" or "program"  
52 shall mean a proposal by an eligible applicant for the replacement of a  
53 dilapidated mobile or manufactured home with a new manufactured, modular



1 or site-built home. All replacement homes shall be energy star rated for  
2 energy efficiency.

3 7. "Modular home" shall have the same meaning as is set forth for such  
4 term in paragraph thirty-three of subdivision (b) of section eleven  
5 hundred one of the tax law.

6 8. "Site-built home" shall mean a structure built on-site using build-  
7 ing materials delivered to the site, even if some of such materials were  
8 manufactured, produced or assembled off-site such as, by way of example  
9 and not by way of limitation, concrete blocks, windows, door units, wall  
10 or roof panels, trusses and dormers.

11 § 1242. Mobile and manufactured home replacement contracts. 1. Grants.  
12 Within the limit of funds available in the mobile and manufactured home  
13 replacement program, the corporation is hereby authorized to enter into  
14 contracts with eligible applicants to provide grants, which shall be  
15 used to establish programs to provide assistance to eligible property  
16 owners to replace dilapidated mobile or manufactured homes in the state.

17 2. Program criteria. The corporation shall develop procedures, crite-  
18 ria and requirements related to the application and award of projects  
19 pursuant to this section which shall include: eligibility, market  
20 demand, feasibility and funding criteria; the funding determination  
21 process; supervision and evaluation of contracting applicants; report-  
22 ing, budgeting and record-keeping requirements; provisions for modifica-  
23 tion and termination of contracts; and such other matters not inconsist-  
24 ent with the purposes and provisions of this article as the corporation  
25 shall deem necessary or appropriate.

26 3. Contract limitations. The total contract pursuant to any one eligi-  
27 ble applicant in a specified region shall not exceed five hundred thou-  
28 sand dollars and the contract shall provide for completion of the  
29 program within a reasonable period, as specified therein, which shall  
30 not in any event exceed four years from commencement of the program.  
31 Upon request, the corporation may extend the term of the contract for up  
32 to an additional one year period for good cause shown by the eligible  
33 applicant.

34 4. Planning and administrative costs. The corporation shall authorize  
35 the eligible applicant to spend seven and one-half percent of the  
36 contract amount for approved planning and administrative costs associ-  
37 ated with administering the program.

38 5. The corporation shall require that, in order to receive a grant  
39 pursuant to this article, the eligible property owner shall have no  
40 liens on the land after closing the grant other than the new home  
41 financing and currently existing mortgage or mortgages, and all property  
42 taxes and insurances must be current.

43 6. Assistance. Financial assistance to eligible property owners shall  
44 be one hundred percent grants in the form of deferred payment loans  
45 (hereinafter referred to in this subdivision as "DPL"). A ten year  
46 declining balance lien in the form of a note and mortgage, duly filed at  
47 the county clerk's office, will be utilized for replacement projects. No  
48 interest or payments will be required on the DPL unless the property is  
49 sold or transferred before the regulatory term expires. In such cases  
50 funds will be recaptured from the proceeds of the sale of the home, on a  
51 declining balance basis, unless an income-eligible immediate family  
52 member accepts ownership of, and resides in the new replacement home for  
53 the remainder of the regulatory term. In addition the mobile and manu-  
54 factured home replacement program established by this article shall: (a)  
55 provide funds for relocation assistance to homeowners who are unable to  
56 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.

1     2. "Account owner" shall mean a taxpayer who enters into a first home  
2 savings agreement pursuant to the provisions of this article, including  
3 a person who enters into such an agreement as a fiduciary or agent on  
4 behalf of a trust, estate, partnership, association, company or corpo-  
5 ration.

6     3. "Designated beneficiary" shall mean, with respect to an account or  
7 accounts, the designated individual or individuals whose first home  
8 purchase expenses are expected to be paid from the account or accounts.

9     4. "Financial organization" shall mean an organization authorized to  
10 do business in the state, and (a) which is an authorized fiduciary to  
11 act as a trustee pursuant to the provisions of an act of congress enti-  
12 tled "Employee Retirement Income Security Act of 1974", as such  
13 provisions may be amended from time to time, or an insurance company;  
14 and (b)(i) is licensed or chartered by the department of financial  
15 services, (ii) is chartered by an agency of the federal government,  
16 (iii) is subject to the jurisdiction and regulation of the securities  
17 and exchange commission of the federal government, (iv) is any other  
18 entity otherwise authorized to act in this state as a trustee pursuant  
19 to the provisions of an act of congress entitled "Employee Retirement  
20 Income Security Act of 1974", as such provisions may be amended from  
21 time to time, (v) or any banking organization as defined in subdivision  
22 eleven of section two of the banking law, national banking association,  
23 state chartered credit union, federal mutual savings bank, federal  
24 savings and loan association or federal credit union.

25     5. "First time home buyer" shall mean an individual or individuals,  
26 neither of whom has or had an ownership interest in a principal resi-  
27 dence at any time, including residences owned in the United States or  
28 abroad. No such person shall own any other home including vacation or  
29 investment residences, including residences owned in the United States  
30 or abroad, except as otherwise provided in this subdivision. If either  
31 the individual or individuals are not first time home buyers, neither  
32 the individual or individuals shall be considered a first time home  
33 buyer. If an individual's only potentially disqualifying present owner-  
34 ship interest is ownership of a mobile or manufactured home, the indi-  
35 vidual shall be considered a first time home buyer and shall be eligible  
36 for a first home account deduction. For the purposes of this article a  
37 "mobile or manufactured home" shall mean a structure that is valued as  
38 personal property and not real property. If, due to his or her ownership  
39 of a mobile or manufactured home, the individual has claimed a real  
40 estate tax or home mortgage deduction on his or her personal income tax  
41 returns, such individual shall not be considered a first time home buyer  
42 regardless of whether the mobile or manufactured home was considered  
43 personal or real property.

44     6. "Ownership interest" shall mean a fee simple interest, a joint  
45 tenancy, a tenancy in common, a tenancy by the entirety, the interest of  
46 a tenant-share holder in a cooperative, a life estate or a land  
47 contract. Interests which do not constitute ownership interests include  
48 the following: (a) remainder interests, (b) a lease with or without an  
49 option to purchase, (c) a mere expectancy to inherit an interest in a  
50 residence, (d) the interest that a purchaser of a residence acquires on  
51 the execution of a purchase contract and (e) an interest in real estate  
52 other than a residence.

53     7. "Program" shall mean the New York first home savings program estab-  
54 lished pursuant to this article.

55     8. "Qualified first home purchase expenses" shall mean monies applied  
56 for the purchase or construction of a house, townhouse, condominium or

1 unit in a cooperative housing corporation within the state to be used as  
2 a primary residence of the account owner or designated beneficiary for a  
3 period of not less than two years after purchase.

4 9. "Qualified residential housing" shall mean a house, townhouse,  
5 condominium or unit in a cooperative housing corporation within the  
6 state.

7 10. "Qualified withdrawal" shall mean a withdrawal from an account to  
8 pay the qualified first home purchase expense of the account owner or  
9 designated beneficiary of the account.

10 11. "Nonqualified withdrawal" shall mean a withdrawal from an account  
11 but shall not include:

12 (a) a qualified withdrawal;

13 (b) a withdrawal made as the result of death;

14 (c) an unforeseeable emergency; or

15 (d) need based upon qualifying for military service in the armed forc-  
16 es of the United States as determined by rules an regulations promulgat-  
17 ed by the comptroller.

18 12. "Comptroller" shall mean the state comptroller.

19 13. "Management contract" shall mean the contract executed by the  
20 comptroller and a financial organization selected to act as a depository  
21 and manager of the program.

22 14. "First home savings agreement" shall mean an agreement between the  
23 comptroller or a financial organization and the account owner.

24 15. "Program manager" shall mean a financial organization selected by  
25 the comptroller to act as a depository and manager of the program.

26 16. "Commissioner" shall mean the commissioner of taxation and  
27 finance.

28 § 1253. Functions of the comptroller. 1. The comptroller shall imple-  
29 ment the program under the terms and conditions established by this  
30 article and a memorandum of understanding with the commissioner relating  
31 to any terms or conditions not otherwise expressly provided for in this  
32 article.

33 2. In furtherance of such implementation the comptroller shall:

34 (a) develop and implement the program in a manner consistent with the  
35 provisions of this article through rules and regulations established in  
36 accordance with the state administrative procedure act;

37 (b) engage the services of consultants on a contract basis for render-  
38 ing professional and technical assistance and advice;

39 (c) seek rulings and other guidance from the United States Department  
40 of Treasury and the Internal Revenue Service relating to the program;

41 (d) make changes to the program required for the participants in the  
42 program to obtain the state income tax benefits or treatment provided by  
43 this article;

44 (e) charge, impose and collect administrative fees and service charges  
45 in connection with any agreement, contract or transaction relating to  
46 the program;

47 (f) develop marketing plans and promotion materials;

48 (g) establish the methods by which the funds held in such accounts be  
49 dispersed;

50 (h) establish the method by which funds shall be allocated to pay for  
51 administrative costs; and

52 (i) do all things necessary and proper to carry out the purposes of  
53 this article.

54 § 1254. Powers of the comptroller. 1. The comptroller may implement  
55 the program through use of financial organizations as account deposito-

1 ries and managers. Under the program, an account owner may establish  
2 accounts directly with an account depository.

3 2. The comptroller may solicit proposals from financial organizations  
4 to act as depositories and managers of the program. Financial organiza-  
5 tions submitting proposals shall describe the investment instrument  
6 which will be held in accounts. The comptroller shall select as program  
7 depositories and managers the financial organization, from among the  
8 bidding financial organizations that demonstrates the most advantageous  
9 combination, both to potential program participants and this state, of  
10 the following factors:

- 11 (a) financial stability and integrity of the financial organization;
- 12 (b) the safety of the investment instrument being offered;
- 13 (c) the ability of the investment instrument to track increasing costs  
14 of residential housing;
- 15 (d) the ability of the financial organization to satisfy recordkeeping  
16 and reporting requirements;
- 17 (e) the financial organization's plan for promoting the program and  
18 the investment it is willing to make to promote the program;
- 19 (f) the fees, if any, proposed to be charged to persons for opening  
20 accounts;
- 21 (g) the minimum initial deposit and minimum contributions that the  
22 financial organization will require;
- 23 (h) the ability of banking organizations to accept electronic with-  
24 drawals, including payroll deduction plans; and
- 25 (i) other benefits to the state or its residents included in the  
26 proposal, including fees payable to the state to cover expenses of oper-  
27 ation of the program.

28 3. The comptroller may enter into a contract with a financial organ-  
29 ization. Such financial organization management may provide one or more  
30 types of investment instrument.

31 4. The comptroller may select more than one financial organization for  
32 the program.

33 5. A management contract shall include, at a minimum, terms requiring  
34 the financial organization to:

- 35 (a) take any action required to keep the program in compliance with  
36 requirements of section twelve hundred fifty-five of this article and  
37 any actions not contrary to its contract to manage the program to quali-  
38 fy as a "first home savings account" under subsection (w) of section six  
39 hundred twelve of the tax law;
- 40 (b) keep adequate records of each account, keep each account segre-  
41 gated from each other account, and provide the comptroller with the  
42 information necessary to prepare the statements required by section  
43 twelve hundred fifty-five of this article;
- 44 (c) compile and total information contained in statements required to  
45 be prepared under section twelve hundred fifty-five of this article and  
46 provide such compilations to the comptroller;
- 47 (d) if there is more than one program manager, provide the comptroller  
48 with such information necessary to determine compliance with section  
49 twelve hundred fifty-five of this article;
- 50 (e) provide the comptroller or his designee access to the books and  
51 records of the program manager to the extent needed to determine compli-  
52 ance with the contract;
- 53 (f) hold all accounts for the benefit of the account owner;
- 54 (g) be audited at least annually by a firm of certified public  
55 accountants selected by the program manager and that the results of such  
56 audit be provided to the comptroller;

1 (h) provide the comptroller with copies of all regulatory filings and  
2 reports made by it during the term of the management contract or while  
3 it is holding any accounts, other than confidential filings or reports  
4 that will not become part of the program. The program manager shall make  
5 available for review by the comptroller the results of any periodic  
6 examination of such manager by any state or federal banking, insurance  
7 or securities commission, except to the extent that such report or  
8 reports may not be disclosed under applicable law or the rules of such  
9 commission; and

10 (i) ensure that any description of the program, whether in writing or  
11 through the use of any media, is consistent with the marketing plan as  
12 developed pursuant to the provisions of section twelve hundred fifty-  
13 three of this article.

14 6. The comptroller may provide that an audit shall be conducted of the  
15 operations and financial position of the program depository and manager  
16 at any time if the comptroller has any reason to be concerned about the  
17 financial position, the recordkeeping practices, or the status of  
18 accounts of such program depository and manager.

19 7. During the term of any contract with a program manager, the comp-  
20 troller shall conduct an examination of such manager and its handling of  
21 accounts. Such examination shall be conducted at least biennially if  
22 such manager is not otherwise subject to periodic examination by the  
23 superintendent of financial services, the federal deposit insurance  
24 corporation or other similar entity.

25 8. (a) If selection of a financial organization as a program manager  
26 or depository is not renewed, after the end of its term:

27 (i) accounts previously established and held in investment instruments  
28 at such financial organization may be terminated;

29 (ii) additional contributions may be made to such accounts;

30 (iii) no new accounts may be placed with such financial organization;  
31 and

32 (iv) existing accounts held by such depository shall remain subject to  
33 all oversight and reporting requirements established by the comptroller.

34 (b) If the comptroller terminates a financial organization as a  
35 program manager or depository, he or she shall take custody of accounts  
36 held by such financial organization and shall seek to promptly transfer  
37 such accounts to another financial organization that is selected as a  
38 program manager or depository and into investment instruments as similar  
39 to the original instruments as possible.

40 9. The comptroller may enter into such contracts as it deems necessary  
41 and proper for the implementation of the program.

42 § 1255. Program requirements; first home savings account. 1. First  
43 home savings accounts established pursuant to the provisions of this  
44 article shall be governed by the provisions of this section.

45 2. A first home savings account may be opened by any person who  
46 desires to save money for the payment of the qualified first home  
47 purchase expenses of the account owner or designated beneficiary. An  
48 account owner may designate another person as successor owner of the  
49 account in the event of the death of the original account owner. Such  
50 person who opens an account or any successor owner shall be considered  
51 the account owner.

52 (a) An application for such account shall be in the form prescribed by  
53 the program and contain the following:

54 (i) the name, address and social security number or employer identifi-  
55 cation number of the account owner;

56 (ii) the designation of a designated beneficiary;



1 (iii) the name, address, and social security number of the designated  
2 beneficiary; and

3 (iv) such other information as the program may require.

4 (b) The comptroller and the corporation may establish a nominal fee  
5 for such application.

6 3. Any person, including the account owner, may make contributions to  
7 the account after the account is opened.

8 4. Contributions to accounts may be made only in cash.

9 5. An account owner may withdraw all or part of the balance from an  
10 account as authorized under rules governing the program. Such rules  
11 shall include provisions that will generally enable the determination as  
12 to whether a withdrawal is a nonqualified withdrawal or a qualified  
13 withdrawal.

14 6. (a) An account owner may change the designated beneficiary of an  
15 account in accordance with procedures established by the memorandum of  
16 understanding pursuant to the provisions of section twelve hundred  
17 fifty-three of this article.

18 (b) An account owner may transfer all or a portion of an account to  
19 another first home savings account.

20 (c) Changes in designated beneficiaries and transfers under this  
21 subdivision shall not be permitted to the extent that they would cause  
22 all accounts for the same beneficiary to exceed the permitted aggregate  
23 maximum account balance.

24 7. The program shall provide separate accounting for each designated  
25 beneficiary.

26 8. No account owner or designated beneficiary of any account shall be  
27 permitted to direct the investment of any contributions to an account or  
28 the earnings thereon more than two times in any calendar year.

29 9. Neither an account owner nor a designated beneficiary may use an  
30 interest in an account as security for a loan. Any pledge of an interest  
31 in an account shall be of no force and effect.

32 10. The comptroller shall promulgate rules or regulations to prevent  
33 contributions on behalf of a designated beneficiary in excess of an  
34 amount that would cause the aggregate account balance for all accounts  
35 for a designated beneficiary to exceed a maximum account balance, as  
36 established from time to time by the comptroller.

37 11. Contributions to a first home savings account shall be limited to  
38 one hundred thousand dollars per account. This amount shall not take  
39 into consideration any gain or loss to the principal investment into the  
40 account.

41 12. In the event that an individual makes a "nonqualified withdrawal"  
42 of monies from the first home savings account such individual shall have  
43 the entire account taxed, including any interest, as though it was  
44 income at the account owner's federal tax rate in the tax years the  
45 monies were withdrawn, and incur an additional ten percent state penalty  
46 on the amount of earnings. In the event account owners or designated  
47 beneficiary does not use the qualified residential housing as a primary  
48 residence for a period of not less than two years after the purchase of  
49 such housing, the account owner shall have the entire account taxed,  
50 including any interest, as though it was ordinary income at the account  
51 owner's federal tax rate in the tax years the monies were withdrawn and  
52 incur an additional ten percent state penalty on the amount of earnings.  
53 For purposes of this article, the two year period shall begin at the  
54 time title is transferred to the first time home buyer. The penalty  
55 shall be in addition to any taxes due pursuant to a non-qualified with-  
56 drawal from a first home savings account.



1 13. Penalties may be waived by the commissioner if the individual can  
2 show proof that the reason the individual did not use the qualified  
3 residential housing as a primary residence for a period of two years or  
4 more after the purchase or construction was due to either:

5 (a) an employment relocation outside the state and such relocation  
6 required the individual to become a resident of another state;

7 (b) an unforeseeable emergency;

8 (c) an absence due to qualifying military service; or

9 (d) death.

10 For purposes of this subdivision, an "unforeseeable emergency" shall  
11 mean a severe financial hardship resulting from illness, accident or  
12 property loss to the account owner, or his or her dependents resulting  
13 in circumstances beyond their control. The circumstances that constitute  
14 an unforeseeable financial emergency will depend on the facts of each  
15 case, however, withdrawal of account funds may not be made, without  
16 penalty, to the extent that such hardship is or may be relieved by  
17 either:

18 (i) reimbursement or compensation by insurance or otherwise; or

19 (ii) liquidation of the individual's assets to the extent the liqui-  
20 dation of such assets would not itself cause severe financial hardship.

