

STATE OF NEW YORK

8006--B

IN SENATE

January 19, 2022

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 school contracts for excellence; to amend the education law, in relation to foundation aid; to amend the education law, in relation to maintenance of equity aid; to amend the education law, in relation to building aid and the New York state energy research and development authority P-12 schools clean green schools initiative; to amend the education law, in relation to modifying the length of school sessions; to amend the education law, in relation to supplemental public excess cost 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 extending the statewide universal full-day pre-kindergarten program; to amend the education law, in relation to state aid adjustments; 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 reimbursement for the 2022-2023 school year, withholding a portion of employment preparation education aid and in relation to the effectiveness thereof; to amend chapter 169 of the laws of 1994, relating to certain provisions related to the 1994-95 state operations, aid to localities, capital projects and debt service budgets, 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; 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 the suspension of pupils who bring a firearm to or possess a firearm at a school, in relation to making certain provisions thereof permanent; to amend the No Child Left Behind Act of 2001, in relation to making the provisions thereof permanent; to amend chapter 121 of the laws of 1996, relating to authorizing the Roosevelt union free school district

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

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to finance deficits by the issuance of serial bonds, in relation to the amounts of such apportionments; to amend part B of chapter 57 of the laws of 2008 amending the education law relating to the universal prekindergarten program, in relation to the effectiveness thereof; to amend chapter 552 of the laws of 1995, amending the education law relating to contracts for the transportation of school children, in relation to the effectiveness thereof; providing for school bus driver training grants; providing for special apportionment for salary expenses; providing for special apportionment for public pension accruals; to amend the education law, in relation to permitting the city school district of the city of Rochester to make certain purchases from the board of cooperative educational services of the supervisory district serving its geographic region; providing for set-asides from the state funds which certain districts are receiving from the total foundation aid; providing for support of public libraries; and providing for the repeal of certain provisions upon expiration thereof (Part A); to amend the education law, in relation to the reconciliation process for special education schools and replacing the current rate-setting methodology; to amend the education law, in relation to the salary of certain teachers providing instruction in career and technical education to school age students; to amend the education law, in relation to aid for career education; to amend part A of chapter 56 of the laws of 2021, relating to funding from the elementary and secondary school emergency relief fund allocated by the American rescue plan act of 2021, in relation to school funding plans; to amend the education law, in relation to the additional apportionment of building aid for certain projects; to amend the education law, in relation to computation of pupil counts and related factors; to repeal section 3614 of the education law, in relation to statements of total funding allocations; to amend the education law, in relation to reserve funds for 4201 schools; to amend part A of chapter 56 of the laws of 2021, relating to approved private schools serving certain students with disabilities, special act school districts and approved preschool special class and special class in an integrated setting programs experiencing enrollment decreases as a result of the state disaster emergency declared pursuant to Executive Order 202 of 2020, in relation to student enrollment of special education schools; to amend the education law, in relation to the community school act; to authorize the Peekskill city school district to apply to the commissioner of education to receive an apportionment; and making an appropriation therefor (Part A-1); to amend the education law and the local finance law, in relation to zero-emission school buses (Subpart A); to amend the transportation law, in relation to the purchase of zero-emission buses; and to amend the public authorities law and the general municipal law, in relation to the procurement of electric-powered buses, vehicles or other related equipment (Subpart B); and to amend the executive law, in relation to purchasing or leasing of zero emission vehicles for state-owned vehicle fleets; and to amend the public authorities law, in relation to creating a zero emission transit and school bus roadmap for the state (Subpart C) (Part B); intentionally omitted (Part C); to amend the education law, in relation to state appropriations for reimbursement of tuition credits (Part D); to amend the education law, in relation to the expansion of the part-time tuition assistance program (Part E); to amend the education law, in relation to eligibility requirements and conditions for tuition assistance program awards; and

to repeal certain provisions of the education law relating to the ban on incarcerated individuals to be eligible to receive state aid (Part F); to amend the education law, in relation to establishing the amount awarded for the excelsior scholarship (Part G); to amend the education law, in relation to including certain apprenticeships in the definition of "eligible educational institution" for the New York state college choice tuition savings program (Part H); intentionally omitted (Part I); to amend the education law, in relation to registration of a new curriculum or program of study offered by a not-for-profit college or university (Part J); to amend the business corporation law, the partnership law and the limited liability company law, in relation to certified public accountants (Part K); to amend the social services law, in relation to expanding child care assistance (Part L); intentionally omitted (Part M); to amend 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, in relation to extending the effectiveness thereof (Part N); to amend the social services law, in relation to reimbursement for a portion of the costs of social services districts for care provided to foster children in institutions, group residences, group homes, and agency operated boarding homes (Part O); intentionally omitted (Part P); intentionally omitted (Part Q); to amend the executive law, in relation to increasing the amount of reimbursement the division of veterans' affairs shall provide to local veterans' service agencies for the cost of maintenance of such agencies (Part R); 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 S); to amend part W of chapter 54 of the laws of 2016 amending the social services law relating to the powers and duties of the commissioner of social services relating to the appointment of a temporary operator, in relation to the effectiveness thereof (Part T); to amend the social services law, in relation to the public benefits and requirements; and to repeal certain provisions of such law relating thereto (Part U); intentionally omitted (Part V); intentionally omitted (Part W); intentionally omitted (Part X); intentionally omitted (Part Y); to utilize reserves in the mortgage insurance fund for various housing purposes (Part Z); intentionally omitted (Part AA); intentionally omitted (Part BB); intentionally omitted (Part CC); intentionally omitted (Part DD); intentionally omitted (Part EE); intentionally omitted (Part FF); to amend the executive law, the public authorities law and the county law, in relation to requiring certain documents and forms to be provided in multiple languages (Part GG); to amend the retirement and social security law, in relation to waiving approval and income limitations on retirees employed in a school district or a board of cooperative educational services; and providing for the repeal of such provisions upon expiration thereof (Part HH); intentionally omitted (Part II); to amend the labor law, in relation to employer contributions to the unemployment insurance fund and the unemployment insurance maximum benefit rate (Part JJ); to amend the education law, in relation to mandatory university fees (Part KK); to amend the education law, in relation to funds concerning state university health care facilities (Part LL); to amend the education law, in relation to increasing the income eligibility threshold for the tuition assistance program (Part MM); to amend the public housing law, in relation to establishing the housing access voucher program (Part NN); to amend the social services law, in relation to the low-income home energy

assistance program (Subpart A); directing the office of temporary and disability assistance to conduct a public outreach program regarding utilities assistance (Subpart B) (Part 00); and to amend the social services law, in relation to the powers of a social services official to receive and dispose of a deed, mortgage or lien (Part PP)

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

1 Section 1. This act enacts into law major components of legislation
2 necessary to implement the state education, labor, housing and family
3 assistance budget for the 2022-2023 state fiscal year. Each component is
4 wholly contained within a Part identified as Parts A through PP. The
5 effective date for each particular provision contained within such Part
6 is set forth in the last section of such Part. Any provision in any
7 section contained within a Part, including the effective date of the
8 Part, which makes a reference to a section "of this act", when used in
9 connection with that particular component, shall be deemed to mean and
10 refer to the corresponding section of the Part in which it is found.
11 Section three of this act sets forth the general effective date of this
12 act.

13 PART A

14 Section 1. Paragraph e of subdivision 1 of section 211-d of the educa-
15 tion law, as amended by section 1 of part A of chapter 56 of the laws of
16 2021, is amended to read as follows:

17 e. Notwithstanding paragraphs a and b of this subdivision, a school
18 district that submitted a contract for excellence for the two thousand
19 eight--two thousand nine school year shall submit a contract for excel-
20 lence for the two thousand nine--two thousand ten school year in
21 conformity with the requirements of subparagraph (vi) of paragraph a of
22 subdivision two of this section unless all schools in the district are
23 identified as in good standing and provided further that, a school
24 district that submitted a contract for excellence for the two thousand
25 nine--two thousand ten school year, unless all schools in the district
26 are identified as in good standing, shall submit a contract for excel-
27 lence for the two thousand eleven--two thousand twelve school year which
28 shall, notwithstanding the requirements of subparagraph (vi) of para-
29 graph a of subdivision two of this section, provide for the expenditure
30 of an amount which shall be not less than the product of the amount
31 approved by the commissioner in the contract for excellence for the two
32 thousand nine--two thousand ten school year, multiplied by the
33 district's gap elimination adjustment percentage and provided further
34 that, a school district that submitted a contract for excellence for the
35 two thousand eleven--two thousand twelve school year, unless all schools
36 in the district are identified as in good standing, shall submit a
37 contract for excellence for the two thousand twelve--two thousand thir-
38 teen school year which shall, notwithstanding the requirements of
39 subparagraph (vi) of paragraph a of subdivision two of this section,
40 provide for the expenditure of an amount which shall be not less than
41 the amount approved by the commissioner in the contract for excellence
42 for the two thousand eleven--two thousand twelve school year and
43 provided further that, a school district that submitted a contract for
44 excellence for the two thousand twelve--two thousand thirteen school

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

1 in the district are identified as in good standing, shall submit a
2 contract for excellence for the two thousand nineteen--two thousand
3 twenty school year which shall, notwithstanding the requirements of
4 subparagraph (vi) of paragraph a of subdivision two of this section,
5 provide for the expenditure of an amount which shall be not less than
6 the amount approved by the commissioner in the contract for excellence
7 for the two thousand eighteen--two thousand nineteen school year; and
8 provided further that, a school district that submitted a contract for
9 excellence for the two thousand nineteen--two thousand twenty school
10 year, unless all schools in the district are identified as in good
11 standing, shall submit a contract for excellence for the two thousand
12 twenty--two thousand twenty-one school year which shall, notwithstanding
13 the requirements of subparagraph (vi) of paragraph a of subdivision two
14 of this section, provide for the expenditure of an amount which shall be
15 not less than the amount approved by the commissioner in the contract
16 for excellence for the two thousand nineteen--two thousand twenty school
17 year; and provided further that, a school district that submitted a
18 contract for excellence for the two thousand twenty--two thousand twen-
19 ty-one school year, unless all schools in the district are identified as
20 in good standing, shall submit a contract for excellence for the two
21 thousand twenty-one--two thousand twenty-two school year which shall,
22 notwithstanding the requirements of subparagraph (vi) of paragraph a of
23 subdivision two of this section, provide for the expenditure of an
24 amount which shall be not less than the amount approved by the commis-
25 sioner in the contract for excellence for the two thousand twenty--two
26 thousand twenty-one school year; and provided further that, a school
27 district that submitted a contract for excellence for the two thousand
28 twenty-one--two thousand twenty-two school year, unless all schools in
29 the district are identified as in good standing, shall submit a contract
30 for excellence for the two thousand twenty-two--two thousand twenty-
31 three school year which shall, notwithstanding the requirements of
32 subparagraph (vi) of paragraph a of subdivision two of this section,
33 provide for the expenditure of an amount which shall be not less than
34 the amount approved by the commissioner in the contract for excellence
35 for the two thousand twenty-one--two thousand twenty-two school year.

36 For purposes of this paragraph, the "gap elimination adjustment percent-
37 age" shall be calculated as the sum of one minus the quotient of the sum
38 of the school district's net gap elimination adjustment for two thousand
39 ten--two thousand eleven computed pursuant to chapter fifty-three of the
40 laws of two thousand ten, making appropriations for the support of
41 government, plus the school district's gap elimination adjustment for
42 two thousand eleven--two thousand twelve as computed pursuant to chapter
43 fifty-three of the laws of two thousand eleven, making appropriations
44 for the support of the local assistance budget, including support for
45 general support for public schools, divided by the total aid for adjust-
46 ment computed pursuant to chapter fifty-three of the laws of two thou-
47 sand eleven, making appropriations for the local assistance budget,
48 including support for general support for public schools. Provided,
49 further, that such amount shall be expended to support and maintain
50 allowable programs and activities approved in the two thousand nine--two
51 thousand ten school year or to support new or expanded allowable
52 programs and activities in the current year.

53 § 2. Subdivision 4 of section 3602 of education law is amended by
54 adding a new paragraph j to read as follows:

55 j. Foundation aid payable in the two thousand twenty-two--two thousand
56 twenty-three school year. Notwithstanding any provision of law to the

contrary, foundation aid payable in the two thousand twenty-two--two thousand twenty-three school year shall be equal to the sum of the total foundation aid base computed pursuant to paragraph j of subdivision one of this section plus the greater of (a) the product of the phase-in foundation increase factor as computed pursuant to subparagraph (ii) of paragraph b of this subdivision multiplied by the positive difference, if any, of (i) total foundation aid computed pursuant to paragraph a of this subdivision less (ii) the total foundation aid base computed pursuant to paragraph j of subdivision one of this section, or (b) the product of three hundredths (0.03) multiplied by the total foundation aid base computed pursuant to paragraph j of subdivision one of this section.

§ 3. Section 3602 of the education law is amended by adding a new subdivision 4-a to read as follows:

4-a. Foundation Aid Maintenance of Equity Aid. 1. For purposes of this subdivision the following terms shall be defined as follows:

a. "High-need LEAs" shall mean local educational agencies with (1) the highest percentage of economically disadvantaged students as calculated based on the most recent small area income and poverty estimates provided by the United States census bureau and (2) the cumulative sum of local educational agency enrollment for the base year is greater than or equal to the product of five-tenths (0.5) and the statewide total of such enrollment.

b. "Highest-poverty LEAs" shall mean local educational agencies with (1) the highest percentage of economically disadvantaged students as calculated based on the most recent small area income and poverty estimates provided by the United States census bureau and (2) the cumulative sum of local educational agency enrollment for the base year is greater than or equal to the product of two-tenths (0.2) and the statewide total of such enrollment.

c. "Eligible districts" shall mean school districts defined as high-need LEAs or highest-poverty LEAs in the current year which are subject to the state level maintenance of equity requirement in the American Rescue Plan Act of 2021, Section 2004, Part 1, Subtitle A, Title II, (Public Law 117-2) for the current year.

d. "State funding" shall mean any apportionment provided pursuant to sections seven hundred one, seven hundred eleven, seven hundred fifty-one, and seven hundred fifty-three of this chapter plus apportionments pursuant to subdivisions four, five-a, ten, twelve, and sixteen of this section.

e. "Local Educational Agency Enrollment" shall mean the unduplicated count of all children registered to receive educational services in grades kindergarten through twelve, including children in ungraded programs, as registered on the date prior to November first that is specified by the commissioner as the enrollment reporting date, registered in a local educational agency as defined pursuant to section 7801 of title 20 of the United States Code.

2. Eligible districts shall receive an apportionment of foundation aid maintenance of equity aid in the current year if the commissioner, in consultation with the director of the budget, determines the district would otherwise receive a reduction in state funding on a per pupil basis inconsistent with the federal state level maintenance of equity requirement. This apportionment shall be equal to the amount necessary to ensure compliance with the federal state level maintenance of equity requirement. This apportionment shall be paid in the current year pursuant to section thirty-six hundred nine-a of this part.

§ 4. Clause (ii) of paragraph j of subdivision 1 of section 3602 of the education law, as amended by section 11 of part B of chapter 57 of the laws of 2007, is amended to read as follows:

(ii) For aid payable in the two thousand eight--two thousand nine school year and thereafter, the total foundation aid base shall equal the total amount a district was eligible to receive in the base year pursuant to subdivision four of this section plus foundation aid maintenance of equity aid pursuant to subdivision four-a of this section.

§ 5. Section 3602-b of the education law is amended by adding a new subdivision 3 to read as follows:

3. a. In addition to apportionments calculated pursuant to subdivisions one and two of this section, each school district employing fewer than eight teachers defined as eligible pursuant to paragraph one of subdivision four-a of section thirty-six hundred two of this part shall receive an additional apportionment of public money in the current year if the commissioner, in consultation with the director of the budget, determines the district would otherwise receive a reduction in state funding, as defined in subparagraph d of paragraph one of subdivision four-a of section thirty-six hundred two of this part, on a per pupil basis inconsistent with the federal state level maintenance of equity requirement.

b. The maintenance of equity aid shall be equal to the amount necessary to ensure compliance with the federal state level maintenance of equity requirement in the American Rescue Plan Act of 2021, Section 2004, Part 1, Subtitle A, Title II, (Public Law 117-2) for the current year.

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

6-i. Building aid and the New York state energy research and development authority P-12 schools: clean green schools initiative. 1. For aid payable in the school years two thousand twenty-two--two thousand twenty-three and thereafter, notwithstanding any provision of law to the contrary, the apportionment to any district under subdivision six, six-a, six-b, six-c, six-e, six-f, or six-h of this section for capital outlays for school building projects for energy efficiency shall not exclude grants authorized pursuant to the New York state energy research and development authority P-12 schools: clean green schools initiative from aidable expenditures, provided that the sum of apportionments for these projects calculated pursuant to subdivision six, six-a, six-b, six-c, six-e, six-f, or six-h of this section and such grants shall not exceed the actual project expenditures.

2. The New York state energy research and development authority shall provide a list of energy efficiency grants awarded to each school district to the commissioner no later than one month prior to the end of each calendar year and each school year. This list shall include the capital construction project or projects funded by the grants, the award amounts of each individual project grant, the district receiving such grants, the schools receiving such grants, the date on which the grant was received, and any other information necessary for the calculation of aid pursuant to subdivision six, six-a, six-b, six-c, six-e, six-f, or six-h of this section.

§ 7. Paragraph a of subdivision 4 of section 3204 of the education law is amended to read as follows:

a. A full time day school or class, except as otherwise prescribed, shall be in session for not less than one hundred ~~[ninety]~~ eighty days

1 each year, [~~inclusive~~] exclusive of legal holidays that occur during the
2 term of said school and exclusive of Saturdays.

3 § 8. Paragraph s of subdivision 1 of section 3602 of the education
4 law, as amended by section 11 of part B of chapter 57 of the laws of
5 2007, is amended to read as follows:

6 s. "Extraordinary needs count" shall mean the sum of the product of
7 the [~~limited-English-proficiency~~] English language learner count multi-
8 plied by fifty percent, plus, the poverty count and the sparsity count.

9 § 9. Subdivision 6 of section 3602 of the education law is amended by
10 adding a new paragraph k to read as follows:

11 k. Final cost report penalties. (1) All acts done and proceedings
12 heretofore had and taken or caused to be had and taken by school
13 districts and by all its officers or agents relating to or in connection
14 with final building cost reports required to be filed with the depart-
15 ment for approved building projects for which a certificate of substan-
16 tial completion was and/or is issued on or after April first, nineteen
17 hundred ninety-five, where a final cost report was not submitted by June
18 thirtieth of the school year in which the certificate of substantial
19 completion of the project was issued by the architect or engineer, or
20 six months after issuance of such certificate, whichever was later, and
21 all acts incidental thereto are hereby legalized, validated, ratified
22 and confirmed, notwithstanding any failure to comply with the approval
23 and filing provisions of the education law or any other law or any other
24 statutory authority, rule or regulation, in relation to any omission,
25 error, defect, irregularity or illegality in such proceedings had and
26 taken.

27 (2) The department is hereby directed to consider the approved costs
28 of the aforementioned projects as valid and proper obligations of such
29 school districts and shall not recover on or after July first, two thou-
30 sand thirteen any penalty arising from the late filing of a final cost
31 report, provided that any amounts already so recovered on or after July
32 first, two thousand thirteen shall be deemed a payment of moneys due
33 for prior years pursuant to paragraph c of subdivision five of section
34 thirty-six hundred four of this part and shall be paid to the appropri-
35 ate district pursuant to such provision, provided that:

36 (a) such school district submitted the late or missing final building
37 cost report to the commissioner;

38 (b) such cost report is approved by the commissioner;

39 (c) all state funds expended by the school district, as documented in
40 such cost report, were properly expended for such building project in
41 accordance with the terms and conditions for such project as approved by
42 the commissioner; and

43 (d) the failure to submit such report in a timely manner was an inad-
44 vertent administrative or ministerial oversight by the school district,
45 and there is no evidence of any fraudulent or other improper intent by
46 such district.

47 § 10. Section 3625 of the education law is amended by adding a new
48 subdivision 5 to read as follows:

49 5. Transportation contract penalties. a. All acts done and proceedings
50 heretofore had and taken or caused to be had and taken relating to or in
51 connection with a transportation contract, and all acts incidental here-
52 to are hereby legalized, validated, ratified and confirmed, notwith-
53 standing any failure to comply with the contract award, approval and
54 filing provisions of the education law, the general municipal law or any
55 other law or any other statutory authority, rule or regulation, other
56 than those filing provisions defined in paragraph a of subdivision five

1 of section thirty-six hundred four of this article, in relation to any
2 omission, error, defect, irregularity or illegality in such proceeding
3 had and taken.

4 b. The department is hereby directed to consider the aforementioned
5 contracts for transportation aid as valid and proper obligations and
6 shall not recover from such school districts any penalty arising from
7 the failure to submit a transportation contract in a timely manner,
8 provided that any amounts already so recovered shall be deemed a payment
9 of moneys due for prior years pursuant to paragraph c of subdivision
10 five of section thirty-six hundred four of this article and shall be
11 paid to the school district pursuant to such provision, provided that:

12 (1) such school district submitted the contract to the commissioner
13 and such contract is for services in the two thousand twelve--two thou-
14 sand thirteen school year or thereafter;

15 (2) such contract is approved by the commissioner;

16 (3) all state funds expended by the school district were properly
17 expended for such transportation as approved by the commissioner; and

18 (4) the failure to execute or submit such contract in a timely manner
19 was an inadvertent administrative or ministerial oversight by the school
20 district, and there is no evidence of any fraudulent or other improper
21 intent by such district.

22 § 11. Subdivision 2 of section 3625 of the education law, as amended
23 by chapter 474 of the laws of 1996, is amended to read as follows:

24 2. Filing of transportation contracts. Every transportation contract
25 shall be filed with the department within one hundred twenty days of the
26 commencement of service under such contract. No transportation expense
27 shall be allowed for a period greater than one hundred twenty days prior
28 to the filing of any contract for the transportation of pupils with the
29 education department. No contract shall be considered filed unless it
30 bears an original signature, in the case of a written document, or a
31 certification, in the case of an approved electronic form, of the super-
32 intendent of a school district or the designee of the superintendent and
33 the sole trustee or president of the board of education of the school
34 district. The final approval of any such contract by the commissioner
35 shall not, however, obligate the state to allow transportation expense
36 in an amount greater than the amount that would be allowed under the
37 provisions of this part. The state, acting through the department of
38 audit and control, may examine any and all accounts of the contractor in
39 connection with a contract for the transportation of pupils, and every
40 such contract shall contain the following provision: "The contractor
41 hereby consents to an audit of any and all financial records relating to
42 this contract by the department of audit and control."

43 § 11-a. Subdivision 1 of section 3625 of the education law, as amended
44 by section 47 of part L of chapter 405 of the laws of 1999, is amended
45 to read as follows:

46 1. Form of transportation contracts. Every contract for transportation
47 of school children shall be in writing or in an electronic form approved
48 by the commissioner when available, and before such contract is filed
49 with the department as required by subdivision two of this section, the
50 same shall be submitted for approval to the superintendent of schools of
51 said district and such contract shall not be approved and filed by such
52 superintendent unless he or she shall first investigate the same with
53 particular reference to the type of conveyance, the character and abili-
54 ty of the driver, the routes over which the conveyances shall travel,
55 the time schedule, and such other matters as in the judgement of the
56 superintendent are necessary for the comfort and protection of the chil-

1 dren while being transported to and from school. Every such contract for
2 transportation of children shall contain an agreement upon the part of
3 the contractor that the vehicle shall come to a full stop before cross-
4 ing the track or tracks of any railroad and before crossing any state
5 highway.

6 § 12. Intentionally omitted.

7 § 13. Intentionally omitted.

8 § 14. The closing paragraph of subdivision 5-a of section 3602 of the
9 education law, as amended by section 12-b of part A of chapter 56 of the
10 laws of 2021, is amended to read as follows:

11 For the two thousand eight--two thousand nine school year, each school
12 district shall be entitled to an apportionment equal to the product of
13 fifteen percent and the additional apportionment computed pursuant to
14 this subdivision for the two thousand seven--two thousand eight school
15 year. For the two thousand nine--two thousand ten through two thousand
16 ~~[twenty-one]~~ twenty-two--two thousand ~~[twenty-two]~~ twenty-three school
17 years, each school district shall be entitled to an apportionment equal
18 to the amount set forth for such school district as "SUPPLEMENTAL PUB
19 EXCESS COST" under the heading "2008-09 BASE YEAR AIDS" in the school
20 aid computer listing produced by the commissioner in support of the
21 budget for the two thousand nine--two thousand ten school year and enti-
22 tled "SA0910".

23 § 15. Subdivision 12 of section 3602 of the education law, as amended
24 by section 13-a of part A of chapter 56 of the laws of 2021, is amended
25 to read as follows:

26 12. Academic enhancement aid. a. A school district that as of April
27 first of the base year has been continuously identified as a district in
28 need of improvement for at least five years shall, for the two thousand
29 eight--two thousand nine school year, be entitled to an additional
30 apportionment equal to the positive remainder, if any, of (a) the lesser
31 of fifteen million dollars or the product of the total foundation aid
32 base, as defined by paragraph j of subdivision one of this section,
33 multiplied by ten percent (0.10), less (b) the positive remainder of (i)
34 the sum of the total foundation aid apportioned pursuant to subdivision
35 four of this section and the supplemental educational improvement grants
36 apportioned pursuant to subdivision eight of section thirty-six hundred
37 forty-one of this article, less (ii) the total foundation aid base.

38 b. For the two thousand nine--two thousand ten through two thousand
39 fourteen--two thousand fifteen school years, each school district shall
40 be entitled to an apportionment equal to the amount set forth for such
41 school district as "EDUCATION GRANTS, ACADEMIC EN" under the heading
42 "2008-09 BASE YEAR AIDS" in the school aid computer listing produced by
43 the commissioner in support of the budget for the two thousand nine--two
44 thousand ten school year and entitled "SA0910", and such apportionment
45 shall be deemed to satisfy the state obligation to provide an apportion-
46 ment pursuant to subdivision eight of section thirty-six hundred forty-
47 one of this article.

48 c. For the two thousand fifteen--two thousand sixteen year, each
49 school district shall be entitled to an apportionment equal to the
50 amount set forth for such school district as "ACADEMIC ENHANCEMENT"
51 under the heading "2014-15 ESTIMATED AIDS" in the school aid computer
52 listing produced by the commissioner in support of the budget for the
53 two thousand fourteen--two thousand fifteen school year and entitled
54 "SA141-5", and such apportionment shall be deemed to satisfy the state
55 obligation to provide an apportionment pursuant to subdivision eight of
56 section thirty-six hundred forty-one of this article.

1 d. For the two thousand sixteen--two thousand seventeen school year,
2 each school district shall be entitled to an apportionment equal to the
3 amount set forth for such school district as "ACADEMIC ENHANCEMENT"
4 under the heading "2015-16 ESTIMATED AIDS" in the school aid computer
5 listing produced by the commissioner in support of the budget for the
6 two thousand fifteen--two thousand sixteen school year and entitled
7 "SA151-6", and such apportionment shall be deemed to satisfy the state
8 obligation to provide an apportionment pursuant to subdivision eight of
9 section thirty-six hundred forty-one of this article.

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

19 f. For the two thousand eighteen--two thousand nineteen school year,
20 each school district shall be entitled to an apportionment equal to the
21 amount set forth for such school district as "ACADEMIC ENHANCEMENT"
22 under the heading "2017-18 ESTIMATED AIDS" in the school aid computer
23 listing produced by the commissioner in support of the budget for the
24 two thousand seventeen--two thousand eighteen school year and entitled
25 "SA171-8", and such apportionment shall be deemed to satisfy the state
26 obligation to provide an apportionment pursuant to subdivision eight of
27 section thirty-six hundred forty-one of this article.

28 g. For the two thousand nineteen--two thousand twenty school year,
29 each school district shall be entitled to an apportionment equal to the
30 amount set forth for such school district as "ACADEMIC ENHANCEMENT"
31 under the heading "2018-19 ESTIMATED AIDS" in the school aid computer
32 listing produced by the commissioner in support of the budget for the
33 two thousand eighteen--two thousand nineteen school year and entitled
34 "SA181-9", and such apportionment shall be deemed to satisfy the state
35 obligation to provide an apportionment pursuant to subdivision eight of
36 section thirty-six hundred forty-one of this article.

37 h. For the two thousand twenty--two thousand twenty-one school year,
38 each school district shall be entitled to an apportionment equal to the
39 amount set forth for such school district as "ACADEMIC ENHANCEMENT"
40 under the heading "2019-20 ESTIMATED AIDS" in the school aid computer
41 listing produced by the commissioner in support of the budget for the
42 two thousand nineteen--two thousand twenty school year and entitled
43 "SA192-0", and such apportionment shall be deemed to satisfy the state
44 obligation to provide an apportionment pursuant to subdivision eight of
45 section thirty-six hundred forty-one of this article.

46 i. For the two thousand twenty-one--two thousand twenty-two school
47 year and the two thousand twenty-two--two thousand twenty-three school
48 year, each school district shall be entitled to an apportionment equal
49 to the amount set forth for such school district as "ACADEMIC ENHANCE-
50 MENT" under the heading "2020-21 ESTIMATED AIDS" in the school aid
51 computer listing produced by the commissioner in support of the budget
52 for the two thousand twenty--two thousand twenty-one school year and
53 entitled "SA202-1", and such apportionment shall be deemed to satisfy
54 the state obligation to provide an apportionment pursuant to subdivision
55 eight of section thirty-six hundred forty-one of this article.

§ 16. The opening paragraph of subdivision 16 of section 3602 of the education law, as amended by section 14-a of part A of chapter 56 of the laws of 2021, 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 ~~[twenty-one]~~ twenty-two--two thousand ~~[twenty-two]~~ twenty-three 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".

§ 17. Subdivision 16 of section 3602-ee of the education law, as amended by section 23 of part A of chapter 56 of the laws of 2021, is amended to read as follows:

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

§ 18. Intentionally omitted.

§ 19. The opening paragraph of section 3609-a of the education law, as amended by section 26 of part A of chapter 56 of the laws of 2021, is amended to read as follows:

For aid payable in the two thousand seven--two thousand eight school year through the two thousand ~~[twenty-one]~~ twenty-two--two thousand ~~[twenty-two]~~ twenty-three school year, "moneys apportioned" shall mean the lesser of (i) the sum of one hundred percent of the respective amount set forth for each school district as payable pursuant to this section in the school aid computer listing for the current year produced by the commissioner in support of the budget which includes the appropriation for the general support for public schools for the prescribed payments and individualized payments due prior to April first for the current year plus the apportionment payable during the current school year pursuant to subdivision six-a and subdivision fifteen of section thirty-six hundred two of this part minus any reductions to current year aids pursuant to subdivision seven of section thirty-six hundred four of

1 this part or any deduction from apportionment payable pursuant to this
2 chapter for collection of a school district basic contribution as
3 defined in subdivision eight of section forty-four hundred one of this
4 chapter, less any grants provided pursuant to subparagraph two-a of
5 paragraph b of subdivision four of section ninety-two-c of the state
6 finance law, less any grants provided pursuant to subdivision five of
7 section ninety-seven-nnnn of the state finance law, less any grants
8 provided pursuant to subdivision twelve of section thirty-six hundred
9 forty-one of this article, or (ii) the apportionment calculated by the
10 commissioner based on data on file at the time the payment is processed;
11 provided however, that for the purposes of any payments made pursuant to
12 this section prior to the first business day of June of the current
13 year, moneys apportioned shall not include any aids payable pursuant to
14 subdivisions six and fourteen, if applicable, of section thirty-six
15 hundred two of this part as current year aid for debt service on bond
16 anticipation notes and/or bonds first issued in the current year or any
17 aids payable for full-day kindergarten for the current year pursuant to
18 subdivision nine of section thirty-six hundred two of this part. The
19 definitions of "base year" and "current year" as set forth in subdivi-
20 sion one of section thirty-six hundred two of this part shall apply to
21 this section. For aid payable in the two thousand [~~twenty-one~~] twenty-
22 two--two thousand [~~twenty-two~~] twenty-three school year, reference to
23 such "school aid computer listing for the current year" shall mean the
24 printouts entitled [~~"SA212-2"~~] "SA222-3".

