

6406--B

I N   S E N A T E

January 14, 2016

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

AN ACT to amend the education law, in relation to contracts for excellence and the apportionment of public moneys; to amend the education law, in relation to applications for waivers of certain duties by the education department; to amend the education law in relation to charter schools; to amend the education law, in relation to the statewide universal full-day pre-kindergarten program; 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; to amend chapter 756 of the laws of 1992, relating to funding a program for work force education conducted by the consortium for worker education in New York city, in relation to reimbursements for the 2015-2016 school year; to amend chapter 756 of the laws of 1992, relating to funding a program for work force education conducted by the consortium for worker education in New York city, in relation to withholding a portion of employment preparation education aid and in relation to the effectiveness thereof; to amend the state finance law, in relation to the New York state teen health education fund; 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 82 of the laws of 1995, amending the education law and other laws relating to state aid to school districts and the appropriation of funds for the support of government, in relation to the effectiveness thereof; to amend chapter 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 the effectiveness thereof; and to amend chapter

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

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101 of the laws of 2003, amending the education law relating to implementation of the No Child Left Behind Act of 2001, in relation to the effectiveness thereof (Part A); to amend the education law, in relation to total foundation aid, in relation to establishment of boards of cooperative educational services pending the creation of intermediate districts, in relation to the state office for religious and independent school establishment act, in relation to providing that a school bond resolution vote shall take place in conjunction with the school budget vote, in relation to transportation after four p.m., in relation to apportionment of public monies to school districts employing eight or more teachers, and in relation to foundation aid; to amend the tax law, in relation to exempting school buses from sales and compensating use taxes; to amend the education law, in relation to eligible applicants for charter schools, in relation to participation by a charter school in universal pre-kindergarten programs, in relation to certification of teachers employed by high-performing public charter schools; to amend the general municipal law, in relation to limits upon real property tax levies by local governments; to amend the education law, in relation to contracts for transportation of school children; to amend the education law, in relation to tuition stabilization aid; to amend part A of chapter 97 of the laws of 2011, amending the general municipal law and the education law relating to establishing limits upon school district and local government tax levies, in relation to the effectiveness thereof; to amend chapter 121 of the laws of 1996 relating to authorizing the Roosevelt union free school district to finance deficits by the issuance of serial bonds, in relation to certain apportionments; ratifying and legalizing certain acts and proceedings taken by school districts in connection with transportation contracts and building projects; to repeal certain provisions of the education law relating thereto; and to repeal subdivision 17 of section 3602 of the education law relating to eliminating the gap elimination adjustment (Part A-1); to amend the education law, in relation to enacting "Erin Merryn's law" (Part A-2); to amend the education law, in relation to school emergency response plans (Part B); to amend the education law, in relation to the city of New York assuming greater financial responsibility for the city university of New York senior colleges (Part C); to amend the education law, in relation to the NY-SUNY 2020 challenge grant program act; to amend chapter 260 of the laws of 2011, amending the education law and the New York state urban development corporation act relating to establishing components of the NY-2020 challenge grant program, in relation to the effectiveness thereof; and to repeal subdivision 5 of section 359 and subdivision 17 of section 6206 of the education law relating thereto (Part D); to amend the state finance law, in relation to the creation of the SUNY Stony Brook Affiliation escrow fund (Part E); intentionally omitted (Part F); to amend chapter 161 of the laws of 2005 amending the education law relating to the New York state licensed social worker loan forgiveness program, in relation to the effectiveness thereof; to amend part V of chapter 57 of the laws of 2005 amending the education law relating to the New York state nursing faculty loan forgiveness incentive program and the New York state nursing faculty scholarship program, in relation to the effectiveness thereof; to amend chapter 31 of the laws of 1985 amending the education law relating to regents scholarships in certain professions; and to amend the education law, in relation to forgiving loans upon the death of the recipient (Part G); to amend the education law, the busi-

ness corporation law, the partnership law and the limited liability company law, in relation to certified public accountants (Part H); intentionally omitted (Part I); intentionally omitted (Part J); intentionally omitted (Part K); intentionally omitted (Part L); to amend the family court act, in relation to findings that must be made at permanency hearings, and to amend the social services law, in relation to guardianship expenses, the reasonable and prudent parent standard and the criminal history of prospective foster and adoptive parents (Part M); intentionally omitted (Part N); 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 O); to utilize reserves in the mortgage insurance fund for various housing purposes (Part P); to amend Part D of chapter 58 of the laws of 2011 amending the education law relating to capital facilities in support of the state university and community colleges, procurement and the state university health care facilities, in relation to the effectiveness thereof (Part Q); to amend the arts and cultural affairs law, in relation to grants by the council on the arts (Part R); to amend the education law, in relation to the State University of New York (SUNY) Orange BRIDGES program (Part S); to amend the education law, in relation to community colleges (Part T); to amend the education law, in relation to a standard financial aid award letter; and to repeal certain provisions of the banking law relating thereto (Part U); to amend the education law, in relation to the practices of psychology, social work and psychotherapy (Part V); to amend the education law, in relation to income as a determinant of amount of awards (Part W); to amend the limited liability company law, the business corporation law, the partnership law, the public health law and the education law, in relation to allowing doctors of chiropractic licensed under title VIII, article 132 of the education law to form limited liability companies (Part X); to amend the private housing finance law, in relation to the rural mobile home replacement program (Part Y); to amend the emergency housing rent control law, the emergency tenant protection act of nineteen seventy-four, and the administrative code of the city of New York, in relation to making technical corrections; and to repeal section 467-i of the real property tax law relating to real property tax abatement (Part Z); to amend the real property tax law, in relation to tax abatements for dwelling units occupied by certain persons residing in rent-controlled or rent regulated properties; and providing state aid to cities affected by such tax abatements (Part AA); to amend the education law, in relation to community colleges (Part BB); to amend the education law, in relation to requiring nonpublic institutions of higher education to report on tuition and fees for higher education, student aid, debt and job placement rates (Part CC); to amend the education law, in relation to the New York state science, technology, engineering and mathematics incentive program (Part DD); to amend the education law, in relation to providing loan forgiveness for agriculture educators (Part EE); to amend the social services law, in relation to creating the child care regulatory review task force (Part FF); to amend the administrative code of the city of New York and the public housing law, in relation to establishing the New York city housing authority repair certificate program (Part GG); to amend the public housing law and the New York city charter, in relation to authorizing the New York city council to oversee the activities of the New York city housing authority (Part HH); to amend the state finance law and the public housing law, in relation to

establishing the public housing revitalization fund (Part II); to amend the public housing law and the tax law, in relation to providing certain tax credits for construction or rehabilitation of middle-income housing (Part JJ); to amend the state finance law, in relation to establishing the community reinvestment program; and establishes the community reinvestment program fund council (Part KK); to amend the real property tax law, in relation to increasing the allowable maximum income of persons occupying rental units otherwise eligible for tax abatement in certain cases; and to amend part U of chapter 55 of the laws of 2014, amending the real property tax law relating to the tax abatement and exemption for rent regulated and rent controlled property occupied by senior citizens, in relation to the effectiveness of certain provisions thereof (Part LL); to amend the education law, the state finance law, the civil practice law and rules and the tax law, in relation to establishing the New York state pre-paid tuition plan (Part MM); to amend the insurance law, in relation to reduction in rates of property/casualty insurance on residential property for insureds who complete an approved homeowner natural disaster preparedness, home safety and loss prevention course (Part NN); to amend the education law, in relation to tuition assistance program awards (Part OO); to amend the public housing law, in relation to veterans' eligibility for public housing (Part PP); to amend the public housing law, in relation to preferences and priorities for prospective public housing and section 8 tenants in the city of New York (Part QQ); to amend the real property tax law and the administrative code of the city of New York, in relation to increasing the average assessed value threshold (Part RR); to amend the administrative code of the city of New York, in relation to the location of supportive housing facilities and social services centers, and renewal of the lease or operation of such facility or center (Part SS); to amend the social services law, in relation to establishing the senior heating assistance program (Part TT); and to amend the labor law, in relation to exempting agricultural employers from paying for unemployment benefits for federally ineligible farm labor (Part UU)

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 which are necessary to implement the state fiscal plan for the 2016-2017  
3 state fiscal year. Each component is wholly contained within a Part  
4 identified as Parts A through UU. The effective date for each particular  
5 provision contained within such Part is set forth in the last section of  
6 such Part. Any provision in any section contained within a Part, includ-  
7 ing the effective date of the Part, which makes a reference to a section  
8 "of this act", when used in connection with that particular component,  
9 shall be deemed to mean and refer to the corresponding section of the  
10 Part in which it is found. Section three of this act sets forth the  
11 general effective date of this act.

12 PART A

13 Section 1. Paragraph e of subdivision 1 of section 211-d of the educa-  
14 tion law, as amended by section 1 of part A of chapter 56 of the laws of  
15 2015, is amended to read as follows:

1 e. Notwithstanding paragraphs a and b of this subdivision, a school  
2 district that submitted a contract for excellence for the two thousand  
3 eight--two thousand nine school year shall submit a contract for excel-  
4 lence for the two thousand nine--two thousand ten school year in  
5 conformity with the requirements of subparagraph (vi) of paragraph a of  
6 subdivision two of this section unless all schools in the district are  
7 identified as in good standing and provided further that, a school  
8 district that submitted a contract for excellence for the two thousand  
9 nine--two thousand ten school year, unless all schools in the district  
10 are identified as in good standing, shall submit a contract for excel-  
11 lence for the two thousand eleven--two thousand twelve school year which  
12 shall, notwithstanding the requirements of subparagraph (vi) of para-  
13 graph a of subdivision two of this section, provide for the expenditure  
14 of an amount which shall be not less than the product of the amount  
15 approved by the commissioner in the contract for excellence for the two  
16 thousand nine--two thousand ten school year, multiplied by the  
17 district's gap elimination adjustment percentage and provided further  
18 that, a school district that submitted a contract for excellence for the  
19 two thousand eleven--two thousand twelve school year, unless all schools  
20 in the district are identified as in good standing, shall submit a  
21 contract for excellence for the two thousand twelve--two thousand thir-  
22 teen school year which shall, notwithstanding the requirements of  
23 subparagraph (vi) of paragraph a of subdivision two of this section,  
24 provide for the expenditure of an amount which shall be not less than  
25 the amount approved by the commissioner in the contract for excellence  
26 for the two thousand eleven--two thousand twelve school year and  
27 provided further that, a school district that submitted a contract for  
28 excellence for the two thousand twelve--two thousand thirteen school  
29 year, unless all schools in the district are identified as in good  
30 standing, shall submit a contract for excellence for the two thousand  
31 thirteen--two thousand fourteen school year which shall, notwithstanding  
32 the requirements of subparagraph (vi) of paragraph a of subdivision two  
33 of this section, provide for the expenditure of an amount which shall be  
34 not less than the amount approved by the commissioner in the contract  
35 for excellence for the two thousand twelve--two thousand thirteen school  
36 year and provided further that, a school district [that submitted a  
37 contract for excellence for the two thousand thirteen--two thousand  
38 fourteen school year, unless all schools in the district are identified  
39 as in good standing, shall submit a contract for excellence for the two  
40 thousand fourteen--two thousand fifteen school year which shall,  
41 notwithstanding the requirements of subparagraph (vi) of paragraph a of  
42 subdivision two of this section, provide for the expenditure of an  
43 amount which shall be not less than the amount approved by the commis-  
44 sioner in the contract for excellence for the two thousand thirteen--two  
45 thousand fourteen school year; and provided further that, a school  
46 district that submitted a contract for excellence for the two thousand  
47 fourteen--two thousand fifteen school year, unless all schools in the  
48 district are identified as in good standing, shall submit a contract for  
49 excellence for the two thousand fifteen--two thousand sixteen school  
50 year which shall, notwithstanding the requirements of subparagraph (vi)  
51 of paragraph a of subdivision two of this section, provide for the  
52 expenditure of an amount which shall be not less than the amount  
53 approved by the commissioner in the contract for excellence for the two  
54 thousand fourteen--two thousand fifteen school year] WITH A POPULATION  
55 OF ONE MILLION OR MORE THAT SUBMITTED A CONTRACT FOR EXCELLENCE FOR THE  
56 TWO THOUSAND FIFTEEN--TWO THOUSAND SIXTEEN SCHOOL YEAR, UNLESS ALL

1 SCHOOLS IN THE DISTRICT ARE IDENTIFIED AS IN GOOD STANDING, SHALL SUBMIT  
2 A CONTRACT FOR EXCELLENCE FOR THE TWO THOUSAND SIXTEEN--TWO THOUSAND  
3 SEVENTEEN 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 FIFTEEN--TWO THOUSAND SIXTEEN SCHOOL YEAR. For  
8 purposes of this paragraph, the "gap elimination adjustment percentage"  
9 shall be calculated as the sum of one minus the quotient of the sum of  
10 the school district's net gap elimination adjustment for two thousand  
11 ten--two thousand eleven computed pursuant to chapter fifty-three of the  
12 laws of two thousand ten, making appropriations for the support of  
13 government, plus the school district's gap elimination adjustment for  
14 two thousand eleven--two thousand twelve as computed pursuant to chapter  
15 fifty-three of the laws of two thousand eleven, making appropriations  
16 for the support of the local assistance budget, including support for  
17 general support for public schools, divided by the total aid for adjust-  
18 ment computed pursuant to chapter fifty-three of the laws of two thou-  
19 sand eleven, making appropriations for the local assistance budget,  
20 including support for general support for public schools. Provided,  
21 further, that such amount shall be expended to support and maintain  
22 allowable programs and activities approved in the two thousand nine--two  
23 thousand ten school year or to support new or expanded allowable  
24 programs and activities in the current year.

25 S 2. The closing paragraph of subdivision 5-a of section 3602 of the  
26 education law, as amended by section 2 of part A of chapter 56 of the  
27 laws of 2015, is amended to read as follows:

28 For the two thousand eight--two thousand nine school year, each school  
29 district shall be entitled to an apportionment equal to the product of  
30 fifteen percent and the additional apportionment computed pursuant to  
31 this subdivision for the two thousand seven--two thousand eight school  
32 year. For the two thousand nine--two thousand ten through two thousand  
33 [fifteen] SIXTEEN--two thousand [sixteen] SEVENTEEN school years, each  
34 school district shall be entitled to an apportionment equal to the  
35 amount set forth for such school district as "SUPPLEMENTAL PUB EXCESS  
36 COST" under the heading "2008-09 BASE YEAR AIDS" in the school aid  
37 computer listing produced by the commissioner in support of the budget  
38 for the two thousand nine--two thousand ten school year and entitled  
39 "SA0910".

40 S 3. Subdivision 12 of section 3602 of the education law is amended by  
41 adding a fourth undesignated paragraph to read as follows:

42 FOR THE TWO THOUSAND SIXTEEN--TWO THOUSAND SEVENTEEN SCHOOL YEAR, EACH  
43 SCHOOL DISTRICT SHALL BE ENTITLED TO AN APPORTIONMENT EQUAL TO THE  
44 AMOUNT SET FORTH FOR SUCH SCHOOL DISTRICT AS "ACADEMIC ENHANCEMENT"  
45 UNDER THE HEADING "2015-16 ESTIMATED AIDS" IN THE SCHOOL AID COMPUTER  
46 LISTING PRODUCED BY THE COMMISSIONER IN SUPPORT OF THE BUDGET FOR THE  
47 TWO THOUSAND FIFTEEN--TWO THOUSAND SIXTEEN SCHOOL YEAR AND ENTITLED  
48 "SA151-6", AND SUCH APPORTIONMENT SHALL BE DEEMED TO SATISFY THE STATE  
49 OBLIGATION TO PROVIDE AN APPORTIONMENT PURSUANT TO SUBDIVISION EIGHT OF  
50 SECTION THIRTY-SIX HUNDRED FORTY-ONE OF THIS ARTICLE.

51 S 4. The opening paragraph of subdivision 16 of section 3602 of the  
52 education law, as amended by section 4 of part A of chapter 56 of the  
53 laws of 2015, is amended to read as follows:

54 Each school district shall be eligible to receive a high tax aid  
55 apportionment in the two thousand eight--two thousand nine school year,  
56 which shall equal the greater of (i) the sum of the tier 1 high tax aid

1 apportionment, the tier 2 high tax aid apportionment and the tier 3 high  
2 tax aid apportionment or (ii) the product of the apportionment received  
3 by the school district pursuant to this subdivision in the two thousand  
4 seven--two thousand eight school year, multiplied by the due-minimum  
5 factor, which shall equal, for districts with an alternate pupil wealth  
6 ratio computed pursuant to paragraph b of subdivision three of this  
7 section that is less than two, seventy percent (0.70), and for all other  
8 districts, fifty percent (0.50). Each school district shall be eligible  
9 to receive a high tax aid apportionment in the two thousand nine--two  
10 thousand ten through two thousand twelve--two thousand thirteen school  
11 years in the amount set forth for such school district as "HIGH TAX AID"  
12 under the heading "2008-09 BASE YEAR AIDS" in the school aid computer  
13 listing produced by the commissioner in support of the budget for the  
14 two thousand nine--two thousand ten school year and entitled "SA0910".  
15 Each school district shall be eligible to receive a high tax aid appor-  
16 tionment in the two thousand thirteen--two thousand fourteen through  
17 [two thousand fifteen--two thousand sixteen] TWO THOUSAND SIXTEEN--TWO  
18 THOUSAND SEVENTEEN school years equal to the greater of (1) the amount  
19 set forth for such school district as "HIGH TAX AID" under the heading  
20 "2008-09 BASE YEAR AIDS" in the school aid computer listing produced by  
21 the commissioner in support of the budget for the two thousand nine--two  
22 thousand ten school year and entitled "SA0910" or (2) the amount set  
23 forth for such school district as "HIGH TAX AID" under the heading  
24 "2013-14 ESTIMATED AIDS" in the school aid computer listing produced by  
25 the commissioner in support of the executive budget for the 2013-14  
26 fiscal year and entitled "BT131-4".

27 S 5. The opening paragraph of subdivision 10 of section 3602-e of the  
28 education law, as amended by section 5 of part A of chapter 56 of the  
29 laws of 2015, is amended to read as follows:

30 Notwithstanding any provision of law to the contrary, for aid payable  
31 in the two thousand eight--two thousand nine school year, the grant to  
32 each eligible school district for universal prekindergarten aid shall be  
33 computed pursuant to this subdivision, and for the two thousand nine--  
34 two thousand ten and two thousand ten--two thousand eleven school years,  
35 each school district shall be eligible for a maximum grant equal to the  
36 amount computed for such school district for the base year in the elec-  
37 tronic data file produced by the commissioner in support of the two  
38 thousand nine--two thousand ten education, labor and family assistance  
39 budget, provided, however, that in the case of a district implementing  
40 programs for the first time or implementing expansion programs in the  
41 two thousand eight--two thousand nine school year where such programs  
42 operate for a minimum of ninety days in any one school year as provided  
43 in section 151-1.4 of the regulations of the commissioner, for the two  
44 thousand nine--two thousand ten and two thousand ten--two thousand elev-  
45 en school years, such school district shall be eligible for a maximum  
46 grant equal to the amount computed pursuant to paragraph a of subdivi-  
47 sion nine of this section in the two thousand eight--two thousand nine  
48 school year, and for the two thousand eleven--two thousand twelve school  
49 year each school district shall be eligible for a maximum grant equal to  
50 the amount set forth for such school district as "UNIVERSAL PREKINDER-  
51 GARTEN" under the heading "2011-12 ESTIMATED AIDS" in the school aid  
52 computer listing produced by the commissioner in support of the enacted  
53 budget for the 2011-12 school year and entitled "SA111-2", and for two  
54 thousand twelve--two thousand thirteen through two thousand [fifteen]  
55 SIXTEEN--two thousand [sixteen] SEVENTEEN school years each school  
56 district shall be eligible for a maximum grant equal to the greater of

1 (i) the amount set forth for such school district as "UNIVERSAL PREKIN-  
2 DERGARTEN" under the heading "2010-11 BASE YEAR AIDS" in the school aid  
3 computer listing produced by the commissioner in support of the enacted  
4 budget for the 2011-12 school year and entitled "SA111-2", or (ii) the  
5 amount set forth for such school district as "UNIVERSAL PREKINDERGARTEN"  
6 under the heading "2010-11 BASE YEAR AIDS" in the school aid computer  
7 listing produced by the commissioner on May fifteenth, two thousand  
8 eleven pursuant to paragraph b of subdivision twenty-one of section  
9 three hundred five of this chapter, and provided further that the maxi-  
10 mum grant shall not exceed the total actual grant expenditures incurred  
11 by the school district in the current school year as approved by the  
12 commissioner.

13 S 6. Intentionally omitted.

14 S 7. Intentionally omitted.

15 S 8. Intentionally omitted.

16 S 9. Intentionally omitted.

17 S 10. Intentionally omitted.

18 S 11. The opening paragraph and subparagraphs 1, 5, 6 and 7 of para-  
19 graph (e) of subdivision 3 of section 2853 of the education law, as  
20 added by section 5 of part BB of chapter 56 of the laws of 2014, are  
21 amended to read as follows:

22 In a city school district in a city having a population of one million  
23 or more inhabitants, charter schools that first commence instruction or  
24 that require additional space due to an expansion of grade level, pursu-  
25 ant to this article, approved by their charter entity for the two thou-  
26 sand fourteen--two thousand fifteen school year or thereafter and  
27 request co-location in a public school building shall be provided access  
28 to facilities pursuant to this paragraph for such charter schools that  
29 first commence instruction or that require additional space due to an  
30 expansion of grade level, pursuant to this article, approved by their  
31 charter entity [for those grades newly provided].

32 (1) Notwithstanding any other provision of law to the contrary, within  
33 the later of (i) five months after a charter school's written request  
34 for co-location and (ii) thirty days after the charter school's charter  
35 is approved by its charter entity, the city school district shall  
36 either: (A) offer at no cost to the charter school a co-location site in  
37 a public school building approved by the board of education as provided  
38 by law, or (B) offer the charter school space in a privately owned or  
39 other publicly owned facility at the expense of the city school district  
40 and at no cost to the charter school. The space must be reasonable,  
41 appropriate and comparable and in the community school district to be  
42 served by the charter school and otherwise in reasonable proximity, AND  
43 MUST BE SUFFICIENT TO ALLOW THE CHARTER SCHOOL'S ENTIRE PLANNED GRADE  
44 CONFIGURATION FOR ELEMENTARY, MIDDLE OR HIGH SCHOOL TO BE LOCATED WITHIN  
45 A SINGLE BUILDING.

46 (5) For a new charter school whose charter is granted or for an exist-  
47 ing charter school whose expansion of grade level, pursuant to this  
48 article, is approved by their charter entity [before October first, two  
49 thousand sixteen], if the appeal results in a determination in favor of  
50 the charter school, the city school district shall pay the charter  
51 school an amount attributable to the grade level expansion or the forma-  
52 tion of the new charter school that is equal to the lesser of:

53 (A) the actual TOTAL rental cost, INCLUDING BUT NOT LIMITED TO LEASE  
54 PAYMENTS, MAINTENANCE, COSTS OF CAPITAL IMPROVEMENTS, COSTS OF OCCUPAN-  
55 CY, SECURITY, INSURANCE AND REAL PROPERTY TAXES, of an alternative  
56 privately owned site selected by the charter school or



1 (B) [twenty] THIRTY percent of the product of the charter school's  
2 basic tuition for the current school year and (i) for a new charter  
3 school that first commences instruction on or after July first, two  
4 thousand fourteen, the charter school's current year enrollment; or (ii)  
5 for a charter school which expands its grade level, pursuant to this  
6 article, [before October first, two thousand sixteen,] the positive  
7 difference of the charter school's enrollment in the current school year  
8 minus the charter school's enrollment in the school year prior to the  
9 first year of the expansion, EXCLUDING ENROLLMENT IN ANY GRADES THAT  
10 WERE RELOCATED TO ACCOMMODATE WITHIN A SINGLE BUILDING THE FULL  
11 GRADE-LEVEL CONFIGURATION FOR THE NEW OR EXPANDED ELEMENTARY, MIDDLE, OR  
12 HIGH SCHOOL.

13 (6) [For a new charter school whose charter is granted or for an  
14 existing charter school whose expansion of grade level, pursuant to this  
15 article, is approved by their charter entity on or after October first,  
16 two thousand sixteen, if the appeal results in a determination in favor  
17 of the charter school, the city school district shall pay the charter  
18 school an amount attributable to the grade level expansion or the forma-  
19 tion of the new charter school that is equal to the maximum cost allow-  
20 ance established by the commissioner for leases aidable under subdivi-  
21 sion six of section thirty-six hundred two of this chapter.

22 (7)] An arbitration in an appeal pursuant to this paragraph shall be  
23 conducted by a single arbitrator selected in accordance with this  
24 subparagraph from a list of arbitrators from the American arbitration  
25 association's panel of labor arbitrators, with relevant biographical  
26 information, submitted by such association to the commissioner pursuant  
27 to paragraph a of subdivision three of section three thousand twenty-a  
28 of this chapter. Upon request by the charter school, the commissioner  
29 shall forthwith send a copy of such list and biographical information  
30 simultaneously to the charter school and city school district. The  
31 parties shall, by mutual agreement, select an arbitrator from the list  
32 within fifteen days from receipt of the list, and if the parties fail to  
33 agree on an arbitrator within such fifteen day period or fail within  
34 such fifteen day period to notify the commissioner that an arbitrator  
35 has been selected, the commissioner shall appoint an arbitrator from the  
36 list to serve as the arbitrator. The arbitration shall be conducted in  
37 accordance with the American arbitration association's rules for labor  
38 arbitration, except that the arbitrator shall conduct a pre-hearing  
39 conference within ten to fifteen days of agreeing to serve and the arbi-  
40 tration shall be completed and a decision rendered within the time  
41 frames prescribed for hearings pursuant to section three thousand twen-  
42 ty-a of this chapter. The arbitrator's fee shall not exceed the rate  
43 established by the commissioner for hearings conducted pursuant to  
44 section three thousand twenty-a of this chapter, and the cost of such  
45 fee, the arbitrator's necessary travel and other reasonable expenses,  
46 and all other hearing expenses shall be borne equally by the parties to  
47 the arbitration.

48 S 11-a. Subdivision 6-g of section 3602 of the education law, as added  
49 by section 6 of part BB of chapter 56 of the laws of 2014, is amended to  
50 read as follows:

51 6-g. Charter schools facilities aid. a. The city school district of  
52 the city of New York, upon documenting that it has incurred total aggre-  
53 gate expenses of forty million dollars or more pursuant to [subpara-  
54 graphs] SUBPARAGRAPH five [and six] of paragraph (e) of subdivision  
55 three of section twenty-eight hundred fifty-three of this chapter, shall  
56 be eligible for an apportionment pursuant to this subdivision for its

1 annual approved expenditures for the lease of space for charter schools  
2 incurred in the base year in accordance with paragraph (e) of subdivi-  
3 sion three of section twenty-eight hundred fifty-three of this chapter.

4 b. The apportionment shall equal the product of (1) the sum of:

5 [(A)] for aid payable for expenses incurred pursuant to subparagraph  
6 five of paragraph (e) of subdivision three of section twenty-eight  
7 hundred fifty-three of this chapter where the charter school prevails on  
8 appeal, the annual approved expenses incurred by the city school  
9 district pursuant to such subparagraph five[; and

10 (B) for aid payable for expenses incurred pursuant to subparagraph six  
11 of paragraph (e) of subdivision three of section twenty-eight hundred  
12 fifty-three of this chapter where the charter school prevails on appeal,  
13 the actual annual approved rental expenses incurred pursuant to such  
14 subparagraph six] multiplied by

15 (2) six-tenths.

16 c. For purposes of this subdivision, the approved expenses attribut-  
17 able to a lease by a charter school of a privately owned site shall be  
18 the lesser of the actual TOTAL rent, INCLUDING BUT NOT LIMITED TO LEASE  
19 PAYMENTS, MAINTENANCE, COSTS OF CAPITAL IMPROVEMENTS, COSTS OF OCCUPAN-  
20 CY, SECURITY, INSURANCE AND REAL PROPERTY TAXES, paid under the lease or  
21 the maximum cost allowance established by the commissioner for leases  
22 aidable under subdivision six of this section.

23 d. Notwithstanding any provision of law to the contrary, amounts  
24 apportioned pursuant to this subdivision shall not be included in: (1)  
25 the allowable growth amount computed pursuant to paragraph dd of subdivi-  
26 sion one of this section, (2) the preliminary growth amount computed  
27 pursuant to paragraph ff of subdivision one of this section, and (3) the  
28 allocable growth amount computed pursuant to paragraph gg of subdivision  
29 one of this section, and shall not be considered, and shall not be  
30 available for interchange with, general support for public schools.

31 S 12. Subdivision 1 of section 2856 of the education law, as amended  
32 by chapter 378 of the laws of 2007, paragraph (a) as amended and para-  
33 graph (d) as added by section 3 of part BB of chapter 56 of the laws of  
34 2014, paragraph (c) as added by chapter 375 of the laws of 2007, is  
35 amended to read as follows:

36 1. (a) The enrollment of students attending charter schools shall be  
37 included in the enrollment, attendance, membership and, if applicable,  
38 count of students with disabilities of the school district in which the  
39 pupil resides. The charter school shall report all such data to the  
40 school districts of residence in a timely manner. Each school district  
41 shall report such enrollment, attendance and count of students with  
42 disabilities to the department. The school district of residence shall  
43 pay directly to the charter school for each student enrolled in the  
44 charter school who resides in the school district the charter school  
45 basic tuition, which shall be:

46 (i) for school years prior to the two thousand nine--two thousand ten  
47 school year and for school years following the two thousand sixteen--two  
48 thousand seventeen school year, an amount equal to one hundred percent  
49 of the amount calculated pursuant to paragraph f of subdivision one of  
50 section thirty-six hundred two of this chapter for the school district  
51 for the year prior to the base year increased by the percentage change  
52 in the state total approved operating expense calculated pursuant to  
53 paragraph t of subdivision one of section thirty-six hundred two of this  
54 chapter from two years prior to the base year to the base year;

55 (ii) for the two thousand nine--two thousand ten school year, the  
56 charter school basic tuition shall be the amount payable by such

district as charter school basic tuition for the two thousand eight--two thousand nine school year;

(iii) for the two thousand ten--two thousand eleven through two thousand thirteen--two thousand fourteen school years, the charter school basic tuition shall be the basic tuition computed for the two thousand ten--two thousand eleven school year pursuant to the provisions of subparagraph (i) of this paragraph;

(iv) for the two thousand fourteen--two thousand fifteen[, ] AND two thousand fifteen--two thousand sixteen [and two thousand sixteen--two thousand seventeen] school years, the charter school basic tuition shall be the sum of the lesser of the charter school basic tuition computed for the two thousand ten--two thousand eleven school year pursuant to the provisions of subparagraph (i) of this paragraph or the charter school basic tuition computed for the current year pursuant to the provisions of subparagraph (i) of this paragraph plus the supplemental basic tuition;

(V) FOR THE TWO THOUSAND SIXTEEN--TWO THOUSAND SEVENTEEN SCHOOL YEAR, THE CHARTER SCHOOL BASIC TUITION SHALL BE (A) FOR A SCHOOL DISTRICT LOCATED IN A CITY OF ONE MILLION OR MORE INHABITANTS, AN AMOUNT EQUAL TO ONE HUNDRED PERCENT OF THE AMOUNT CALCULATED PURSUANT TO PARAGRAPH F OF SUBDIVISION ONE OF SECTION THIRTY-SIX HUNDRED TWO OF THIS CHAPTER FOR THE SCHOOL DISTRICT FOR THE YEAR PRIOR TO THE BASE YEAR INCREASED BY THE PERCENTAGE CHANGE IN THE STATE TOTAL APPROVED OPERATING EXPENSE CALCULATED PURSUANT TO PARAGRAPH T OF SUBDIVISION ONE OF SECTION THIRTY-SIX HUNDRED TWO OF THIS CHAPTER FROM TWO YEARS PRIOR TO THE BASE YEAR TO THE BASE YEAR PLUS THE SUPPLEMENTAL BASIC TUITION OR (B) FOR ALL OTHER SCHOOL DISTRICTS, THE SUM OF THE LESSER OF THE CHARTER SCHOOL BASIC TUITION COMPUTED FOR THE TWO THOUSAND TEN--TWO THOUSAND ELEVEN SCHOOL YEAR PURSUANT TO THE PROVISIONS OF SUBPARAGRAPH (I) OF THIS PARAGRAPH OR THE CHARTER SCHOOL BASIC TUITION COMPUTED FOR THE CURRENT YEAR PURSUANT TO THE PROVISIONS OF SUBPARAGRAPH (I) OF THIS PARAGRAPH PLUS THE SUPPLEMENTAL BASIC TUITION.

For the purposes of this subdivision, the "supplemental basic tuition" shall be (A) for a school district for which the charter school basic tuition computed for the current year is greater than or equal to the charter school basic tuition for the two thousand ten--two thousand eleven school year pursuant to the provisions of subparagraph (i) of this paragraph, (1) for the two thousand fourteen--two thousand fifteen school year two hundred and fifty dollars, and (2) for the two thousand fifteen--two thousand sixteen school year three hundred and fifty dollars, and (3) for the two thousand sixteen--two thousand seventeen school year five hundred dollars, and (B) for a school district for which the charter school basic tuition for the two thousand ten--two thousand eleven school year is greater than the charter school basic tuition for the current year pursuant to the provisions of subparagraph (i) of this paragraph, the positive difference of the charter school basic tuition for the two thousand ten--two thousand eleven school year minus the charter school basic tuition for the current year pursuant to the provisions of subparagraph (i) of this paragraph.

(b) The school district shall also pay directly to the charter school any federal or state aid attributable to a student with a disability attending charter school in proportion to the level of services for such student with a disability that the charter school provides directly or indirectly. Notwithstanding anything in this section to the contrary, amounts payable pursuant to this subdivision from state or local funds may be reduced pursuant to an agreement between the school and the char-

1 ter entity set forth in the charter. Payments made pursuant to this  
2 subdivision shall be made by the school district in six substantially  
3 equal installments each year beginning on the first business day of July  
4 and every two months thereafter. Amounts payable under this subdivision  
5 shall be determined by the commissioner. Amounts payable to a charter  
6 school in its first year of operation shall be based on the projections  
7 of initial-year enrollment set forth in the charter until actual enroll-  
8 ment data is reported to the school district by the charter school. Such  
9 projections shall be reconciled with the actual enrollment as actual  
10 enrollment data is so reported and at the end of the school's first year  
11 of operation and each subsequent year based on a final report of actual  
12 enrollment by the charter school, and any necessary adjustments result-  
13 ing from such final report shall be made to payments during the school's  
14 following year of operation.