21 14. The commissioner and the comptroller are directed to promulgate  
22 all rules and regulations necessary to implement the provisions of this  
23 section and are hereby directed to establish, supervise and regulate  
24 first home savings accounts authorized to be created by this section.

25 15. (a) If there is any distribution from a first home savings account  
26 to any individual or for the benefit of any individual during a calendar  
27 year, such distribution shall be reported to the Internal Revenue  
28 Service and the account owner, the designated beneficiary, or the  
29 distributee to the extent required by federal law or regulation.

30 (b) Statements shall be provided to each account owner at least once  
31 each year within sixty days after the end of the twelve month period to  
32 which they relate. The statement shall identify the contributions made  
33 during a preceding twelve month period, the total contributions made to  
34 the account through the end of the period, the value of the account at  
35 the end of such period, distributions made during such period and any  
36 other information that the comptroller shall require to be reported to  
37 the account owner.

38 (c) Statements and information relating to accounts shall be prepared  
39 and filed to the extent required by federal and state tax laws.

40 16. An annual fee may be imposed upon the account owner for the main-  
41 tenance of the account.

42 17. The program shall disclose the following information in writing to  
43 each account owner of a first home savings account:

44 (a) the terms and conditions for establishing a first home savings  
45 account;

46 (b) any restrictions on the substitution of beneficiaries;

47 (c) the person or entity entitled to terminate the first home savings  
48 agreement;

49 (d) the period of time during which a beneficiary may receive benefits  
50 under the first home savings agreement;

51 (e) the terms and conditions under which money may be wholly or  
52 partially withdrawn from the program, including, but not limited to, any  
53 reasonable charges and fees that may be imposed for withdrawal;

54 (f) the probable tax consequences associated with contributions to and  
55 distributions from accounts; and

1 (g) all other rights and obligations pursuant to first home savings  
2 agreements, and any other terms, conditions, and provisions deemed  
3 necessary and appropriate by the terms of the memorandum of understand-  
4 ing entered into pursuant to section twelve hundred fifty-three of this  
5 article.

6 18. First home savings agreements shall be subject to section four-  
7 teen-c of the banking law and the "truth-in-savings" regulations promul-  
8 gated thereunder.

9 19. Nothing in this article or in any first home savings agreement  
10 entered into pursuant to this article shall be construed as a guarantee  
11 by the state that the account owner or designated beneficiary will qual-  
12 ify for the purchase of a home.

13 20. To establish that an account owner or designated beneficiary is a  
14 first time home buyer, the individual shall complete a form promulgated  
15 by the comptroller certifying, under the penalties of perjury, that such  
16 individual is a first time home buyer.

17 21. An individual must not intend to use any portion of the real prop-  
18 erty purchased using the first home savings account funds in a trade or  
19 business, or as a vacation home or as an investment, except as an owner  
20 occupied multiple dwelling with no more than two rental units.

21 22. Monies withdrawn from first home savings accounts and any interest  
22 which has accrued shall not be considered as ordinary income to the  
23 account owner for state personal income taxation purposes, so long as  
24 the monies are applied for the purchase or construction of a qualified  
25 first home purchase by the account owner or designated beneficiary of  
26 the account.

27 § 1256. Program limitations; first home savings account. 1. Nothing in  
28 this article shall be construed to:

29 (a) give any designated beneficiary any rights or legal interest with  
30 respect to an account unless the designated beneficiary is the account  
31 owner;

32 (b) guarantee that the account owner or designated beneficiary will be  
33 financially qualified to purchase a home;

34 (c) create state residency for an individual merely because the indi-  
35 vidual is a designated beneficiary; or

36 (d) guarantee that amounts saved pursuant to the program will be  
37 sufficient to cover the down payment or closing costs pursuant to the  
38 purchase of a qualified first home.

39 2. (a) Nothing in this article shall create or be construed to create  
40 any obligation of the comptroller, the state, or any agency or instru-  
41 mentality of the state to guarantee for the benefit of the account owner  
42 or designated beneficiary with respect to:

43 (i) the rate of interest or other return on any account; and

44 (ii) the payment of interest or other return on any account.

45 (b) The comptroller by rule or regulation shall provide that every  
46 contract, application, deposit slip or other similar document that may  
47 be used in connection with a contribution to an account clearly indicate  
48 that the account is not insured by the state and neither the principal  
49 deposited nor the investment return is guaranteed by the state.

50 § 2. Subsection (c) of section 612 of the tax law is amended by adding  
51 a new paragraph 42 to read as follows:

52 (42) The amount that may be subtracted from federal adjusted gross  
53 income pursuant to subsection (w) of this section.

54 § 3. Section 612 of the tax law is amended by adding a new subsection  
55 (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

1 are converted by other eligible applicants, or a municipal housing  
2 authority created pursuant to the public housing law, provided, however,  
3 that any real property of such housing authority to be rehabilitated,  
4 constructed or converted under this article shall not have been financed  
5 pursuant to the provisions of the public housing law and shall not have  
6 been owned by such authority prior to July first, nineteen hundred  
7 eighty-six, and provided, further, however, that persons of low income  
8 shall not be direct recipients of payments, grants or loans from the  
9 corporation under this article but may receive such funds from another  
10 eligible applicant.

11 3. "Affordable senior housing property" shall mean an apartment build-  
12 ing or complex occupied by individuals over sixty-two years of age, who  
13 live independently and at least eighty percent of whom have a total  
14 household income that does not exceed eighty percent of the area median  
15 income, and which apartment building or complex is not otherwise  
16 required to be licensed as an adult care facility pursuant to article  
17 seven of the social services law or an assisted living residence pursu-  
18 ant to article forty-six-B of the public health law.

19 4. "Healthy aging services" shall mean an array of optional services  
20 offered to residents of an affordable independent senior housing proper-  
21 ty on a voluntary participation basis that help promote healthy aging  
22 which may include, but not be limited to: establishing and maintaining  
23 networking relationships with community-based services and organiza-  
24 tions; providing residents with information and referral lists for  
25 community services and assisting them with follow-ups; arranging for  
26 educational and socialization programs for residents; helping residents  
27 arrange for housekeeping, shopping, transportation, meals-on-wheels,  
28 cooking and laundry services; establishing resident safety programs;  
29 assisting residents to apply for government benefits; advocating for  
30 residents; offering opportunities for exercise; educating residents  
31 about healthy diet; and other services designed to address the needs of  
32 older adults residing in senior housing facilities by helping them  
33 extend their independence, improve their quality of life, and avoid  
34 unnecessary hospital and nursing home use.

35 § 1242. Affordable senior housing and services program. 1. Establish-  
36 ment. Within amounts appropriated or otherwise available therefor, the  
37 corporation shall develop and administer an affordable senior housing  
38 and services program which shall provide assistance in the form of  
39 payments, grants and loans for reasonable and necessary expenses, to an  
40 eligible applicant for the creation, preservation or improvement of  
41 affordable senior housing properties, provided that such housing also  
42 provides access to healthy aging services on a voluntary basis for all  
43 residents of the affordable senior housing property.

44 2. Program criteria. The corporation shall develop procedures, crite-  
45 ria and requirements related to the application and award of projects  
46 pursuant to this section which shall include: eligibility, market  
47 demand, feasibility and funding criteria; the funding determination  
48 process; supervision and evaluation of contracting applicants; report-  
49 ing, budgeting and recordkeeping requirements; provisions for modifica-  
50 tion and termination of contracts; and such other matters not inconsis-  
51 tent with the purposes and provisions of this article as the corporation  
52 shall deem necessary or appropriate.

53 3. Fund allocation. Sixty percent of the total funds awarded pursuant  
54 to this article in any fiscal year shall be allocated to projects  
55 located in urban areas of the state, as such term is defined in subdivi-  
56 sion four of section twelve hundred thirty-one of this chapter. Forty

1 percent of the total funds awarded pursuant to this article in any  
2 fiscal year shall be allocated to projects located in rural areas of the  
3 state, as such term is defined in subdivision three of section twelve  
4 hundred thirty-one of this chapter.

5 4. Proof of available services. Applicants shall demonstrate proof  
6 that healthy aging services shall be made available to all residents of  
7 the property within thirty days of initial occupancy. There shall be no  
8 requirement that residents take part in such services. The property  
9 owner or his or her agent shall be responsible for ensuring that such  
10 services are available and that residents are made aware of the avail-  
11 ability of such services. If the owner of the property or his or her  
12 agent also provides services such as home care, the owner or his or her  
13 agent shall not require that any resident of the property use services  
14 provided and shall proactively provide information to residents about  
15 the availability of other companies or organizations in the community  
16 that provide the same or similar services.

17 5. Services funding through the office for the aging. The corporation  
18 shall suballocate a portion of the amount appropriated for the affor-  
19 dable senior housing and services program to the office for the aging  
20 which shall provide grants on a competitive basis for not-for-profit  
21 organizations to provide healthy aging services. Such office shall  
22 develop regulations that will ensure that funds are provided to organ-  
23 izations that develop and operate affordable senior housing properties,  
24 as defined in this article. The office for the aging shall provide  
25 grants to organizations that have demonstrated experience working with  
26 persons eligible for the program for at least three years.

27 6. Annual report. The corporation shall annually, on or before Decem-  
28 ber thirty-first, submit a report to the legislature on the implementa-  
29 tion of this article. Such report shall include, but not be limited to,  
30 for each award made to a grantee under this article: a description of  
31 such award; contract amount and cumulative total; the specific activ-  
32 ities in rural and urban areas performed by such grantee; and such other  
33 information as the corporation deems pertinent.

34 § 2. This act shall take effect immediately.

35 PART FF

36 Section 1. The section heading of section 467-b of the real property  
37 tax law, as amended by section 1 of chapter 188 of the laws of 2005, is  
38 amended to read as follows:

39 Tax abatement for rent-controlled and rent regulated property occupied  
40 by senior citizens or persons with disabilities or persons paying a  
41 maximum rent or legal regulated rent which exceeds one-half of the  
42 combined income of all members of their household.

43 § 2. Paragraph b of subdivision 1 of section 467-b of the real proper-  
44 ty tax law, as amended by section 1 of chapter 188 of the laws of 2005,  
45 is amended to read as follows:

46 b. "Head of the household" means a person (i) who is sixty-two years  
47 of age or older, or (ii) who qualifies as a person with a disability  
48 pursuant to subdivision five of this section, or (iii) who pays a maxi-  
49 imum rent or legal regulated rent which exceeds one-half of the combined  
50 income of all members of their household, and is entitled to the  
51 possession or to the use or occupancy of a dwelling unit;

52 § 3. Subdivision 2 of section 467-b of the real property tax law, as  
53 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.

~~(d)~~ (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



1 a maximum rent or legal regulated rent which exceeds one-half of the  
2 combined income of all members of the household, no tax abatement shall  
3 be granted if the combined income of all members of the household for  
4 the income tax year immediately preceding the date of making application  
5 exceeds four thousand dollars, or such other sum not more than twenty-  
6 five thousand dollars beginning July first, two thousand five, twenty-  
7 six thousand dollars beginning July first, two thousand six, twenty-sev-  
8 en thousand dollars beginning July first, two thousand seven,  
9 twenty-eight thousand dollars beginning July first, two thousand eight,  
10 twenty-nine thousand dollars beginning July first, two thousand nine,  
11 and fifty thousand dollars beginning July first, two thousand fourteen,  
12 as may be provided by the local law, ordinance or resolution adopted  
13 pursuant to this section, provided that when the head of the household  
14 retires before the commencement of such income tax year and the date of  
15 filing the application, the income for such year may be adjusted by  
16 excluding salary or earnings and projecting his or her retirement income  
17 over the entire period of such year.

18 § 5. Paragraph d of subdivision 1 of section 467-c of the real proper-  
19 ty tax law, as separately amended by chapters 188 and 205 of the laws of  
20 2005, subparagraph 1 as amended by section 2 of part U of chapter 55 of  
21 the laws of 2014, is amended to read as follows:

22 d. "Eligible head of the household" means (1) a person or his or her  
23 spouse who is sixty-two years of age or older, or a person who pays a  
24 maximum rent which exceeds one-half of the combined income of all  
25 members of the household, and is entitled to the possession or to the  
26 use and occupancy of a dwelling unit, provided, however, with respect to  
27 a dwelling which was subject to a mortgage insured or initially insured  
28 by the federal government pursuant to section two hundred thirteen of  
29 the National Housing Act, as amended "eligible head of the household"  
30 shall be limited to that person or his or her spouse who was entitled to  
31 possession or the use and occupancy of such dwelling unit at the time of  
32 termination of such mortgage, and whose income when combined with the  
33 income of all other members of the household, does not exceed six thou-  
34 sand five hundred dollars for the taxable period, or such other sum not  
35 less than sixty-five hundred dollars nor more than twenty-five thousand  
36 dollars beginning July first, two thousand five, twenty-six thousand  
37 dollars beginning July first, two thousand six, twenty-seven thousand  
38 dollars beginning July first, two thousand seven, twenty-eight thousand  
39 dollars beginning July first, two thousand eight, twenty-nine thousand  
40 dollars beginning July first, two thousand nine, and fifty thousand  
41 dollars beginning July first, two thousand fourteen, as may be provided  
42 by local law; or (2) a person with a disability as defined in this  
43 subdivision.

44 § 6. Subparagraph 1 of paragraph a of subdivision 3 of section 467-c  
45 of the real property tax law, as amended by chapter 747 of the laws of  
46 1985, is amended to read as follows:

47 (1) where the eligible head of the household who is either sixty-two  
48 years of age or older or is disabled does not receive a monthly allow-  
49 ance for shelter pursuant to the social services law, the amount by  
50 which increases in the maximum rent subsequent to such person's eligi-  
51 bility date have resulted in the maximum rent exceeding one-third of the  
52 combined income of all members of the household for the taxable period,  
53 or where the eligible head of the household is a person who pays a maxi-  
54 um rent which exceeds one-half of the combined income of all members of  
55 the household and does not receive a monthly allowance for shelter  
56 pursuant to the social services law, the amount by which increases in

1 the maximum rent subsequent to such person's date have resulted in the  
2 maximum rent exceeding one-half of the combined income of all members of  
3 the household for the taxable period, except that in no event shall a  
4 rent increase exemption order/tax abatement certificate become effective  
5 prior to January first, nineteen hundred seventy-six; or

6 § 7. This act shall take effect July 1, 2017; provided however, that

7 a. the amendments to section 467-b of the real property tax law, made  
8 by sections one, two, three and four of this act shall be subject to the  
9 expiration and reversion of such section pursuant to section 17 of chap-  
10 ter 576 of the laws of 1974, as amended, and shall expire and be deemed  
11 repealed therewith;

12 b. the amendments to paragraph a of subdivision 3 of section 467-b of  
13 the real property tax law, made by section four of this act shall be  
14 subject to the expiration of such paragraph pursuant to section 4 of  
15 part U of chapter 55 of the laws of 2014, as amended, and shall be  
16 deemed to expire therewith; and

17 c. the amendments to subparagraph 1 of paragraph d of subdivision 1 of  
18 section 467-c of the real property tax law, made by section five of this  
19 act shall not affect the expiration of such subparagraph pursuant to  
20 section 4 of part U of chapter 55 of the laws of 2014, as amended, and  
21 shall expire and be deemed repealed therewith.

22 PART GG

23 Section 1. There is hereby established the New York city tax reform  
24 study commission to provide the governor and the legislature with a  
25 blueprint for reforming the local real property tax system in the city  
26 of New York.

27 § 2. The New York city tax reform study commission shall consist of 11  
28 members appointed by the governor: three members shall be appointed upon  
29 the recommendation of the temporary president of the senate, three  
30 members shall be appointed upon the recommendation of the speaker of the  
31 assembly with one such member appointed upon the recommendation of the  
32 mayor of the city of New York, one member shall be appointed upon the  
33 recommendation of the minority leader of the senate, and one member  
34 shall be appointed upon the recommendation of the minority leader of the  
35 assembly. Such commission shall include at least one member represen-  
36 tative of each of the following: the New York city municipal govern-  
37 ment, academia, real estate industry and a recognized labor organiza-  
38 tion, all based in the city of New York.

39 § 3. On or before January 1, 2019, the New York city tax reform study  
40 commission shall provide the governor and the legislature with recommen-  
41 dations on any changes that should be made to, at a minimum, the class  
42 share system, assessment process and tax rate formulae utilized within  
43 the city of New York.

44 § 4. The New York city tax reform study commission shall be assisted  
45 in its powers and duties pursuant to this act by personnel employed by  
46 state and city of New York agencies including, but not limited to, the  
47 state department of taxation and finance and the department of finance  
48 of the city of New York.

49 § 5. This act shall take effect immediately.

50 PART HH

51 Section 1. The general municipal law is amended by adding a new  
52 section 3-e to read as follows:

1     § 3-e. Limitation upon real property tax levies by cities having a  
2 population of one million or more. 1. Unless otherwise provided by law,  
3 the amount of real property taxes that may be levied by or on behalf of  
4 any city having a population of one million or more shall not exceed the  
5 tax levy limitation established pursuant to this section.

6     2. When used in this section:

7     (a) "Allowable levy growth factor" shall be the lesser of: (i) one and  
8 two one-hundredths; or (ii) the sum of one plus the inflation factor;  
9 provided, however, that in no case shall the levy growth factor be less  
10 than one.

11     (b) "Approved capital expenditures" means the expenditures associated  
12 with capital projects that have been approved by the qualified voters of  
13 the local government.

14     (c) "Available carryover" means the sum of the amount by which the tax  
15 levy for the prior fiscal year was below the tax levy limit for such  
16 fiscal year, if any, but no more than one and one-half percent of the  
17 tax levy limit for such fiscal year.

18     (d) "Capital tax levy" means the tax levy necessary to support capital  
19 expenditures, if any.

20     (e) "Coming fiscal year" means the fiscal year of the local government  
21 for which a tax levy limitation shall be determined pursuant to this  
22 section.

23     (f) "Inflation factor" means the quotient of: (i) the average of the  
24 national consumer price indexes determined by the United States depart-  
25 ment of labor for the twelve-month period ending six months prior to the  
26 start of the coming fiscal year minus the average of the national  
27 consumer price indexes determined by the United States department of  
28 labor for the twelve-month period ending six months prior to the start  
29 of the prior fiscal year, divided by: (ii) the average of the national  
30 consumer price indexes determined by the United States department of  
31 labor for the twelve-month period ending six months prior to the start  
32 of the prior fiscal year, with the result expressed as a decimal to four  
33 places.

34     (g) "Local government" means a city having a population of one million  
35 or more.