25 § 20. Subdivision b of section 2 of chapter 756 of the laws of 1992,
26 relating to funding a program for work force education conducted by the
27 consortium for worker education in New York city, as amended by section
28 39 of part A of chapter 56 of the laws of 2021, is amended to read as
29 follows:

30 b. Reimbursement for programs approved in accordance with subdivision
31 a of this section for the reimbursement for the 2018--2019 school year
32 shall not exceed 59.4 percent of the lesser of such approvable costs per
33 contact hour or fourteen dollars and ninety-five cents per contact hour,
34 reimbursement for the 2019--2020 school year shall not exceed 57.7
35 percent of the lesser of such approvable costs per contact hour or
36 fifteen dollars sixty cents per contact hour, reimbursement for the
37 2020--2021 school year shall not exceed 56.9 percent of the lesser of
38 such approvable costs per contact hour or sixteen dollars and twenty-
39 five cents per contact hour, [~~and~~] reimbursement for the 2021--2022
40 school year shall not exceed 56.0 percent of the lesser of such approva-
41 ble costs per contact hour or sixteen dollars and forty cents per
42 contact hour, and reimbursement for the 2022--2023 school year shall not
43 exceed 55.7 percent of the lesser of such approvable costs per contact
44 hour or seventeen dollars and five cents per contact hour, and where a
45 contact hour represents sixty minutes of instruction services provided
46 to an eligible adult. Notwithstanding any other provision of law to the
47 contrary, for the 2018--2019 school year such contact hours shall not
48 exceed one million four hundred sixty-three thousand nine hundred
49 sixty-three (1,463,963); for the 2019--2020 school year such contact
50 hours shall not exceed one million four hundred forty-four thousand four
51 hundred forty-four (1,444,444); for the 2020--2021 school year such
52 contact hours shall not exceed one million four hundred six thousand
53 nine hundred twenty-six (1,406,926); [~~and~~] for the 2021--2022 school
54 year such contact hours shall not exceed one million four hundred
55 sixteen thousand one hundred twenty-two (1,416,122) ; and for the 2022-
56 -2023 school year such contact hours shall not exceed one million three

1 hundred sixty-nine thousand eight hundred sixty-three (1,369,863).
2 Notwithstanding any other provision of law to the contrary, the appor-
3 tionment calculated for the city school district of the city of New York
4 pursuant to subdivision 11 of section 3602 of the education law shall be
5 computed as if such contact hours provided by the consortium for worker
6 education, not to exceed the contact hours set forth herein, were eligi-
7 ble for aid in accordance with the provisions of such subdivision 11 of
8 section 3602 of the education law.

9 § 21. Section 4 of chapter 756 of the laws of 1992, relating to fund-
10 ing a program for work force education conducted by the consortium for
11 worker education in New York city, is amended by adding a new subdivi-
12 sion aa to read as follows:

13 aa. The provisions of this subdivision shall not apply after the
14 completion of payments for the 2022-23 school year. Notwithstanding any
15 inconsistent provisions of law, the commissioner of education shall
16 withhold a portion of employment preparation education aid due to the
17 city school district of the city of New York to support a portion of the
18 costs of the work force education program. Such moneys shall be credited
19 to the elementary and secondary education fund-local assistance account
20 and shall not exceed thirteen million dollars (\$13,000,000).

21 § 22. Section 6 of chapter 756 of the laws of 1992, relating to fund-
22 ing a program for work force education conducted by the consortium for
23 worker education in New York city, as amended by section 41 of part A of
24 chapter 56 of the laws of 2021, is amended to read as follows:

25 § 6. This act shall take effect July 1, 1992, and shall be deemed
26 repealed on June 30, [~~2022~~] 2023.

27 § 23. Subdivision 1 of section 167 of chapter 169 of the laws of 1994,
28 relating to certain provisions related to the 1994-95 state operations,
29 aid to localities, capital projects and debt service budgets, as amended
30 by section 33 of part A of chapter 56 of the laws of 2020, is amended to
31 read as follows:

32 1. Sections one through seventy of this act shall be deemed to have
33 been in full force and effect as of April 1, 1994 provided, however,
34 that sections one, two, twenty-four, twenty-five and twenty-seven
35 through seventy of this act shall expire and be deemed repealed on March
36 31, 2000; provided, however, that section twenty of this act shall apply
37 only to hearings commenced prior to September 1, 1994, and provided
38 further that section twenty-six of this act shall expire and be deemed
39 repealed on March 31, 1997; and provided further that sections four
40 through fourteen, sixteen, and eighteen, nineteen and twenty-one through
41 twenty-one-a of this act shall expire and be deemed repealed on March
42 31, 1997; and provided further that sections three, fifteen, seventeen,
43 twenty, twenty-two and twenty-three of this act shall expire and be
44 deemed repealed on March 31, [~~2022~~] 2024.

45 § 24. Section 12 of chapter 147 of the laws of 2001, amending the
46 education law relating to conditional appointment of school district,
47 charter school or BOCES employees, as amended by section 42 of part A of
48 chapter 56 of the laws of 2021, is amended to read as follows:

49 § 12. This act shall take effect on the same date as chapter 180 of
50 the laws of 2000 takes effect, and shall expire July 1, [~~2022~~] 2023 when
51 upon such date the provisions of this act shall be deemed repealed.

52 § 25. Section 4 of chapter 425 of the laws of 2002, amending the
53 education law relating to the provision of supplemental educational
54 services, attendance at a safe public school and the suspension of
55 pupils who bring a firearm to or possess a firearm at a school, as

1 amended by section 43 of part A of chapter 56 of the laws of 2021, is
2 amended to read as follows:

3 § 4. This act shall take effect July 1, 2002 and section one of this
4 act shall expire and be deemed repealed June 30, 2019[, ~~and sections two~~
5 ~~and three of this act shall expire and be deemed repealed on June 30,~~
6 ~~2022~~].

7 § 26. Section 5 of chapter 101 of the laws of 2003, amending the
8 education law relating to the implementation of the No Child Left Behind
9 Act of 2001, as amended by section 44 of part A of chapter 56 of the
10 laws of 2021, is amended to read as follows:

11 § 5. This act shall take effect immediately[, ~~provided that sections~~
12 ~~one, two and three of this act shall expire and be deemed repealed on~~
13 ~~June 30, 2022~~].

14 § 26-a. Paragraph a-1 of subdivision 11 of section 3602 of the educa-
15 tion law, as amended by section 41-a of part A of chapter 56 of the laws
16 of 2021, is amended to read as follows:

17 a-1. Notwithstanding the provisions of paragraph a of this subdivi-
18 sion, for aid payable in the school years two thousand--two thousand one
19 through two thousand nine--two thousand ten, and two thousand eleven--
20 two thousand twelve through two thousand [~~twenty-one~~] twenty-two--two
21 thousand [~~twenty-two~~] twenty-three and thereafter, the commissioner may
22 set aside an amount not to exceed two million five hundred thousand
23 dollars from the funds appropriated for purposes of this subdivision for
24 the purpose of serving persons twenty-one years of age or older who have
25 not been enrolled in any school for the preceding school year, including
26 persons who have received a high school diploma or high school equiv-
27 alency diploma but fail to demonstrate basic educational competencies as
28 defined in regulation by the commissioner, when measured by accepted
29 standardized tests, and who shall be eligible to attend employment prep-
30 aration education programs operated pursuant to this subdivision.

31 § 26-b. Subdivision a of section 5 of chapter 121 of the laws of 1996,
32 relating to authorizing the Roosevelt union free school district to
33 finance deficits by the issuance of serial bonds, as amended by section
34 46-a of part A of chapter 56 of the laws of 2021, is amended to read as
35 follows:

36 a. Notwithstanding any other provisions of law, upon application to
37 the commissioner of education submitted not sooner than April first and
38 not later than June thirtieth of the applicable school year, the Roose-
39 velt union free school district shall be eligible to receive an appor-
40 tionment pursuant to this chapter for salary expenses, including related
41 benefits, incurred between April first and June thirtieth of such school
42 year. Such apportionment shall not exceed: for the 1996-97 school year
43 through the [~~2021-22~~] 2022-23 school year, four million dollars
44 (\$4,000,000); for the [~~2022-23~~] 2023-24 school year, three million
45 dollars (\$3,000,000); for the [~~2023-24~~] 2024-25 school year, two million
46 dollars (\$2,000,000); for the [~~2024-25~~] 2025-26 school year, one million
47 dollars (\$1,000,000); and for the [~~2025-26~~] 2026-27 school year, zero
48 dollars. Such annual application shall be made after the board of
49 education has adopted a resolution to do so with the approval of the
50 commissioner of education.

51 § 26-c. Subdivision 4 of section 51 of part B of chapter 57 of the
52 laws of 2008 amending the education law relating to the universal prek-
53 indergarten program, as amended by section 23-a of part A of chapter 56
54 of the laws of 2021, is amended to read as follows:

55 4. section twenty-three of this act shall take effect July 1, 2008 and
56 shall expire and be deemed repealed June 30, [~~2022~~] 2023;

1 § 27. Section 2 of chapter 552 of the laws of 1995, amending the
2 education law relating to contracts for the transportation of school
3 children, as amended by section 45 of part YYY of chapter 59 of the laws
4 of 2019, is amended to read as follows:

5 § 2. This act shall take effect on the first day of January next
6 succeeding the date on which it shall have become a law and shall remain
7 in full force and effect until January 1, [~~2023~~] 2028, when upon such
8 date the provisions of this act shall be deemed repealed.

9 § 28. School bus driver training. In addition to apportionments other-
10 wise provided by section 3602 of the education law, for aid payable in
11 the 2022-2023 through the 2026-2027 school years, subject to available
12 appropriation, the commissioner of education shall allocate school bus
13 driver training grants to school districts and boards of cooperative
14 educational services pursuant to sections 3650-a, 3650-b and 3650-c of
15 the education law, or for contracts directly with not-for-profit educa-
16 tional organizations for the purposes of this section. Such payments
17 shall not exceed four hundred thousand dollars (\$400,000) per school
18 year.

19 § 29. Special apportionment for salary expenses. a. Notwithstanding
20 any other provision of law, upon application to the commissioner of
21 education, not sooner than the first day of the second full business
22 week of June 2023 and not later than the last day of the third full
23 business week of June 2023, a school district eligible for an apportion-
24 ment pursuant to section 3602 of the education law shall be eligible to
25 receive an apportionment pursuant to this section, for the school year
26 ending June 30, 2023, for salary expenses incurred between April 1 and
27 June 30, 2022 and such apportionment shall not exceed the sum of (i) the
28 deficit reduction assessment of 1990--1991 as determined by the commis-
29 sioner of education, pursuant to paragraph f of subdivision 1 of section
30 3602 of the education law, as in effect through June 30, 1993, plus (ii)
31 186 percent of such amount for a city school district in a city with a
32 population in excess of 1,000,000 inhabitants, plus (iii) 209 percent of
33 such amount for a city school district in a city with a population of
34 more than 195,000 inhabitants and less than 219,000 inhabitants accord-
35 ing to the latest federal census, plus (iv) the net gap elimination
36 adjustment for 2010--2011, as determined by the commissioner of educa-
37 tion pursuant to chapter 53 of the laws of 2010, plus (v) the gap elimi-
38 nation adjustment for 2011--2012 as determined by the commissioner of
39 education pursuant to subdivision 17 of section 3602 of the education
40 law, and provided further that such apportionment shall not exceed such
41 salary expenses. Such application shall be made by a school district,
42 after the board of education or trustees have adopted a resolution to do
43 so and in the case of a city school district in a city with a population
44 in excess of 125,000 inhabitants, with the approval of the mayor of such
45 city.

46 b. The claim for an apportionment to be paid to a school district
47 pursuant to subdivision a of this section shall be submitted to the
48 commissioner of education on a form prescribed for such purpose, and
49 shall be payable upon determination by such commissioner that the form
50 has been submitted as prescribed. Such approved amounts shall be payable
51 on the same day in September of the school year following the year in
52 which application was made as funds provided pursuant to subparagraph 4
53 of paragraph b of subdivision 4 of section 92-c of the state finance
54 law, on the audit and warrant of the state comptroller on vouchers
55 certified or approved by the commissioner of education in the manner
56 prescribed by law from moneys in the state lottery fund and from the

1 general fund to the extent that the amount paid to a school district
2 pursuant to this section exceeds the amount, if any, due such school
3 district pursuant to subparagraph 2 of paragraph a of subdivision 1 of
4 section 3609-a of the education law in the school year following the
5 year in which application was made.

6 c. Notwithstanding the provisions of section 3609-a of the education
7 law, an amount equal to the amount paid to a school district pursuant to
8 subdivisions a and b of this section shall first be deducted from the
9 following payments due the school district during the school year
10 following the year in which application was made pursuant to subpara-
11 graphs 1, 2, 3, 4 and 5 of paragraph a of subdivision 1 of section
12 3609-a of the education law in the following order: the lottery appor-
13 tionment payable pursuant to subparagraph 2 of such paragraph followed
14 by the fixed fall payments payable pursuant to subparagraph 4 of such
15 paragraph and then followed by the district's payments to the teachers'
16 retirement system pursuant to subparagraph 1 of such paragraph, and any
17 remainder to be deducted from the individualized payments due the
18 district pursuant to paragraph b of such subdivision shall be deducted
19 on a chronological basis starting with the earliest payment due the
20 district.

21 § 30. Special apportionment for public pension accruals. a. Notwith-
22 standing any other provision of law, upon application to the commission-
23 er of education, not later than June 30, 2023, a school district eligi-
24 ble for an apportionment pursuant to section 3602 of the education law
25 shall be eligible to receive an apportionment pursuant to this section,
26 for the school year ending June 30, 2023 and such apportionment shall
27 not exceed the additional accruals required to be made by school
28 districts in the 2004--2005 and 2005--2006 school years associated with
29 changes for such public pension liabilities. The amount of such addi-
30 tional accrual shall be certified to the commissioner of education by
31 the president of the board of education or the trustees or, in the case
32 of a city school district in a city with a population in excess of
33 125,000 inhabitants, the mayor of such city. Such application shall be
34 made by a school district, after the board of education or trustees have
35 adopted a resolution to do so and in the case of a city school district
36 in a city with a population in excess of 125,000 inhabitants, with the
37 approval of the mayor of such city.

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

54 c. Notwithstanding the provisions of section 3609-a of the education
55 law, an amount equal to the amount paid to a school district pursuant to
56 subdivisions a and b of this section shall first be deducted from the

1 following payments due the school district during the school year
2 following the year in which application was made pursuant to subpara-
3 graphs 1, 2, 3, 4 and 5 of paragraph a of subdivision 1 of section
4 3609-a of the education law in the following order: the lottery appor-
5 tionment payable pursuant to subparagraph 2 of such paragraph followed
6 by the fixed fall payments payable pursuant to subparagraph 4 of such
7 paragraph and then followed by the district's payments to the teachers'
8 retirement system pursuant to subparagraph 1 of such paragraph, and any
9 remainder to be deducted from the individualized payments due the
10 district pursuant to paragraph b of such subdivision shall be deducted
11 on a chronological basis starting with the earliest payment due the
12 district.

13 § 31. Section 1950 of the education law is amended by adding a new
14 subdivision 8-d to read as follows:

15 8-d. Notwithstanding the provision of any law, rule, or regulation to
16 the contrary, the city school district of the city of Rochester, upon
17 the consent of the board of cooperative educational services of the
18 supervisory district serving its geographic region, may purchase from
19 such board as a non-component school district, services required by
20 article nineteen of the education law.

21 § 32. The amounts specified in this section shall be a set-aside from
22 the state funds which each such district is receiving from the total
23 foundation aid:

24 a. for the development, maintenance or expansion of magnet schools or
25 magnet school programs for the 2022--2023 school year. For the city
26 school district of the city of New York there shall be a set-aside of
27 foundation aid equal to forty-eight million one hundred seventy-five
28 thousand dollars (\$48,175,000) including five hundred thousand dollars
29 (\$500,000) for the Andrew Jackson High School; for the Buffalo city
30 school district, twenty-one million twenty-five thousand dollars
31 (\$21,025,000); for the Rochester city school district, fifteen million
32 dollars (\$15,000,000); for the Syracuse city school district, thirteen
33 million dollars (\$13,000,000); for the Yonkers city school district,
34 forty-nine million five hundred thousand dollars (\$49,500,000); for the
35 Newburgh city school district, four million six hundred forty-five thou-
36 sand dollars (\$4,645,000); for the Poughkeepsie city school district,
37 two million four hundred seventy-five thousand dollars (\$2,475,000); for
38 the Mount Vernon city school district, two million dollars (\$2,000,000);
39 for the New Rochelle city school district, one million four hundred ten
40 thousand dollars (\$1,410,000); for the Schenectady city school district,
41 one million eight hundred thousand dollars (\$1,800,000); for the Port
42 Chester city school district, one million one hundred fifty thousand
43 dollars (\$1,150,000); for the White Plains city school district, nine
44 hundred thousand dollars (\$900,000); for the Niagara Falls city school
45 district, six hundred thousand dollars (\$600,000); for the Albany city
46 school district, three million five hundred fifty thousand dollars
47 (\$3,550,000); for the Utica city school district, two million dollars
48 (\$2,000,000); for the Beacon city school district, five hundred sixty-
49 six thousand dollars (\$566,000); for the Middletown city school
50 district, four hundred thousand dollars (\$400,000); for the Freeport
51 union free school district, four hundred thousand dollars (\$400,000);
52 for the Greenburgh central school district, three hundred thousand
53 dollars (\$300,000); for the Amsterdam city school district, eight
54 hundred thousand dollars (\$800,000); for the Peekskill city school
55 district, two hundred thousand dollars (\$200,000); and for the Hudson
56 city school district, four hundred thousand dollars (\$400,000).

b. Notwithstanding any inconsistent provision of law to the contrary, a school district setting aside such foundation aid pursuant to this section may use such set-aside funds for: (i) any instructional or instructional support costs associated with the operation of a magnet school; or (ii) any instructional or instructional support costs associated with implementation of an alternative approach to promote diversity and/or enhancement of the instructional program and raising of standards in elementary and secondary schools of school districts having substantial concentrations of minority students.

c. The commissioner of education shall not be authorized to withhold foundation aid from a school district that used such funds in accordance with this paragraph, notwithstanding any inconsistency with a request for proposals issued by such commissioner for the purpose of attendance improvement and dropout prevention for the 2022--2023 school year, and for any city school district in a city having a population of more than one million, the set-aside for attendance improvement and dropout prevention shall equal the amount set aside in the base year. For the 2022--2023 school year, it is further provided that any city school district in a city having a population of more than one million shall allocate at least one-third of any increase from base year levels in funds set aside pursuant to the requirements of this section to community-based organizations. Any increase required pursuant to this section to community-based organizations must be in addition to allocations provided to community-based organizations in the base year.

d. For the purpose of teacher support for the 2022--2023 school year: for the city school district of the city of New York, sixty-two million seven hundred seven thousand dollars (\$62,707,000); for the Buffalo city school district, one million seven hundred forty-one thousand dollars (\$1,741,000); for the Rochester city school district, one million seventy-six thousand dollars (\$1,076,000); for the Yonkers city school district, one million one hundred forty-seven thousand dollars (\$1,147,000); and for the Syracuse city school district, eight hundred nine thousand dollars (\$809,000). All funds made available to a school district pursuant to this section shall be distributed among teachers including prekindergarten teachers and teachers of adult vocational and academic subjects in accordance with this section and shall be in addition to salaries heretofore or hereafter negotiated or made available; provided, however, that all funds distributed pursuant to this section for the current year shall be deemed to incorporate all funds distributed pursuant to former subdivision 27 of section 3602 of the education law for prior years. In school districts where the teachers are represented by certified or recognized employee organizations, all salary increases funded pursuant to this section shall be determined by separate collective negotiations conducted pursuant to the provisions and procedures of article 14 of the civil service law, notwithstanding the existence of a negotiated agreement between a school district and a certified or recognized employee organization.

§ 33. Support of public libraries. The moneys appropriated for the support of public libraries by a chapter of the laws of 2022 enacting the aid to localities budget shall be apportioned for the 2022--2023 state fiscal year in accordance with the provisions of sections 271, 272, 273, 282, 284, and 285 of the education law as amended by the provisions of this chapter and the provisions of this section, provided that library construction aid pursuant to section 273-a of the education law shall not be payable from the appropriations for the support of public libraries and provided further that no library, library system or

1 program, as defined by the commissioner of education, shall receive less
2 total system or program aid than it received for the year 2001--2002
3 except as a result of a reduction adjustment necessary to conform to the
4 appropriations for support of public libraries.

5 Notwithstanding any other provision of law to the contrary the moneys
6 appropriated for the support of public libraries for the year 2022--2023
7 by a chapter of the laws of 2022 enacting the education, labor and fami-
8 ly assistance budget shall fulfill the state's obligation to provide
9 such aid and, pursuant to a plan developed by the commissioner of educa-
10 tion and approved by the director of the budget, the aid payable to
11 libraries and library systems pursuant to such appropriations shall be
12 reduced proportionately to ensure that the total amount of aid payable
13 does not exceed the total appropriations for such purpose.

14 § 34. Severability. The provisions of this act shall be severable, and
15 if the application of any clause, sentence, paragraph, subdivision,
16 section or part of this act to any person or circumstance shall be
17 adjudged by any court of competent jurisdiction to be invalid, such
18 judgment shall not necessarily affect, impair or invalidate the applica-
19 tion of any such clause, sentence, paragraph, subdivision, section or
20 part of this act or remainder thereof, as the case may be, to any other
21 person or circumstance, but shall be confined in its operation to the
22 clause, sentence, paragraph, subdivision, section or part thereof
23 directly involved in the controversy in which such judgment shall have
24 been rendered.

25 § 35. This act shall take effect immediately, and shall be deemed to
26 have been in full force and effect on and after April 1, 2022, provided,
27 however, that:

28 1. Sections one, two, seven, eight, fourteen, fifteen, sixteen, seven-
29 teen, nineteen, twenty-six-a, twenty-six-b, twenty-eight, thirty-one,
30 and thirty-two of this act shall take effect July 1, 2022;

31 2. Sections three, four, and five shall take effect immediately and
32 shall expire September 30, 2024 when upon such date the provisions of
33 such sections shall be deemed repealed; and

34 3. The amendments to chapter 756 of the laws of 1992, relating to
35 funding a program for work force education conducted by a consortium for
36 worker education in New York city made by sections twenty and twenty-one
37 of this act shall not affect the repeal of such chapter and shall be
38 deemed repealed therewith.

39 PART A-1

40 Section 1. Subdivision 2 of section 4003 of the education law, as
41 amended by chapter 947 of the laws of 1981, is amended to read as
42 follows:

43 2. (a) The director of the budget, in consultation with the commis-
44 sioner [~~of education~~], the commissioner of social services, the commis-
45 sioner of health, the commissioner of mental health, and any other state
46 agency or other source he may deem appropriate, shall approve reimburse-
47 ment methodologies for tuition and maintenance. Any modification in any
48 such methodology which has previously been approved shall be subject to
49 the approval of the director of the budget. Notwithstanding any
50 provision of law, rule or regulation to the contrary, tuition and
51 regional rates approved for special services or programs provided to
52 school-age students by approved private residential or non-residential
53 schools for the education of students with disabilities that are located
54 within the state, by special act school districts, and by July and

1 August programs for students with disabilities approved pursuant to
2 section forty-four hundred eight of this title, and for special services
3 or programs provided by programs serving preschool students with disa-
4 bilities approved pursuant to section forty-four hundred ten of this
5 title, including, but not limited to, special class and special class in
6 an integrated setting programs, shall not be subject to annual reconcil-
7 iation, commencing with the start of the two thousand twenty-two--two
8 thousand twenty-three school year. In addition, for a five-year period
9 commencing with the start of the two thousand twenty-two--two thousand
10 twenty-three school year, the tuition and regional rates approved for
11 each subsequent school years shall be established at the previous year's
12 rate plus the approved growth percentage.

13 (b) Notwithstanding any inconsistent provision of law to the contrary,
14 the commissioner shall within amounts appropriated therefor, and on or
15 before August first, two thousand twenty-two, convene a task force
16 including representatives of statewide and regional preschool and
17 school-age organizations with membership of preschool and school-age
18 approved private schools and programs, municipal representatives, repre-
19 sentatives of school districts, and such other stakeholders as the
20 commissioner deems appropriate to design a reimbursement methodology for
21 the tuition of such approved schools and programs for implementation in
22 the two thousand twenty-seven--two thousand twenty-eight school year.
23 Such methodology shall, in its development and by its design, consider
24 all components, including but not limited to, cost screens, cost param-
25 eters, trend or growth factors, reserves and other such components essen-
26 tial to ensuring the fiscal stability of such schools and programs. The
27 task force shall issue a report to the governor and the legislature of
28 its findings, conclusions, recommendations and the activities already
29 undertaken by the task force no later than September first, two thousand
30 twenty-three, and shall submit subsequent reports annually thereafter
31 with a final report to be issued no later than September first, two
32 thousand twenty-six. The task force shall submit with its final report,
33 legislative proposals as it deems necessary to implement its recommenda-
34 tions for legislative consideration and action. Notwithstanding any
35 provision of law to the contrary, the director of the budget shall
36 provide comment on the final report and recommendations of the task
37 force to the legislature by October fifteenth, two thousand twenty-six
38 and shall approve the methodology as proposed by the legislature pursu-
39 ant to the provisions of this paragraph.

40 § 2. Paragraph c of subdivision 4 of section 4405 of the education
41 law, as amended by chapter 82 of the laws of 1995, is amended to read as
42 follows:

43 c. (1) The director of the budget, in consultation with the commis-
44 sioner [~~of education~~], the commissioner of social services, and any
45 other state agency or other source the director may deem appropriate,
46 shall approve reimbursement methodologies for tuition and for mainte-
47 nance. Any modification in the approved reimbursement methodologies
48 shall be subject to the approval of the director of the budget.
49 ~~[Notwithstanding any other provision of law, rule or regulation to the~~
50 ~~contrary, tuition rates established for the nineteen hundred ninety-~~
51 ~~five ninety six school year shall exclude the two percent cost of~~
52 ~~living adjustment authorized in rates established for the nineteen~~
53 ~~hundred ninety four ninety five school year.]~~ Notwithstanding any
54 provision of law, rule or regulation to the contrary, tuition and
55 regional rates approved for special services or programs provided to
56 school-age students by approved private residential or non-residential

schools for the education of students with disabilities that are located within the state, by special act school districts, and by July and August programs for students with disabilities approved pursuant to section forty-four hundred eight of this article, and for special services or programs provided by programs serving preschool students with disabilities approved pursuant to section forty-four hundred ten of this article, including, but not limited to, special class and special class in an integrated setting programs, shall not be subject to annual reconciliation, commencing with the start of the two thousand twenty-two--two thousand twenty-three school year. In addition, for a five-year period commencing with the start of the two thousand twenty-two--two thousand twenty-three school year, the tuition and regional rates approved for each subsequent school years shall be established at the previous year's rate plus the approved growth percentage.

(2) Notwithstanding any inconsistent provision of law to the contrary, the commissioner shall within amounts appropriated therefore, and on or before August first, two thousand twenty-two, convene a task force including representatives of statewide and regional preschool and school-age organizations with membership of preschool and school-age approved private schools and programs, municipal representatives, representatives of school districts, and such other stakeholders as the commissioner deems appropriate to design a reimbursement methodology for the tuition of such approved schools and programs for implementation in the two thousand twenty-seven--two thousand twenty-eight school year. Such methodology shall, in its development and by its design, consider all components, including but not limited to, cost screens, cost parameters, trend or growth factors, reserves and other such components essential to ensuring the fiscal stability of such schools and programs. The task force shall issue a report to the governor and the legislature of its findings, conclusions, recommendations and the activities already undertaken by the task force no later than September first, two thousand twenty-three, and shall submit subsequent reports annually thereafter with a final report to be issued no later than September first, two thousand twenty-six. The task force shall submit with its final report legislative proposals as it deems necessary to implement its recommendations for legislative consideration and action. Notwithstanding any provision of law to the contrary, the director of the budget shall provide comment on the final report and recommendations of the task force to the legislature by October fifteenth, two thousand twenty-six and shall approve the methodology as proposed by the legislature pursuant to the provisions of this subparagraph.

§ 3. The sum of two million, five hundred thousand dollars (\$2,500,000) is hereby appropriated to the state education department out of any money in the state treasury in the general fund to the credit of the state operations budget, not otherwise appropriated, for the purposes of carrying out the provisions of sections one and two of this act, provided, however, that no more than one million, two hundred fifty thousand dollars shall be made available in the two thousand twenty-two--two thousand twenty-three fiscal year. Such money shall be payable on the audit and warrant of the comptroller on vouchers certified or approved by the commissioner of education in the manner approved by law.

§ 4. Paragraph b of subdivision 5 of section 1950 of the education law, as amended by chapter 130 of the laws of 2022, 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

1 educational services to defray expenses of such board, including
2 approved expenses from the testing of potable water systems of occupied
3 school buildings under the board's jurisdiction as required pursuant to
4 section eleven hundred ten of the public health law provided that such
5 expenses for testing of potable water systems are not reimbursable from
6 another state or federal source, except that that part of the salary
7 paid any teacher, supervisor or other employee of the board of cooper-
8 ative educational services which is in excess of thirty thousand dollars
9 shall not be such an approved expense, and except also that administra-
10 tive and clerical expenses shall not exceed ten percent of the total
11 expenses for purposes of this computation. Provided however, that for
12 teachers providing instruction in career and technical education to
13 school age students, the salary, to be considered as an approved
14 expense, shall not exceed forty thousand dollars for the two thousand
15 twenty-two--two thousand twenty-three school year; fifty thousand
16 dollars for the two thousand twenty-three--two thousand twenty-four
17 school year; and sixty thousand dollars for the two thousand twenty-
18 four--two thousand twenty-five school year, and thereafter. Any gifts,
19 donations or interest earned by the board of cooperative educational
20 services or on behalf of the board of cooperative educational services
21 by the dormitory authority or any other source shall not be deducted in
22 determining the cost of services allocated to each component school
23 district. Any payments made to a component school district by the board
24 of cooperative educational services pursuant to subdivision eleven of
25 section six-p of the general municipal law attributable to an approved
26 cost of service computed pursuant to this subdivision shall be deducted
27 from the cost of services allocated to such component school district.
28 The expense of transportation provided by the board of cooperative
29 educational services pursuant to paragraph q of subdivision four of this
30 section shall be eligible for aid apportioned pursuant to subdivision
31 seven of section thirty-six hundred two of this chapter and no board of
32 cooperative educational services transportation expense shall be an
33 approved cost of services for the computation of aid under this subdivi-
34 sion. Transportation expense pursuant to paragraph q of subdivision
35 four of this section shall be included in the computation of the ten
36 percent limitation on administrative and clerical expenses.

37 § 5. Paragraph b of subdivision 10 of section 3602 of the education
38 law, as amended by section 16 of part B of chapter 57 of the laws of
39 2007, is amended to read as follows:

40 b. Aid for career education. There shall be apportioned to such city
41 school districts and other school districts which were not components of
42 a board of cooperative educational services in the base year for pupils
43 in grades [~~ten~~ nine] through twelve in attendance in career education
44 programs as such programs are defined by the commissioner, subject for
45 the purposes of this paragraph to the approval of the director of the
46 budget, an amount for each such pupil to be computed by multiplying the
47 career education aid ratio by three thousand nine hundred dollars. Such
48 aid will be payable for weighted pupils attending career education
49 programs operated by the school district and for weighted pupils for
50 whom such school district contracts with boards of cooperative educa-
51 tional services to attend career education programs operated by a board
52 of cooperative educational services. Weighted pupils for the purposes of
53 this paragraph shall mean the sum of the attendance of students in
54 grades [~~ten~~ nine] through twelve in career education sequences in trade,
55 industrial, technical, agricultural or health programs plus the product
56 of sixteen hundredths multiplied by the attendance of students in grades

1 ~~ten~~ nine through twelve in career education sequences in business and
2 marketing as defined by the commissioner in regulations. The career
3 education aid ratio shall be computed by subtracting from one the prod-
4 uct obtained by multiplying fifty-nine percent by the combined wealth
5 ratio. This aid ratio shall be expressed as a decimal carried to three
6 places without rounding, but not less than thirty-six percent.

7 Any school district that receives aid pursuant to this paragraph shall
8 be required to use such amount to support career education programs in
9 the current year.

10 A board of education which spends less than its local funds as defined
11 by regulations of the commissioner for career education in the base year
12 during the current year shall have its apportionment under this subdivi-
13 sion reduced in an amount equal to such deficiency in the current or a
14 succeeding school year, provided however that the commissioner may waive
15 such reduction upon determination that overall expenditures per pupil in
16 support of career education programs were continued at a level equal to
17 or greater than the level of such overall expenditures per pupil in the
18 preceding school year.

19 § 6. Section 9-a of part A of chapter 56 of the laws of 2021, relating
20 to funding from the elementary and secondary school emergency relief
21 fund allocated by the American rescue plan act of 2021, is amended to
22 read as follows:

23 § 9-a. (1) On or before July 1, 2021, every local educational agency
24 receiving funding from the elementary and secondary school emergency
25 relief fund allocated by the American rescue plan act of 2021 shall be
26 required to post on its website a plan by school year of how such funds
27 will be expended and how the local educational agency will prioritize
28 spending on non-recurring expenses in the areas of: safely returning
29 students to in-person instruction; maximizing in-person instruction
30 time; operating schools and meeting the needs of students; purchasing
31 educational technology; addressing the impacts of the COVID-19 pandemic
32 on students, including the impacts of interrupted instruction and learn-
33 ing loss and the impacts on low-income students, children with disabili-
34 ties, English language learners, and students experiencing homelessness;
35 implementing evidence-based strategies to meet students' social,
36 emotional, mental health, and academic needs; offering evidence-based
37 summer, afterschool, and other extended learning and enrichment
38 programs; and supporting early childhood education. Provided further,
39 that local educational agencies shall identify any programs utilizing
40 such funding that are expected to continue beyond the availability of
41 such federal funds and identify local funds that will be used to main-
42 tain such programs in order to minimize disruption to core academic and
43 other school programs. Before posting such plan, the local educational
44 agency shall seek public comment from parents, teachers and other stake-
45 holders on the plan and take such comments into account in the develop-
46 ment of the plan.

47 (2) On or before July 1, 2022, every local educational agency receiv-
48 ing funding from the elementary and secondary school emergency
49 relief fund allocated by the American rescue plan act of 2021 shall be
50 required to post on its website and submit to the state education
51 department an updated plan as described in subdivision one of this
52 section. This updated plan shall include an analysis of public comments,
53 goals and ratios for pupil support, detailed summaries of investments in
54 current year initiatives, and balance funds spent in priority areas.