15 (c) Notwithstanding any other provision of this subdivision to the  
16 contrary, payment of the federal aid attributable to a student with a  
17 disability attending a charter school shall be made in accordance with  
18 the requirements of section 8065-a of title twenty of the United States  
19 code and sections 76.785-76.799 and 300.209 of title thirty-four of the  
20 code of federal regulations.

21 (d) School districts shall be eligible for an annual apportionment  
22 equal to the amount of the supplemental basic tuition paid to the char-  
23 ter school in the base year for the expenses incurred in the two thou-  
24 sand fourteen--two thousand fifteen[,] AND two thousand fifteen--two  
25 thousand sixteen[, and two thousand sixteen--two thousand seventeen]  
26 school years.

27 S 13. Subdivision 1 of section 2856 of the education law, as amended  
28 by section 22 of part A of chapter 58 of the laws of 2011, paragraph (a)  
29 as amended and paragraph (c) as added by section 4 of part BB of chapter  
30 56 of the laws of 2014, is amended to read as follows:

31 1. (a) The enrollment of students attending charter schools shall be  
32 included in the enrollment, attendance and, if applicable, count of  
33 students with disabilities of the school district in which the pupil  
34 resides. The charter school shall report all such data to the school  
35 districts of residence in a timely manner. Each school district shall  
36 report such enrollment, attendance and count of students with disabili-  
37 ties to the department. The school district of residence shall pay  
38 directly to the charter school for each student enrolled in the charter  
39 school who resides in the school district the charter school basic  
40 tuition which shall be:

41 (i) for school years prior to the two thousand nine--two thousand ten  
42 school year and for school years following the two thousand sixteen--two  
43 thousand seventeen school year, an amount equal to one hundred percent  
44 of the amount calculated pursuant to paragraph f of subdivision one of  
45 section thirty-six hundred two of this chapter for the school district  
46 for the year prior to the base year increased by the percentage change  
47 in the state total approved operating expense calculated pursuant to  
48 paragraph t of subdivision one of section thirty-six hundred two of this  
49 chapter from two years prior to the base year to the base year;

50 (ii) for the two thousand nine--two thousand ten school year, the  
51 charter school basic tuition shall be the amount payable by such  
52 district as charter school basic tuition for the two thousand eight--two  
53 thousand nine school year;

54 (iii) for the two thousand ten--two thousand eleven through two thou-  
55 sand thirteen--two thousand fourteen school years, the charter school  
56 basic tuition shall be the basic tuition computed for the two thousand

ten--two thousand eleven school year pursuant to the provisions of subparagraph (i) of this paragraph;

(iv) for the two thousand fourteen--two thousand fifteen[, ] AND two thousand fifteen--two thousand sixteen [and two thousand sixteen--two thousand seventeen] school years, the charter school basic tuition shall be the sum of the lesser of the charter school basic tuition computed for the two thousand ten--two thousand eleven school year pursuant to the provisions of subparagraph (i) of this paragraph or the charter school basic tuition computed for the current year pursuant to the provisions of subparagraph (i) of this paragraph plus the supplemental basic tuition[.];

(V) FOR THE TWO THOUSAND SIXTEEN--TWO THOUSAND SEVENTEEN SCHOOL YEAR, THE CHARTER SCHOOL BASIC TUITION SHALL BE (A) FOR A SCHOOL DISTRICT LOCATED IN A CITY OF ONE MILLION OR MORE INHABITANTS, AN AMOUNT EQUAL TO ONE HUNDRED PERCENT OF THE AMOUNT CALCULATED PURSUANT TO PARAGRAPH F OF SUBDIVISION ONE OF SECTION THIRTY-SIX HUNDRED TWO OF THIS CHAPTER FOR THE SCHOOL DISTRICT FOR THE YEAR PRIOR TO THE BASE YEAR INCREASED BY THE PERCENTAGE CHANGE IN THE STATE TOTAL APPROVED OPERATING EXPENSE CALCULATED PURSUANT TO PARAGRAPH T OF SUBDIVISION ONE OF SECTION THIRTY-SIX HUNDRED TWO OF THIS CHAPTER FROM TWO YEARS PRIOR TO THE BASE YEAR TO THE BASE YEAR PLUS THE SUPPLEMENTAL BASIC TUITION OR (B) FOR ALL OTHER SCHOOL DISTRICTS, THE SUM OF THE LESSER OF THE CHARTER SCHOOL BASIC TUITION COMPUTED FOR THE TWO THOUSAND TEN--TWO THOUSAND ELEVEN SCHOOL YEAR PURSUANT TO THE PROVISIONS OF SUBPARAGRAPH (I) OF THIS PARAGRAPH OR THE CHARTER SCHOOL BASIC TUITION COMPUTED FOR THE CURRENT YEAR PURSUANT TO THE PROVISIONS OF SUBPARAGRAPH (I) OF THIS PARAGRAPH PLUS THE SUPPLEMENTAL BASIC TUITION.

For the purposes of this subdivision, the "supplemental basic tuition" shall be (A) for a school district for which the charter school basic tuition computed for the current year is greater than or equal to the charter school basic tuition for the two thousand ten--two thousand eleven school year pursuant to the provisions of subparagraph (i) of this paragraph, (1) for the two thousand fourteen--two thousand fifteen school year two hundred and fifty dollars, and (2) for the two thousand fifteen--two thousand sixteen school year three hundred and fifty dollars, and (3) for the two thousand sixteen--two thousand seventeen school year five hundred dollars, and (B) for a school district for which the charter school basic tuition for the two thousand ten--two thousand eleven school year is greater than the charter school basic tuition for the current year pursuant to the provisions of subparagraph (i) of this paragraph, the positive difference of the charter school basic tuition for the two thousand ten--two thousand eleven school year minus the charter school basic tuition for the current year pursuant to the provisions of subparagraph (i) of this paragraph.

(b) The school district shall also pay directly to the charter school any federal or state aid attributable to a student with a disability attending charter school in proportion to the level of services for such student with a disability that the charter school provides directly or indirectly. Notwithstanding anything in this section to the contrary, amounts payable pursuant to this subdivision may be reduced pursuant to an agreement between the school and the charter entity set forth in the charter. Payments made pursuant to this subdivision shall be made by the school district in six substantially equal installments each year beginning on the first business day of July and every two months thereafter. Amounts payable under this subdivision shall be determined by the commissioner. Amounts payable to a charter school in its first year of

operation shall be based on the projections of initial-year enrollment set forth in the charter. Such projections shall be reconciled with the actual enrollment at the end of the school's first year of operation, and any necessary adjustments shall be made to payments during the school's second year of operation.

(c) School districts shall be eligible for an annual apportionment equal to the amount of the supplemental basic tuition paid to the charter school in the base year for the expenses incurred in the two thousand fourteen--two thousand fifteen[, ] AND two thousand fifteen--two thousand sixteen[, and two thousand sixteen--two thousand seventeen] school years.

S 14. Clauses (i) and (ii) of subparagraph 1 of paragraph e 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, are amended to read as follows:

(i) determine the number of pupils tested who scored below the statewide reference point as determined by the commissioner on each test administered pursuant to this subparagraph, plus pupils, other than pupils with disabilities and ENGLISH LANGUAGE LEARNER pupils [with limited English proficiency] as defined by the commissioner who are exempt from taking such tests, provided, however, that a district employing eight or more teachers in such years but not operating each grade may use the percentage computed pursuant to this paragraph for the district which in such years enrolled the greatest number of pupils in such grade from such district;

(ii) divide the sum of such numbers by the number of such pupils who took each of such tests, plus pupils, other than pupils with disabilities and ENGLISH LANGUAGE LEARNER pupils [with limited English proficiency] as defined by the commissioner who are exempt from taking such tests, provided, however, that a district which in any of the applicable school years did not maintain a home school or employed fewer than eight teachers, and which in the base year employed eight or more teachers, may use the scores in a later test as designated by the commissioner for the purposes of this paragraph;

S 15. Paragraph o 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:

o. "[Limited English proficient] ENGLISH LANGUAGE LEARNER count" shall mean the number of pupils served in the base year in programs for pupils with limited English proficiency approved by the commissioner pursuant to the provisions of this chapter and in accordance with regulations adopted for such purpose.

S 16. Paragraph b of subdivision 2 of section 3602-d of the education law, as added by chapter 792 of the laws of 1990, is amended to read as follows:

(b) "Disadvantaged" shall mean individuals (other than handicapped individuals) who have economic or academic disadvantages and who require special services and assistance in order to enable them to succeed in work-prep programs. Such term includes individuals who are: members of economically disadvantaged families as set forth in regulations promulgated by the department pursuant to sections sixty-four hundred fifty-one and sixty-four hundred fifty-two of this chapter or as set forth in the Federal Job Training Partnership Act of nineteen hundred eighty-two (PL 97-300) (29 U.S.C.A. S 1501 et seq.); migrants; [individuals who have limited English proficiency] ENGLISH LANGUAGE LEARNERS; and individuals who are identified as potential dropouts from secondary school.

1 S 17. Paragraph d of subdivision 4 of section 3602-f of the education  
2 law, as added by section 83-a of part L of chapter 405 of the laws of  
3 1999, is amended to read as follows:

4 d. [Limited English proficient] ENGLISH LANGUAGE LEARNER pupil count  
5 as defined in paragraph o of subdivision one of section thirty-six  
6 hundred two of this article.

7 S 18. Section 3604 of the education law is amended by adding a new  
8 subdivision 13 to read as follows:

9 13. FOR PURPOSES OF THIS CHAPTER, "LIMITED ENGLISH PROFICIENT" AND  
10 "LIMITED ENGLISH PROFICIENCY" SHALL MEAN "ENGLISH LANGUAGE LEARNER".

11 S 19. Clause (B) of subparagraph 2 of paragraph b of subdivision 6 of  
12 section 3641 of the education law, as added by section 2 of part B of  
13 chapter 58 of the laws of 2011, is amended to read as follows:

14 (B) [students with limited English proficiency and] students who are  
15 English language learners;

16 S 20. The education law is amended by adding a new section 4403-a to  
17 read as follows:

18 S 4403-A. WAIVERS FROM CERTAIN DUTIES. 1. A LOCAL SCHOOL DISTRICT,  
19 APPROVED PRIVATE SCHOOL OR BOARD OF COOPERATIVE EDUCATIONAL SERVICES MAY  
20 SUBMIT AN APPLICATION FOR A WAIVER FROM ANY REQUIREMENT IMPOSED ON SUCH  
21 DISTRICT, SCHOOL OR BOARD OF COOPERATIVE EDUCATIONAL SERVICES PURSUANT  
22 TO SECTION FORTY-FOUR HUNDRED TWO OR SECTION FORTY-FOUR HUNDRED THREE OF  
23 THIS ARTICLE, AND REGULATIONS PROMULGATED THEREUNDER, FOR A SPECIFIC  
24 SCHOOL YEAR. SUCH APPLICATION SHALL BE SUBMITTED AT LEAST SIXTY DAYS IN  
25 ADVANCE OF THE PROPOSED DATE ON WHICH THE WAIVER WOULD BE EFFECTIVE AND  
26 SHALL BE IN A FORM PRESCRIBED BY THE COMMISSIONER.

27 2. BEFORE SUBMITTING AN APPLICATION FOR A WAIVER, THE LOCAL SCHOOL  
28 DISTRICT, APPROVED PRIVATE SCHOOL OR BOARD OF COOPERATIVE EDUCATIONAL  
29 SERVICES SHALL PROVIDE NOTICE OF THE PROPOSED WAIVER TO THE PARENTS OR  
30 PERSONS IN PARENTAL RELATIONSHIP TO THE STUDENTS THAT WOULD BE IMPACTED  
31 BY THE WAIVER IF GRANTED. SUCH NOTICE SHALL BE IN A FORM AND MANNER THAT  
32 WILL ENSURE THAT SUCH PARENTS AND PERSONS IN PARENTAL RELATIONSHIP WILL  
33 BE AWARE OF ALL RELEVANT CHANGES THAT WOULD OCCUR UNDER THE WAIVER, AND  
34 SHALL INCLUDE INFORMATION ON THE FORM, MANNER AND DATE BY WHICH PARENTS  
35 MAY SUBMIT WRITTEN COMMENTS ON THE PROPOSED WAIVER. THE LOCAL SCHOOL  
36 DISTRICT, APPROVED PRIVATE SCHOOL, OR BOARD OF COOPERATIVE EDUCATIONAL  
37 SERVICES SHALL PROVIDE AT LEAST SIXTY DAYS FOR SUCH PARENTS AND PERSONS  
38 IN PARENTAL RELATIONSHIP TO SUBMIT WRITTEN COMMENTS, AND SHALL INCLUDE  
39 IN THE WAIVER APPLICATION SUBMITTED TO THE COMMISSIONER PURSUANT TO  
40 SUBDIVISION ONE OF THIS SECTION ANY WRITTEN COMMENTS RECEIVED FROM SUCH  
41 PARENTS OR PERSONS IN PARENTAL RELATION TO SUCH STUDENTS.

42 3. THE COMMISSIONER MAY GRANT A WAIVER FROM ANY REQUIREMENT IMPOSED ON  
43 A LOCAL SCHOOL DISTRICT, APPROVED PRIVATE SCHOOL OR BOARD OF COOPERATIVE  
44 EDUCATIONAL SERVICES PURSUANT TO SECTION FORTY-FOUR HUNDRED TWO OR  
45 SECTION FORTY-FOUR HUNDRED THREE OF THIS ARTICLE, UPON A FINDING THAT  
46 SUCH WAIVER WILL ENABLE A LOCAL SCHOOL DISTRICT, APPROVED PRIVATE SCHOOL  
47 OR BOARD OF COOPERATIVE EDUCATIONAL SERVICES TO IMPLEMENT AN INNOVATIVE  
48 SPECIAL EDUCATION PROGRAM THAT IS CONSISTENT WITH APPLICABLE FEDERAL  
49 REQUIREMENTS, AND WOULD ENHANCE STUDENT ACHIEVEMENT AND/OR OPPORTUNITIES  
50 FOR PLACEMENT IN REGULAR CLASSES AND PROGRAMS. IN MAKING SUCH DETERMI-  
51 NATION, THE COMMISSIONER SHALL CONSIDER ANY COMMENTS RECEIVED BY THE  
52 LOCAL SCHOOL DISTRICT, APPROVED PRIVATE SCHOOL OR BOARD OF COOPERATIVE  
53 EDUCATIONAL SERVICES FROM PARENTS OR PERSONS IN PARENTAL RELATION TO THE  
54 STUDENTS THAT WOULD BE DIRECTLY AFFECTED BY THE WAIVER IF GRANTED.

55 4. ANY LOCAL SCHOOL DISTRICT, APPROVED PRIVATE SCHOOL OR BOARD OF  
56 COOPERATIVE EDUCATIONAL SERVICES GRANTED A WAIVER SHALL SUBMIT AN ANNUAL

1 REPORT TO THE COMMISSIONER REGARDING THE OPERATION AND EVALUATION OF THE  
2 PROGRAM NO LATER THAN THIRTY DAYS AFTER THE END OF EACH SCHOOL YEAR FOR  
3 WHICH A WAIVER IS GRANTED.

4 S 21. Intentionally omitted.

5 S 22. Intentionally omitted.

6 S 23. Subdivision 16 of section 3602-ee of the education law, as added  
7 by section 1 of part CC of chapter 56 of the laws of 2014, is amended to  
8 read as follows:

9 16. The authority of the department to administer the universal full-  
10 day pre-kindergarten program shall expire June thirtieth, two thousand  
11 [sixteen] SEVENTEEN; provided that the program shall continue and remain  
12 in full effect.

13 S 24. Paragraph b of subdivision 6-c of section 3602 of the education  
14 law, as added by chapter 1 of the laws of 2013, is amended to read as  
15 follows:

16 b. For projects approved by the commissioner authorized to receive  
17 additional building aid pursuant to this subdivision for the purchase of  
18 stationary metal detectors, security cameras, CARBON MONOXIDE DETECTORS  
19 or other security devices approved by the commissioner that increase the  
20 safety of students and school personnel, provided that for purposes of  
21 this paragraph such other security devices shall be limited to electron-  
22 ic security systems and hardened doors, and provided that for projects  
23 approved by the commissioner on or after the first day of July two thou-  
24 sand thirteen and before the first day of July [two thousand sixteen]  
25 TWO THOUSAND SEVENTEEN such additional aid shall equal the product of  
26 (i) the building aid ratio computed for use in the current year pursuant  
27 to paragraph c of subdivision six of this section plus ten percentage  
28 points, except that in no case shall this amount exceed one hundred  
29 percent, and (ii) the actual approved expenditures incurred in the base  
30 year pursuant to this subdivision, provided that the limitations on cost  
31 allowances prescribed by paragraph a of subdivision six of this section  
32 shall not apply, and provided further that any projects aided under this  
33 paragraph must be included in a district's school safety plan. The  
34 commissioner shall annually prescribe a special cost allowance for metal  
35 detectors, and security cameras, and the approved expenditures shall not  
36 exceed such cost allowance.

37 S 25. Section 2 of chapter 552 of the laws of 1995 amending the educa-  
38 tion law relating to contracts for the transportation of school chil-  
39 dren, as amended by chapter 116 of the laws of 2013, is amended to read  
40 as follows:

41 S 2. This act shall take effect on the first day of January next  
42 succeeding the date on which it shall have become a law and shall remain  
43 in full force and effect until January 1, [2017] 2020, when upon such  
44 date the provisions of this act shall be deemed repealed.

45 S 26. Paragraph b of subdivision 2 of section 3612 of the education  
46 law, as amended by section 8 of part A of chapter 56 of the laws of  
47 2015, is amended to read as follows:

48 b. Such grants shall be awarded to school districts, within the limits  
49 of funds appropriated therefor, through a competitive process that takes  
50 into consideration the magnitude of any shortage of teachers in the  
51 school district, the number of teachers employed in the school district  
52 who hold temporary licenses to teach in the public schools of the state,  
53 the number of provisionally certified teachers, the fiscal capacity and  
54 geographic sparsity of the district, the number of new teachers the  
55 school district intends to hire in the coming school year and the number  
56 of summer in the city student internships proposed by an eligible school



1 district, if applicable. Grants provided pursuant to this section shall  
2 be used only for the purposes enumerated in this section. Notwithstand-  
3 ing any other provision of law to the contrary, a city school district  
4 in a city having a population of one million or more inhabitants receiv-  
5 ing a grant pursuant to this section may use no more than eighty percent  
6 of such grant funds for any recruitment, retention and certification  
7 costs associated with transitional certification of teacher candidates  
8 for the school years two thousand one--two thousand two through [two  
9 thousand fifteen--two thousand sixteen] TWO THOUSAND SIXTEEN--TWO THOU-  
10 SAND SEVENTEEN.

11 S 27. Subdivision 6 of section 4402 of the education law, as amended  
12 by section 9 of part A of chapter 56 of the laws of 2015, is amended to  
13 read as follows:

14 6. Notwithstanding any other law, rule or regulation to the contrary,  
15 the board of education of a city school district with a population of  
16 one hundred twenty-five thousand or more inhabitants shall be permitted  
17 to establish maximum class sizes for special classes for certain  
18 students with disabilities in accordance with the provisions of this  
19 subdivision. For the purpose of obtaining relief from any adverse fiscal  
20 impact from under-utilization of special education resources due to low  
21 student attendance in special education classes at the middle and  
22 secondary level as determined by the commissioner, such boards of educa-  
23 tion shall, during the school years nineteen hundred ninety-five--nine-  
24 ty-six through June thirtieth, two thousand [sixteen] SEVENTEEN of the  
25 [two thousand fifteen--two thousand sixteen] TWO THOUSAND SIXTEEN--TWO  
26 THOUSAND SEVENTEEN school year, be authorized to increase class sizes in  
27 special classes containing students with disabilities whose age ranges  
28 are equivalent to those of students in middle and secondary schools as  
29 defined by the commissioner for purposes of this section by up to but  
30 not to exceed one and two tenths times the applicable maximum class size  
31 specified in regulations of the commissioner rounded up to the nearest  
32 whole number, provided that in a city school district having a popu-  
33 lation of one million or more, classes that have a maximum class size of  
34 fifteen may be increased by no more than one student and provided that  
35 the projected average class size shall not exceed the maximum specified  
36 in the applicable regulation, provided that such authorization shall  
37 terminate on June thirtieth, two thousand. Such authorization shall be  
38 granted upon filing of a notice by such a board of education with the  
39 commissioner stating the board's intention to increase such class sizes  
40 and a certification that the board will conduct a study of attendance  
41 problems at the secondary level and will implement a corrective action  
42 plan to increase the rate of attendance of students in such classes to  
43 at least the rate for students attending regular education classes in  
44 secondary schools of the district. Such corrective action plan shall be  
45 submitted for approval by the commissioner by a date during the school  
46 year in which such board increases class sizes as provided pursuant to  
47 this subdivision to be prescribed by the commissioner. Upon at least  
48 thirty days notice to the board of education, after conclusion of the  
49 school year in which such board increases class sizes as provided pursu-  
50 ant to this subdivision, the commissioner shall be authorized to termi-  
51 nate such authorization upon a finding that the board has failed to  
52 develop or implement an approved corrective action plan.

53 S 28. Subdivision b of section 2 of chapter 756 of the laws of 1992,  
54 relating to funding a program for work force education conducted by the  
55 consortium for worker education in New York city, as amended by section

1 13 of part A of chapter 56 of the laws of 2015, is amended to read as  
2 follows:

3 b. Reimbursement for programs approved in accordance with subdivision  
4 a of this section for the 2012--2013 school year shall not exceed 63.3  
5 percent of the lesser of such approvable costs per contact hour or  
6 twelve dollars and thirty-five cents per contact hour, reimbursement for  
7 the 2013--2014 school year shall not exceed 62.3 percent of the lesser  
8 of such approvable costs per contact hour or twelve dollars and sixty-  
9 five cents per contact hour, reimbursement for the 2014--2015 school  
10 year shall not exceed 61.6 percent of the lesser of such approvable  
11 costs per contact hour or thirteen dollars per contact hour, [and]  
12 reimbursement for the 2015--2016 school year shall not exceed 60.7  
13 percent of the lesser of such approvable costs per contact hour or thir-  
14 teen dollars and forty cents per contact hour, AND REIMBURSEMENT FOR THE  
15 2016--2017 SCHOOL YEAR SHALL NOT EXCEED 60.3 PERCENT OF THE LESSER OF  
16 SUCH APPROVABLE COSTS PER CONTACT HOUR OR THIRTEEN DOLLARS NINETY CENTS  
17 PER CONTACT HOUR where a contact hour represents sixty minutes of  
18 instruction services provided to an eligible adult. Notwithstanding any  
19 other provision of law to the contrary, for the 2012--2013 school year  
20 such contact hours shall not exceed one million six hundred sixty-four  
21 thousand five hundred thirty-two (1,664,532) hours; whereas for the  
22 2013--2014 school year such contact hours shall not exceed one million  
23 six hundred forty-nine thousand seven hundred forty-six (1,649,746)  
24 hours; whereas for the 2014--2015 school year such contact hours shall  
25 not exceed one million six hundred twenty-five thousand (1,625,000)  
26 hours; whereas for the 2015--2016 school year such contact hours shall  
27 not exceed one million five hundred ninety-nine thousand fifteen  
28 (1,599,015) HOURS; WHEREAS FOR THE 2016--2017 SCHOOL YEAR SUCH CONTACT  
29 HOURS SHALL NOT EXCEED ONE MILLION FIVE HUNDRED FIFTY-ONE THOUSAND THREE  
30 HUNDRED TWELVE (\$1,551,312). Notwithstanding any other provision of law  
31 to the contrary, the apportionment calculated for the city school  
32 district of the city of New York pursuant to subdivision 11 of section  
33 3602 of the education law shall be computed as if such contact hours  
34 provided by the consortium for worker education, not to exceed the  
35 contact hours set forth herein, were eligible for aid in accordance with  
36 the provisions of such subdivision 11 of section 3602 of the education  
37 law.

38 S 29. Section 4 of chapter 756 of the laws of 1992, relating to fund-  
39 ing a program for work force education conducted by the consortium for  
40 worker education in New York city, is amended by adding a new subdivi-  
41 sion u to read as follows:

42 U. THE PROVISIONS OF THIS SUBDIVISION SHALL NOT APPLY AFTER THE  
43 COMPLETION OF PAYMENTS FOR THE 2016--2017 SCHOOL YEAR. NOTWITHSTANDING  
44 ANY INCONSISTENT PROVISIONS OF LAW, THE COMMISSIONER SHALL WITHHOLD A  
45 PORTION OF EMPLOYMENT PREPARATION EDUCATION AID DUE TO THE CITY SCHOOL  
46 DISTRICT OF THE CITY OF NEW YORK TO SUPPORT A PORTION OF THE COSTS OF  
47 THE WORK FORCE EDUCATION PROGRAM. SUCH MONEYS SHALL BE CREDITED TO THE  
48 ELEMENTARY AND SECONDARY EDUCATION FUND LOCAL ASSISTANCE ACCOUNT AND  
49 SHALL NOT EXCEED THIRTEEN MILLION DOLLARS (\$13,000,000).

50 S 30. Section 6 of chapter 756 of the laws of 1992, relating to fund-  
51 ing a program for work force education conducted by the consortium for  
52 worker education in New York city, as amended by section 15 of part A of  
53 chapter 56 of the laws of 2015, is amended to read as follows:

54 S 6. This act shall take effect July 1, 1992, and shall be deemed  
55 repealed on June 30, [2016] 2017.

1 S 31. Section 99-u of the state finance law, as added by section 2 of  
2 part GG of chapter 59 of the laws of 2013, subdivision 2-a as added by  
3 chapter 453 of the laws of 2015, is amended to read as follows:

4 S [99-u] 99-Z. New York state teen health education fund. 1. There is  
5 hereby established in the JOINT custody of the commissioner of taxation  
6 and finance AND THE STATE COMPTROLLER a special account to be known as  
7 the "New York state teen health education fund".

8 2. Such fund shall consist of all revenues received by the department  
9 of taxation and finance, pursuant to the provisions of section six  
10 hundred thirty-c of the tax law and all other moneys appropriated there-  
11 to from any other fund or source pursuant to law. Nothing contained in  
12 this section shall prevent the state from receiving grants, gifts or  
13 bequests for the purposes of the fund as defined in this section and  
14 depositing them into the fund according to law.

15 2-a. On or before the first day of February each year, the commission-  
16 er of health shall provide a written report to the temporary president  
17 of the senate, speaker of the assembly, chair of the senate finance  
18 committee, chair of the assembly ways and means committee, chair of the  
19 senate committee on health, chair of the assembly health committee, the  
20 state comptroller and the public. Such report shall include how the  
21 monies of the fund were utilized during the preceding calendar year, and  
22 shall include:

23 (i) the amount of money dispersed from the fund and the award process  
24 used for such disbursements;

25 (ii) recipients of awards from the fund;

26 (iii) the amount awarded to each;

27 (iv) the purposes for which such awards were granted; and

28 (v) a summary financial plan for such monies which shall include esti-  
29 mates of all receipts and all disbursements for the current and succeed-  
30 ing fiscal years, along with the actual results from the prior fiscal  
31 year.

32 3. [The moneys in said account shall be retained by the fund and shall  
33 be released by the commissioner of taxation and finance only upon  
34 certificates signed by the commissioner of education or his or her  
35 designee and only for the purposes set forth in this section.

36 4. The moneys in such fund shall be expended for the purpose of  
37 supplementing educational programs in schools for health and awareness  
38 of issues facing teens today when it comes to their health. Eligible  
39 health programs are those with an established curriculum providing  
40 instruction on alcohol, tobacco and other drug abuse prevention, the  
41 causes and problems associated with teen obesity, and for awareness of  
42 the symptoms of teen endometriosis.] THE MONEYS OF SUCH FUND SHALL BE  
43 PAID OUT ON THE AUDIT AND WARRANT OF THE STATE COMPTROLLER ON VOUCHERS  
44 CERTIFIED OR APPROVED BY THE COMMISSIONER OF EDUCATION, OR HIS OR HER  
45 DESIGNEE, AND ONLY FOR THE PURPOSES SET FORTH IN THIS SECTION.

46 4. THE MONEYS IN SUCH FUND SHALL BE EXPENDED FOR THE PURPOSE OF  
47 SUPPLEMENTING EDUCATIONAL PROGRAMS IN SCHOOLS FOR TEEN HEALTH ISSUES,  
48 INCLUDING PROVIDING GRANTS TO NOT-FOR-PROFIT ORGANIZATIONS FOR PROGRAMS  
49 THAT RAISE AWARENESS OF ISSUES FACING TEENS TODAY WHEN IT COMES TO THEIR  
50 HEALTH. ELIGIBLE PROGRAMS ARE THOSE THAT PROVIDE INSTRUCTION OR RAISE  
51 AWARENESS ON ALCOHOL, TOBACCO AND OTHER DRUG ABUSE PREVENTION, THE CAUS-  
52 ES AND PROBLEMS ASSOCIATED WITH TEEN OBESITY, OR FOR AWARENESS OF THE  
53 SYMPTOMS OF TEEN ENDOMETRIOSIS.

54 5. (I) ON OR BEFORE THE FIRST DAY OF FEBRUARY OF EACH YEAR, THE STATE  
55 COMPTROLLER SHALL CERTIFY TO THE GOVERNOR, TEMPORARY PRESIDENT OF THE  
56 SENATE, SPEAKER OF THE ASSEMBLY, CHAIR OF SENATE FINANCE COMMITTEE, AND

CHAIR OF ASSEMBLY WAYS AND MEANS COMMITTEE THE AMOUNT OF MONEY DEPOSITED BY SOURCE IN THE NEW YORK STATE TEEN HEALTH EDUCATION FUND DURING THE PRECEDING CALENDAR YEAR AS THE RESULT OF REVENUE DERIVED PURSUANT TO SECTION SIX HUNDRED THIRTY-C OF THE TAX LAW AND FROM ALL OTHER SOURCES.

(II) ON OR BEFORE THE FIRST DAY OF FEBRUARY OF EACH YEAR, THE COMMISSIONER OF EDUCATION SHALL PROVIDE A WRITTEN REPORT TO THE TEMPORARY PRESIDENT OF THE SENATE, SPEAKER OF THE ASSEMBLY, CHAIR OF SENATE FINANCE COMMITTEE, AND CHAIR OF THE ASSEMBLY WAYS AND MEANS COMMITTEE. SUCH REPORT SHALL INCLUDE HOW MONIES OF THE FUND WERE UTILIZED DURING THE PRECEDING CALENDAR YEAR AND SHALL INCLUDE:

(A) THE AMOUNT OF MONEY DISBURSED FROM THE FUND;

(B) RECIPIENTS OF AWARDS FROM THE FUND;

(C) THE AMOUNT AWARDED TO EACH; AND

(D) THE PURPOSES FOR WHICH SUCH AWARDS WERE GRANTED.

S 32. Subdivision 1 of section 167 of 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, as amended by section 16 of part A of chapter 56 of the laws of 2015, is amended to read as follows:

1. Sections one through seventy of this act shall be deemed to have been in full force and effect as of April 1, 1994 provided, however, that sections one, two, twenty-four, twenty-five and twenty-seven through seventy of this act shall expire and be deemed repealed on March 31, 2000; provided, however, that section twenty of this act shall apply only to hearings commenced prior to September 1, 1994, and provided further that section twenty-six of this act shall expire and be deemed repealed on March 31, 1997; and provided further that sections four through fourteen, sixteen, and eighteen, nineteen and twenty-one through twenty-one-a of this act shall expire and be deemed repealed on March 31, 1997; and provided further that sections three, fifteen, seventeen, twenty, twenty-two and twenty-three of this act shall expire and be deemed repealed on March 31, [2017] 2018.

S 33. Subdivisions 22 and 24 of section 140 of chapter 82 of the laws of 1995, amending the education law and other laws relating to state aid to school districts and the appropriation of funds for the support of government, as amended by section 17 of part A of chapter 56 of the laws of 2015, are amended to read as follows:

(22) sections one hundred twelve, one hundred thirteen, one hundred fourteen, one hundred fifteen and one hundred sixteen of this act shall take effect on July 1, 1995; provided, however, that section one hundred thirteen of this act shall remain in full force and effect until July 1, [2016] 2017 at which time it shall be deemed repealed;

(24) sections one hundred eighteen through one hundred thirty of this act shall be deemed to have been in full force and effect on and after July 1, 1995; provided further, however, that the amendments made pursuant to section one hundred twenty-four of this act shall be deemed to be repealed on and after July 1, [2016] 2017;

S 34. Section 12 of chapter 147 of the laws of 2001, amending the education law relating to conditional appointment of school district, charter school or BOCES employees, as amended by section 19 of part A of chapter 56 of the laws of 2015, is amended to read as follows:

S 12. This act shall take effect on the same date as chapter 180 of the laws of 2000 takes effect, and shall expire July 1, [2016] 2017 when upon such date the provisions of this act shall be deemed repealed.

S 35. Section 4 of chapter 425 of the laws of 2002, amending the education law relating to the provision of supplemental educational

1 services, attendance at a safe public school and the suspension of  
2 pupils who bring a firearm to or possess a firearm at a school, as  
3 amended by section 20 of part A of chapter 56 of the laws of 2015, is  
4 amended to read as follows:

5 S 4. This act shall take effect July 1, 2002 and shall expire and be  
6 deemed repealed June 30, [2016] 2017.

7 S 36. 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 21 of part A of chapter 56 of the  
10 laws of 2015, is amended to read as follows:

11 S 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, [2016] 2017.

14 S 37. School bus driver training. In addition to apportionments other-  
15 wise provided by section 3602 of the education law, for aid payable in  
16 the 2016--2017 school year, the commissioner of education shall allocate  
17 school bus driver training grants to school districts and boards of  
18 cooperative educational services pursuant to sections 3650-a, 3650-b and  
19 3650-c of the education law, or for contracts directly with not-for-pro-  
20 fit educational organizations for the purposes of this section. Such  
21 payments shall not exceed four hundred thousand dollars (\$400,000) per  
22 school year.