36     (h) "Prior fiscal year" means the fiscal year of the local government  
37 immediately preceding the coming fiscal year.

38     (i) "Tax levy limitation" means the amount of taxes a local government  
39 is authorized to levy pursuant to this section, provided, however, that  
40 the tax levy limit shall not include the local government's approved  
41 capital tax levy, if any.

42     3. (a) Beginning with the fiscal year that begins in two thousand  
43 eighteen, no local government shall adopt a budget that requires a tax  
44 levy that is greater than the tax levy limitation for the coming fiscal  
45 year.

46     (b) The state comptroller shall calculate the tax levy limitation for  
47 each local government by the one hundred twentieth day preceding the  
48 commencement of each local government's fiscal year, and shall notify  
49 each local government of the tax levy limitation so determined.

50     (c) The tax levy limitation applicable to the coming fiscal year shall  
51 be determined as follows:

52     (i) Ascertain the total amount of taxes levied for the prior fiscal  
53 year.

54     (ii) Add any payments in lieu of taxes that were receivable in the  
55 prior fiscal year.

1 (iii) Subtract the approved capital tax levy for the prior fiscal  
2 year, if any.

3 (iv) Subtract the levy attributable to a large legal settlement of a  
4 tort action excluded from the levy limitation in the prior fiscal year,  
5 if any.

6 (v) Multiply the result by the allowable levy growth factor.

7 (vi) Subtract any payments in lieu of taxes receivable in the coming  
8 fiscal year.

9 (vii) Add the available carryover, if any.

10 (d) In the event the city council of a local government has approved a  
11 legal settlement of a tort action against the government, the annual  
12 costs of which exceed ten percent of the property taxes levied by the  
13 local government in the prior fiscal year, the state comptroller, upon  
14 application by the local government, may adjust the tax levy limitation  
15 for the coming fiscal year applicable to such local government, by  
16 adding the annual costs of such settlement to the tax levy limitation.

17 (e) The state comptroller shall determine the portion of the tax levy  
18 of each local government that is attributable to any increase or  
19 decrease over the prior year in the cost of the local government share  
20 of direct cash assistance to persons eligible for the federal-state-lo-  
21 cal temporary assistance to needy families program or the state-local  
22 safety net assistance program and shall adjust the tax levy limitation  
23 for such local government to reflect such change.

24 4. A local government may adopt a budget that requires a tax levy that  
25 is greater than the tax levy limitation for the coming fiscal year only  
26 if the city council of such local government first enacts, by a two-  
27 thirds vote of the total voting power of such city council, a local law  
28 to override such limitation for such coming fiscal year only.

29 5. In the event a local government's actual tax levy for a given  
30 fiscal year exceeds the maximum allowable levy as established pursuant  
31 to this section due to clerical or technical errors, the local govern-  
32 ment shall place the excess amount of the levy in reserve in accordance  
33 with such requirements as the state comptroller may prescribe, and shall  
34 use such funds and any interest earned thereon to offset the tax levy  
35 for the ensuing fiscal year.

36 § 2. Paragraphs j and k of subdivision 2 of section 23 of the municipi-  
37 pal home rule law are relettered paragraphs k and l, and a new paragraph  
38 j is added to read as follows:

39 j. Overrides the tax levy limitation applicable for the coming fiscal  
40 year in accordance with section three-e of the general municipal law.

41 § 3. This act shall take effect immediately and shall first apply to  
42 the levy of taxes by local governments for the fiscal year that begins  
43 in 2018.

## 44 PART II

45 Section 1. Subdivision 1 of section 1802 of the real property tax law,  
46 as separately amended by chapters 123 and 529 of the laws of 1990, para-  
47 graph class one as amended by chapter 332 of the laws of 2008, is  
48 amended to read as follows:

49 1. All real property, for the purposes of this article, in a special  
50 assessing unit shall be classified as follows:

51 Class one: (a) all one, two and three family residential real proper-  
52 ty, including such dwellings used in part for nonresidential  
53 purposes but which are used primarily for residential purposes,  
54 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



1 on it by law, the power to make and promulgate rules to carry  
2 out the purposes of this section including, but not limited to,  
3 rules defining the class one-a properties primarily used to  
4 generate rental income, and relating to the timing, form and  
5 manner of any certification required to be submitted under this  
6 section. If a property previously reclassified from class one-a  
7 to class two ceases to be used primarily to generate rental  
8 income, the department shall reclassify such property to class  
9 one-a. The department shall use a five-year period when deter-  
10 mining whether a property is used primarily to generate rental  
11 income;

12 Class two: all other residential real property which is not designated  
13 as class one or class one-a, except hotels and motels and other  
14 similar commercial property;

15 Class three: utility real property and property subject to former  
16 section four hundred seventy of this chapter;

17 Class four: all other real property which is not designated as class  
18 one, class one-a, class two, or class three.

19 § 1-a. The real property tax law is amended by adding a new section  
20 1803-c to read as follows:

21 § 1803-c. Calculation of shares. 1. For the calendar year two thou-  
22 sand eighteen, notwithstanding the provisions of sections eighteen  
23 hundred three, eighteen hundred three-a, and eighteen hundred three-b of  
24 this article to the contrary, the New York city commissioner of finance  
25 shall establish a new class one-a pursuant to subdivision one of section  
26 eighteen hundred two of this article and shall calculate shares for  
27 class one, class one-a, class two, class three and class four where the  
28 base year used in the calculation of the current base proportion shall  
29 be the 2017 assessment roll and the sum of class one-a and class two  
30 shall not exceed the prior year adjusted base proportion for such class-  
31 es.

32 2. After two thousand nineteen, assessment rolls prepared according to  
33 January 1, 2019, the adjusted base proportions for class one and class  
34 one-a, shall not exceed each class' prior adjusted base proportion by  
35 more than five percent.

36 3. In a city having a population of one million or more, such city's  
37 tax fixing resolution shall set a tax rate for class one-a in the same  
38 manner as all class shares are calculated pursuant to sections eighteen  
39 hundred three, eighteen hundred three-a and eighteen hundred three-b of  
40 this article.

41 4. The assessment ratio for class one-a shall be six percent.

42 § 2. Subdivision 1, paragraph (c) of subdivision 2 and subdivision 4  
43 of section 307-a of the real property tax law, as added by section 1 of  
44 part G of chapter 63 of the laws of 2003, are amended to read as  
45 follows:

46 1. Generally. Notwithstanding any provision of any general, special  
47 or local law to the contrary, any city with a population of one million  
48 or more is hereby authorized and empowered to adopt and amend local laws  
49 in accordance with this section imposing an additional tax on certain  
50 class one and class one-a properties, as such properties are defined in  
51 section eighteen hundred two of this chapter, excluding vacant land.

52 (c) "Net real property tax" means the real property tax assessed on a  
53 class one or class one-a property after deduction for any exemption or  
54 abatement received pursuant to this chapter.

55 4. Property subject to additional tax. Such surcharge shall be imposed  
56 on class one and class one-a property, excluding vacant land, that



1 provides rental income and is not the primary residence of the owner or  
2 owners of such class one or class one-a property, or the primary resi-  
3 dence of the parent or child of such owner or owners.

4 § 3. Paragraph (f) of subdivision 1 of section 467-a of the real prop-  
5 erty tax law, as added by chapter 273 of the laws of 1996, is amended  
6 and a new paragraph (i) is added to read as follows:

7 (f) "Property" means real property designated as class [~~two~~] one-a,  
8 pursuant to section eighteen hundred two of this chapter, held in the  
9 cooperative or condominium form of ownership.

10 (i) "Market value" shall be calculated by the New York city department  
11 of finance based upon comparable sales.

12 § 4. Paragraphs (d-1), (d-2), (d-3) and (d-4) of subdivision 2 of  
13 section 467-a of the real property tax law, as amended by section 62 of  
14 part A of chapter 20 of the laws of 2015, are amended and seven new  
15 paragraphs (d-7), (d-8), (d-9), (d-10), (d-11), (d-12) and (d-13) are  
16 added to read as follows:

17 (d-1) In the fiscal years commencing in calendar years two thousand  
18 twelve, two thousand thirteen and two thousand fourteen, eligible dwell-  
19 ing units in property whose average unit assessed value is less than or  
20 equal to fifty thousand dollars shall receive a partial abatement of the  
21 real property taxes attributable to or due on such dwelling units of  
22 twenty-five percent, twenty-six and one-half percent and twenty-eight  
23 and one-tenth percent respectively. In the fiscal years commencing in  
24 calendar years two thousand fifteen[~~7~~] and two thousand sixteen[~~7~~, ~~two~~  
25 ~~thousand seventeen and two thousand eighteen~~] eligible dwelling units in  
26 property whose average unit assessed value is less than or equal to  
27 fifty thousand dollars shall receive a partial abatement of the real  
28 property taxes attributable to or due on such dwelling units of twenty-  
29 eight and one-tenth percent.

30 (d-2) In the fiscal years commencing in calendar years two thousand  
31 twelve, two thousand thirteen and two thousand fourteen, eligible dwell-  
32 ing units in property whose average unit assessed value is more than  
33 fifty thousand dollars, but less than or equal to fifty-five thousand  
34 dollars, shall receive a partial abatement of the real property taxes  
35 attributable to or due on such dwelling units of twenty-two and one-half  
36 percent, twenty-three and eight-tenths percent and twenty-five and two-  
37 tenths percent respectively. In the fiscal years commencing in calendar  
38 years two thousand fifteen[~~7~~] and two thousand sixteen[~~7~~, ~~two thousand~~  
39 ~~seventeen and two thousand eighteen~~] eligible dwelling units in property  
40 whose average unit assessed value is more than fifty thousand dollars,  
41 but less than or equal to fifty-five thousand dollars, shall receive a  
42 partial abatement of the real property taxes attributable to or due on  
43 such dwelling units of twenty-five and two-tenths percent.

44 (d-3) In the fiscal years commencing in calendar years two thousand  
45 twelve, two thousand thirteen and two thousand fourteen, eligible dwell-  
46 ing units in property whose average unit assessed value is more than  
47 fifty-five thousand dollars, but less than or equal to sixty thousand  
48 dollars, shall receive a partial abatement of the real property taxes  
49 attributable to or due on such dwelling units of twenty percent, twenty-  
50 one and two-tenths percent, and twenty-two and five-tenths percent  
51 respectively. In the fiscal years commencing in calendar years two thou-  
52 sand fifteen[~~7~~] and two thousand sixteen[~~7~~, ~~two thousand seventeen and~~  
53 ~~two thousand eighteen~~] eligible dwelling units in property whose average  
54 unit assessed value is more than fifty-five thousand dollars, but less  
55 than or equal to sixty thousand dollars, shall receive a partial abate-

1 ment of the real property taxes attributable to or due on such dwelling  
2 units of twenty-two and five-tenths percent.

3 (d-4) In the fiscal years commencing in calendar years two thousand  
4 twelve, two thousand thirteen, two thousand fourteen, two thousand  
5 fifteen[, and two thousand sixteen[, ~~two thousand seventeen and two~~  
6 ~~thousand eighteen,~~] eligible dwelling units in property whose average  
7 unit assessed value is more than sixty thousand dollars shall receive a  
8 partial abatement of the real property taxes attributable to or due on  
9 such dwelling units of seventeen and one-half percent.

10 (d-7) Eligible dwelling units in property whose average unit market  
11 value is less than or equal to six hundred fifty thousand dollars shall  
12 receive a partial abatement of real property taxes attributable to or  
13 due on such dwelling units, not to exceed thirty-three percent in the  
14 fiscal year commencing in calendar year two thousand eighteen and there-  
15 after.

16 (d-8) Eligible dwelling units in property whose average unit market  
17 value is between six hundred fifty thousand one dollars to seven hundred  
18 fifty thousand dollars shall receive a partial abatement of the real  
19 property taxes attributable to or due on such dwelling units, not to  
20 exceed twenty-two and five-tenths percent in the fiscal year commencing  
21 in calendar year two thousand eighteen and thereafter.

22 (d-9) Eligible dwelling units in property whose average unit market  
23 value is between seven hundred fifty thousand one and one million five  
24 hundred thousand dollars shall receive a partial abatement of the real  
25 property taxes attributable to or due on such dwelling units, not to  
26 exceed seventeen and five-tenths percent in the fiscal year commencing  
27 in calendar year two thousand eighteen and thereafter.

28 (d-10) Eligible dwelling units in property whose average unit market  
29 value is between one million five hundred thousand one dollars and two  
30 million six hundred sixty-six thousand six hundred sixty-seven dollars  
31 shall receive a partial abatement of the real property taxes attribut-  
32 able to or due on such dwelling units, not to exceed thirteen and thir-  
33 teen-hundredths percent in the fiscal year commencing in calendar year  
34 two thousand eighteen and thereafter.

35 (d-11) Eligible dwelling units in property whose average unit market  
36 value is between two million six hundred sixty-six thousand six hundred  
37 sixty-eight dollars and three million eight hundred thirty-three thou-  
38 sand three hundred thirty-three dollars shall receive a partial abate-  
39 ment of the real property taxes attributable to or due on such dwelling  
40 units, not to exceed eight and seventy-five hundredth percent in the  
41 fiscal year commencing in calendar year two thousand eighteen and there-  
42 after.

43 (d-12) Eligible dwelling units in property whose average unit market  
44 value is between three million eight hundred thirty-three thousand three  
45 hundred thirty-four dollars and five million dollars shall receive a  
46 partial abatement of the real property taxes attributable to or due on  
47 such dwelling units, not to exceed four and thirty-eight hundredths  
48 percent in the fiscal year commencing in calendar year two thousand  
49 eighteen and thereafter.

50 (d-13) Eligible dwelling units in property whose average unit market  
51 value is five million dollars or more shall receive a partial abatement  
52 of the real property taxes attributable to or due on such dwelling  
53 units, not to exceed zero percent in the fiscal year commencing in  
54 calendar year two thousand eighteen and thereafter.

55 § 4-a. The real property tax law is amended by adding a new section  
56 467-a-1 to read as follows:

1     § 467-a-1. Enhanced partial abatement for certain condominiums and  
2 cooperative residences. 1. In addition to the partial abatement received  
3 pursuant to section four hundred sixty-seven-a of this article, in the  
4 fiscal year commencing in calendar year two thousand eighteen, eligible  
5 units in property whose average unit market value is less than six  
6 hundred fifty thousand dollars shall receive an enhanced abatement equal  
7 to the excess above two percent of the difference between the prior  
8 year's property tax and the current year's property tax.

9     2. In addition to the partial abatement received pursuant to section  
10 four hundred sixty-seven-a of this article, in the fiscal year commenc-  
11 ing in calendar year two thousand nineteen, eligible units in property  
12 whose average unit market value is less than six hundred fifty thousand  
13 dollars shall receive an enhanced abatement equal to the excess above  
14 four percent of the difference between the prior year's property tax and  
15 the current year's property tax.

16     3. In addition to the partial abatement received pursuant to section  
17 four hundred sixty-seven-a of this article, in the fiscal year commenc-  
18 ing in calendar year two thousand twenty and thereafter, eligible units  
19 in property whose average unit market value is less than six hundred  
20 fifty thousand dollars shall receive an enhanced abatement equal to the  
21 excess above six percent of the difference between the prior year's  
22 property tax and the current year's property tax. The enhanced condomin-  
23 ium and cooperative abatement shall not be eligible for units where the  
24 commissioner determines that renovation or construction within the unit  
25 or building has produced a substantial yearly increase in the unit's  
26 assessed value.

27     § 5. Subdivision 7 of section 499-aaa of the real property tax law, as  
28 added by chapter 461 of the laws of 2008, is amended to read as follows:

29     7. "Eligible building" shall mean a class one, class one-a, class two  
30 or class four real property, as defined in subdivision one of section  
31 eighteen hundred two of this chapter, located within a city having a  
32 population of one million or more persons. No building shall be eligible  
33 for more than one tax abatement pursuant to this title.

34     § 6. Subdivision 7 of section 499-aaaa of the real property tax law,  
35 as added by chapter 473 of the laws of 2008, is amended to read as  
36 follows:

37     7. "Eligible building" shall mean a class one, class one-a, class two  
38 or class four real property, as defined in subdivision one of section  
39 eighteen hundred two of this chapter, located within a city having a  
40 population of one million or more persons. No building shall be eligible  
41 for more than one tax abatement pursuant to this title.

42     § 7. Paragraph (b) of subdivision 3 of section 522 of the real proper-  
43 ty tax law, as added by chapter 714 of the laws of 1982, is amended to  
44 read as follows:

45     (b) in a special assessing unit, the determination, pursuant to  
46 section eighteen hundred two of this chapter, of whether real property  
47 is included in class one, one-a, two, three or four.

48     § 8. Subdivision 10 of section 523-b of the real property tax law, as  
49 added by chapter 593 of the laws of 1998, is amended to read as follows:

50     10. On or before April first, each year the commission shall mail to  
51 each applicant, who has filed an application for the correction of the  
52 assessment, a notice of the commission's determination of such appli-  
53 cant's assessment. Such notice shall also contain the statement as to  
54 the final determination of the assessment review commission, or a state-  
55 ment that the commission has not yet made a determination as to the  
56 final assessed valuation which shall be made as soon as the petitioners

1 application is reviewed or heard. If the applicants property is a prop-  
2 erty defined in subdivision one of section eighteen hundred two of this  
3 chapter as "Class 1", the commissions determination shall contain the  
4 statement: "If you are dissatisfied with the determination of the  
5 Assessment Review Commission and you are the owner of a one, two or  
6 three family residential structure or residential real property not more  
7 than three stories in height held in condominium form of ownership,  
8 provided that no dwelling unit therein previously was on an assessment  
9 roll as a dwelling unit in other than condominium form of ownership, and  
10 you reside at such residence, you may seek judicial review of your  
11 assessment either under title one of article seven of the real property  
12 tax law or under small claims assessment review law provided by title  
13 one-A of article seven of the real property tax law." Such notice shall  
14 also state that the last date to file petitions for judicial review and  
15 the location where small claims assessment review petitions may be  
16 obtained.

17 Each applicant that has filed an application of a property as defined  
18 in subdivision one of section eighteen hundred two of this chapter as  
19 "Class 1-a", "Class 2", "Class 3" or "Class 4", shall receive a notice  
20 as to the final determination of the assessment review commission or a  
21 statement that the commission has not yet made a determination as to the  
22 final assessed valuation which shall be made as soon as the petitioners  
23 application is reviewed or heard. Such applicants determinations shall  
24 contain the statement: "If you are dissatisfied with the determination  
25 of the Assessment Review Commission you may seek judicial review of your  
26 assessment under title one of article seven of the real property tax  
27 law." Such notice shall also state the last date to file petitions for  
28 judicial review. A final determination when rendered shall contain the  
29 same statement. Failure to mail any such notice or failure of the appli-  
30 cant to receive the same shall not affect the validity of the assess-  
31 ment.