55 § 7. Section 10-d of part A of chapter 56 of the laws of 2021, relat-
56 ing to funding from the elementary and secondary school emergency relief

1 fund allocated by the American rescue plan act of 2021, is amended to
2 read as follows:

3 § 10-d. For the 2021-22, 2022-23 and 2023-24 school years, each school
4 district receiving a foundation aid increase of more than: (i) ten
5 percent; or (ii) ten million dollars in a school year shall, on or
6 before July 1 of each school year, post to the district's website and
7 submit to the department of education a plan by school year of how such
8 funds will be used to address student performance and need, including
9 but not limited to: (i) increasing graduation rates and eliminating the
10 achievement gap; (ii) reducing class sizes; (iii) providing supports for
11 students who are not meeting, or at risk of not meeting, state learning
12 standards in core academic subject areas; (iv) addressing student
13 social-emotional health; ~~[and]~~ (v) providing adequate resources to
14 English language learners, students with disabilities; and students
15 experiencing homelessness; (vi) goals and ratios for pupil support; and
16 (vii) detailed summaries of investments in current year initiatives and
17 balance funds spent in priority areas. Prior to posting such plan, each
18 school district shall seek public comment from parents, teachers and
19 other stakeholders on the plan ~~[and]~~, take such comments into account in
20 the development of the plan, and include an analysis of the public
21 comments within the plan.

22 § 8. Subparagraph 1 of paragraph b of subdivision 6-f of section 3602
23 of the education law, as added by section 19 of part H of chapter 83 of
24 the laws of 2002, is amended to read as follows:

25 (1) has a total project cost of ~~[one hundred]~~ two hundred fifty thou-
26 sand dollars or less~~[-; provided however, that for any district, no more~~
27 ~~than one project shall be eligible pursuant to this subparagraph for an~~
28 ~~apportionment within the same school year]~~ modified by an annual county
29 or multi-county labor market composite wage rate, established by the
30 commissioner of labor in consultation with the commissioner, for July
31 first of the base year, indexed to the median of such county or multi-
32 county rates, but not less than one, up to a maximum of five hundred
33 thousand dollars, as determined by the building aid regional cost
34 factor; and provided further a school district may combine up to five
35 years of project allowances pursuant to this subparagraph and apply to
36 the commissioner for project approval for the entire apportionment and
37 such apportionment may be used for one or more projects; and/or

38 § 9. Paragraph a of subdivision 2 of section 3602 of the education law
39 is amended by adding a new subparagraph 1-a to read as follows:

40 (1-a) Notwithstanding any contrary provisions of subparagraph one of
41 this paragraph, commencing with the two thousand twenty-two--two thou-
42 sand twenty-three school year and thereafter, when a school district has
43 (i) a three year average free and reduced price lunch percent for the
44 current year computed pursuant to paragraph p of subdivision one of this
45 section is greater than fifty percent, (ii) the aid ratio calculated
46 pursuant to clause a of subparagraph two of paragraph c of subdivision
47 six of this section equal to less than twenty percent, and (iii) the aid
48 ratio calculated pursuant to clause c of subparagraph two of paragraph c
49 of subdivision six of this section is less than fifty percent, for all
50 school building projects approved by the voters of the school district
51 or by the board of education of a city school district in a city with
52 more than one hundred twenty-five thousand inhabitants, and/or the chan-
53 cellor in a city school district in a city having a population of one
54 million or more, on or after July first, two thousand, for any school
55 district, the commissioner, in computing any aid ratio of such district,
56 shall permit the use of an adjusted resident weighted average daily

attendance for aid ratio purposes, where an amount equal to the product of the resident weighted average daily attendance multiplied by the three year average free and reduced price lunch percent for the current year computed pursuant to paragraph p of subdivision one of this section multiplied by one and twenty-five one-hundredths (1.25) shall be added to the units of attendance used in computing the weighted average daily attendance pursuant to subparagraph one of this paragraph for purposes of calculating aid pursuant to subdivisions six and fourteen of this section, provided that such adjusted resident weighted average daily attendance shall not affect the statewide average.

§ 10. Section 3614 of the education law is REPEALED.

§ 11. Section 4204-b of the education law is amended by adding a new subdivision 5 to read as follows:

5. For the two thousand twenty-two--two thousand twenty-three school year and thereafter, an institution subject to this article shall be authorized to retain funds in excess of their allowable and reimbursable costs incurred for services and programs to students appointed. The amount of funds that may be annually retained shall not exceed one percent of the institution's total allowable and reimbursable costs for services and programs provided to students for the school year from which the funds are to be retained, provided that the total accumulated balance that may be retained shall not exceed four percent of such total costs for such school year and provided, further, that such funds shall not be recoverable on reconciliation, such funds shall be carried forward as total reimbursable costs for purposes of calculating subsequent year prospective and reconciliation tuition rates and such funds shall be separate from and in addition to any other authorization to retain surplus funds on reconciliation. Funds may be expended only pursuant to an authorization of the governing board of the institution for a purpose expressly authorized as part of allowable costs for the year in which the funds are to be expended, provided that funds may be expended to pay prior year outstanding debts. Any institution that retains funds pursuant to this subdivision shall be required to annually report a statement of the total balance of such retained funds, the amount, if any, retained in the prior school year, the amount, if any, dispersed in the prior school year, and the financial reports that are required to be annually submitted to the department.

§ 12. Section 37-d of part A of chapter 56 of the laws of 2021, relating to approved private schools serving certain students with disabilities, special act school districts and approved preschool special class and special class in an integrated setting programs experiencing enrollment decreases as a result of the state disaster emergency declared pursuant to Executive Order 202 of 2020, is amended to read as follows:

§ 37-d. Notwithstanding any provision of law or regulation to the contrary, if as a result of the state disaster emergency declared pursuant to Executive Order 202 of 2020, or Executive Order 11 of 2021 thereafter approved private schools serving students with disabilities subject to articles 81 and 89 of the education law, special act school districts, and approved preschool special class and special class in an integrated setting programs pursuant to section 4410 of the education law experience an enrollment decrease as a percentage of operating capacity of 5 percentage points or more during the 2020-21 school year or 2021-22 school year as compared to the previous three year period 2016-17 through 2018-19, the state education department shall apply an enrollment adjustment factor as part of the tuition rate reconciliation process to stabilize tuition revenue, provided that the commissioner of

education shall submit a plan for the implementation of such enrollment adjustment factor to the director of the budget for approval.

Moreover, should such programs receive federal Paycheck Protection Program loan forgiveness revenue or other extraordinary federal revenue provided in response to the COVID-19 pandemic as defined by the state education department in consultation with the director of the budget, such revenue shall be applied as offsetting revenue for reconciliation tuition rate calculation purposes after allowable costs incurred in responding to the state disaster emergency declared pursuant to Executive Order 202 of 2020 or Executive Order 11 of 2021 thereafter are defrayed, and such revenues shall be subtracted from total costs after the application of the nondirect care screen, provided, however, that the combined amount of tuition revenues, extraordinary federal revenues provided in response to the COVID-19 pandemic, and any other revenues available to the program that are treated as offsetting revenue shall not exceed the program's actual costs, and provided further, that the state education department shall hold harmless tuition rates in subsequent school years to reflect the impact of receipt of such extraordinary federal revenue.

§ 13. Subdivision 6-a of section 3641 of the education law, as added by section 16 of part A of chapter 57 of the laws of 2013, is amended to read as follows:

~~6-a. Community school [grants. a. Within the amount appropriated for such purpose, subject to a plan developed by the state council on children and families in coordination with the commissioner and approved by the director of the budget, the commissioner shall award competitive grants pursuant to this subdivision to eligible school districts or in a city with a population of one million or more an eligible entity to implement, beginning in the two thousand thirteen-two thousand fourteen school year, a plan that targets school buildings as community hubs to deliver co-located or school-linked academic, health, mental health, nutrition, counseling, legal and/or other services to students and their families in a manner that will lead to improved educational and other outcomes. In a city with a population of one million or more, eligible entities shall mean the city school district of the city of New York, or not for profit organizations, which shall include not for profit community based organizations. An eligible entity that is a not for profit may apply for a community school grant provided that it collaborates with the city school district of the city of New York and receives the approval of the chancellor of the city school district of the city of New York.~~

~~(1) Such plan shall include, but not be limited to:~~

- ~~(i) The process by which a request for proposals will be developed;~~
- ~~(ii) The scoring rubric by which such proposals will be evaluated, provided that such grants shall be awarded based on factors including, but not limited to: measures of school district need; measures of the need of students to be served by each of the school districts; the school district's proposal to target the highest need schools and students; the sustainability of the proposed community schools program; and proposal quality;~~
- ~~(iii) The form and manner by which applications will be submitted;~~
- ~~(iv) The manner by which calculation of the amount of the award will be determined;~~
- ~~(v) The timeline for the issuance and review of applications; and~~
- ~~(vi) Program implementation phases that will trigger payment of set percentages of the total award.~~

~~(2) In assessing proposal quality, the commissioner shall take into account factors including, but not limited to:~~

~~(i) The extent to which the school district's proposal would provide such community services through partnerships with local governments and non-profit organizations;~~

~~(ii) The extent to which the proposal would provide for delivery of such services directly in school buildings;~~

~~(iii) The extent to which the proposal articulates how such services would facilitate measurable improvement in student and family outcomes;~~

~~(iv) The extent to which the proposal articulates and identifies how existing funding streams and programs would be used to provide such community services; and~~

~~(v) the extent to which the proposal ensures the safety of all students, staff and community members in school buildings used as community hubs.~~

~~b. A response to a request for proposals issued pursuant to this subdivision may be submitted by a single school district or jointly by a consortium of two or more school districts, or in a city with a population of one million or more, an eligible entity.~~

~~c. The amount of the grant award shall be determined by the commissioner, consistent with the plan developed pursuant to paragraph a of this subdivision, except that no single district may be awarded more than forty percent of the total amount of grant awards made pursuant to this subdivision; and provided further that the maximum award to any individual community school site shall be five hundred thousand dollars; and provided further that the amount awarded will be paid out in set percentages over time upon successful implementation of each phase of a school district's approved proposal set forth pursuant to paragraph a of this subdivision; and provided further that none of the grants awarded pursuant to this subdivision may be used to supplant existing funding.]~~

act. a. For the purposes of this section, a "community school" shall include both a place and a set of partnerships between the school district and other community resources to take a comprehensive approach to improve academic and developmental outcomes; focused on academics, health, mental wellness, social services, youth and community development and family and community engagement which leads to improved student learning, stronger families and healthier communities; and has a framework in place to eliminate the barriers for all students to have access to a high-quality learning experience.

(1) Such schools shall include a community school director to implement the community school framework by:

(i) reviewing student data and conducting community wide assessments of needs and assets;

(ii) coordinating and leveraging integrated health, mental wellness and social supports;

(iii) identifying and securing family supports that include empowering parents to participate in decision making and to maintain active family and community engagement that values their diverse experiences and backgrounds to develop and promote a vision for student success;

(iv) implementing, expanding and enriching learning time, programs and opportunities, including but not limited to before, during and after-school, weekend, summer and year-round programs, that provide additional academic support, enrichment activities and other programs that may be offered in partnership with community-based organizations to enhance academic learning, social skills, emotional and life skills;

1 (v) managing a community school-based committee that includes but is
2 not limited to the school principal, certified classroom teachers,
3 school related professionals, other school employees, families, communi-
4 ty organizations, and collective bargaining organizations, that guides
5 collaborative planning, implementation and oversight; and

6 (vi) implementing high-quality teaching and learning that provides
7 ongoing professional development to teachers and school-related profes-
8 sionals.

9 (2) For the purposes of this section a community school framework is a
10 set of strategies implemented in a community school that include
11 programs and services that focus on building and maintaining relation-
12 ships to improve academic and developmental outcomes for students.

13 b. Allocation of funds. Each qualifying school district shall receive
14 funding from this program equal to the result of the quotient of each
15 district's Foundation Aid Community School setaside amount established
16 pursuant to section thirty-six hundred two of this article divided by
17 the statewide value of the Foundation Aid Community School setaside
18 amount established pursuant to section thirty-six hundred two of this
19 article multiplied by the amount of the appropriation for the Community
20 School Categorical grant established herein. Districts which do not
21 have a setaside of Foundation Aid for community schools pursuant to
22 section thirty-six hundred two of this article shall not be eligible for
23 funds pursuant to this subdivision.

24 c. The commissioner shall promulgate regulations that set forth the
25 requirements for use of such funds by districts, which shall include a
26 requirement that districts require that funds be used to transform pre-
27 existing community school programs, struggling or persistently struggl-
28 ing schools, or schools with significant levels of poverty, homeless-
29 ness, free and reduced price meals, or other factors as determined by
30 the commissioner. Provided further that such regulations shall require
31 school districts to demonstrate substantial teacher, parent and communi-
32 ty involvement in the planning, implementation, and operation of a
33 community school. The commissioner may determine that a pre-existing
34 community schools program satisfies the requirements of the commission-
35 er's regulations provided that he or she may require any modification
36 thereto.

37 § 14. In order to avoid endangering the fiscal stability of the Peekskill city school district, certain apportionments payable to the Peekskill city school district shall be paid on an accelerated schedule as follows:

41 a. (1) Notwithstanding any other provisions of law, for aid payable in
42 the school years 2022-23 through 2051-52 upon application to the commis-
43 sioner of education submitted not sooner than the second Monday in June
44 of the school year in which such aid is payable and not later than the
45 Friday following the third Monday in June of the school year in which
46 such aid is payable, or ten days after the effective date of this act,
47 whichever shall be later, the Peekskill city school district shall be
48 eligible to receive an apportionment pursuant to this act in an amount
49 equal to the product of four million five hundred thousand dollars
50 (\$4,500,000) and the quotient of the positive difference of thirty minus
51 the number of school years elapsed since the 2022-23 school year divided
52 by thirty.

53 (2) Funds apportioned pursuant to this subdivision shall be used for
54 services and expenses of the Peekskill city school district and shall be
55 applied to support of its educational programs and any liability

1 incurred by such city school district in carrying out its functions and
2 responsibilities under the education law.

3 b. The claim for an apportionment to be paid to the Peekskill city
4 school district pursuant to subdivision a of this section shall be
5 submitted to the commissioner of education on a form prescribed for such
6 purpose, and shall be payable upon determination by such commissioner
7 that the form has been submitted as prescribed and that the school
8 district has complied with the reporting requirements of this act. For
9 each school year in which application is made pursuant to subdivision a
10 of this section, such approved amount shall be payable on or before June
11 thirtieth of such school year upon the audit and warrant of the state
12 comptroller on vouchers certified or approved by the commissioner of
13 education in the manner prescribed by law from moneys in the state
14 lottery fund appropriated for general support of public schools and from
15 the general fund to the extent that the amount paid to the Peekskill
16 city school district pursuant to this subdivision and subdivision a of
17 this section exceeds the amount of the lottery apportionment, if any,
18 due such school district pursuant to subparagraph (2) of paragraph a of
19 subdivision 1 of section 3609-a of the education law on or before
20 September first of such school year.

21 c. Notwithstanding the provisions of section 3609-a of the education
22 law, an amount equal to the amount paid to the Peekskill city school
23 district during the base year pursuant to subdivisions a and b of this
24 section shall first be deducted from payments due during the current
25 school year pursuant to subparagraphs (1), (2), (3), (4) and (5) of
26 paragraph a of subdivision 1 of section 3609-a of the education law in
27 the following order: the lottery apportionment payable pursuant to
28 subparagraph (2) of such paragraph followed by the fixed fall payments
29 payable pursuant to subparagraph (4) of such paragraph, and any remain-
30 der to be deducted from the individualized payments due to the district
31 pursuant to paragraph b of such subdivision shall be deducted on a chro-
32 nological basis starting with the earliest payment due the district.

33 d. Notwithstanding any other provisions of law, the sum of payments
34 made to the Peekskill city school district during the base year pursuant
35 to subdivisions a and b of this section plus payments made to such
36 school district during the current year pursuant to section 3609-a of
37 the education law shall be deemed to truly represent all aids paid to
38 such school district during the current school year pursuant to such
39 section 3609-a for the purposes of computing any adjustments to such
40 aids that may occur in a subsequent school year.

41 e. (1) On or before the first day of each month beginning in July 2022
42 and ending in June 2051, the chief fiscal officer and the superintendent
43 of schools of the Peekskill city school district shall prepare and
44 submit to the board of education a report of the fiscal condition of the
45 school district, including but not limited to the most current available
46 data on fund balances on funds maintained by the school district and the
47 district's use of the apportionments provided pursuant to subdivisions a
48 and b of this section.

49 (2) Such monthly report shall be in a format prescribed by the commis-
50 sioner of education. The board of education shall either reject and
51 return the report to the chief fiscal officer and the superintendent of
52 schools for appropriate revisions and resubmittal or shall approve the
53 report and submit copies to the commissioner of education and the state
54 comptroller of such approved report as submitted or resubmitted.

55 (3) In the 2022-2023 through 2051-52 school years, the chief fiscal
56 officer of the Peekskill city school district shall monitor all budgets

1 and for each budget, shall prepare a quarterly report of summarized
2 budget data depicting overall trends of actual revenues and budget
3 expenditures for the entire budget as well as individual line items.
4 Such report shall compare revenue estimates and appropriations as set
5 forth in such budget with the actual revenues and expenditures made to
6 date. All quarterly reports shall be accompanied by a recommendation
7 from the superintendent of schools or chief fiscal officer to the board
8 of education setting forth any remedial actions necessary to resolve any
9 unfavorable budget variance including the overestimation of revenue and
10 underestimation of appropriations. The chief fiscal officer shall also
11 prepare, as part of such report, a quarterly trial balance of general
12 ledger accounts in accordance with generally accepted accounting princi-
13 ples as prescribed by the state comptroller. All reports shall be
14 completed within sixty days after the end of each quarter and shall be
15 submitted to the chief fiscal officer and the board of education of the
16 Peekskill city school district, the state division of budget, the office
17 of the state comptroller, the commissioner of education, the chair of
18 the assembly ways and means committee and the chair of the senate
19 finance committee.

20 § 15. Severability. The provisions of this act shall be severable, and
21 if the application of any clause, sentence, paragraph, subdivision,
22 section or part of this act to any person or circumstance shall be
23 adjudged by any court of competent jurisdiction to be invalid, such
24 judgment shall not necessarily affect, impair or invalidate the applica-
25 tion of any such clause, sentence, paragraph, subdivision, section or
26 part of this act or remainder thereof, as the case may be, to any other
27 person or circumstance, but shall be confined in its operation to the
28 clause, sentence, paragraph, subdivision, section or part thereof
29 directly involved in the controversy in which such judgment shall have
30 been rendered.

31 § 16. This act shall take effect immediately; provided, however, that
32 sections four, five, eight, and nine of this act shall take effect July
33 1, 2022.

34 PART B

35 Section 1. This Part enacts into law major components of legislation
36 relating to promoting zero-emission vehicles. Each component is wholly
37 contained within a Subpart identified as Subparts A through C. The
38 effective date for each particular provision contained within such
39 Subpart is set forth in the last section of such Subpart. Any provision
40 in any section contained within a Subpart, including the effective date
41 of the Subpart, which makes reference to a section "of this act", when
42 used in connection with that particular component, shall be deemed to
43 mean and refer to the corresponding section of the Subpart in which it
44 is found. Section three of this Part sets forth the general effective
45 date of this Part.

46 SUBPART A

47 Section 1. The education law is amended by adding a new section 3638 to
48 read as follows:

49 § 3638. Zero-emission school buses. 1. For the purposes of this
50 section "zero-emission school bus" shall mean a school bus that: is
51 propelled by an electric motor and associated power electronics which
52 provide acceleration torque to the drive wheels during normal vehicle
53 operations and draws electricity from a hydrogen fuel cell or battery;

1 or otherwise operates without direct emission of atmospheric pollutants.
2 For the purposes of this section, zero-emission school buses shall
3 include purchased, leased, or converted school buses.

4 2. No later than July first, two thousand twenty-nine, every school
5 district shall:

6 (a) only purchase or lease zero-emission school buses when purchasing
7 or leasing new buses; and

8 (b) include requirements in any procurement for school transportation
9 services that any contractors providing transportation services for the
10 school district must only purchase or lease zero-emission school buses
11 when purchasing or leasing new school buses.

12 3. No later than July first, two thousand thirty-five, every school
13 district shall:

14 (a) only operate and maintain zero-emission school buses; and

15 (b) include requirements in any procurement for school transportation
16 services that any contractors providing transportation services for the
17 school district must only operate zero-emission school buses when
18 providing such transportation services to the school district.

19 4. (a) Notwithstanding any provision of law to the contrary, all
20 rights or benefits, including terms and conditions of employment, and
21 protection of civil service and collective bargaining status of all
22 existing employees of school districts or any entity contracted to
23 provide pupil transportation services shall be preserved and protected.
24 Nothing in this section shall result in the: (i) displacement of any
25 currently employed worker or loss of position (including partial
26 displacement such as a reduction in the hours of non-overtime work,
27 wages, or employment benefits) or impairment of existing collective
28 bargaining agreements; (ii) transfer of existing duties and functions
29 related to maintenance and operations currently performed by existing
30 employees of authorized entities to a contracting entity; or (iii)
31 transfer of future duties and functions ordinarily performed by employ-
32 ees of authorized entities to a contracting entity.

33 (b) Prior to the beginning of the procurement process for new zero-em-
34 ission school buses, charging infrastructure, vehicles or equipment, the
35 transit agency, school district, board of cooperative educational
36 services, municipality or private school bus company shall create and
37 implement a workforce development report that: (i) forecasts the number
38 of jobs provided by existing school buses, rolling stock, vehicles or
39 equipment that would be eliminated or substantially changed after the
40 purchase, as well as the number of jobs expected to be created at the
41 transit provider by the proposed purchase over a five-year period from
42 the date of the publication of the workforce development report; (ii)
43 identifies gaps in skills needed to operate and maintain the new zero-
44 emission school buses, charging infrastructure, vehicles or equipment;
45 (iii) includes a comprehensive plan to transition, train, or retrain
46 employees that are impacted by the proposed purchase; and (iv) contains
47 an estimated budget to transition, train, or retrain employees that are
48 impacted by the proposed purchase.

49 (c) Nothing contained herein shall be construed to affect (i) the
50 existing rights of employees pursuant to an existing collective bargain-
51 ing agreement or (ii) the existing representational relationships among
52 employee organizations or the bargaining relationships between the
53 employer and an employee organization. Prior to beginning the procure-
54 ment process for new zero-emission school buses, charging infrastruc-
55 ture, vehicles or equipment, the transit agency, school district, board
56 of cooperative educational services, municipality or private school bus

company shall inform the respective collective bargaining agent of any potential jobs that may be affected, altered, or eliminated as a result of the purchase.

5. To achieve the purchase and contracting requirements detailed in subdivision two of this section, the New York state energy research and development authority shall provide technical assistance to school districts upon request, and shall provide assistance to school districts in pursuing state and federal grants and other funding opportunities upon request.

§ 2. Paragraphs c, d and e of subdivision 2 of section 3623-a of the education law, paragraph c as amended by chapter 453 of the laws of 2005, paragraph d as added by chapter 474 of the laws of 1996, and paragraph e as amended by section 68 of part A of chapter 436 of the laws of 1997, are amended and a new paragraph f is added to read as follows:

c. The purchase of equipment deemed a proper school district expense, including: (i) the purchase of two-way radios to be used on old and new school buses, (ii) the purchase of stop-arms, to be used on old and new school buses, (iii) the purchase and installation of seat safety belts on school buses in accordance with the provisions of section thirty-six hundred thirty-five-a of this article, (iv) the purchase of school bus back up beepers, (v) the purchase of school bus front crossing arms, (vi) the purchase of school bus safety sensor devices, (vii) the purchase and installation of exterior reflective marking on school buses, (viii) the purchase of automatic engine fire extinguishing systems for school buses used to transport students who use wheelchairs or other assistive mobility devices, and (ix) the purchase of other equipment as prescribed in the regulations of the commissioner; ~~and~~

d. Other transportation capital, debt service and lease expense, as approved pursuant to regulations of the commissioner~~[-]~~;

e. Any approved cost of construction, reconstruction, lease or purchase of a transportation storage facility or site in the amount of ten thousand dollars or more shall be aidable in accordance with subdivision six of section thirty-six hundred two of this article and shall not be aidable as transportation expense~~[-]~~; ~~and~~

f. Approved costs relating to the lease, purchase, construction, or installation of zero-emission school bus electric charging or hydrogen fueling stations. For the purposes of this section, a zero-emission school bus electric charging station is a station that delivers electricity from a source outside a zero-emission school bus into one or more zero-emission school buses. An electric school bus charging station may include several charge points simultaneously connecting several zero-emission school buses to the station and any related equipment needed to facilitate charging plug-in zero-emission school buses. Any work related to the construction or installation of zero-emission school bus electric charging or hydrogen fueling stations shall be considered public work, regardless of public ownership, and subject to section two hundred twenty, two hundred twenty-a, two hundred twenty-b, two hundred twenty-three, two hundred twenty-four-b and two hundred twenty-seven of the labor law.

§ 3. Paragraph e of subdivision 7 of section 3602 of the education law, as amended by section 4 of part L of chapter 57 of the laws of 2005, is amended to read as follows:

e. In determining approved transportation capital, debt service and lease expense for aid payable in the two thousand five--two thousand six school year and thereafter, the commissioner, after applying the provisions of paragraph c of this subdivision to such expense, shall

1 establish an assumed amortization pursuant to this paragraph to deter-
2 mine the approved capital, debt service and lease expense of the school
3 district that is aidable in the current year, whether or not the school
4 district issues debt for such expenditures, subject to any deduction
5 pursuant to paragraph d of this subdivision. Such assumed amortization
6 shall be for a period of five years, and for the two thousand twenty-
7 two--two thousand twenty-three school year and thereafter such assumed
8 amortization for zero-emission school buses as defined in section thir-
9 ty-six hundred thirty-eight of this chapter and related costs pursuant
10 to paragraph f of subdivision two of section thirty-six hundred twenty-
11 three-a of this chapter shall be for a period of fifteen years, and
12 shall commence twelve months after the school district enters into a
13 purchase contract[~~7~~] or lease of the school bus, charging station,
14 hydrogen refueling station, or equipment, or a general contract for the
15 construction, reconstruction, lease or purchase of a transportation
16 storage facility or site in an amount less than ten thousand dollars[~~7~~;
17 ~~except that where expenses were incurred for the purchase or lease of a~~
18 ~~school bus or equipment or the construction, reconstruction, lease or~~
19 ~~purchase of a transportation storage facility or site prior to July~~
20 ~~first, two thousand five and debt service was still outstanding or the~~
21 ~~lease was still in effect as of such date, the assumed amortization~~
22 ~~shall commence as of July first, two thousand five and the period of the~~
23 ~~amortization shall be for a period equal to five years less the number~~
24 ~~of years, rounded to the nearest year, elapsed from the date upon which~~
25 ~~the school district first entered into such purchase contract or general~~
26 ~~contract and July first, two thousand five, as determined by the commis-~~
27 ~~sioner, or the remaining term of the lease as of such date]]. Such~~
28 assumed amortization shall provide for equal semiannual payments of
29 principal and interest based on an assumed interest rate established by
30 the commissioner pursuant to this paragraph. By the first day of Septem-
31 ber of the current year commencing with the two thousand five--two thou-
32 sand six school year, each school district shall provide to the commis-
33 sioner in a format prescribed by the commissioner such information as
34 the commissioner shall require for all capital debt incurred by such
35 school district during the preceding school year for expenses allowable
36 pursuant to subdivision two of section thirty-six hundred twenty-three-a
37 of this article. Based on such reported amortizations and a methodology
38 prescribed by the commissioner in regulations, the commissioner shall
39 compute an assumed interest rate that shall equal the average of the
40 interest rates applied to all such debt issued during the preceding
41 school year. The assumed interest rate shall be the interest rate of
42 each such school district applicable to the current year for the
43 purposes of this paragraph and shall be expressed as a decimal to five
44 places rounded to the nearest eighth of one-one hundredth.

45 § 4. Subparagraph 7 of paragraph e of subdivision 1 of section 3623-a
46 of the education law, as added by chapter 474 of the laws of 1996, is
47 amended to read as follows:

48 (7) fuel, oil, tires, chains, maintenance and repairs for school
49 buses, provided that for purposes of this article, fuel shall include
50 electricity used to charge or hydrogen used to refuel zero-emission
51 school buses for the aidable transportation of pupils, but shall not
52 include electricity or hydrogen used for other purposes;

53 § 5. Clause (a) of subdivision 29 of paragraph a of section 11.00 of
54 the local finance law, as amended by chapter 300 of the laws of 1971, is
55 amended to read as follows:

(a) a passenger vehicle, other than a zero-emission school bus, having a seating capacity of less than ten persons,

§ 6. Subdivision 21-a of section 1604 of the education law, as added by chapter 472 of the laws of 1998, is amended to read as follows:

21-a. To lease a motor vehicle or vehicles to be used for the transportation of the children of the district from a school district, board of cooperative educational services or county vocational education and extension board or from any other source, under the conditions specified in this subdivision. No such agreement for the lease of a motor vehicle or vehicles shall be for a term of more than one school year, provided that when authorized by a vote of the qualified voters of the district such lease may have a term of up to five years, or fifteen years for the lease of zero-emission school buses as defined in section thirty-six hundred thirty-eight of this chapter. Where the trustee or board of trustees enter into a lease of a motor vehicle or vehicles pursuant to this subdivision for a term of one school year or less, such trustee or board shall not be authorized to enter into another lease for the same or an equivalent replacement vehicle or vehicles, as determined by the commissioner, without obtaining approval of the qualified voters of the school district.

§ 7. Paragraph i of subdivision 25 of section 1709 of the education law, as added by chapter 472 of the laws of 1998, is amended to read as follows:

i. In addition to the authority granted in paragraph e of this subdivision, the board of education shall be authorized to lease a motor vehicle or vehicles to be used for the transportation of the children of the district from sources other than a school district, board of cooperative educational services or county vocational education and extension board under the conditions specified in this paragraph. No such agreement for the lease of a motor vehicle or vehicles shall be for a term of more than one school year, provided that when authorized by a vote of the qualified voters of the district such lease may have a term of up to five years, or fifteen years for the lease of zero-emission school buses as defined in section thirty-six hundred thirty-eight of this chapter. Where the board of education enters a lease of a motor vehicle or vehicles pursuant to this paragraph for a term of one school year or less, such board shall not be authorized to enter into another lease of the same or an equivalent replacement vehicle or vehicles, as determined by the commissioner, without obtaining approval of the voters.

§ 8. Subdivision 29-a of paragraph a of section 11.00 of the local finance law, as added by section 1 of part BB of chapter 58 of the laws of 2015, is amended to read as follows:

29-a. Transit motor vehicles. The purchase of municipally owned omnibus or similar surface transit motor vehicles, ten years; the purchase of zero-emission buses as defined in section seventeen-c of the transportation law, fifteen years; and the purchase of zero-emission school buses owned by a school district defined pursuant to paragraph two of section 2.00 of this chapter, a city school district with a population of more than one hundred twenty-five thousand inhabitants, or board of cooperative educational services, fifteen years.

§ 9. This act shall take effect immediately.

SUBPART B

Section 1. The transportation law is amended by adding a new section 17-c to read as follows:

1 § 17-c. Zero-emission buses. 1. No later than January first, two thou-
2 sand twenty-nine, every public transportation system eligible to receive
3 operating assistance under the provisions of section eighteen-b of this
4 article shall be required to purchase only zero-emission buses and
5 related equipment and facilities as part of the normal replacement of
6 its fleet. No later than January first, two thousand thirty-five, any
7 hydrogen fuel cell zero-emission bus shall be powered by hydrogen
8 derived from zero-emission electricity.

9 2. For purposes of this section "zero-emission bus" shall mean a motor
10 vehicle that has a seating capacity of fifteen or more passengers in
11 addition to the driver and used for the transportation of persons; is
12 propelled by an electric motor and associated power electronics which
13 provide acceleration torque to the drive wheels during normal vehicle
14 operation and draws electricity from a hydrogen fuel cell or from a
15 battery which is capable of being recharged from an external source of
16 electricity; or otherwise operates without direct emission of atmospher-
17 ic pollutants. Provided, however, that for purposes of this section,
18 zero-emission buses shall include paratransit vehicles specifically
19 designated by public transportation systems to serve the needs of
20 persons who cannot use fixed route transit buses, subways or rapid tran-
21 sit.

22 3. (a) Notwithstanding any provision of law to the contrary, all
23 rights or benefits, including terms and conditions of employment, and
24 protection of civil service and collective bargaining status of all
25 existing employees of authorized entities shall be preserved and
26 protected. Nothing in this section shall result in the: (i) displacement
27 of any currently employed worker or loss of position (including
28 partial displacement such as a reduction in the hours of non-overtime
29 work, wages, or employment benefits) or result in the impairment of
30 existing collective bargaining agreements; (ii) transfer of existing
31 duties and functions related to maintenance and operations currently
32 performed by existing employees of authorized entities to a contracting
33 entity; or (iii) transfer of future duties and functions ordinarily
34 performed by employees of authorized entities to a contracting entity.