23 S 38. Special apportionment for salary expenses. a. Notwithstanding  
24 any other provision of law, upon application to the commissioner of  
25 education, not sooner than the first day of the second full business  
26 week of June 2017 and not later than the last day of the third full  
27 business week of June 2017, a school district eligible for an apportion-  
28 ment pursuant to section 3602 of the education law shall be eligible to  
29 receive an apportionment pursuant to this section, for the school year  
30 ending June 30, 2017, for salary expenses incurred between April 1 and  
31 June 30, 2016 and such apportionment shall not exceed the sum of (i) the  
32 deficit reduction assessment of 1990--1991 as determined by the commis-  
33 sioner of education, pursuant to paragraph f of subdivision 1 of section  
34 3602 of the education law, as in effect through June 30, 1993, plus (ii)  
35 186 percent of such amount for a city school district in a city with a  
36 population in excess of 1,000,000 inhabitants, plus (iii) 209 percent of  
37 such amount for a city school district in a city with a population of  
38 more than 195,000 inhabitants and less than 219,000 inhabitants accord-  
39 ing to the latest federal census, plus (iv) the net gap elimination  
40 adjustment for 2010--2011, as determined by the commissioner of educa-  
41 tion pursuant to chapter 53 of the laws of 2010, plus (v) the gap elimi-  
42 nation adjustment for 2011--2012 as determined by the commissioner of  
43 education pursuant to subdivision 17 of section 3602 of the education  
44 law, and provided further that such apportionment shall not exceed such  
45 salary expenses. Such application shall be made by a school district,  
46 after the board of education or trustees have adopted a resolution to do  
47 so and in the case of a city school district in a city with a population  
48 in excess of 125,000 inhabitants, with the approval of the mayor of such  
49 city.

50 b. The claim for an apportionment to be paid to a school district  
51 pursuant to subdivision a of this section shall be submitted to the  
52 commissioner of education on a form prescribed for such purpose, and  
53 shall be payable upon determination by such commissioner that the form  
54 has been submitted as prescribed. Such approved amounts shall be payable  
55 on the same day in September of the school year following the year in  
56 which application was made as funds provided pursuant to subparagraph

(4) of paragraph b of subdivision 4 of section 92-c of the state finance law, on the audit and warrant of the state comptroller on vouchers certified or approved by the commissioner of education in the manner prescribed by law from moneys in the state lottery fund and from the general fund to the extent that the amount paid to a school district pursuant to this section exceeds the amount, if any, due such school district pursuant to subparagraph (2) of paragraph a of subdivision 1 of section 3609-a of the education law in the school year following the year in which application was made.

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

S 39. Special apportionment for public pension accruals. a. Notwithstanding any other provision of law, upon application to the commissioner of education, not later than June 30, 2017, a school district eligible for an apportionment pursuant to section 3602 of the education law shall be eligible to receive an apportionment pursuant to this section, for the school year ending June 30, 2017 and such apportionment shall not exceed the additional accruals required to be made by school districts in the 2004--2005 and 2005--2006 school years associated with changes for such public pension liabilities. The amount of such additional accrual shall be certified to the commissioner of education by the president of the board of education or the trustees or, in the case of a city school district in a city with a population in excess of 125,000 inhabitants, the mayor of such city. Such application shall be made by a school district, after the board of education or trustees have adopted a resolution to do so and in the case of a city school district in a city with a population in excess of 125,000 inhabitants, with the approval of the mayor of such city.

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

1 section 3609-a of the education law in the school year following the  
2 year in which application was made.

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

18 S 40. a. Notwithstanding any other law, rule or regulation to the  
19 contrary, any moneys appropriated to the state education department may  
20 be suballocated to other state departments or agencies, as needed, to  
21 accomplish the intent of the specific appropriations contained therein.

22 b. Notwithstanding any other law, rule or regulation to the contrary,  
23 moneys appropriated to the state education department from the general  
24 fund/aid to localities, local assistance account-001, shall be for  
25 payment of financial assistance, as scheduled, net of disallowances,  
26 refunds, reimbursement and credits.

27 c. Notwithstanding any other law, rule or regulation to the contrary,  
28 all moneys appropriated to the state education department for aid to  
29 localities shall be available for payment of aid heretofore or hereafter  
30 to accrue and may be suballocated to other departments and agencies to  
31 accomplish the intent of the specific appropriations contained therein.

32 d. Notwithstanding any other law, rule or regulation to the contrary,  
33 moneys appropriated to the state education department for general  
34 support for public schools may be interchanged with any other item of  
35 appropriation for general support for public schools within the general  
36 fund local assistance account office of prekindergarten through grade  
37 twelve education programs.

38 S 41. Notwithstanding the provision of any law, rule, or regulation to  
39 the contrary, the city school district of the city of Rochester, upon  
40 the consent of the board of cooperative educational services of the  
41 supervisory district serving its geographic region may purchase from  
42 such board for the 2016--2017 school year, as a non-component school  
43 district, services required by article 19 of the education law.

44 S 42. The amounts specified in this section shall be a set aside from  
45 the state funds which each such district is receiving from the total  
46 foundation aid: for the purpose of the development, maintenance or  
47 expansion of magnet schools or magnet school programs for the 2016--2017  
48 school year. To the city school district of the city of New York there  
49 shall be paid forty-eight million one hundred seventy-five thousand  
50 dollars (\$48,175,000) including five hundred thousand dollars (\$500,000)  
51 for the Andrew Jackson High School; to the Buffalo city school district,  
52 twenty-one million twenty-five thousand dollars (\$21,025,000); to the  
53 Rochester city school district, fifteen million dollars (\$15,000,000);  
54 to the Syracuse city school district, thirteen million dollars  
55 (\$13,000,000); to the Yonkers city school district, forty-nine million  
56 five hundred thousand dollars (\$49,500,000); to the Newburgh city school

1 district, four million six hundred forty-five thousand dollars  
2 (\$4,645,000); to the Poughkeepsie city school district, two million four  
3 hundred seventy-five thousand dollars (\$2,475,000); to the Mount Vernon  
4 city school district, two million dollars (\$2,000,000); to the New  
5 Rochelle city school district, one million four hundred ten thousand  
6 dollars (\$1,410,000); to the Schenectady city school district, one  
7 million eight hundred thousand dollars (\$1,800,000); to the Port Chester  
8 city school district, one million one hundred fifty thousand dollars  
9 (\$1,150,000); to the White Plains city school district, nine hundred  
10 thousand dollars (\$900,000); to the Niagara Falls city school district,  
11 six hundred thousand dollars (\$600,000); to the Albany city school  
12 district, three million five hundred fifty thousand dollars  
13 (\$3,550,000); to the Utica city school district, two million dollars  
14 (\$2,000,000); to the Beacon city school district, five hundred sixty-six  
15 thousand dollars (\$566,000); to the Middletown city school district,  
16 four hundred thousand dollars (\$400,000); to the Freeport union free  
17 school district, four hundred thousand dollars (\$400,000); to the Green-  
18 burgh central school district, three hundred thousand dollars  
19 (\$300,000); to the Amsterdam city school district, eight hundred thou-  
20 sand dollars (\$800,000); to the Peekskill city school district, two  
21 hundred thousand dollars (\$200,000); and to the Hudson city school  
22 district, four hundred thousand dollars (\$400,000). Notwithstanding the  
23 provisions of this section, a school district receiving a grant pursuant  
24 to this section may use such grant funds for: (i) any instructional or  
25 instructional support costs associated with the operation of a magnet  
26 school; or (ii) any instructional or instructional support costs associ-  
27 ated with implementation of an alternative approach to reduction of  
28 racial isolation and/or enhancement of the instructional program and  
29 raising of standards in elementary and secondary schools of school  
30 districts having substantial concentrations of minority students. The  
31 commissioner of education shall not be authorized to withhold magnet  
32 grant funds from a school district that used such funds in accordance  
33 with this section, notwithstanding any inconsistency with a request for  
34 proposals issued by such commissioner. For the purpose of attendance  
35 improvement and dropout prevention for the 2016--2017 school year, for  
36 any city school district in a city having a population of more than one  
37 million, the set aside for attendance improvement and dropout prevention  
38 shall equal the amount set aside in the base year. For the 2016--2017  
39 school year, it is further provided that any city school district in a  
40 city having a population of more than one million shall allocate at  
41 least one-third of any increase from base year levels in funds set aside  
42 pursuant to the requirements of this section to community-based organ-  
43 izations. Any increase required pursuant to this section to community-  
44 based organizations must be in addition to allocations provided to  
45 community-based organizations in the base year. For the purpose of  
46 teacher support for the 2016--2017 school year: to the city school  
47 district of the city of New York, sixty-two million seven hundred seven  
48 thousand dollars (\$62,707,000); to the Buffalo city school district, one  
49 million seven hundred forty-one thousand dollars (\$1,741,000); to the  
50 Rochester city school district, one million seventy-six thousand dollars  
51 (\$1,076,000); to the Yonkers city school district, one million one  
52 hundred forty-seven thousand dollars (\$1,147,000); and to the Syracuse  
53 city school district, eight hundred nine thousand dollars (\$809,000).  
54 All funds made available to a school district pursuant to this section  
55 shall be distributed among teachers including prekindergarten teachers  
56 and teachers of adult vocational and academic subjects in accordance



1 with this section and shall be in addition to salaries heretofore or  
2 hereafter negotiated or made available; provided, however, that all  
3 funds distributed pursuant to this section for the current year shall be  
4 deemed to incorporate all funds distributed pursuant to former subdivi-  
5 sion 27 of section 3602 of the education law for prior years. In school  
6 districts where the teachers are represented by certified or recognized  
7 employee organizations, all salary increases funded pursuant to this  
8 section shall be determined by separate collective negotiations  
9 conducted pursuant to the provisions and procedures of article 14 of the  
10 civil service law, notwithstanding the existence of a negotiated agree-  
11 ment between a school district and a certified or recognized employee  
12 organization. For the purpose of continuing contractual obligations of  
13 conversion charter schools and their employees for the 2016-2017 school  
14 year, to the city school district of the city of New York, fifteen  
15 million dollars (\$15,000,000).

16 S 43. Support of public libraries. The moneys appropriated for the  
17 support of public libraries by a chapter of the laws of 2016 enacting  
18 the aid to localities budget shall be apportioned for the 2016-2017  
19 state fiscal year in accordance with the provisions of sections 271,  
20 272, 273, 282, 284, and 285 of the education law as amended by the  
21 provisions of this chapter and the provisions of this section, provided  
22 that library construction aid pursuant to section 273-a of the education  
23 law shall not be payable from the appropriations for the support of  
24 public libraries and provided further that no library, library system or  
25 program, as defined by the commissioner of education, shall receive less  
26 total system or program aid than it received for the year 2001-2002  
27 except as a result of a reduction adjustment necessary to conform to the  
28 appropriations for support of public libraries. Notwithstanding any  
29 other provision of law to the contrary the moneys appropriated for the  
30 support of public libraries for the year 2016-2017 by a chapter of the  
31 laws of 2016 enacting the education, labor and family assistance budget  
32 shall fulfill the state's obligation to provide such aid and, pursuant  
33 to a plan developed by the commissioner of education and approved by the  
34 director of the budget, the aid payable to libraries and library systems  
35 pursuant to such appropriations shall be reduced proportionately to  
36 assure that the total amount of aid payable does not exceed the total  
37 appropriations for such purpose.

38 S 44. 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, part  
44 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 S 45. This act shall take effect immediately, and shall be deemed to  
50 have been in full force and effect on and after April 1, 2016, provided,  
51 however, that:

52 1. Sections one, twenty-six, twenty-seven, twenty-eight, twenty-nine,  
53 thirty-seven, forty-one and forty-two of this act shall take effect July  
54 1, 2016.

55 2. The amendments to subdivision 1 of section 2856 of the education  
56 law made by section twelve of this act shall be subject to the expira-

tion and reversion of such subdivision pursuant to subdivision d of section 27 of chapter 378 of the laws of 2007, as amended, when upon such date the provisions of section thirteen of this act shall take effect.

3. The amendments to chapter 756 of the laws of 1992, amending the education law relating to funding a program for work force education conducted by a consortium for worker education in New York City made by sections twenty-eight and twenty-nine of this act shall not affect the repeal of such chapter and shall be deemed repealed therewith.

4. Section thirty-three of this act shall take effect immediately and shall be deemed to have been in full force and effect on and after the effective date of section 140 of chapter 82 of the laws of 1995.

#### PART A-1

Section 1. Subdivision 4 of section 3602 of the education law, as amended by section 5-a of part A of chapter 56 of the laws of 2015, is amended to read as follows:

4. Total foundation aid. In addition to any other apportionment pursuant to this chapter, a school district, other than a special act school district as defined in subdivision eight of section four thousand one of this chapter, shall be eligible for total foundation aid equal to the product of total aidable foundation pupil units multiplied by the district's selected foundation aid, which shall be the greater of five hundred dollars (\$500) or foundation formula aid, provided, however that for the two thousand seven--two thousand eight through two thousand eight--two thousand nine school years, no school district shall receive total foundation aid in excess of the sum of the total foundation aid base for aid payable in the two thousand seven--two thousand eight school year computed pursuant to subparagraph (i) of paragraph j of subdivision one of this section, plus the phase-in foundation increase computed pursuant to paragraph b of this subdivision, and provided further that for the two thousand twelve--two thousand thirteen school year, no school district shall receive total foundation aid in excess of the sum of the total foundation aid base for aid payable in the two thousand eleven--two thousand twelve school year computed pursuant to SUBPARAGRAPH (II) OF paragraph j of subdivision one of this section, plus the phase-in foundation increase computed pursuant to paragraph b of this subdivision, and provided further that for the two thousand thirteen--two thousand fourteen school year and thereafter, no school district shall receive total foundation aid in excess of the sum of the total foundation aid base computed pursuant to SUBPARAGRAPH (II) OF paragraph j of subdivision one of this section, plus the phase-in foundation increase computed pursuant to paragraph b of this subdivision, AND PROVIDED, FURTHER, THAT FOR THE TWO THOUSAND SIXTEEN--TWO THOUSAND SEVENTEEN SCHOOL YEAR, NO SCHOOL DISTRICT SHALL RECEIVE TOTAL FOUNDATION AID IN EXCESS OF THE LESSER OF (1) THE SUM OF THE TOTAL FOUNDATION AID BASE COMPUTED PURSUANT TO SUBPARAGRAPH (II) OF PARAGRAPH J OF SUBDIVISION ONE OF THIS SECTION, PLUS THE PERCENTAGE INCREASE COMPUTED PURSUANT TO PARAGRAPH B-2 OF THIS SUBDIVISION OR (2) TOTAL FOUNDATION AID, PROVIDED, HOWEVER, THAT FOR ANY DISTRICT IN WHICH THE TOTAL FOUNDATION AID BASE COMPUTED PURSUANT TO SUBPARAGRAPH (II) OF PARAGRAPH J OF SUBDIVISION ONE OF THIS SECTION EXCEEDS TOTAL FOUNDATION AID, AND WHICH IS DESIGNATED AS HIGH NEED PURSUANT TO CLAUSE (C) OF SUBPARAGRAPH TWO OF PARAGRAPH C OF SUBDIVISION SIX OF THIS SECTION FOR THE SCHOOL AID COMPUTER LISTING PRODUCED BY THE COMMISSIONER IN SUPPORT OF THE ENACTED

1 BUDGET FOR THE TWO THOUSAND SEVEN--TWO THOUSAND EIGHT SCHOOL YEAR AND  
2 ENTITLED "SA0708" OTHER THAN A CITY SCHOOL DISTRICT OF THOSE CITIES  
3 HAVING POPULATIONS IN EXCESS OF ONE HUNDRED TWENTY-FIVE THOUSAND, SUCH  
4 TOTAL FOUNDATION AID SHALL BE THE TOTAL FOUNDATION AID BASE COMPUTED  
5 PURSUANT TO SUBPARAGRAPH (II) OF PARAGRAPH J OF SUBDIVISION ONE OF THIS  
6 SECTION MULTIPLIED BY ONE AND FOUR-HUNDREDTHS (1.04) and provided  
7 further that total foundation aid shall not be less than the product of  
8 the total foundation aid base computed pursuant to paragraph j of subdivi-  
9 sion one of this section and the due-minimum percent which shall be,  
10 for the two thousand twelve--two thousand thirteen school year, one  
11 hundred and six-tenths percent (1.006) and for the two thousand thir-  
12 teen--two thousand fourteen school year for city school districts of  
13 those cities having populations in excess of one hundred twenty-five  
14 thousand and less than one million inhabitants one hundred and one and  
15 one hundred and seventy-six thousandths percent (1.01176), and for all  
16 other districts one hundred and three-tenths percent (1.003), and for  
17 the two thousand fourteen--two thousand fifteen school year one hundred  
18 and eighty-five hundredths percent (1.0085), and for the two thousand  
19 fifteen--two thousand sixteen school year, one hundred and thirty-seven  
20 hundredths percent (1.0037), subject to allocation pursuant to the  
21 provisions of subdivision eighteen of this section and any provisions of  
22 a chapter of the laws of New York as described therein, nor more than  
23 the product of such total foundation aid base and one hundred fifteen  
24 percent, and provided further that for the two thousand nine--two thou-  
25 sand ten through two thousand eleven--two thousand twelve school years,  
26 each school district shall receive total foundation aid in an amount  
27 equal to the amount apportioned to such school district for the two  
28 thousand eight--two thousand nine school year pursuant to this subdivi-  
29 sion. Total aidable foundation pupil units shall be calculated pursuant  
30 to paragraph g of subdivision two of this section. For the purposes of  
31 calculating aid pursuant to this subdivision, aid for the city school  
32 district of the city of New York shall be calculated on a citywide  
33 basis.

34 a. Foundation formula aid. Foundation formula aid shall equal the  
35 remainder when the expected minimum local contribution is subtracted  
36 from the product of the foundation amount, the regional cost index, and  
37 the pupil need index, or: (foundation amount x regional cost index x  
38 pupil need index)- expected minimum local contribution.

39 (1) The foundation amount shall reflect the average per pupil cost of  
40 general education instruction in successful school districts, as deter-  
41 mined by a statistical analysis of the costs of special education and  
42 general education in successful school districts, provided that the  
43 foundation amount shall be adjusted annually to reflect the percentage  
44 increase in the consumer price index as computed pursuant to section two  
45 thousand twenty-two of this chapter, provided that for the two thousand  
46 eight--two thousand nine school year, for the purpose of such adjust-  
47 ment, the percentage increase in the consumer price index shall be  
48 deemed to be two and nine-tenths percent (0.029), and provided further  
49 that the foundation amount for the two thousand seven--two thousand  
50 eight school year shall be five thousand two hundred fifty-eight  
51 dollars, and provided further that for the two thousand seven--two thou-  
52 sand eight through two thousand [fifteen] SIXTEEN--two thousand  
53 [sixteen] SEVENTEEN school years, the foundation amount shall be further  
54 adjusted by the phase-in foundation percent established pursuant to  
55 paragraph b of this subdivision.

(2) The regional cost index shall reflect an analysis of labor market costs based on median salaries in professional occupations that require similar credentials to those of positions in the education field, but not including those occupations in the education field, provided that the regional cost indices for the two thousand seven--two thousand eight school year and thereafter shall be as follows:

Labor Force Region	Index
Capital District	1.124
Southern Tier	1.045
Western New York	1.091
Hudson Valley	1.314
Long Island/NYC	1.425
Finger Lakes	1.141
Central New York	1.103
Mohawk Valley	1.000
North Country	1.000

(3) The pupil need index shall equal the sum of one plus the extraordinary needs percent, provided, however, that the pupil need index shall not be less than one nor more than two. The extraordinary needs percent shall be calculated pursuant to paragraph w of subdivision one of this section.

(4) The expected minimum local contribution shall equal the lesser of (i) the product of (A) the quotient arrived at when the selected actual valuation is divided by total wealth foundation pupil units, multiplied by (B) the product of the local tax factor, multiplied by the income wealth index, or (ii) the product of (A) the product of the foundation amount, the regional cost index, and the pupil need index, multiplied by (B) the positive difference, if any, of one minus the state sharing ratio for total foundation aid. The local tax factor shall be established by May first of each year by determining the product, computed to four decimal places without rounding, of ninety percent multiplied by the quotient of the sum of the statewide average tax rate as computed by the commissioner for the current year in accordance with the provisions of paragraph e of subdivision one of section thirty-six hundred nine-e of this part plus the statewide average tax rate computed by the commissioner for the base year in accordance with such provisions plus the statewide average tax rate computed by the commissioner for the year prior to the base year in accordance with such provisions, divided by three, provided however that for the two thousand seven--two thousand eight school year, such local tax factor shall be sixteen thousandths (0.016), and provided further that for the two thousand eight--two thousand nine school year, such local tax factor shall be one hundred fifty-four ten thousandths (0.0154). The income wealth index shall be calculated pursuant to paragraph d of subdivision three of this section, provided, however, that for the purposes of computing the expected minimum local contribution the income wealth index shall not be less than sixty-five percent (0.65) and shall not be more than two hundred percent (2.0) and provided however that such income wealth index shall not be more than ninety-five percent (0.95) for the two thousand eight--two thousand nine school year, and provided further that such income wealth index shall not be less than zero for the two thousand thirteen--two thousand fourteen school year. The selected actual valuation shall be calculated pursuant to paragraph c of subdivision one of this section. Total wealth foundation pupil units shall be calculated pursuant to paragraph h of subdivision two of this section.

1 b. Phase-in foundation increase. (1) The phase-in foundation increase  
2 shall equal the product of the phase-in foundation increase factor  
3 multiplied by the positive difference, if any, of (i) the product of the  
4 total aidable foundation pupil units multiplied by the district's  
5 selected foundation aid less (ii) the total foundation aid base computed  
6 pursuant to paragraph j of subdivision one of this section.

7 (2) (i) Phase-in foundation percent. The phase-in foundation percent  
8 shall equal one hundred thirteen and fourteen one hundredths percent  
9 (1.1314) for the two thousand eleven--two thousand twelve school year,  
10 one hundred ten and thirty-eight hundredths percent (1.1038) for the two  
11 thousand twelve--two thousand thirteen school year, one hundred seven  
12 and sixty-eight hundredths percent (1.0768) for the two thousand thir-  
13 teen--two thousand fourteen school year, one hundred five and six  
14 hundredths percent (1.0506) for the two thousand fourteen--two thousand  
15 fifteen school year, and one hundred two and five tenths percent  
16 (1.0250) for the two thousand fifteen--two thousand sixteen school year.

17 (ii) Phase-in foundation increase factor. For the two thousand  
18 eleven--two thousand twelve school year, the phase-in foundation  
19 increase factor shall equal thirty-seven and one-half percent (0.375)  
20 and the phase-in due minimum percent shall equal nineteen and forty-one  
21 hundredths percent (0.1941), for the two thousand twelve--two thousand  
22 thirteen school year the phase-in foundation increase factor shall equal  
23 one and seven-tenths percent (0.017), for the two thousand thirteen--two  
24 thousand fourteen school year the phase-in foundation increase factor  
25 shall equal (1) for a city school district in a city having a population  
26 of one million or more, five and twenty-three hundredths percent  
27 (0.0523) or (2) for all other school districts zero percent, for the two  
28 thousand fourteen--two thousand fifteen school year the phase-in founda-  
29 tion increase factor shall equal (1) for a city school district of a  
30 city having a population of one million or more, four and thirty-two  
31 hundredths percent (0.0432) or (2) for a school district other than a  
32 city school district having a population of one million or more for  
33 which (A) the quotient of the positive difference of the foundation  
34 formula aid minus the foundation aid base computed pursuant to paragraph  
35 j of subdivision one of this section divided by the foundation formula  
36 aid is greater than twenty-two percent (0.22) and (B) a combined wealth  
37 ratio less than thirty-five hundredths (0.35), seven percent (0.07) or  
38 (3) for all other school districts, four and thirty-one hundredths  
39 percent (0.0431), and for the two thousand fifteen--two thousand sixteen  
40 school year the phase-in foundation increase factor shall equal: (1) for  
41 a city school district of a city having a population of one million or  
42 more, thirteen and two hundred seventy-four thousandths percent  
43 (0.13274); or (2) for districts where the quotient arrived at when  
44 dividing (A) the product of the total aidable foundation pupil units  
45 multiplied by the district's selected foundation aid less the total  
46 foundation aid base computed pursuant to paragraph j of subdivision one  
47 of this section divided by (B) the product of the total aidable founda-  
48 tion pupil units multiplied by the district's selected foundation aid is  
49 greater than nineteen percent (0.19), and where the district's combined  
50 wealth ratio is less than thirty-three hundredths (0.33), seven and  
51 seventy-five hundredths percent (0.0775); or (3) for any other district  
52 designated as high need pursuant to clause (c) of subparagraph two of  
53 paragraph c of subdivision six of this section for the school aid  
54 computer listing produced by the commissioner in support of the enacted  
55 budget for the two thousand seven--two thousand eight school year and  
56 entitled "SA0708", four percent (0.04); or (4) for a city school

1 district in a city having a population of one hundred twenty-five thou-  
2 sand or more but less than one million, fourteen percent (0.14); or (5)  
3 for school districts that were designated as small city school districts  
4 or central school districts whose boundaries include a portion of a  
5 small city for the school aid computer listing produced by the commis-  
6 sioner in support of the enacted budget for the two thousand fourteen--  
7 two thousand fifteen school year and entitled "SA1415", four and seven  
8 hundred fifty-one thousandths percent (0.04751); or (6) for all other  
9 districts one percent (0.01), and for the two thousand [sixteen--two  
10 thousand seventeen] SEVENTEEN--TWO THOUSAND EIGHTEEN school year and  
11 thereafter the commissioner shall annually determine the phase-in foun-  
12 dation increase factor subject to allocation pursuant to the provisions  
13 of subdivision eighteen of this section and any provisions of a chapter  
14 of the laws of New York as described therein.

15 b-1. Notwithstanding any other provision of law to the contrary, for  
16 the two thousand seven--two thousand eight school year and thereafter,  
17 the additional amount payable to each school district pursuant to this  
18 subdivision in the current year as total foundation aid, after deducting  
19 the total foundation aid base, shall be deemed a state grant in aid  
20 identified by the commissioner for general use for purposes of section  
21 seventeen hundred eighteen of this chapter.

22 B-2. 1. PERCENTAGE INCREASE. FOR THE TWO THOUSAND SIXTEEN--TWO THOU-  
23 SAND SEVENTEEN SCHOOL YEAR, THE PERCENTAGE INCREASE SHALL EQUAL THE  
24 GREATER OF (A) THE TOTAL FOUNDATION AID BASE COMPUTED PURSUANT TO  
25 SUBPARAGRAPH (II) OF PARAGRAPH J OF SUBDIVISION ONE OF THIS SECTION  
26 MULTIPLIED BY THE PERCENTAGE INCREASE FACTOR OR (B) THE DIFFERENCE OF  
27 (1) THE SUM OF THE AMOUNTS SET FORTH FOR EACH SCHOOL DISTRICT AS "2016-  
28 17 FOUNDATION AID" PLUS "2016-17 COMMUNITY SCHOOLS AID" IN THE SCHOOL  
29 AID COMPUTER LISTING PRODUCED BY THE COMMISSIONER IN SUPPORT OF THE  
30 EXECUTIVE BUDGET REQUEST FOR THE TWO THOUSAND SIXTEEN--TWO THOUSAND  
31 SEVENTEEN SCHOOL YEAR AND ENTITLED "BT161-7" LESS (2) THE AMOUNTS SET  
32 FORTH FOR EACH SCHOOL DISTRICT AS "2015-16 FOUNDATION AID" IN SUCH  
33 COMPUTER LISTING.

34 2. FOR PURPOSES OF THIS PARAGRAPH, "HIGH NEED URBAN/SUBURBAN," "HIGH  
35 NEED RURAL," "AVERAGE NEED," AND "LOW NEED" SHALL MEAN SUCH DESIGNATIONS  
36 PURSUANT TO CLAUSE (C) OF SUBPARAGRAPH TWO OF PARAGRAPH C OF SUBDIVISION  
37 SIX OF THIS SECTION FOR THE SCHOOL AID COMPUTER LISTING PRODUCED BY THE  
38 COMMISSIONER IN SUPPORT OF THE ENACTED BUDGET FOR THE TWO THOUSAND  
39 SEVEN--TWO THOUSAND EIGHT SCHOOL YEAR AND ENTITLED "SA0708".

40 3. THE PERCENTAGE INCREASE FACTOR SHALL BE: (A) FOR A SCHOOL DISTRICT  
41 IN A CITY WITH A POPULATION GREATER THAN ONE MILLION, SIX THOUSAND EIGHT  
42 HUNDRED EIGHTY-FIVE HUNDRED THOUSANDTHS (0.06885); (B) FOR A SCHOOL  
43 DISTRICT IN A CITY WITH A POPULATION GREATER THAN TWO HUNDRED THOUSAND,  
44 BUT LESS THAN ONE MILLION, SIX HUNDREDTHS (0.06); (C) FOR A SCHOOL  
45 DISTRICT IN A CITY WITH A POPULATION GREATER THAN ONE HUNDRED  
46 TWENTY-FIVE THOUSAND BUT LESS THAN ONE HUNDRED FIFTY THOUSAND, SEVEN  
47 HUNDREDTHS (0.07); (D) FOR A SCHOOL DISTRICT IN A CITY WITH A POPULATION  
48 OF GREATER THAN ONE HUNDRED FIFTY THOUSAND BUT LESS THAN TWO HUNDRED  
49 THOUSAND, FOUR HUNDREDTHS (0.04); (E) FOR ANY DISTRICT DESIGNATED AS  
50 HIGH NEED URBAN/SUBURBAN, FIVE HUNDREDTHS (0.05); (F) FOR ANY DISTRICT  
51 DESIGNATED AS HIGH NEED RURAL, SEVEN HUNDRED TWENTY-NINE TEN THOUSANDTHS  
52 (0.0729); (G) FOR ANY AVERAGE NEED DISTRICT WITH A COMBINED WEALTH RATIO  
53 LESS THAN SEVEN-TENTHS (0.7), SIXTY-SEVEN THOUSANDTHS (0.067); (H) FOR  
54 ANY AVERAGE NEED DISTRICT WITH A COMBINED WEALTH RATIO GREATER THAN  
55 SEVEN-TENTHS (0.7) BUT LESS THAN ONE (1.0), TWO HUNDREDTHS (0.02); (I)  
56 FOR ANY AVERAGE NEED DISTRICT WITH A COMBINED WEALTH RATIO GREATER THAN

ONE (1.0), ONE HUNDREDTH (0.01); (J) FOR ANY LOW NEED DISTRICT, FIVE THOUSANDTHS (0.005); (K) FOR SCHOOL DISTRICTS THAT WERE DESIGNATED AS SMALL CITY SCHOOL DISTRICTS OR CENTRAL SCHOOL DISTRICTS WHOSE BOUNDARIES INCLUDE A PORTION OF A SMALL CITY FOR THE SCHOOL AID COMPUTER LISTING PRODUCED BY THE COMMISSIONER IN SUPPORT OF THE ENACTED BUDGET FOR THE TWO THOUSAND FOURTEEN--TWO THOUSAND FIFTEEN SCHOOL YEAR AND ENTITLED "SA1415" AND HAVE A COMBINED WEALTH RATIO OF LESS THAN ONE AND ONE-HALF (1.5), THE SUM OF FORTY-TWO THOUSANDTHS (0.042) PLUS ANY OTHER PERCENTAGE INCREASE FACTOR FOR WHICH THE DISTRICT IS ELIGIBLE.

B-3. NOTWITHSTANDING ANY PROVISION OF THIS SECTION OF LAW TO THE CONTRARY, DISTRICTS IN WHICH THE TOTAL FOUNDATION AID BASE MULTIPLIED BY ONE AND FIFTEEN HUNDREDTHS (1.15) IS LESS THAN THE SUM OF (1) THE POSITIVE VALUE OF THE AMOUNTS SET FORTH FOR EACH SCHOOL DISTRICT AS "2015-16 GAP ELIMINATION ADJUSTMENT" IN THE SCHOOL AID COMPUTER LISTING PRODUCED BY THE COMMISSIONER IN SUPPORT OF THE ENACTED BUDGET FOR THE TWO THOUSAND FIFTEEN--TWO THOUSAND SIXTEEN SCHOOL YEAR AND ENTITLED "SA151-6" AND (2) THE TOTAL FOUNDATION AID COMPUTED PURSUANT TO THIS PARAGRAPH, SHALL BE ELIGIBLE FOR A FOUNDATION ALLOCATION EQUAL TO THE POSITIVE DIFFERENCE, IF ANY, OF (A) ONE AND FIFTEEN HUNDREDTHS (1.15) MULTIPLIED BY THE FOUNDATION AID BASE COMPUTED PURSUANT TO SUBPARAGRAPH (II) OF PARAGRAPH J OF SUBDIVISION ONE OF THIS SECTION LESS (B) THE POSITIVE VALUE OF THE AMOUNTS SET FORTH FOR EACH SCHOOL DISTRICT AS "2015-16 GAP ELIMINATION ADJUSTMENT" IN THE SCHOOL AID COMPUTER LISTING PRODUCED BY THE COMMISSIONER IN SUPPORT OF THE ENACTED BUDGET FOR THE TWO THOUSAND FIFTEEN--TWO THOUSAND SIXTEEN SCHOOL YEAR AND ENTITLED "SA151-6".

c. Public excess cost aid set aside. Each school district shall set aside from its total foundation aid computed for the current year pursuant to this subdivision an amount equal to the product of: (i) the difference between the amount the school district was eligible to receive in the two thousand six--two thousand seven school year pursuant to or in lieu of paragraph six of subdivision nineteen of this section as such paragraph existed on June thirtieth, two thousand seven, minus the amount such district was eligible to receive pursuant to or in lieu of paragraph five of subdivision nineteen of this section as such paragraph existed on June thirtieth, two thousand seven, in such school year, and (ii) the sum of one and the percentage increase in the consumer price index for the current year over such consumer price index for the two thousand six--two thousand seven school year, as computed pursuant to section two thousand twenty-two of this chapter. Notwithstanding any other provision of law to the contrary, the public excess cost aid set aside shall be paid pursuant to section thirty-six hundred nine-b of this part.

d. For the two thousand fourteen--two thousand fifteen [and two thousand fifteen--two thousand sixteen] THROUGH TWO THOUSAND SIXTEEN--TWO THOUSAND SEVENTEEN school years a city school district of a city having a population of one million or more may use amounts apportioned pursuant to this subdivision for afterschool programs.