32 § 9. Paragraph (b) of subdivision 3 of section 701 of the real proper-  
33 ty tax law, as added by chapter 714 of the laws of 1982, is amended to  
34 read as follows:

35 (b) In a special assessing unit, the determination, pursuant to  
36 section eighteen hundred two of this chapter, of whether real property  
37 is included in class one, one-a, two, three or four.

38 § 10. Subparagraph 2 of paragraph (a) of subdivision 3 of section 720  
39 of the real property tax law, as amended by chapter 679 of the laws of  
40 1986, is amended to read as follows:

41 (2) "Major type of property" in special assessing units, for assess-  
42 ments on rolls completed after December thirty-first, nineteen hundred  
43 eighty-one, shall mean classes one, one-a, two, three and four as  
44 defined in subdivision one of section eighteen hundred two of this chap-  
45 ter.

46 § 11. The opening paragraph of subdivision 1 of section 1805 of the  
47 real property tax law, as amended by chapter 935 of the laws of 1984, is  
48 amended and two new subdivisions 1-a and 1-b are added to read as  
49 follows:

50 The assessor of any special assessing unit shall not increase the  
51 assessment of any individual parcel classified in class one or class  
52 one-a in any one year, as measured from the assessment on the previous  
53 year's assessment roll, by more than six percent and shall not increase  
54 such assessment by more than twenty percent in any five-year period. The  
55 first such five-year period shall be measured from the individual  
56 assessment appearing on the assessment roll completed in nineteen

1 hundred eighty; provided that if such parcel would not have been subject  
2 to the provisions of this subdivision in nineteen hundred eighty had  
3 this subdivision then been in effect, the first such five-year period  
4 shall be measured from the first year after nineteen hundred eighty in  
5 which this subdivision applied to such parcel or would have applied to  
6 such parcel had this subdivision been in effect in such year.

7 If, in respect to any individual parcel classified in class one on the  
8 assessment roll completed and applicable for the year nineteen hundred  
9 eighty-two, the assessment for the year nineteen hundred eighty-one  
10 exceeds by more than twenty percent the assessment for the year nineteen  
11 hundred eighty, such assessor shall compute the actual assessments to be  
12 entered on assessment rolls applicable to the years nineteen hundred  
13 eighty-two through nineteen hundred ninety as follows:

14 1-a. Assessment rolls computed for class one-a shall include any  
15 outstanding phased-in increases accrued prior to the effective date of  
16 the chapter of the laws of two thousand seventeen which added this  
17 subdivision pursuant to subdivision three of this section.

18 1-b. Class one-a parcels shall be assessed in a method comparable to  
19 class one parcels.

20 § 12. Subdivisions e and f of section 11-208.1 of the administrative  
21 code of the city of New York, subdivision e as amended by local law  
22 number 41 of the city of New York for the year 1986 and subdivision f as  
23 amended by chapter 385 of the laws of 2006, are amended to read as  
24 follows:

25 e. As used in this section, the term "income-producing property" means  
26 property owned for the purpose of securing an income from the property  
27 itself, but shall not include property with an assessed value of forty  
28 thousand dollars or less, or residential property containing ten or  
29 fewer dwelling units or property classified in class one, one-a or two  
30 as defined in article eighteen of the real property tax law containing  
31 six or fewer dwelling units and one retail store.

32 f. Except in accordance with proper judicial order or as otherwise  
33 provided by law, it shall be unlawful for the commissioner, any officer  
34 or employee of the department, the president or a commissioner or  
35 employee of the tax commission, any person engaged or retained by the  
36 department or the tax commission on an independent contract basis, or  
37 any person, who, pursuant to this section, is permitted to inspect any  
38 income and expense statement or to whom a copy, an abstract or a portion  
39 of any such statement is furnished, to divulge or make known in any  
40 manner except as provided in this subdivision, the amount of income  
41 and/or expense or any particulars set forth or disclosed in any such  
42 statement required under this section. The commissioner, the president  
43 of the tax commission, or any commissioner or officer or employee of the  
44 department or the tax commission charged with the custody of such state-  
45 ments shall not be required to produce any income and expense statement  
46 or evidence of anything contained in them in any action or proceeding in  
47 any court, except on behalf of the department or the tax commission.  
48 Nothing herein shall be construed to prohibit the delivery to an owner  
49 or his or her duly authorized representative of a certified copy of any  
50 statement filed by such owner pursuant to this section or to prohibit  
51 the publication of statistics so classified as to prevent the identifi-  
52 cation of particular statements and the items thereof, or making known  
53 aggregate income and expense information disclosed with respect to prop-  
54 erty classified as class four as defined in article eighteen of the real  
55 property tax law without identifying information about individual leas-  
56 es, or making known a range as determined by the commissioner within



1 which the income and expenses of a property classified as class one-a or  
2 class two falls, or the inspection by the legal representatives of the  
3 department or of the tax commission of the statement of any owner who  
4 shall bring an action to correct the assessment. Any violation of the  
5 provisions of this subdivision shall be punished by a fine not exceeding  
6 one thousand dollars or by imprisonment not exceeding one year, or both,  
7 at the discretion of the court, and if the offender be an officer or  
8 employee of the department or the tax commission, the offender shall be  
9 dismissed from office.

10 § 13. Subdivision a of section 11-238 of the administrative code of  
11 the city of New York, as amended by local law number 27 of the city of  
12 New York for the year 2006, is amended to read as follows:

13 a. Imposition of surcharge. A real property tax surcharge is hereby  
14 imposed on class one and class one-a property, as defined in section  
15 eighteen hundred two of the real property tax law, excluding vacant  
16 land, that provides rental income and is not the primary residence of  
17 the owner or owners of such class one or class one-a property, or the  
18 primary residence of the parent or child of such owner or owners, in an  
19 amount equal to zero percent of the net real property taxes for fiscal  
20 years beginning on or after July first, two thousand six. As used in  
21 this section, "net real property tax" means the real property tax  
22 assessed on class one property after deduction for any exemption or  
23 abatement received pursuant to the real property tax law or this title.

24 § 14. Subdivisions a, a-1, a-2, a-3, a-4 and a-5 of section 11-319 of  
25 the administrative code of the city of New York, subdivisions a, a-1,  
26 a-2 and a-3 as amended and subdivisions a-4 and a-5 as added by local  
27 law number 15 of the city of New York for the year 2011, are amended to  
28 read as follows:

29 a. A tax lien or tax liens on a property or any component of the  
30 amount thereof may be sold by the city as authorized by subdivision b of  
31 this section, when such tax lien or tax liens shall have remained unpaid  
32 in whole or in part for one year, provided, however, that a tax lien or  
33 tax liens on any class one property or on class ~~[two]~~ one-a property  
34 ~~[that is a residential condominium or residential cooperative]~~, as such  
35 classes of property are defined in subdivision one of section eighteen  
36 hundred two of the real property tax law, may be sold by the city only  
37 when the real property tax component of such tax lien or tax liens shall  
38 have remained unpaid in whole or in part for three years or, in the case  
39 of any class two residential property owned by a company organized  
40 pursuant to article XI of the state private housing finance law ~~[that is~~  
41 ~~not a residential condominium or a residential cooperative]~~, as such  
42 class of property is defined in subdivision one of section eighteen  
43 hundred two of the real property tax law, for two years, and equals or  
44 exceeds the sum of five thousand dollars or, in the case of abandoned  
45 class one property or abandoned class ~~[two]~~ one-a property ~~[that is a~~  
46 ~~residential condominium or residential cooperative]~~, for eighteen  
47 months, and after such sale, shall be transferred, in the manner  
48 provided by this chapter, and provided, further, however, that (i) the  
49 real property tax component of such tax lien may not be sold pursuant to  
50 this subdivision on any residential real property in class one that is  
51 receiving an exemption pursuant to section 11-245.3 or 11-245.4 of this  
52 title, or pursuant to section four hundred fifty-eight of the real prop-  
53 erty tax law with respect to real property purchased with payments  
54 received as prisoner of war compensation from the United States govern-  
55 ment, or pursuant to paragraph (b) or (c) of subdivision two of section  
56 four hundred fifty-eight-a of the real property tax law, or where the

1 owner of such residential real property in class one is receiving bene-  
2 fits in accordance with department of finance memorandum 05-3, or any  
3 successor memorandum thereto, relating to active duty military person-  
4 nel, or where the owner of such residential real property in class one  
5 has been allowed a credit pursuant to subsection (e) of section six  
6 hundred six of the tax law for the calendar year in which the date of  
7 the first publication, pursuant to subdivision a of section 11-320 of  
8 this chapter, of the notice of sale, occurs or for the calendar year  
9 immediately preceding such date and (ii) the sewer rents component,  
10 sewer surcharges component or water rents component of such tax lien may  
11 not be sold pursuant to this subdivision on any one family residential  
12 real property in class one or on any two or three family residential  
13 real property in class one that is receiving an exemption pursuant to  
14 section 11-245.3 or 11-245.4 of this title, or pursuant to section four  
15 hundred fifty-eight of the real property tax law with respect to real  
16 property purchased with payments received as prisoner of war compen-  
17 sation from the United States government, or pursuant to paragraph (b)  
18 or (c) of subdivision two of section four hundred fifty-eight-a of the  
19 real property tax law, or where the owner of any two or three family  
20 residential real property in class one is receiving benefits in accord-  
21 ance with department of finance memorandum 05-3, or any successor memo-  
22 randum thereto, relating to active duty military personnel, or where the  
23 owner of any two or three family residential real property in class one  
24 has been allowed a credit pursuant to subsection (e) of section six  
25 hundred six of the tax law for the calendar year in which the date of  
26 the first publication, pursuant to subdivision a of section 11-320 of  
27 this chapter, of the notice of sale, occurs or for the calendar year  
28 immediately preceding such date. A tax lien or tax liens on any property  
29 classified as a class two property, except [~~a class two property that is~~  
30 ~~a residential condominium or residential cooperative, or~~] a class two  
31 residential property owned by a company organized pursuant to article XI  
32 of the state private housing finance law [~~that is not a residential~~  
33 ~~condominium or a residential cooperative~~], or class three property, as  
34 such classes of property are defined in subdivision one of section eight-  
35 teen hundred two of the real property tax law, shall not be sold by the  
36 city unless such tax lien or tax liens include a real property tax  
37 component as of the date of the first publication, pursuant to subdivi-  
38 sion a of section 11-320 of this chapter, of the notice of sale.  
39 Notwithstanding any provision of this subdivision to the contrary, any  
40 such tax lien or tax liens that remain unpaid in whole or in part after  
41 such date may be sold regardless of whether such tax lien or tax liens  
42 include a real property tax component. A tax lien or tax liens on a  
43 property classified as a class four property, as such class of property  
44 is defined in subdivision one of section eighteen hundred two of the  
45 real property tax law, shall not be sold by the city unless such tax  
46 lien or tax liens include a real property tax component or sewer rents  
47 component or sewer surcharges component or water rents component or  
48 emergency repair charges component, where such emergency repair charges  
49 accrued on or after January first, two thousand six and are made a lien  
50 pursuant to section 27-2144 of this code, as of the date of the first  
51 publication, pursuant to subdivision a of section 11-320 of this chap-  
52 ter, of the notice of sale, provided, however, that any tax lien or tax  
53 liens that remain unpaid in whole or in part after such date may be sold  
54 regardless of whether such tax lien or tax liens include a real property  
55 tax component, sewer rents component, sewer surcharges component, water  
56 rents component or emergency repair charges component. For purposes of

1 this subdivision, the words "real property tax" shall not include an  
2 assessment or charge upon property imposed pursuant to section 25-411 of  
3 the administrative code. A sale of a tax lien or tax liens shall  
4 include, in addition to such lien or liens that have remained unpaid in  
5 whole or in part for one year, or, in the case of any class one property  
6 or class ~~[two]~~ one-a property ~~[that is a residential condominium or~~  
7 ~~residential cooperative]~~, when the real property tax component of such  
8 lien or liens has remained unpaid in whole or in part for three years,  
9 or, in the case of any class two residential property owned by a company  
10 organized pursuant to article XI of the state private housing finance  
11 law ~~[that is not a residential condominium or a residential cooper-~~  
12 ~~ative]~~, when the real property tax component of such lien or liens has  
13 remained unpaid in whole or in part for two years, and equals or exceeds  
14 the sum of five thousand dollars, any taxes, assessments, sewer rents,  
15 sewer surcharges, water rents, any other charges that are made a lien  
16 subject to the provisions of this chapter, the costs of any advertise-  
17 ments and notices given pursuant to this chapter, any other charges that  
18 are due and payable, a surcharge pursuant to section 11-332 of this  
19 chapter, and interest and penalties thereon or such component of the  
20 amount thereof as shall be determined by the commissioner of finance.  
21 The commissioner of finance may promulgate rules defining "abandoned"  
22 property, as such term is used in this subdivision.

23 a-1. A subsequent tax lien or tax liens on a property or any component  
24 of the amount thereof may be sold by the city pursuant to this chapter,  
25 provided, however, that notwithstanding any provision in this chapter to  
26 the contrary, such tax lien or tax liens may be sold regardless of  
27 whether such tax lien or tax liens have remained unpaid in whole or in  
28 part for one year and, notwithstanding any provision in this chapter to  
29 the contrary, in the case of any class one property or class ~~[two]~~ one-a  
30 property ~~[that is a residential condominium or residential cooperative]~~  
31 or, beginning January first, two thousand twelve, in the case of any  
32 class two residential property owned by a company organized pursuant to  
33 article XI of the state private housing finance law ~~[that is not a resi-~~  
34 ~~dential condominium or a residential cooperative]~~, such tax lien or tax  
35 liens may be sold if the real property tax component of such tax lien or  
36 tax liens has remained unpaid in whole or in part for one year, and  
37 provided, further, however, that (i) the real property tax component of  
38 such tax lien may not be sold pursuant to this subdivision on any resi-  
39 dential real property in class one that is receiving an exemption pursu-  
40 ant to section 11-245.3 or 11-245.4 of this title, or pursuant to  
41 section four hundred fifty-eight of the real property tax law with  
42 respect to real property purchased with payments received as prisoner of  
43 war compensation from the United States government, or pursuant to para-  
44 graph (b) or (c) of subdivision two of section four hundred  
45 fifty-eight-a of the real property tax law, or where the owner of such  
46 residential real property in class one is receiving benefits in accord-  
47 ance with department of finance memorandum 05-3, or any successor memo-  
48 randum thereto, relating to active duty military personnel, or where the  
49 owner of such residential real property in class one has been allowed a  
50 credit pursuant to subsection (e) of section six hundred six of the tax  
51 law for the calendar year in which the date of the first publication,  
52 pursuant to subdivision a of section 11-320 of this chapter, of the  
53 notice of sale, occurs or for the calendar year immediately preceding  
54 such date and (ii) the sewer rents component, sewer surcharges component  
55 or water rents component of such tax lien may not be sold pursuant to  
56 this subdivision on any one family residential real property in class

1 one or on any two or three family residential real property in class one  
2 that is receiving an exemption pursuant to section 11-245.3 or 11-245.4  
3 of this title, or pursuant to section four hundred fifty-eight of the  
4 real property tax law with respect to real property purchased with  
5 payments received as prisoner of war compensation from the United States  
6 government, or pursuant to paragraph (b) or (c) of subdivision two of  
7 section four hundred fifty-eight-a of the real property tax law, or  
8 where the owner of any two or three family residential real property in  
9 class one is receiving benefits in accordance with department of finance  
10 memorandum 05-3, or any successor memorandum thereto, relating to active  
11 duty military personnel, or where the owner of any two or three family  
12 residential real property in class one has been allowed a credit pursu-  
13 ant to subsection (e) of section six hundred six of the tax law for the  
14 calendar year in which the date of the first publication, pursuant to  
15 subdivision a of section 11-320 of this chapter, of the notice of sale,  
16 occurs or for the calendar year immediately preceding such date. For  
17 purposes of this subdivision, the term "subsequent tax lien or tax  
18 liens" shall mean any tax lien or tax liens on property that become such  
19 on or after the date of sale of any tax lien or tax liens on such prop-  
20 erty that have been sold pursuant to this chapter, provided that the  
21 prior tax lien or tax liens remain unpaid as of the date of the first  
22 publication, pursuant to subdivision a of section 11-320 of this chap-  
23 ter, of the notice of sale of the subsequent tax lien or tax liens. A  
24 subsequent tax lien or tax liens on any property classified as a class  
25 two property, except [~~a class two property that is a residential condo-~~  
26 ~~minium or residential cooperative, or~~] a class two residential property  
27 owned by a company organized pursuant to article XI of the state private  
28 housing finance law [~~that is not a residential condominium or a residen-~~  
29 ~~tial cooperative~~], or class three property, as such classes of property  
30 are defined in subdivision one of section eighteen hundred two of the  
31 real property tax law, shall not be sold by the city unless such tax  
32 lien or tax liens include a real property tax component as of the date  
33 of the first publication, pursuant to subdivision a of section 11-320 of  
34 this chapter, of the notice of sale. Notwithstanding any provision of  
35 this subdivision to the contrary, any such tax lien or tax liens that  
36 remain unpaid in whole or in part after such date may be sold regardless  
37 of whether such tax lien or tax liens include a real property tax compo-  
38 nent. A subsequent tax lien or tax liens on a property classified as a  
39 class four property, as such class of property is defined in subdivision  
40 one of section eighteen hundred two of the real property tax law, shall  
41 not be sold by the city unless such tax lien or tax liens include a real  
42 property tax component or sewer rents component or sewer surcharges  
43 component or water rents component or emergency repair charges compo-  
44 nent, where such emergency repair charges accrued on or after January  
45 first, two thousand six and are made a lien pursuant to section 27-2144  
46 of this code, as of the date of the first publication, pursuant to  
47 subdivision a of section 11-320 of this chapter, of the notice of sale,  
48 provided, however, that any tax lien or tax liens that remain unpaid in  
49 whole or in part after such date may be sold regardless of whether such  
50 tax lien or tax liens include a real property tax component, sewer rents  
51 component, sewer surcharges component, water rents component or emergen-  
52 cy repair charges component. For purposes of this subdivision, the words  
53 "real property tax" shall not include an assessment or charge upon prop-  
54 erty imposed pursuant to section 25-411 of the administrative code.  
55 Nothing in this subdivision shall be deemed to limit the rights

1 conferred by section 11-332 of this chapter on the holder of a tax lien  
2 certificate with respect to a subsequent tax lien.