35 (b) At least one year prior to the beginning of the procurement proc-
36 ess for new zero-emission buses, the transit authority, agency or muni-
37 cipality shall create and implement a workforce development report that
38 (i) forecasts the number of jobs provided by existing omnibuses, rolling
39 stock, vehicles or equipment that would be eliminated or substantially
40 changed after the purchase, as well as the number of jobs expected to be
41 created at the transit provider by the proposed purchase over a six-year
42 period from the date of the publication of the workforce development
43 report, (ii) identifies gaps in skills needed to operate and maintain
44 the new zero-emission buses, rolling stock, vehicles or related equip-
45 ment, (iii) includes a comprehensive plan to transition, train, or
46 retrain employees that are impacted by the proposed purchase, and (iv)
47 contains an estimated budget to transition, train, or retrain employees
48 that are impacted by the proposed purchase.

49 (c) Nothing contained herein shall be construed to affect (i) the
50 existing rights of employees pursuant to an existing collective bargain-
51 ing agreement, or (ii) the existing representational relationships among
52 employee organizations or the bargaining relationships between the
53 employer and an employee organization. Prior to beginning the procure-
54 ment process for new zero-emission buses, rolling stock, vehicles or
55 related equipment, the transit authority, agency or municipality shall
56 inform the respective collective bargaining agent of any potential jobs

1 that may be affected, altered, or eliminated as a result of the
2 purchase, and it shall be a mandatory subject for collective bargaining.

3 4. (a) Beginning in two thousand twenty-eight and every five years
4 thereafter until a public transportation system has transitioned entire-
5 ly to using zero-emission buses, every public transportation system
6 covered pursuant to this section shall submit to the department a tran-
7 sition plan for complying with the two thousand twenty-nine procurement
8 requirement and for transitioning to zero-emission buses. Such plan
9 shall include without limitation:

10 (i) A list or report of the policies and practices to comply with the
11 two thousand twenty-nine requirement to procure only zero-emission buses
12 and a goal to fully transition to zero-emission fleets by two thousand
13 forty, including other relevant procurement targets and performance
14 metrics, including without limitation an interim goal of converting to
15 fifty percent zero-emission buses by two thousand thirty-five.

16 (ii) Identification of barriers, constraints, and risks to one hundred
17 percent transition based on a public transportation system's specific
18 routes and unique circumstances, and strategies to address those issues.

19 (iii) Identification of the types of buses a public transportation
20 system plans to deploy, and a schedule of zero-emission and combustion
21 bus purchase and lease options, and zero-emission bus retrofits if
22 applicable.

23 (iv) A schedule for the construction of facilities and infrastructure
24 modifications or upgrades, including but not limited to charging, fuel-
25 ing, and maintenance facilities, needed to support the deployment of
26 zero-emission buses.

27 (v) An outreach plan to coordinate with other relevant stakeholders,
28 including utilities, local governments, and bus riders.

29 (vi) A plan to prioritize zero-emission bus deployments in or near
30 disadvantaged communities, defined in article seventy-five of the envi-
31 ronmental conservation law.

32 (vii) A training plan and schedule for bus operators, maintenance and
33 repair staff, which may be incorporated into a workforce development
34 report required pursuant to this section, section twenty-eight hundred
35 seventy-eight-a of the public authorities law, and section one hundred
36 four of the general municipal law.

37 (viii) Cost estimates to implement the zero-emission bus transition,
38 and identification of existing funding sources available that could be
39 used to transition to one hundred percent zero-emission buses.

40 (ix) An analysis of specific strategies, constraints, and needs
41 related to the procurement of zero-emission buses for paratransit oper-
42 ations and, if relevant, intercity bus service or bus service that is
43 intended to satisfy longer distance travel demand between cities,
44 villages and unincorporated urban places.

45 (x) Identification of fuel sources used to fuel hydrogen fuel cell
46 buses, and a plan to ensure all hydrogen fuel cell zero-emission buses
47 will use hydrogen derived from zero-emission electricity by two thousand
48 thirty-five.

49 (b) (i) To effectuate the purposes of this section, public transpor-
50 tation systems may request and shall receive from any department, divi-
51 sion, board, bureau, commission or other agency of the state or any
52 public authority such technical assistance, information and data as will
53 enable them to properly carry out its powers and duties pursuant to this
54 section.

1 (ii) Provided additionally that public transportation systems shall
2 consult with the department and with the New York state energy research
3 and development authority in developing their transition plans.

4 (iii) The department, in consultation with the New York state energy
5 research and development authority pursuant to sections eighteen hundred
6 fifty-four and eighteen hundred eighty-four of the public authorities
7 law and any other relevant sections, shall provide technical assistance
8 to public transportation systems upon request, and shall provide assist-
9 ance to public transportation systems upon request for assistance in
10 pursuing state and federal grant and other funding opportunities. The
11 department shall also facilitate the coordination of purchasing, instal-
12 lation and sharing services between public transportation systems serv-
13 ing primarily outside of cities with a population of one million or
14 more.

15 (c) Public transportation systems shall solicit public comment in
16 developing transition plans, and are authorized to hold public hearings
17 and meetings in accordance with article seven of the public officers
18 law, and consult with any organization, educational institution, or
19 other government entity or person, to enable them to accomplish their
20 duties.

21 (d) The department shall publish transition plans on their publicly
22 accessible website within thirty days of the plans being finalized with
23 the department.

24 § 2. The transportation law is amended by adding a new section 18-c to
25 read as follows:

26 § 18-c. Capital plan requirements. In formulating the five-year
27 department of transportation capital plans, the department shall: (a)
28 consider the requirement of section seventeen-c of this article in its
29 disbursement of payment for the costs of mass transportation capital
30 projects and facilities and give preference in the form of payments to
31 public transportation systems eligible to receive operating assistance
32 under the provisions of section eighteen-b of this article that are able
33 to demonstrate commitments made towards purchasing and retrofitting
34 zero-emission buses and related equipment and facilities; and (b) facil-
35 itate for purposes of meeting the requirement of section seventeen-c of
36 this article the coordination of purchasing, installation and sharing
37 services between public transportation systems serving primarily outside
38 the city of New York.

39 § 3. Section 2878-a of the public authorities law is amended by adding
40 a new subdivision 3 to read as follows:

41 3. (a) A transportation authority established under this chapter may,
42 by resolution approved by a two-thirds vote of its members then in
43 office, or by a declaration that competitive bidding is impractical or
44 inappropriate with respect to electric-powered omnibuses, rolling stock,
45 vehicles or other related equipment because the item is available
46 through an existing contract between a vendor and (i) another public
47 authority provided that such other authority utilized a process of
48 competitive bidding or a process of competitive requests for proposals
49 to award such contracts, or (ii) the state of New York, or (iii) a poli-
50 tical subdivision of the state of New York, provided that in any case
51 when under this subdivision the authority determines that obtaining such
52 item thereby would be in the public interest and sets forth the reasons
53 for such determination. The authority shall accept sole responsibility
54 for any payment due the vendor as a result of the authority's order. In
55 each case where the authority declares competitive bidding impractical
56 or inappropriate, it shall state the reason therefor in writing and

1 summarize any negotiations that have been conducted. The authority shall
2 not award any contract pursuant to this subdivision earlier than thirty
3 days from the date on which the authority declares that competitive
4 bidding is impractical or inappropriate. All procurements approved
5 pursuant to this subdivision shall be subject to audit and inspection by
6 the department of audit and control or any successor agencies. For
7 purposes of this subdivision, "transportation authority" shall not
8 include transportation authorities governed under titles nine, nine-A
9 and eleven of article five of this chapter or title three of article
10 three of this chapter. For the purposes of this subdivision, "electric-
11 powered omnibuses" shall include any bus owned, leased, rented or other-
12 wise controlled by the authority that otherwise meets the definition of
13 bus provided in section five hundred nine-a of the vehicle and traffic
14 law that is propelled by an electric motor and associated power elec-
15 tronics which provide acceleration torque to the drive wheels during
16 normal vehicle operation and draws electricity from a hydrogen fuel cell
17 or from a battery which is capable of being recharged from an external
18 source of electricity; or otherwise operates without direct emission of
19 atmospheric pollutants.

20 (b) (i) Notwithstanding any provision of law to the contrary, all
21 rights or benefits, including terms and conditions of employment, and
22 protection of civil service and collective bargaining status of all
23 existing employees of authorized entities shall be preserved and
24 protected. Nothing in this section shall result in the: (1) displacement
25 of any currently employed worker or loss of position, including partial
26 displacement such as a reduction in the hours of non-overtime work,
27 wages, or employment benefits, or result in the impairment of existing
28 collective bargaining agreements; (2) transfer of existing duties and
29 functions related to maintenance and operations currently performed by
30 existing employees of authorized entities to a contracting entity; or
31 (3) transfer of future duties and functions ordinarily performed by
32 employees of authorized entities to a contracting entity.

33 (ii) At least one year prior to the beginning of the procurement proc-
34 ess for new electric-powered omnibuses, rolling stock, vehicles or
35 related equipment, the authority shall create and implement a workforce
36 development report that (1) forecasts the number of jobs provided by
37 existing omnibuses, rolling stock, vehicles or equipment that would be
38 eliminated or substantially changed after the purchase, as well as the
39 number of jobs expected to be created at the authority by the proposed
40 purchase over a six-year period from the date of the publication of the
41 workforce development report, (2) identifies gaps in skills needed to
42 operate and maintain the new electric-powered omnibuses, rolling stock,
43 vehicles or related equipment, (3) includes a comprehensive plan to
44 transition, train, or retrain employees that are impacted by the
45 proposed purchase, and (4) contains an estimated budget to transition,
46 train, or retrain employees that are impacted by the proposed purchase.

47 (c) Nothing contained herein shall be construed to affect (i) the
48 existing rights of employees pursuant to an existing collective bargain-
49 ing agreement, or (ii) the existing representational relationships among
50 employee organizations or the bargaining relationships between the
51 employer and an employee organization. Prior to beginning the procure-
52 ment process for new electric-powered omnibuses, rolling stock, vehicles
53 or related equipment, the transit agency or municipality shall inform
54 the respective collective bargaining agent of any potential jobs that
55 may be affected, altered, or eliminated as a result of the purchase, and
56 it shall be a mandatory subject for collective bargaining.

§ 4. Section 104 of the general municipal law is amended by adding a new subdivision 3 to read as follows:

3. (a) Notwithstanding the provisions of section one hundred three of this article or of any other general, special or local law, any chief executive officer of a political subdivision or agency which operates a public transportation system is authorized to make purchases of electric-powered omnibuses or other related equipment upon a resolution approved by a two-thirds vote of its board then in office because the item is available through an existing contract between a vendor and (i) a public authority of the state provided that such other authority utilized a process of competitive bidding or a process of competitive requests for proposals to award such contracts, or (ii) the state of New York, or (iii) a political subdivision of the state of New York, provided that in any case when under this subdivision the political subdivision determines that obtaining such item thereby would be in the public interest and sets forth the reasons for such determination. The political subdivision shall not award any contract pursuant to this subdivision earlier than thirty days from the date on which the political subdivision declares that competitive bidding is impractical or inappropriate. All purchases shall be subject to audit and inspection by the political subdivision for which made, in addition to the department of audit and control of New York state. For purposes of this subdivision, "political subdivision or agency which operates a public transportation system" shall not include transportation authorities governed under titles nine, nine-A and eleven of article five of the public authorities law or title three of article three of the public authorities law. For the purposes of this subdivision, "electric-powered omnibuses" shall include any bus owned, leased, rented or otherwise controlled by the political subdivision that otherwise meets the definition of bus provided in section five hundred nine-a of the vehicle and traffic law that is propelled by an electric motor and associated power electronics which provide acceleration torque to the drive wheels during normal vehicle operation and draws electricity from a hydrogen fuel cell or from a battery which is capable of being recharged from an external source of electricity; or otherwise operates without direct emission of atmospheric pollutants.

(b) (i) Notwithstanding any provision of law to the contrary, all rights or benefits, including terms and conditions of employment, and protection of civil service and collective bargaining status of all existing employees of authorized entities shall be preserved and protected. Nothing in this section shall result in the: (1) displacement of any currently employed worker or loss of position, including partial displacement such as a reduction in the hours of non-overtime work, wages, or employment benefits, or result in the impairment of existing collective bargaining agreements; (2) transfer of existing duties and functions related to maintenance and operations currently performed by existing employees of authorized entities to a contracting entity; or (3) transfer of future duties and functions ordinarily performed by employees of authorized entities to a contracting entity.

(ii) At least one year prior to the beginning of the procurement process for new electric-powered omnibuses, rolling stock, vehicles or related equipment, the transit agency or municipality shall create and implement a workforce development report that (1) forecasts the number of jobs provided by existing omnibuses, rolling stock, vehicles or equipment that would be eliminated or substantially changed after the purchase, as well as the number of jobs expected to be created at the

1 transit provider by the proposed purchase over a six-year period from
2 the date of the publication of the workforce development report, (2)
3 identifies gaps in skills needed to operate and maintain the new elec-
4 tric-powered omnibuses, rolling stock, vehicles or related equipment,
5 (3) includes a comprehensive plan to transition, train, or retrain
6 employees that are impacted by the proposed purchase, and (4) contains
7 an estimated budget to transition, train, or retrain employees that are
8 impacted by the proposed purchase.

9 (c) Nothing contained herein shall be construed to affect (i) the
10 existing rights of employees pursuant to an existing collective bargain-
11 ing agreement, or (ii) the existing representational relationships among
12 employee organizations or the bargaining relationships between the
13 employer and an employee organization. Prior to beginning the procure-
14 ment process for new electric-powered omnibuses, rolling stock, vehicles
15 or related equipment, the transit agency or municipality shall inform
16 the respective collective bargaining agent of any potential jobs that
17 may be affected, altered, or eliminated as a result of the purchase, and
18 it shall be a mandatory subject for collective bargaining.

19 § 5. Section 104 of the general municipal law, as amended by section
20 27 of part L of chapter 55 of the laws of 2012, is amended to read as
21 follows:

22 § 104. Purchase through office of general services. 1. Notwithstanding
23 the provisions of section one hundred three of this article or of any
24 other general, special or local law, any officer, board or agency of a
25 political subdivision, of a district therein, of a fire company or of a
26 voluntary ambulance service is authorized to make purchases of commod-
27 ities and services available pursuant to section one hundred sixty-three
28 of the state finance law, may make such purchases through the office of
29 general services subject to such rules as may be established from time
30 to time pursuant to section one hundred sixty-three of the state finance
31 law or through the general services administration pursuant to section
32 1555 of the federal acquisition streamlining act of 1994, P.L. 103-355;
33 provided that any such purchase shall exceed five hundred dollars and
34 that the political subdivision, district, fire company or voluntary
35 ambulance service for which such officer, board or agency acts shall
36 accept sole responsibility for any payment due the vendor. All purchases
37 shall be subject to audit and inspection by the political subdivision,
38 district, fire company or voluntary ambulance service for which made. No
39 officer, board or agency of a political subdivision, or a district ther-
40 ein, of a fire company or of a voluntary ambulance service shall make
41 any purchase through such office when bids have been received for such
42 purchase by such officer, board or agency, unless such purchase may be
43 made upon the same terms, conditions and specifications at a lower price
44 through such office. Two or more fire companies or voluntary ambulance
45 services may join in making purchases pursuant to this section, and for
46 the purposes of this section such groups shall be deemed "fire companies
47 or voluntary ambulance services."

48 2. (a) Notwithstanding the provisions of section one hundred three of
49 this article or of any other general, special or local law, any chief
50 executive officer of a political subdivision or agency which operates a
51 public transportation system is authorized to make purchases of elec-
52 tric-powered omnibuses or other related equipment upon a resolution
53 approved by a two-thirds vote of its board then in office because the
54 item is available through an existing contract between a vendor and (a)
55 a public authority of the state provided that such other authority
56 utilized a process of competitive bidding or a process of competitive

1 requests for proposals to award such contracts, or (b) the state of New
2 York, or (c) a political subdivision of the state of New York, provided
3 that in any case when under this subdivision the political subdivision
4 determines that obtaining such item thereby would be in the public
5 interest and sets forth the reasons for such determination. The poli-
6 tical subdivision shall not award any contract pursuant to this subdivi-
7 sion earlier than thirty days from the date on which the political
8 subdivision declares that competitive bidding is impractical or inappro-
9 priate. All purchases shall be subject to audit and inspection by the
10 political subdivision for which made, in addition to the department of
11 audit and control of New York state. For purposes of this subdivision,
12 "political subdivision or agency which operates a public transportation
13 system" shall not include transportation authorities governed under
14 titles nine, nine-A and eleven of article five of the public authorities
15 law or title three of article three of the public authorities law. For
16 the purposes of this subdivision, "electric-powered omnibuses" shall
17 include any bus owned, leased, rented or otherwise controlled by the
18 political subdivision that otherwise meets the definition of bus
19 provided in section five hundred nine-a of the vehicle and traffic law
20 that is propelled by an electric motor and associated power electronics
21 which provide acceleration torque to the drive wheels during normal
22 vehicle operation and draws electricity from a hydrogen fuel cell or
23 from a battery which is capable of being recharged from an external
24 source of electricity; or otherwise operates without direct emission of
25 atmospheric pollutants.

26 (b) (i) Notwithstanding any provision of law to the contrary, all
27 rights or benefits, including terms and conditions of employment, and
28 protection of civil service and collective bargaining status of all
29 existing employees of authorized entities shall be preserved and
30 protected. Nothing in this section shall result in the: (1) displacement
31 of any currently employed worker or loss of position, including
32 partial displacement such as a reduction in the hours of non-overtime
33 work, wages, or employment benefits, or result in the impairment of
34 existing collective bargaining agreements; (2) transfer of existing
35 duties and functions related to maintenance and operations currently
36 performed by existing employees of authorized entities to a contracting
37 entity; or (3) transfer of future duties and functions ordinarily
38 performed by employees of authorized entities to a contracting entity.

39 (ii) At least one year prior to the beginning of the procurement proc-
40 ess for new electric-powered omnibuses, rolling stock, vehicles or
41 related equipment, the transit agency or municipality shall create and
42 implement a workforce development report that (1) forecasts the number
43 of jobs provided by existing omnibuses, rolling stock, vehicles or
44 equipment that would be eliminated or substantially changed after the
45 purchase, as well as the number of jobs expected to be created at the
46 transit provider by the proposed purchase over a six-year period from
47 the date of the publication of the workforce development report, (2)
48 identifies gaps in skills needed to operate and maintain the new elec-
49 tric-powered omnibuses, rolling stock, vehicles or related equipment,
50 (3) includes a comprehensive plan to transition, train, or retrain
51 employees that are impacted by the proposed purchase, and (4) contains
52 an estimated budget to transition, train, or retrain employees that are
53 impacted by the proposed purchase.

54 (c) Nothing contained herein shall be construed to affect (i) the
55 existing rights of employees pursuant to an existing collective bargain-
56 ing agreement, or (ii) the existing representational relationships among

1 employee organizations or the bargaining relationships between the
2 employer and an employee organization. Prior to beginning the procure-
3 ment process for new electric-powered omnibuses, rolling stock, vehicles
4 or related equipment, the transit agency or municipality shall inform
5 the respective collective bargaining agent of any potential jobs that
6 may be affected, altered, or eliminated as a result of the purchase, and
7 it shall be a mandatory subject for collective bargaining.

8 § 6. The transportation law is amended by adding a new section 18-d to
9 read as follows:

10 § 18-d. Zero-emission bus procurement contract proposals. 1. Every
11 public transportation system eligible to receive operating assistance
12 pursuant to section eighteen-b of this article shall use a system that
13 incorporates a best-value contracting framework to consider the quality,
14 cost and efficiency of offerors when evaluating procurement contract
15 proposals for the purchase of zero-emission buses and charging equipment
16 in the event it adopts a best-value contracting framework. Such frame-
17 work shall reflect, whenever possible, objective and quantifiable analy-
18 sis. Such framework shall identify a quantitative factor for offerors
19 that prioritize and include the following in such procurement contract
20 proposal:

21 (a) an employment plan which shall include but not be limited to:

22 (i) worker wages, including the contractor's record of compliance with
23 prevailing wage requirements enforced by the United States or New York
24 state department of labor;

25 (ii) worker benefits;

26 (iii) worker safety;

27 (iv) training, retraining, and registered apprenticeship programs; and

28 (v) a commitment to create high quality jobs within the state to the
29 maximum extent practicable for disadvantaged or underrepresented indi-
30 viduals;

31 (b) a commitment to consider the interests of members of the community
32 that surround such offeror's facility and the interests of members of
33 the community from which workers are recruited; and

34 (c) a description of efforts by the offeror to lower greenhouse gas
35 emissions and such offeror's impact on climate change.

36 2. The framework established by subdivision one of this section shall
37 include notice to offerors stating that:

38 (a) the terms and conditions of employment, content of employment
39 plans and reports required by this section shall be subject to disclo-
40 sure under the Freedom of Information Law; and

41 (b) the final contract and compliance documents shall be made avail-
42 able to the public on the department's website.

43 3. For purposes of this section "zero-emission bus" shall have the
44 same meaning as set forth in subdivision two of section seventeen-c of
45 this article.

46 4. Public transportation systems shall coordinate with the department
47 to ensure compliance with section one hundred thirty-nine-i of the state
48 finance law.

49 5. (a) The department shall promulgate regulations to establish the
50 forms, manner and process by which offerors shall submit contract
51 proposals pursuant to this section. Such regulations shall include
52 requirements to demonstrate details of such offerors' employment plan
53 and compliance with this section, including without limitation requiring
54 applicants for contracts using federal funds to complete a United States
55 Jobs Plan form in compliance with Sections 200.319(c) and 200.322 of
56 Title 2 of the Code of Federal Regulations. Such regulations shall not

1 require any minimum commitments other than those already required by
2 relevant federal, state, and local laws.

3 (b) The United States Jobs Plan shall include without limitation the
4 following information on the offeror's proposed job creation and
5 retention projections with respect to the contract proposal:

6 (i) The number of full-time non-temporary jobs proposed to be retained
7 and created.

8 (ii) The number of full-time temporary jobs proposed to be retained
9 and created.

10 (iii) The number of part-time temporary jobs proposed to be retained
11 and created.

12 (iv) The number of part-time non-temporary jobs proposed to be
13 retained and created.

14 (v) The number of jobs classified as employee, as defined in section
15 seven hundred forty of the labor law.

16 (vi) The number of positions classified as independent contractor,
17 which may not include any jobs classified as employees.

18 (vii) The number of all jobs proposed to be retained or created for
19 individuals facing barriers to employment.

20 (viii) The number of all jobs proposed to be retained or created for
21 displaced workers.

22 (ix) The wage levels by job classification.

23 (x) Proposed amounts to be paid for fringe benefits by job classifica-
24 tion.

25 (xi) Proposed amounts to be paid for worker training by job classi-
26 fication.

27 (xii) Information on training programs targeted specifically toward
28 individuals facing barriers to employment and displaced workers.

29 (xiii) In the event that a federal authority specifically authorizes
30 use of a geographic preference or when state or local funds are used to
31 fund a contract, proposed local jobs created in the state or within an
32 existing facility in the state that are related to the manufacturing of
33 zero-emission buses and charging infrastructure.

34 (c) For the purposes of this section, the following terms shall have
35 the following meanings:

36 (i) "Displaced worker" means:

37 (1) Any employee who was employed by the employer for six months or
38 more in the twelve months preceding the January thirty-first, two thou-
39 sand twenty, declaration of a national state of emergency by the Presi-
40 dent, and whose most recent separation from active service was due to a
41 public health directive, government shutdown order, lack of business, a
42 reduction in force, or other economic, nondisciplinary reason related to
43 the COVID-19 pandemic.

44 (2) Any employee whose most recent separation from active service was
45 due to lack of business, a reduction in force, or other economic,
46 nondisciplinary reason related to the transition from the fossil-fuel
47 reliant buses to zero-emission buses.

48 (ii) "Individual facing barriers to employment" means either of the
49 following:

50 (1) An individual facing barriers to employment as defined by the
51 commissioner or, otherwise

52 (2) An individual from a demographic group that represents less than
53 thirty percent of their relevant industry workforce according to the
54 United States Bureau of Labor Statistics.

55 (iii) "New hire" means an employee whose first day of employment will
56 be on or after the date the contract begins.

1 (iv) "Incumbent worker" means current employees, either non-temporary
2 or temporary full-time employee, who will be retained and assigned to
3 perform work in furtherance of the contract.

4 (v) "Temporary job" means a job for which the employee is supplied by
5 an employment agency, as defined in article eleven of the general busi-
6 ness law.

7 (d) (i) The department shall create a workbook that includes without
8 limitation the items listed in paragraph (b) of this subdivision in
9 order to ensure that all impacted transit agencies have a standard and
10 consistent method to evaluate the bid proposals and quantitative commit-
11 ments made in the United States Jobs Plans and relevant local hiring
12 addenda. The department shall also utilize an internal accounting system
13 allowing for segregating and auditing of workers' hours and costs such
14 as those of new hires and incumbent workers pursuant to employment plan
15 commitments.

16 (ii) The departmental workbook shall also account for proposed
17 in-state facility commitments related to manufacturing of zero-emission
18 buses and charging infrastructure. The workbook shall include a method
19 to evaluate: (1) the activity performed at the facility; (2) if the
20 facility is constructed or rehabilitated to manufacture zero-emission
21 buses or charging infrastructure; (3) NAICS code associated with the
22 facility's primary industrial activities; (4) if the site is located in
23 a brownfield location; (5) if the facility is leased or purchased; and
24 (6) any other fees or costs associated with the proposed facility.

25 6. In the first full year in which a public transportation system
26 enters into a contract for the procurement of zero-emission buses, such
27 public transportation system shall issue a report on or before the
28 beginning of each fiscal quarter to the commissioner. On or before
29 December thirty-first of each year thereafter, such public transporta-
30 tion system shall issue a report to the commissioner, the governor, the
31 temporary president of the senate, the minority leader of the senate,
32 the speaker of the assembly, the minority leader of the assembly. Such
33 reports shall detail compliance with the provisions of this section by
34 such public transportation system, detail compliance with the provisions
35 of this section by relevant contracting entities and shall include
36 descriptions of factors considered in evaluating procurement contract
37 proposals.

38 § 7. Severability. The provisions of this act shall be severable, and
39 if the application of any clause, sentence, paragraph, subdivision,
40 section or part of this act to any person or circumstance shall be
41 adjudged by any court of competent jurisdiction to be invalid, such
42 judgment shall not necessarily affect, impair or invalidate the applica-
43 tion of any such clause, sentence, paragraph, subdivision, section or
44 part of this act or remainder thereof, as the case may be, to any other
45 person or circumstance, but shall be confined in its operation to the
46 clause, sentence, paragraph, subdivision, section or part thereof
47 directly involved in the controversy in which such judgment shall have
48 been rendered.

49 § 8. This act shall take effect immediately, provided, however, that
50 sections six and seven of this act shall take effect on the ninetieth
51 day after it shall have become a law; provided, further, that the amend-
52 ments to section 104 of the general municipal law made by section four
53 of this act shall be subject to the expiration and reversion of such
54 section pursuant to section 9 of subpart A of part C of chapter 97 of
55 the laws of 2011, as amended, when upon such date the provisions of
56 section five of this act shall take effect. Effective immediately, the

1 addition, amendment and/or repeal of any rule or regulation necessary
2 for the implementation of this act on its effective date are authorized
3 to be made and completed on or before such effective date.

4 SUBPART C

5 Section 1. Section 201-a of the executive law is amended by adding a
6 new subdivision 10 to read as follows:

7 10. The office of general services shall, on or before December thir-
8 ty-first, two thousand twenty-two, prepare, in consultation with the
9 department of environmental conservation and the New York state energy
10 research and development authority, a state fleet procurement plan for
11 purchase or lease of state agency vehicles to ensure that (i) at least
12 twenty-five percent of state agency vehicles, including ten percent of
13 state agency medium and heavy duty vehicles, will be zero-emission vehi-
14 cles by no later than December thirty-first, two thousand twenty-five
15 and (ii) at least fifty percent of state agency vehicles, including
16 twenty-five percent of state agency medium and heavy duty vehicles, will
17 be zero-emission vehicles by no later than December thirty-first, two
18 thousand thirty. All state agency passenger vehicles shall be zero-emis-
19 sion vehicles by no later than December thirty-first, two thousand thir-
20 ty-five, and all state agency medium and heavy duty vehicles shall be
21 zero-emission vehicles by no later than December thirty-first, two thou-
22 sand forty, unless a zero-emission vehicle is not feasible for a partic-
23 ular application. By January first, two thousand thirty, all passenger
24 vehicles purchased by or for the state or any agency or public authority
25 thereof shall be zero-emission vehicles. By January first, two thousand
26 thirty-five, all medium and heavy duty vehicles purchased by or for the
27 state or any agency or public authority thereof shall be zero-emission
28 vehicles where feasible. For purposes of this subdivision, "zero-emis-
29 sion vehicle" shall mean a vehicle powered by means of a battery or fuel
30 cell or a combination thereof, or another source of power, that produces
31 zero exhaust emissions of any greenhouse gas, criteria pollutant or
32 precursor pollutant under any and all possible operational modes and
33 conditions.

34 § 2. Section 1854 of the public authorities law is amended by adding a
35 new subdivision 22 to read as follows:

36 22. To administer a program to provide technical assistance to school
37 districts, school bus fleet operators and public transportation systems
38 on managing zero-emission vehicle fleets and the charging or fueling
39 infrastructure for such zero-emission vehicle fleets.

40 § 3. The public authorities law is amended by adding a new section
41 1884 to read as follows:

42 § 1884. Zero-emission bus roadmap. 1. The authority, in consultation
43 with the department of public service and the department of transporta-
44 tion, shall create a zero-emission transit and school bus roadmap for
45 the state which shall identify the actions needed to meet the fleet
46 sales and conversion targets established in section thirty-six hundred
47 thirty-eight of the education law and section seventeen-c of the trans-
48 portation law. The roadmap shall include but not be limited to (a)
49 financial and technical guidance related to the purchasing, retrofit-
50 ting, operation, and maintenance of zero-emission buses, (b) an iden-
51 tification and siting plan for charging and fueling infrastructure, (c)
52 an identification of the necessary investments in the electric trans-
53 mission and distribution grid, (d) an identification of how to ensure
54 related facility upgrades are coordinated to maximize the cost effec-

1 tiveness and overall system reliability, (e) the available federal,
2 state, and local funding to purchase or lease zero-emission buses or
3 convert existing buses to zero-emissions, (f) an identification of new
4 incentives and programs to advance the deployment and adoption of zero-
5 emission buses and (g) streamlining actions to facilitate the conversion
6 of transit and school bus fleets.

7 2. The authority shall convene a technical advisory group made up of
8 diverse stakeholders to provide the authority with relevant technical,
9 policy, and market expertise. The authority shall further develop a
10 stakeholder engagement process to solicit feedback on the roadmap and
11 raise consumer awareness and education across the state.

12 3. The authority shall report its findings and any recommendations to
13 the governor, the temporary president of the senate, and the speaker of
14 the assembly no later than one year after the effective date of this
15 section. The roadmap shall be updated every three years and made
16 publicly available on the authority's website.

17 § 4. This act shall take effect immediately.

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

27 § 3. This act shall take effect immediately provided, however, that
28 the applicable effective date of Subparts A through C of this act shall
29 be as specifically set forth in the last section of such Subparts.

30 PART C

31 Intentionally Omitted

32 PART D

33 Section 1. Subparagraph 4-b of paragraph h of subdivision 2 of section
34 355 of the education law, as added by section 1 of part GG of chapter 56
35 of the laws of 2021, is amended to read as follows:

36 (4-b) [~~(i)~~] In state fiscal year two thousand twenty-two--two thousand
37 twenty-three and thereafter, the state shall appropriate and make avail-
38 able general fund operating support in the amount of [~~thirty-three~~
39 ~~percent of~~] the tuition credit calculated pursuant to section six
40 hundred eighty-nine-a of this chapter [~~for the two thousand twenty-two-~~
41 ~~two thousand twenty-three academic year.~~

42 [~~(ii) In state fiscal year two thousand twenty-three two thousand~~
43 ~~twenty-four, the state shall appropriate and make available general fund~~
44 ~~operating support in the amount of sixty-seven percent of the tuition~~
45 ~~credit calculated pursuant to section six hundred eighty-nine-a of this~~
46 ~~chapter for the two thousand twenty-three--two thousand twenty-four~~
47 ~~academic year.~~

48 [~~(iii) Beginning in state fiscal year two thousand twenty-four two~~
49 ~~thousand twenty-five and thereafter, the state shall appropriate and~~
50 ~~make available general fund operating support in the amount of the~~

~~tuition credit calculated pursuant to section six hundred eighty-nine-a of this chapter~~ annually.

§ 2. Paragraph (f) of subdivision 7 of section 6206 of the education law, as added by section 2 of part GG of chapter 56 of the laws of 2021, is amended to read as follows:

(f) ~~[(i)]~~ In state fiscal year two thousand twenty-two--two thousand twenty-three and thereafter, the state shall appropriate and make available general fund operating support in the amount of ~~[thirty-three percent of]~~ the tuition credit calculated pursuant to section six hundred eighty-nine-a of this chapter ~~[for the two thousand twenty-two--two thousand twenty-three academic year.~~

~~[(ii)] In state fiscal year two thousand twenty-three two thousand twenty-four, the state shall appropriate and make available general fund operating support in the amount of sixty-seven percent of the tuition credit calculated pursuant to section six hundred eighty-nine-a of this chapter for the two thousand twenty-three two thousand twenty-four academic year.~~

~~[(iii)] Beginning in state fiscal year two thousand twenty-four two thousand twenty-five and thereafter, the state shall appropriate and make available general fund operating support in the amount of the tuition credit calculated pursuant to section six hundred eighty-nine-a of this chapter~~ annually.