S 1-a. Subdivision 17 of section 3602 of the education law is REPEALED.

S 2. Paragraph b of subdivision 5 of section 1950 of the education law, as amended by section 80-a of part A of chapter 58 of the laws of 2011, is amended to read as follows:

b. The cost of services herein referred to shall be the amount allocated to each component school district by the board of cooperative educational services to defray expenses of such board, except that that part of the salary paid any teacher, supervisor or other employee of the

board of cooperative educational services which is in excess of thirty thousand dollars shall not be such an approved expense, and except also that administrative and clerical expenses shall not exceed ten percent of the total expenses for purposes of this computation. PROVIDED HOWEVER, THAT FOR TEACHERS PROVIDING INSTRUCTION IN CAREER AND TECHNICAL EDUCATION TO SCHOOL AGE STUDENTS THE SALARY, TO BE CONSIDERED AS AN APPROVED EXPENSE, SHALL NOT EXCEED THIRTY-FOUR THOUSAND DOLLARS IN THE TWO THOUSAND SIXTEEN--TWO THOUSAND SEVENTEEN SCHOOL YEAR; THIRTY-EIGHT THOUSAND DOLLARS FOR THE TWO THOUSAND SEVENTEEN--TWO THOUSAND EIGHTEEN SCHOOL YEAR; FORTY-TWO THOUSAND DOLLARS FOR THE TWO THOUSAND EIGHTEEN--TWO THOUSAND NINETEEN SCHOOL YEAR; FORTY-SIX THOUSAND DOLLARS FOR THE TWO THOUSAND NINETEEN--TWO THOUSAND TWENTY SCHOOL YEAR; AND FIFTY THOUSAND DOLLARS FOR THE TWO THOUSAND TWENTY--TWO THOUSAND TWENTY-ONE SCHOOL YEAR, AND THEREAFTER. Any gifts, donations or interest earned by the board of cooperative educational services or on behalf of the board of cooperative educational services by the dormitory authority or any other source shall not be deducted in determining the cost of services allocated to each component school district. Any payments made to a component school district by the board of cooperative educational services pursuant to subdivision eleven of section six-p of the general municipal law attributable to an approved cost of service computed pursuant to this subdivision shall be deducted from the cost of services allocated to such component school district. The expense of transportation provided by the board of cooperative educational services pursuant to paragraph q of subdivision four of this section shall be eligible for aid apportioned pursuant to subdivision seven of section thirty-six hundred two of this chapter and no board of cooperative educational services transportation expense shall be an approved cost of services for the computation of aid under this subdivision. Transportation expense pursuant to paragraph q of subdivision four of this section shall be included in the computation of the ten percent limitation on administrative and clerical expenses.

S 3. The education law is amended by adding a new article 12-B to read as follows:

#### ARTICLE 12-B

##### STATE OFFICE FOR RELIGIOUS AND INDEPENDENT SCHOOLS

SECTION 571. SHORT TITLE.

572. STATE OFFICE FOR RELIGIOUS AND INDEPENDENT SCHOOLS.

573. RULES AND REGULATIONS.

S 571. SHORT TITLE. THIS ARTICLE SHALL BE KNOWN AND MAY BE CITED AS THE "STATE OFFICE FOR RELIGIOUS AND INDEPENDENT SCHOOLS ESTABLISHMENT ACT".

S 572. STATE OFFICE FOR RELIGIOUS AND INDEPENDENT SCHOOLS. 1. THE STATE OFFICE FOR RELIGIOUS AND INDEPENDENT SCHOOLS IS HEREBY ESTABLISHED WITHIN THE DEPARTMENT TO PROVIDE AND COORDINATE SERVICES AND ADMINISTER STATE AND FEDERAL PROGRAMS AND APPROPRIATIONS AS MAY BE IDENTIFIED BY THE COMMISSIONER INTENDED FOR THE BENEFIT OF STUDENTS AND PERSONNEL IN RELIGIOUS AND INDEPENDENT SCHOOLS AND TO DISSEMINATE INFORMATION AND CARRY OUT OTHER ACTIVITIES INTENDED FOR THE BENEFIT OF STUDENTS AND PERSONNEL IN RELIGIOUS AND INDEPENDENT SCHOOLS.

2. THE DEPARTMENT, ON BEHALF OF THE OFFICE, SHALL HAVE THE AUTHORITY TO ACCEPT AND RECEIVE ANY GRANTS, AWARDS, APPROPRIATIONS OR OTHER FUNDS AS MAY BE MADE AVAILABLE TO CARRY OUT THE FUNCTIONS OF THE OFFICE. ALL SUCH FUNDS RECEIVED BY OR OTHERWISE MADE AVAILABLE TO THE DEPARTMENT SHALL BE HELD IN A DISTINCT ACCOUNT OR ACCOUNTS ADMINISTERED BY THE DEPARTMENT TO CARRY OUT THE FUNCTIONS OF THE OFFICE.



1 3. THE COMMISSIONER SHALL UTILIZE A PORTION OF STATE AND/OR FEDERAL  
2 FUNDS APPROPRIATED SOLELY FOR THE BENEFIT OF RELIGIOUS AND INDEPENDENT  
3 SCHOOLS FOR PERSONNEL SERVICES NECESSARY TO CARRY OUT THE FUNCTIONS OF  
4 THE OFFICE.

5 S 573. RULES AND REGULATIONS. THE COMMISSIONER MAY PROMULGATE ANY  
6 RULES OR REGULATIONS NECESSARY TO CARRY OUT THE PROVISIONS OF THIS ARTI-  
7 CLE.

8 S 4. Clause (c) of subparagraph 5 of paragraph e of subdivision 6 of  
9 section 3602 of the education law is REPEALED and clause (d) of subpara-  
10 graph 5 of paragraph e of subdivision 6 is relettered clause (c).

11 S 5. Subdivision 2 of section 2116-b of the education law, as amended  
12 by section 4 of part A of chapter 57 of the laws of 2013, is amended to  
13 read as follows:

14 2. School districts of less than eight teachers, school districts with  
15 actual general fund expenditures totaling less than five million dollars  
16 in the previous school year, or school districts with actual enrollment  
17 of less than [one] FIVE thousand [five hundred] students in the previous  
18 school year shall be exempt from this requirement. Any school district  
19 claiming such exemption shall annually certify to the commissioner that  
20 such school district meets the requirements set forth in this subdivi-  
21 sion.

22 S 6. The section heading and subdivision 1 of section 2022 of the  
23 education law, as amended by section 7 of part A of chapter 97 of the  
24 laws of 2011, are amended and a new subdivision 1-a is added to read as  
25 follows:

26 Vote on school district budgets, ON BOND RESOLUTIONS and on the  
27 election of school district trustees and board of education members. 1.  
28 Notwithstanding any law, rule or regulation to the contrary, the  
29 election of trustees or members of the board of education, [and] the  
30 vote upon the appropriation of the necessary funds to meet the estimated  
31 expenditures, AND THE VOTE UPON A BOND RESOLUTION, EXCEPT WHERE THE  
32 BOARD SHALL BY UNANIMOUS VOTE DECLARE THAT AN EMERGENCY EXISTS AND THE  
33 COMMISSIONER DETERMINES THAT THE BEST INTERESTS OF THE DISTRICT REQUIRE  
34 THAT THE VOTE ON THE BOND RESOLUTION BE HELD ON A DIFFERENT DATE, in any  
35 common school district, union free school district, central school  
36 district or central high school district shall be held at the annual  
37 meeting and election on the third Tuesday in May, provided, however,  
38 that such election shall be held on the second Tuesday in May if the  
39 commissioner at the request of a local school board certifies no later  
40 than March first that such election would conflict with religious obser-  
41 vances. The sole trustee, board of trustees or board of education of  
42 every common, union free, central or central high school district and  
43 every city school district to which this article applies shall hold a  
44 budget hearing not less than seven nor more than fourteen days prior to  
45 the annual meeting and election or special district meeting at which a  
46 school budget vote will occur, and shall prepare and present to the  
47 voters at such budget hearing a proposed school district budget for the  
48 ensuing school year.

49 1-A. ANY BOND RESOLUTION VOTED UPON PURSUANT TO SUBDIVISION ONE OF  
50 THIS SECTION MAY ONLY BE RESUBMITTED TO THE VOTERS OF THE SCHOOL  
51 DISTRICT ONE TIME SUBSEQUENT TO SUCH VOTE.

52 S 7. The section heading and subdivision 1 of section 2022 of the  
53 education law, the section heading as amended by section 23 of part A of  
54 chapter 436 of the laws of 1997 and subdivision 1 as amended by section  
55 8 of part C of chapter 58 of the laws of 1998, are amended and a new  
56 subdivision 1-a is added to read as follows:

1 Vote on school district budgets, ON BOND RESOLUTIONS and on the  
2 election of school district trustees and board of education members. 1.  
3 Notwithstanding any law, rule or regulation to the contrary, the  
4 election of trustees or members of the board of education, [and] the  
5 vote upon the appropriation of the necessary funds to meet the estimated  
6 expenditures, AND THE VOTE UPON A BOND RESOLUTION, EXCEPT WHERE THE  
7 BOARD SHALL BY UNANIMOUS VOTE DECLARE THAT AN EMERGENCY EXISTS AND THE  
8 COMMISSIONER DETERMINES THAT THE BEST INTERESTS OF THE DISTRICT REQUIRE  
9 THAT THE VOTE ON THE BOND RESOLUTION BE HELD ON A DIFFERENT DATE, in any  
10 common school district, union free school district, central school  
11 district or central high school district shall be held at the annual  
12 meeting and election on the third Tuesday in May, provided, however,  
13 that such election shall be held on the second Tuesday in May if the  
14 commissioner at the request of a local school board certifies no later  
15 than March first that such election would conflict with religious obser-  
16 vances. When such election or vote is taken by recording the ayes and  
17 noes of the qualified voters attending, a majority of the qualified  
18 voters present and voting, by a hand or voice vote, may determine to  
19 take up the question of voting the necessary funds to meet the estimated  
20 expenditures for a specific item separately, and the qualified voters  
21 present and voting may increase the amount of any estimated expenditures  
22 or reduce the same, except for teachers' salaries, and the ordinary  
23 contingent expenses of the schools. The sole trustee, board of trustees  
24 or board of education of every common, union free, central or central  
25 high school district and every city school district to which this arti-  
26 cle applies shall hold a budget hearing not less than seven nor more  
27 than fourteen days prior to the annual meeting and election or special  
28 district meeting at which a school budget vote will occur, and shall  
29 prepare and present to the voters at such budget hearing a proposed  
30 school district budget for the ensuing school year.

31 1-A. ANY BOND RESOLUTION VOTED UPON PURSUANT TO SUBDIVISION ONE OF  
32 THIS SECTION MAY ONLY BE RESUBMITTED TO THE VOTERS OF THE SCHOOL  
33 DISTRICT ONE TIME SUBSEQUENT TO SUCH VOTE.

34 S 8. Subdivision 4 of section 3627 of the education law, as amended by  
35 section 1 of part C of chapter 60 of the laws of 2015, is amended to  
36 read as follows:

37 4. Notwithstanding any other provision of law to the contrary, any  
38 expenditures for transportation provided pursuant to this section in the  
39 two thousand thirteen--two thousand fourteen [and two thousand four-  
40 teen--two thousand fifteen] school year and thereafter and otherwise  
41 eligible for transportation aid pursuant to subdivision seven of section  
42 thirty-six hundred two of this article shall be considered approved  
43 transportation expenses eligible for transportation aid, provided  
44 further that for the two thousand thirteen--two thousand fourteen school  
45 year such aid shall be limited to eight million one hundred thousand  
46 dollars and for the two thousand fourteen--two thousand fifteen school  
47 year and thereafter such aid shall be limited to [twelve] THE SUM OF  
48 SEVENTEEN million [six] ONE hundred thousand dollars PLUS THE BASE  
49 AMOUNT. FOR PURPOSES OF THIS SUBDIVISION, THE "BASE AMOUNT" MEANS THE  
50 AMOUNT OF TRANSPORTATION AID PAID TO THE SCHOOL DISTRICT FOR EXPENDI-  
51 TURES INCURRED IN THE TWO THOUSAND TWELVE--TWO THOUSAND THIRTEEN SCHOOL  
52 YEAR FOR TRANSPORTATION THAT WOULD HAVE BEEN ELIGIBLE FOR AID PURSUANT  
53 TO THIS SECTION HAD THIS SECTION BEEN IN EFFECT IN SUCH SCHOOL YEAR,  
54 EXCEPT THAT SUBDIVISION SIX SHALL BE DEEMED NOT TO HAVE BEEN IN EFFECT.  
55 And provided further that [such expenditures eligible for aid under this  
56 section shall supplement not supplant local expenditures for such trans-

portation in the two thousand twelve--two thousand thirteen school year] THE SCHOOL DISTRICT SHALL CONTINUE TO ANNUALLY EXPEND FOR THE TRANSPORTATION DESCRIBED IN SUBDIVISION ONE OF THIS SECTION AT LEAST THE EXPENDITURES USED FOR THE BASED AMOUNT.

S 9. Section 3602 of the education law is amended by adding a new subdivision 6-h to read as follows:

6-H. BUILDING AID FOR SCHOOLS AUTHORIZED PURSUANT TO ARTICLE FIFTY-SIX OF THIS CHAPTER. A. SCHOOLS AUTHORIZED PURSUANT TO ARTICLE FIFTY-SIX OF THIS CHAPTER SHALL BE ELIGIBLE FOR BUILDING AID TO THE SAME EXTENT AS SCHOOL DISTRICTS IN A PROCESS PRESCRIBED BY THE COMMISSIONER, PROVIDED, THAT (1) AID APPORTIONMENTS FOR SUCH SCHOOLS SHALL BE CALCULATED BASED ON THE ACTUAL AMORTIZATION AND ACTUAL INTEREST RATE, (2) THE BUILDING AID RATIO USED SHALL BE THE RATIO FOR THE SCHOOL DISTRICT IN WHICH THE SCHOOL IS LOCATED, AND THE CHARTER SCHOOL SHALL BE RESPONSIBLE FOR PAYMENT OF THE LOCAL SHARE OF ANY AIDABLE BUILDING EXPENSES, AND (3) AID ON EXPENDITURES FOR LEASE PAYMENTS SHALL BE APPORTIONED ONLY IF THE LEASE HAS BEEN APPROVED BY THE SCHOOL'S BOARD OF TRUSTEES, THE AUTHORIZING ENTITY, AND THE COMMISSIONER.

B. THE COMMISSIONER SHALL BE AUTHORIZED TO GRANT SPECIFIC WAIVERS FROM BUILDING AID PROGRAM REQUIREMENTS TO SCHOOLS AUTHORIZED PURSUANT TO ARTICLE FIFTY-SIX OF THIS CHAPTER UPON A SHOWING THAT COMPLIANCE WITH SUCH REQUIREMENTS WOULD CREATE AN UNDUE ECONOMIC HARDSHIP OR THAT SOME OTHER GOOD CAUSE EXISTS THAT MAKES COMPLIANCE EXTREMELY IMPRACTICAL.

C. SCHOOL DISTRICTS THAT COLLECT PAYMENTS FROM A SCHOOL AUTHORIZED PURSUANT TO ARTICLE FIFTY-SIX OF THIS CHAPTER UNDER A LEASE OR ANY OTHER ARRANGEMENT FOR THE USE OF DISTRICT-OWNED FACILITIES SHALL HAVE ITS BUILDING AID APPORTIONMENT REDUCED BY AN AMOUNT EQUAL TO THE SCHOOL'S PAYMENTS TO THE DISTRICT PROVIDED, HOWEVER, NOTHING IN THIS SUBDIVISION SHALL BE CONSTRUED TO AUTHORIZE A REDUCTION IN BUILDING AID ATTRIBUTABLE TO BUILDING PROJECTS SUBJECT TO THE PROVISIONS OF SUBDIVISION FOUR OF SECTION TWENTY-SEVEN HUNDRED NINETY-NINE-TT OF THE PUBLIC AUTHORITIES LAW.

D. IN THE EVENT THAT A SCHOOL IS NO LONGER AUTHORIZED PURSUANT TO ARTICLE FIFTY-SIX OF THIS CHAPTER, BUILDING AID PAYMENTS SHALL CEASE IMMEDIATELY.

E. A CHARTER SCHOOL AUTHORIZED UNDER THIS ARTICLE SHALL NOT BE ENTITLED TO RECEIVE BOTH BUILDING AID UNDER THIS SUBDIVISION AND UNDER SUBDIVISION THREE OF SECTION TWENTY-EIGHT FIFTY-THREE OF THIS CHAPTER.

S 10. Subdivision (a) of section 1115 of the tax law is amended by adding a new paragraph 44 to read as follows:

(44) SCHOOL BUSES AS SUCH TERM IS DEFINED IN SECTION ONE HUNDRED FORTY-TWO OF THE VEHICLE AND TRAFFIC LAW, AND PARTS, EQUIPMENT, LUBRICANTS AND FUEL PURCHASED AND USED IN THEIR OPERATION.

S 11. Section 2851 of the education law is amended by adding a new subdivision 5 to read as follows:

5. NOTWITHSTANDING ANY PROVISION OF LAW, RULE OR REGULATION TO THE CONTRARY, A CHARTER SCHOOL APPROVED BY A CHARTER ENTITY LISTED IN SUBDIVISION THREE OF THIS SECTION MAY APPLY AT ANY TIME TO ANOTHER CHARTER ENTITY DEFINED IN PARAGRAPH (A), (B) OR (C) OF SUBDIVISION THREE OF THIS SECTION TO REQUEST SUCH OTHER CHARTER ENTITY TO OVERSEE AND SUPERVISE SUCH CHARTER SCHOOL. ALL OBLIGATIONS OF THE PREVIOUS CHARTER ENTITY TO OVERSEE AND SUPERVISE A CHARTER SCHOOL SHALL TERMINATE UPON SUCH CHARTER SCHOOL ENTERING INTO A CHARTER AGREEMENT, AS DEFINED IN SUBDIVISION FIVE OF SECTION TWENTY-EIGHT HUNDRED FIFTY-TWO OF THIS ARTICLE, WITH ANOTHER CHARTER ENTITY, AND THE PREVIOUS CHARTER ENTITY SHALL PROVIDE IN A TIME-

1 LY FASHION INFORMATION RELEVANT TO THE CHARTER AS REQUESTED BY SUCH  
2 OTHER CHARTER ENTITY.

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

6 12. Notwithstanding paragraph (a) of subdivision one of section twen-  
7 ty-eight hundred fifty-four of this chapter and paragraph (c) of subdi-  
8 vision two of section twenty-eight hundred fifty-four of this chapter,  
9 charter schools shall be eligible to participate in universal full-day  
10 pre-kindergarten programs under this section, provided that all such  
11 monitoring, programmatic review and operational requirements under this  
12 section shall be the responsibility of the charter entity and shall be  
13 consistent with the requirements under article fifty-six of this  
14 chapter; WHEREFORE, NOTWITHSTANDING ANY OTHER PROVISION OF LAW, PARTIC-  
15 IPATION BY A CHARTER SCHOOL IN UNIVERSAL PRE-KINDERGARTEN PROGRAMS MAY  
16 NOT BE CONDITIONED UPON THE CHARTER SCHOOL AGREEING TO CONTRACTUAL TERMS  
17 OR CONDITIONS IMPOSED BY A NON-CHARTER ENTITY. The provisions of para-  
18 graph (b) of subdivision two of section twenty-eight hundred fifty-four  
19 of this chapter shall apply to the admission of pre-kindergarten  
20 students, except parents of pre-kindergarten children may submit appli-  
21 cations for the two thousand fourteen--two thousand fifteen school year  
22 by a date to be determined by the charter school upon selection to  
23 participate in the universal full-day pre-kindergarten program. The  
24 limitations on the employment of uncertified teachers under paragraph  
25 (a-1) of subdivision three of section twenty-eight hundred fifty-four of  
26 this chapter shall apply to all teachers from pre-kindergarten through  
27 grade twelve.

28 S 13. Paragraph (a-1) of subdivision 3 of section 2854 of the educa-  
29 tion law, as amended by section 1 of subpart A of part B of chapter 20  
30 of the laws of 2015, is amended to read as follows:

31 (a-1) The board of trustees of a charter school shall employ and  
32 contract with necessary teachers, administrators and other school  
33 personnel. Such teachers shall be certified in accordance with the  
34 requirements applicable to other public schools; provided, however, that  
35 TEACHERS EMPLOYED BY A HIGH-PERFORMING PUBLIC CHARTER SCHOOL WITH A  
36 RIGOROUS TEACHER TRAINING PROGRAM WILL HAVE THREE YEARS FROM THEIR  
37 EMPLOYMENT START DATE BEFORE THEY MUST SATISFY CERTIFICATION REQUIRE-  
38 MENTS; AND, a charter school may employ as teachers (i) uncertified  
39 teachers with at least three years of elementary, middle or secondary  
40 classroom teaching experience; (ii) tenured or tenure track college  
41 faculty; (iii) individuals with two years of satisfactory experience  
42 through the Teach for America program; and (iv) individuals who possess  
43 exceptional business, professional, artistic, athletic, or military  
44 experience, provided, however, that such teachers described in clauses  
45 (i), (ii), (iii), and (iv) of this paragraph shall not in total comprise  
46 more than the sum of: (A) thirty per centum of the teaching staff of a  
47 charter school, or five teachers, whichever is less; plus (B) five  
48 teachers of mathematics, science, computer science, technology, or  
49 career and technical education; plus (C) five additional teachers. A  
50 teacher certified or otherwise approved by the commissioner shall not be  
51 included in the numerical limits established by the preceding sentence.

52 S 14. Subdivisions 1 and 2 of section 3-c of the general municipal  
53 law, as added by section 1 of part A of chapter 97 of the laws of 2011,  
54 are amended to read as follows:

55 1. Unless otherwise provided by law, the amount of real property  
56 taxes that may be levied by or on behalf of any local government[, other

1 than the city of New York and the counties contained therein,] shall not  
2 exceed the tax levy limit established pursuant to this section.

3 2. When used in this section:

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

8 (b) "Available carryover" means the amount by which the tax levy for  
9 the prior fiscal year was below the tax levy limit for such fiscal year,  
10 if any, but no more than an amount that equals one and one-half percent  
11 of the tax levy limit for such fiscal year.

12 (c) "Coming fiscal year" means the fiscal year of the local government  
13 for which a tax levy limit shall be determined pursuant to this section.

14 (d) "Inflation factor" means the quotient of: (i) the average of the  
15 national consumer price indexes determined by the United States depart-  
16 ment of labor for the twelve-month period ending six months prior to the  
17 start of the coming fiscal year minus the average of the national  
18 consumer price indexes determined by the United States department of  
19 labor for the twelve-month period ending six months prior to the start  
20 of the prior fiscal year, divided by: (ii) the average of the national  
21 consumer price indexes determined by the United States department of  
22 labor for the twelve-month period ending six months prior to the start  
23 of the prior fiscal year, with the result expressed as a decimal to four  
24 places.

25 (e) "Local government" means a county, city, town, village, fire  
26 district, or special district including but not limited to a district  
27 created pursuant to article twelve or twelve-A, or governed by article  
28 thirteen of the town law, or created pursuant to article five-A, five-B  
29 or five-D of the county law, chapter five hundred sixteen of the laws of  
30 nineteen hundred twenty-eight, or chapter two hundred seventy-three of  
31 the laws of nineteen hundred thirty-nine, and shall include town  
32 improvements provided pursuant to articles three-A and twelve-C of the  
33 town law [but shall not include the city of New York or the counties  
34 contained therein].

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

37 (g) "Tax levy limit" means the amount of taxes authorized to be levied  
38 by or on behalf of a local government pursuant to this section,  
39 provided, however, that the tax levy limit shall not include the follow-  
40 ing:

41 (i) a tax levy necessary for expenditures resulting from court orders  
42 or judgments against the local government arising out of tort actions  
43 for any amount that exceeds five percent of the total tax levied in the  
44 prior fiscal year;

45 (ii) in years in which the system average actuarial contribution rate  
46 of the New York state and local employees' retirement system, as defined  
47 by paragraph ten of subdivision a of section nineteen-a of the retire-  
48 ment and social security law, increases by more than two percentage  
49 points from the previous year, a tax levy necessary for expenditures for  
50 the coming fiscal year for local government employer contributions to  
51 the New York state and local employees' retirement system caused by  
52 growth in the system average actuarial contribution rate minus two  
53 percentage points;

54 (iii) in years in which the system average actuarial contribution rate  
55 of the New York state and local police and fire retirement system, as  
56 defined by paragraph eleven of subdivision a of section three hundred

19 nineteen-a of the retirement and social security law, increases by more than two percentage points from the previous year, a tax levy necessary for expenditures for the coming fiscal year for local government employer contributions to the New York state and local police and fire retirement system caused by growth in the system average actuarial contribution rate minus two percentage points;

(iv) in years in which the normal contribution rate of the New York state teachers' retirement system, as defined by paragraph a of subdivision two of section five hundred seventeen of the education law, increases by more than two percentage points from the previous year, a tax levy necessary for expenditures for the coming fiscal year for local government employer contributions to the New York state teachers' retirement system caused by growth in the normal contribution rate minus two percentage points[.];

(V) IN YEARS IN WHICH THE AVERAGE ACTUARIAL CONTRIBUTION RATE OF THE NEW YORK CITY EMPLOYEES' RETIREMENT SYSTEM, AS DEFINED BY SUBDIVISION ONE OF SECTION 13-101 OF THE ADMINISTRATIVE CODE OF THE CITY OF NEW YORK, INCREASES BY MORE THAN TWO PERCENTAGE POINTS FROM THE PREVIOUS YEAR, A TAX LEVY NECESSARY FOR EXPENDITURES FOR THE COMING FISCAL YEAR FOR LOCAL GOVERNMENT EMPLOYER CONTRIBUTIONS TO THE NEW YORK CITY EMPLOYEES' RETIREMENT SYSTEM CAUSED BY A GROWTH IN THE NORMAL CONTRIBUTION RATE MINUS TWO PERCENTAGE POINTS.

(h) "Tax" or "taxes" shall include (i) a charge imposed upon real property by or on behalf of a county, city, town, village or school district for municipal or school district purposes, and (ii) special ad valorem levies and special assessments as defined in subdivisions fourteen and fifteen of section one hundred two of the real property tax law.

S 14-a. Section 13 of part A of chapter 97 of the laws of 2011, amending the general municipal law and the education law relating to establishing limits upon school district and local government tax levies, as amended by section 18 of part A of chapter 20 of the laws of 2015, is amended to read as follows:

S 13. This act shall take effect immediately; provided, however, that sections two through eleven of this act shall take effect July 1, 2011 and shall first apply to school district budgets and the budget adoption process for the 2012-13 school year; and shall continue to apply to school district budgets and the budget adoption process for any school year beginning in any calendar year during which this act is in effect; provided further, that if section 26 of part A of chapter 58 of the laws of 2011 shall not have taken effect on or before such date then section ten of this act shall take effect on the same date and in the same manner as such chapter of the laws of 2011, takes effect; provided further, that section one of this act shall first apply to the levy of taxes by local governments for the fiscal year that begins in 2012 and shall continue to apply to the levy of taxes by local governments for any fiscal year beginning in any calendar year during which this act is in effect[; provided, further, that this act shall remain in full force and effect at a minimum until and including June 15, 2020 and shall remain in effect thereafter only so long as the public emergency requiring the regulation and control of residential rents and evictions and all such laws providing for such regulation and control continue as provided in subdivision 3 of section 1 of the local emergency rent control act, sections 26-501, 26-502 and 26-520 of the administrative code of the city of New York, section 17 of chapter 576 of the laws of 1974 and subdivision 2 of section 1 of chapter 274 of the laws of 1946

1 constituting the emergency housing rent control law, and section 10 of  
2 chapter 555 of the laws of 1982, amending the general business law and  
3 the administrative code of the city of New York relating to conversions  
4 of residential property to cooperative or condominium ownership in the  
5 city of New York as such laws are continued by chapter 93 of the laws of  
6 2011 and as such sections are amended from time to time].

7 S 15. Paragraphs a and c of subdivision 14 of section 305 of the  
8 education law, paragraph a as amended by chapter 273 of the laws of 1999  
9 and paragraph c as amended by chapter 15 of the laws of 2005, are  
10 amended to read as follows

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

1 maintenance of school buses or for mobile instructional units, that such  
2 contracts may be extended, except that power is hereby vested in the  
3 commissioner, in addition to his OR HER existing statutory authority to  
4 approve or disapprove transportation or maintenance contracts, (i) to  
5 reject any extension of a contract beyond the initial term thereof if he  
6 OR SHE finds that amount to be paid by the district to the contractor in  
7 any year of such proposed extension fails to reflect any decrease in the  
8 regional consumer price index for the N.Y., N.Y.-Northeastern, N.J.  
9 area, based upon the index for all urban consumers (CPI-U) during the  
10 preceding twelve month period, OR FOR ALL CONTRACTS FOR SCHOOL BUSES  
11 USED FOR THE TRANSPORTATION OF SCHOOL CHILDREN, MAINTENANCE, AND ALL  
12 CONTRACTS FOR MOBILE INSTRUCTIONAL UNITS, IF THE AMOUNT TO BE PAID BY  
13 THE DISTRICT TO THE CONTRACTOR IN ANY YEAR OF SUCH PROPOSED EXTENSION  
14 FAILS TO REFLECT ANY PERCENTAGE DECREASE IN THE EMPLOYMENT COST INDEX  
15 (ECI) TOTAL COMPENSATION FOR PRIVATE INDUSTRY WORKERS IN THE NORTHEAST  
16 REGION (NOT SEASONALLY ADJUSTED) FOR THE FOURTH QUARTER OF THE PRECEDING  
17 YEAR; and (ii) to reject any extension of a contract after ten years  
18 from the date transportation or maintenance service commenced there-  
19 under, or mobile instructional units were first provided, if in his OR  
20 HER opinion, the best interests of the district will be promoted  
21 thereby; AND (III) TO REJECT ANY EXTENSION OF A CONTRACT FOR TRANSPORTA-  
22 TION, OR NEW CONTRACT, IF HE OR SHE FINDS THAT THE AMOUNT TO BE PAID BY  
23 THE DISTRICT TO THE CONTRACTOR IN ANY YEAR OF SUCH PROPOSED CONTRACT  
24 FAILS TO REFLECT THE SAVINGS REALIZED FROM THE SALES TAX EXEMPTION ON  
25 SCHOOL BUSES, PARTS, EQUIPMENT, LUBRICANTS AND FUEL USED FOR SCHOOL  
26 PURPOSES PURSUANT TO PARAGRAPH FORTY-FOUR OF SUBDIVISION (A) OF SECTION  
27 ELEVEN HUNDRED FIFTEEN OF THE TAX LAW. Upon such rejection of any  
28 proposed extension, the commissioner may order the board of education or  
29 trustee of the district to seek, obtain and consider bids pursuant to  
30 the provisions of this section. The board of education or the trustee of  
31 a school district electing to extend a contract as provided herein, may,  
32 in its discretion, increase the amount to be paid in each year of the  
33 contract extension by an amount not to exceed the regional consumer  
34 price index increase for the N.Y., N.Y.-Northeastern, N.J. area, based  
35 upon the index for all urban consumers (CPI-U), during the preceding  
36 twelve month period, OR FOR ALL CONTRACTS FOR SCHOOL BUSES USED FOR THE  
37 TRANSPORTATION OF SCHOOL CHILDREN, MAINTENANCE, AND ALL CONTRACTS FOR  
38 MOBILE INSTRUCTIONAL UNITS, BY AN AMOUNT NOT TO EXCEED THE PERCENTAGE  
39 INCREASE IN THE EMPLOYMENT COST INDEX (ECI) TOTAL COMPENSATION FOR  
40 PRIVATE INDUSTRY WORKERS IN THE NORTHEAST REGION (NOT SEASONALLY  
41 ADJUSTED) FOR THE FOURTH QUARTER OF THE PRECEDING YEAR, provided it has  
42 been satisfactorily established by the contractor that there has been at  
43 least an equivalent increase in the amount of his OR HER cost of opera-  
44 tion, during the period of the contract.

45 c. Each board of education, or the trustees, of a school district  
46 which elected or elects to extend one or more pupil transportation  
47 contracts may extend a contract in an amount which is in excess of the  
48 maximum increase allowed by use of the [CPI] ECI referenced in paragraph  
49 a of this subdivision. Such excess amount shall not be greater than the  
50 sum of the following: (i) the sum of the actual cost of qualifying crim-  
51 inal history and driver licensing testing fees attributable to special  
52 requirements for drivers of school buses pursuant to articles nineteen  
53 and nineteen-A of the vehicle and traffic law plus the actual cost of  
54 any diagnostic tests and physical performance tests that are deemed to  
55 be necessary by an examining physician or the chief school officer to  
56 determine whether an applicant to drive a school bus under the terms of



1 the contract has the physical and mental ability to operate a school  
2 transportation conveyance and to satisfactorily perform the other  
3 responsibilities of a school bus driver pursuant to regulations of the  
4 commissioner; (ii) in a school district located in a city with at least  
5 one million inhabitants, the actual cost of clean air technology filters  
6 and Global Positioning System (GPS) technology; (iii) in a school  
7 district located in a city with at least one million inhabitants, with  
8 respects only to any extension beginning in fiscal year two thousand  
9 five--two thousand six, the sum of the actual cost of providing school  
10 bus attendants including the actual cost of criminal history record  
11 checks for school bus attendant applicants and training and instruction  
12 for school bus attendants pursuant to section twelve hundred twenty-  
13 nine-d of the vehicle and traffic law plus up to five percent of such  
14 cost for necessary administrative services; and (iv) the actual cost of  
15 equipment or vehicle modification, or training required, by any state or  
16 local legislation or regulation promulgated or effective on or after  
17 June first, two thousand five. Such costs shall be approved by the  
18 commissioner upon documentation provided by the school district and  
19 contractor as required by the commissioner.