3 a-2. In addition to any sale authorized pursuant to subdivision a or  
4 subdivision a-1 of this section and notwithstanding any provision of  
5 this chapter to the contrary, beginning on December first, two thousand  
6 seven, the water rents, sewer rents and sewer surcharges components of  
7 any tax lien on any class of real property, as such real property is  
8 classified in subdivision one of section eighteen hundred two of the  
9 real property tax law, may be sold by the city pursuant to this chapter,  
10 where such water rents, sewer rents or sewer surcharges component of  
11 such tax lien, as of the date of the first publication, pursuant to  
12 subdivision a of section 11-320 of this chapter, of the notice of sale:  
13 (i) shall have remained unpaid in whole or in part for one year and (ii)  
14 equals or exceeds the sum of one thousand dollars or, beginning on March  
15 first, two thousand eleven, in the case of any two or three family resi-  
16 dential real property in class one, for one year, and equals or exceeds  
17 the sum of two thousand dollars, or, beginning on January first, two  
18 thousand twelve, in the case of any class two residential property owned  
19 by a company organized pursuant to article XI of the state private hous-  
20 ing finance law [~~that is not a residential condominium or a residential~~  
21 ~~cooperative~~], as such class of property is defined in subdivision one of  
22 section eighteen hundred two of the real property tax law, for two  
23 years, and equals to exceeds the sum of five thousand dollars; provided,  
24 however, that such water rents, sewer rents or sewer surcharges compo-  
25 nent of such tax lien may not be sold pursuant to this subdivision on  
26 any one family residential real property in class one or on any two or  
27 three family residential real property in class one that is receiving an  
28 exemption pursuant to section 11-245.3 or 11-245.4 of this title, or  
29 pursuant to section four hundred fifty-eight of the real property tax  
30 law with respect to real property purchased with payments received as  
31 prisoner of war compensation from the United States government, or  
32 pursuant to paragraph (b) or (c) of subdivision two of section four  
33 hundred fifty-eight-a of the real property tax law, or where the owner  
34 of any two or three family residential real property in class one is  
35 receiving benefits in accordance with department of finance memorandum  
36 05-3, or any successor memorandum thereto, relating to active duty mili-  
37 tary personnel, or where the owner of any two or three family residen-  
38 tial real property in class one has been allowed a credit pursuant to  
39 subsection (e) of section six hundred six of the tax law for the calen-  
40 dar year in which the date of the first publication, pursuant to subdi-  
41 vision a of section 11-320 of this chapter, of the notice of sale,  
42 occurs or for the calendar year immediately preceding such date. After  
43 such sale, any such water rents, sewer rents or sewer surcharges compo-  
44 nent of such tax lien may be transferred in the manner provided by this  
45 chapter.

46 a-3. In addition to any sale authorized pursuant to subdivision a or  
47 subdivision a-1 of this section and notwithstanding any provision of  
48 this chapter to the contrary, beginning on December first, two thousand  
49 seven, a subsequent tax lien on any class of real property, as such real  
50 property is classified in subdivision one of section eighteen hundred  
51 two of the real property tax law, may be sold by the city pursuant to  
52 this chapter, regardless of whether such subsequent tax lien, or any  
53 component of the amount thereof, shall have remained unpaid in whole or  
54 in part for one year, and regardless of whether such subsequent tax  
55 lien, or any component of the amount thereof, equals or exceeds the sum  
56 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

1 enforcement expenses and fees are made a lien pursuant to section  
2 27-2153 of this code, of any tax lien on any class of real property, as  
3 such real property is defined in subdivision one of section eighteen  
4 hundred two of the real property tax law, may be sold by the city pursu-  
5 ant to this chapter, where such emergency repair charges component or  
6 alternative enforcement expenses and fees component of such tax lien, as  
7 of the date of the first publication, pursuant to subdivision a of  
8 section 11-320 of this chapter, of the notice of sale: (i) shall have  
9 remained unpaid in whole or in part for one year, and (ii) equals or  
10 exceeds the sum of one thousand dollars or, beginning on January first,  
11 two thousand twelve, in the case of any class two residential property  
12 owned by a company organized pursuant to article XI of the state private  
13 housing finance law [~~that is not a residential condominium or a residen-~~  
14 ~~tial cooperative~~], as such class of property is defined in subdivision  
15 one of section eighteen hundred two of the real property tax law, for  
16 two years, and equals or exceeds the sum of five thousand dollars;  
17 provided, however, that such emergency repair charges component or  
18 alternative enforcement expenses and fees component of such tax lien may  
19 not be sold pursuant to this subdivision on any one, two or three family  
20 residential real property in class one, except a three family residen-  
21 tial property in class one where such property is subject to the  
22 provisions of section 27-2153 of this code and is not the primary resi-  
23 dence of the owner. After such sale, any such emergency repair charges  
24 component or alternative enforcement expenses and fees component of such  
25 tax lien may be transferred in the manner provided by this chapter.

26 a-5. In addition to any sale authorized pursuant to subdivision a,  
27 a-1, a-2 or a-3 of this section and notwithstanding any provision of  
28 this chapter to the contrary, beginning on March first, two thousand  
29 eleven, a subsequent tax lien on any class of real property, or begin-  
30 ning on January first, two thousand twelve in the case of any class two  
31 residential property owned by a company organized pursuant to article XI  
32 of the state private housing finance law [~~that is not a residential~~  
33 ~~condominium or a residential cooperative~~], a subsequent tax lien on such  
34 property, may be sold by the city pursuant to this chapter, regardless  
35 of the length of time such subsequent tax lien, or any component of the  
36 amount thereof, shall have remained unpaid, and regardless of the amount  
37 of such subsequent tax lien. After such sale, any such subsequent tax  
38 lien, or any component of the amount thereof, may be transferred in the  
39 manner provided by this chapter. For purposes of this subdivision, the  
40 term "subsequent tax lien" shall mean the emergency repair charges  
41 component or alternative enforcement expenses and fees component, where  
42 such emergency repair charges accrued on or after January first, two  
43 thousand six and are made a lien pursuant to section 27-2144 of this  
44 code, or where such alternative enforcement expenses and fees are made a  
45 lien pursuant to section 27-2153 of this code, of any tax lien on prop-  
46 erty that becomes such on or after the date of sale of any emergency  
47 repair charges component or alternative enforcement expenses and fees  
48 component, of any tax lien on such property that has been sold pursuant  
49 to this chapter, provided that the prior tax lien remains unpaid as of  
50 the date of the first publication, pursuant to subdivision a of section  
51 11-320 of this chapter, of the notice of sale of the subsequent tax  
52 lien. Nothing in this subdivision shall be deemed to limit the rights  
53 conferred by section 11-332 of this chapter on the holder of a tax lien  
54 certificate with respect to a subsequent tax lien.

55 § 15. Subparagraph (i) of paragraph 2 of subdivision b and subpara-  
56 graph (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

1 bidder. Such purchaser shall be deemed qualified as a responsible bidder  
2 pursuant to such criteria as are established in rules promulgated by the  
3 commissioner of finance after consultation with the commissioner of  
4 housing preservation and development.

5 § 17. The opening paragraph of subdivision 4 of section 11-401 of the  
6 administrative code of the city of New York, as added by local law  
7 number 37 of the city of New York for the year 1996, is amended to read  
8 as follows:

9 "Distressed property." Any parcel of class one, class one-a or class  
10 two real property that is subject to a tax lien or liens with a lien or  
11 liens to value ratio, as determined by the commissioner of finance,  
12 equal to or greater than fifteen percent and that meets one of the  
13 following two criteria:

14 § 18. Subdivisions a and b of section 11-401.1 of the administrative  
15 code of the city of New York, as added by local law number 37 of the  
16 city of New York for the year 1996, are amended to read as follows:

17 a. The commissioner of finance shall, not less than sixty days preced-  
18 ing the date of the sale of a tax lien or tax liens, submit to the  
19 commissioner of housing preservation and development a description by  
20 block and lot, or by such other identification as the commissioner of  
21 finance may deem appropriate, of any parcel of class one, class one-a or  
22 class two real property on which there is a tax lien that may be fore-  
23 closed by the city. The commissioner of housing preservation and devel-  
24 opment shall determine, and direct the commissioner of finance, not less  
25 than ten days preceding the date of the sale of a tax lien or tax liens,  
26 whether any such parcel is a distressed property as defined in subdivi-  
27 sion four of section 11-401 of this chapter. Any tax lien on a parcel so  
28 determined to be a distressed property shall not be included in such  
29 sale. In connection with a subsequent sale of a tax lien or tax liens,  
30 the commissioner of finance may, not less than sixty days preceding the  
31 date of the sale, resubmit to the commissioner of housing preservation  
32 and development a description by block and lot, or by such other iden-  
33 tification as the commissioner of finance may deem appropriate, of any  
34 parcel of class one, class one-a or class two real property that was  
35 previously determined to be a distressed property pursuant to this para-  
36 graph and on which there is a tax lien that may be included in such  
37 sale. The commissioner of housing preservation and development shall  
38 determine, and direct the commissioner of finance, not less than ten  
39 days preceding the date of the sale, whether such parcel remains a  
40 distressed property. If the commissioner of housing preservation and  
41 development determines that the parcel is not a distressed property,  
42 then the tax lien on the parcel may be included in the sale.

43 b. The commissioner of housing preservation and development may peri-  
44 odically review whether a parcel of class one, class one-a or class two  
45 real property that is subject to subdivision c of this section or subdivi-  
46 sion j of section 11-412.1 of this chapter remains a distressed prop-  
47 erty. If the commissioner determines that the parcel is not a distressed  
48 property as defined in subdivision four of section 11-401 of this chap-  
49 ter, then the parcel shall not be subject to such subdivisions.

50 § 19. Subdivision b of section 11-404 of the administrative code of  
51 the city of New York, as amended by local law number 37 of the city of  
52 New York for the year 1996, is amended to read as follows:

53 b. A tax lien on any class one property or any class ~~[two]~~ one-a prop-  
54 erty ~~[that is a residential condominium or residential cooperative]~~, as  
55 such classes of property are defined in subdivision one of section eigh-  
56 teen hundred two of the real property tax law, and on any multiple

1 dwelling owned by a company organized pursuant to article XI of the  
2 private housing finance law with the consent and approval of the depart-  
3 ment of housing preservation and development, shall not be foreclosed in  
4 the manner provided in this chapter until such tax lien has been due and  
5 unpaid for a period of at least three years from the date on which the  
6 tax, assessment or other legal charge represented thereby became a lien.

7 § 20. Paragraph 5 of subdivision c of section 11-405 of the adminis-  
8 trative code of the city of New York, as added by local law number 37 of  
9 the city of New York for the year 1996, is amended to read as follows:

10 (5) Notwithstanding paragraph one, two or three of this subdivision,  
11 with respect to installment agreements duly made, executed and filed on  
12 or after the date on which this paragraph takes effect, the commissioner  
13 of finance may also exclude or thereafter remove from such list any  
14 parcel of class one, class one-a or class two real property, other than  
15 a parcel described in paragraph four of this subdivision, as to which an  
16 agreement has been duly made, executed and filed with such commissioner  
17 for the payment of the delinquent taxes, assessments or other legal  
18 charges, and the interest and penalties thereon, in installments. The  
19 first installment thereof shall be paid upon the filing of the install-  
20 ment agreement with the commissioner and shall be in an amount equal to  
21 not less than fifteen percent of the total amount of such delinquent  
22 taxes, assessments or other legal charges and the interest and penalties  
23 thereon. The remaining installments, which shall be twice the number of  
24 unpaid quarters of real estate taxes or the equivalent thereof, but  
25 which shall in no event exceed thirty-two in number, shall be payable  
26 quarterly on the first days of July, October, January and April. For the  
27 purposes of calculating the number of such remaining installments,  
28 unpaid real estate taxes that are due and payable on other than a quar-  
29 terly basis shall be deemed to be payable on a quarterly basis.

30 § 21. Section 581 of the real property tax law is REPEALED.

31 § 22. Subdivision 1 of section 339-y of the real property law, as  
32 amended by chapter 218 of the laws of 1986, subparagraph (ii) of para-  
33 graph (d) as amended by chapter 223 of the laws of 1989, paragraph (e)  
34 as added by chapter 135 of the laws of 1996 and paragraph (f) as added  
35 by chapter 293 of the laws of 1997, is amended to read as follows:

36 1. (a) With respect to all property submitted to the provisions of  
37 this article other than property which is the subject of a qualified  
38 leasehold condominium, each unit and its common interest, not including  
39 any personal property, shall be deemed to be a parcel and shall be  
40 subject to separate assessment and taxation by each assessing unit,  
41 school district, special district, county or other taxing unit, for all  
42 types of taxes authorized by law including but not limited to special ad  
43 valorem levies and special assessments, except that the foregoing shall  
44 not apply to a unit held under lease or sublease unless the declaration  
45 requires the unit owner to pay all taxes attributable to his unit.  
46 Neither the building, the property nor any of the common elements shall  
47 be deemed to be a parcel.

48 (b) ~~[In no event shall the aggregate of the assessment of the units~~  
49 ~~plus their common interests exceed the total valuation of the property~~  
50 ~~were the property assessed as a parcel.~~

51 (c) For the purposes of this and the next succeeding section the  
52 terms "assessing unit", "assessment", "parcel", "special ad valorem  
53 levy", "special assessment", "special district", "taxation" and "taxes"  
54 shall have the meanings specified in section one hundred two of the real  
55 property tax law.



~~1 [(d) The provisions of paragraph (b) of this subdivision shall not~~  
~~2 apply to such real property classified within:~~

~~3 (i) on and after January first, nineteen hundred eighty-six, class one~~  
~~4 of section one thousand eight hundred two of the real property tax law,~~  
~~5 or~~

~~6 (ii) on and after January first, nineteen hundred eighty-four, the~~  
~~7 homestead class of an approved assessing unit which has adopted the~~  
~~8 provisions of section one thousand nine hundred three of the real prop-~~  
~~9 erty tax law, or the homestead class of the portion outside an approved~~  
~~10 assessing unit of an eligible split school district which has adopted~~  
~~11 the provisions of section nineteen hundred three a of the real property~~  
~~12 tax law; provided, however, that, in an approved assessing unit which~~  
~~13 adopted the provisions of section one thousand nine hundred three of the~~  
~~14 real property tax law prior to the effective date of this subdivision,~~  
~~15 paragraph (b) of this subdivision shall apply to all such real property~~  
~~16 (i) which is classified within the homestead class pursuant to paragraph~~  
~~17 one of subdivision (c) of section one thousand nine hundred one of the~~  
~~18 real property tax law and (ii) which, regardless of classification, was~~  
~~19 on the assessment roll prior to the effective date of this subdivision~~  
~~20 unless the governing body of such approved assessing unit provides by~~  
~~21 local law adopted after a public hearing, prior to the taxable status~~  
~~22 date of such assessing unit next occurring after December thirty-first,~~  
~~23 nineteen hundred eighty-three, that such paragraph (b) shall not apply~~  
~~24 to such real property to which this clause applies. Provided further,~~  
~~25 however, real property subject to the provisions of this subparagraph~~  
~~26 shall be assessed pursuant to subdivision two of section five hundred~~  
~~27 eighty-one of the real property tax law.~~

~~28 (e)]~~ (c) On the first assessment roll with a taxable status date on or  
29 after the effective date of a declaration filed with the recording offi-  
30 cer and on every assessment roll thereafter, the assessor shall enter  
31 each unit as a parcel, as provided in paragraph (a) of this subdivision,  
32 based upon the condition and ownership of each such unit on the appro-  
33 priate valuation and taxable status dates. Units owned by a developer  
34 may be entered as a single parcel with a parcel description correspond-  
35 ing to the entire development, including the land under such develop-  
36 ment, and excluding those units appearing separately. Upon the first  
37 assessment roll where each unit is separately assessed, only an individ-  
38 ual unit and its common interest shall constitute a parcel.

~~39 [(f) The provisions of paragraph (b) of this subdivision shall not~~  
~~40 apply to a converted condominium unit in a municipal corporation other~~  
~~41 than a special assessing unit, which has adopted, prior to the taxable~~  
~~42 status date of the assessment roll upon which its taxes will be levied,~~  
~~43 a local law or, for a school district, a resolution providing that the~~  
~~44 provisions of paragraph (b) of this subdivision shall not apply to a~~  
~~45 converted condominium unit within that municipal corporation. A~~  
~~46 converted condominium unit for purposes of this paragraph shall mean a~~  
~~47 dwelling unit held in condominium form of ownership that has previously~~  
~~48 been on an assessment roll as a dwelling unit in other than condominium~~  
~~49 form of ownership, and has not been previously subject to the provisions~~  
~~50 of paragraph (b) of this subdivision.]~~

51 § 23. This act shall take effect on the first of January next succeed-  
52 ing the date on which it shall have become a law and shall apply to  
53 assessment rolls prepared pursuant to a taxable status date occurring on  
54 or after such date; provided, however, that effective immediately, the  
55 addition, amendment and/or repeal of any rule or regulation necessary

1 for the implementation of this act on its effective date are authorized  
2 and directed to be made and completed on or before such effective date.