§ 3. This act shall take effect immediately.

PART E

Section 1. Section 667-c of the education law, as added by section 1 of part N of chapter 58 of the laws of 2006, is amended to read as follows:

§ 667-c. Part-time tuition assistance program awards. 1. Notwithstanding any law, rule or regulation to the contrary, the president of the higher education services corporation is authorized to make tuition assistance program awards to:

a. part-time students enrolled at the state university, a community college, the city university of New York, and a non-profit college or university incorporated by the regents or by the legislature who meet all requirements for tuition assistance program awards except for the students' part-time attendance; or

b. students enrolled part-time at a community college in a non-degree workforce credential program approved by the New York state empire state development corporation and the New York state regional economic development councils based on an analysis of regional industry trends, workforce needs and existing program offerings.

2. For purposes of this section~~[, a part-time student is one who]~~:

a. for students defined in paragraph a of subdivision one of this section, a part-time student is one who: (i) enrolled as a first-time freshman during the two thousand six--two thousand seven academic year or thereafter at a college or university within the state university, including a statutory or contract college, a community college established pursuant to article one hundred twenty-six of this chapter, the city university of New York, or a non-profit college or university incorporated by the regents or by the legislature;

~~[b. has earned at least twelve credits in each of two consecutive semesters at one of the institutions named in paragraph a of this subdivision by the time of the awards;~~

~~c-~~ (ii) is enrolled for at least six but less than twelve semester hours, or the equivalent, per semester in an approved undergraduate degree program; and

~~d-~~ (iii) has a cumulative grade-point average of at least 2.00.

b. for students defined in paragraph b of subdivision one of this section, a part-time student is one who: (i) meets all requirements for tuition assistance program awards except for the student's part-time attendance and any other requirements that are inconsistent with the student's enrollment in a non-degree program; and

(ii) is enrolled in an approved non-degree workforce credential program at a community college established pursuant to article one hundred twenty-six of this chapter.

3. a. For part-time students defined in this section, the award shall be calculated as provided in section six hundred sixty-seven of this article and shall be in an amount equal to the enrollment factor percent of the award the student would have been eligible for if the student were enrolled full-time. ~~The~~ For part-time students defined in paragraph a of subdivision one of this section, the enrollment factor percent is the percentage obtained by dividing the number of credits the student is enrolled in, as certified by the school, by the number of credits required for full-time study in the semester, quarter or term as defined by the commissioner. For part-time students defined in paragraph b of subdivision one of this section, the enrollment factor shall be calculated pursuant to regulations established by the higher education services corporation.

b. ~~Any~~ (i) For part-time students defined in paragraph a of subdivision one of this section, any semester, quarter or term of attendance during which a student receives an award pursuant to this section shall be counted as the enrollment factor percent of a semester, quarter or term toward the maximum term of eligibility for tuition assistance awards pursuant to section six hundred sixty-seven of this article. The total period of study for which payment may be made shall not exceed the equivalent of the maximum period authorized for that award.

(ii) For part-time students as defined in paragraph b of subdivision one of this section, the total period of study for which payment may be made shall not exceed the equivalent of the maximum period authorized for the non-degree workforce credential program.

§ 2. This act shall take effect immediately.

PART F

Section 1. Subparagraph (v) of paragraph b-1 of subdivision 4 of section 661 of the education law is REPEALED.

§ 2. Subparagraphs (iii) and (iv) of paragraph b-1 of subdivision 4 of section 661 of the education law, as added by section 1 of part Z of chapter 58 of the laws of 2011, are amended to read as follows:

(iii) does not maintain good academic standing pursuant to paragraph c of subdivision six of section six hundred sixty-five of this subpart, and if there is no applicable existing academic standards schedule pursuant to such subdivision, then such recipient shall be placed on the academic standards schedule applicable to students enrolled in a four-year or five-year undergraduate program; or

(iv) is in default in the repayment of any state or federal student loan, has failed to comply with the terms of any service condition imposed by an academic performance award made pursuant to this article, or has failed to make a refund of any award~~[-or]~~.

§ 3. Paragraph d of subdivision 6 of section 661 of the education law is REPEALED.

§ 4. This act shall take effect immediately.

PART G

Section 1. Subdivision 2 of section 669-h of the education law, as amended by section 1 of part G of chapter 56 of the laws of 2021, is amended to read as follows:

2. Amount. Within amounts appropriated therefor and based on availability of funds, awards shall be granted beginning with the two thousand seventeen--two thousand eighteen academic year and thereafter to applicants that the corporation has determined are eligible to receive such awards. The corporation shall grant such awards in an amount up to five thousand five hundred dollars or actual tuition, whichever is less; provided, however, (a) a student who receives educational grants and/or scholarships that cover the student's full cost of attendance shall not be eligible for an award under this program; and (b) an award under this program shall be applied to tuition after the application of payments received under the tuition assistance program pursuant to section six hundred sixty-seven of this subpart, tuition credits pursuant to section six hundred eighty-nine-a of this article, federal Pell grant pursuant to section one thousand seventy of title twenty of the United States code, et seq., and any other program that covers the cost of attendance unless exclusively for non-tuition expenses, and the award under this program shall be reduced in the amount equal to such payments, provided that the combined benefits do not exceed five thousand five hundred dollars. Upon notification of an award under this program, the institution shall defer the amount of tuition. Notwithstanding paragraph h of subdivision two of section three hundred fifty-five and paragraph (a) of subdivision seven of section six thousand two hundred six of this chapter, and any other law, rule or regulation to the contrary, the undergraduate tuition charged by the institution to recipients of an award shall not exceed the tuition rate established by the institution for the two thousand sixteen--two thousand seventeen academic year provided, however, that in the two thousand ~~twenty-three~~ twenty-two--two thousand ~~twenty-four~~ twenty-three academic year and every year thereafter, the undergraduate tuition charged by the institution to recipients of an award shall be reset to equal the tuition rate established by the institution for the forthcoming academic year, provided further that the tuition credit calculated pursuant to section six hundred eighty-nine-a of this article shall be applied toward the tuition rate charged for recipients of an award under this program. Provided further that the state university of New York and the city university of New York shall provide an additional tuition credit to students receiving an award to cover the remaining cost of tuition.

§ 2. This act shall take effect immediately.

PART H

Section 1. Subdivision 5 of section 695-b of the education law, as amended by chapter 535 of the laws of 2000, is amended to read as follows:

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

1 (b) any apprenticeship program described in section 529(c)(8) of the
2 Internal Revenue Code of 1986, as amended.

3 § 2. This act shall take effect immediately.

4 PART I

5 Intentionally Omitted

6 PART J

7 Section 1. The education law is amended by adding a new section 210-d
8 to read as follows:

9 § 210-d. Registration of curricula. 1. Notwithstanding any law, rule
10 or regulation to the contrary, any new curriculum or program of study
11 offered by any not-for-profit college or university chartered by the
12 regents or incorporated by special act of the legislature that does not
13 require a master plan amendment pursuant to section two hundred thirty-
14 seven of this part, or charter amendment pursuant to section two hundred
15 sixteen of this part, or lead to professional licensure; and that is
16 approved by the state university board of trustees, the city university
17 board of trustees, or the trustees or governing body of any other not-
18 for-profit college or university chartered by the regents which (a) has
19 maintained a physical presence in New York state for the immediately
20 preceding ten years and has been operated continuously by the same
21 governing body during the same immediately preceding ten year period and
22 (b) is accredited and has continued in accreditation by the Middle
23 States Commission on Higher Education ("MSCHE") or another institutional
24 accrediting agency recognized by the secretary of the United States
25 department of education or the department for the immediately preceding
26 ten years, shall be deemed registered with the department sixty days
27 after notification of approval by such college or university's governing
28 body and submission of a complete application for review. If within
29 sixty days of submission, the department determines the new curriculum
30 or program of study to be incomplete or insufficient, a written explana-
31 tion shall be provided to the institution. Upon curing, the new curric-
32 ulum or program of study shall be deemed registered with the department
33 thirty days after resubmission, or earlier upon the department's
34 approval.

35 2. Any not-for-profit college or university that meets the criteria
36 set forth in subdivision one of this section which has received curric-
37 ulum or program approval from the department and seeks to offer the same
38 curriculum or program in a distance learning format shall not need to
39 have such curriculum or program re-approved by the department, but shall
40 inform the department of such college's or university's intent to offer
41 such program in such format within thirty days prior to providing
42 distance learning.

43 3. If a college or university is placed on probation or has its
44 accreditation terminated by the institutional accrediting agency, such
45 college or university shall notify the regents in writing no later than
46 thirty days after receiving notice of its probationary status or loss of
47 accreditation by the institutional accrediting agency.

48 4. Any college or university which has its accreditation placed on
49 probation or terminated by the institutional accrediting agency or the
50 education department shall be subject to the commissioner's program
51 approval until it has been removed from probation or regained accredi-

1 tation by the institutional accrediting agency or the education depart-
2 ment, and shall further remain subject to such commissioner's program
3 approval until it has continued without probation for a period of not
4 less than six years.

5 5. If a college or university subject to this section intends to offer
6 or institute an additional degree or program which constitutes a
7 substantive change as defined and determined by the institutional
8 accrediting agency, then such college or university shall provide the
9 commissioner with copies of any reports or other documents filed with
10 the institutional accrediting agency as part of the institutional
11 accrediting agency's substantive change review process and shall inform
12 the commissioner when the substantive change is approved.

13 6. Any such college or university that does not satisfy all of the
14 provisions of this section shall comply with the procedures and criteria
15 established by the regents and commissioner for academic program
16 approval. Nothing in this section shall be deemed to limit the depart-
17 ment's existing authority to investigate a complaint concerning the
18 institution, or any program offered, including the authority to deregis-
19 ter the program.

20 7. The commissioner shall establish and maintain a database, accessi-
21 ble to institutions seeking curriculum or program approval, which shall
22 provide updated information on the current status of an institution's
23 submitted requests. To the extent practicable, the database shall
24 include, but is not limited to, the following information:

25 (a) acknowledgement and date of receipt of submission;
26 (b) the initial review by an office of college and university evalu-
27 ation;
28 (c) questions from the department to the specific institution and
29 receipt of answers provided by the institution in response; and
30 (d) any remarks and the final decision made by the department regard-
31 ing a curriculum's or program's approval or disapproval.

32 8. The commissioner is hereby authorized to promulgate rules and regu-
33 lations necessary for the implementation of this section.

34 § 2. This act shall take effect on the ninetieth day after it shall
35 have become a law. Effective immediately, the addition, amendment and/or
36 repeal of any rule or regulation necessary for the implementation of
37 this act on its effective date are authorized to be made and completed
38 on or before such effective date.

39 PART K

40 Section 1. Section 1503 of the business corporation law is amended by
41 adding a new paragraph (h) to read as follows:

42 (h) Any firm established for the business purpose of incorporating as
43 a professional service corporation formed to lawfully engage in the
44 practice of public accountancy, as such practice is respectively defined
45 under article one hundred forty-nine of the education law shall be
46 required to show (1) that a simple majority of the ownership of the
47 firm, in terms of financial interests, and voting rights held by the
48 firm's owners, belongs to individuals licensed to practice public
49 accountancy in some state, and (2) that all shareholders of a profes-
50 sional service corporation whose principal place of business is in this
51 state, and who are engaged in the practice of public accountancy in this
52 state, hold a valid license issued under section seventy-four hundred
53 four of the education law. For purposes of this paragraph, "financial
54 interest" means capital stock, capital accounts, capital contributions,

1 capital interest, or interest in undistributed earnings of a business
2 entity. Although firms may include non-licensee owners, the firm and
3 its owners must comply with rules promulgated by the state board of
4 regents. Notwithstanding the foregoing, a firm incorporated under this
5 section may not have non-licensee owners if the firm's name includes the
6 words "certified public accountant," or "certified public accountants,"
7 or the abbreviations "CPA" or "CPAs". Each non-licensee owner of a firm
8 that is incorporated under this section shall be a natural person who
9 actively participates in the business of the firm or its affiliated
10 entities. For purposes of this paragraph, "actively participate" means
11 to provide services to clients or to otherwise individually take part in
12 the day-to-day business or management of the firm. Such a firm shall
13 have attached to its certificate of incorporation a certificate or
14 certificates demonstrating the firm's compliance with this paragraph, in
15 lieu of the certificate or certificates required by subparagraph (ii) of
16 paragraph (b) of this section.

17 § 2. Section 1507 of the business corporation law is amended by adding
18 a new paragraph (c) to read as follows:

19 (c) Any firm established for the business purpose of incorporating as
20 a professional service corporation pursuant to paragraph (h) of section
21 fifteen hundred three of this article may issue shares to individuals
22 who are authorized by law to practice in this state the profession which
23 such corporation is authorized to practice and who are or have been
24 engaged in the practice of such profession in such corporation or a
25 predecessor entity, or who will engage in the practice of such profes-
26 sion in such corporation within thirty days of the date such shares are
27 issued and may also issue shares to employees of the corporation not
28 licensed as certified public accountants, provided that:

29 (i) at least fifty-one percent of the outstanding shares of stock of
30 the corporation are owned by certified public accountants,

31 (ii) at least fifty-one percent of the directors are certified public
32 accountants,

33 (iii) at least fifty-one percent of the officers are certified public
34 accountants,

35 (iv) the president, the chairperson of the board of directors and the
36 chief executive officer or officers are certified public accountants.
37 No shareholder of a firm established for the business purpose of incor-
38 porating as a professional service corporation pursuant to paragraph (h)
39 of section fifteen hundred three of this article shall enter into a
40 voting trust agreement, proxy or any other type of agreement vesting in
41 another person, other than another shareholder of the same corporation,
42 the authority to exercise voting power of any or all of his or her
43 shares. All shares issued, agreements made or proxies granted in
44 violation of this section shall be void.

45 § 3. Section 1508 of the business corporation law is amended by adding
46 a new paragraph (c) to read as follows:

47 (c) The directors and officers of any firm established for the busi-
48 ness purpose of incorporating as a professional service corporation
49 pursuant to paragraph (h) of section fifteen hundred three of this arti-
50 cle may include individuals who are not licensed to practice public
51 accountancy, provided however that at least fifty-one percent of the
52 directors, at least fifty-one percent of the officers and the president,
53 the chairperson of the board of directors and the chief executive offi-
54 cer or officers are authorized by law to practice in any state the
55 profession which such corporation is authorized to practice, and are

either shareholders of such corporation or engaged in the practice of their professions in such corporation.

§ 4. Section 1509 of the business corporation law, as amended by chapter 550 of the laws of 2011, is amended to read as follows:

§ 1509. Disqualification of shareholders, directors, officers and employees.

If any shareholder, director, officer or employee of a professional service corporation, including a design professional service corporation, who has been rendering professional service to the public becomes legally disqualified to practice his or her profession within this state, he or she shall sever all employment with, and financial interests (other than interests as a creditor) in, such corporation forthwith or as otherwise provided in section 1510 of this article. All provisions of law regulating the rendering of professional services by a person elected or appointed to a public office shall be applicable to a shareholder, director, officer and employee of such corporation in the same manner and to the same extent as if fully set forth herein. Such legal disqualification to practice his or her profession within this state shall be deemed to constitute an irrevocable offer by the disqualified shareholder to sell his or her shares to the corporation, pursuant to the provisions of section 1510 of this article or of the certificate of incorporation, by-laws or agreement among the corporation and all shareholders, whichever is applicable. Compliance with the terms of such offer shall be specifically enforceable in the courts of this state. A professional service corporation's failure to enforce compliance with this provision shall constitute a ground for forfeiture of its certificate of incorporation and its dissolution.

§ 5. Paragraph (a) of section 1511 of the business corporation law, as amended by chapter 550 of the laws of 2011, is amended and a new paragraph (c) is added to read as follows:

(a) No shareholder of a professional service corporation [~~or~~], including a design professional service corporation, may sell or transfer his or her shares in such corporation except to another individual who is eligible to have shares issued to him or her by such corporation or except in trust to another individual who would be eligible to receive shares if he or she were employed by the corporation. Nothing herein contained shall be construed to prohibit the transfer of shares by operation of law or by court decree. No transferee of shares by operation of law or court decree may vote the shares for any purpose whatsoever except with respect to corporate action under sections 909 and 1001 of this chapter. The restriction in the preceding sentence shall not apply, however, where such transferee would be eligible to have shares issued to him or her if he or she were an employee of the corporation and, if there are other shareholders, a majority of such other shareholders shall fail to redeem the shares so transferred, pursuant to section 1510 of this article, within sixty days of receiving written notice of such transfer. Any sale or transfer, except by operation of law or court decree or except for a corporation having only one shareholder, may be made only after the same shall have been approved by the board of directors, or at a shareholders' meeting specially called for such purpose by such proportion, not less than a majority, of the outstanding shares as may be provided in the certificate of incorporation or in the by-laws of such professional service corporation. At such shareholders' meeting the shares held by the shareholder proposing to sell or transfer his or her shares may not be voted or counted for any purpose, unless all shareholders consent that such shares be voted or counted. The certificate of

1 incorporation or the by-laws of the professional service corporation, or
2 the professional service corporation and the shareholders by private
3 agreement, may provide, in lieu of or in addition to the foregoing
4 provisions, for the alienation of shares and may require the redemption
5 or purchase of such shares by such corporation at prices and in a manner
6 specifically set forth therein. The existence of the restrictions on the
7 sale or transfer of shares, as contained in this article and, if appli-
8 cable, in the certificate of incorporation, by-laws, stock purchase or
9 stock redemption agreement, shall be noted conspicuously on the face or
10 back of every certificate for shares issued by a professional service
11 corporation. Any sale or transfer in violation of such restrictions
12 shall be void.

13 (c) A firm established for the business purpose of incorporating as a
14 professional service corporation pursuant to paragraph (h) of section
15 fifteen hundred three of this article, shall purchase or redeem the
16 shares of a non-licensed professional shareholder in the case of his or
17 her termination of employment within thirty days after such termination.
18 A firm established for the business purpose of incorporating as a
19 professional service corporation pursuant to paragraph (h) of section
20 fifteen hundred three of this article, shall not be required to purchase
21 or redeem the shares of a terminated non-licensed professional share-
22 holder if such shares, within thirty days after such termination, are
23 sold or transferred to another employee of the corporation pursuant to
24 this article.

25 § 6. Section 1514 of the business corporation law is amended by adding
26 a new paragraph (c) to read as follows:

27 (c) Each firm established for the business purpose of incorporating as
28 a professional service corporation pursuant to paragraph (h) of section
29 fifteen hundred three of this article shall, at least once every three
30 years on or before the date prescribed by the licensing authority,
31 furnish a statement to the licensing authority listing the names and
32 residence addresses of each shareholder, director and officer of such
33 corporation and certify as the date of certification and at all times
34 over the entire three year period that:

35 (i) at least fifty-one percent of the outstanding shares of stock of
36 the corporation are and were owned by certified public accountants,

37 (ii) at least fifty-one percent of the directors are and were certi-
38 fied public accountants,

39 (iii) at least fifty-one percent of the officers are and were certi-
40 fied public accountants,

41 (iv) the president, the chairperson of the board of directors and the
42 chief executive officer or officers are and were certified public
43 accountants.

44 The statement shall be signed by the president or any certified public
45 accountant vice-president and attested to by the secretary or any
46 assistant secretary of the corporation.

47 § 7. Paragraph (d) of section 1525 of the business corporation law, as
48 added by chapter 505 of the laws of 1983, is amended to read as follows:

49 (d) "Foreign professional service corporation" means a professional
50 service corporation, whether or not denominated as such, organized under
51 the laws of a jurisdiction other than this state, all of the sharehold-
52 ers, directors and officers of which are authorized and licensed to
53 practice the profession for which such corporation is licensed to do
54 business; except that all shareholders, directors and officers of a
55 foreign professional service corporation which provides health services
56 in this state shall be licensed in this state. A foreign professional

service corporation formed to lawfully engage in the practice of public accountancy, as such practice is defined under article one hundred forty-nine of the education law, or equivalent state law, shall be required to show (1) that a simple majority of the ownership of the firm, in terms of financial interests, and voting rights held by the firm's owners, belongs to individuals licensed to practice public accountancy in some state, and (2) that all shareholders of a foreign professional service corporation whose principal place of business is in this state, and who are engaged in the practice of public accountancy in this state, hold a valid license issued under section seventy-four hundred four of the education law. For purposes of this paragraph, "financial interest" means capital stock, capital accounts, capital contributions, capital interest, or interest in undistributed earnings of a business entity. Although firms may include non-licensee owners, the firm and its owners must comply with rules promulgated by the state board of regents. Notwithstanding the foregoing, a firm registered under this section may not have non-licensee owners if the firm's name includes the words "certified public accountant," or "certified public accountants," or the abbreviations "CPA" or "CPAs". Each non-licensee owner of a firm that is operating under this section shall be a natural person who actively participates in the business of the firm or its affiliated entities, provided each beneficial owner of an equity interest in such entity is a natural person who actively participates in the business conducted by the firm or its affiliated entities. For purposes of this paragraph, "actively participate" means to provide services to clients or to otherwise individually take part in the day-to-day business or management of the firm.

§ 8. Subdivision (q) of section 121-1500 of the partnership law, as amended by chapter 475 of the laws of 2014, is amended to read as follows:

(q) Each partner of a registered limited liability partnership formed to provide medical services in this state must be licensed pursuant to article 131 of the education law to practice medicine in this state and each partner of a registered limited liability partnership formed to provide dental services in this state must be licensed pursuant to article 133 of the education law to practice dentistry in this state. Each partner of a registered limited liability partnership formed to provide veterinary services in this state must be licensed pursuant to article 135 of the education law to practice veterinary medicine in this state. Each partner of a registered limited liability partnership formed to provide public accountancy services, whose principal place of business is in this state and who provides public accountancy services, must be licensed pursuant to article 149 of the education law to practice public accountancy in this state. Each partner of a registered limited liability partnership formed to provide professional engineering, land surveying, geological services, architectural and/or landscape architectural services in this state must be licensed pursuant to article 145, article 147 and/or article 148 of the education law to practice one or more of such professions in this state. Each partner of a registered limited liability partnership formed to provide licensed clinical social work services in this state must be licensed pursuant to article 154 of the education law to practice clinical social work in this state. Each partner of a registered limited liability partnership formed to provide creative arts therapy services in this state must be licensed pursuant to article 163 of the education law to practice creative arts therapy in this state. Each partner of a registered limited liability partnership

1 formed to provide marriage and family therapy services in this state
2 must be licensed pursuant to article 163 of the education law to prac-
3 tice marriage and family therapy in this state. Each partner of a regis-
4 tered limited liability partnership formed to provide mental health
5 counseling services in this state must be licensed pursuant to article
6 163 of the education law to practice mental health counseling in this
7 state. Each partner of a registered limited liability partnership formed
8 to provide psychoanalysis services in this state must be licensed pursu-
9 ant to article 163 of the education law to practice psychoanalysis in
10 this state. Each partner of a registered limited liability partnership
11 formed to provide applied behavior analysis service in this state must
12 be licensed or certified pursuant to article 167 of the education law to
13 practice applied behavior analysis in this state. A limited liability
14 partnership formed to lawfully engage in the practice of public accoun-
15 tancy, as such practice is respectively defined under article 149 of the
16 education law, shall be required to show (1) that a simple majority of
17 the ownership of the firm, in terms of financial interests, and voting
18 rights held by the firm's owners, belongs to individuals licensed to
19 practice public accountancy in some state, and (2) that all partners of
20 a limited liability partnership whose principal place of business is in
21 this state, and who are engaged in the practice of public accountancy in
22 this state, hold a valid license issued under section seventy-four
23 hundred four of the education law. For purposes of this subdivision,
24 "financial interest" means capital stock, capital accounts, capital
25 contributions, capital interest, or interest in undistributed earnings
26 of a business entity. Although firms may include non-licensee owners,
27 the firm and its owners must comply with rules promulgated by the state
28 board of regents. Notwithstanding the foregoing, a firm registered under
29 this section may not have non-licensee owners if the firm's name
30 includes the words "certified public accountant," or "certified public
31 accounts," or the abbreviations "CPA" or "CPAs". Each non-licensee owner
32 of a firm that is formed under this section shall be (1) a natural
33 person who actively participates in the business of the firm or its
34 affiliated entities, or (2) an entity, including, but not limited to, a
35 partnership or professional corporation, provided each beneficial owner
36 of an equity interest in such entity is a natural person who actively
37 participates in the business conducted by the firm or its affiliated
38 entities. For purposes of this subdivision, "actively participate" means
39 to provide services to clients or to otherwise individually take part in
40 the day-to-day business or management of the firm.

41 § 9. Subdivision (q) of section 121-1502 of the partnership law, as
42 amended by chapter 475 of the laws of 2014, is amended to read as
43 follows:

44 (q) Each partner of a foreign limited liability partnership which
45 provides medical services in this state must be licensed pursuant to
46 article 131 of the education law to practice medicine in the state and
47 each partner of a foreign limited liability partnership which provides
48 dental services in the state must be licensed pursuant to article 133 of
49 the education law to practice dentistry in this state. Each partner of a
50 foreign limited liability partnership which provides veterinary service
51 in the state shall be licensed pursuant to article 135 of the education
52 law to practice veterinary medicine in this state. Each partner of a
53 foreign limited liability partnership which provides professional engi-
54 neering, land surveying, geological services, architectural and/or land-
55 scape architectural services in this state must be licensed pursuant to
56 article 145, article 147 and/or article 148 of the education law to

1 practice one or more of such professions. Each partner of a foreign
2 registered limited liability partnership formed to provide public
3 accountancy services, whose principal place of business is in this state
4 and who provides public accountancy services, must be licensed pursuant
5 to article 149 of the education law to practice public accountancy in
6 this state. Each partner of a foreign limited liability partnership
7 which provides licensed clinical social work services in this state must
8 be licensed pursuant to article 154 of the education law to practice
9 licensed clinical social work in this state. Each partner of a foreign
10 limited liability partnership which provides creative arts therapy
11 services in this state must be licensed pursuant to article 163 of the
12 education law to practice creative arts therapy in this state. Each
13 partner of a foreign limited liability partnership which provides
14 marriage and family therapy services in this state must be licensed
15 pursuant to article 163 of the education law to practice marriage and
16 family therapy in this state. Each partner of a foreign limited liabil-
17 ity partnership which provides mental health counseling services in this
18 state must be licensed pursuant to article 163 of the education law to
19 practice mental health counseling in this state. Each partner of a
20 foreign limited liability partnership which provides psychoanalysis
21 services in this state must be licensed pursuant to article 163 of the
22 education law to practice psychoanalysis in this state. Each partner of
23 a foreign limited liability partnership which provides applied behavior
24 analysis services in this state must be licensed or certified pursuant
25 to article 167 of the education law to practice applied behavior analy-
26 sis in this state. A foreign limited liability partnership formed to
27 lawfully engage in the practice of public accountancy, as such practice
28 is respectively defined under article 149 of the education law, shall be
29 required to show (1) that a simple majority of the ownership of the
30 firm, in terms of financial interests, and voting rights held by the
31 firm's owners, belongs to individuals licensed to practice public
32 accountancy in some state, and (2) that all partners of a foreign limit-
33 ed liability partnership whose principal place of business is in this
34 state, and who are engaged in the practice of public accountancy in this
35 state, hold a valid license issued under section seventy-four hundred
36 four of the education law. For purposes of this subdivision, "financial
37 interest" means capital stock, capital accounts, capital contributions,
38 capital interest, or interest in undistributed earnings of a business
39 entity. Although firms may include non-licensee owners, the firm and
40 its owners must comply with rules promulgated by the state board of
41 regents. Notwithstanding the foregoing, a firm registered under this
42 section may not have non-licensee owners if the firm's name includes the
43 words "certified public accountant," or "certified public accountants,"
44 or the abbreviations "CPA" or "CPAs". Each non-licensee owner of a firm
45 that is formed under this section shall be (1) a natural person who
46 actively participates in the business of the firm or its affiliated
47 entities, or (2) an entity, including, but not limited to, a partnership
48 or professional corporation, provided each beneficial owner of an equity
49 interest in such entity is a natural person who actively participates in
50 the business conducted by the firm or its affiliated entities. For
51 purposes of this subdivision, "actively participate" means to provide
52 services to clients or to otherwise individually take part in the day-
53 to-day business or management of the firm.

54 § 10. Subdivision (h) of section 121-101 of the partnership law, as
55 added by chapter 950 of the laws of 1990, is amended to read as follows:

(h) "Limited partnership" and "domestic limited partnership" mean, unless the context otherwise requires, a partnership (i) formed by two or more persons pursuant to this article or which complies with subdivision (a) of section 121-1202 of this article and (ii) having one or more general partners and one or more limited partners. Notwithstanding any other provisions of law a limited partnership or domestic limited partnership formed to lawfully engage in the practice of public accountancy, as such practice is respectively defined under article 149 of the education law shall be required to show (1) that a simple majority of the ownership of the firm, in terms of financial interests, including ownership-based compensation, and voting rights held by the firm's owners, belongs to individuals licensed to practice public accountancy in some state, and (2) that all partners of a limited partnership or domestic limited partnership, whose principal place of business is in this state, and who are engaged in the practice of public accountancy in this state, hold a valid license issued under section seventy-four hundred four of the education law or are public accountants licensed under section seventy-four hundred five of the education law. Although firms may include non-licensee owners, the firm and its owners must comply with rules promulgated by the state board of regents. Notwithstanding the foregoing, a firm registered under this section may not have non-licensee owners if the firm's name includes the words "certified public accountant," or "certified public accountants," or the abbreviations "CPA" or "CPAs". Each non-licensee owner of a firm that is registered under this section shall be (1) a natural person who actively participates in the business of the firm or its affiliated entities, or (2) an entity, including, but not limited to, a partnership or professional corporation, provided each beneficial owner of an equity interest in such entity is a natural person who actively participates in the business conducted by the firm or its affiliated entities. For purposes of this subdivision, "actively participate" means to provide services to clients or to otherwise individually take part in the day-to-day business or management of the firm.

§ 11. Subdivision (b) of section 1207 of the limited liability company law, as amended by chapter 475 of the laws of 2014, is amended to read as follows:

(b) With respect to a professional service limited liability company formed to provide medical services as such services are defined in article 131 of the education law, each member of such limited liability company must be licensed pursuant to article 131 of the education law to practice medicine in this state. With respect to a professional service limited liability company formed to provide dental services as such services are defined in article 133 of the education law, each member of such limited liability company must be licensed pursuant to article 133 of the education law to practice dentistry in this state. With respect to a professional service limited liability company formed to provide veterinary services as such services are defined in article 135 of the education law, each member of such limited liability company must be licensed pursuant to article 135 of the education law to practice veterinary medicine in this state. With respect to a professional service limited liability company formed to provide professional engineering, land surveying, architectural, landscape architectural and/or geological services as such services are defined in article 145, article 147 and article 148 of the education law, each member of such limited liability company must be licensed pursuant to article 145, article 147 and/or article 148 of the education law to practice one or more of such

professions in this state. With respect to a professional service limited liability company formed to provide public accountancy services as such services are defined in article 149 of the education law each member of such limited liability company whose principal place of business is in this state and who provides public accountancy services, must be licensed pursuant to article 149 of the education law to practice public accountancy in this state. With respect to a professional service limited liability company formed to provide licensed clinical social work services as such services are defined in article 154 of the education law, each member of such limited liability company shall be licensed pursuant to article 154 of the education law to practice licensed clinical social work in this state. With respect to a professional service limited liability company formed to provide creative arts therapy services as such services are defined in article 163 of the education law, each member of such limited liability company must be licensed pursuant to article 163 of the education law to practice creative arts therapy in this state. With respect to a professional service limited liability company formed to provide marriage and family therapy services as such services are defined in article 163 of the education law, each member of such limited liability company must be licensed pursuant to article 163 of the education law to practice marriage and family therapy in this state. With respect to a professional service limited liability company formed to provide mental health counseling services as such services are defined in article 163 of the education law, each member of such limited liability company must be licensed pursuant to article 163 of the education law to practice mental health counseling in this state. With respect to a professional service limited liability company formed to provide psychoanalysis services as such services are defined in article 163 of the education law, each member of such limited liability company must be licensed pursuant to article 163 of the education law to practice psychoanalysis in this state. With respect to a professional service limited liability company formed to provide applied behavior analysis services as such services are defined in article 167 of the education law, each member of such limited liability company must be licensed or certified pursuant to article 167 of the education law to practice applied behavior analysis in this state. A professional service limited liability company formed to lawfully engage in the practice of public accountancy, as such practice is respectively defined under article 149 of the education law shall be required to show (1) that a simple majority of the ownership of the firm, in terms of financial interests, and voting rights held by the firm's owners, belongs to individuals licensed to practice public accountancy in some state, and (2) that all members of a limited professional service limited liability company, whose principal place of business is in this state, and who are engaged in the practice of public accountancy in this state, hold a valid license issued under section seventy-four hundred four of the education law. For purposes of this subdivision, "financial interest" means capital stock, capital accounts, capital contributions, capital interest, or interest in undistributed earnings of a business entity. Although firms may include non-licensee owners, the firm and its owners must comply with rules promulgated by the state board of regents. Notwithstanding the foregoing, a firm registered under this section may not have non-licensee owners if the firm's name includes the words "certified public accountant," or "certified public accountants," or the abbreviations "CPA" or "CPAs". Each non-licensee owner of a firm that is registered under this section shall be (1) a natural person who

actively participates in the business of the firm or its affiliated entities, or (2) an entity, including, but not limited to, a partnership or professional corporation, provided each beneficial owner of an equity interest in such entity is a natural person who actively participates in the business conducted by the firm or its affiliated entities. For purposes of this subdivision, "actively participate" means to provide services to clients or to otherwise individually take part in the day-to-day business or management of the firm.