20 S 16. The education law is amended by adding a new section 2046 to  
21 read as follows:

22 S 2046. TUITION STABILIZATION AID. 1. PROVISION OF EDUCATIONAL  
23 PROGRAMS. ANY ELIGIBLE SCHOOL DISTRICT THAT OPERATES A PUBLIC SECONDARY  
24 SCHOOL AND ENTERS INTO A CONTRACT FOR THE PROVISION OF PROVIDING EDUCA-  
25 TIONAL PROGRAMS AND SERVICES TO PUBLIC NON-RESIDENT SECONDARY PUPILS  
26 WHERE SUCH PUBLIC NON-RESIDENT SECONDARY PUPILS RESIDE IN A SCHOOL  
27 DISTRICT THAT DOES NOT OPERATE A PUBLIC SECONDARY SCHOOL SHALL BE ELIGI-  
28 BLE FOR AN APPORTIONMENT UNDER THIS SECTION.

29 2. ELIGIBILITY. ANY RECEIVING OR EDUCATING SCHOOL DISTRICT SHALL BE  
30 CONSIDERED ELIGIBLE FOR AN APPORTIONMENT UNDER THIS SECTION PROVIDED (A)  
31 THE SENDING OR NON-RESIDENT SCHOOL DISTRICT AND THE RECEIVING OR EDUCAT-  
32 ING SCHOOL DISTRICT SHALL BOTH BE PUBLIC SCHOOL DISTRICTS LOCATED IN  
33 SUFFOLK COUNTY, AND (B) THE SENDING OR NON-RESIDENT SCHOOL DISTRICT AND  
34 THE RECEIVING OR EDUCATING SCHOOL DISTRICT SHALL NOT INCLUDE SCHOOLS  
35 AUTHORIZED UNDER TITLE SIX OF THIS CHAPTER AND CHAPTER FIVE HUNDRED  
36 SIXTY-SIX OF THE LAWS OF NINETEEN SIXTY-SEVEN, AS AMENDED, AND (C) THE  
37 SENDING OR NON-RESIDENT SCHOOL DISTRICT SHALL NOT OPERATE A SECONDARY  
38 SCHOOL PROVIDING EDUCATIONAL PROGRAMS AND SERVICES TO PUPILS DURING THE  
39 TERM OF THE CONTRACT PURSUANT TO SUBDIVISION THREE OF THIS SECTION.

40 3. CONTRACTS. CONTRACTS FOR THE PROVISION OF EDUCATIONAL PROGRAMS AND  
41 SERVICES FOR SUCH NON-RESIDENT SECONDARY PUPILS SHALL BE IN ACCORDANCE  
42 WITH SECTIONS TWO THOUSAND FORTY, TWO THOUSAND FORTY-ONE, AND TWO THOU-  
43 SAND FORTY-TWO OF THIS PART.

44 4. NON-RESIDENT TUITION RATES. NON-RESIDENT TUITION RATES STIPULATED  
45 IN SUCH CONTRACTS SHALL BE EQUAL TO THE DIFFERENCE OF (A) THE NON-RESI-  
46 DENT TUITION RATE FOR THE RECEIVING OR EDUCATING SCHOOL DISTRICT CALCU-  
47 LATED BY THE COMMISSIONER PURSUANT TO 8 NYCRR 174.2, MINUS (B) A  
48 DISCOUNT AGREED TO BY THE PARTIES AND SPECIFIED IN A CONTRACT IN ACCORD-  
49 ANCE WITH SUBDIVISION THREE OF THIS SECTION, PROVIDED THAT FUTURE ANNUAL  
50 GROWTH IN SUCH DISCOUNTED NON-RESIDENT TUITION RATES SHALL NOT EXCEED  
51 ONE HUNDRED THREE PERCENT (1.03) OF THE PRIOR YEAR DISCOUNTED NON-RESI-  
52 DENT TUITION RATES.

53 5. STATE AID. THE COMMISSIONER IS AUTHORIZED TO PROVIDE AN APPORTION-  
54 MENT TO A RECEIVING OR EDUCATING SCHOOL DISTRICT EQUAL TO THE LESSER OF  
55 (A) THE PRODUCT OF (I) TWO-TENTHS (.20), AND (II) THE AMOUNT OF THE  
56 DISCOUNT SPECIFIED PURSUANT TO SUBDIVISIONS THREE AND FOUR OF THIS

SECTION, AND (III) THE SUM OF ALL FULL-TIME EQUIVALENT ENROLLMENT OF SUCH NON-RESIDENT SECONDARY PUPILS RECEIVING EDUCATIONAL PROGRAMS AND SERVICES IN AN ELIGIBLE SCHOOL DISTRICT, OR (B) TWO HUNDRED FIFTY THOUSAND DOLLARS.

6. CLAIMS. THE CLAIM FOR AN APPORTIONMENT TO BE PAID TO A RECEIVING OR EDUCATING SCHOOL DISTRICT UNDER THIS SECTION SHALL BE SUBMITTED TO THE COMMISSIONER ON A FORM PRESCRIBED FOR SUCH PURPOSE, AND SHALL BE PAYABLE NO LATER THAN DECEMBER FIRST OF THE YEAR FOLLOWING THE YEAR IN WHICH EDUCATIONAL PROGRAMS AND SERVICES WERE PROVIDED TO SUCH NON-RESIDENT SECONDARY PUPILS.

S 17. Subdivision a of section 5 of chapter 121 of the laws of 1996, relating to authorizing the Roosevelt union free school district to finance deficits by the issuance of serial bonds, as amended by section 26-b of part A of chapter 56 of the laws of 2015, is amended to read as follows:

a. Notwithstanding any other provisions of law, upon application to the commissioner of education submitted not sooner than April first and not later than June thirtieth of the applicable school year, the Roosevelt union free school district shall be eligible to receive an apportionment pursuant to this chapter for salary expenses, including related benefits, incurred between April first and June thirtieth of such school year. Such apportionment shall not exceed: for the 1996-97 school year through the [2015-16] 2016-17 school year, four million dollars (\$4,000,000); for the [2016-17] 2017-18 school year, three million dollars (\$3,000,000); for the [2017-18] 2018-19 school year, two million dollars (\$2,000,000); for the [2018-19] 2019-20 school year, one million dollars (\$1,000,000); and for the [2019-20] 2020-21 school year, zero dollars. Such annual application shall be made after the board of education has adopted a resolution to do so with the approval of the commissioner of education.

S 18. (a) All the acts done and proceedings heretofore had and taken or caused to be had and taken by a school district and by all officers, employees or agents of each such school district relating to or in connection with transportation contracts (1) identified by the state education department as having been filed or executed late prior to June 30, 2016, and (2) for which an aid adjustment or recovery has not been initiated by the state education department as of the effective date of this act are hereby legalized, validated, ratified and confirmed, notwithstanding any failure to comply with the contract filing provisions of the education law, other than those filing provisions defined in paragraph a of subdivision 5 of section 3604 of the education law, in relation to any omission, error, defect, irregularity or illegality in such proceeding had and taken.

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

S 19. a. Notwithstanding any other provision of law to the contrary, the actions or omissions of any school district which failed to submit a final building project cost report by June 30 of the school year following June 30 of the school year in which the certificate of substantial completion of the project is issued by the architect or engineer, or six months after issuance of such certificate, whichever is later, are hereby ratified and validated, provided the following conditions have been met: (i) that such building project was eligible for aid in a year for which the commissioner of education is required to prepare an estimate of apportionments due and owing pursuant to paragraph c of subdivision

21 of section 305 of the education law, and (ii) (A) that the school district was notified in writing by the state education department after March 1, 2015 but before July 1, 2016 that such final building cost reports were late, or (B) such building project was eligible for an installment recovery pursuant to sections 25-a, 25-b, 25-c, 25-d, and 25-e of part A of chapter 56 of the laws of 2015 or section 9-a of part A of chapter 56 of the laws of 2014 or section 24-a or part A of chapter 57 of the laws of 2013; provided, however, that notwithstanding any other provision of law to the contrary, the state education department shall not refund any monies for which recovery of excess payments has already been made pursuant to paragraph c of subdivision 5 of section 3604 of the education law and this act.

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

S 20. This act shall take effect immediately; provided, however, that a. the amendments made to paragraph b-1 of subdivision 4 of section 3602 of the education law by section one of this act shall not affect the expiration of such paragraph and shall be deemed to expire there-with;

b. any rules and regulations necessary for the implementation of section three of this act shall be promulgated and take effect one hundred eighty days after such effective date;

c. amendments to section 2022 of the education law made by section six of this act shall be subject to the expiration and reversion of such section pursuant to section 13 of part A of chapter 97 of the laws of 2011, as amended, when upon such date the provisions of section seven of this act shall take effect;

d. the provisions of section eight of this act increasing the limitation on aid from \$12.6 million to \$17.1 million shall apply to aid distributed to school districts beginning in the 2015-2016 school year;

e. the provisions of section ten of this act shall take effect on the first day of a quarterly sales tax period, as set forth in subdivision (b) of section 1136 of the tax law, next succeeding April 1, 2016;

f. the provisions of section twelve of this act shall be deemed to have been in full force and effect on and after March 31, 2014;

g. the provisions of section fourteen of this act shall first apply to the levy of taxes by local governments for the fiscal year commencing in 2017; and

h. section sixteen of this act shall take effect July 1, 2016.

## PART A-2

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

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

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

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

7 It is hereby declared to be the public policy and in the public inter-  
8 est of this state to establish a comprehensive program to provide an  
9 age-appropriate course of instruction in the prevention of child abduc-  
10 tion, child sexual exploitation and child sexual abuse.

11 S 3. Section 305 of the education law is amended by adding a new  
12 subdivision 55 to read as follows:

13 55. A. THE COMMISSIONER SHALL MAKE RECOMMENDATIONS TO THE REGENTS  
14 RELATING TO INSTRUCTION TO PREVENT CHILD SEXUAL EXPLOITATION AND CHILD  
15 ABUSE IN GRADES KINDERGARTEN THROUGH EIGHT.

16 B. PRIOR TO MAKING THE RECOMMENDATIONS TO THE REGENTS, THE COMMISSION-  
17 ER SHALL:

18 (I) SEEK THE RECOMMENDATIONS OF TEACHERS, SCHOOL ADMINISTRATORS,  
19 TEACHER EDUCATORS AND OTHERS WITH EDUCATIONAL EXPERTISE IN THE PROPOSED  
20 CURRICULUM;

21 (II) SEEK COMMENT FROM PARENTS, STUDENTS AND OTHER INTERESTED PARTIES;

22 (III) CONSIDER THE AMOUNT OF INSTRUCTIONAL TIME SUCH CURRICULUM WILL  
23 REQUIRE AND WHETHER SUCH TIME WOULD DETRACT FROM OTHER MANDATED COURSES  
24 OF STUDY;

25 (IV) CONSIDER THE FISCAL IMPACT, IF ANY, ON THE STATE AND SCHOOL  
26 DISTRICTS; AND

27 (V) CONSIDER ANY ADDITIONAL FACTORS THE COMMISSIONER DEEMS RELEVANT.

28 C. NO LATER THAN ONE HUNDRED EIGHTY DAYS AFTER THE EFFECTIVE DATE OF  
29 THIS SUBDIVISION, THE COMMISSIONER SHALL PROVIDE A RECOMMENDATION TO THE  
30 REGENTS TO EITHER ADOPT AND PROMULGATE APPROPRIATE RULES AND REGULATIONS  
31 IMPLEMENTING SUCH CURRICULUM OR REJECT THE IMPLEMENTATION OF SUCH  
32 CURRICULUM. UPON RECEIVING A RECOMMENDATION FROM THE COMMISSIONER,  
33 PURSUANT TO THIS SUBDIVISION, THE REGENTS SHALL VOTE TO EITHER ACCEPT OR  
34 REJECT THE COMMISSIONER'S RECOMMENDATION NO LATER THAN SIXTY DAYS AFTER  
35 RECEIVING SUCH RECOMMENDATION.

36 D. IF THE REGENTS ADOPT SUCH CURRICULUM, THE CURRICULUM REQUIREMENT  
37 SHALL TAKE EFFECT NO LATER THAN THE NEXT SCHOOL YEAR AFTER SUCH CURRIC-  
38 ULUM HAS BEEN ADOPTED.

39 E. IF THE REGENTS REJECT SUCH CURRICULUM, THE COMMISSIONER SHALL  
40 PROVIDE A REPORT AS TO THE DETERMINATION OF THE REGENTS TO THE GOVERNOR,  
41 THE TEMPORARY PRESIDENT OF THE SENATE, THE SPEAKER OF THE ASSEMBLY AND  
42 THE CHAIRS OF THE SENATE AND ASSEMBLY COMMITTEES ON EDUCATION PROVIDING  
43 THE REASONS FOR SUCH REJECTION NOT LATER THAN THIRTY DAYS AFTER THE  
44 REGENTS REJECT SUCH CURRICULUM.

45 S 4. This act shall take effect immediately.

46 PART B

47 Section 1. Section 2801-a of the education law, as added by chapter  
48 181 of the laws of 2000, subdivision 1 as amended by chapter 380 of the  
49 laws of 2001, is amended to read as follows:

50 S 2801-a. School safety plans. 1. The board of education or trustees,  
51 as defined in section two of this chapter, of every school district  
52 within the state, however created, and every board of cooperative educa-  
53 tional services and county vocational education and extension board and  
54 the chancellor of the city school district of the city of New York shall

1 adopt and amend a comprehensive district-wide school safety plan and  
2 building-level [school safety] EMERGENCY RESPONSE plans regarding crisis  
3 intervention, emergency response and management, provided that in the  
4 city school district of the city of New York, such plans shall be  
5 adopted by the chancellor of the city school district. Such plans shall  
6 be developed by a district-wide school safety team and a building-level  
7 school safety team established pursuant to subdivision four of this  
8 section and shall be in a form developed by the commissioner in consul-  
9 tation with the division of criminal justice services, the superinten-  
10 dent of the state police and any other appropriate state agencies. A  
11 school district having only one school building, shall develop a single  
12 building-level school safety plan, which shall also fulfill all require-  
13 ments for development of a district-wide plan.

14 2. Such comprehensive district-wide safety plan shall be developed by  
15 the district-wide school safety team and shall include at a minimum:

16 a. policies and procedures for responding to implied or direct threats  
17 of violence by students, teachers, other school personnel as well as  
18 visitors to the school;

19 b. policies and procedures for responding to acts of violence by  
20 students, teachers, other school personnel as well as visitors to the  
21 school, including consideration of zero-tolerance policies for school  
22 violence;

23 B-1. POLICIES AND PROCEDURES FOR RESPONDING TO A STUDENT WHERE IT IS  
24 REASONABLE TO BELIEVE THAT THE STUDENT IS AT RISK OF HARMING HIMSELF OR  
25 HERSELF AS MANIFESTED BY A THREAT OF SUICIDE OR OTHER CONDUCT DEMON-  
26 STRATING THAT THE STUDENT IS A DANGER TO HIMSELF OR HERSELF;

27 c. appropriate prevention and intervention strategies such as:

28 (i) collaborative arrangements with state and local law enforcement  
29 officials, designed to ensure that school safety officers and other  
30 security personnel are adequately trained, including being trained to  
31 de-escalate potentially violent situations, and are effectively and  
32 fairly recruited;

33 (ii) non-violent conflict resolution training programs;

34 (iii) peer mediation programs and youth courts; and

35 (iv) extended day and other school safety programs;

36 d. policies and procedures for contacting appropriate law enforcement  
37 officials in the event of a violent incident;

38 e. policies and procedures for contacting parents, guardians or  
39 persons in parental relation to the students of the district in the  
40 event of a violent incident;

41 E-1. POLICIES AND PROCEDURES FOR CONTACTING PARENTS, GUARDIANS OR  
42 PERSONS IN PARENTAL RELATION TO A STUDENT OF THE DISTRICT WHERE IT IS  
43 REASONABLE TO BELIEVE THAT THE STUDENT IS AT RISK OF HARMING HIMSELF OR  
44 HERSELF AS MANIFESTED BY A THREAT OF SUICIDE OR OTHER CONDUCT DEMON-  
45 STRATING THAT THE STUDENT IS A DANGER TO HIMSELF OR HERSELF;

46 f. policies and procedures relating to school building security,  
47 including where appropriate the use of school safety officers and/or  
48 security devices or procedures;

49 g. policies and procedures for the dissemination of informative mate-  
50 rials regarding the early detection of potentially violent behaviors,  
51 including but not limited to the identification of family, community and  
52 environmental factors, to teachers, administrators, school personnel,  
53 persons in parental relation to students of the district, students and  
54 other persons deemed appropriate to receive such information;

55 h. policies and procedures for annual school safety training for staff  
56 and students;

1 i. protocols for responding to bomb threats, hostage-takings, intru-  
2 sions and kidnappings;

3 j. strategies for improving communication among students and between  
4 students and staff and reporting of potentially violent incidents, such  
5 as the establishment of youth-run programs, peer mediation, conflict  
6 resolution, creating a forum or designating a mentor for students  
7 concerned with bullying or violence and establishing anonymous reporting  
8 mechanisms for school violence; [and]

9 k. a description of the duties of hall monitors and any other school  
10 safety personnel, the training required of all personnel acting in a  
11 school security capacity, and the hiring and screening process for all  
12 personnel acting in a school security capacity; AND

13 1. THE DESIGNATION OF THE SUPERINTENDENT, OR SUPERINTENDENT'S DESIG-  
14 NEE, AS THE DISTRICT CHIEF EMERGENCY OFFICER RESPONSIBLE FOR COORDINAT-  
15 ING COMMUNICATION BETWEEN SCHOOL STAFF AND LAW ENFORCEMENT AND FIRST  
16 RESPONDERS, AND ENSURING STAFF UNDERSTANDING OF THE DISTRICT-LEVEL SAFE-  
17 TY PLAN. THE CHIEF EMERGENCY OFFICER SHALL ALSO BE RESPONSIBLE FOR  
18 ENSURING THE COMPLETION AND YEARLY UPDATING OF BUILDING-LEVEL EMERGENCY  
19 RESPONSE PLANS.

20 3. A school emergency response plan, developed by the building-level  
21 school safety team defined in subdivision four of this section, shall BE  
22 KEPT CONFIDENTIAL, INCLUDING BUT NOT LIMITED TO THE FLOOR PLANS, BLUE-  
23 PRINTS, SCHEMATICS OR OTHER MAPS OF THE SCHOOL INTERIOR, SCHOOL GROUNDS  
24 AND ROAD MAPS OF THE IMMEDIATE SURROUNDING AREA, AND SHALL NOT BE  
25 DISCLOSED EXCEPT TO AUTHORIZED DEPARTMENT OR SCHOOL STAFF, AND LAW  
26 ENFORCEMENT OFFICERS, AND SHALL include the following elements:

27 a. policies and procedures for [the safe evacuation of students,  
28 teachers, other school personnel as well as visitors to the school in  
29 the event of a serious violent incident or other emergency, which shall  
30 include evacuation routes and shelter sites and procedures for address-  
31 ing medical needs, transportation and emergency notification to persons  
32 in parental relation to a student. For purposes of this subdivision,  
33 "serious violent incident" means an incident of violent criminal conduct  
34 that is, or appears to be, life threatening and warrants the evacuation  
35 of students and/or staff, as defined in regulations of the commissioner  
36 developed in conjunction with the division of criminal justice services]  
37 RESPONSE TO EMERGENCY SITUATIONS, SUCH AS THOSE REQUIRING EVACUATION,  
38 SHELTERING, AND LOCK-DOWN. THESE POLICIES SHALL INCLUDE, AT A MINIMUM,  
39 EVACUATION ROUTES, SHELTER SITES, AND PROCEDURES FOR ADDRESSING MEDICAL  
40 NEEDS, TRANSPORTATION AND EMERGENCY NOTIFICATION OF PARENTS AND GUARDI-  
41 ANS;

42 b. designation of an emergency response team comprised of school  
43 personnel, [local] law enforcement officials, FIRE OFFICIALS and repre-  
44 sentatives from local regional and/or state emergency response agencies,  
45 other appropriate incident response teams, and a post-incident response  
46 team that includes appropriate school personnel, medical personnel,  
47 mental health counselors and others who can assist the school community  
48 in coping with the aftermath of a violent incident;

49 c. [procedures for assuring that crisis response and law enforcement  
50 officials have access to] floor plans, blueprints, schematics or other  
51 maps of the school interior, school grounds and road maps of the immedi-  
52 ate surrounding area;

53 d. establishment of internal and external communication systems in  
54 emergencies;

55 e. definition of the chain of command in a manner consistent with the  
56 national interagency incident management system/incident command system;

1 f. coordination of the school safety plan with the state-wide plan for  
2 disaster mental health services to assure that the school has access to  
3 federal, state and local mental health resources in the event of a  
4 violent incident;

5 g. procedures for review and the conduct of drills and other exercises  
6 to test components of the emergency response plan; and

7 h. policies and procedures for securing and restricting access to the  
8 crime scene in order to preserve evidence in cases of violent crimes on  
9 school property.

10 4. Each district-wide school safety team shall be appointed by the  
11 board of education, or the chancellor in the case of the city school  
12 district of the city of New York, and shall include but not be limited  
13 to representatives of the school board, [student,] teacher, administra-  
14 tor, and parent organizations, school safety personnel, and other school  
15 personnel. Each building-level school safety team shall be appointed by  
16 the building principal, in accordance with regulations or guidelines  
17 prescribed by the board of education, chancellor or other governing  
18 body. Such building-level teams shall include but not be limited to  
19 representatives of teacher, administrator, and parent organizations,  
20 school safety personnel and other school personnel, community members,  
21 [local] law enforcement officials, [local ambulance] FIRE OFFICIALS or  
22 other emergency response agencies, and any other representatives the  
23 board of education, chancellor or other governing body deems appropri-  
24 ate.

25 5. [Each safety plan shall be reviewed by the appropriate school safe-  
26 ty team on at least an annual basis, and updated as needed] THE  
27 DISTRICT-WIDE SAFETY PLAN AND BUILDING-LEVEL EMERGENCY RESPONSE PLANS  
28 SHALL BE REVIEWED BY THE APPROPRIATE TEAM ON AT LEAST AN ANNUAL BASIS  
29 AND UPDATED AS NEEDED.

30 6. Each board of education, chancellor or other governing body shall  
31 make each district-wide [and building-level school] safety plan avail-  
32 able for public comment at least thirty days prior to its adoption[,  
33 provided that only a summary of each building-level emergency response  
34 plan shall be made available for public comment]. Such district-wide  
35 [and building-level] plans may be adopted by the school board only after  
36 at least one public hearing that provides for the participation of  
37 school personnel, parents, students and any other interested parties.  
38 Each district shall file a copy of its district-wide [comprehensive]  
39 safety plan with the commissioner and all amendments to such plan shall  
40 be filed with the commissioner no later than thirty days after their  
41 adoption.

42 [A] 7. EACH BOARD OF EDUCATION, CHANCELLOR OR OTHER GOVERNING BODY OR  
43 OFFICER SHALL ENSURE A copy of each building-level [safety] EMERGENCY  
44 RESPONSE plan and any amendments thereto, shall be filed with the appro-  
45 priate local law enforcement agency and with the state police within  
46 thirty days of its adoption. Building-level emergency response plans  
47 shall be confidential and shall not be subject to disclosure under arti-  
48 cle six of the public officers law or any other provision of law. If the  
49 board of education, chancellor or other governing body or chancellor  
50 fails to file such plan as required by this section, the commissioner  
51 may, in an amount determined by the commissioner, withhold public money  
52 from the district until the district is in compliance.

53 [7. The commissioner may grant a waiver of the requirements of this  
54 section to any school district or board of cooperative educational  
55 services for a period of up to two years from the date of enactment upon  
56 a finding by the commissioner that such district had adopted a compre-

1   hensive school safety plan on the effective date of this section which  
2   is in substantial compliance with the requirements of this section.]

3   8. The commissioner shall annually report to the governor and the  
4   legislature on the implementation and compliance with the provisions of  
5   this section.

6   9. Whenever it shall have been demonstrated to the satisfaction of the  
7   commissioner that a school district has failed to adopt a code of  
8   conduct which fully satisfies the requirements of section twenty-eight  
9   hundred one of this article, or a [school safety plan] DISTRICT-WIDE  
10   SAFETY PLAN OR BUILDING-LEVEL EMERGENCY RESPONSE PLANS which satisfies  
11   the requirements of this section, or to faithfully and completely imple-  
12   ment [either or both] ALL THREE, the commissioner may, on thirty days  
13   notice to the district, withhold from the district monies to be paid to  
14   such district for the current school year pursuant to section thirty-six  
15   hundred nine-a of this chapter, exclusive of monies to be paid in  
16   respect of obligations to the retirement systems for school and district  
17   staff and pursuant to collective bargaining agreements, or the commis-  
18   sioner may direct the district to expend up to such amount upon the  
19   development and implementation of a code of conduct and a school  
20   district safety plan as required by such sections. Prior to such with-  
21   holding or redirection, the commissioner shall provide the district an  
22   opportunity to present evidence of extenuating circumstances; when  
23   combined with evidence that the district shall promptly comply within  
24   short time frames that shall be established by the commissioner as part  
25   of an agreement between the district and the commissioner, the commis-  
26   sioner may temporarily stay the withholding or redirection of funds  
27   pending implementation of such agreement. If the district promptly and  
28   fully complies with the agreement and is in full compliance with this  
29   section and section twenty-eight hundred one of this article, the  
30   commissioner shall abate the withholding in its entirety. Any failure to  
31   meet the obligations of the compliance agreement by the district within  
32   the time frames established shall be considered a willful violation of a  
33   commissioner's order by the members of the district board for purposes  
34   of subdivision one of section three hundred six of the education law.  
35   Notwithstanding any other law, rule or regulation, such transfer shall  
36   take effect upon filing of a notice thereof with the director of the  
37   budget and the chairs of the senate finance and assembly ways and means  
38   committees.

39   S 2. The section heading and subdivisions 1 and 1-a of section 807 of  
40   the education law, the section heading as amended by chapter 765 of the  
41   laws of 1964, subdivision 1 as amended by chapter 143 of the laws of  
42   1985 and subdivision 1-a as added by chapter 9 of the laws of 1991, are  
43   amended to read as follows:

44   Fire AND EMERGENCY drills. 1. It shall be the duty of the principal  
45   or other person in charge of every public or private school or educa-  
46   tional institution within the state, other than colleges or universi-  
47   ties, to instruct and train the pupils by means of drills, so that they  
48   may in a sudden emergency be able to [leave the school building] RESPOND  
49   APPROPRIATELY in the shortest possible time and without confusion or  
50   panic. Such drills [or rapid dismissals] shall be held at least twelve  
51   times in each school year, eight of which required drills shall be held  
52   between September first and December [first] THIRTY-FIRST of each such  
53   year. [At least one-third of all such required drills shall be through  
54   use of the fire escapes on buildings where fire escapes are provided. In  
55   the course of at least one such drill, pupils shall be instructed in the  
56   procedure to be followed in the event that a fire occurs during lunch



1 period, provided however, that such additional instruction may be waived  
2 where a drill is held during the regular school lunch period. At least  
3 four] EIGHT OF ALL SUCH DRILLS SHALL BE EVACUATION DRILLS, FOUR OF WHICH  
4 SHALL BE THROUGH USE OF THE FIRE ESCAPES ON BUILDINGS WHERE FIRE ESCAPES  
5 ARE PROVIDED OR THROUGH THE USE OF IDENTIFIED SECONDARY MEANS OF EGRESS.  
6 FOUR OF ALL SUCH REQUIRED DRILLS SHALL BE LOCK-DOWN DRILLS. DRILLS  
7 SHALL BE CONDUCTED AT DIFFERENT TIMES OF THE SCHOOL DAY. FOUR additional  
8 drills shall be held in each school year during the hours after sunset  
9 and before sunrise in school buildings in which students are provided  
10 with sleeping accommodations. At least two additional drills shall be  
11 held during summer school in buildings where summer school is conducted,  
12 and one of such drills shall be held during the first week of summer  
13 school.

14 1-a. In the case of after-school programs, events or performances  
15 which are conducted within a school building and which include persons  
16 who do not regularly attend classes in such school building, the princi-  
17 pal or other person in charge of the building shall require the teacher  
18 or person in charge of such after-school program, event or performance  
19 to notify persons in attendance at the beginning of each such program,  
20 event or performance, of the procedures to be followed in the event of  
21 an emergency so that they may be able to [leave the building] RESPOND in  
22 a timely, orderly manner.

23 S 3. Subdivision 7 of section 3604 of the education law, as amended by  
24 section 31 of part B of chapter 57 of the laws of 2007, is amended to  
25 read as follows:

26 7. No district shall be entitled to any portion of such school moneys  
27 on such apportionment unless the report of the trustees or board of  
28 education for the preceding school year shall show that the public  
29 schools were actually in session in the district and taught by a quali-  
30 fied teacher or by successive qualified teachers or by qualified teach-  
31 ers for not less than one hundred eighty days. The moneys payable to a  
32 school district pursuant to section thirty-six hundred nine-a of this  
33 chapter in the current year shall be reduced by one one-hundred eight-  
34 ieth of the district's total foundation aid for each day less than one  
35 hundred eighty days that the schools of the district were actually in  
36 session, except that the commissioner may disregard such reduction, up  
37 to five days, in the apportionment of public money, if he finds that the  
38 schools of the district were not in session for one hundred eighty days  
39 because of extraordinarily adverse weather conditions, impairment of  
40 heating facilities, insufficiency of water supply, shortage of fuel,  
41 lack of electricity, natural gas leakage, unacceptable levels of chemi-  
42 cal substances, A CREDIBLE THREAT TO STUDENT SAFETY AS REASONABLY DETER-  
43 MINED BY A LEAD SCHOOL OFFICIAL or the destruction of a school building  
44 either in whole or in part, and if, further, the commissioner finds that  
45 such district cannot make up such days of instruction by using for the  
46 secondary grades all scheduled vacation days which occur prior to the  
47 first scheduled regents examination day in June, and for the elementary  
48 grades all scheduled vacation days which occur prior to the last sched-  
49 uled regents examination day in June. For the purposes of this subdivi-  
50 sion, "scheduled vacation days" shall mean days on which the schools of  
51 the district are not in session and for which no prohibition exists in  
52 subdivision eight of this section for them to be in session.

53 S 4. This act shall take effect July 1, 2016.

1 Section 1. Subparagraphs a and b of paragraph 2 of subdivision A of  
2 section 6221 of the education law, as added by chapter 305 of the laws  
3 of 1979, is amended to read as follows:

4 a. Notwithstanding any other provision of law, the city of New York  
5 shall appropriate in its expense budget and pay to the account of the  
6 senior colleges of the city university of New York as operating aid  
7 amounts in accordance with the following schedule:

8 (i) For the twelve-month period commencing July first, nineteen  
9 hundred seventy-nine, an amount equal to the lesser of fifty-eight  
10 million, three hundred ninety-three thousand dollars (\$58,393,000) or  
11 twenty-five per centum of the net operating expenses of such senior  
12 college programs and services, as certified by the comptroller of the  
13 state of New York to be properly chargeable to such twelve-month period;

14 (ii) For the twelve-month period commencing July first, nineteen  
15 hundred eighty, an amount equal to eighty per centum of the amount spec-  
16 ified in (i) of subparagraph a of this paragraph.

17 (iii) For the twelve-month period commencing July first, nineteen  
18 hundred eighty-one, an amount equal to forty per centum of the amount  
19 specified in (i) of subparagraph a of this paragraph.

20 [b.] (IV) For the [twelve-month] period commencing July first, nine-  
21 teen hundred eighty-two and [thereafter] ENDING JUNE THIRTIETH, TWO  
22 THOUSAND SIXTEEN, the city of New York shall not be required to make any  
23 appropriation in support of the net operating expenses of the programs  
24 and services of the senior colleges of the city university.

25 (V) FOR THE TWELVE-MONTH PERIOD COMMENCING JULY FIRST, TWO THOUSAND  
26 SIXTEEN AND FOR EACH TWELVE MONTH PERIOD THEREAFTER, AN AMOUNT EQUAL TO  
27 THIRTY PER CENTUM OF THE NET OPERATING EXPENSES OF THE APPROVED PROGRAMS  
28 AND SERVICES OF THE SENIOR COLLEGES, PLUS AN ADDITIONAL AMOUNT EQUAL TO  
29 THIRTY PER CENTUM OF THE CITY UNIVERSITY SENIOR COLLEGE DEBT SERVICE AND  
30 CAPITAL CONSTRUCTION ADMINISTRATIVE EXPENSE FOR THE TWELVE-MONTH PERIOD  
31 FIRST BEGINNING APRIL FIRST, TWO THOUSAND FOURTEEN AND FOR EACH TWELVE-  
32 MONTH PERIOD THEREAFTER AS CERTIFIED BY THE DIRECTOR OF THE BUDGET TO BE  
33 PROPERLY CHARGEABLE TO SUCH TWELVE-MONTH PERIOD.

34 S 2. Subparagraph c of paragraph 2 of subdivision A of section 6221 of  
35 the education law is relettered subparagraph b.

36 S 3. Subparagraph d of paragraph 2 of subdivision A of section 6221 of  
37 the education law is relettered subparagraph c.

38 S 4. Subparagraph e of paragraph 2 of subdivision A of section 6221 of  
39 the education law, as added by chapter 815 of the laws of 1980 and the  
40 opening paragraph and item (iii) as amended by chapter 87 of the laws of  
41 2002, is amended to read as follows:

42 [e.] D. In addition to the amounts specified in subparagraph a of this  
43 paragraph [and notwithstanding the provisions of subparagraph b of this  
44 paragraph], the city of New York shall appropriate in its expense budget  
45 and pay to the account of the senior colleges of the city university of  
46 New York as the city's share of operating aid for the college of Staten  
47 Island and New York city college of technology amounts in accordance  
48 with the following schedule:

49 (i) For the twelve month period commencing July first, nineteen  
50 hundred eighty, an amount that shall equal four million, one hundred  
51 thousand dollars (\$4,100,000).