3 PART JJ

4 Section 1. Paragraph (a) of subdivision 3 of section 467 of the real  
5 property tax law, as amended by chapter 259 of the laws of 2009, is  
6 amended to read as follows:

7 (a) if the income of the owner or the combined income of the owners of  
8 the property for the income tax year immediately preceding the date of  
9 making application for exemption exceeds the sum of three thousand  
10 dollars, or such other sum not less than three thousand dollars nor more  
11 than twenty-six thousand dollars beginning July first, two thousand six,  
12 twenty-seven thousand dollars beginning July first, two thousand seven,  
13 twenty-eight thousand dollars beginning July first, two thousand eight,  
14 ~~[and] twenty-nine thousand dollars beginning July first, two thousand~~  
15 nine, and fifty thousand dollars beginning July first, two thousand  
16 seventeen, as may be provided by the local law, ordinance or resolution  
17 adopted pursuant to this section. Income tax year shall mean the twelve  
18 month period for which the owner or owners filed a federal personal  
19 income tax return, or if no such return is filed, the calendar year.  
20 Where title is vested in either the husband or the wife, their combined  
21 income may not exceed such sum, except where the husband or wife, or  
22 ex-husband or ex-wife is absent from the property as provided in subpar-  
23 agraph (ii) of paragraph (d) of this subdivision, then only the income  
24 of the spouse or ex-spouse residing on the property shall be considered  
25 and may not exceed such sum. Such income shall include social security  
26 and retirement benefits, interest, dividends, total gain from the sale  
27 or exchange of a capital asset which may be offset by a loss from the  
28 sale or exchange of a capital asset in the same income tax year, net  
29 rental income, salary or earnings, and net income from self-employment,  
30 but shall not include a return of capital, gifts, inheritances, payments  
31 made to individuals because of their status as victims of Nazi perse-  
32 cution, as defined in P.L. 103-286 or monies earned through employment  
33 in the federal foster grandparent program and any such income shall be  
34 offset by all medical and prescription drug expenses actually paid which  
35 were not reimbursed or paid for by insurance, if the governing board of  
36 a municipality, after a public hearing, adopts a local law, ordinance or  
37 resolution providing therefor. Furthermore, such income shall not  
38 include the proceeds of a reverse mortgage, as authorized by section  
39 six-h of the banking law, and sections two hundred eighty and two  
40 hundred eighty-a of the real property law; provided, however, that  
41 monies used to repay a reverse mortgage may not be deducted from income,  
42 and provided additionally that any interest or dividends realized from  
43 the investment of reverse mortgage proceeds shall be considered income.  
44 The provisions of this paragraph notwithstanding, such income shall not  
45 include veterans disability compensation, as defined in Title 38 of the  
46 United States Code provided the governing board of such municipality,  
47 after public hearing, adopts a local law, ordinance or resolution  
48 providing therefor. In computing net rental income and net income from  
49 self-employment no depreciation deduction shall be allowed for the  
50 exhaustion, wear and tear of real or personal property held for the  
51 production of income;

52 § 2. Paragraph (a) of subdivision 5 of section 459-c of the real prop-  
53 erty tax law, as separately amended by chapters 187 and 252 of the laws  
54 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

1 (vi) the borough president of the borough in which the proposed shel-  
2 ter is to be located.

3 2. Within fifteen days of receiving notice pursuant to paragraph one  
4 of this subdivision, the community board may request that the department  
5 schedule a public hearing to be held within fifteen days at a location  
6 within the community to be affected by the proposed shelter for the  
7 purpose of gaining public input thereon. Following any such public hear-  
8 ing, the department shall consider all such comments and, in accordance  
9 with reasonable concerns raised, modify its proposal for the establish-  
10 ment of a shelter.

11 3. The department, not less than forty-five days prior to the opening  
12 of any new shelter, shall provide notice of the address, proposed census  
13 and proposed certified capacity of such shelter to the precinct of the  
14 police department in which such shelter is located.

15 4. Not more than twenty days after the opening of any new shelter, the  
16 department shall establish and operate a community advisory board for  
17 the shelter to ensure ongoing collaboration with the community. Each  
18 such board shall be composed of community members, and designees of  
19 local elected officials and the community board.

20 § 2. The administrative code of the city of New York is amended by  
21 adding a new section 21-317 to read as follows:

22 § 21-317 Privately owned hotels providing shelter for homeless indi-  
23 viduals. a. On a quarterly basis, the department shall issue a report on  
24 the use and proposed use of privately owned hotels for the provision of  
25 shelter for homeless individuals. Such report shall be submitted to:

26 1. each community board for the community in which such a hotel is  
27 located;

28 2. each city council member representing a district in which such a  
29 hotel is located;

30 3. each member of the state assembly representing a district in which  
31 such a hotel is located;

32 4. each state senator representing a district in which such a hotel is  
33 located;

34 5. each member of the federal House of Representatives representing a  
35 district in which such a hotel is located; and

36 6. each borough president.

37 b. Prior to the placement of any homeless individuals in a privately  
38 owned hotel, the department shall inspect and certify the hotel to  
39 ensure its safety and the welfare of the homeless individuals to be  
40 placed therein. Such inspection to ensure the safety and welfare of  
41 individuals shall include, but not be limited to, certification that  
42 such building has no outstanding violations. The department shall  
43 establish and maintain a list of hotels that have been certified as  
44 suitable for placement of homeless individuals with children which shall  
45 be made available to the public in accordance with chapter forty-eight  
46 of the city charter.

47 c. In the event that any additional hotel units are required to be  
48 utilized to meet a projected need for shelter, the department shall  
49 provide notice thereof, not less than one week prior to the utilization  
50 of such units, to the appropriate public officials and body listed in  
51 subdivision a of this section. Furthermore, the department shall cause  
52 an inspection to be made of such units, pursuant to subdivision b of  
53 this section, at least one week prior to the utilization thereof.

54 d. Whenever the department utilizes hotel units on a temporary basis  
55 for the housing of homeless persons, it shall provide not less than one  
56 week notice thereof to the public officials and body listed in subdivi-

1 sion a of this section, and to the precinct of the police department in  
2 which such units are located.

3 e. In the event the department utilizes twenty-five or more units  
4 within any single hotel, or utilizes any hotel unit for more than  
5 fifteen consecutive days, it shall provide notice thereof to the public  
6 officials and body listed in subdivision a of this section.

7 f. Within fifteen days of receiving any notice pursuant to subdivision  
8 c, d or e of this section, the appropriate community board may schedule  
9 to hold a public hearing within fifteen days within the community  
10 affected by the hotel for the purpose of gaining public input thereon,  
11 which shall be forwarded to the department.

12 § 3. Emergency shelter for individuals in privately owned hotels. In  
13 the event need for shelter exceeds the inventory of hotels currently  
14 eligible for placement pursuant to section 21-317 of the administrative  
15 code of the city of New York, as added by section two of this act, due  
16 to inclement weather, as defined in section 304.1(a) of title 18 of the  
17 New York state codes, rules and regulations, the department of homeless  
18 services of the city of New York shall have the authority to temporarily  
19 place individuals in hotels and conduct notification of community offi-  
20 cials in the same manner as provided in such section of the administra-  
21 tive code of the city of New York, within 48 hours of the placements.

22 § 4. This act shall take effect on the thirtieth day after it shall  
23 have become a law.

24 PART LL

25 Section 1. The public housing law is amended by adding a new section  
26 402-d to read as follows:

27 § 402-d. New York city council oversight. The New York city council  
28 as established in section twenty-one of the New York city charter is  
29 empowered to mandate that the New York city housing authority produce  
30 reports about any facets of its operations or the condition of the  
31 projects under its management, including any project based section eight  
32 voucher developments in which the authority has an ownership stake,  
33 through the passage of a local law. Such a law shall determine which  
34 information is to be included in the report, the deadline for the  
35 production of the report, whether the reporting mandate applies once or  
36 is recurring, and which local authorities shall receive copies. A copy  
37 of any such reports must be provided to the commissioner and shall be  
38 considered an agency document for the purposes of article six of the  
39 public officers law.

40 § 2. Subdivision a of section 29 of the New York city charter, as  
41 added by a vote of the people of the city of New York at the general  
42 election held in November 1989, is amended to read as follows:

43 a. The council, acting as a committee of the whole, and each standing  
44 or special committee of the council, through hearings or otherwise:

45 1. ~~[may]~~ May investigate any matters within its jurisdiction relating  
46 to the property, affairs, or government of the city or of any county  
47 within the city, or to any other powers of the council, or to the effec-  
48 tuation of the purposes or provisions of this charter or any laws relat-  
49 ing to the city or to any county within the city.

50 2. ~~[shall]~~ shall review on a regular and continuous basis the activ-  
51 ities of the agencies of the city, including their service goals and  
52 performance and management efficiency. Each unit of appropriation in  
53 the adopted budget of the city shall be assigned to a standing commit-  
54 tee. Each standing committee of the council shall hold at least one



1 hearing each year relating to the activities of each of the agencies  
2 under its jurisdiction.

3 3. Shall review on a regular and continuous basis the activities of  
4 the New York city housing authority, including the service goals,  
5 performance and management efficiency of such authority. Such authority  
6 shall be assigned to a standing committee. Such standing committee of  
7 the council shall hold at least one hearing each year relating to the  
8 activities of the New York city housing authority.

9 § 3. This act shall take effect on the thirtieth day after it shall  
10 have become a law.

11 PART MM

12 Section 1. The administrative code of the city of New York is amended  
13 by adding a new section 25-114 to read as follows:

14 § 25-114 New York city housing authority repair certificate program.

15 a. The city planning commission shall establish the New York city hous-  
16 ing authority repair certificate program, in cooperation with the New  
17 York city housing authority. Under such program, the city planning  
18 commission shall grant amendments to zoning resolutions which increase  
19 the allowable development in areas covered by a New York city housing  
20 authority repair certificate issued pursuant to section four hundred  
21 two-d of the public housing law.

22 b. The city planning commission shall for each application for an  
23 amendment of a zoning resolution, establish the per foot value of any  
24 New York city housing authority repair certificate issued in the areas  
25 covered by such amendment and the maximum allowed foot area ratio that  
26 may be granted to the holder of such certificate in the newly zoned  
27 area. Such per foot value shall be updated annually based upon increases  
28 in the consumer price index for housing costs in the New York city  
29 metropolitan area.

30 c. A developer who seeks to obtain an increased foot area ratio in a  
31 newly zoned area, by means of being the holder of a New York city hous-  
32 ing authority repair certificate, shall submit an application therefor  
33 to the city planning commission. Such commission shall within seven days  
34 of receiving an application pursuant to this subdivision, forward it to  
35 the New York city housing authority, along with the per foot value to be  
36 granted if the applicant receives a repair certificate from such author-  
37 ity.

38 d. Upon certification by the New York city housing authority that a  
39 developer has been awarded a repair certificate, the city planning  
40 commission shall approve such developer's application submitted pursuant  
41 to this section.

42 e. The transfer of a certificate must be registered with the city  
43 planning commission within seven days of the transfer.

44 § 2. The public housing law is amended by adding a new section 402-d  
45 to read as follows:

46 § 402-d. Issuance of repair certificate. 1. The New York city housing  
47 authority, in consultation with the New York city planning commission,  
48 shall establish procedures and guidelines for the awarding of repair  
49 certificates by such authority to developers which perform capital  
50 repairs to a project operated by the authority. No such certificate  
51 shall be awarded based upon the performance of any work which would  
52 constitute regular maintenance upon any project operated by such author-  
53 ity. The procedures and guidelines established pursuant to this subdivi-

1 sion shall provide maximum allowable costs for various kinds and types  
2 of capital repair projects.

3 2. There shall be established, within the New York city housing  
4 authority, an office of repair certification. Such office shall adminis-  
5 ter the repair certificate program. The office shall establish lists of  
6 repair projects, to authority facilities, which shall be eligible for  
7 the repair certificate program, the estimated value of each such repair  
8 project, and the priority of each repair project based upon its urgency  
9 and/or importance.

10 3. The office of repair certification shall receive each application  
11 forwarded to the New York city housing authority pursuant to subdivision  
12 c of section 25-114 of the administrative code of the city of New York.  
13 Within ten days of receiving an application, the office shall contact  
14 the applicant and provide it with a list of eligible repair projects  
15 equal in value to the benefit to be provided to such applicant by the  
16 city planning commission. Such list shall, to the extent practicable,  
17 include only those eligible repair projects within the same neighborhood  
18 included in the area to which the requested amendment to the zoning  
19 resolution relates, regardless of the importance or urgency of the  
20 repair project. Provided, however, if no such eligible repair projects  
21 exist in the neighborhood, then the projects shall be listed in order of  
22 priority.

23 4. Upon receipt of a list from the office, an applicant must reply  
24 within thirty days. If the applicant fails to do so, its application  
25 shall be terminated. Such reply to the office shall include designation  
26 of the project or projects the applicant desires to complete, the appli-  
27 cant's estimate of the cost of completing the repair project, and a  
28 timeline for the completion of the project.

29 5. The office of repair certification shall, within fourteen days of  
30 receiving an applicant's reply, review the costs and project plan  
31 submitted, and either approve or disapprove such reply. If an appli-  
32 cant's submission is disapproved, it shall have fifteen days to resubmit  
33 a new project plan and estimate of costs for review by the office. Upon  
34 a second submission, the office shall again make a determination within  
35 fourteen days, and, if the plan is disapproved, the office shall provide  
36 the applicant with a written explanation therefor.

37 6. For any repair project plan that is approved by the office of  
38 repair certification where the applicant's estimated cost thereof  
39 exceeds the value of the project established by the office, such office  
40 shall provide notice to the city planning commission that the zoning  
41 valuation of the zoning amendment must be adjusted within seven days.

42 7. Upon completion of the agreed upon repair project or projects by  
43 the applicant, the office shall award the applicant a certificate of  
44 completion and provide a copy thereof to the city planning commission  
45 within fourteen days of certifying the completion of the project.

46 § 3. This act shall take effect on the one hundred eightieth day after  
47 it shall have become a law; provided, however, that effective immediate-  
48 ly, the addition, amendment and/or repeal of any rule or regulation  
49 necessary for the implementation of this act on its effective date are  
50 authorized and directed to be made and completed on or before such  
51 effective date.

1 Section 1. Paragraph (e) of subdivision 3 of section 402-b of the  
2 public housing law, as added by chapter 3 of the laws of 2010, is  
3 amended to read as follows:

4 (e) All prospective public housing and Section 8 tenants shall be  
5 selected from a waiting list which shall be maintained by the New York  
6 city housing authority in compliance with the federal public housing and  
7 Section 8 laws and all applicable rules and regulations. The New York  
8 city housing authority and each respective project owner shall screen  
9 tenants and jointly have final approval over tenant selection all in  
10 accordance with aforementioned laws, rules and regulations. All prospec-  
11 tive public housing tenants shall be taken from the waiting list in the  
12 order in which they applied for the size appropriate unit, subject  
13 however to preferences and priorities provided for in [~~the public hous-~~  
14 ~~ing law~~] this chapter and all applicable rules and regulations;  
15 provided, however that, any priority or preference offered to applicants  
16 based on their residence in a city owned, operated or contracted home-  
17 less shelter must also be offered equitably and evenly to applicants  
18 residing in a city owned, operated or contracted domestic violence shel-  
19 ter or in a domestic violence shelter licensed by the office of children  
20 and family services.

21 § 2. This act shall take effect immediately.

22 PART OO

23 Section 1. Subparagraph 1 of paragraph b of subdivision 1 of section  
24 156 of the public housing law, as amended by chapter 179 of the laws of  
25 2006, is amended to read as follows:

26 (1) have served in the armed forces of the United States for a period  
27 of at least six months (or any shorter period which terminated due to  
28 death or injury incurred in such service), provided some portion of the  
29 period of service was between the twenty-eighth day of February, nine-  
30 teen hundred sixty-one to the seventh day of May, nineteen hundred  
31 seventy-five, or between the fourteenth day of September, two thousand  
32 one to the thirty-first day of December, two thousand eighteen, and

33 § 2. Section 156 of the public housing law is amended by adding a new  
34 subdivision 8 to read as follows:

35 8. An authority shall grant a preference in the selection of tenants  
36 to veterans or families of veterans who have a military service  
37 connected disability provided that such veterans or families of veterans  
38 otherwise qualify for occupancy in such an authority's projects and  
39 provided further that such authority has complied with the provisions of  
40 section 960.206 of title 24 of the code of federal regulations relating  
41 to such preferences.

42 § 3. This act shall take effect on the one hundred twentieth day after  
43 it shall have become a law.

44 PART PP

45 Section 1. Subdivision 4 of section 933 of the labor law, as amended  
46 by chapter 90 of the laws of 2015, is amended to read as follows:

47 4. a federal, state or local governmental unit or public authority and  
48 employees thereof that perform mold assessment, remediation, or abate-  
49 ment on any property owned, managed or remediated by such governmental  
50 unit or authority; provided, however, that the exemption under this  
51 subdivision shall not apply to the New York city housing authority.

52 § 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 disbursement 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.

1     § 80-b. Refusal of a banking transaction. 1. If a covered banking  
2 institution, social services official or law enforcement agency reason-  
3 ably believes that financial exploitation of a vulnerable adult has  
4 occurred or may occur, the covered banking institution may, but shall  
5 not be required to, refuse any transaction requiring the disbursal of  
6 moneys in the account of:

7     (a) a vulnerable adult;

8     (b) which a vulnerable adult is a beneficiary, including trust and  
9 guardianship accounts; and

10    (c) a person who is suspected of engaging in the financial exploita-  
11 tion of a vulnerable adult.

12    2. A covered banking institution may also refuse to disburse moneys  
13 pursuant to this article if a social services official or law enforce-  
14 ment agency provides information to such institution demonstrating that  
15 it is reasonable to believe that financial exploitation of a vulnerable  
16 adult has occurred or may occur.

17    § 80-c. Covered banking institution discretion to refuse to disburse  
18 funds. A covered banking institution shall not be required to refuse to  
19 disburse funds pursuant to this article. Such a refusal shall be in the  
20 covered banking institution's discretion, based on the information  
21 available to such institution.

22    § 80-d. Notice and reporting. Any covered banking institution which  
23 refuses to disburse moneys pursuant to this article shall:

24    1. Make a reasonable effort to provide notice, orally or in writing,  
25 to all parties authorized to transact business on the account from which  
26 disbursement was refused; and

27    2. Report the incident to the social services official responsible for  
28 administering adult protective services pursuant to this article.

29    § 80-e. Termination of refusal of a banking transaction. The refusal  
30 to disburse moneys pursuant to this article shall terminate upon the  
31 earlier of:

32    1. The time at which the covered banking institution is satisfied that  
33 the disbursement will not result in the financial exploitation of a  
34 vulnerable adult; or

35    2. The issuance of an order by a court of competent jurisdiction,  
36 directing the disbursal of the moneys.

37    § 80-f. Production of records. A covered banking institution may  
38 provide access to or copies of records relevant to suspected financial  
39 exploitation of a vulnerable adult to law enforcement agencies and  
40 social services officials responsible for administering the provisions  
41 of this article and/or subdivision nine of section four hundred seven-  
42 ty-three of the social services law. Such records may include relevant  
43 historical records and recent transactions relating to suspected finan-  
44 cial exploitation.