§ 12. Subdivision (a) of section 1301 of the limited liability company law, as amended by chapter 475 of the laws of 2014, is amended to read as follows:

(a) "Foreign professional service limited liability company" means a professional service limited liability company, whether or not denominated as such, organized under the laws of a jurisdiction other than this state, (i) each of whose members and managers, if any, is a professional authorized by law to render a professional service within this state and who is or has been engaged in the practice of such profession in such professional service limited liability company or a predecessor entity, or will engage in the practice of such profession in the professional service limited liability company within thirty days of the date such professional becomes a member, or each of whose members and managers, if any, is a professional at least one of such members is authorized by law to render a professional service within this state and who is or has been engaged in the practice of such profession in such professional service limited liability company or a predecessor entity, or will engage in the practice of such profession in the professional service limited liability company within thirty days of the date such professional becomes a member, or (ii) authorized by, or holding a license, certificate, registration or permit issued by the licensing authority pursuant to, the education law to render a professional service within this state; except that all members and managers, if any, of a foreign professional service limited liability company that provides health services in this state shall be licensed in this state. With respect to a foreign professional service limited liability company which provides veterinary services as such services are defined in article 135 of the education law, each member of such foreign professional service limited liability company shall be licensed pursuant to article 135 of the education law to practice veterinary medicine. With respect to a foreign professional service limited liability company which provides medical services as such services are defined in article 131 of the education law, each member of such foreign professional service limited liability company must be licensed pursuant to article 131 of the education law to practice medicine in this state. With respect to a foreign professional service limited liability company which provides dental services as such services are defined in article 133 of the education law, each member of such foreign professional service limited liability company must be licensed pursuant to article 133 of the education law to practice dentistry in this state. With respect to a foreign professional service limited liability company which provides professional engineering, land surveying, geologic, architectural and/or landscape architectural services as such services are defined in article 145, article 147 and article 148 of the education law, each member of such foreign professional service limited liability company must be licensed pursuant to article 145, article 147 and/or article 148 of the education law to practice one or more of such professions in this state. With respect to a foreign professional service limited liability company

1 which provides public accountancy services as such services are defined
2 in article 149 of the education law, each member of such foreign profes-
3 sional service limited liability company whose principal place of busi-
4 ness is in this state and who provides public accountancy services,
5 shall be licensed pursuant to article 149 of the education law to prac-
6 tice public accountancy in this state. With respect to a foreign profes-
7 sional service limited liability company which provides licensed clin-
8 ical social work services as such services are defined in article 154 of
9 the education law, each member of such foreign professional service
10 limited liability company shall be licensed pursuant to article 154 of
11 the education law to practice clinical social work in this state. With
12 respect to a foreign professional service limited liability company
13 which provides creative arts therapy services as such services are
14 defined in article 163 of the education law, each member of such foreign
15 professional service limited liability company must be licensed pursuant
16 to article 163 of the education law to practice creative arts therapy in
17 this state. With respect to a foreign professional service limited
18 liability company which provides marriage and family therapy services as
19 such services are defined in article 163 of the education law, each
20 member of such foreign professional service limited liability company
21 must be licensed pursuant to article 163 of the education law to prac-
22 tice marriage and family therapy in this state. With respect to a
23 foreign professional service limited liability company which provides
24 mental health counseling services as such services are defined in arti-
25 cle 163 of the education law, each member of such foreign professional
26 service limited liability company must be licensed pursuant to article
27 163 of the education law to practice mental health counseling in this
28 state. With respect to a foreign professional service limited liability
29 company which provides psychoanalysis services as such services are
30 defined in article 163 of the education law, each member of such foreign
31 professional service limited liability company must be licensed pursuant
32 to article 163 of the education law to practice psychoanalysis in this
33 state. With respect to a foreign professional service limited liability
34 company which provides applied behavior analysis services as such
35 services are defined in article 167 of the education law, each member of
36 such foreign professional service limited liability company must be
37 licensed or certified pursuant to article 167 of the education law to
38 practice applied behavior analysis in this state. A foreign professional
39 service limited liability company formed to lawfully engage in the prac-
40 tice of public accountancy, as such practice is respectively defined
41 under article 149 of the education law shall be required to show (1)
42 that a simple majority of the ownership of the firm, in terms of finan-
43 cial interests, and voting rights held by the firm's owners, belongs to
44 individuals licensed to practice public accountancy in some state, and
45 (2) that all members of a foreign limited professional service limited
46 liability company, whose principal place of business is in this state,
47 and who are engaged in the practice of public accountancy in this state,
48 hold a valid license issued under section seventy-four hundred four of
49 the education law. For purposes of this subdivision, "financial inter-
50 est" means capital stock, capital accounts, capital contributions, capi-
51 tal interest, or interest in undistributed earnings of a business enti-
52 ty. Although firms may include non-licensee owners, the firm and its
53 owners must comply with rules promulgated by the state board of regents.
54 Notwithstanding the foregoing, a firm registered under this section may
55 not have non-licensee owners if the firm's name includes the words
56 "certified public accountant," or "certified public accountants," or the

abbreviations "CPA" or "CPAs". Each non-licensee owner of a firm that is registered under this section shall be (1) a natural person who actively participates in the business of the firm or its affiliated entities, or (2) an entity, including, but not limited to, a partnership or professional corporation, provided each beneficial owner of an equity interest in such entity is a natural person who actively participates in the business conducted by the firm or its affiliated entities. For purposes of this subdivision, "actively participate" means to provide services to clients or to otherwise individually take part in the day-to-day business or management of the firm.

§ 13. Notwithstanding any other provision of law to the contrary, there is hereby established a fee for each non-licensee owner of a firm that is incorporating as a professional service corporation formed to lawfully engage in the practice of public accountancy. Such non-licensee owner shall pay a fee of three hundred dollars to the department of education on an annual basis.

§ 14. This act shall take effect immediately.

PART L

Section 1. Article 6 of the social services law is amended by adding a new title 5-D to read as follows:

TITLE 5-D

EXPANDING CHILD CARE ASSISTANCE

Section 410-a-1. Definitions.

410-a-2. Child care program.

410-a-3. Financial assistance to qualified agencies for high-quality child care programs and enrollment.

410-a-4. Application and eligibility for households.

410-a-5. Income eligibility scale.

410-a-6. Co-payment.

410-a-7. Reimbursement rates.

410-a-8. Child care workforce stabilization grant.

410-a-9. Capacity building grant.

410-a-10. Reporting requirements.

§ 410-a-1. Definitions. As used in the title, the following terms shall have the following meanings:

1. "Qualified agency" means any in family day care homes, group family day care homes, head start programs or center-based child care that is certified and licensed by the state.

2. "High-quality child care program" means a child care program for a child not less than six weeks of age and is less than five years of age that is provided in family day care homes, group family day care homes, head start programs or center-based child care that is certified and licensed by the state.

3. "Covered child" means a child who is less than five years of age at the beginning of the school year up to the end of a child's first year of eligibility for kindergarten in their school district.

4. "Financial assistance" means assistance provided by grant for which payments may be made in installments and in advance or by way of reimbursement with necessary adjustments on account of overpayments or underpayments.

5. "Federal poverty level" means the official poverty level threshold, as defined by the federal office of management and budget, based on the most recent data available from the bureau of the census: (a) adjusted to reflect the percentage change in the consumer price index for all

1 urban consumers, issued by the bureau of labor statistics, during the
2 annual or other interval immediately preceding the date on which such
3 adjustment is made; and (b) adjusted for household size.

4 6. "Professional development" means training, course work or licensure
5 programs that contribute to ensuring that a member of the early care and
6 education workforce has the necessary knowledge and competencies for
7 quality provision of child care and early learning services.

8 7. "Capacity building grant" means a grant to provide eligible agen-
9 cies with funds for capital improvements, and other miscellaneous capi-
10 tal funds associated with building and maintaining a child care program
11 or a grant to provide professional development of child care providers.

12 8. "Child care stabilization grant" means a salary adjustment (bonus)
13 made to support child care providers while this program expansion is
14 phased in.

15 9. "Income eligibility co-payment scale" means a formula used to
16 determine how much a household will contribute to their child care costs
17 based on their income.

18 10. "Child care desert" means a census tract with more than fifty
19 children under age five that contains either no child care providers or
20 so few options that there are more than three times as many children as
21 licensed child care slots.

22 11. "Contracted care facility" means managed eligible agencies, such
23 as in-home or center-based care facilities, or schools operating as
24 early care and learning programs that enter into contract with the
25 office of children and family services, local department of education or
26 other qualified agency to meet detailed and specific requirements and
27 goals.

28 § 410-a-2. Child care program. 1. (a) The department is hereby author-
29 ized and empowered to establish and operate the child care program as
30 authorized pursuant to this title. Funding shall be dedicated to provid-
31 ing covered children assistance to attend qualified agencies' high-qual-
32 ity child care programs.

33 (b) The department is directed to build out the needed infrastructure
34 for establishing new child care facilities, training the workforce, and
35 increasing capacity in existing facilities across the state through
36 grants and scholarships. Grants shall include funding for capital
37 purchases and improvements, expansion of provider networks, training
38 activities and professional development programs, hiring more staff, the
39 regulation and monitoring of the program, the development of computer-
40 ized data systems, and consumer education.

41 2. Social services districts shall expend the allocated money for all
42 child care programs which are qualified agencies based on covered chil-
43 dren's eligibility and the cost estimation model used to reimburse agen-
44 cies, pursuant to this title and the rules and regulations adopted by
45 the department.

46 3. Child care programs shall fall into two categories broadly: (a)
47 assistance eligible agencies; and (b) contracted care eligible agencies.
48 Social services districts shall have authority over how much funding
49 will be dedicated to these two categories, as long as the social
50 services districts program meets all requirements pursuant to the
51 program.

52 4. (a) A social services district shall make awards for contracted
53 care to consolidated applications submitted by qualified agencies which
54 include child care programs offered by non-profit organizations, commu-
55 nity-based organizations, schools, libraries, museums, and/or charter

1 schools which shall demonstrate geographic diversity within the area to
2 be served as well as diversity of providers.

3 (b) Social services districts shall certify assistance eligible
4 programs to applications submitted by qualified agencies which include
5 child care programs offered by in-home care, center-based care, informal
6 care providers who are for profit or non-profit organizations, communi-
7 ty-based organizations, charter schools, libraries and museums, which
8 may apply individually to the extent allowed under paragraph (c) of this
9 subdivision. Any consolidated application shall include, but shall not
10 be limited to, the names of individual locations and providers, applica-
11 ble licenses, facility lease information, and intended staffing plans.

12 (c) Prior to submission of a consolidated application, the local
13 commissioner of social services shall widely solicit prospective eligi-
14 ble agencies. The local commissioner of social services shall notify
15 any applicant who has been denied inclusion in the consolidated applica-
16 tion and/or has not been certified no later than two weeks prior to the
17 submission of such application. Such eligible providers denied inclusion
18 may apply individually as provided in paragraph (a) of this subdivision.

19 5. Qualified agencies shall apply to the local commissioner of social
20 services for funds for prospective covered children. All applications
21 approved by the commissioner shall include a commitment to use appropri-
22 ate accounting and fiscal control procedures which shall include the
23 filing of an annual financial statement which has been audited as
24 required by the department so as to ensure:

25 (a) the proper disbursement accounting for funds received; and

26 (b) appropriate written records regarding the population served,
27 including the level of financial assistance needed and the type and
28 extent of services rendered.

29 6. Qualified agencies approved to receive funding shall be required to
30 provide information to households who contact the certified child care
31 center about the child care options for households and their covered
32 child.

33 7. Standards for a program application by qualified agencies shall be
34 accepted and approved for funding as determined by the department. A
35 program proposal submitted under this section may be disapproved or a
36 prior designation of qualified agency may be withdrawn only if the
37 commissioner, in accordance with regulations established by the commis-
38 sioner, has provided: (a) written notice of intention to disapprove such
39 proposal or withdraw such designation, including a statement of the
40 reasons for such disapproval or withdrawal; (b) a reasonable time in
41 which to submit corrective amendments to such plan or undertake other
42 necessary corrective action; and (c) an opportunity to appeal the deci-
43 sion.

44 § 410-a-3. Financial assistance to qualified agencies for high-quality
45 child care programs and enrollment. Qualified agencies participating in
46 the child care program shall be reimbursed by the state based on the
47 enrollment of covered children. Financial assistance shall be provided
48 to the qualified agency regardless of whether a covered child attends
49 their assigned session or not.

50 § 410-a-4. Application and eligibility for households. 1. All social
51 services districts shall provide qualified agencies approved for the
52 child care program with the necessary forms for households to complete
53 an application to the program for their covered child. Such application
54 forms shall be processed by the social services district and shall be
55 made available: (a) online in a printable, and fillable format on the
56 website of the relevant social services district; and (b) in a trans-

lated version of the three to six most commonly spoken languages in the relevant social services district, either in print or online. Qualified agencies shall provide households who seek enrollment at their local child care and early learning program information on how to contact their local social services district and child care resource and referral agencies for help in applying to the program.

2. Households, regardless of immigration status, may apply to a local child care and early learning program in such form and at such time as the commissioner may prescribe, provided, however that such application shall require: proof of earnings, proof of identity, and proof of residency.

3. Applicants may prove earnings by providing: (a) proof of earnings through the presentation of a filed tax return from the previous year, or if proof of income through tax return is not possible the commissioner may allow a letter from an employer documenting the dates of work of the applicant and the yearly pay from the employer; (b) a form W-2 or 1099 from at least one of the two most recent completed tax years; or (c) a wage notice provided pursuant to section one hundred ninety-five of the labor law that documents employment for a period of time within six months prior to the date the applicant certifies he or she became eligible for benefits pursuant to this title.

4. Applicants may prove identity by providing:

(a) A driver's license, motor vehicle ID card number, valid foreign driver's license that includes a photo image of the applicant and which is unexpired or expired for less than twenty-four months of its date of expiration, New York state ID, IDNYC or other New York municipal or county identification card, valid unexpired foreign passport issued by the applicant's country of citizenship, or valid unexpired consular identification document issued by a consulate from the applicant's country of citizenship. Nothing contained in this subdivision shall be deemed to preclude the commissioner from approving additional proof of identity; or

(b) A social security number or, in lieu thereof, an individual taxpayer identification number or a United States citizenship and immigration services number; or

(c) The names and addresses of all employers and/or hiring parties, in and out of the state, for the last eighteen months to the extent that such information is available to the applicant; or

(d) A mailing address and zip code.

5. Applicants may prove residency by providing: (a) a New York state driver's license or state identification card, an IDNYC; (b) a utility bill with a proper address and listed under the applicant's confirmed identity, or a credit card statement with a proper address and listed under the applicant's confirmed identity; or (c) a lease agreement or mortgage statement with a proper address and listed under the applicant's confirmed identity, a letter from the New York city housing authority, a letter from a homeless shelter, or any additional form of government identification or identification approved by the department and the New York state child care board.

§ 410-a-5. Income eligibility scale. 1. Households shall be found eligible for financial assistance using an income eligibility co-pay scale based on the current federal poverty level and adjusted for the size of the family. Notwithstanding any other provisions of this chapter, a social services district may use the funds allocated to it from the block grant to provide child care assistance to:

(a) Households receiving public assistance;

1 (b) Households with incomes up to two hundred percent of the federal
2 poverty level;

3 (c) Households with incomes up to three hundred percent of the federal
4 poverty level beginning on August first, two thousand twenty-two;

5 (d) Households with incomes up to four hundred percent of the federal
6 poverty level beginning on August first, two thousand twenty-three; and

7 (e) Households with incomes up to five hundred percent of the federal
8 poverty level beginning on August first, two thousand twenty-four.

9 2. Child care for households eligible under this title shall first be
10 funded from federal sources to the maximum extent permissible under
11 federal laws and regulations. The state shall fund the remaining cost of
12 households not eligible for federally-funded child care for covered
13 children pursuant to this title.

14 § 410-a-6. Co-payment. 1. A co-payment under this section may be
15 charged to households of a covered child based on income levels as
16 follows:

17 (a) A covered child who is in a household with an income that is less
18 than three hundred percent of the federal poverty level shall be
19 assessed no fee or copayment for service and receive free child care
20 after August first, two thousand twenty-two.

21 (b) For a covered child who is in a household with an income that is
22 more than three hundred one percent of the federal poverty level but not
23 more than four hundred percent of the federal poverty level, the fee
24 under this section shall not exceed ten percent of the household's gross
25 income exceeding the federal poverty level after August first, two thou-
26 sand twenty-three.

27 (c) For a covered child who is in a household with an income that is
28 more than four hundred one percent of the federal poverty level but not
29 more than five hundred percent of the federal poverty level, the fee
30 under this section shall not exceed ten percent of the household's gross
31 income exceeding the federal poverty level after August first, two thou-
32 sand twenty-four.

33 2. Within fourteen days of completing an application, the local social
34 services district shall provide households of a covered child with a
35 response on whether the child is eligible for financial assistance,
36 unless the local jurisdiction is facing extenuating circumstances.

37 § 410-a-7. Reimbursement rates. 1. Expenditures made by counties,
38 cities, and towns for child care and its administration pursuant to the
39 provisions of this title, shall, if approved by the department, be
40 subject to reimbursement by the state, in accordance with the regu-
41 lations of the department, as follows: There shall be paid to each coun-
42 ty, city or town as follows:

43 (a) the amount of federal funds, if any, properly received or to be
44 received on account of such expenditures;

45 (b) seventy-five percentile of the current market rate for child care
46 in the state fiscal year two thousand twenty-two through state fiscal
47 year two thousand twenty-three;

48 (c) eighty-five percentile of the current market rate for child care
49 in the state fiscal year two thousand twenty-three through state fiscal
50 year two thousand twenty-four;

51 (d) one hundred percentile of the actual cost of child care in the
52 state fiscal year two thousand twenty-four through state fiscal year two
53 thousand twenty-five and thereafter.

54 2. Such reimbursements shall be calculated after first deducting any
55 federal funds received or to be received on account thereof, and any

expenditures defrayed by fees or copayments paid by parents or caregivers of covered children, or by other private contributions.

3. The reimbursement rate shall be based on enrollment not attendance.

§ 410-a-8. Child care workforce stabilization grant. 1. The office of children and family services shall establish a stabilization grant program to provide workforce stabilization grants (bonuses) to child care providers within sixty days of the effective date of this title.

2. Such workforce stabilization grants shall be paid on a monthly basis for twenty-four months for a total of three thousand dollars per employee per year for two years.

3. Workforce stabilization grants shall be made to child care providers who have worked in the child care field for at least twelve months since March twelfth, two thousand twenty. Such twelve-month period shall include three-month periods spread out over the qualifying period if such periods total twelve months.

4. Child care providers shall be employed full-time for at least thirty hours per week in child care in the state of New York at the time this title becomes effective or within one year to be eligible for such grants.

5. Child care providers who enter the child care workforce full-time after the one-year period may be eligible for workforce stabilization grants for up to one year, but not longer than the period of this program.

6. Workforce stabilization grants shall not be counted as household income for purposes of public benefits, public assistance, public services, or disability, veteran, or senior programs, or any other publicly funded programs, including tax exemptions and tax abatements, COVID-19 relief programs, or rental or homeowner assistance programs.

§ 410-a-9. Capacity building grant. The commissioner shall establish a capacity building grant program within one hundred eighty days of the effective date of this title. Capital funding in the form of grants shall be available for: (a) construction and rehabilitation of facilities; (b) to support new facilities to come online; and (c) to support agencies that closed due to the COVID-19 pandemic over a five-year period. Such grants shall promote the expansion of child care capacity where the commissioner identifies the greatest need, including but not limited to child care deserts. Additional grants shall be made available for professional development and employee training.

§ 410-a-10. Reporting requirements. Each social services district shall collect and submit to the office of children and family services, in such form and at such times as specified by the department, such data and information regarding child care assistance provided under the high-quality child care program in accordance with criteria established by the department. The office of children and family services shall create, oversee, and update a database of all child care facilities in the state. Such database shall be updated on a minimum of a bi-weekly basis by each social services district and shall include: (a) contact information for each child care facility; (b) current full or part-time care availability; and (c) whether drop-in care or care outside of traditional business hours is available.

§ 2. Section 390-k of the social services law, as added by chapter 493 of the laws of 2017, subdivisions 2 and 4 as amended by chapter 797 of the laws of 2021 and subdivision 3 as amended by chapter 133 of the laws of 2022, is amended to read as follows:

§ 390-k. Child care availability taskforce. 1. There shall be established within the office of children and family services a child care

1 taskforce for the purpose of [~~evaluating the need for and availability~~
2 ~~of child care throughout the state~~] guiding New York towards a system of
3 free universal child care.

4 2. The taskforce shall be chaired by a representative of the executive
5 chamber and the commissioners of the office of children and family
6 services [~~and~~], the department of labor and the department of education,
7 or their designees. Members of the taskforce shall serve without compen-
8 sation for three year terms, but may be reimbursed for actual costs
9 incurred for participation on such taskforce. Ensuring adequate
10 geographic, racial and ethnic representation, members of the taskforce
11 shall be appointed by the governor and comprised as follows:

12 (a) four individuals shall be appointed upon the recommendation of the
13 speaker of the assembly, at least one of whom shall be a parent who has
14 utilized subsidized child care and at least one of whom shall be a
15 parent who has utilized unsubsidized child care, from different regions
16 of the state;

17 (b) four individuals shall be appointed upon the recommendation of the
18 temporary president of the senate, at least one of whom shall be a
19 parent who has utilized subsidized child care and at least one of whom
20 shall be a parent who has utilized unsubsidized child care, from differ-
21 ent regions of the state;

22 (c) one individual shall be appointed upon the recommendation of the
23 minority leader of the assembly;

24 (d) one individual shall be appointed upon the recommendation of the
25 minority leader of the senate;

26 (e) two representatives of a child care resource and referral agency;

27 (f) a minimum of three and a maximum of four representatives of home-
28 based child care providers;

29 (g) a minimum of three and a maximum of four representatives of
30 center-based child care providers;

31 (h) two representatives from the business community;

32 (i) two representatives from unions that represent child care provid-
33 ers; and

34 (j) at least one representative from each of the following entities:

35 (i) the office of temporary and disability assistance;

36 (ii) the council on children and families;

37 (iii) the department of taxation and finance;

38 (iv) a regional economic development council;

39 (v) the state university of New York or the city university of New
40 York;

41 (vi) the state education department;

42 (vii) the early childhood advisory council;

43 (viii) a social service district or county government or an entity
44 that advocates on behalf of social services or county governments; [~~and~~]

45 (ix) a non-profit child care advocacy organization; and

46 (x) a representative from each of the labor organizations representing
47 child care providers or employees.

48 3. The taskforce shall advise the state in developing an implementa-
49 tion framework leading to an expeditious phased-in rollout of free
50 universal child care using existing state and federal resources and
51 shall examine the following:

52 (a) [~~examine the impact of the COVID-19 pandemic on child care in New~~
53 ~~York state~~] how to implement an affordable universal child care system
54 that is free at the point of service for all households at or below one
55 thousand percent of the federal poverty level and delivers high-quality
56 child care to all New York residents that follows priorities and princi-

1 ples set forth in this article where expansions are targeted to cover
2 historically underserved communities and households facing complex
3 needs, including children with disabilities and child welfare involve-
4 ment; where reasonable steps are taken to guard against large increases
5 in child care costs; and where the roll-out of universal child care is
6 coordinated with the expansions of universal pre-kindergarten and pre-
7 kindergarten for all programs so that such programs do not cause unin-
8 intentional harm to child care providers;

9 ~~(b) [advise the state in developing an implementation framework lead-~~
10 ~~ing to a phased-in rollout of universal child care using existing state~~
11 ~~and federal resources]~~ how to eliminate the barriers households eligible
12 under state law face obtaining or utilizing subsidies;

13 ~~(c) [recommend potential solutions, partnerships, or other ways to~~
14 ~~address chronic child care workforce issues and other concerns identi-~~
15 ~~fied in the course of the examination required by this subdivision]~~ how
16 to ensure the availability of child care outside of traditional business
17 hours, and identification of the funding that would be needed to expand
18 facilities that cover such non-traditional business hours;

19 ~~(d) [assess the implementation of policies supported by federally~~
20 ~~funded programs through various stimulus packages; and]~~ whether parents
21 are voluntarily leaving the workforce due to lack of child care, and the
22 demographic information of such parents, if known;

23 (e) whether employers have identified lack of child care as a reason
24 for a shortage of a qualified workforce;

25 (f) the impact of child care, or lack thereof, on economic development
26 throughout the state;

27 (g) varying levels of quality of child care throughout the state;

28 (h) availability of quality child care by economic development region
29 including identification of underserved communities and recommendations
30 making available free, high-quality child care in such communities;

31 (i) whether regulatory or statutory changes could promote free and
32 universal access to high-quality child care and improve health and safe-
33 ty standards in child care programs;

34 (j) incentives to institutions that offer child care to increase
35 universal and free child care;

36 (k) ways to address concerns identified in the course of the examina-
37 tion required by this subdivision;

38 (l) the existence of illegal and unregulated child care providers, the
39 labor conditions of employees at such facilities, and regulatory recom-
40 mendations for approaching such providers;

41 (m) disparities in the quality of child care provided to households of
42 different economic backgrounds, and the funding needed to provide high-
43 quality child care for all;

44 (n) the factors contributing to the success of implementing universal
45 pre-k programs in the state and the unintended consequences impacting
46 child care providers, particularly family-based and home-based provid-
47 ers, in the state, together with recommendations;

48 (o) how to implement federal funding for child care and universal
49 pre-kindergarten in a way that maximizes federal appropriations, allows
50 the state to achieve and fund a more expansive program that is not
51 restrictive and that such funding is allocated in a manner that supports
52 and expands the state's child care providers, without harming existing
53 programs;

54 (p) how to ensure an expeditious phased-in rollout of universal child
55 care using existing state and federal resources, in no more than four

1 years, with an emphasis on building out necessary infrastructure and
2 providing care for those most in need; and

3 (q) anything else the taskforce deems necessary.

4 4. (a) The taskforce shall report [~~its interim findings and recommen-~~
5 ~~dations in accordance with subdivision three of this section to the~~
6 ~~governor, the speaker of the assembly and the temporary president of the~~
7 ~~senate no later than November first, two thousand twenty-two and its~~
8 ~~final findings and recommendations no later than December thirty-first,~~
9 ~~two thousand twenty-three] a four-year plan for a phased roll-out of
10 universal child care in the state, and make annual recommendations,
11 starting in November two thousand twenty-two and each November thereaft-
12 er through November two thousand twenty-five, for specific appropri-
13 ations for budget allocations that would allow for free and universal
14 child care system for households with up to one thousand percent of the
15 federal poverty line, including, but not limited to: (i) achieving
16 living wages for child care workers; (ii) capital expenditures to allow
17 for the expansion of child care infrastructure, especially into communi-
18 ties most in need; and (iii) startup funds to allow for the creation of
19 new child care programs in child care deserts. Such recommendations
20 shall include recommendations to identify all reasonable means of maxi-
21 mizing the allocation of federal funds, as well as supplemental funding
22 from the state that would allow for free and universal child care system
23 for households with up to one thousand percent of the federal poverty
24 level. The taskforce report shall further make recommendations for the
25 integration of child care programs into existing public programs, such
26 as public schools, public universities, and public housing, to deliver
27 high-quality child care to all New Yorkers. The taskforce shall report
28 its findings annually, beginning on November first, two thousand twen-
29 ty-two through November first, two thousand twenty-five.~~

30 (b) The taskforce shall also report on the implementation of any
31 recommendations that resulted from the initial report required to be
32 produced by the task force pursuant to subdivision four of chapter four
33 hundred ninety-three of the laws of two thousand seventeen. Such addi-
34 tional report shall be provided annually, beginning July first two thou-
35 sand twenty-two.

36 § 3. Section 390-b of the social services law is amended by adding a
37 new subdivision 12 to read as follows:

38 12. The office of children and family services shall create and main-
39 tain a statewide child care background check and fingerprint registry
40 for the purposes of keeping current and reliable information on provid-
41 ers in the state. A provider who has completed a past background check
42 and fingerprint shall be permitted to use a current background check
43 contained and maintained in the registry to open a new or reopen a child
44 care center, family day care home, group family day care home, or school
45 aged child care program. Such registry shall contain and maintain all
46 relevant data pursuant to this section to open an eligible agency.

47 § 4. This act shall take effect immediately; provided, however, that
48 the amendments to section 390-k of the social services law made by
49 section two of this act shall not affect the repeal of such section and
50 shall be deemed repealed therewith.

51 PART M

52 Intentionally Omitted

1

PART N

2 Section 1. Section 28 of part C of chapter 83 of the laws of 2002,
3 amending the executive law and other laws relating to funding for chil-
4 dren and family services, as amended by section 1 of subpart A of part K
5 of chapter 56 of the laws of 2017, is amended to read as follows:

6 § 28. This act shall take effect immediately; provided that sections
7 nine through eighteen and twenty through twenty-seven of this act shall
8 be deemed to have been in full force and effect on and after April 1,
9 2002; provided, however, that section fifteen of this act shall apply to
10 claims that are otherwise reimbursable by the state on or after April 1,
11 2002 except as provided in subdivision 9 of section 153-k of the social
12 services law as added by section fifteen of this act; provided further
13 however, that nothing in this act shall authorize the office of children
14 and family services to deny state reimbursement to a social services
15 district for violations of the provisions of section 153-d of the social
16 services law for services provided from January 1, 1994 through March
17 31, 2002; provided that section nineteen of this act shall take effect
18 September 13, 2002 and shall expire and be deemed repealed June 30,
19 2012; and, provided further, however, that notwithstanding any law to
20 the contrary, the office of children and family services shall have the
21 authority to promulgate, on an emergency basis, any rules and regu-
22 lations necessary to implement the requirements established pursuant to
23 this act; provided further, however, that the regulations to be devel-
24 oped pursuant to section one of this act shall not be adopted by emer-
25 gency rule; and provided further that the provisions of sections nine
26 through eighteen and twenty through twenty-seven of this act shall
27 expire and be deemed repealed on June 30, ~~2022~~ 2027.

28 § 2. This act shall take effect immediately.

29

PART O

30 Section 1. Section 398-a of the social services law is amended by
31 adding a new subdivision 2-c to read as follows:

32 (2-c) Those social services districts that as of July first, two thou-
33 sand twenty-two were paying at least one hundred percent of the applica-
34 ble rates published by the office of children and family services for
35 the two thousand twenty-two--two thousand twenty-three rate year for
36 care provided to foster children in regular, therapeutic, special needs,
37 and emergency foster boarding homes shall pay for the two thousand twen-
38 ty-two--two thousand twenty-three rate year and for each subsequent rate
39 year thereafter at least one hundred percent of the applicable rates
40 published by the office of children and family services for that rate
41 year. Those social services districts that as of July first, two thou-
42 sand twenty-two were paying less than the applicable rates published by
43 the office of children and family services for the two thousand twenty-
44 two--two thousand twenty-three rate year for care provided to foster
45 children in regular, therapeutic, special needs and emergency foster
46 boarding homes shall increase their rates of payment so that: effective
47 July first, two thousand twenty-two the difference between the percent-
48 age of the applicable rates published by the office of children and
49 family services for the two thousand twenty-two--two thousand twenty-
50 three rate year and the rates such districts are paying is at least
51 one-half less than the difference between the percentage of the applica-
52 ble rates published by the office of children and family services for
53 the two thousand twenty-two--two thousand twenty-three rate year and the

rates that such districts were paying for such programs on July first, two thousand twenty-two; and effective July first, two thousand twenty-three for the two thousand twenty-three--two thousand twenty-four rate year and for each subsequent year thereafter all social services districts shall pay at least one hundred percent of the applicable rates published by the office of children and family services for the applicable rate year.

§ 2. This act shall take effect immediately.

PART P

Intentionally Omitted

PART Q

Intentionally Omitted

PART R

Section 1. Subdivision 1 of section 359 of the executive law, as amended by section 42 of part AA of chapter 56 of the laws of 2019, is amended to read as follows:

1. A local director shall designate the location of the local and branch offices of the local veterans' service agency within his or her jurisdiction, which offices shall be open during convenient hours. The cost of maintenance and operation of a county veterans' service agency shall be a county charge and the cost of maintenance and operation of a city veterans' service agency shall be a city charge, excepting that the state director with the approval of the veterans' services commission shall allot and pay, from state moneys made available to him or her for such purposes, to each county veterans' service agency and each city veterans' service agency, an amount equal to fifty per centum of its expenditures for maintenance and operation approved by the state director, provided that in no event shall the amount allotted and paid for such approved expenditures incurred in any given year exceed (1) in the case of any county veterans' service agency in a county having a population of not more than one hundred thousand or in the case of any city veterans' service agency in a city having a population of not more than one hundred thousand, the sum of ~~ten~~ twenty-five thousand dollars, nor (2) in the case of any county veterans' service agency in a county having a population in excess of one hundred thousand excluding the population of any city therein which has a city veterans' service agency, the sum of ~~ten~~ twenty-five thousand dollars, and, in addition thereto, the sum of five thousand dollars for each one hundred thousand, or major portion thereof, of the population of the county in excess of one hundred thousand excluding the population of any city therein which has a city veterans' service agency, nor (3) in the case of any city veterans' service agency in a city having a population in excess of one hundred thousand, the sum of ~~ten~~ twenty-five thousand dollars, and, in addition thereto, the sum of five thousand dollars for each one hundred thousand, or major portion thereof, of the population of the city in excess of one hundred thousand. Such population shall be certified in the same manner as provided by section fifty-four of the state finance law.