52 (ii) For the twelve month period commencing July first, nineteen  
53 hundred eighty-one, an amount equal to one-half of the amount specified  
54 in clause (i) of this subparagraph.

55 (iii) For the [twelve month] period commencing July first, nineteen  
56 hundred eighty-two, and [thereafter] ENDING JUNE THIRTIETH, TWO THOUSAND

1 SIXTEEN the city of New York shall not be required to make any appropri-  
2 ation for operating aid for the college of Staten Island and New York  
3 city college of technology.

4 S 5. Paragraph 4 of subdivision A of section 6221 of the education  
5 law, as added by chapter 305 of the law of 1979, is amended to read as  
6 follows:

7 4. [Commencing] NOTWITHSTANDING THE PROVISION OF ANY LAW, RULE OR  
8 REGULATION TO THE CONTRARY, (A) COMMENCING with the twelve-month period  
9 beginning July first, nineteen hundred eighty-two and [thereafter]  
10 ENDING JUNE THIRTIETH, TWO THOUSAND SIXTEEN, the state shall reimburse  
11 to the city of New York one hundred per centum of the net operating  
12 expenses of the approved programs and services of the senior  
13 colleges[.]; AND

14 (B) COMMENCING WITH THE TWELVE-MONTH PERIOD BEGINNING JULY FIRST, TWO  
15 THOUSAND SIXTEEN AND FOR EACH TWELVE-MONTH PERIOD THEREAFTER, THE STATE  
16 SHALL REIMBURSE TO THE CITY OF NEW YORK SEVENTY PER CENTUM OF THE NET  
17 OPERATING EXPENSES OF THE APPROVED PROGRAMS AND SERVICES OF THE SENIOR  
18 COLLEGES LESS AN ADDITIONAL AMOUNT EQUAL TO THIRTY PER CENTUM OF THE  
19 CITY UNIVERSITY SENIOR COLLEGE DEBT SERVICE AND CAPITAL CONSTRUCTION  
20 ADMINISTRATIVE EXPENSE FOR THE TWELVE-MONTH PERIOD FIRST BEGINNING APRIL  
21 FIRST, TWO THOUSAND FOURTEEN AND FOR EACH TWELVE MONTH PERIOD THEREAFTER  
22 AS CERTIFIED BY THE DIRECTOR OF THE BUDGET TO BE PROPERLY CHARGEABLE TO  
23 SUCH TWELVE-MONTH PERIOD.

24 S 6. Subdivision D of section 6221 of the education law, as added by  
25 chapter 815 of the laws of 1980 and as relettered by chapter 585 of the  
26 laws of 1988, is amended to read as follows:

27 D. College of Staten Island. Notwithstanding the designation of the  
28 college of Staten Island as a senior college:

29 (i) the city of New York shall annually appropriate in its expense  
30 budget and pay to the city university of New York, as operating aid in  
31 support of the programs and services of the college of Staten Island, an  
32 amount for each full-time equivalent student in the associate degree  
33 program of the college equal to the amount the city of New York is  
34 appropriating and paying for each full-time equivalent student in the  
35 community colleges;

36 (ii) and the state of New York shall annually appropriate and pay to  
37 the city university of New York an amount equal to [the net operating]  
38 ITS SHARE OF expenses of the college of Staten Island less the amount  
39 payable by the city of New York pursuant to this [subdivision] SECTION.  
40 Such state of New York payment shall be made in four installments on or  
41 before April twenty-fifth, June twenty-fifth, October twenty-fifth and  
42 January twenty-fifth. The amount to be paid by the city of New York  
43 pursuant to this subdivision shall be determined by the state director  
44 of the budget, based upon information submitted by the mayor in such  
45 form and content and at such time as may be [required] REQUIRED by the  
46 state director of the budget.

47 S 7. Subdivision E of section 6221 of the education law, as added by  
48 chapter 170 of the laws of 1994, paragraph (i) as amended by section 2  
49 and paragraph (ii) as renumbered by section 3 of part HH of chapter 57  
50 of the laws of 2009, is amended to read as follows:

51 E. Medgar Evers college. Notwithstanding the designation of Medgar  
52 Evers college as a senior college:

53 (i) in addition to the amounts specified in subparagraph e of para-  
54 graph two of subdivision A of this section, the city of New York shall  
55 annually appropriate in its expense budget and pay to the city universi-  
56 ty of New York as operating aid in support of the programs and services,

1 an amount for each full-time equivalent student in the associate degree  
2 program of the college equal to the amount the city of New York is  
3 appropriating and paying for each full-time equivalent student in the  
4 community colleges; and

5 (ii) the state of New York shall annually appropriate and pay to the  
6 city of New York on behalf of the city university of New York an amount  
7 equal to [the net operating] ITS SHARE OF expenses of Medgar Evers  
8 college less the amount payable by the city of New York pursuant to this  
9 [subdivision] SECTION. Such state of New York payment shall be made in  
10 four installments on or before April twenty-fifth, June twenty-fifth,  
11 October twenty-fifth and February twenty-fifth. The amount to be paid by  
12 the city of New York pursuant to this subdivision shall be determined by  
13 the state director of the budget, based upon information submitted by  
14 the mayor in such form and content and at such time as may be required  
15 by the state director of the budget.

16 S 8. This act shall take effect immediately.

17 PART D

18 Section 1. Subparagraph 4 of paragraph h of subdivision 2 of section  
19 355 of the education law, as amended by chapter 260 of the laws of 2011,  
20 the opening paragraph as amended by chapter 437 of the laws of 2015 and  
21 clause (ii) as amended by section 1 of part P of chapter 57 of the laws  
22 of 2012, is amended to read as follows:

23 (4) The trustees shall not impose a differential tuition charge based  
24 upon need or income. Except as hereinafter provided, all students  
25 enrolled in programs leading to like degrees at state-operated insti-  
26 tutions of the state university shall be charged a uniform rate of  
27 tuition except for differential tuition rates based on state residency.  
28 Provided, however, that the trustees may authorize the presidents of the  
29 colleges of technology and the colleges of agriculture and technology to  
30 set differing rates of tuition for each of the colleges for students  
31 enrolled in degree-granting programs leading to an associate degree and  
32 non-degree granting programs so long as such tuition rate does not  
33 exceed the tuition rate charged to students who are enrolled in like  
34 degree programs or degree-granting undergraduate programs leading to a  
35 baccalaureate degree at other state-operated institutions of the state  
36 university of New York. Notwithstanding any other provision of this  
37 subparagraph, the trustees may authorize the setting of a separate cate-  
38 gory of tuition rate, that shall be greater than the tuition rate for  
39 resident students and less than the tuition rate for non-resident  
40 students, only for students enrolled in distance learning courses who  
41 are not residents of the state. Except as otherwise authorized in this  
42 subparagraph, the trustees shall not adopt changes affecting tuition  
43 charges prior to the enactment of the annual budget, provided however  
44 that:

45 (i) Commencing with the two thousand eleven--two thousand twelve  
46 academic year and ending in the two thousand fifteen--two thousand  
47 sixteen academic year the state university of New York board of trustees  
48 shall be empowered to increase the resident undergraduate rate of  
49 tuition by not more than three hundred dollars over the resident under-  
50 graduate rate of tuition adopted by the board of trustees in the prior  
51 academic year, provided however that if the annual resident undergradu-  
52 ate rate of tuition would exceed five thousand dollars, then a tuition  
53 credit for each eligible student, as determined and calculated by the  
54 New York state higher education services corporation pursuant to section

1 six hundred eighty-nine-a of this title, shall be applied toward the  
2 tuition charged for each semester, quarter or term of study. Tuition for  
3 each semester, quarter or term of study shall not be due for any student  
4 eligible to receive such tuition credit until the tuition credit is  
5 calculated and applied against the tuition charged for the corresponding  
6 semester, quarter or term.

7 (ii) [On or before November thirtieth, two thousand eleven, the trus-  
8 tees shall approve and submit to the chairs of the assembly ways and  
9 means committee and the senate finance committee and to the director of  
10 the budget a master tuition plan setting forth the tuition rates that  
11 the trustees propose for resident undergraduate students for the five  
12 year period commencing with the two thousand eleven--two thousand twelve  
13 academic year and ending in the two thousand fifteen--two thousand  
14 sixteen academic year, and shall submit any proposed amendments to such  
15 plan by November thirtieth of each subsequent year thereafter through  
16 November thirtieth, two thousand fifteen, and provided further, that  
17 with the approval of the board of trustees, each university center may  
18 increase non-resident undergraduate tuition rates each year by not more  
19 than ten percent over the tuition rates of the prior academic year for a  
20 five year period commencing with the semester following the semester in  
21 which the governor and the chancellor of the state university of New  
22 York approve the NY-SUNY 2020 proposal for such university center.]  
23 COMMENCING WITH THE TWO THOUSAND SIXTEEN--TWO THOUSAND SEVENTEEN ACADEM-  
24 IC YEAR AND ENDING IN THE TWO THOUSAND TWENTY--TWO THOUSAND TWENTY-ONE  
25 ACADEMIC YEAR IF THE ANNUAL RESIDENT UNDERGRADUATE RATE OF TUITION WOULD  
26 EXCEED FIVE THOUSAND DOLLARS, THEN A TUITION CREDIT FOR EACH ELIGIBLE  
27 STUDENT, AS DETERMINED AND CALCULATED BY THE NEW YORK STATE HIGHER  
28 EDUCATION SERVICES CORPORATION PURSUANT TO SECTION SIX HUNDRED  
29 EIGHTY-NINE-A OF THIS TITLE, SHALL BE APPLIED TOWARD THE TUITION CHARGED  
30 FOR EACH SEMESTER, QUARTER OR TERM OF STUDY. TUITION FOR EACH SEMESTER,  
31 QUARTER OR TERM OF STUDY SHALL NOT BE DUE FOR ANY STUDENT ELIGIBLE TO  
32 RECEIVE SUCH TUITION CREDIT UNTIL THE TUITION CREDIT IS CALCULATED AND  
33 APPLIED AGAINST THE TUITION CHARGED FOR THE CORRESPONDING SEMESTER,  
34 QUARTER OR TERM.

35 (iii) The state shall appropriate annually and make available general  
36 fund operating support, including fringe benefits, for the state univer-  
37 sity in an amount not less than the amount appropriated and made avail-  
38 able to the state university in state fiscal year two thousand eleven--  
39 two thousand twelve. Beginning in state fiscal year two thousand  
40 [twelve] SIXTEEN--two thousand [thirteen] SEVENTEEN and thereafter, the  
41 state shall appropriate and make available general fund operating  
42 support[, including fringe benefits,] for the state university AND THE  
43 STATE UNIVERSITY HEALTH SCIENCE CENTERS in an amount not less than the  
44 [amount] AMOUNTS SEPARATELY appropriated and made available in the prior  
45 state fiscal year; provided, however, THE STATE SHALL APPROPRIATE AND  
46 MAKE AVAILABLE GENERAL FUND OPERATING SUPPORT TO COVER ALL MANDATORY  
47 COSTS OF THE STATE UNIVERSITY AND THE STATE UNIVERSITY HEALTH SCIENCE  
48 CENTERS, WHICH SHALL INCLUDE, BUT NOT BE LIMITED TO, COLLECTIVE BARGAIN-  
49 ING COSTS INCLUDING SALARY INCREMENTS, FRINGE BENEFITS, AND OTHER  
50 NON-PERSONAL SERVICE COSTS SUCH AS UTILITY COSTS, BUILDING RENTALS AND  
51 OTHER INFLATIONARY EXPENSES INCURRED BY THE STATE UNIVERSITY AND THE  
52 STATE UNIVERSITY HEALTH SCIENCE CENTERS. PROVIDED FURTHER, HOWEVER, that  
53 if the governor declares a fiscal emergency, and communicates such emer-  
54 gency to the temporary president of the senate and speaker of the assem-  
55 bly, state support for operating expenses at the state university and

city university may be reduced in a manner proportionate to one another, and the aforementioned provisions shall not apply.

(iv) [For the state university fiscal years commencing two thousand eleven--two thousand twelve and ending two thousand fifteen--two thousand sixteen, each university center may set aside a portion of its tuition revenues derived from tuition increases to provide increased financial aid for New York state resident undergraduate students whose net taxable income is eighty thousand dollars or more subject to the approval of a NY-SUNY 2020 proposal by the governor and the chancellor of the state university of New York. Nothing in this paragraph shall be construed as to authorize that students whose net taxable income is eighty thousand dollars or more are eligible for tuition assistance program awards pursuant to section six hundred sixty-seven of this chapter.] BEGINNING IN STATE FISCAL YEAR TWO THOUSAND SIXTEEN--TWO THOUSAND SEVENTEEN, THE STATE SHALL APPROPRIATE FUNDS FOR THE CREATION OF THE STATE UNIVERSITY OF NEW YORK INVESTMENT FUND. FUNDS APPROPRIATED SHALL BE USED FOR FUNDING THE TUITION CREDIT PURSUANT TO CLAUSE (II) OF THIS SUBPARAGRAPH FOR EXPENSES RELATED TO STUDENT SERVICES, FACULTY AND INSTRUCTION, AND MAY BE USED TO GRANT SCHOLARSHIPS AT THE FOUR UNIVERSITY CENTERS TO THOSE STUDENTS WHOSE FAMILY'S NET TAXABLE INCOME IS ABOVE ONE HUNDRED THOUSAND DOLLARS A YEAR. THE INVESTMENT FUND MAY ALSO BE USED PURSUANT TO THE DISCRETION OF THE CHANCELLOR TO COVER ANY OTHER UNIVERSITY EXPENSES DEEMED NECESSARY. PROVIDED FURTHER, THE STATE UNIVERSITY BOARD OF TRUSTEES SHALL ANNUALLY REPORT ON HOW THE INVESTMENT FUND WAS INVESTED IN FACULTY, INSTRUCTION AND STUDENT FINANCIAL ASSISTANCE OR STUDENT SERVICES AND ALSO HOW IT WAS USED TO FUND MANDATORY COSTS NOT COVERED BY THE STATE, IF ANY.

S 2. Paragraph (a) of subdivision 7 of section 6206 of the education law, as amended by chapter 260 of the laws of 2011 and the opening paragraph as amended by chapter 437 of the laws of 2015, is amended to read as follows:

(a) The board of trustees shall establish positions, departments, divisions and faculties; appoint and in accordance with the provisions of law fix salaries of instructional and non-instructional employees therein; establish and conduct courses and curricula; prescribe conditions of student admission, attendance and discharge; and shall have the power to determine in its discretion whether tuition shall be charged and to regulate tuition charges, and other instructional and non-instructional fees and other fees and charges at the educational units of the city university. The trustees shall review any proposed community college tuition increase and the justification for such increase. The justification provided by the community college for such increase shall include a detailed analysis of ongoing operating costs, capital, debt service expenditures, and all revenues. The trustees shall not impose a differential tuition charge based upon need or income. All students enrolled in programs leading to like degrees at the senior colleges shall be charged a uniform rate of tuition, except for differential tuition rates based on state residency. Notwithstanding any other provision of this paragraph, the trustees may authorize the setting of a separate category of tuition rate, that shall be greater than the tuition rate for resident students and less than the tuition rate for non-resident students, only for students enrolled in distance learning courses who are not residents of the state; provided, however, that:

(i) Commencing with the two thousand eleven--two thousand twelve academic year and ending in the two thousand fifteen--two thousand sixteen academic year, the city university of New York board of trustees

1 shall be empowered to increase the resident undergraduate rate of  
2 tuition by not more than three hundred dollars over the resident under-  
3 graduate rate of tuition adopted by the board of trustees in the prior  
4 academic year, provided however that if the annual resident undergradu-  
5 ate rate of tuition would exceed five thousand dollars, then a tuition  
6 credit for each eligible student, as determined and calculated by the  
7 New York state higher education services corporation pursuant to section  
8 six hundred eighty-nine-a of this chapter, shall be applied toward the  
9 tuition charged for each semester, quarter or term of study. Tuition  
10 for each semester, quarter or term of study shall not be due for any  
11 student eligible to receive such tuition credit until the tuition credit  
12 is calculated and applied against the tuition charged for the corre-  
13 sponding semester, quarter or term.

14 (ii) [On or before November thirtieth, two thousand eleven, the trus-  
15 tees shall approve and submit to the chairs of the assembly ways and  
16 means committee and the senate finance committee and to the director of  
17 the budget a master tuition plan setting forth the tuition rates that  
18 the trustees propose for resident undergraduate students for the five  
19 year period commencing with the two thousand eleven--two thousand twelve  
20 academic year and ending in the two thousand fifteen--two thousand  
21 sixteen academic year, and shall submit any proposed amendments to such  
22 plan by November thirtieth of each subsequent year thereafter through  
23 November thirtieth, two thousand fifteen.] COMMENCING WITH THE TWO THOU-  
24 SAND SIXTEEN--TWO THOUSAND SEVENTEEN ACADEMIC YEAR AND ENDING IN THE TWO  
25 THOUSAND TWENTY--TWO THOUSAND TWENTY-ONE ACADEMIC YEAR IF THE ANNUAL  
26 RESIDENT UNDERGRADUATE RATE OF TUITION WOULD EXCEED FIVE THOUSAND  
27 DOLLARS, THEN A TUITION CREDIT FOR EACH ELIGIBLE STUDENT, AS DETERMINED  
28 AND CALCULATED BY THE NEW YORK STATE HIGHER EDUCATION SERVICES CORPO-  
29 RATION PURSUANT TO SECTION SIX HUNDRED EIGHTY-NINE-A OF THIS TITLE,  
30 SHALL BE APPLIED TOWARD THE TUITION CHARGED FOR EACH SEMESTER, QUARTER  
31 OR TERM OF STUDY. TUITION FOR EACH SEMESTER, QUARTER OR TERM OF STUDY  
32 SHALL NOT BE DUE FOR ANY STUDENT ELIGIBLE TO RECEIVE SUCH TUITION CREDIT  
33 UNTIL THE TUITION CREDIT IS CALCULATED AND APPLIED AGAINST THE TUITION  
34 CHARGED FOR THE CORRESPONDING SEMESTER, QUARTER OR TERM.

35 (iii) The state shall appropriate annually and make available state  
36 support for operating expenses, including fringe benefits, for the city  
37 university in an amount not less than the amount appropriated and made  
38 available to the city university in state fiscal year two thousand  
39 eleven--two thousand twelve. Beginning in state fiscal year two thousand  
40 twelve--two thousand thirteen and [thereafter] ENDING IN STATE FISCAL  
41 YEAR TWO THOUSAND FIFTEEN--TWO THOUSAND SIXTEEN, the state shall appro-  
42 priate and make available state support for operating expenses, includ-  
43 ing fringe benefits, for the city university in an amount not less than  
44 the amount appropriated and made available in the prior state fiscal  
45 year; provided, however, that if the governor declares a fiscal emergen-  
46 cy, and communicates such emergency to the temporary president of the  
47 senate and speaker of the assembly, state support for operating expenses  
48 of the state university and city university may be reduced in a manner  
49 proportionate to one another, and the aforementioned provisions shall  
50 not apply.

51 (IV) BEGINNING IN ACADEMIC FISCAL YEAR TWO THOUSAND SIXTEEN--TWO THOU-  
52 SAND SEVENTEEN AND THEREAFTER, THE STATE AND CITY OF NEW YORK SHALL  
53 APPROPRIATE ANNUALLY AND MAKE AVAILABLE ITS REPRESENTATIVE SHARE OF  
54 SUPPORT FOR EXPENSES PURSUANT TO SECTION SIX THOUSAND TWO HUNDRED TWEN-  
55 TY-ONE OF THIS TITLE, WHICH SHALL INCLUDE, BUT NOT BE LIMITED TO, FRINGE  
56 BENEFITS, AND OTHER NON-PERSONAL SERVICE COSTS SUCH AS UTILITY COSTS,

BUILDING RENTALS AND OTHER INFLATIONARY EXPENSES INCURRED BY THE CITY UNIVERSITY IN AN AMOUNT NOT LESS THAN THE AMOUNT APPROPRIATED AND MADE AVAILABLE FOR EXPENSES IN THE PRIOR ACADEMIC FISCAL YEAR; PROVIDED, HOWEVER, THAT IF THE GOVERNOR DECLARES A FISCAL EMERGENCY, AND COMMUNITIES SUCH EMERGENCY TO THE TEMPORARY PRESIDENT OF THE SENATE AND SPEAKER OF THE ASSEMBLY, STATE SUPPORT FOR OPERATING EXPENSES OF THE STATE UNIVERSITY AND CITY UNIVERSITY MAY BE REDUCED IN A MANNER PROPORTIONATE TO ONE ANOTHER, AND THE AFOREMENTIONED PROVISIONS SHALL NOT APPLY.

(V) BEGINNING IN STATE FISCAL YEAR TWO THOUSAND SIXTEEN--TWO THOUSAND SEVENTEEN, THE STATE SHALL APPROPRIATE FUNDS FOR THE CREATION OF THE CITY UNIVERSITY OF NEW YORK INVESTMENT FUND. FUNDS APPROPRIATED SHALL BE USED FOR FUNDING THE TUITION CREDIT PURSUANT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH FOR EXPENSES RELATED TO STUDENT SERVICES, FACULTY AND INSTRUCTION, AND MAY BE USED TO GRANT SCHOLARSHIPS AT THE FOUR UNIVERSITY CENTERS TO THOSE STUDENTS WHOSE FAMILY'S NET TAXABLE INCOME IS ABOVE EIGHTY THOUSAND DOLLARS A YEAR. THE INVESTMENT FUND MAY ALSO BE USED PURSUANT TO THE DISCRETION OF THE CHANCELLOR TO COVER ANY OTHER UNIVERSITY EXPENSES DEEMED NECESSARY. PROVIDED FURTHER, THE CITY UNIVERSITY BOARD OF TRUSTEES SHALL ANNUALLY REPORT ON HOW THE INVESTMENT FUND WAS INVESTED IN FACULTY, INSTRUCTION AND STUDENT FINANCIAL ASSISTANCE OR STUDENT SERVICES AND ALSO HOW IT WAS USED TO FUND MANDATORY COSTS NOT COVERED BY THE STATE, IF ANY.

S 3. Subdivision 5 of section 359 of the education law is REPEALED.

S 4. Subdivision 17 of section 6206 of the education law is REPEALED.

S 5. Section 16 of chapter 260 of the laws of 2011 amending the education law and the New York state urban development corporation act relating to establishing components of the NY-SUNY 2020 challenge grant program, as amended by section 65-a of part HH of chapter 57 of the laws of 2013, is amended to read as follows:

S 16. This act shall take effect July 1, 2011; provided that sections one, two, three, four, five, six, eight, nine, ten, eleven, twelve[,] AND thirteen[, fourteen and fifteen] of this act shall expire [5] 10 years after such effective date when upon such date the provisions of this act shall be deemed repealed.

S 6. This act shall take effect immediately; provided that the amendments to subparagraph 4 of paragraph h of subdivision 2 of section 355 of the education law made by section one of this act and the amendments to paragraph (a) of subdivision 7 of section 6206 of the education law made by section two of this act shall not affect the expiration of such provisions and shall be deemed to expire therewith; provided further, that if chapter 437 of the laws of 2015 shall not have taken effect by such effective date, then the amendments to the opening paragraph of subparagraph 4 of paragraph h of subdivision 2 of section 355 of the education law made by section one of this act and the amendments to the opening paragraph of paragraph (a) of subdivision 7 of section 6206 of the education law made by section two of this act shall take effect on the same day and in the same manner as sections 1 and 3 of chapter 437 of the laws of 2015, takes effect.

#### PART E

Section 1. The state finance law is amended by adding a new section 99-y to read as follows:

S 99-Y. SUNY STONY BROOK AFFILIATION ESCROW FUND. 1. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, RULE, REGULATION, OR PRACTICE TO THE CONTRARY, THERE IS HEREBY ESTABLISHED IN THE JOINT CUSTODY OF THE COMPTROLLER



1 AND THE CHANCELLOR OF THE STATE UNIVERSITY OF NEW YORK (SUNY) ONE OR  
2 MORE TRUST AND AGENCY FUNDS, TO BE KNOWN AS THE "SUNY STONY BROOK AFFIL-  
3 IATION ESCROW FUND" WHICH SHALL BE AVAILABLE WITHOUT FISCAL YEAR LIMITA-  
4 TION.

5 2. EACH SUNY STONY BROOK AFFILIATION ESCROW FUND SHALL CONSIST OF (I)  
6 ALL MONIES GENERATED THROUGH THE ACTIVITIES OF STONY BROOK AT EACH  
7 HOSPITAL WITH WHICH IT ENTERS INTO AN AFFILIATION, INCLUDING BUT NOT  
8 LIMITED TO PATIENT REVENUE, FEDERAL REIMBURSEMENT, AND OTHER ASSOCIATED  
9 REVENUE SOURCES, AND (II) PAYMENTS MADE BY STONY BROOK UNIVERSITY HOSPI-  
10 TAL TO SUCH HOSPITAL OR ITS AFFILIATES IN ACCORDANCE WITH AGREEMENTS  
11 APPROVED PURSUANT TO OTHER APPLICABLE STATUTES.

12 3. MONIES OF EACH SUNY STONY BROOK AFFILIATION ESCROW FUND SHALL BE  
13 EXPENDED CONSISTENT WITH THE PURPOSES OF SUCH AFFILIATION.

14 S 2. This act shall take effect immediately.

15 PART F

16 Intentionally Omitted

17 PART G

18 Section 1. Subdivision (a) of section 50 of chapter 161 of the laws of  
19 2005 amending the education law relating to the New York state licensed  
20 social worker loan forgiveness program, as amended by section 1 of part  
21 M of chapter 58 of the laws of 2011, is amended to read as follows:

22 (a) section two of this act shall expire and be deemed repealed June  
23 30, [2016] 2021; and provided, further that the amendment to paragraph b  
24 of subdivision 1 of section 679-c and the amendment to paragraph 2 of  
25 subdivision a of section 679-d of the education law made by sections  
26 three and four of this act shall not affect the repeal of such sections  
27 and shall be deemed repealed therewith;

28 S 2. Section 3 of part V of chapter 57 of the laws of 2005 amending  
29 the education law relating to the New York state nursing faculty loan  
30 forgiveness incentive program and the New York state nursing faculty  
31 scholarship program, as amended by section 1 of part L of chapter 58 of  
32 the laws of 2011, is amended to read as follows:

33 S 3. This act shall take effect on the same date and in the same  
34 manner as Part H of this chapter; provided that section two of this act  
35 shall take effect on the same date and in the same manner as Part I of  
36 this chapter; and provided further that this act shall expire and be  
37 deemed repealed on June 30, [2016] 2021.

38 S 3. Section 17 of chapter 31 of the laws of 1985 amending the educa-  
39 tion law relating to regents scholarships in certain professions, as  
40 amended by section 1 of part K of chapter 58 of the laws of 2011, is  
41 amended to read as follows:

42 S 17. This act shall take effect immediately; provided, however, that  
43 the scholarship and loan forgiveness programs established pursuant to  
44 the provisions of this act shall terminate upon the granting of such  
45 awards for the 2008-2009 school year provided, however, that the regents  
46 physician loan forgiveness program established pursuant to this act  
47 shall not terminate until the granting of such awards for the [2015-16]  
48 2020-21 school year, provided that the final disbursement of any multi-  
49 year awards granted in such school year shall be paid.

50 S 4. Paragraph a of subdivision 5 of section 679-c of the education  
51 law, as amended by section 1 of part E3 of chapter 57 of the laws of  
52 2007, is amended to read as follows:

1 a. The corporation shall convert to a student loan the full amount of  
2 the award given pursuant to this section, plus interest, according to a  
3 schedule to be determined by the corporation if: (1) three years after  
4 the completion of the degree program it is found that an applicant did  
5 not begin to provide nursing faculty or clinical nurse faculty services;  
6 (2) if such applicant does not provide nursing faculty or clinical nurs-  
7 ing faculty services for four years within seven years of the completion  
8 of the master's degree program in nursing or doctoral degree; or (3) the  
9 student fails to receive a master's degree in nursing or doctoral degree  
10 that will qualify them as nursing faculty or adjunct clinical faculty  
11 within the three years of receiving the award. THE TERMS AND CONDITIONS  
12 OF THIS SUBDIVISION SHALL BE DEFERRED FOR ANY INTERRUPTION IN GRADUATE  
13 OR DOCTORAL STUDY OR EMPLOYMENT AS ESTABLISHED BY THE RULES AND REGU-  
14 LATIONS OF THE CORPORATION. ANY OBLIGATION TO COMPLY WITH SUCH  
15 PROVISIONS AS OUTLINED IN THIS SECTION SHALL BE CANCELLED UPON THE DEATH  
16 OF THE RECIPIENT. NOTWITHSTANDING ANY PROVISIONS OF THIS SUBDIVISION TO  
17 THE CONTRARY, THE CORPORATION IS AUTHORIZED TO PROMULGATE RULES AND  
18 REGULATIONS TO PROVIDE FOR THE WAIVER OR SUSPENSION OF ANY FINANCIAL  
19 OBLIGATION WHICH WOULD INVOLVE EXTREME HARDSHIP.

20 S 5. Subdivision 5 of section 669-d of the education law, as amended  
21 by section 1 of part H1 of section 109 of the laws of 2006, is amended  
22 to read as follows:

23 5. The corporation shall convert to a student loan the full amount of  
24 the award given pursuant to this section, plus interest, according to a  
25 schedule to be determined by the corporation if: (a) two years after the  
26 completion of the degree program and receipt of initial certification it  
27 is found that a recipient is not teaching in the field of math or  
28 science in a school located within New York state providing secondary  
29 education recognized by the board of regents or the university of the  
30 state of New York; or (b) a recipient has not taught in the field of  
31 math or science in a school located within New York state providing  
32 secondary education recognized by the board of regents or the university  
33 of the state of New York for five of the seven years after the  
34 completion of the degree program and receipt of initial certification;  
35 or (c) a recipient fails to complete their degree program or changes  
36 majors to an undergraduate degree program other than in science or math;  
37 or (d) a recipient fails to receive or maintain their teaching certifi-  
38 cate or license in New York state; or (e) a recipient fails to respond  
39 to requests by the corporation for the status of his or her academic or  
40 professional progress. THE TERMS AND CONDITIONS OF THIS SUBDIVISION  
41 SHALL BE DEFERRED FOR ANY INTERRUPTION IN UNDERGRADUATE OR GRADUATE  
42 STUDY OR EMPLOYMENT AS ESTABLISHED BY THE RULES AND REGULATIONS OF THE  
43 CORPORATION. ANY OBLIGATION TO COMPLY WITH SUCH PROVISIONS AS OUTLINED  
44 IN THIS SECTION SHALL BE CANCELLED UPON THE DEATH OF THE RECIPIENT.  
45 NOTWITHSTANDING ANY PROVISIONS OF THIS SUBDIVISION TO THE CONTRARY, THE  
46 CORPORATION IS AUTHORIZED TO PROMULGATE RULES AND REGULATIONS TO PROVIDE  
47 FOR THE WAIVER OR SUSPENSION OF ANY FINANCIAL OBLIGATION WHICH WOULD  
48 INVOLVE EXTREME HARDSHIP.

49 S 6. This act shall take effect immediately; provided that the amend-  
50 ments to paragraph a of subdivision 5 of section 679-c of the education  
51 law made by section four of this act shall not affect the repeal of such  
52 section and shall be deemed repealed therewith.

1 Section 1. Section 7408 of the education law is amended by adding a  
2 new subdivision 6 to read as follows:

3 6. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, ANY FIRM ESTABLISHED TO  
4 LAWFULLY ENGAGE IN THE PRACTICE OF PUBLIC ACCOUNTANCY PURSUANT TO ARTI-  
5 CLE FIFTEEN OF THE BUSINESS CORPORATION LAW, ARTICLES ONE AND EIGHT-B OF  
6 THE PARTNERSHIP LAW, OR ARTICLES TWELVE AND THIRTEEN OF THE LIMITED  
7 LIABILITY COMPANY LAW SHALL BE DEEMED ELIGIBLE TO REGISTER PURSUANT TO  
8 THIS SECTION.

9 S 2. Section 1503 of the business corporation law is amended by adding  
10 a new paragraph (h) to read as follows:

11 (H) ANY FIRM ESTABLISHED FOR THE BUSINESS PURPOSE OF INCORPORATING AS  
12 A PROFESSIONAL SERVICE CORPORATION FORMED TO LAWFULLY ENGAGE IN THE  
13 PRACTICE OF PUBLIC ACCOUNTANCY, AS SUCH PRACTICE IS RESPECTIVELY DEFINED  
14 UNDER ARTICLE ONE HUNDRED FORTY-NINE OF THE EDUCATION LAW SHALL BE  
15 REQUIRED TO SHOW (1) THAT A SIMPLE MAJORITY OF THE OWNERSHIP OF THE  
16 FIRM, IN TERMS OF FINANCIAL INTERESTS, INCLUDING OWNERSHIP-BASED COMPEN-  
17 SATION, AND VOTING RIGHTS HELD BY THE FIRM'S OWNERS, BELONGS TO INDIVID-  
18 UALS LICENSED TO PRACTICE PUBLIC ACCOUNTANCY IN SOME STATE, AND (2) THAT  
19 ALL SHAREHOLDERS OF A PROFESSIONAL SERVICE CORPORATION WHOSE PRINCIPAL  
20 PLACE OF BUSINESS IS IN THIS STATE, AND WHO ARE ENGAGED IN THE PRACTICE  
21 OF PUBLIC ACCOUNTANCY IN THIS STATE, HOLD A VALID LICENSE ISSUED UNDER  
22 SECTION SEVENTY-FOUR HUNDRED FOUR OF THE EDUCATION LAW OR ARE PUBLIC  
23 ACCOUNTANTS LICENSED UNDER SECTION SEVENTY-FOUR HUNDRED FIVE OF THE  
24 EDUCATION LAW. ALTHOUGH FIRMS MAY INCLUDE NON-LICENSEE OWNERS, THE FIRM  
25 AND ITS OWNERS MUST COMPLY WITH RULES PROMULGATED BY THE STATE BOARD OF  
26 REGENTS. NOTWITHSTANDING THE PROVISIONS OF THIS PARAGRAPH, A FIRM  
27 INCORPORATED UNDER THIS SECTION MAY NOT HAVE NON-LICENSEE OWNERS IF THE  
28 FIRM'S NAME INCLUDES THE WORDS "CERTIFIED PUBLIC ACCOUNTANT," OR "CERTI-  
29 FIED PUBLIC ACCOUNTANTS," OR THE ABBREVIATIONS "CPA" OR "CPAS". EACH  
30 NON-LICENSEE OWNER OF A FIRM THAT IS INCORPORATED UNDER THIS SECTION  
31 SHALL BE A NATURAL PERSON WHO ACTIVELY PARTICIPATES IN THE BUSINESS OF  
32 THE FIRM OR ITS AFFILIATED ENTITIES. FOR PURPOSES OF THIS SUBDIVISION,  
33 "ACTIVELY PARTICIPATE" MEANS TO PROVIDE SERVICES TO CLIENTS OR TO OTHER-  
34 WISE INDIVIDUALLY TAKE PART IN THE DAY-TO-DAY BUSINESS OR MANAGEMENT OF  
35 THE FIRM. SUCH A FIRM SHALL HAVE ATTACHED TO ITS CERTIFICATE OF INCORPO-  
36 RATION A CERTIFICATE OR CERTIFICATES DEMONSTRATING THE FIRM'S COMPLIANCE  
37 WITH THIS PARAGRAPH, IN LIEU OF THE CERTIFICATE OR CERTIFICATES REQUIRED  
38 BY SUBPARAGRAPH (II) OF PARAGRAPH (B) OF THIS SECTION.