45    § 80-g. Qualified immunity. A covered banking institution or an  
46 employee of such an institution shall be immune from criminal, civil or  
47 administrative liability for refusing to disburse moneys or disbursing  
48 moneys pursuant to this article and/or subdivision nine of section four  
49 hundred seventy-three of the social services law, and for actions taken  
50 in furtherance of that determination, including the making of a report  
51 or the providing of access to or copies of relevant records to a social  
52 services official or law enforcement agency, if such determinations and  
53 actions were made in good faith and in accordance with this article  
54 and/or subdivision nine of section four hundred seventy-three of the  
55 social services law.

1     § 80-h. Training and education. 1. The superintendent, in consulta-  
2     tion with the director of the office for the aging, the director of the  
3     bureau of adult protective services within the office of children and  
4     family services, and the director of the office of victim services shall  
5     develop a financial exploitation training and education program for  
6     covered banking institutions.

7     2. Participation in the financial exploitation training and education  
8     program shall be completely voluntary by the covered banking institu-  
9     tion, and the superintendent shall not require, by regulation or other-  
10    wise, that any director, officer, employee or any other person affil-  
11    iated with a covered banking institution participate in or attend such  
12    training and education program.

13    3. In developing the financial exploitation training and education  
14    program for covered banking institutions, the superintendent shall  
15    consult with and shall include instructors from organizations that  
16    provide services to vulnerable adults and may have experience in identi-  
17    fying financial exploitation.

18    4. It shall be the purpose of the financial exploitation training and  
19    education program to provide information, training and education on how  
20    to identify, help prevent and report the financial exploitation of a  
21    vulnerable adult.

22    5. The superintendent shall make the materials and instruction of the  
23    financial exploitation training and education program available to all  
24    covered banking institutions across the state at no cost, and shall  
25    further make such available via both live instruction platforms as well  
26    as through on-line instructional presentations accessible through the  
27    websites of the department, the office for the aging, the office of  
28    children and family services and the office of victim services.

29    § 3. This act shall take effect on the one hundred eightieth day after  
30    it shall have become a law.

31                                   PART SS

32     Section 1. The office of children and family services shall examine,  
33     evaluate and make recommendations concerning the availability of day  
34     care for children in the state. Such office shall pay particular atten-  
35     tion to the impact of the lack of necessary child day care upon the  
36     ability of women in poverty and those in working families to enter the  
37     labor force. The office of children and family services shall direct its  
38     attention to:

39     (a) establishing an inventory of child day care for working families  
40     and those at or near poverty;

41     (b) geographically identifying child day care shortage areas on a  
42     regional basis and projections of the future demand for child day care  
43     based on the regional birth rates, employment and population growth  
44     rates;

45     (c) comparing on a statewide and regional basis, the demand for child  
46     day care services over the succeeding five years, including whether the  
47     projected growth rate in the child day care industry will be sufficient  
48     to meet such future needs;

49     (d) assessing the cost to parents and guardians of day care for chil-  
50     dren on a regional basis, including the availability of government funds  
51     for parents and guardians toward child care costs;

52     (e) identifying nontraditional child care needs within the state and  
53     regionally for parents who work other than a 9:00 A.M. to 5:00 P.M.  
54     shift or part-time, including those who work night shifts or swing

1 shifts, and those parents who require early drop off and/or late pick up  
2 services from their child care provider.

3 Such information shall include, but not be limited to:

4 (1) an assessment of the demand for night shift child care subsidies  
5 statewide;

6 (2) an assessment of the costs and economic ramifications of subsidies  
7 for night shift workers in counties that currently offer such subsidies;

8 (3) an assessment of the effects on the availability of all child care  
9 subsidy slots in counties that currently offer such night shift subsi-  
10 dies and whether such subsidies have reduced the overall amount of child  
11 care slots in these counties;

12 (4) an assessment of how many families currently receive these subsi-  
13 dies in counties that currently offer such night shift subsidies;

14 (5) an analysis of any possible additional costs related to a require-  
15 ment that subsidies for night shift workers be available statewide; and

16 (6) an analysis of the statewide and local ramifications of such  
17 requirements;

18 (f) identifying policies that would encourage the establishment and  
19 operation of more child day care center providers and increasing the  
20 capacity of existing child day care providers;

21 (g) identifying policies that would encourage and facilitate expansion  
22 of quality child day care services by neighbors and in communities where  
23 the working poor live and/or work; and

24 (h) identifying and quantifying those factors that contribute to qual-  
25 ity child day care, are used to identify child day care providers who  
26 are committing violations, how such violations are addressed or  
27 prevented, and procedures for establishing quality child day care in  
28 those communities with the greatest needs.

29 § 2. The office of children and family services may request and shall  
30 receive any available information from state agencies that is relevant  
31 and material to the study required by section one of this act.

32 § 3. Within twelve months of the effective date of this act, the  
33 commissioner of children and family services shall submit a report, to  
34 the governor, the temporary president of the senate, the speaker of the  
35 assembly, the minority leader of the senate and the minority leader of  
36 the assembly, on the office's findings, conclusions and recommendations,  
37 and shall submit therewith such legislative proposals as the office of  
38 children and family services shall deem necessary to implement its  
39 recommendations. In addition, such office shall make such report avail-  
40 able to the public and post it on the internet website operated by the  
41 office.

42 § 4. This act shall take effect immediately, and shall expire and be  
43 deemed repealed one year after it shall take effect.

44 PART TT

45 Section 1. Paragraph (d) of subdivision 3 of section 390 of the social  
46 services law, as amended by chapter 416 of the laws of 2000, is amended  
47 to read as follows:

48 (d) (i) Where investigation or inspection reveals that a child day  
49 care provider which must be licensed [ex], registered or permitted is  
50 not duly licensed, registered or permitted, the office of children and  
51 family services, or for programs referenced in subdivision thirteen of  
52 this section, the local governmental entity referenced in such subdivi-  
53 sion, shall [advise the child day care provider] provide notice, in  
54 writing, to the child day care provider indicating that the provider is

1 in violation of the licensing [~~or~~], registration or permitting require-  
2 ments and shall take such further action as is necessary to cause the  
3 provider to comply with the law, including directing an unlicensed [~~or~~],  
4 unregistered or unpermitted provider to cease operation [~~In addition,~~  
5 ~~the office of children and family services shall~~] immediately.

6 (ii) The notice to the provider required by subparagraph (i) of this  
7 paragraph shall advise parents and caregivers that the program is closed  
8 for failure to comply with the applicable licensing, registration or  
9 permitting requirements, as applicable, and shall be immediately posted  
10 on the front door of the provider's premises in a prominent location and  
11 on the provider's website, if one exists.

12 (iii) The office of children and family services, or for programs  
13 referenced in subdivision thirteen of this section, the local govern-  
14 mental entity referenced in such subdivision, shall also require the  
15 provider to notify the parents or guardians of children receiving care  
16 from the provider in writing that the provider is in violation of the  
17 licensing [~~or~~], registration or permitting requirements and shall  
18 require the provider to [~~notify~~] confirm in writing with the office of  
19 children and family services or the local governmental entity referenced  
20 in subdivision thirteen of this section, as applicable, that the provid-  
21 er has done so.

22 (iv) Any provider who is directed to cease operations pursuant to this  
23 paragraph shall be entitled to a hearing before the office of children  
24 and family services, or for programs referenced in subdivision thirteen  
25 of this section, the local governmental entity referenced in such subdi-  
26 vision. If the provider requests a hearing to contest the directive to  
27 cease operations, such hearing must be scheduled to commence as soon as  
28 possible but in no event later than thirty days after the receipt of the  
29 request [~~by the office of children and family services~~]. The provider  
30 may not operate the center, home or program after being directed to  
31 cease operations, regardless of whether a hearing is requested.

32 (v) If the provider does not cease operations, the office of children  
33 and family services may impose a civil penalty pursuant to subdivision  
34 eleven of this section, seek an injunction pursuant to section three  
35 hundred ninety-one of this title, or both.

36 § 2. Subdivision 8 of section 390 of the social services law, as added  
37 by chapter 750 of the laws of 1990, is amended to read as follows:

38 8. (a) The [department] office of children and family services shall  
39 establish and maintain a [list of all current] searchable registry that  
40 provides detailed information for all child day care programs registered  
41 and licensed [~~child day care programs and a list of all programs whose~~  
42 ~~license or registration has been revoked, rejected, terminated, or~~  
43 ~~suspended~~] by the office of children and family services and all child  
44 day care centers referenced in subdivision thirteen of this section that  
45 are permitted by the local governmental entity referenced in such subdi-  
46 vision. Such information shall be available to the public[, ~~pursuant to~~  
47 ~~procedures developed by the department~~] on the office of children and  
48 family services' website and shall be searchable by the name of the  
49 person on the license, registration or permit as well as by the name of  
50 the child day care program.

51 (b) (i) Such registry shall include comprehensible information about  
52 the programs listed in paragraph (a) of this subdivision that are oper-  
53 ating or suspended and any program that has been revoked in the last six  
54 years. Such information shall include, but not necessarily be limited  
55 to, the particular program's compliance and inspection history, and  
56 whether the program's license, registration or permit has been revoked,



1 rejected, denied, limited or suspended and the reason or reasons there-  
2 fore.

3 (ii) Such registry shall also contain information on programs that  
4 have been found to be operating without the required license, registra-  
5 tion or permit in accordance with paragraph (d) of subdivision three of  
6 this section.

7 (c) Notwithstanding any other provision of law to the contrary, a  
8 local governmental entity referenced in subdivision thirteen of this  
9 section shall provide to the office of children and family services, in  
10 the time and manner required by the office, any information on child day  
11 care centers referenced in subdivision thirteen of this section that is  
12 needed pursuant to the requirements of this subdivision for the  
13 registry.

14 § 3. Subdivision 10 of section 390 of the social services law, as  
15 amended by chapter 416 of the laws of 2000, is amended to read as  
16 follows:

17 10. (a) Any home or facility providing child day care shall be oper-  
18 ated in accordance with applicable statutes and regulations. Any  
19 violation of applicable statutes or regulations shall be a basis to  
20 deny, reject, limit, suspend[, ] or revoke[, ~~or terminate~~] a license or  
21 registration.

22 (b) Consistent with articles twenty-three and twenty-three-A of the  
23 correction law, and guidelines referenced in subdivision two of section  
24 four hundred twenty-five of this article, if the office of children and  
25 family services is made aware of the existence of a criminal conviction  
26 or pending criminal charge concerning an operator of a family day care  
27 home, group family day care home, school-age child care program, or  
28 child day care center or concerning any assistant, employee or volunteer  
29 in such homes, programs or centers, or any persons age eighteen or over  
30 who reside in such homes, such conviction or charge may be a basis to  
31 deny, limit, suspend, revoke, or reject[, ~~or terminate~~] a license or  
32 registration.

33 (c)(i) Before any license or registration issued pursuant to the  
34 provisions of this section is suspended, limited or revoked[, ~~before~~  
35 ~~registration pursuant to this section is suspended or terminated~~], or  
36 when an application for such license or registration is denied or  
37 [~~registration~~] rejected, the applicant for or holder of such registra-  
38 tion or license is entitled, pursuant to section twenty-two of this  
39 chapter and the regulations of the office of children and family  
40 services, to a hearing before the office of children and family  
41 services.

42 (ii) However, a license or registration [~~shall~~] may be [~~temporarily~~]  
43 suspended or limited without a hearing upon written notice to the opera-  
44 tor of the facility following a finding that suspension or limitation of  
45 the license or registration is necessary to protect the public health[, ~~or an individual's safety or welfare, are in imminent danger.~~] or the  
46 health and safety of children. Provided, however, that a finding that  
47 suspension or limitation is necessary to protect the health and safety  
48 of children in accordance with this subparagraph shall only be made if  
49 the office of children and family services determines, as a result of a  
50 violation of this section or the applicable regulations of the office of  
51 children and family services, that:

52 (A) serious physical injury as defined in section 10.00 of the penal  
53 law or death of a child occurred;

54 (B) a condition occurred or exists that places a child at risk of  
55 serious physical, mental or emotional harm, or risk of death, serious or  
56

1 protracted disfigurement or protracted impairment of physical or  
2 emotional health;

3 (C) the provider refused to provide inspection staff with access to  
4 the child day care program as is otherwise required or authorized by law  
5 during the program's hours of operation; or

6 (D) the provider refused to provide timely access to information  
7 regarding the program that is necessary to make determinations relating  
8 to the health and safety of children in the care of the program or that  
9 is required by state or federal law, rule or regulation if:

10 (1) the provider was given a reasonable period of time to produce such  
11 information; and

12 (2) if the information required to be provided is dependent on a third  
13 party providing such information, that the provider did not make reason-  
14 able efforts to timely obtain such information.

15 (iii) The holder of a license or registrant is entitled to a hearing  
16 before the office of children and family services to contest the [~~tempo-~~  
17 ~~rary~~] suspension or limitation. If the holder of a license or registrant  
18 requests a hearing to contest the [~~temporary~~] suspension or limitation,  
19 such hearing must be scheduled to commence as soon as possible but in no  
20 event later than thirty days after the receipt of the request by the  
21 office of children and family services. Suspension shall continue until  
22 the condition requiring suspension or limitation is corrected or until a  
23 hearing decision has been issued. If the office of children and family  
24 services determines after a hearing that the [~~temporary~~] suspension or  
25 limitation was proper, such suspension or limitation shall be extended  
26 until the condition requiring suspension or limitation has been  
27 corrected or until the license or registration has been revoked.

28 § 4. Paragraph (a) of subdivision 11 of section 390 of the social  
29 services law, as amended by chapter 416 of the laws of 2000, is amended  
30 to read as follows:

31 (a) (i) The office of children and family services shall adopt regu-  
32 lations establishing civil penalties of no more than [~~five-hundred~~] two  
33 thousand dollars per day to be assessed against child day care centers,  
34 school age child care programs, group family day care homes or family  
35 day care homes for violations of this section, sections three hundred  
36 ninety-a and three hundred ninety-b of this title and any regulations  
37 promulgated thereunder. The regulations establishing civil penalties  
38 shall specify the violations subject to penalty based on the severity of  
39 the violation. Provided, however, that such regulations shall provide  
40 that:

41 (A) a civil penalty of no more than one thousand dollars per day for a  
42 first time offense and no more than two thousand dollars per day for  
43 subsequent offenses may be assessed for a violation of this section or  
44 of a regulatory requirement of the office of children and family  
45 services which harms a child or places a child at risk of death, serious  
46 or protracted disfigurement, or protracted impairment of physical or  
47 emotional health;

48 (B) a civil penalty of no more than five hundred dollars per day for a  
49 first time offense and no more than one thousand dollars per day for  
50 subsequent offenses may be assessed for a violation of this section or  
51 of a regulatory requirement of the office of children and family  
52 services which places a child at risk of physical, mental or emotional  
53 harm; and

54 (C) a civil penalty of no more than two hundred dollars per day for a  
55 second offense in an eighteen month period, and no more than four  
56 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[~~7~~] 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

1 operate such a center or home after denial of a license application,  
2 revocation of an existing license or suspension of an existing license;

3 (B) the child day care provider has operated a family day care home,  
4 school-age child care program or child day care center required to be  
5 registered without being registered, has refused to seek registration  
6 for the operation of such home, program or center or has continued to  
7 operate such a home, program or center after denial of a registration  
8 application, revocation of an existing registration or suspension of an  
9 existing registration;

10 (C) there has been a total or substantial failure of the facility's  
11 fire detection or prevention systems or emergency evacuation procedures;

12 (D) the child day care provider or an assistant, employee or volunteer  
13 has failed to provide adequate and competent supervision;

14 (E) the child day care provider or an assistant, employee or volunteer  
15 has failed to provide adequate sanitation;

16 (F) the child day care provider or an assistant, employee, volunteer  
17 or, for a family day care home or group family day care home, a member  
18 of the provider's household, has injured a child in care, unreasonably  
19 failed to obtain medical attention for a child in care requiring such  
20 attention, used corporal punishment against a child in care or abused or  
21 maltreated a child in care;

22 (G) the child day care provider has violated the same statutory or  
23 regulatory standard more than once within ~~[a six]~~ an eighteen month  
24 period;

25 (H) the child day care provider or an assistant, employee or volunteer  
26 has failed to make a report of suspected child abuse or maltreatment  
27 when required to do so pursuant to section four hundred thirteen of this  
28 article; ~~[or]~~

29 (I) the child day care provider or an assistant, employee or volunteer  
30 has submitted to the office of children and family services a forged  
31 document as defined in section 170.00 of the penal law; or

32 (J) the child day care provider violated a statutory or regulatory  
33 requirement not otherwise contained in this subparagraph that resulted  
34 in harm or risk to a child in accordance with the standards contained in  
35 clauses (A) or (B) of subparagraph (i) of paragraph (a) of this subdivi-  
36 sion.

37 § 6. Paragraph (e) of subdivision 11 of section 390 of the social  
38 services law, as added by chapter 117 of the laws of 2010, is amended to  
39 read as follows:

40 (e)(i) The office of children and family services shall deny or reject  
41 a new application for licensure or registration made by a day care  
42 provider whose license or registration was previously suspended or  
43 revoked or ~~[terminated]~~ whose renewal was denied or rejected based on a  
44 violation of statute or regulation for a period of ~~[two]~~ three years  
45 from the date that the revocation ~~[or termination]~~ or suspension of the  
46 license or registration became finally effective~~[, unless such]~~ or the  
47 date the renewal was denied or rejected, whichever is earlier. Provided  
48 however, the application may be approved if the office determines, in  
49 its discretion, that such approval ~~[of the application]~~ will not in any  
50 way jeopardize the health, safety or welfare of children in the center,  
51 program or home. For the purposes of this paragraph, the date that the  
52 revocation ~~[or termination]~~ became finally effective shall be, as appli-  
53 cable:

54 (A) the date that the revocation ~~[or termination]~~ became effective  
55 based on the notice of revocation ~~[or termination]~~;

1 (B) the date that the hearing decision was issued upholding the revo-  
2 cation [~~or termination~~];

3 (C) the date of issuance of a final court order affirming the revoca-  
4 tion [~~or termination~~] or affirming a hearing decision that upheld the  
5 revocation [~~or termination~~]; or

6 (D) another date mutually agreed upon by the office of children and  
7 family services and the provider.

8 (ii)(A) Such office shall deny or reject a new application or the  
9 renewal of an application for licensure or registration made by a day  
10 care provider who is enjoined or otherwise prohibited by a court order  
11 from operation of a day care center, group family day care home, family  
12 day care home or school-age child care program without a license or  
13 registration for a period of [~~two~~] three years from the date of the  
14 court order unless the court order specifically enjoins the provider  
15 from providing day care for a period longer than [~~two~~] three years, in  
16 which case the office shall deny or reject any new application made by  
17 the provider while the provider is so enjoined.