1 § 2. This act shall take effect immediately and shall apply to all
2 expenditures made on and after April 1, 2022.

3 PART S

4 Section 1. Paragraphs (a), (b), (c) and (d) of subdivision 1 of
5 section 131-o of the social services law, as amended by section 1 of
6 part P of chapter 56 of the laws of 2021, are amended to read as
7 follows:

8 (a) in the case of each individual receiving family care, an amount
9 equal to at least [~~\$152.00~~] \$161.00 for each month beginning on or after
10 January first, two thousand [~~twenty-one~~] twenty-two.

11 (b) in the case of each individual receiving residential care, an
12 amount equal to at least [~~\$176.00~~] \$186.00 for each month beginning on
13 or after January first, two thousand [~~twenty-one~~] twenty-two.

14 (c) in the case of each individual receiving enhanced residential
15 care, an amount equal to at least [~~\$210.00~~] \$222.00 for each month
16 beginning on or after January first, two thousand [~~twenty-one~~] twenty-
17 two.

18 (d) for the period commencing January first, two thousand [~~twenty-two~~]
19 twenty-three, the monthly personal needs allowance shall be an amount
20 equal to the sum of the amounts set forth in subparagraphs one and two
21 of this paragraph:

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

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

29 § 2. Paragraphs (a), (b), (c), (d), (e) and (f) of subdivision 2 of
30 section 209 of the social services law, as amended by section 2 of part
31 P of chapter 56 of the laws of 2021, are amended to read as follows:

32 (a) On and after January first, two thousand [~~twenty-one~~] twenty-two,
33 for an eligible individual living alone, [~~\$881.00~~] \$928.00; and for an
34 eligible couple living alone, [~~\$1,295.00~~] \$1,365.00.

35 (b) On and after January first, two thousand [~~twenty-one~~] twenty-two,
36 for an eligible individual living with others with or without in-kind
37 income, [~~\$817.00~~] \$864.00; and for an eligible couple living with others
38 with or without in-kind income, [~~\$1,237.00~~] \$1,307.00.

39 (c) On and after January first, two thousand [~~twenty-one~~] twenty-two,
40 (i) for an eligible individual receiving family care, [~~\$1,060.48~~]
41 \$1,107.48 if he or she is receiving such care in the city of New York or
42 the county of Nassau, Suffolk, Westchester or Rockland; and (ii) for an
43 eligible couple receiving family care in the city of New York or the
44 county of Nassau, Suffolk, Westchester or Rockland, two times the amount
45 set forth in subparagraph (i) of this paragraph; or (iii) for an eligi-
46 ble individual receiving such care in any other county in the state,
47 [~~\$1,022.48~~] \$1,069.48; and (iv) for an eligible couple receiving such
48 care in any other county in the state, two times the amount set forth in
49 subparagraph (iii) of this paragraph.

50 (d) On and after January first, two thousand [~~twenty-one~~] twenty-two,
51 (i) for an eligible individual receiving residential care, [~~\$1,229.00~~]
52 \$1,276.00 if he or she is receiving such care in the city of New York or
53 the county of Nassau, Suffolk, Westchester or Rockland; and (ii) for an
54 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, [~~\$1,199.00~~] \$1,246.00; 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) On and after January first, two thousand [~~twenty-one~~] twenty-two, (i) for an eligible individual receiving enhanced residential care, [~~\$1,488.00~~] \$1,535.00; and (ii) for an eligible couple receiving enhanced residential care, two times the amount set forth in subparagraph (i) of this paragraph.

(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 [~~twenty-two~~] twenty-three but prior to June thirtieth, two thousand [~~twenty-two~~] twenty-three.

§ 3. This act shall take effect December 31, 2022.

PART T

Section 1. Section 4 of part W of chapter 54 of the laws of 2016, as amended by section 1 of part M of chapter 56 of the laws of 2019, amending the social services law relating to the powers and duties of the commissioner of social services relating to the appointment of a temporary operator, is amended to read as follows:

§ 4. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2016, provided further that this act shall expire and be deemed repealed March 31, [~~2022~~] 2025.

§ 2. This act shall take effect immediately.

PART U

Section 1. Subdivision 4 of section 158 of the social services law, as amended by section 44 of part B of chapter 436 of the laws of 1997, is amended to read as follows:

4. Social services officials shall determine eligibility for safety net assistance within [~~forty-five~~] thirty days of receiving an application for safety net assistance. Such officials shall notify applicants of safety net assistance about the availability of assistance to meet emergency circumstances or to prevent eviction.

§ 2. Subdivision 8 of section 153 of the social services law, as amended by chapter 41 of the laws of 1992, is amended to read as follows:

8. Any inconsistent provision of the law or regulation of the department notwithstanding, state reimbursement shall not be made for any expenditure made for the duplication of any grant and allowance for any period, except as authorized by subdivision eleven of section one hundred thirty-one of this chapter[, or for any home relief payment made for periods prior to forty-five days after the filing of an application unless the district determines pursuant to department regulations that such assistance is required to meet emergency circumstances or prevent eviction]. Notwithstanding any other provision of law, social services districts are not required to provide [~~home relief~~] safety net assist-

1 ance to any person, otherwise eligible, if state reimbursement is not
2 available in accordance with this subdivision.

3 § 3. Subparagraphs (ii) and (iii) of paragraph (a) of subdivision 8 of
4 section 131-a of the social services law, subparagraph (ii) as amended
5 by section 12 of part B of chapter 436 of the laws of 1997 and subpara-
6 graph (iii) as amended by chapter 246 of the laws of 2002, are amended
7 to read as follows:

8 (ii) fifty percent of the earned income for such month of any recipi-
9 ent;

10 (iii) from the earned income of any [child or relative applying for or
11 receiving aid pursuant to such program, or of any other individual
12 living in the same household as such relative and child whose needs are
13 taken into account in making such determination, the first ninety]
14 applicant or recipient, one hundred fifty dollars of the [total of such]
15 earned income for such month that remains after application of subpara-
16 graph (ii) of this paragraph;

17 [(iii) forty two percent of the earned income for such month of any
18 recipient in a household containing a dependent child which remains
19 after application of all other subparagraphs of this paragraph;
20 provided, however, that such percentage amount shall be adjusted in June
21 of each year, commencing in nineteen hundred ninety eight, to reflect
22 changes in the most recently issued poverty guidelines of the United
23 States Bureau of the Census, such that a household of three without
24 special needs, living in a heated apartment in New York city and without
25 unearned income would become ineligible for assistance with gross earn-
26 ings equal to the poverty level in such guidelines; provided, however,
27 that no assistance shall be given to any household with gross earned and
28 unearned income, exclusive of income described in subparagraphs (i) and
29 (vi) of this paragraph, in excess of such poverty level;]

30 § 3-a. Paragraph (a) of subdivision 8 of section 131-a of the social
31 services law is amended by adding a new subparagraph (x) to read as
32 follows:

33 (x) all of the income of a head of household or any person in the
34 household, who is receiving such aid or for whom an application for such
35 aid has been made, which is derived from participation in a program
36 carried out under the federal workforce innovation and opportunity act
37 (P.L. 113-128) or any successor act or public assistance employment,
38 training or skills certification program, provided, however, that in the
39 case of earned income such disregard must be applied for at least, but
40 no longer than, six consecutive months following the last day of the
41 month in which such person commences employment after completing a qual-
42 ifying job training or adult education program.

43 § 4. Subdivision 10 of section 131-a of the social services law is
44 REPEALED.

45 § 5. Subdivision 1 of section 131-n of the social services law, as
46 separately amended by chapters 323 and 329 of the laws of 2019, is
47 amended to read as follows:

48 1. The following resources shall be exempt and disregarded in calcu-
49 lating the amount of benefits of any household under any public assist-
50 ance program: (a) cash and liquid or nonliquid resources up to two thou-
51 sand five hundred dollars for applicants, ~~[or]~~ three thousand seven
52 hundred fifty dollars for applicants in ~~[the case of]~~ households in
53 which any member is sixty years of age or older or is disabled or ten
54 thousand dollars for recipients, (b) an amount up to four thousand six
55 hundred fifty dollars in a separate bank account established by an indi-
56 vidual while currently in receipt of assistance for the sole purpose of

1 enabling the individual to purchase a first or replacement vehicle for
2 the recipient to seek, obtain or maintain employment, so long as the
3 funds are not used for any other purpose, (c) an amount up to one thou-
4 sand four hundred dollars in a separate bank account established by an
5 individual while currently in receipt of assistance for the purpose of
6 paying tuition at a two-year or four-year accredited post-secondary
7 educational institution, so long as the funds are not used for any other
8 purpose, (d) the home which is the usual residence of the household, (e)
9 one automobile, up to ten thousand dollars fair market value, through
10 March thirty-first, two thousand seventeen; one automobile, up to eleven
11 thousand dollars fair market value, from April first, two thousand
12 seventeen through March thirty-first, two thousand eighteen; and one
13 automobile, up to twelve thousand dollars fair market value, beginning
14 April first, two thousand eighteen and thereafter, or such other higher
15 dollar value as the local social services district may elect to adopt,
16 (f) one burial plot per household member as defined in department regu-
17 lations, (g) bona fide funeral agreements up to a total of one thousand
18 five hundred dollars in equity value per household member, (h) funds in
19 an individual development account established in accordance with subdivi-
20 sion five of section three hundred fifty-eight of this chapter and
21 section four hundred three of the social security act, (i) for a period
22 of six months, real property which the household is making a good faith
23 effort to sell, in accordance with department regulations and tangible
24 personal property necessary for business or for employment purposes in
25 accordance with department regulations, and (j) funds in a qualified
26 tuition program that satisfies the requirement of section 529 of the
27 Internal Revenue Code of 1986, as amended, and ~~(j)~~ (k) funds in a New
28 York achieving a better life experience savings account established in
29 accordance with article eighty-four of the mental hygiene law.

30 If federal law or regulations require the exemption or disregard of
31 additional income and resources in determining need for family assist-
32 ance, or medical assistance not exempted or disregarded pursuant to any
33 other provision of this chapter, the department may, by regulations
34 subject to the approval of the director of the budget, require social
35 services officials to exempt or disregard such income and resources.
36 Refunds resulting from earned income tax credits shall be disregarded in
37 public assistance programs.

38 § 6. This act shall take effect October 1, 2022; provided, however,
39 that effective immediately, any percentage adjustments reflecting chang-
40 es in the poverty guidelines of the United States Bureau of the Census
41 required in subparagraph (iii) of paragraph (a) of subdivision 8 of
42 section 131-a of the social services law shall cease; and provided
43 further that the amendments to subdivision 1 of section 131-n of the
44 social services law made by section five of this act shall not affect
45 the expiration of such section and shall be deemed to expire therewith.

46 PART V

47 Intentionally Omitted

48 PART W

49 Intentionally Omitted

50 PART X

1 Intentionally Omitted

2 PART Y

3 Intentionally Omitted

4 PART Z

5 Section 1. Notwithstanding any other provision of law, the housing
6 trust fund corporation may provide, for purposes of the neighborhood
7 preservation program, a sum not to exceed \$14,500,000 for the fiscal
8 year ending March 31, 2023. Within this total amount, \$250,000 shall be
9 used for the purpose of entering into a contract with the neighborhood
10 preservation coalition to provide technical assistance and services to
11 companies funded pursuant to article 16 of the private housing finance
12 law. Notwithstanding any other provision of law, and subject to the
13 approval of the New York state director of the budget, the board of
14 directors of the state of New York mortgage agency shall authorize the
15 transfer to the housing trust fund corporation, for the purposes of
16 reimbursing any costs associated with neighborhood preservation program
17 contracts authorized by this section, a total sum not to exceed
18 \$14,500,000, such transfer to be made from (i) the special account of
19 the mortgage insurance fund created pursuant to section 2429-b of the
20 public authorities law, in an amount not to exceed the actual excess
21 balance in the special account of the mortgage insurance fund, as deter-
22 mined and certified by the state of New York mortgage agency for the
23 fiscal year 2021-2022 in accordance with section 2429-b of the public
24 authorities law, if any, and/or (ii) provided that the reserves in the
25 project pool insurance account of the mortgage insurance fund created
26 pursuant to section 2429-b of the public authorities law are sufficient
27 to attain and maintain the credit rating (as determined by the state of
28 New York mortgage agency) required to accomplish the purposes of such
29 account, the project pool insurance account of the mortgage insurance
30 fund, such transfer to be made as soon as practicable but no later than
31 June 30, 2022.

32 § 2. Notwithstanding any other provision of law, the housing trust
33 fund corporation may provide, for purposes of the rural preservation
34 program, a sum not to exceed \$6,250,000 for the fiscal year ending March
35 31, 2023. Within this total amount, \$250,000 shall be used for the
36 purpose of entering into a contract with the rural housing coalition to
37 provide technical assistance and services to companies funded pursuant
38 to article 17 of the private housing finance law. Notwithstanding any
39 other provision of law, and subject to the approval of the New York
40 state director of the budget, the board of directors of the state of New
41 York mortgage agency shall authorize the transfer to the housing trust
42 fund corporation, for the purposes of reimbursing any costs associated
43 with rural preservation program contracts authorized by this section, a
44 total sum not to exceed \$6,250,000, such transfer to be made from (i)
45 the special account of the mortgage insurance fund created pursuant to
46 section 2429-b of the public authorities law, in an amount not to exceed
47 the actual excess balance in the special account of the mortgage insur-
48 ance fund, as determined and certified by the state of New York mortgage
49 agency for the fiscal year 2021-2022 in accordance with section 2429-b
50 of the public authorities law, if any, and/or (ii) provided that the

1 reserves in the project pool insurance account of the mortgage insurance
2 fund created pursuant to section 2429-b of the public authorities law
3 are sufficient to attain and maintain the credit rating (as determined
4 by the state of New York mortgage agency) required to accomplish the
5 purposes of such account, the project pool insurance account of the
6 mortgage insurance fund, such transfer to be made as soon as practicable
7 but no later than June 30, 2022.

8 § 3. Notwithstanding any other provision of law, the housing trust
9 fund corporation may provide, for purposes of the rural rental assist-
10 ance program pursuant to article 17-A of the private housing finance
11 law, a sum not to exceed \$51,630,000 for the fiscal year ending March
12 31, 2023. Notwithstanding any other provision of law, and subject to
13 the approval of the New York state director of the budget, the board of
14 directors of the state of New York mortgage agency shall authorize the
15 transfer to the housing trust fund corporation, for the purposes of
16 reimbursing any costs associated with rural rental assistance program
17 contracts authorized by this section, a total sum not to exceed
18 \$51,630,000, such transfer to be made from (i) the special account of
19 the mortgage insurance fund created pursuant to section 2429-b of the
20 public authorities law, in an amount not to exceed the actual excess
21 balance in the special account of the mortgage insurance fund, as deter-
22 mined and certified by the state of New York mortgage agency for the
23 fiscal year 2021-2022 in accordance with section 2429-b of the public
24 authorities law, if any, and/or (ii) provided that the reserves in the
25 project pool insurance account of the mortgage insurance fund created
26 pursuant to section 2429-b of the public authorities law are sufficient
27 to attain and maintain the credit rating, as determined by the state of
28 New York mortgage agency, required to accomplish the purposes of such
29 account, the project pool insurance account of the mortgage insurance
30 fund, such transfer shall be made as soon as practicable but no later
31 than June 30, 2022.

32 § 4. This act shall take effect immediately.

33 PART AA

34 Intentionally Omitted

35 PART BB

36 Intentionally Omitted

37 PART CC

38 Intentionally Omitted

39 PART DD

40 Intentionally Omitted

41 PART EE

42 Intentionally Omitted

1 PART FF

2 Intentionally Omitted

3 PART GG

4 Section 1. Legislative findings and intent. The legislature hereby
5 finds that as New York's immigrant population continues to grow, inabil-
6 ity to access documents translated into languages that community members
7 read and lack of interpretation of government services and resources
8 into languages that community members speak are major barriers to the
9 advancement of the state's immigrant population. However, currently New
10 York only requires translation services into six languages, based on an
11 Executive Order signed in 2011, leaving many New Yorkers without access
12 to translation in languages they speak, and none of the current six
13 languages are widely spoken among immigrants from the African continent
14 or the Middle East. Translation is also only mandatory in a handful of
15 executive specific agencies, instead of across all subdivisions of state
16 and county government. The legislature believes language access improves
17 the lives of immigrants by increasing opportunities for employment,
18 business ownership, and other vital services, while making staff time at
19 state agencies and authorities more efficient, benefiting all of New
20 York.

21 § 2. The executive law is amended by adding a new article 49-C to read
22 as follows:

23 ARTICLE 49-C
24 LANGUAGE ACCESS

25 Section 996. Language access.

26 § 996. Language access. 1. Each state agency that provides direct
27 public services shall translate vital documents, including essential
28 public documents such as forms and instructions provided to or completed
29 by program beneficiaries or participants. Such translation shall be
30 available in the twelve most common non-English languages spoken by
31 limited English proficient immigrants of five years or less according to
32 the American community survey, as published by the United States census
33 bureau.

34 2. Each such agency shall additionally make such translations avail-
35 able within each region of the state, as established by article eleven
36 of the economic development law, in the three most common non-English
37 languages which are spoken in that region by limited English proficient
38 immigrants of five years or less, according to the American community
39 survey, as published by the United States census bureau, which are not
40 already included among the twelve languages specified in subdivision one
41 of this section.

42 3. The list of most common languages shall be updated every two years,
43 based on the most recent American community survey data, as published by
44 the United States census bureau.

45 4. Each agency shall provide interpretation services between the agen-
46 cy and an individual in their primary language with respect to the
47 provision of services or benefits.

48 5. Within ninety days of the effective date of this section, each
49 agency shall publicly publish a language access plan which reflects how
50 the agency will comply with the language access requirements of this
51 section, and shall set forth, at a minimum:

1 (a) when and by what means the agency will provide or is already
2 providing language access services;

3 (b) the titles of all available translated documents and the languages
4 into which they have been translated;

5 (c) the number of public contact positions in the agency and the
6 number of bilingual employees in public contact positions including the
7 languages they speak;

8 (d) a training plan for agency employees which includes, at a minimum,
9 annual training on the language access policies of the agency and how to
10 provide language assistance services;

11 (e) a plan of how the agency intends to notify the population of
12 offered language assistance services; and

13 (f) a language access coordinator at the agency, who shall be publicly
14 identified.

15 § 3. Article 9 of the public authorities law is amended by adding a
16 new title 13 to read as follows:

17 TITLE 13

18 LANGUAGE ACCESS

19 Section 2988. Language access.

20 § 2988. Language access. 1. Each state authority that provides direct
21 public services shall translate vital documents, including essential
22 public documents such as forms and instructions provided to or completed
23 by program beneficiaries or participants. The translation shall be
24 available in the twelve most common non-English languages spoken by
25 individuals with limited English proficiency in the state within the
26 past five years, based on the American community survey, as published by
27 the United States census bureau, and relevant to services offered by
28 such agency.

29 2. Each such authority shall make such translations available within
30 each region of the state, as established by article eleven of the
31 economic development law, in the three most common non-English languages
32 which are spoken in that region by limited English proficient immigrants
33 of five years or less, according to the American community survey, as
34 published by the United States census bureau, which are not already
35 included among the twelve languages specified in subdivision one of this
36 section.

37 3. The list of most common languages shall be updated no less than
38 every two years from the effective date of this section, based on the
39 most recent American community survey, as published by the United States
40 census bureau.

41 4. Each such authority shall provide interpretation services between
42 the agency and an individual in his or her primary language with respect
43 to the provision of services or benefits.

44 5. Within ninety days of the effective date of this section, each such
45 authority shall publish a language access plan which reflects how the
46 agency will comply with the language access requirements pursuant to
47 this section, and shall set forth, at a minimum:

48 a. when and by what means the authority will provide or is already
49 providing language access services;

50 b. the titles of all available translated documents and the languages
51 into which they have been translated;

52 c. the number of public contact positions in the authority and the
53 number of bilingual employees in public contact positions including the
54 languages they speak;

d. a training plan for agency employees which includes, at a minimum, annual training on the language access policies of the authority and how to provide language assistance services;

e. a plan of how the agency intends to notify the population of offered language assistance services; and

f. a language access coordinator at the authority, who shall be publicly identified.

§ 4. The county law is amended by adding a new article 24-A to read as follows:

**ARTICLE 24-A
LANGUAGE ACCESS**

Section 950. Language access.

§ 950. Language access. 1. Every political entity of a county that provides direct public services shall translate vital documents, including essential public documents such as forms and instructions provided to or completed by program beneficiaries or participants. The translation shall be available in the twelve most common non-English languages spoken by individuals with limited English proficiency in the state within the past five years, based on the American community survey, as published by the United States census bureau, and relevant to services offered by each of such agencies.

2. Each such political entity of a county shall make such translations available within each region of the state, as established by article eleven of the economic development law, in the three most common non-English languages which are spoken in that region by limited English proficient immigrants of five years or less, according to the American community survey, as published by the United States census bureau, which are not already included among the twelve languages specified in subdivision one of this section.

3. Notwithstanding the provisions of subdivision one of this section, a county may add additional languages as necessary to accommodate local variances from statewide languages, provided such languages are added after public notice and opportunity to comment.

4. The list of most common languages shall be updated no less than every two years from the effective date of this section, based on the most recent American community survey, as published by the United States census bureau, and any additional languages such county shall choose to select.

5. Each such political entity of a county shall provide interpretation services between the entity and an individual in his or her primary language with respect to the provision of services or benefits.

6. Within ninety days of the effective date of this section, each such political entity of a county shall publish a language access plan which reflects how the political entity will comply with the language access requirements pursuant to this section, and shall set forth, at a minimum:

(a) when and by what means the political entity shall provide or is already providing language access services;

(b) the titles of all available translated documents and the languages into which they have been translated;

(c) the number of public contact positions in the political entity and the number of bilingual employees in public contact positions including the languages they speak;

(d) a training plan for agency employees, which includes, at a minimum, annual training on the language access policies of the political entity and how to provide language assistance services;

(e) a plan of how the political entity intends to notify the population of offered language assistance services; and
(f) a language access coordinator at the political entity, who shall be publicly identified.

§ 5. This act shall take effect immediately.

PART HH

Section 1. Section 211 of the retirement and social security law is amended by adding a new subdivision 9 to read as follows:

9. Notwithstanding the provisions of this section, sections two hundred twelve and four hundred one of this chapter and section five hundred three of the education law and any other law, regulation, rule, local law, or charter to the contrary, a retired person may be employed and earn compensation in a position or positions in the service of a school district or a board of cooperative educational services in the state without any effect on his or her status as retired and without suspension or diminution of his or her retirement allowance and without prior approval pursuant to subdivision two of this section. Earnings received as a result of employment in a school district or a board of cooperative educational services in the state shall not be applied to a retired person's earnings when calculating the earnings limitations imposed by subdivisions one and two of section two hundred twelve of this article.

§ 2. This act shall take effect immediately and shall expire and be deemed repealed June 30, 2024.

PART II

Intentionally Omitted

PART JJ

Section 1. Section 581-a of the labor law is amended by adding a new subdivision 3-a to read as follows:

3-a. (a) Notwithstanding the provisions of section five hundred eighty-one of this title to the contrary and notwithstanding the actual size of the fund index, the rate of contribution for a qualified employer in the two thousand twenty-two fiscal year shall be the percentage shown in the column headed by the size of the fund index at two and one-half percent but less than three percent and on the same line with his or her negative or positive employer's account percentage pursuant to subdivision two of section five hundred eighty-one of this title, unless using the actual size of the fund index would result in a lower rate of contribution for an employer, in which case such employer shall be liable for such lower rate of contribution.

(b) Notwithstanding the provisions of section five hundred eighty-one of this title to the contrary and notwithstanding the actual size of the fund index, the rate of contribution for a qualified employer in the two thousand twenty-three fiscal year shall be the percentage shown in the column headed by the size of the fund index at two percent but less than two and one-half percent and on the same line with his or her negative or positive employer's account percentage pursuant to subdivision two of section five hundred eighty-one of this title, unless using the actual size of the fund index would result in a lower rate of contribution for

1 an employer, in which case such employer shall be liable for such lower
2 rate of contribution.

3 § 2. Subdivision 5 of section 590 of the labor law is amended by
4 adding a new paragraph (b-1) to read as follows:

5 (b-1) Notwithstanding paragraph (b) of this subdivision, the maximum
6 benefit shall be forty percent of the average weekly wage, until the
7 first Monday of October, two thousand twenty-two, when the maximum bene-
8 fit amount shall be forty-two percent of the average weekly wage.

9 § 3. This act shall take effect immediately; provided, however, that
10 section two of this act shall take effect on the thirtieth day after it
11 shall have become a law and shall apply to new claims filed on or after
12 such date. Effective immediately, the addition, amendment and/or repeal
13 of any rule or regulation necessary for the implementation of this act
14 on its effective date are authorized to be made and completed on or
15 before such effective date.

16 PART KK

17 Section 1. Paragraph h of subdivision 2 of section 355 of the educa-
18 tion law is amended by adding a new subparagraph 11 to read as follows:

19 (11) Beginning in the two thousand twenty-two--two thousand twenty-
20 three academic year all current and future mandatory university fees,
21 with the exclusion of the graduate student association student activity
22 fee, shall be charged to a state university of New York graduate student
23 serving a full-time or half-time appointment as a graduate teaching
24 assistant, graduate assistant, graduate research assistant, graduate
25 research associate, or graduate teaching associate at the following
26 rates:

27 (i) in the two thousand twenty-two--two thousand twenty-three academic
28 year seventy-five percent of all mandatory university fees, with the
29 exclusion of the graduate student association student activity fee;

30 (ii) in the two thousand twenty-three--two thousand twenty-four
31 academic year fifty percent of all mandatory university fees, with the
32 exclusion of the graduate student association student activity fee;

33 (iii) in the two thousand twenty-four--two thousand twenty-five
34 academic year twenty-five percent of all mandatory university fees, with
35 the exclusion of the graduate student association student activity fee;
36 and

37 (iv) beginning in the two thousand twenty-five--two thousand twenty-
38 six academic year and thereafter, no mandatory university fees shall be
39 charged, with the exclusion of the graduate student association student
40 activity fee.

41 § 2. Section 6206 of the education law is amended by adding a new
42 subdivision 22 to read as follows:

43 22. Beginning in the two thousand twenty-two--two thousand twenty-
44 three academic year all current and future mandatory university fees,
45 with the exclusion of the graduate student association student activity
46 fee, shall be charged to a city university of New York graduate student
47 serving as a graduate assistant, adjunct instructor, adjunct lecturer,
48 adjunct college laboratory technician or a non-teaching adjunct staff
49 member at the following rates:

50 a. in the two thousand twenty-two--two thousand twenty-three academic
51 year seventy-five percent of all mandatory university fees, with the
52 exclusion of the graduate student association student activity fee;

b. in the two thousand twenty-three--two thousand twenty-four academic year fifty percent of all mandatory university fees, with the exclusion of the graduate student association student activity fee;

c. in the two thousand twenty-four--two thousand twenty-five academic year twenty-five percent of all mandatory university fees, with the exclusion of the graduate student association student activity fee; and

d. beginning in the two thousand twenty-five--two thousand twenty-six academic year and thereafter, no mandatory university fees shall be charged, with the exclusion of the graduate student association student activity fee.

§ 3. This act shall take effect immediately.

PART LL

Section 1. Subdivision 8-a of section 355 of the education law, as amended by section 8 of part Q of chapter 56 of the laws of 2013, is amended to read as follows:

8-a. All monies received by state university health care facilities from fees, charges, and reimbursement and from all other sources shall be credited to a state university health care account in a fund to be designated by the state comptroller. Notwithstanding the provision of any law, rule or regulation to the contrary, a portion of such monies credited may be transferred to a state university account as requested by the state university chancellor or his or her designee. Monies to establish reserves for long-term expenses of state university health care facilities and to fulfill obligations required for any contract for health care services authorized pursuant to subdivision sixteen of this section may be designated by the state university as a reserve and transferred to a separate contractual reserve account. The amounts in such accounts shall be available for use in accordance with paragraph b of subdivision four and subdivision eight of this section. Monies shall only be expended from the state university health care account and the contractual reserve account pursuant to appropriation. Notwithstanding any provision of this chapter, the state finance law or any other law to the contrary, such appropriations shall remain in full force and effect for two years from the effective date of the appropriation act making the appropriation. Monies so transferred may be returned to the state university health care account; provided, however, that funds in such contractual reserve account must be sufficient to meet the obligations of all such contracts. Notwithstanding any other law, rule, or regulation to the contrary, no state agency or state official or employee acting in their official capacity, may transfer, loan, or otherwise appropriate any income or funds impacting, involving, generated by, or appropriated for any component of the state university, or community colleges as defined by section sixty-three hundred one of this chapter operating under the program of the state university, including such income or funds impacting, involving, generated by, or appropriated for a state university health care facility, to the general fund or any other fund or account held within the auspices of the comptroller of the state of New York, for prepayment, repayment, or otherwise recompense for debt service costs related to a state university health care facility. The provisions of this subdivision shall supersede any other general, special or local law inconsistent therewith notwithstanding, unless this section is expressly and specifically referred to in such other general, special or local law.

§ 2. This act shall take effect immediately.

1

PART MM

2 Section 1. Subparagraph (ii) of paragraph a of subdivision 3 of
 3 section 667 of the education law, as amended by section 1 of part B of
 4 chapter 60 of the laws of 2000, is amended to read as follows:

5 (ii) Except for students as noted in subparagraph (iii) of this para-
 6 graph, the base amount as determined from subparagraph (i) of this para-
 7 graph, shall be reduced in relation to income as follows:

8 Amount of income	Schedule of reduction
9	of base amount
10 (A) Less than seven thousand	None
11 dollars	
12 (B) Seven thousand dollars or	Seven per centum of excess
13 more, but less than eleven	over seven thousand dollars
14 thousand dollars	
15 (C) Eleven thousand dollars or	Two hundred eighty dollars
16 more, but less than eighteen	plus ten per centum of excess
17 thousand dollars	over eleven thousand dollars
18 (D) Eighteen thousand dollars or	Nine hundred eighty dollars
19 more, but not more than [eighty]	plus twelve per centum of
20 <u>one hundred ten</u>	excess over eighteen
21 thousand dollars	thousand dollars
22 § 2. Subparagraph (vi) of paragraph a of subdivision 3 of section 667	
23 of the education law, as amended by section 1 of part B of chapter 60 of	
24 the laws of 2000, is amended to read as follows:	
25 (vi) For the two thousand two--two thousand three academic year and	
26 thereafter, the award shall be the net amount of the base amount deter-	
27 mined pursuant to subparagraph (i) of this paragraph reduced pursuant to	
28 subparagraph (ii) or (iii) of this paragraph but the award shall not be	
29 reduced below [five hundred] <u>one thousand</u> dollars.	
30 § 3. This act shall take effect June 1, 2022.	

31

PART NN

32 Section 1. The public housing law is amended by adding a new article
 33 15 to read as follows:

ARTICLE 15HOUSING ACCESS VOUCHER PROGRAMSection 620. Legislative findings.621. Definitions.622. Housing access voucher program.623. Eligibility.624. Funding allocation and distribution.625. Payment of housing vouchers.626. Leases and tenancy.627. Rental obligation.628. Monthly assistance payment.629. Inspection of units.630. Rent.631. Vacated units.632. Leasing of units owned by a housing access voucher local administrator.633. Verification of income.634. Division of an assisted family.

51

635. Maintenance of effort.

636. Vouchers statewide.

637. Applicable codes.

638. Housing choice.

§ 620. Legislative findings. The legislature finds that it is in the public interest and an obligation of the state to ensure that individuals and families are not rendered homeless because of an inability to pay the cost of housing, and that the state should aid individuals and families who are homeless or face an imminent loss of housing in obtaining and maintaining suitable permanent housing in accordance with the provisions of this article.

§ 621. Definitions. For the purposes of this article, the following terms shall have the following meanings:

1. "Homeless" means lacking a fixed, regular, and adequate nighttime residence; having a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings, including a car, park, abandoned building, bus or train station, airport, campground, or other place not meant for human habitation; living in a supervised publicly or privately operated shelter designated to provide temporary living arrangements (including hotels and motels paid for by federal, state or local government programs for low-income individuals or by charitable organizations, congregate shelters, or transitional housing); exiting an institution where an individual or family has resided and lacking a regular fixed and adequate nighttime residence upon release or discharge; being a homeless family with children or unaccompanied youth defined as homeless under 42 U.S.C. § 11302(a); having experienced a long-term period without living independently in permanent housing or having experienced persistent instability as measured by frequent moves and being reasonably expected to continue in such status for an extended period of time because of chronic disabilities, chronic physical health or mental health conditions, substance addiction, histories of domestic violence or childhood abuse, the presence of a child or youth with a disability, multiple barriers to employment, or other dangerous or life-threatening conditions, including conditions that relate to violence against an individual or a family member.