39 S 3. Section 1507 of the business corporation law is amended by adding  
40 a new paragraph (c) to read as follows:

41 (C) ANY FIRM ESTABLISHED FOR THE BUSINESS PURPOSE OF INCORPORATING AS  
42 A PROFESSIONAL SERVICE CORPORATION PURSUANT TO PARAGRAPH (H) OF SECTION  
43 1503 OF THIS ARTICLE MAY ISSUE SHARES TO INDIVIDUALS WHO ARE AUTHORIZED  
44 BY LAW TO PRACTICE IN THIS STATE A PROFESSION WHICH SUCH CORPORATION IS  
45 AUTHORIZED TO PRACTICE AND WHO ARE OR HAVE BEEN ENGAGED IN THE PRACTICE  
46 OF SUCH PROFESSION IN SUCH CORPORATION OR A PREDECESSOR ENTITY, OR WHO  
47 WILL ENGAGE IN THE PRACTICE OF SUCH PROFESSION IN SUCH CORPORATION WITH-  
48 IN THIRTY DAYS OF THE DATE SUCH SHARES ARE ISSUED AND MAY ALSO ISSUE  
49 SHARES TO EMPLOYEES OF THE CORPORATION NOT LICENSED AS CERTIFIED PUBLIC  
50 ACCOUNTANTS, PROVIDED THAT:

51 (I) AT LEAST FIFTY-ONE PERCENT OF THE OUTSTANDING SHARES OF STOCK OF  
52 THE CORPORATION ARE OWNED BY CERTIFIED PUBLIC ACCOUNTANTS,

53 (II) AT LEAST FIFTY-ONE PERCENT OF THE DIRECTORS ARE CERTIFIED PUBLIC  
54 ACCOUNTANTS,

55 (III) AT LEAST FIFTY-ONE PERCENT OF THE OFFICERS ARE CERTIFIED PUBLIC  
56 ACCOUNTANTS,

(IV) THE PRESIDENT, THE CHAIRPERSON OF THE BOARD OF DIRECTORS AND THE CHIEF EXECUTIVE OFFICER OR OFFICERS ARE CERTIFIED PUBLIC ACCOUNTANTS. NO SHAREHOLDER OF A FIRM ESTABLISHED FOR THE BUSINESS PURPOSE OF INCORPORATING AS A PROFESSIONAL SERVICE CORPORATION PURSUANT TO PARAGRAPH (H) OF SECTION 1503 OF THIS ARTICLE SHALL ENTER INTO A VOTING TRUST AGREEMENT, PROXY OR ANY OTHER TYPE OF AGREEMENT VESTING IN ANOTHER PERSON, OTHER THAN ANOTHER SHAREHOLDER OF THE SAME CORPORATION, THE AUTHORITY TO EXERCISE VOTING POWER OF ANY OR ALL OF HIS OR HER SHARES. ALL SHARES ISSUED, AGREEMENTS MADE OR PROXIES GRANTED IN VIOLATION OF THIS SECTION SHALL BE VOID.

S 4. Section 1508 of the business corporation law is amended by adding a new paragraph (c) to read as follows:

(C) THE DIRECTORS AND OFFICERS OF ANY FIRM ESTABLISHED FOR THE BUSINESS PURPOSE OF INCORPORATING AS A PROFESSIONAL SERVICE CORPORATION PURSUANT TO PARAGRAPH (H) OF SECTION 1503 OF THIS ARTICLE MAY INCLUDE INDIVIDUALS WHO ARE NOT LICENSED TO PRACTICE PUBLIC ACCOUNTANCY, PROVIDED HOWEVER THAT AT LEAST FIFTY-ONE PERCENT OF THE DIRECTORS, AT LEAST FIFTY-ONE PERCENT OF THE OFFICERS AND THE PRESIDENT, THE CHAIRPERSON OF THE BOARD OF DIRECTORS AND THE CHIEF EXECUTIVE OFFICER OR OFFICERS ARE AUTHORIZED BY LAW TO PRACTICE IN THIS STATE A 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.

S 5. Section 1509 of the business corporation law, as amended by chapter 550 of the laws of 2011, is amended to read as follows:

S 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, OR ANY FIRM ESTABLISHED FOR THE BUSINESS PURPOSE OF INCORPORATING AS A PROFESSIONAL SERVICE CORPORATION PURSUANT TO PARAGRAPH (H) OF SECTION 1503 OF THIS ARTICLE, who has been rendering professional service to the public becomes legally disqualified to practice his profession within this state, he 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 profession within this state shall be deemed to constitute an irrevocable offer by the disqualified shareholder to sell his 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.

S 6. 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, OR ANY FIRM ESTABLISHED FOR THE BUSINESS PURPOSE OF INCORPORATING AS A PROFESSIONAL SERVICE

1 CORPORATION PURSUANT TO PARAGRAPH (H) OF SECTION 1503 OF THIS ARTICLE,  
2 may sell or transfer his shares in such corporation except to another  
3 individual who is eligible to have shares issued to him by such corpo-  
4 ration or except in trust to another individual who would be eligible to  
5 receive shares if he were employed by the corporation. Nothing herein  
6 contained shall be construed to prohibit the transfer of shares by oper-  
7 ation of law or by court decree. No transferee of shares by operation  
8 of law or court decree may vote the shares for any purpose whatsoever  
9 except with respect to corporate action under sections 909 and 1001 of  
10 this chapter. The restriction in the preceding sentence shall not apply,  
11 however, where such transferee would be eligible to have shares issued  
12 to him if he were an employee of the corporation and, if there are other  
13 shareholders, a majority of such other shareholders shall fail to redeem  
14 the shares so transferred, pursuant to section 1510 of this article,  
15 within sixty days of receiving written notice of such transfer. Any sale  
16 or transfer, except by operation of law or court decree or except for a  
17 corporation having only one shareholder, may be made only after the same  
18 shall have been approved by the board of directors, or at a sharehold-  
19 ers' meeting specially called for such purpose by such proportion, not  
20 less than a majority, of the outstanding shares as may be provided in  
21 the certificate of incorporation or in the by-laws of such professional  
22 service corporation. At such shareholders' meeting the shares held by  
23 the shareholder proposing to sell or transfer his shares may not be  
24 voted or counted for any purpose, unless all shareholders consent that  
25 such shares be voted or counted. The certificate of incorporation or the  
26 by-laws of the professional service corporation, or the professional  
27 service corporation and the shareholders by private agreement, may  
28 provide, in lieu of or in addition to the foregoing provisions, for the  
29 alienation of shares and may require the redemption or purchase of such  
30 shares by such corporation at prices and in a manner specifically set  
31 forth therein. The existence of the restrictions on the sale or transfer  
32 of shares, as contained in this article and, if applicable, in the  
33 certificate of incorporation, by-laws, stock purchase or stock redemp-  
34 tion agreement, shall be noted conspicuously on the face or back of  
35 every certificate for shares issued by a professional service corpo-  
36 ration. Any sale or transfer in violation of such restrictions shall be  
37 void.

38 (C) A FIRM ESTABLISHED FOR THE BUSINESS PURPOSE OF INCORPORATING AS A  
39 PROFESSIONAL SERVICE CORPORATION PURSUANT TO PARAGRAPH (H) OF SECTION  
40 1503 OF THIS ARTICLE, SHALL PURCHASE OR REDEEM THE SHARES OF A NON-LI-  
41 CENSED PROFESSIONAL SHAREHOLDER IN THE CASE OF HIS OR HER TERMINATION OF  
42 EMPLOYMENT WITHIN THIRTY DAYS AFTER SUCH TERMINATION. A FIRM ESTABLISHED  
43 FOR THE BUSINESS PURPOSE OF INCORPORATING AS A PROFESSIONAL SERVICE  
44 CORPORATION PURSUANT TO PARAGRAPH (H) OF SECTION 1503 OF THIS ARTICLE,  
45 SHALL NOT BE REQUIRED TO PURCHASE OR REDEEM THE SHARES OF A TERMINATED  
46 NON-LICENSED PROFESSIONAL SHAREHOLDER IF SUCH SHARES, WITHIN THIRTY DAYS  
47 AFTER SUCH TERMINATION, ARE SOLD OR TRANSFERRED TO ANOTHER EMPLOYEE OF  
48 THE CORPORATION PURSUANT TO THIS ARTICLE.

49 S 7. Paragraph (a) of section 1512 of the business corporation law, as  
50 amended by chapter 550 of the laws of 2011, is amended to read as  
51 follows:

52 (a) Notwithstanding any other provision of law, the name of a profes-  
53 sional service corporation, including a design professional service  
54 corporation AND ANY FIRM ESTABLISHED FOR THE BUSINESS PURPOSE OF INCOR-  
55 PORATING AS A PROFESSIONAL SERVICE CORPORATION PURSUANT TO PARAGRAPH (H)  
56 OF SECTION 1503 OF THIS ARTICLE, may contain any word which, at the time

1 of incorporation, could be used in the name of a partnership practicing  
2 a profession which the corporation is authorized to practice, and may  
3 not contain any word which could not be used by such a partnership.  
4 Provided, however, the name of a professional service corporation may  
5 not contain the name of a deceased person unless

6 (1) such person's name was part of the corporate name at the time of  
7 such person's death; or

8 (2) such person's name was part of the name of an existing partnership  
9 and at least two-thirds of such partnership's partners become sharehold-  
10 ers of the corporation.

11 S 8. Section 1514 of the business corporation law is amended by adding  
12 a new paragraph (c) to read as follows:

13 (C) EACH FIRM ESTABLISHED FOR THE BUSINESS PURPOSE OF INCORPORATING AS  
14 A PROFESSIONAL SERVICE CORPORATION PURSUANT TO PARAGRAPH (H) OF SECTION  
15 1503 OF THIS ARTICLE SHALL, AT LEAST ONCE EVERY THREE YEARS ON OR BEFORE  
16 THE DATE PRESCRIBED BY THE LICENSING AUTHORITY, FURNISH A STATEMENT TO  
17 THE LICENSING AUTHORITY LISTING THE NAMES AND RESIDENCE ADDRESSES OF  
18 EACH SHAREHOLDER, DIRECTOR AND OFFICER OF SUCH CORPORATION AND CERTIFY  
19 AS THE DATE OF CERTIFICATION AND AT ALL TIMES OVER THE ENTIRE THREE YEAR  
20 PERIOD THAT:

21 (I) AT LEAST FIFTY-ONE PERCENT OF THE OUTSTANDING SHARES OF STOCK OF  
22 THE CORPORATION ARE AND WERE OWNED BY CERTIFIED PUBLIC ACCOUNTANTS,

23 (II) AT LEAST FIFTY-ONE PERCENT OF THE DIRECTORS ARE AND WERE CERTI-  
24 FIED PUBLIC ACCOUNTANTS,

25 (III) AT LEAST FIFTY-ONE PERCENT OF THE OFFICERS ARE AND WERE CERTI-  
26 FIED PUBLIC ACCOUNTANTS,

27 (IV) THE PRESIDENT, THE CHAIRPERSON OF THE BOARD OF DIRECTORS AND THE  
28 CHIEF EXECUTIVE OFFICER OR OFFICERS ARE AND WERE CERTIFIED PUBLIC  
29 ACCOUNTANTS.

30 THE STATEMENT SHALL BE SIGNED BY THE PRESIDENT OR ANY CERTIFIED PUBLIC  
31 ACCOUNTANT VICE-PRESIDENT AND ATTESTED TO BY THE SECRETARY OR ANY  
32 ASSISTANT SECRETARY OF THE CORPORATION.

33 S 9. Paragraph (d) of section 1525 of the business corporation law, as  
34 added by chapter 505 of the laws of 1983, is amended to read as follows:

35 (d) "Foreign professional service corporation" means a professional  
36 service corporation, whether or not denominated as such, organized under  
37 the laws of a jurisdiction other than this state, all of the sharehold-  
38 ers, directors and officers of which are authorized and licensed to  
39 practice the profession for which such corporation is licensed to do  
40 business; except that all shareholders, directors and officers of a  
41 foreign professional service corporation which provides health services  
42 in this state shall be licensed in this state. NOTWITHSTANDING ANY OTHER  
43 PROVISION OF LAW A FOREIGN PROFESSIONAL SERVICE CORPORATION FORMED TO  
44 LAWFULLY ENGAGE IN THE PRACTICE OF PUBLIC ACCOUNTANCY, AS SUCH PRACTICE  
45 IS DEFINED UNDER ARTICLE ONE HUNDRED FORTY-NINE OF THE EDUCATION LAW, OR  
46 EQUIVALENT STATE LAW, SHALL BE REQUIRED TO SHOW (1) THAT A SIMPLE MAJOR-  
47 ITY OF THE OWNERSHIP OF THE FIRM, IN TERMS OF FINANCIAL INTERESTS,  
48 INCLUDING OWNERSHIP-BASED COMPENSATION, AND VOTING RIGHTS HELD BY THE  
49 FIRM'S OWNERS, BELONGS TO INDIVIDUALS LICENSED TO PRACTICE PUBLIC  
50 ACCOUNTANCY IN SOME STATE, AND (2) THAT ALL SHAREHOLDERS OF A FOREIGN  
51 PROFESSIONAL SERVICE CORPORATION WHOSE PRINCIPAL PLACE OF BUSINESS IS IN  
52 THIS STATE, AND WHO ARE ENGAGED IN THE PRACTICE OF PUBLIC ACCOUNTANCY IN  
53 THIS STATE, HOLD A VALID LICENSE ISSUED UNDER SECTION SEVENTY-FOUR  
54 HUNDRED FOUR OF THE EDUCATION LAW OR ARE PUBLIC ACCOUNTANTS LICENSED  
55 UNDER SECTION SEVENTY-FOUR HUNDRED FIVE OF THE EDUCATION LAW. ALTHOUGH  
56 FIRMS MAY INCLUDE NON-LICENSEE OWNERS, THE FIRM AND ITS OWNERS MUST

1 COMPLY WITH RULES PROMULGATED BY THE STATE BOARD OF REGENTS. NOTWITH-  
2 STANDING THE FOREGOING, A FIRM REGISTERED UNDER THIS SECTION MAY NOT  
3 HAVE NON-LICENSEE OWNERS IF THE FIRM'S NAME INCLUDES THE WORDS "CERTI-  
4 FIED PUBLIC ACCOUNTANT," OR "CERTIFIED PUBLIC ACCOUNTANTS," OR THE  
5 ABBREVIATIONS "CPA" OR "CPAS." EACH NON-LICENSEE OWNER OF A FIRM THAT IS  
6 OPERATING UNDER THIS SECTION SHALL BE A NATURAL PERSON WHO ACTIVELY  
7 PARTICIPATES IN THE BUSINESS OF THE FIRM OR ITS AFFILIATED ENTITIES,  
8 PROVIDED EACH BENEFICIAL OWNER OF AN EQUITY INTEREST IN SUCH ENTITY IS A  
9 NATURAL PERSON WHO ACTIVELY PARTICIPATES IN THE BUSINESS CONDUCTED BY  
10 THE FIRM OR ITS AFFILIATED ENTITIES. FOR PURPOSES OF THIS SUBDIVISION,  
11 "ACTIVELY PARTICIPATE" MEANS TO PROVIDE SERVICES TO CLIENTS OR TO OTHER-  
12 WISE INDIVIDUALLY TAKE PART IN THE DAY-TO-DAY BUSINESS OR MANAGEMENT OF  
13 THE FIRM.

14 S 10. Subdivision (q) of section 121-1500 of the partnership law, as  
15 amended by chapter 554 of the laws of 2013, is amended to read as  
16 follows:

17 (q) Each partner of a registered limited liability partnership formed  
18 to provide medical services in this state must be licensed pursuant to  
19 article 131 of the education law to practice medicine in this state and  
20 each partner of a registered limited liability partnership formed to  
21 provide dental services in this state must be licensed pursuant to arti-  
22 cle 133 of the education law to practice dentistry in this state. Each  
23 partner of a registered limited liability partnership formed to provide  
24 veterinary services in this state must be licensed pursuant to article  
25 135 of the education law to practice veterinary medicine in this state.  
26 EACH PARTNER OF A REGISTERED LIMITED LIABILITY PARTNERSHIP FORMED TO  
27 PROVIDE PUBLIC ACCOUNTANCY SERVICES, WHOSE PRINCIPAL PLACE OF BUSINESS  
28 IS IN THIS STATE AND WHO PROVIDES PUBLIC ACCOUNTANCY SERVICES, MUST BE  
29 LICENSED PURSUANT TO ARTICLE 149 OF THE EDUCATION LAW TO PRACTICE PUBLIC  
30 ACCOUNTANCY IN THIS STATE. Each partner of a registered limited liabil-  
31 ity partnership formed to provide professional engineering, land survey-  
32 ing, architectural and/or landscape architectural services in this state  
33 must be licensed pursuant to article 145, article 147 and/or article 148  
34 of the education law to practice one or more of such professions in this  
35 state. Each partner of a registered limited liability partnership formed  
36 to provide licensed clinical social work services in this state must be  
37 licensed pursuant to article 154 of the education law to practice clin-  
38 ical social work in this state. Each partner of a registered limited  
39 liability partnership formed to provide creative arts therapy services  
40 in this state must be licensed pursuant to article 163 of the education  
41 law to practice creative arts therapy in this state. Each partner of a  
42 registered limited liability partnership formed to provide marriage and  
43 family therapy services in this state must be licensed pursuant to arti-  
44 cle 163 of the education law to practice marriage and family therapy in  
45 this state. Each partner of a registered limited liability partnership  
46 formed to provide mental health counseling services in this state must  
47 be licensed pursuant to article 163 of the education law to practice  
48 mental health counseling in this state. Each partner of a registered  
49 limited liability partnership formed to provide psychoanalysis services  
50 in this state must be licensed pursuant to article 163 of the education  
51 law to practice psychoanalysis in this state. Each partner of a regis-  
52 tered limited liability partnership formed to provide applied behavior  
53 analysis service in this state must be licensed or certified pursuant to  
54 article 167 of the education law to practice applied behavior analysis  
55 in this state. NOTWITHSTANDING ANY OTHER PROVISIONS OF LAW A LIMITED  
56 LIABILITY PARTNERSHIP FORMED TO LAWFULLY ENGAGE IN THE PRACTICE OF

1 PUBLIC ACCOUNTANCY, AS SUCH PRACTICE IS RESPECTIVELY DEFINED UNDER ARTI-  
2 CLE 149 OF THE EDUCATION LAW, SHALL BE REQUIRED TO SHOW (1) THAT A  
3 SIMPLE MAJORITY OF THE OWNERSHIP OF THE FIRM, IN TERMS OF FINANCIAL  
4 INTERESTS, INCLUDING OWNERSHIP-BASED COMPENSATION, AND VOTING RIGHTS  
5 HELD BY THE FIRM'S OWNERS, BELONGS TO INDIVIDUALS LICENSED TO PRACTICE  
6 PUBLIC ACCOUNTANCY IN SOME STATE, AND (2) THAT ALL PARTNERS OF A LIMITED  
7 LIABILITY PARTNERSHIP WHOSE PRINCIPAL PLACE OF BUSINESS IS IN THIS  
8 STATE, AND WHO ARE ENGAGED IN THE PRACTICE OF PUBLIC ACCOUNTANCY IN THIS  
9 STATE, HOLD A VALID LICENSE ISSUED UNDER SECTION 7404 OF THE EDUCATION  
10 LAW OR ARE PUBLIC ACCOUNTANTS LICENSED UNDER SECTION 7405 OF THE EDUCA-  
11 TION LAW. ALTHOUGH FIRMS MAY INCLUDE NON-LICENSEE OWNERS, THE FIRM AND  
12 ITS OWNERS MUST COMPLY WITH RULES PROMULGATED BY THE STATE BOARD OF  
13 REGENTS. NOTWITHSTANDING THE FOREGOING, A FIRM REGISTERED UNDER THIS  
14 SECTION MAY NOT HAVE NON-LICENSEE OWNERS IF THE FIRM'S NAME INCLUDES THE  
15 WORDS "CERTIFIED PUBLIC ACCOUNTANT," OR "CERTIFIED PUBLIC ACCOUNTANTS,"  
16 OR THE ABBREVIATIONS "CPA" OR "CPAS." EACH NON-LICENSEE OWNER OF A FIRM  
17 THAT IS INCORPORATED UNDER THIS SECTION SHALL BE (1) A NATURAL PERSON  
18 WHO ACTIVELY PARTICIPATES IN THE BUSINESS OF THE FIRM OR ITS AFFILIATED  
19 ENTITIES, OR (2) AN ENTITY, INCLUDING, BUT NOT LIMITED TO, A PARTNERSHIP  
20 OR PROFESSIONAL CORPORATION, PROVIDED EACH BENEFICIAL OWNER OF AN EQUITY  
21 INTEREST IN SUCH ENTITY IS A NATURAL PERSON WHO ACTIVELY PARTICIPATES IN  
22 THE BUSINESS CONDUCTED BY THE FIRM OR ITS AFFILIATED ENTITIES. FOR  
23 PURPOSES OF THIS SUBDIVISION, "ACTIVELY PARTICIPATE" MEANS TO PROVIDE  
24 SERVICES TO CLIENTS OR TO OTHERWISE INDIVIDUALLY TAKE PART IN THE  
25 DAY-TO-DAY BUSINESS OR MANAGEMENT OF THE FIRM.

26 S 11. Subdivision (q) of section 121-1500 of the partnership law, as  
27 amended by chapter 475 of the laws of 2014, is amended to read as  
28 follows:

29 (q) Each partner of a registered limited liability partnership formed  
30 to provide medical services in this state must be licensed pursuant to  
31 article 131 of the education law to practice medicine in this state and  
32 each partner of a registered limited liability partnership formed to  
33 provide dental services in this state must be licensed pursuant to arti-  
34 cle 133 of the education law to practice dentistry in this state. Each  
35 partner of a registered limited liability partnership formed to provide  
36 veterinary services in this state must be licensed pursuant to article  
37 135 of the education law to practice veterinary medicine in this state.  
38 EACH PARTNER OF A REGISTERED LIMITED LIABILITY PARTNERSHIP FORMED TO  
39 PROVIDE PUBLIC ACCOUNTANCY SERVICES, WHOSE PRINCIPAL PLACE OF BUSINESS  
40 IS IN THIS STATE AND WHO PROVIDES PUBLIC ACCOUNTANCY SERVICES, MUST BE  
41 LICENSED PURSUANT TO ARTICLE 149 OF THE EDUCATION LAW TO PRACTICE PUBLIC  
42 ACCOUNTANCY IN THIS STATE. Each partner of a registered limited liabil-  
43 ity partnership formed to provide professional engineering, land survey-  
44 ing, geological services, architectural and/or landscape architectural  
45 services in this state must be licensed pursuant to article 145, article  
46 147 and/or article 148 of the education law to practice one or more of  
47 such professions in this state. Each partner of a registered limited  
48 liability partnership formed to provide licensed clinical social work  
49 services in this state must be licensed pursuant to article 154 of the  
50 education law to practice clinical social work in this state. Each part-  
51 ner of a registered limited liability partnership formed to provide  
52 creative arts therapy services in this state must be licensed pursuant  
53 to article 163 of the education law to practice creative arts therapy in  
54 this state. Each partner of a registered limited liability partnership  
55 formed to provide marriage and family therapy services in this state  
56 must be licensed pursuant to article 163 of the education law to prac-



1 tice marriage and family therapy in this state. Each partner of a regis-  
2 tered limited liability partnership formed to provide mental health  
3 counseling services in this state must be licensed pursuant to article  
4 163 of the education law to practice mental health counseling in this  
5 state. Each partner of a registered limited liability partnership formed  
6 to provide psychoanalysis services in this state must be licensed pursu-  
7 ant to article 163 of the education law to practice psychoanalysis in  
8 this state. Each partner of a registered limited liability partnership  
9 formed to provide applied behavior analysis service in this state must  
10 be licensed or certified pursuant to article 167 of the education law to  
11 practice applied behavior analysis in this state. NOTWITHSTANDING ANY  
12 OTHER PROVISIONS OF LAW A LIMITED LIABILITY PARTNERSHIP FORMED TO  
13 LAWFULLY ENGAGE IN THE PRACTICE OF PUBLIC ACCOUNTANCY, AS SUCH PRACTICE  
14 IS RESPECTIVELY DEFINED UNDER ARTICLE 149 OF THE EDUCATION LAW, SHALL BE  
15 REQUIRED TO SHOW (1) THAT A SIMPLE MAJORITY OF THE OWNERSHIP OF THE  
16 FIRM, IN TERMS OF FINANCIAL INTERESTS, INCLUDING OWNERSHIP-BASED COMPEN-  
17 SATION, AND VOTING RIGHTS HELD BY THE FIRM'S OWNERS, BELONGS TO INDIVID-  
18 UALS LICENSED TO PRACTICE PUBLIC ACCOUNTANCY IN SOME STATE, AND (2) THAT  
19 ALL PARTNERS OF A LIMITED LIABILITY PARTNERSHIP WHOSE PRINCIPAL PLACE OF  
20 BUSINESS IS IN THIS STATE, AND WHO ARE ENGAGED IN THE PRACTICE OF PUBLIC  
21 ACCOUNTANCY IN THIS STATE, HOLD A VALID LICENSE ISSUED UNDER SECTION  
22 7404 OF THE EDUCATION LAW OR ARE PUBLIC ACCOUNTANTS LICENSED UNDER  
23 SECTION 7405 OF THE EDUCATION LAW. ALTHOUGH FIRMS MAY INCLUDE NON-LICEN-  
24 SEE OWNERS, THE FIRM AND ITS OWNERS MUST COMPLY WITH RULES PROMULGATED  
25 BY THE STATE BOARD OF REGENTS. NOTWITHSTANDING THE FOREGOING, A FIRM  
26 REGISTERED UNDER THIS SECTION MAY NOT HAVE NON-LICENSEE OWNERS IF THE  
27 FIRM'S NAME INCLUDES THE WORDS "CERTIFIED PUBLIC ACCOUNTANT," OR "CERTI-  
28 FIED PUBLIC ACCOUNTS," OR THE ABBREVIATIONS "CPA" OR "CPAS." EACH  
29 NON-LICENSEE OWNER OF A FIRM THAT IS INCORPORATED UNDER THIS SECTION  
30 SHALL BE (1) A NATURAL PERSON WHO ACTIVELY PARTICIPATES IN THE BUSINESS  
31 OF THE FIRM OR ITS AFFILIATED ENTITIES, OR (2) AN ENTITY, INCLUDING, BUT  
32 NOT LIMITED TO, A PARTNERSHIP OR PROFESSIONAL CORPORATION, PROVIDED EACH  
33 BENEFICIAL OWNER OF AN EQUITY INTEREST IN SUCH ENTITY IS A NATURAL  
34 PERSON WHO ACTIVELY PARTICIPATES IN THE BUSINESS CONDUCTED BY THE FIRM  
35 OR ITS AFFILIATED ENTITIES. FOR PURPOSES OF THIS SUBDIVISION, "ACTIVELY  
36 PARTICIPATE" MEANS TO PROVIDE SERVICES TO CLIENTS OR TO OTHERWISE INDI-  
37 VIDUALLY TAKE PART IN THE DAY-TO-DAY BUSINESS OR MANAGEMENT OF THE FIRM.  
38 S 12. Subdivision (q) of section 121-1502 of the partnership law, as  
39 amended by chapter 554 of the laws of 2013, is amended to read as  
40 follows:

41 (q) Each partner of a foreign limited liability partnership which  
42 provides medical services in this state must be licensed pursuant to  
43 article 131 of the education law to practice medicine in the state and  
44 each partner of a foreign limited liability partnership which provides  
45 dental services in the state must be licensed pursuant to article 133 of  
46 the education law to practice dentistry in this state. Each partner of a  
47 foreign limited liability partnership which provides veterinary service  
48 in the state shall be licensed pursuant to article 135 of the education  
49 law to practice veterinary medicine in this state. Each partner of a  
50 foreign limited liability partnership which provides professional engi-  
51 neering, land surveying, architectural and/or landscape architectural  
52 services in this state must be licensed pursuant to article 145, article  
53 147 and/or article 148 of the education law to practice one or more of  
54 such professions. EACH PARTNER OF A FOREIGN REGISTERED LIMITED LIABILITY  
55 PARTNERSHIP FORMED TO PROVIDE PUBLIC ACCOUNTANCY SERVICES, WHOSE PRINCI-  
56 PAL PLACE OF BUSINESS IS IN THIS STATE AND WHO PROVIDES PUBLIC ACCOUN-

1 TANCY SERVICES, MUST BE LICENSED PURSUANT TO ARTICLE 149 OF THE EDUCA-  
2 TION LAW TO PRACTICE PUBLIC ACCOUNTANCY IN THIS STATE. Each partner of a  
3 foreign limited liability partnership which provides licensed clinical  
4 social work services in this state must be licensed pursuant to article  
5 154 of the education law to practice licensed clinical social work in  
6 this state. Each partner of a foreign limited liability partnership  
7 which provides creative arts therapy services in this state must be  
8 licensed pursuant to article 163 of the education law to practice crea-  
9 tive arts therapy in this state. Each partner of a foreign limited  
10 liability partnership which provides marriage and family therapy  
11 services in this state must be licensed pursuant to article 163 of the  
12 education law to practice marriage and family therapy in this state.  
13 Each partner of a foreign limited liability partnership which provides  
14 mental health counseling services in this state must be licensed pursu-  
15 ant to article 163 of the education law to practice mental health coun-  
16 seling in this state. Each partner of a foreign limited liability part-  
17 nership which provides psychoanalysis services in this state must be  
18 licensed pursuant to article 163 of the education law to practice  
19 psychoanalysis in this state. Each partner of a foreign limited liabil-  
20 ity partnership which provides applied behavior analysis services in  
21 this state must be licensed or certified pursuant to article 167 of the  
22 education law to practice applied behavior analysis in this state.  
23 NOTWITHSTANDING ANY OTHER PROVISIONS OF LAW A FOREIGN LIMITED LIABILITY  
24 PARTNERSHIP FORMED TO LAWFULLY ENGAGE IN THE PRACTICE OF PUBLIC ACCOUN-  
25 TANCY, AS SUCH PRACTICE IS RESPECTIVELY DEFINED UNDER ARTICLE 149 OF THE  
26 EDUCATION LAW, SHALL BE REQUIRED TO SHOW (1) THAT A SIMPLE MAJORITY OF  
27 THE OWNERSHIP OF THE FIRM, IN TERMS OF FINANCIAL INTERESTS, INCLUDING  
28 OWNERSHIP-BASED COMPENSATION, AND VOTING RIGHTS HELD BY THE FIRM'S  
29 OWNERS, BELONGS TO INDIVIDUALS LICENSED TO PRACTICE PUBLIC ACCOUNTANCY  
30 IN SOME STATE, AND (2) THAT ALL PARTNERS OF A FOREIGN LIMITED LIABILITY  
31 PARTNERSHIP WHOSE PRINCIPAL PLACE OF BUSINESS IS IN THIS STATE, AND WHO  
32 ARE ENGAGED IN THE PRACTICE OF PUBLIC ACCOUNTANCY IN THIS STATE, HOLD A  
33 VALID LICENSE ISSUED UNDER SECTION 7404 OF THE EDUCATION LAW OR ARE  
34 PUBLIC ACCOUNTANTS LICENSED UNDER SECTION 7405 OF THE EDUCATION LAW.  
35 ALTHOUGH FIRMS MAY INCLUDE NON-LICENSEE OWNERS, THE FIRM AND ITS OWNERS  
36 MUST COMPLY WITH RULES PROMULGATED BY THE STATE BOARD OF REGENTS.  
37 NOTWITHSTANDING THE FOREGOING, A FIRM REGISTERED UNDER THIS SECTION MAY  
38 NOT HAVE NON-LICENSEE OWNERS IF THE FIRM'S NAME INCLUDES THE WORDS  
39 "CERTIFIED PUBLIC ACCOUNTANT," OR "CERTIFIED PUBLIC ACCOUNTANTS," OR THE  
40 ABBREVIATIONS "CPA" OR "CPAS." EACH NON-LICENSEE OWNER OF A FIRM THAT IS  
41 INCORPORATED UNDER THIS SECTION SHALL BE (1) A NATURAL PERSON WHO  
42 ACTIVELY PARTICIPATES IN THE BUSINESS OF THE FIRM OR ITS AFFILIATED  
43 ENTITIES, OR (2) AN ENTITY, INCLUDING, BUT NOT LIMITED TO, A PARTNERSHIP  
44 OR PROFESSIONAL CORPORATION, PROVIDED EACH BENEFICIAL OWNER OF AN EQUITY  
45 INTEREST IN SUCH ENTITY IS A NATURAL PERSON WHO ACTIVELY PARTICIPATES IN  
46 THE BUSINESS CONDUCTED BY THE FIRM OR ITS AFFILIATED ENTITIES. FOR  
47 PURPOSES OF THIS SUBDIVISION, "ACTIVELY PARTICIPATE" MEANS TO PROVIDE  
48 SERVICES TO CLIENTS OR TO OTHERWISE INDIVIDUALLY TAKE PART IN THE  
49 DAY-TO-DAY BUSINESS OR MANAGEMENT OF THE FIRM.