18 (B) Such office shall deny or reject a new application for licensure  
19 or registration made by a day care provider who is assessed a second  
20 civil penalty by such office for having operated a day care center,  
21 group family day care home, family day care home or school-age child  
22 care program without a license or registration for a period of [~~two~~]  
23 five years from the date of the second fine. For the purposes of this  
24 paragraph, the date of the second fine shall be either the date upon  
25 which the day care provider signs a stipulation agreement to pay the  
26 second fine or the date upon which a hearing decision is issued affirm-  
27 ing the determination of such office to impose the second fine, as  
28 applicable.

29 (iii) A day care provider who surrenders the provider's license or  
30 registration while such office is engaged in enforcement seeking suspen-  
31 sion[~~r~~] or revocation [~~or termination~~] of such provider's license or  
32 registration pursuant to the regulations of such office, shall be deemed  
33 to have had their license or registration revoked [~~or terminated~~] and  
34 shall be subject to the prohibitions against licensing or registration  
35 pursuant to subparagraph (i) of this paragraph for a period of [~~two~~]  
36 three years from the date of surrender of the license or registration.

37 § 7. Subdivision 11 of section 390 of the social services law is  
38 amended by adding a new paragraph (f) to read as follows:

39 (f) The office of children and family services shall deny a new appli-  
40 cation for licensure or registration or the renewal of an application  
41 for licensure or registration made by a child day care provider who  
42 operated a program referenced in subdivision thirteen of this section  
43 and whose permit was previously revoked or suspended or whose renewal  
44 was denied or rejected based on a violation of statute or regulation for  
45 a period of three years from the date that the revocation or suspension  
46 of the permit became finally effective or the date the renewal was  
47 denied or rejected. For the purposes of this paragraph, the date that  
48 the revocation or suspension became finally effective shall be based on  
49 an application of the provisions enumerated in paragraph (e) of this  
50 subdivision, as applicable.

51 § 8. Section 390 of the social services law is amended by adding a new  
52 subdivision 11-a to read as follows:

53 11-a. When an enforcement action for suspension or revocation is  
54 commenced against a child care provider that owns multiple programs, the  
55 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~~[7]~~ 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~~[7]~~;

(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~~[7-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.

1 4. Amount. The corporation shall grant such awards within the amounts  
2 appropriated for such purpose and based on availability of funds accord-  
3 ing to a schedule to be determined by the corporation in an amount:

4 a. equal to the tuition charged to state resident students attending  
5 an undergraduate or graduate degree program at the state university of  
6 New York; the average mandatory fees charged at the state university of  
7 New York, or the actual tuition and fees charged to the recipient,  
8 whichever is less; and the average non-tuition cost of attendance, as  
9 determined by the corporation and as approved by the director of the  
10 budget, for a student at the state university of New York or actual  
11 non-tuition cost of attendance at such institution, whichever is less,  
12 provided that the scholarship shall not exceed an amount that is equal  
13 to the total cost of attendance determined for federal Title IV student  
14 financial aid purposes, less all other scholarships and grants provided  
15 by the state, other states, the federal government, or other govern-  
16 ments, and the amount of educational benefits paid under any program  
17 that would duplicate the purposes of this program, provided that any  
18 scholarships or grants provided to a recipient by the institution which  
19 are intended to fund any portion of the difference between the annual  
20 state award and the actual costs of attendance at any such institution  
21 shall not be considered to duplicate the purposes of this program.

22 b. not to exceed twenty thousand dollars for a master's degree program  
23 at a private institution; the average mandatory fees charged at the  
24 private institution, or the actual tuition and fees charged to the  
25 recipient, whichever is less; and the average non-tuition cost of  
26 attendance, as determined by the corporation and as approved by the  
27 director of the budget, for a student at such private institution or  
28 actual non-tuition cost of attendance at such institution, whichever is  
29 less, provided that the scholarship shall not exceed an amount that is  
30 equal to the total cost of attendance determined for federal Title IV  
31 student financial aid purposes, less all other scholarships and grants  
32 provided by the state, other states, the federal government, or other  
33 governments, and the amount of educational benefits paid under any  
34 program that would duplicate the purposes of this program, provided that  
35 any scholarships or grants provided to a recipient by the institution  
36 which are intended to fund any portion of the difference between the  
37 annual state award and the actual costs of attendance at any such insti-  
38 tution shall not be considered to duplicate the purposes of this  
39 program.

40 5. Other awards. Award recipients shall be eligible to apply for other  
41 awards.

42 6. Penalties for noncompliance. a. The corporation may collect the  
43 full amount of the award given pursuant to this section, plus interest,  
44 according to a schedule to be determined by the corporation, if one year  
45 after the completion of the degree program it is found that an applicant  
46 did not begin employment at a voluntary not-for-profit child welfare  
47 agency in the state licensed by the office of children and family  
48 services.

49 b. The rate of interest charged for repayment of the scholarship award  
50 shall be determined by the corporation.

51 § 3. The education law is amended by adding a new section 679-i to  
52 read as follows:

53 § 679-i. New York state child welfare worker loan forgiveness incen-  
54 tive program. 1. Purpose. The president shall grant student loan  
55 forgiveness awards for the purpose of attracting workers to be employed  
56 in voluntary not-for-profit child welfare agencies in New York state

1 licensed by the office of children and family services. Such awards  
2 shall be made on a competitive basis, in accordance with rules and regu-  
3 lations promulgated by the corporation for such purposes, to applicants  
4 who meet the eligibility criteria.

5 2. Eligibility. To be eligible for an award pursuant to this section,  
6 applicants shall: (a) have graduated and obtained an undergraduate or  
7 graduate degree from an approved New York state college or university;  
8 (b) have an outstanding student loan debt from obtaining such degree;  
9 (c) agree to work in a voluntary not-for-profit child welfare agency in  
10 the state licensed by the office of children and family services on a  
11 full-time basis for a period of no less than five years; (d) apply for  
12 this program within two years of college graduation; and (e) comply with  
13 subdivisions three and five of section six hundred sixty-one of this  
14 part.

15 3. Awards. No greater than ten awards shall be granted to qualified  
16 applicants in the amount of up to ten thousand dollars per year, per  
17 applicant, not to exceed a duration of five years and not to exceed the  
18 total amount of such applicant's student loan debt. The corporation  
19 shall grant such awards within amounts appropriated for such purposes  
20 and based on the availability of funds. No one applicant shall receive  
21 more than a total of fifty thousand dollars upon the end of a five-year  
22 period.

23 4. Priority. First priority shall be given to applicants who are  
24 completing the second, third, fourth or fifth year of full-time employ-  
25 ment at a voluntary not-for-profit child welfare agency in the state  
26 licensed by the office of children and family services. Second priority  
27 shall be given to an applicant who can demonstrate economic need but did  
28 not receive an award during the first year of this program's operation.  
29 If larger numbers of applicants are eligible pursuant to this subdivi-  
30 sion than funds available, applicants shall be chosen pursuant to rules  
31 and regulations promulgated by the corporation. Provided, however, that  
32 each applicant chosen shall receive an award of up to ten thousand  
33 dollars in each year such applicant is accepted into the program.

34 § 4. This act shall take effect immediately.

35 PART VV

36 Section 1. Subdivisions 1 and 2 of section 667 of the education law,  
37 subdivision 1 as amended by chapter 622 of the laws of 2008 and subdivi-  
38 sion 2 as amended by section 1 of part J of chapter 58 of the laws of  
39 2011, are amended to read as follows:

40 1. Recipient qualifications. Tuition assistance program awards are  
41 available for all students who are enrolled in approved programs and who  
42 demonstrate the ability to complete such courses, in accordance with  
43 standards established by the commissioner provided, however, that no  
44 award shall be made unless tuition (exclusive of educational fees) and,  
45 if applicable, the college fee levied by the state university of New  
46 York pursuant to the April first, nineteen hundred sixty-four financing  
47 agreements with the New York state dormitory authority charged for the  
48 program in which the student is enrolled total at least two hundred  
49 dollars a year, and provided further that, no award can exceed one  
50 hundred percent of the amount of tuition charged. Nothing in this  
51 section, section six hundred sixty-one of this part or any other  
52 provision of this chapter shall be deemed to exclude any graduate  
53 program from classification by the commissioner as an approved program  
54 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:



<u>Amount of income</u>	<u>Schedule of reduction</u>
	<u>of base amount</u>
<u>(A) Less than one thousand</u>	<u>None</u>
<u>dollars</u>	
<u>(B) One thousand dollars or</u>	<u>Twenty-six per centum of the excess</u>
<u>more, but not more than five</u>	<u>over one thousand dollars</u>
<u>thousand six hundred sixty-</u>	
<u>six dollars</u>	

(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-

1 tional fees) and, if applicable, the college fee levied by the state  
 2 university of New York pursuant to the April first, nineteen hundred  
 3 sixty-four financing agreements with the dormitory authority charged for  
 4 the program in which the student is enrolled total at least two hundred  
 5 dollars a year; and provided, further that, no award can exceed one  
 6 hundred percent of the amount of tuition charged.

7 b. Application for other awards. A student who would be eligible for a  
 8 tuition assistance program award pursuant to section six hundred sixty-  
 9 seven of this subpart and/or a federal Pell grant pursuant to section  
 10 one thousand seventy of title twenty of the United States code, et.  
 11 seq., is required to apply for each such award. Any E-TAP award shall be  
 12 applied to tuition after the application of payments received under the  
 13 tuition assistance program pursuant to section six hundred sixty-seven  
 14 of this subpart.

15 c. GPA requirements. The college shall certify at the end of each  
 16 semester that in regard to his or her grade point average status, such  
 17 student is on track to on-time graduation. Provided, further that, for a  
 18 student in a four-year program, at the end of the fifth semester, the  
 19 student maintains a grade point average of 3.0 or higher.

20 d. Credit requirements. To remain eligible, each student shall earn  
 21 thirty credits within an academic year. Depending upon the type of  
 22 program in which such student is enrolled, the college shall certify  
 23 such student as on-time to graduate in regard to credits earned at an  
 24 appropriate time to be determined by the corporation.

25 e. Additional requirements. A student shall agree to live and work in  
 26 New York state upon graduation for the number of years equal to the  
 27 duration of the award received, and sign a contract with the corporation  
 28 to have his or her E-TAP award converted into a student loan if such  
 29 student fails to fulfill this requirement, provided however, a student  
 30 may defer such requirement to attend graduate school in or outside the  
 31 state, and this requirement may also be deferred for good cause shown to  
 32 the corporation.

33 f. Failure to meet the conditions of the E-TAP award shall not other-  
 34 wise disqualify a student's eligibility to receive an award under  
 35 section six hundred sixty-seven of this subpart.

36 2. Duration. No undergraduate shall be eligible for more than four  
 37 academic years of study, or five academic years if the program of study  
 38 normally requires five years. An undergraduate student enrolled in an  
 39 eligible two-year program approved by the commissioner shall be eligible  
 40 for no more than two academic years. Under no circumstances shall a  
 41 student receive an E-TAP award for a two-year program for more than two  
 42 consecutive years of academic study or four consecutive semesters of  
 43 academic study; or at a four or five-year program, for more than four  
 44 consecutive years or eight consecutive semesters of academic study or  
 45 five consecutive years, or ten consecutive semesters of study if the  
 46 program normally requires five years.

47 3. Enhanced tuition assistance program awards. a. Amount. An E-TAP  
 48 award shall increase a recipient's current TAP awards such that the  
 49 total award shall be five thousand five hundred dollars, subject to a  
 50 reduction as determined by the following schedule:

51 (i) For the 2017-2018 academic year:

52 Amount of income

Schedule of reduction of  
 53 base amount

1	<u>(A) Less than seven thousand</u>	<u>None</u>
2	<u>dollars</u>	
3	<u>(B) Seven thousand dollars or</u>	<u>Seven per centum of excess</u>
4	<u>more, but less than eleven</u>	<u>over seven thousand dollars</u>
5	<u>thousand dollars</u>	
6	<u>(C) Eleven thousand dollars or</u>	<u>Two hundred eighty dollars</u>
7	<u>more, but less than eighteen</u>	<u>plus ten per centum of excess</u>
8	<u>thousand dollars</u>	<u>over eleven thousand dollars</u>
9	<u>(D) Eighteen thousand dollars</u>	<u>Nine hundred eighty dollars</u>
10	<u>or more, but not more than one</u>	<u>plus twelve per centum of</u>
11	<u>hundred thousand dollars</u>	<u>excess over eighteen</u>
12		<u>thousand dollars</u>

13 (ii) For the 2018-2019 academic year:

14	<u>Amount of income</u>	<u>Schedule or reduction of</u>
15		<u>base amount</u>
16	<u>(A) Less than seven thousand</u>	<u>None</u>
17	<u>dollars</u>	
18	<u>(B) Seven thousand dollars or</u>	<u>Seven per centum of excess</u>
19	<u>more, but less than eleven</u>	<u>over seven thousand dollars</u>
20	<u>thousand dollars</u>	
21	<u>(C) Eleven thousand dollars or</u>	<u>Two hundred eighty dollars</u>
22	<u>more, but less than eighteen</u>	<u>plus ten per centum of excess</u>
23	<u>thousand dollars</u>	<u>over eleven thousand dollars</u>
24	<u>(D) Eighteen thousand dollars</u>	<u>Nine hundred eighty dollars</u>
25	<u>or more, but not more than one</u>	<u>plus twelve per centum of</u>
26	<u>hundred ten thousand dollars</u>	<u>excess over eighteen</u>
27		<u>thousand dollars</u>

28 (iii) For the 2019-2020 academic year and thereafter:

29	<u>Amount of income</u>	<u>Schedule or reduction of</u>
30		<u>base amount</u>
31	<u>(A) Less than seven thousand</u>	<u>None</u>
32	<u>dollars</u>	
33	<u>(B) Seven thousand dollars or</u>	<u>Seven per centum of excess</u>
34	<u>more, but less than eleven</u>	<u>over seven thousand dollars</u>
35	<u>thousand dollars</u>	
36	<u>(C) Eleven thousand dollars or</u>	<u>Two hundred eighty dollars</u>
37	<u>more, but less than eighteen</u>	<u>plus ten per centum of excess</u>
38	<u>thousand dollars</u>	<u>over eleven thousand dollars</u>
39	<u>(D) Eighteen thousand dollars</u>	<u>Nine hundred eighty dollars</u>
40	<u>or more, but not more than one</u>	<u>plus twelve per centum of</u>
41	<u>hundred twenty-five thousand</u>	<u>excess over eighteen</u>
42	<u>dollars</u>	<u>thousand dollars</u>

43 (iv) If the amount of reduction is not a whole dollar, it shall be  
 44 reduced to the next lowest whole dollar.

45 (v) The award shall be the net amount of the base amount determined  
 46 pursuant to subparagraph (i), (ii), or (iii) of this paragraph but the  
 47 award shall not be reduced below three thousand dollars. If the income  
 48 exceeds the maximum amount of income allowable under subparagraph (i) of  
 49 this paragraph for the two thousand seventeen--two thousand eighteen

1 academic year, no award shall be made. If the income exceeds the maximum  
2 amount of income allowable under subparagraph (ii) of this paragraph for  
3 the two thousand eighteen--two thousand nineteen academic year, no award  
4 shall be made. If the income exceeds the maximum amount of income allow-  
5 able under subparagraph (iii) of this paragraph for the two thousand  
6 nineteen--two thousand twenty academic year and thereafter, no award  
7 shall be made.

8 b. Limit. Provided, however, that no award shall be reduced below  
9 three thousand dollars.

10 § 2. This act shall take effect immediately.

11 PART XX

12 Section 1. The education law is amended by adding a new section  
13 667-c-1 to read as follows:

14 § 667-c-1. Part-time tuition assistance program awards for community  
15 college students at the state university of New York. 1. Notwithstand-  
16 ing any law, rule or regulation to the contrary, the president of the  
17 higher education services corporation is authorized to make tuition  
18 assistance program awards to part-time students enrolled at a community  
19 college established pursuant to article one hundred twenty-six of this  
20 chapter, who meet all requirements for tuition assistance program awards  
21 except for the students' part-time attendance.

22 2. For purposes of this section, a part-time student is one who:

23 a. enrolled as a first-time freshman during the two thousand seven-  
24 teen--two thousand eighteen academic year or thereafter at a community  
25 college established pursuant to article one hundred twenty-six of this  
26 chapter; provided that no award shall be granted for the duration of  
27 more than three years;

28 b. is enrolled for at least six but less than twelve semester hours,  
29 or the equivalent, per semester in an approved undergraduate degree  
30 program; and

31 c. has a cumulative grade-point average of at least 2.50.

32 3. a. For part-time students defined in this section, the award shall  
33 be calculated as provided in section six hundred sixty-seven of this  
34 article, shall be in an amount equal to the enrollment factor percent of  
35 the award the student would have been eligible for if the student were  
36 enrolled full-time, and the award shall be granted pursuant to appropri-  
37 ation. The enrollment factor percent is the percentage obtained by  
38 dividing the number of credits the student is enrolled in, as certified  
39 by the school, by the number of credits required for full-time study in  
40 the semester, quarter or term as defined by the commissioner.

41 b. Any semester, quarter or term of attendance during which a student  
42 receives an award pursuant to this section shall be counted as the  
43 enrollment factor percent of a semester, quarter or term toward the  
44 maximum term of eligibility for tuition assistance awards pursuant to  
45 section six hundred sixty-seven of this article. The total period of  
46 study for which payment may be made shall not exceed the equivalent of  
47 the maximum period authorized for that award.

48 § 2. This act shall take effect immediately.

49 PART YY

50 Section 1. Section 6304 of the education law is amended by adding a  
51 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



1 qualified, competent and physically fit for performance of the duties of  
2 the position in which he or she is to be employed as determined by the  
3 school district and is properly certified where such certification is  
4 required.

5 § 2. Section 212 of the retirement and social security law is amended  
6 by adding a new subdivision 4 to read as follows:

7 4. Notwithstanding the provisions of section twenty-five of this chap-  
8 ter and the provisions of subdivisions one and two of this section, the  
9 earnings limitation for retired police officers in positions of public  
10 service under this section shall be fifty thousand dollars.

11 § 3. This act shall take effect immediately.

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

21 § 3. This act shall take effect immediately provided, however, that  
22 the applicable effective date of Parts A through AAA of this act shall  
23 be as specifically set forth in the last section of such Parts.