2. "Imminent loss of housing" means having received a verified rent demand or a petition for eviction; having received a court order resulting from an eviction action that notifies the individual or family that they must leave their housing; facing loss of housing due to a court order to vacate the premises due to hazardous conditions, which may include but not be limited to asbestos, lead exposure, mold, and radon; having a primary nighttime residence that is a room in a hotel or motel and lacking the resources necessary to stay; facing loss of the primary nighttime residence, which may include living in the home of another household, where the owner or renter of the housing will not allow the individual or family to stay, provided further, that an assertion from an individual or family member alleging such loss of housing or homelessness shall be sufficient to establish eligibility; or fleeing or attempting to flee domestic violence, dating violence, sexual assault, stalking, human trafficking or other dangerous or life-threatening conditions that relate to violence against the individual or a family member, provided further that an assertion from an individual or family member alleging such abuse and loss of housing shall be sufficient to establish eligibility.

1 3. "Public housing agency" means any county, municipality, or other
2 governmental entity or public body that is authorized to administer any
3 public housing program (or an agency or instrumentality of such an enti-
4 ty), and any other public or private non-profit entity that administers
5 any other public housing program or assistance.

6 4. "Section 8 local administrator" means an organization that adminis-
7 ters the Section 8 Housing Choice Vouchers program within a community,
8 county or region, or statewide, on behalf of and under contract with the
9 housing trust fund corporation.

10 5. "Housing access voucher local administrator" means a public housing
11 agency, as defined in subdivision three of this section, or Section 8
12 local administrator designated to administer the housing access voucher
13 program within a community, county or region, or statewide, on behalf of
14 and under contract with the housing trust fund corporation.

15 6. "Family" means a group of persons residing together. Such group
16 includes, but is not limited to a family with or without children (a
17 child who is temporarily away from the home because of placement in
18 foster care is considered a member of the family) or any remaining
19 members of a tenant family. The commissioner shall have the discretion
20 to determine if any other group of persons qualifies as a family.

21 7. "Owner" means any private person or any entity, including a cooper-
22 ative, an agency of the federal government, or a public housing agency,
23 having the legal right to lease or sublease dwelling units.

24 8. "Dwelling unit" means a single-family dwelling, including attached
25 structures such as porches and stoops; or a single-family dwelling unit
26 in a structure that contains more than one separate residential dwelling
27 unit, and in which each such unit is used or occupied, or intended to be
28 used or occupied, in whole or in part, as the residence of one or more
29 persons.

30 9. "Income" means income from all sources of each member of the house-
31 hold, including all wages, tips, over-time, salary, welfare assistance,
32 social security payments, child support payments, returns on invest-
33 ments, and recurring gifts. The term "income" shall not include:
34 employment income from children under eighteen years of age, employment
35 income from children eighteen years of age or older who are full-time
36 students, foster care payments, sporadic gifts, groceries provided by
37 persons not living in the household, supplemental nutrition assistance
38 program (food stamp) benefits, earned income disregard (EID), or the
39 earned income tax credit.

40 10. "Adjusted income" means income minus any deductions allowable by
41 the rules promulgated by the commissioner pursuant to this article.
42 Mandatory deductions shall include:

- 43 (a) four hundred eighty dollars for each dependent;
44 (b) four hundred dollars for any elderly family member and/or a family
45 member with a disability;
46 (c) any reasonable child care expenses necessary to enable a member of
47 the family to be employed or to further his or her education;
48 (d) The sum total of unreimbursed medical expenses for each elderly
49 family member and/or family member with a disability plus unreimbursed
50 attendant care and/or medical apparatus expenses for each member of the
51 family with a disability which are necessary for any member of the fami-
52 ly (including the member of the family who is a person with a disabili-
53 ty) to be employed, that is greater than three percent of the annual
54 income; and
55 (e) expenses related to child support payments due and owing.

1 11. "Reasonable rent" means rent not more than the rent charged on
2 comparable units in the private unassisted market and rent charged for
3 comparable unassisted units in the premises.

4 12. "Fair market rent" means the fair market rent for each rental area
5 as promulgated annually by the United States department of housing and
6 urban development's office of policy development and research pursuant
7 to 42 U.S.C. 1437f.

8 13. "Voucher" means a document issued by the housing trust fund corpo-
9 ration pursuant to this article to an individual or family selected for
10 admission to the housing access voucher program, which describes such
11 program and the procedures for approval of a unit selected by the family
12 and states the obligations of the individual or family under the
13 program.

14 14. "Lease" means a written agreement between an owner and a tenant
15 for the leasing of a dwelling unit to the tenant. The lease establishes
16 the conditions for occupancy of the dwelling unit by an individual or
17 family with housing assistance payments under a contract between the
18 owner and the housing access voucher local administrator.

19 15. "Dependent" means any member of the family who is neither the head
20 of household, nor the head of the household's spouse, and who is:

- 21 (a) under the age of eighteen;
- 22 (b) a person with a disability; or
- 23 (c) a full-time student.

24 16. "Elderly" means a person sixty-two years of age or older.

25 17. "Child care expenses" means expenses relating to the care of chil-
26 dren under the age of thirteen.

27 18. "Severely rent burdened" means those individuals and families who
28 pay more than fifty percent of their income in rent as defined by the
29 United States census bureau.

30 19. "Disability" means:

31 (a) the inability to engage in any substantial gainful activity by
32 reason of any medically determinable physical or mental impairment which
33 can be expected to result in death or which has lasted or can be
34 expected to last for a continuous period of not less than twelve months;
35 or

36 (b) in the case of an individual who has attained the age of fifty-
37 five and is blind, the inability by reason of such blindness to engage
38 in substantial gainful activity requiring skills or abilities comparable
39 to those of any gainful activity in which they have previously engaged
40 with some regularity and over a substantial period of time; or

41 (c) a physical, mental, or emotional impairment which:

42 (i) is expected to be of long-continued and indefinite duration;

43 (ii) substantially impedes his or her ability to live independently;
44 and

45 (iii) is of such a nature that such ability could be improved by more
46 suitable housing conditions; or

47 (d) a developmental disability that is a severe, chronic disability of
48 an individual that:

49 (i) is attributable to a mental or physical impairment or combination
50 of mental and physical impairments;

51 (ii) is manifested before the individual attains age twenty-two;

52 (iii) is likely to continue indefinitely;

53 (iv) results in substantial functional limitations in three or more of
54 the following areas of major life activity:

55 (A) self-care;

56 (B) receptive and expressive language;

1 (C) learning;
2 (D) mobility;
3 (E) self-direction;
4 (F) capacity for independent living; or
5 (G) economic self-sufficiency; and
6 (v) reflects the individual's need for a combination and sequence of
7 special, interdisciplinary, or generic services, individualized
8 supports, or other forms of assistance that are of lifelong or extended
9 duration and are individually planned and coordinated.

10 § 622. Housing access voucher program. The commissioner, subject to
11 the appropriation of funds for this purpose, shall implement a program
12 of rental assistance in the form of housing vouchers for eligible indi-
13 viduals and families who are homeless or who face an imminent loss of
14 housing in accordance with the provisions of this article. The housing
15 trust fund corporation shall issue vouchers pursuant to this article,
16 subject to appropriation of funds for this purpose, and may contract
17 with the division of housing and community renewal to administer any
18 aspect of this program in accordance with the provisions of this arti-
19 cle. The commissioner shall designate housing access voucher local
20 administrators in the state to make vouchers available to such individ-
21 uals and families and to administer other aspects of the program in
22 accordance with the provisions of this article. In the city of New York,
23 the housing access voucher local administrator shall be the New York
24 city department of housing preservation and development, or the New York
25 city housing authority, or both.

26 § 623. Eligibility. The commissioner shall promulgate standards for
27 determining eligibility for assistance under this program. Individuals
28 and families who meet the standards shall be eligible regardless of
29 immigration status. Eligibility shall be limited to individuals and
30 families who are homeless or facing imminent loss of housing. Housing
31 access voucher local administrators may rely on correspondence from a
32 homeless shelter or similar institution or program to determine whether
33 an applicant qualifies as a homeless individual or family.

34 1. An individual or family shall be eligible for this program if they
35 are homeless or facing imminent loss of housing and have an income of no
36 more than fifty percent of the area median income, as defined by the
37 federal department of housing and urban development.

38 2. An individual or family in receipt of rental assistance pursuant to
39 this program shall be no longer financially eligible for such assistance
40 under this program when thirty percent of the individual's or family's
41 adjusted income is greater than or equal to the total rent for the
42 dwelling unit.

43 3. When an individual or family becomes financially ineligible for
44 rental assistance under this program pursuant to subdivision two of this
45 section, the individual or family shall retain rental assistance for a
46 period no shorter than one year, subject to appropriation of funds for
47 this purpose.

48 4. Income eligibility shall be verified prior to a public housing
49 agency's initial determination to provide rental assistance for this
50 program and upon determination of such eligibility, an individual or
51 family shall annually certify their income for the purpose of determin-
52 ing continued eligibility and any adjustments to such rental assistance.

53 5. The commissioner shall collaborate with the office of temporary
54 and disability assistance and other state and city agencies to allow
55 public housing agencies to access income information for the purpose of
56 verifying an individual's or family's income.

1 § 624. Funding allocation and distribution. 1. Funding shall be allo-
2 cated by the commissioner in each county and the city of New York in
3 proportion to the number of households in each county or the city of New
4 York who are severely rent burdened based on data published by the
5 United States census bureau.

6 2. The commissioner shall be responsible for distributing the funds
7 allocated in each county or the city of New York among housing access
8 voucher local administrators operating in each county or in the city of
9 New York.

10 3. At least fifty percent of funds distributed in each county or in
11 the city of New York shall be allocated to individuals or families who
12 are homeless. If a county is unable to fully distribute all funds allo-
13 cated pursuant to this program under this section, such county may spend
14 fewer than fifty percent of its funds for those who are homeless,
15 provided that all eligible applicant individuals or families who are
16 homeless have been served.

17 4. At least eighty-five percent of funds distributed in each county or
18 in the city of New York for individuals or families who are homeless
19 pursuant to subdivision three of this section shall be allocated to
20 individuals and families whose income does not exceed thirty percent of
21 the area median income as defined by the federal department of housing
22 and urban development.

23 5. Of the funds allocated to individuals and families who face an
24 imminent loss of housing, priority shall be given to individuals and
25 families who have formerly experienced homelessness, including those who
26 have previously received a temporary rental voucher from the state, a
27 locality, or a non-profit organization or who currently have a rental
28 assistance voucher that is due to expire within six months of applica-
29 tion.

30 § 625. Payment of housing vouchers. The housing voucher shall be paid
31 directly to any owner under a contract between the owner of the dwelling
32 unit to be occupied by the voucher recipient and the appropriate housing
33 access voucher local administrator. A housing assistance payment
34 contract entered into pursuant to this section shall establish the maxi-
35 mum monthly rent (including utilities and all maintenance and management
36 charges) which the owner is entitled to receive for each dwelling unit
37 with respect to which such assistance payments are to be made. The maxi-
38 mum monthly rent shall not exceed one hundred ten percent nor be less
39 than ninety percent of the fair market rent for the rental area in which
40 it is located. Fair market rent for a rental area shall be published
41 not less than annually by the commissioner and shall be made available
42 on the website of New York state homes and community renewal.

43 § 626. Leases and tenancy. Each housing assistance payment contract
44 entered into by a housing access voucher local administrator and the
45 owner of a dwelling unit shall provide:

46 1. that the lease between the tenant and the owner shall be for a term
47 of not less than one year, except that the housing access voucher local
48 administrator may approve a shorter term for an initial lease between
49 the tenant and the dwelling unit owner if the housing access voucher
50 local administrator determines that such shorter term would improve
51 housing opportunities for the tenant and if such shorter term is consid-
52 ered to be a prevailing local market practice;

53 2. that the dwelling unit owner shall offer leases to tenants assisted
54 under this article that:

55 (a) are in a standard form used in the locality by the dwelling unit
56 owner; and

1 (b) contain terms and conditions that:
2 (i) are consistent with state and local law; and
3 (ii) apply generally to tenants in the property who are not assisted
4 under this article;

5 (c) shall provide that during the term of the lease, the owner shall
6 not terminate the tenancy except for serious or repeated violation of
7 the terms and conditions of the lease, for violation of applicable state
8 or local law, or for other good cause, and in the case of an owner who
9 is an immediate successor in interest pursuant to foreclosure during the
10 term of the lease vacating the property prior to sale shall not consti-
11 tute other good cause, except that the owner may terminate the tenancy
12 effective on the date of transfer of the unit to the owner if the owner:

13 (i) will occupy the unit as a primary residence; and
14 (ii) has provided the tenant a notice to vacate at least ninety days
15 before the effective date of such notice;

16 (d) shall provide that any termination of tenancy under this section
17 shall be preceded by the provision of written notice by the owner to the
18 tenant specifying the grounds for that action, and any relief shall be
19 consistent with applicable state and local law;

20 3. that any unit under an assistance contract originated under this
21 article shall only be occupied by the individual or family designated in
22 said contract and shall be the designated individual or family's primary
23 residence. Contracts shall not be transferable between units and shall
24 not be transferable between recipients. A family or individual may
25 transfer their voucher to a different unit under a new contract pursuant
26 to this article;

27 4. that an owner shall not charge more than a reasonable rent as
28 defined in section six hundred twenty-one of this article.

29 § 627. Rental obligation. 1. The monthly rental obligation for an
30 individual or family receiving housing assistance pursuant to the hous-
31 ing access voucher program shall be the greater of:

32 (a) thirty percent of the monthly adjusted income of the family or
33 individual; or

34 (b) If the family or individual is receiving payments for welfare
35 assistance from a public agency and a part of those payments, adjusted
36 in accordance with the actual housing costs of the family, is specif-
37 ically designated by that agency to meet the housing costs of the fami-
38 ly, the portion of those payments that is so designated. These payments
39 include, but are not limited to any shelter assistance or housing
40 assistance administered by any federal, state or local agency.

41 2. If the rent for the individual or family (including the amount
42 allowed for tenant-paid utilities) exceeds the applicable payment stand-
43 ard established under subdivision three of section six hundred twenty-
44 eight of this article, the monthly assistance payment for the family
45 shall be equal to the amount by which the applicable payment standard
46 exceeds the greater of amounts under paragraphs (a) and (b) of subdivi-
47 sion one of this section.

48 § 628. Monthly assistance payment. 1. The amount of the monthly
49 assistance payment with respect to any dwelling unit shall be the
50 difference between the maximum monthly rent which the contract provides
51 that the owner is to receive for the unit and the rent the individual or
52 family is required to pay under section six hundred twenty-seven of this
53 article. Reviews of income shall be made no less frequently than annual-
54 ly.

55 2. The commissioner shall establish maximum rent levels for different
56 sized rentals in each rental area in a manner that promotes the use of

1 the program in all localities based on the fair market rental of the
2 rental area. Rental areas shall be delineated by county, excepting that
3 the city of New York shall be considered one rental area. The commis-
4 sioner may rely on data or other information promulgated by any other
5 state or federal agency in determining the rental areas and fair market
6 rent.

7 3. The payment standard for each size of dwelling unit in a rental
8 area shall not be less than ninety percent and shall not exceed one
9 hundred ten percent of the fair market rent established in section six
10 hundred twenty-one of this article for the same size of dwelling unit in
11 the same rental area, except that the commissioner shall not be required
12 as a result of a reduction in the fair market rent to reduce the payment
13 standard applied to a family continuing to reside in a unit for which
14 the family was receiving assistance under this article at the time the
15 fair market rent was reduced.

16 § 629. Inspection of units. 1. Initial inspection.

17 (a) For each dwelling unit for which a housing assistance payment
18 contract is established under this article, the housing access voucher
19 local administrator (or other entity pursuant to section six hundred
20 thirty-two of this article) shall inspect the unit before any assistance
21 payment is made to determine whether the dwelling unit meets the housing
22 quality standards under subdivision two of this section, except as
23 provided in paragraph (b) or (c) of this subdivision.

24 (b) In the case of any dwelling unit that is determined, pursuant to
25 an inspection under paragraph (a) of this subdivision, not to meet the
26 housing quality standards under subdivision two of this section, assist-
27 ance payments may be made at the discretion of a housing access voucher
28 local administrator for the unit notwithstanding subdivision three of
29 this section if failure to meet such standards is a result only of non-
30 life-threatening conditions, as such conditions are established by the
31 commissioner. A housing access voucher local administrator making
32 assistance payments pursuant to this paragraph for a dwelling unit
33 shall, thirty days after the beginning of the period for which such
34 payments are made, withhold any assistance payments for the unit if any
35 deficiency resulting in noncompliance with the housing quality standards
36 has not been corrected by such time. The housing access voucher local
37 administrator shall recommence assistance payments when such deficiency
38 has been corrected, and may use any payments withheld to make assistance
39 payments relating to the period during which payments were withheld.

40 (c) In the case of any property that within the previous twenty-four
41 months has met the requirements of an inspection that qualifies as an
42 alternative inspection method pursuant to subdivision five of this
43 section, a housing access voucher local administrator may authorize
44 occupancy before the inspection under paragraph (a) of this subdivision
45 has been completed, and may make assistance payments retroactive to the
46 beginning of the lease term after the unit has been determined pursuant
47 to an inspection under paragraph (a) of this subdivision to meet the
48 housing quality standards under subdivision two of this section. This
49 paragraph may not be construed to exempt any dwelling unit from compli-
50 ance with the requirements of subdivision four of this section.

51 2. The housing quality standards under this subdivision shall be stan-
52 dards for safe and habitable housing established:

53 (a) by the commissioner for purposes of this subdivision; or

54 (b) by local housing codes or by codes adopted by the housing access
55 voucher local administrator that:

1 (i) meet or exceed housing quality standards, except that the commis-
2 sioner may waive the requirement under this subparagraph to significant-
3 ly increase access to affordable housing and to expand housing opportu-
4 nities for families assisted under this article, except where such
5 waiver could adversely affect the health or safety of families assisted
6 under this article; and

7 (ii) do not severely restrict housing choice.

8 3. The determination required under subdivision one of this section
9 shall be made by the housing access voucher local administrator (or
10 other entity, as provided in section six hundred thirty-two of this
11 article) pursuant to an inspection of the dwelling unit conducted before
12 any assistance payment is made for the unit. Inspections of dwelling
13 units under this subdivision shall be made before the expiration of the
14 fifteen day period beginning upon a request by the resident or landlord
15 to the housing access voucher local administrator or, in the case of any
16 housing access voucher local administrator that provides assistance
17 under this article on behalf of more than one thousand two hundred fifty
18 families, before the expiration of a reasonable period beginning upon
19 such request. The performance of the housing access voucher local admin-
20 istrator in meeting the fifteen day inspection deadline shall be taken
21 into consideration in assessing the performance of the housing access
22 voucher local administrator.

23 4. (a) Each housing access voucher local administrator providing
24 assistance under this article (or other entity, as provided in section
25 six hundred thirty-two of this article) shall, for each assisted dwell-
26 ing unit, make inspections not less often than annually during the term
27 of the housing assistance payments contract for the unit to determine
28 whether the unit is maintained in accordance with the requirements under
29 subdivision one of this section.

30 (b) The requirements under paragraph (a) of this subdivision may be
31 complied with by use of inspections that qualify as an alternative
32 inspection method pursuant to subdivision five of this section.

33 (c) The housing access voucher local administrator (or other entity)
34 shall retain the records of the inspection for a reasonable time, as
35 determined by the commissioner.

36 5. An inspection of a property shall qualify as an alternative
37 inspection method for purposes of this subdivision if:

38 (a) the inspection was conducted pursuant to requirements under a
39 federal, state, or local housing program; and

40 (b) pursuant to such inspection, the property was determined to meet
41 the standards or requirements regarding housing quality or safety appli-
42 cable to properties assisted under such program, and, if a non-state
43 standard or requirement was used, the housing access voucher local
44 administrator has certified to the commissioner that such standard or
45 requirement provides the same (or greater) protection to occupants of
46 dwelling units meeting such standard or requirement as would the housing
47 quality standards under subdivision two of this section.

48 6. Upon notification to the housing access voucher local administra-
49 tor, by an individual or family (on whose behalf tenant-based rental
50 assistance is provided under this article) or by a government official,
51 that the dwelling unit for which such assistance is provided does not
52 comply with the housing quality standards under subdivision two of this
53 section, the housing access voucher local administrator shall inspect
54 the dwelling unit:

55 (a) in the case of any condition that is life-threatening, within
56 twenty-four hours after the housing access voucher local administrator's

1 receipt of such notification, unless waived by the commissioner in
2 extraordinary circumstances; and

3 (b) in the case of any condition that is not life-threatening, within
4 a reasonable time frame, as determined by the commissioner.

5 In conducting such an inspection, the housing access voucher local
6 administrator may, at its discretion, require evidence from the owner of
7 the physical condition of a unit, including, but not limited to photo-
8 graphs, signed work orders, and contractor bills in lieu of the housing
9 access voucher local administrator conducting a physical inspection.

10 7. The commissioner shall establish procedural guidelines and perform-
11 ance standards to facilitate inspections of dwelling units and conform
12 such inspections with practices utilized in the private housing market.
13 Such guidelines and standards shall take into consideration variations
14 in local laws and practices and shall provide flexibility to the housing
15 access voucher local administrator appropriate to facilitate efficient
16 provision of assistance under this section.

17 § 630. Rent. 1. The rent for dwelling units for which a housing
18 assistance payment contract is established under this article shall be
19 reasonable in comparison with rents charged for comparable dwelling
20 units in the private, unassisted local market.

21 2. A housing access voucher local administrator (or other entity, as
22 provided in section six hundred thirty-two of this article) shall, at
23 the request of an individual or family receiving tenant-based assistance
24 under this article, assist that individual or family in negotiating a
25 reasonable rent with a dwelling unit owner. A housing access voucher
26 local administrator (or other such entity) shall review the rent for a
27 unit under consideration by the individual or family (and all rent
28 increases for units under lease by the individual or family) to deter-
29 mine whether the rent (or rent increase) requested by the owner is
30 reasonable. If a housing access voucher local administrator (or other
31 such entity) determines that the rent (or rent increase) for a dwelling
32 unit is not reasonable, the housing access voucher local administrator
33 (or other such entity) shall not make housing assistance payments to the
34 owner under this subdivision with respect to that unit.

35 3. If a dwelling unit for which a housing assistance payment contract
36 is established under this article is exempt from local rent control
37 provisions during the term of that contract, the rent for that unit
38 shall be reasonable in comparison with other units in the rental area
39 that are exempt from local rent control provisions.

40 4. Each housing access voucher local administrator shall make timely
41 payment of any amounts due to a dwelling unit owner under this section,
42 subject to appropriation of funds for this purpose. The housing assist-
43 ance payment contract between the owner and the housing access voucher
44 local administrator may provide for penalties for the late payment of
45 amounts due under the contract, which shall be imposed on the housing
46 access voucher local administrator in accordance with generally accepted
47 practices in the local housing market.

48 5. Unless otherwise authorized by the commissioner, each housing
49 access voucher local administrator shall pay any penalties from adminis-
50 trative fees collected by the housing access voucher local administra-
51 tor, except that no penalty shall be imposed if the late payment is due
52 to factors that the commissioner determines are beyond the control of
53 the housing access voucher local administrator.

54 § 631. Vacated units. If an assisted family vacates a dwelling unit
55 for which rental assistance is provided under a housing assistance
56 payment contract before the expiration of the term of the lease for the

1 unit, rental assistance pursuant to such contract may not be provided
2 for the unit after the month during which the unit was vacated.

3 § 632. Leasing of units owned by a housing access voucher local admin-
4 istrator. 1. If an eligible individual or family assisted under this
5 article leases a dwelling unit (other than a public housing dwelling
6 unit) that is owned by a housing access voucher local administrator
7 administering assistance to that individual or family under this
8 section, the commissioner shall require the unit of general local
9 government or another entity approved by the commissioner, to make
10 inspections required under section six hundred twenty-nine of this arti-
11 cle and rent determinations required under section six hundred thirty of
12 this article. The housing access voucher local administrator shall be
13 responsible for any expenses of such inspections and determinations,
14 subject to the appropriation of funds for this purpose.

15 2. For purposes of this section, the term "owned by a housing access
16 voucher local administrator" means, with respect to a dwelling unit,
17 that the dwelling unit is in a project that is owned by such administra-
18 tor, by an entity wholly controlled by such administrator, or by a
19 limited liability company or limited partnership in which such adminis-
20 trator (or an entity wholly controlled by such administrator) holds a
21 controlling interest in the managing member or general partner. A dwell-
22 ing unit shall not be deemed to be owned by a housing access voucher
23 local administrator for purposes of this section because such adminis-
24 trator holds a fee interest as ground lessor in the property on which
25 the unit is situated, holds a security interest under a mortgage or deed
26 of trust on the unit, or holds a non-controlling interest in an entity
27 which owns the unit or in the managing member or general partner of an
28 entity which owns the unit.

29 § 633. Verification of income. The commissioner shall establish proce-
30 dures which are appropriate and necessary to assure that income data
31 provided to the housing access voucher local administrator and owners by
32 individuals and families applying for or receiving assistance under this
33 article is complete and accurate. In establishing such procedures, the
34 commissioner shall randomly, regularly, and periodically select a sample
35 of families to authorize the commissioner to obtain information on these
36 families for the purpose of income verification, or to allow those fami-
37 lies to provide such information themselves. Such information may
38 include, but is not limited to, data concerning unemployment compen-
39 sation and federal income taxation and data relating to benefits made
40 available under the social security act, 42 U.S.C. 301 et seq., the food
41 and nutrition act of 2008, 7 U.S.C. 2011 et seq., or title 38 of the
42 United State Code. Any such information received pursuant to this
43 section shall remain confidential and shall be used only for the purpose
44 of verifying incomes in order to determine eligibility of individuals
45 and families for benefits (and the amount of such benefits, if any)
46 under this article.

47 § 634. Division of an assisted family. 1. In those instances where a
48 family assisted under this article becomes divided into two otherwise
49 eligible individuals or families due to divorce, legal separation or the
50 division of the family, where the new units cannot agree as to which new
51 unit should continue to receive the assistance, and where there is no
52 determination by a court, the public housing authority shall consider
53 the following factors to determine which of the individuals or families
54 will continue to be assisted:

55 (a) which of the new units has custody of dependent children;

(b) which family member was the head of household when the voucher was initially issued as listed on the initial application;
(c) the composition of the new units and which unit includes elderly or disabled members;
(d) whether domestic violence was involved in the breakup of the family unit;
(e) which family members remain in the unit; and
(f) recommendations of social service professionals.

2. Documentation of these factors will be the responsibility of the requesting parties. If documentation is not provided, the housing access voucher local administrator will terminate assistance on the basis of failure to provide information necessary for a recertification.

§ 635. Maintenance of effort. Any funds made available pursuant to this article shall not be used to offset or reduce the amount of funds previously expended for the same or similar programs in a prior year in any county or in the city of New York, but shall be used to supplement any prior year's expenditures. The commissioner may grant an exception to this requirement if any county, municipality, or other governmental entity or public body can affirmatively show that such amount of funds previously expended is in excess of the amount necessary to provide assistance to all individuals and families within the area in which the funds were previously expended who are homeless or facing an imminent loss of housing.

§ 636. Vouchers statewide. Notwithstanding section six hundred twenty-six of this article, any voucher issued pursuant to this article may be used for housing anywhere in the state. The commissioner shall inform voucher holders that a voucher may be used anywhere in the state and, to the extent practicable, the commissioner shall assist voucher holders in finding housing in the area of their choice.

§ 637. Applicable codes. Housing eligible for participation in the housing access voucher program shall comply with applicable state and local health, housing, building and safety codes.

§ 638. Housing choice. 1. The commissioner shall administer the housing access voucher program under this article to promote housing choice for voucher holders. The commissioner shall affirmatively promote fair housing to the extent possible under this program.

2. Nothing in this article shall lessen or abridge any fair housing obligations promulgated by municipalities, localities, or any other applicable jurisdiction.

§ 2. This act shall take effect on the first of April next succeeding the date on which it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.

PART 00

Section 1. This Part enacts into law major components of legislation in relation to utility ratepayer burden relief. Each component is wholly contained within a Subpart identified as Subparts A and B. The effective date for each particular provision contained within such 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.

1 Section two contains a severability clause for all provisions contained
2 in each Subpart of this Part.
3 Section three of this act sets forth the general effective date of
4 this Part.

5 SUBPART A

6 Section 1. Subdivision 1 of section 97 of the social services law, as
7 added by chapter 785 of the laws of 1983, is amended to read as follows:
8 1. The department is authorized to develop and submit to the governor
9 the application and plan required by title twenty-six of the federal
10 omnibus budget reconciliation act of nineteen hundred eighty-one, and to
11 amend and to take whatever other action may be necessary with respect to
12 such plan, including, but not limited to, acting for the state in any
13 negotiations relative to the submission of such plan, and making such
14 arrangements and taking such action, not inconsistent with law, as may
15 be required to submit, implement, administer and operate such plan, and
16 to secure for the state the benefits available under such act; provided,
17 however, that the state shall provide in such plan, if authorized by the
18 federal government, the use of net income for income calculations; cate-
19 gorical eligibility for households in which one household member
20 receives supplemental security income, temporary assistance for needy
21 families, supplemental nutrition assistance program benefits, or means-
22 tested veterans programs; priority eligibility for cooling assistance
23 for elderly individuals, disabled individuals, young children, and
24 households with high energy burdens; and priority eligibility for crisis
25 assistance for elderly individuals, disabled individuals, young chil-
26 dren, and households with high energy burdens.
27 § 2. This act shall take effect immediately.

28 SUBPART B

29 Section 1. The office of temporary and disability assistance shall
30 develop program materials which will be made available to utilities and
31 community agencies for the purpose of informing the public about the
32 availability of existing and new utility assistance programs. Local
33 social service districts may contract for the provision of an outreach
34 program to inform potentially eligible households of the availability of
35 assistance pursuant to section 131-s of the social services law.

36 § 2. This act shall take effect immediately.

37 § 2. Severability. If any clause, sentence, paragraph, subdivision,
38 section or subpart contained in any part of this act shall be adjudged
39 by any court of competent jurisdiction to be invalid, such judgment
40 shall not affect, impair, or invalidate the remainder thereof, but shall
41 be confined in its operation to the clause, sentence, paragraph, subdivi-
42 sion, section or subpart contained in any part thereof directly
43 involved in the controversy in which such judgment shall have been
44 rendered. It is hereby declared to be the intent of the legislature that
45 this act would have been enacted even if such invalid provisions had not
46 been included herein.

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

50 PART PP

Section 1. Paragraph (a) of subdivision 2 of section 106 of the social services law, as amended by section 1 of part 00 of chapter 56 of the laws of 2021, is amended to read as follows:

(a) Notwithstanding subdivision one of this section, if, prior to the effective date of the chapter of the laws of two thousand twenty-one that amended this section, a social services official accepted a deed of real property and/or a mortgage on behalf of the social services district for the assistance of a person at public expense, such social services official shall not assert any claim under any provision of this section to recover:

(1) any payments of public assistance made on or after April first, two thousand twenty-two;

(2) payments made as part of Supplemental Nutrition Assistance Program (SNAP), child care services, Emergency Assistance to Adults or the Home Energy Assistance Program (HEAP);

~~[(2)]~~ (3) payments of public assistance if such payments were reimbursed by child support collections;

~~[(3)]~~ (4) payments of public assistance unless, before a deed or mortgage was accepted from an applicant or recipient, the official first received a signed acknowledgment from the applicant or recipient acknowledging that:

A. benefits provided as part of Supplemental Nutrition Assistance Program (SNAP), child care services, Emergency Assistance to Adults or the Home Energy Assistance Program (HEAP) may not be included as part of the recovery to be made under the mortgage or lien; and

B. if the applicant or recipient declines to provide the lien or mortgage the children in the household shall remain eligible for public assistance.

§ 2. Subdivision 2 of section 106 of the social services law is amended by adding four new paragraphs (g), (h), (i) and (j) to read as follows:

(g) Where a mortgage has been taken in accordance with the provisions of this section prior to the effective date of the chapter of the laws of two thousand twenty-one that amended this section, and the property covered by the deed or mortgage is occupied, in whole or in part, by the responsible relative who gave such deed or mortgage to the social services official or, by a child for whose benefit the aid was granted, the social services official shall not sell the property or assign or enforce the mortgage without the written consent of the department; and, when the property is occupied by such child, such consent shall not be given unless it appears reasonably certain that the sale or other disposition of the property will not materially adversely affect the welfare of such child.

(h) The net amount recovered by the social services department from such property, less any expenditures approved by the department for the burial of the relative or the child who dies while in receipt of aid under this title, shall be used to repay the social services district, the state and the federal government their proportionate share of the cost of family assistance granted. The state and federal share shall be paid by the social services district to the state and the manner and amount of such payment shall be determined in accordance with the regulations of the department.

(i) If any balance remains it shall belong to the estate of the legally responsible relative or relatives and the public welfare district shall forthwith credit the same accordingly, and, provided they claim it within four years thereafter, pay it to the persons entitled thereto. If

1 not so claimed within four years, it shall be deemed abandoned property
2 and be paid to the state comptroller pursuant to section thirteen
3 hundred five of the abandoned property law.

4 (j) Such property shall not be considered public property and shall
5 remain on the tax rolls and such deed or mortgage shall be subject to
6 redemption as provided in subparagraph one of paragraph (d) of this
7 subdivision.

8 § 3. This act shall take effect on the same date and in the same
9 manner as section 3 of part 00 of chapter 56 of the laws of 2021, takes
10 effect.

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

20 § 3. This act shall take effect immediately provided, however, that
21 the applicable effective date of Parts A through PP of this act shall be
22 as specifically set forth in the last section of such Parts.