50 S 13. Subdivision (q) of section 121-1502 of the partnership law, as  
51 amended by chapter 475 of the laws of 2014, is amended to read as  
52 follows:

53 (q) Each partner of a foreign limited liability partnership which  
54 provides medical services in this state must be licensed pursuant to  
55 article 131 of the education law to practice medicine in the state and  
56 each partner of a foreign limited liability partnership which provides

1 dental services in the state must be licensed pursuant to article 133 of  
2 the education law to practice dentistry in this state. Each partner of a  
3 foreign limited liability partnership which provides veterinary service  
4 in the state shall be licensed pursuant to article 135 of the education  
5 law to practice veterinary medicine in this state. Each partner of a  
6 foreign limited liability partnership which provides professional engi-  
7 neering, land surveying, geological services, architectural and/or land-  
8 scape architectural services in this state must be licensed pursuant to  
9 article 145, article 147 and/or article 148 of the education law to  
10 practice one or more of such professions. EACH PARTNER OF A FOREIGN  
11 REGISTERED LIMITED LIABILITY PARTNERSHIP FORMED TO PROVIDE PUBLIC  
12 ACCOUNTANCY SERVICES, WHOSE PRINCIPAL PLACE OF BUSINESS IS IN THIS STATE  
13 AND WHO PROVIDES PUBLIC ACCOUNTANCY SERVICES, MUST BE LICENSED PURSUANT  
14 TO ARTICLE 149 OF THE EDUCATION LAW TO PRACTICE PUBLIC ACCOUNTANCY IN  
15 THIS STATE. Each partner of a foreign limited liability partnership  
16 which provides licensed clinical social work services in this state must  
17 be licensed pursuant to article 154 of the education law to practice  
18 licensed clinical social work in this state. Each partner of a foreign  
19 limited liability partnership which provides creative arts therapy  
20 services in this state must be licensed pursuant to article 163 of the  
21 education law to practice creative arts therapy in this state. Each  
22 partner of a foreign limited liability partnership which provides  
23 marriage and family therapy services in this state must be licensed  
24 pursuant to article 163 of the education law to practice marriage and  
25 family therapy in this state. Each partner of a foreign limited liabil-  
26 ity partnership which provides mental health counseling services in this  
27 state must be licensed pursuant to article 163 of the education law to  
28 practice mental health counseling in this state. Each partner of a  
29 foreign limited liability partnership which provides psychoanalysis  
30 services in this state must be licensed pursuant to article 163 of the  
31 education law to practice psychoanalysis in this state. Each partner of  
32 a foreign limited liability partnership which provides applied behavior  
33 analysis services in this state must be licensed or certified pursuant  
34 to article 167 of the education law to practice applied behavior analy-  
35 sis in this state. NOTWITHSTANDING ANY OTHER PROVISIONS OF LAW A  
36 FOREIGN LIMITED LIABILITY PARTNERSHIP FORMED TO LAWFULLY ENGAGE IN THE  
37 PRACTICE OF PUBLIC ACCOUNTANCY, AS SUCH PRACTICE IS RESPECTIVELY DEFINED  
38 UNDER ARTICLE 149 OF THE EDUCATION LAW, SHALL BE REQUIRED TO SHOW (1)  
39 THAT A SIMPLE MAJORITY OF THE OWNERSHIP OF THE FIRM, IN TERMS OF FINAN-  
40 CIAL INTERESTS, INCLUDING OWNERSHIP-BASED COMPENSATION, AND VOTING  
41 RIGHTS HELD BY THE FIRM'S OWNERS, BELONGS TO INDIVIDUALS LICENSED TO  
42 PRACTICE PUBLIC ACCOUNTANCY IN SOME STATE, AND (2) THAT ALL PARTNERS OF  
43 A FOREIGN LIMITED LIABILITY PARTNERSHIP WHOSE PRINCIPAL PLACE OF BUSI-  
44 NESS IS IN THIS STATE, AND WHO ARE ENGAGED IN THE PRACTICE OF PUBLIC  
45 ACCOUNTANCY IN THIS STATE, HOLD A VALID LICENCE ISSUED UNDER SECTION  
46 7404 OF THE EDUCATION LAW OR ARE PUBLIC ACCOUNTANTS LICENSED UNDER  
47 SECTION 7405 OF THE EDUCATION LAW. ALTHOUGH FIRMS MAY INCLUDE NON-LICEN-  
48 SEE OWNERS, THE FIRM AND ITS OWNERS MUST COMPLY WITH RULES PROMULGATED  
49 BY THE STATE BOARD OF REGENTS. NOTWITHSTANDING THE FOREGOING, A FIRM  
50 REGISTERED UNDER THIS SECTION MAY NOT HAVE NON-LICENSEE OWNERS IF THE  
51 FIRM'S NAME INCLUDES THE WORDS "CERTIFIED PUBLIC ACCOUNTANT," OR "CERTI-  
52 FIED PUBLIC ACCOUNTANTS," OR THE ABBREVIATIONS "CPA" OR "CPAS." EACH  
53 NON-LICENSEE OWNER OF A FIRM THAT IS INCORPORATED UNDER THIS SECTION  
54 SHALL BE (1) A NATURAL PERSON WHO ACTIVELY PARTICIPATES IN THE BUSINESS  
55 OF THE FIRM OR ITS AFFILIATED ENTITIES, OR (2) AN ENTITY, INCLUDING, BUT  
56 NOT LIMITED TO, A PARTNERSHIP OR PROFESSIONAL CORPORATION, PROVIDED EACH

1 BENEFICIAL OWNER OF AN EQUITY INTEREST IN SUCH ENTITY IS A NATURAL  
2 PERSON WHO ACTIVELY PARTICIPATES IN THE BUSINESS CONDUCTED BY THE FIRM  
3 OR ITS AFFILIATED ENTITIES. FOR PURPOSES OF THIS SUBDIVISION, "ACTIVELY  
4 PARTICIPATE" MEANS TO PROVIDE SERVICES TO CLIENTS OR TO OTHERWISE INDI-  
5 VIDUALLY TAKE PART IN THE DAY-TO-DAY BUSINESS OR MANAGEMENT OF THE FIRM.

6 S 14. Subdivision (h) of section 121-101 of the partnership law, as  
7 added by chapter 950 of the laws of 1990, is amended to read as follows:

8 (h) "Limited partnership" and "domestic limited partnership" mean,  
9 unless the context otherwise requires, a partnership (i) formed by two  
10 or more persons pursuant to this article or which complies with subdivi-  
11 sion (a) of section 121-1202 of this article and (ii) having one or more  
12 general partners and one or more limited partners. NOTWITHSTANDING ANY  
13 OTHER PROVISIONS OF LAW A LIMITED PARTNERSHIP OR DOMESTIC LIMITED PART-  
14 NERSHIP FORMED TO LAWFULLY ENGAGE IN THE PRACTICE OF PUBLIC ACCOUNTANCY,  
15 AS SUCH PRACTICE IS RESPECTIVELY DEFINED UNDER ARTICLE 149 OF THE EDUCA-  
16 TION LAW SHALL BE REQUIRED TO SHOW (1) THAT A SIMPLE MAJORITY OF THE  
17 OWNERSHIP OF THE FIRM, IN TERMS OF FINANCIAL INTERESTS, INCLUDING OWNER-  
18 SHIP-BASED COMPENSATION, AND VOTING RIGHTS HELD BY THE FIRM'S OWNERS,  
19 BELONGS TO INDIVIDUALS LICENSED TO PRACTICE PUBLIC ACCOUNTANCY IN SOME  
20 STATE, AND (2) THAT ALL PARTNERS OF A LIMITED PARTNERSHIP OR DOMESTIC  
21 LIMITED PARTNERSHIP, WHOSE PRINCIPAL PLACE OF BUSINESS IS IN THIS STATE,  
22 AND WHO ARE ENGAGED IN THE PRACTICE OF PUBLIC ACCOUNTANCY IN THIS STATE,  
23 HOLD A VALID LICENSE ISSUED UNDER SECTION 7404 OF THE EDUCATION LAW OR  
24 ARE PUBLIC ACCOUNTANTS LICENSED UNDER SECTION 7405 OF THE EDUCATION LAW.  
25 ALTHOUGH FIRMS MAY INCLUDE NON-LICENSEE OWNERS, THE FIRM AND ITS OWNERS  
26 MUST COMPLY WITH RULES PROMULGATED BY THE STATE BOARD OF REGENTS.  
27 NOTWITHSTANDING THE FOREGOING, A FIRM REGISTERED UNDER THIS SECTION MAY  
28 NOT HAVE NON-LICENSEE OWNERS IF THE FIRM'S NAME INCLUDES THE WORDS  
29 "CERTIFIED PUBLIC ACCOUNTANT," OR "CERTIFIED PUBLIC ACCOUNTANTS," OR THE  
30 ABBREVIATIONS "CPA" OR "CPAS." EACH NON-LICENSEE OWNER OF A FIRM THAT IS  
31 REGISTERED UNDER THIS SECTION SHALL BE (1) A NATURAL PERSON WHO ACTIVELY  
32 PARTICIPATES IN THE BUSINESS OF THE FIRM OR ITS AFFILIATED ENTITIES, OR  
33 (2) AN ENTITY, INCLUDING, BUT NOT LIMITED TO, A PARTNERSHIP OR PROFES-  
34 SIONAL CORPORATION, PROVIDED EACH BENEFICIAL OWNER OF AN EQUITY INTEREST  
35 IN SUCH ENTITY IS A NATURAL PERSON WHO ACTIVELY PARTICIPATES IN THE  
36 BUSINESS CONDUCTED BY THE FIRM OR ITS AFFILIATED ENTITIES. FOR PURPOSES  
37 OF THIS SUBDIVISION, "ACTIVELY PARTICIPATE" MEANS TO PROVIDE SERVICES TO  
38 CLIENTS OR TO OTHERWISE INDIVIDUALLY TAKE PART IN THE DAY-TO-DAY BUSI-  
39 NESS OR MANAGEMENT OF THE FIRM.

40 S 15. Subdivision (b) of section 1207 of the limited liability company  
41 law, as amended by chapter 554 of the laws of 2013, is amended to read  
42 as follows:

43 (b) With respect to a professional service limited liability company  
44 formed to provide medical services as such services are defined in arti-  
45 cle 131 of the education law, each member of such limited liability  
46 company must be licensed pursuant to article 131 of the education law to  
47 practice medicine in this state. With respect to a professional service  
48 limited liability company formed to provide dental services as such  
49 services are defined in article 133 of the education law, each member of  
50 such limited liability company must be licensed pursuant to article 133  
51 of the education law to practice dentistry in this state. With respect  
52 to a professional service limited liability company formed to provide  
53 veterinary services as such services are defined in article 135 of the  
54 education law, each member of such limited liability company must be  
55 licensed pursuant to article 135 of the education law to practice veter-  
56 inary medicine in this state. With respect to a professional service

1 limited liability company formed to provide professional engineering,  
2 land surveying, architectural and/or landscape architectural services as  
3 such services are defined in article 145, article 147 and article 148 of  
4 the education law, each member of such limited liability company must be  
5 licensed pursuant to article 145, article 147 and/or article 148 of the  
6 education law to practice one or more of such professions in this state.  
7 WITH RESPECT TO A PROFESSIONAL SERVICE LIMITED LIABILITY COMPANY FORMED  
8 TO PROVIDE PUBLIC ACCOUNTANCY SERVICES AS SUCH SERVICES ARE DEFINED IN  
9 ARTICLE 149 OF THE EDUCATION LAW EACH MEMBER OF SUCH LIMITED LIABILITY  
10 COMPANY WHOSE PRINCIPAL PLACE OF BUSINESS IS IN THIS STATE AND WHO  
11 PROVIDES PUBLIC ACCOUNTANCY SERVICES, MUST BE LICENSED PURSUANT TO ARTI-  
12 CLE 149 OF THE EDUCATION LAW TO PRACTICE PUBLIC ACCOUNTANCY IN THIS  
13 STATE. With respect to a professional service limited liability company  
14 formed to provide licensed clinical social work services as such  
15 services are defined in article 154 of the education law, each member of  
16 such limited liability company shall be licensed pursuant to article 154  
17 of the education law to practice licensed clinical social work in this  
18 state. With respect to a professional service limited liability company  
19 formed to provide creative arts therapy services as such services are  
20 defined in article 163 of the education law, each member of such limited  
21 liability company must be licensed pursuant to article 163 of the educa-  
22 tion law to practice creative arts therapy in this state. With respect  
23 to a professional service limited liability company formed to provide  
24 marriage and family therapy services as such services are defined in  
25 article 163 of the education law, each member of such limited liability  
26 company must be licensed pursuant to article 163 of the education law to  
27 practice marriage and family therapy in this state. With respect to a  
28 professional service limited liability company formed to provide mental  
29 health counseling services as such services are defined in article 163  
30 of the education law, each member of such limited liability company must  
31 be licensed pursuant to article 163 of the education law to practice  
32 mental health counseling in this state. With respect to a professional  
33 service limited liability company formed to provide psychoanalysis  
34 services as such services are defined in article 163 of the education  
35 law, each member of such limited liability company must be licensed  
36 pursuant to article 163 of the education law to practice psychoanalysis  
37 in this state. With respect to a professional service limited liability  
38 company formed to provide applied behavior analysis services as such  
39 services are defined in article 167 of the education law, each member of  
40 such limited liability company must be licensed or certified pursuant to  
41 article 167 of the education law to practice applied behavior analysis  
42 in this state. NOTWITHSTANDING ANY OTHER PROVISIONS OF LAW A PROFES-  
43 SIONAL SERVICE LIMITED LIABILITY COMPANY FORMED TO LAWFULLY ENGAGE IN  
44 THE PRACTICE OF PUBLIC ACCOUNTANCY, AS SUCH PRACTICE IS RESPECTIVELY  
45 DEFINED UNDER ARTICLE 149 OF THE EDUCATION LAW SHALL BE REQUIRED TO SHOW  
46 (1) THAT A SIMPLE MAJORITY OF THE OWNERSHIP OF THE FIRM, IN TERMS OF  
47 FINANCIAL INTERESTS, INCLUDING OWNERSHIP-BASED COMPENSATION, AND VOTING  
48 RIGHTS HELD BY THE FIRM'S OWNERS, BELONGS TO INDIVIDUALS LICENSED TO  
49 PRACTICE PUBLIC ACCOUNTANCY IN SOME STATE, AND (2) THAT ALL MEMBERS OF A  
50 LIMITED PROFESSIONAL SERVICE LIMITED LIABILITY COMPANY, WHOSE PRINCIPAL  
51 PLACE OF BUSINESS IS IN THIS STATE, AND WHO ARE ENGAGED IN THE PRACTICE  
52 OF PUBLIC ACCOUNTANCY IN THIS STATE, HOLD A VALID LICENSE ISSUED UNDER  
53 SECTION 7404 OF THE EDUCATION LAW OR ARE PUBLIC ACCOUNTANTS LICENSED  
54 UNDER SECTION 7405 OF THE EDUCATION LAW. ALTHOUGH FIRMS MAY INCLUDE  
55 NON-LICENSEE OWNERS, THE FIRM AND ITS OWNERS MUST COMPLY WITH RULES  
56 PROMULGATED BY THE STATE BOARD OF REGENTS. NOTWITHSTANDING THE FOREGO-

1   ING, A FIRM REGISTERED UNDER THIS SECTION MAY NOT HAVE NON-LICENSEE  
2   OWNERS IF THE FIRM'S NAME INCLUDES THE WORDS "CERTIFIED PUBLIC ACCOUNT-  
3   ANT," OR "CERTIFIED PUBLIC ACCOUNTANTS," OR THE ABBREVIATIONS "CPA" OR  
4   "CPAS." EACH NON-LICENSEE OWNER OF A FIRM THAT IS REGISTERED UNDER THIS  
5   SECTION SHALL BE (1) A NATURAL PERSON WHO ACTIVELY PARTICIPATES IN THE  
6   BUSINESS OF THE FIRM OR ITS AFFILIATED ENTITIES, OR (2) AN ENTITY,  
7   INCLUDING, BUT NOT LIMITED TO, A PARTNERSHIP OR PROFESSIONAL CORPO-  
8   RATION, PROVIDED EACH BENEFICIAL OWNER OF AN EQUITY INTEREST IN SUCH  
9   ENTITY IS A NATURAL PERSON WHO ACTIVELY PARTICIPATES IN THE BUSINESS  
10  CONDUCTED BY THE FIRM OR ITS AFFILIATED ENTITIES. FOR PURPOSES OF THIS  
11  SUBDIVISION, "ACTIVELY PARTICIPATE" MEANS TO PROVIDE SERVICES TO CLIENTS  
12  OR TO OTHERWISE INDIVIDUALLY TAKE PART IN THE DAY-TO-DAY BUSINESS OR  
13  MANAGEMENT OF THE FIRM.

14   S 16. Subdivision (b) of section 1207 of the limited liability company  
15  law, as amended by chapter 475 of the laws of 2014, is amended to read  
16  as follows:

17   (b) With respect to a professional service limited liability company  
18  formed to provide medical services as such services are defined in arti-  
19  cle 131 of the education law, each member of such limited liability  
20  company must be licensed pursuant to article 131 of the education law to  
21  practice medicine in this state. With respect to a professional service  
22  limited liability company formed to provide dental services as such  
23  services are defined in article 133 of the education law, each member of  
24  such limited liability company must be licensed pursuant to article 133  
25  of the education law to practice dentistry in this state. With respect  
26  to a professional service limited liability company formed to provide  
27  veterinary services as such services are defined in article 135 of the  
28  education law, each member of such limited liability company must be  
29  licensed pursuant to article 135 of the education law to practice veter-  
30  inary medicine in this state. With respect to a professional service  
31  limited liability company formed to provide professional engineering,  
32  land surveying, architectural, landscape architectural and/or geological  
33  services as such services are defined in article 145, article 147 and  
34  article 148 of the education law, each member of such limited liability  
35  company must be licensed pursuant to article 145, article 147 and/or  
36  article 148 of the education law to practice one or more of such  
37  professions in this state. WITH RESPECT TO A PROFESSIONAL SERVICE  
38  LIMITED LIABILITY COMPANY FORMED TO PROVIDE PUBLIC ACCOUNTANCY SERVICES  
39  AS SUCH SERVICES ARE DEFINED IN ARTICLE 149 OF THE EDUCATION LAW EACH  
40  MEMBER OF SUCH LIMITED LIABILITY COMPANY WHOSE PRINCIPAL PLACE OF BUSI-  
41  NESS IS IN THIS STATE AND WHO PROVIDES PUBLIC ACCOUNTANCY SERVICES, MUST  
42  BE LICENSED PURSUANT TO ARTICLE 149 OF THE EDUCATION LAW TO PRACTICE  
43  PUBLIC ACCOUNTANCY IN THIS STATE. With respect to a professional service  
44  limited liability company formed to provide licensed clinical social  
45  work services as such services are defined in article 154 of the educa-  
46  tion law, each member of such limited liability company shall be  
47  licensed pursuant to article 154 of the education law to practice  
48  licensed clinical social work in this state. With respect to a profes-  
49  sional service limited liability company formed to provide creative arts  
50  therapy services as such services are defined in article 163 of the  
51  education law, each member of such limited liability company must be  
52  licensed pursuant to article 163 of the education law to practice crea-  
53  tive arts therapy in this state. With respect to a professional service  
54  limited liability company formed to provide marriage and family therapy  
55  services as such services are defined in article 163 of the education  
56  law, each member of such limited liability company must be licensed

1 pursuant to article 163 of the education law to practice marriage and  
2 family therapy in this state. With respect to a professional service  
3 limited liability company formed to provide mental health counseling  
4 services as such services are defined in article 163 of the education  
5 law, each member of such limited liability company must be licensed  
6 pursuant to article 163 of the education law to practice mental health  
7 counseling in this state. With respect to a professional service limited  
8 liability company formed to provide psychoanalysis services as such  
9 services are defined in article 163 of the education law, each member of  
10 such limited liability company must be licensed pursuant to article 163  
11 of the education law to practice psychoanalysis in this state. With  
12 respect to a professional service limited liability company formed to  
13 provide applied behavior analysis services as such services are defined  
14 in article 167 of the education law, each member of such limited liabil-  
15 ity company must be licensed or certified pursuant to article 167 of the  
16 education law to practice applied behavior analysis in this state.  
17 NOTWITHSTANDING ANY OTHER PROVISIONS OF LAW A PROFESSIONAL SERVICE  
18 LIMITED LIABILITY COMPANY FORMED TO LAWFULLY ENGAGE IN THE PRACTICE OF  
19 PUBLIC ACCOUNTANCY, AS SUCH PRACTICE IS RESPECTIVELY DEFINED UNDER ARTI-  
20 CLE 149 OF THE EDUCATION LAW SHALL BE REQUIRED TO SHOW (1) THAT A SIMPLE  
21 MAJORITY OF THE OWNERSHIP OF THE FIRM, IN TERMS OF FINANCIAL INTERESTS,  
22 INCLUDING OWNERSHIP-BASED COMPENSATION, AND VOTING RIGHTS HELD BY THE  
23 FIRM'S OWNERS, BELONGS TO INDIVIDUALS LICENSED TO PRACTICE PUBLIC  
24 ACCOUNTANCY IN SOME STATE, AND (2) THAT ALL MEMBERS OF A LIMITED PROFES-  
25 SIONAL SERVICE LIMITED LIABILITY COMPANY, WHOSE PRINCIPAL PLACE OF BUSI-  
26 NESS IS IN THIS STATE, AND WHO ARE ENGAGED IN THE PRACTICE OF PUBLIC  
27 ACCOUNTANCY IN THIS STATE, HOLD A VALID LICENSE ISSUED UNDER SECTION  
28 7404 OF THE EDUCATION LAW OR ARE PUBLIC ACCOUNTANTS LICENSED UNDER  
29 SECTION 7405 OF THE EDUCATION LAW. ALTHOUGH FIRMS MAY INCLUDE NON-LICEN-  
30 SEE OWNERS, THE FIRM AND ITS OWNERS MUST COMPLY WITH RULES PROMULGATED  
31 BY THE STATE BOARD OF REGENTS. NOTWITHSTANDING THE FOREGOING, A FIRM  
32 REGISTERED UNDER THIS SECTION MAY NOT HAVE NON-LICENSEE OWNERS IF THE  
33 FIRM'S NAME INCLUDES THE WORDS "CERTIFIED PUBLIC ACCOUNTANT," OR "CERTI-  
34 FIED PUBLIC ACCOUNTANTS," OR THE ABBREVIATIONS "CPA" OR "CPAS." EACH  
35 NON-LICENSEE OWNER OF A FIRM THAT IS REGISTERED UNDER THIS SECTION SHALL  
36 BE (1) A NATURAL PERSON WHO ACTIVELY PARTICIPATES IN THE BUSINESS OF THE  
37 FIRM OR ITS AFFILIATED ENTITIES, OR (2) AN ENTITY, INCLUDING, BUT NOT  
38 LIMITED TO, A PARTNERSHIP OR PROFESSIONAL CORPORATION, PROVIDED EACH  
39 BENEFICIAL OWNER OF AN EQUITY INTEREST IN SUCH ENTITY IS A NATURAL  
40 PERSON WHO ACTIVELY PARTICIPATES IN THE BUSINESS CONDUCTED BY THE FIRM  
41 OR ITS AFFILIATED ENTITIES. FOR PURPOSES OF THIS SUBDIVISION, "ACTIVELY  
42 PARTICIPATE" MEANS TO PROVIDE SERVICES TO CLIENTS OR TO OTHERWISE INDI-  
43 VIDUALLY TAKE PART IN THE DAY-TO-DAY BUSINESS OR MANAGEMENT OF THE FIRM.

44 S 17. Subdivision (a) of section 1301 of the limited liability company  
45 law, as amended by chapter 554 of the laws of 2013, is amended to read  
46 as follows:

47 (a) "Foreign professional service limited liability company" means a  
48 professional service limited liability company, whether or not denomi-  
49 nated as such, organized under the laws of a jurisdiction other than  
50 this state, (i) each of whose members and managers, if any, is a profes-  
51 sional authorized by law to render a professional service within this  
52 state and who is or has been engaged in the practice of such profession  
53 in such professional service limited liability company or a predecessor  
54 entity, or will engage in the practice of such profession in the profes-  
55 sional service limited liability company within thirty days of the date  
56 such professional becomes a member, or each of whose members and manag-

1 ers, if any, is a professional at least one of such members is author-  
2 ized by law to render a professional service within this state and who  
3 is or has been engaged in the practice of such profession in such  
4 professional service limited liability company or a predecessor entity,  
5 or will engage in the practice of such profession in the professional  
6 service limited liability company within thirty days of the date such  
7 professional becomes a member, or (ii) authorized by, or holding a  
8 license, certificate, registration or permit issued by the licensing  
9 authority pursuant to, the education law to render a professional  
10 service within this state; except that all members and managers, if any,  
11 of a foreign professional service limited liability company that  
12 provides health services in this state shall be licensed in this state.  
13 With respect to a foreign professional service limited liability company  
14 which provides veterinary services as such services are defined in arti-  
15 cle 135 of the education law, each member of such foreign professional  
16 service limited liability company shall be licensed pursuant to article  
17 135 of the education law to practice veterinary medicine. With respect  
18 to a foreign professional service limited liability company which  
19 provides medical services as such services are defined in article 131 of  
20 the education law, each member of such foreign professional service  
21 limited liability company must be licensed pursuant to article 131 of  
22 the education law to practice medicine in this state. With respect to a  
23 foreign professional service limited liability company which provides  
24 dental services as such services are defined in article 133 of the  
25 education law, each member of such foreign professional service limited  
26 liability company must be licensed pursuant to article 133 of the educa-  
27 tion law to practice dentistry in this state. With respect to a foreign  
28 professional service limited liability company which provides profes-  
29 sional engineering, land surveying, architectural and/or landscape  
30 architectural services as such services are defined in article 145,  
31 article 147 and article 148 of the education law, each member of such  
32 foreign professional service limited liability company must be licensed  
33 pursuant to article 145, article 147 and/or article 148 of the education  
34 law to practice one or more of such professions in this state. WITH  
35 RESPECT TO A FOREIGN PROFESSIONAL SERVICE LIMITED LIABILITY COMPANY  
36 WHICH PROVIDES PUBLIC ACCOUNTANCY SERVICES AS SUCH SERVICES ARE DEFINED  
37 IN ARTICLE 149 OF THE EDUCATION LAW, EACH MEMBER OF SUCH FOREIGN PROFES-  
38 SIONAL SERVICE LIMITED LIABILITY COMPANY WHOSE PRINCIPAL PLACE OF BUSI-  
39 NESS IS IN THIS STATE AND WHO PROVIDES PUBLIC ACCOUNTANCY SERVICES,  
40 SHALL BE LICENSED PURSUANT TO ARTICLE 149 OF THE EDUCATION LAW TO PRAC-  
41 TICE PUBLIC ACCOUNTANCY IN THIS STATE. With respect to a foreign profes-  
42 sional service limited liability company which provides licensed clin-  
43 ical social work services as such services are defined in article 154 of  
44 the education law, each member of such foreign professional service  
45 limited liability company shall be licensed pursuant to article 154 of  
46 the education law to practice clinical social work in this state. With  
47 respect to a foreign professional service limited liability company  
48 which provides creative arts therapy services as such services are  
49 defined in article 163 of the education law, each member of such foreign  
50 professional service limited liability company must be licensed pursuant  
51 to article 163 of the education law to practice creative arts therapy in  
52 this state. With respect to a foreign professional service limited  
53 liability company which provides marriage and family therapy services as  
54 such services are defined in article 163 of the education law, each  
55 member of such foreign professional service limited liability company  
56 must be licensed pursuant to article 163 of the education law to prac-



1 tice marriage and family therapy in this state. With respect to a  
2 foreign professional service limited liability company which provides  
3 mental health counseling services as such services are defined in arti-  
4 cle 163 of the education law, each member of such foreign professional  
5 service limited liability company must be licensed pursuant to article  
6 163 of the education law to practice mental health counseling in this  
7 state. With respect to a foreign professional service limited liability  
8 company which provides psychoanalysis services as such services are  
9 defined in article 163 of the education law, each member of such foreign  
10 professional service limited liability company must be licensed pursuant  
11 to article 163 of the education law to practice psychoanalysis in this  
12 state. With respect to a foreign professional service limited liability  
13 company which provides applied behavior analysis services as such  
14 services are defined in article 167 of the education law, each member of  
15 such foreign professional service limited liability company must be  
16 licensed or certified pursuant to article 167 of the education law to  
17 practice applied behavior analysis in this state. NOTWITHSTANDING ANY  
18 OTHER PROVISIONS OF LAW A FOREIGN PROFESSIONAL SERVICE LIMITED LIABILITY  
19 COMPANY FORMED TO LAWFULLY ENGAGE IN THE PRACTICE OF PUBLIC ACCOUNTANCY,  
20 AS SUCH PRACTICE IS RESPECTIVELY DEFINED UNDER ARTICLE 149 OF THE EDUCA-  
21 TION LAW SHALL BE REQUIRED TO SHOW (1) THAT A SIMPLE MAJORITY OF THE  
22 OWNERSHIP OF THE FIRM, IN TERMS OF FINANCIAL INTERESTS, INCLUDING OWNER-  
23 SHIP-BASED COMPENSATION, AND VOTING RIGHTS HELD BY THE FIRM'S OWNERS,  
24 BELONGS TO INDIVIDUALS LICENSED TO PRACTICE PUBLIC ACCOUNTANCY IN SOME  
25 STATE, AND (2) THAT ALL MEMBERS OF A FOREIGN LIMITED PROFESSIONAL  
26 SERVICE LIMITED LIABILITY COMPANY, WHOSE PRINCIPAL PLACE OF BUSINESS IS  
27 IN THIS STATE, AND WHO ARE ENGAGED IN THE PRACTICE OF PUBLIC ACCOUNTANCY  
28 IN THIS STATE, HOLD A VALID LICENSE ISSUED UNDER SECTION 7404 OF THE  
29 EDUCATION LAW OR ARE PUBLIC ACCOUNTANTS LICENSED UNDER SECTION 7405 OF  
30 THE EDUCATION LAW. ALTHOUGH FIRMS MAY INCLUDE NON-LICENSEE OWNERS, THE  
31 FIRM AND ITS OWNERS MUST COMPLY WITH RULES PROMULGATED BY THE STATE  
32 BOARD OF REGENTS. NOTWITHSTANDING THE FOREGOING, A FIRM REGISTERED  
33 UNDER THIS SECTION MAY NOT HAVE NON-LICENSEE OWNERS IF THE FIRM'S NAME  
34 INCLUDES THE WORDS "CERTIFIED PUBLIC ACCOUNTANT," OR "CERTIFIED PUBLIC  
35 ACCOUNTANTS," OR THE ABBREVIATIONS "CPA" OR "CPAS." EACH NON-LICENSEE  
36 OWNER OF A FIRM THAT IS REGISTERED UNDER THIS SECTION SHALL BE (1) A  
37 NATURAL PERSON WHO ACTIVELY PARTICIPATES IN THE BUSINESS OF THE FIRM OR  
38 ITS AFFILIATED ENTITIES, OR (2) AN ENTITY, INCLUDING, BUT NOT LIMITED  
39 TO, A PARTNERSHIP OR PROFESSIONAL CORPORATION, PROVIDED EACH BENEFICIAL  
40 OWNER OF AN EQUITY INTEREST IN SUCH ENTITY IS A NATURAL PERSON WHO  
41 ACTIVELY PARTICIPATES IN THE BUSINESS CONDUCTED BY THE FIRM OR ITS  
42 AFFILIATED ENTITIES. FOR PURPOSES OF THIS SUBDIVISION, "ACTIVELY PARTIC-  
43 IPATE" MEANS TO PROVIDE SERVICES TO CLIENTS OR TO OTHERWISE INDIVIDUALLY  
44 TAKE PART IN THE DAY-TO-DAY BUSINESS OR MANAGEMENT OF THE FIRM.

45 S 18. Subdivision (a) of section 1301 of the limited liability company  
46 law, as amended by chapter 475 of the laws of 2014, is amended to read  
47 as follows:

48 (a) "Foreign professional service limited liability company" means a  
49 professional service limited liability company, whether or not denomi-  
50 nated as such, organized under the laws of a jurisdiction other than  
51 this state, (i) each of whose members and managers, if any, is a profes-  
52 sional authorized by law to render a professional service within this  
53 state and who is or has been engaged in the practice of such profession  
54 in such professional service limited liability company or a predecessor  
55 entity, or will engage in the practice of such profession in the profes-  
56 sional service limited liability company within thirty days of the date

1 such professional becomes a member, or each of whose members and manag-  
2 ers, if any, is a professional at least one of such members is author-  
3 ized by law to render a professional service within this state and who  
4 is or has been engaged in the practice of such profession in such  
5 professional service limited liability company or a predecessor entity,  
6 or will engage in the practice of such profession in the professional  
7 service limited liability company within thirty days of the date such  
8 professional becomes a member, or (ii) authorized by, or holding a  
9 license, certificate, registration or permit issued by the licensing  
10 authority pursuant to, the education law to render a professional  
11 service within this state; except that all members and managers, if any,  
12 of a foreign professional service limited liability company that  
13 provides health services in this state shall be licensed in this state.  
14 With respect to a foreign professional service limited liability company  
15 which provides veterinary services as such services are defined in arti-  
16 cle 135 of the education law, each member of such foreign professional  
17 service limited liability company shall be licensed pursuant to article  
18 135 of the education law to practice veterinary medicine. With respect  
19 to a foreign professional service limited liability company which  
20 provides medical services as such services are defined in article 131 of  
21 the education law, each member of such foreign professional service  
22 limited liability company must be licensed pursuant to article 131 of  
23 the education law to practice medicine in this state. With respect to a  
24 foreign professional service limited liability company which provides  
25 dental services as such services are defined in article 133 of the  
26 education law, each member of such foreign professional service limited  
27 liability company must be licensed pursuant to article 133 of the educa-  
28 tion law to practice dentistry in this state. With respect to a foreign  
29 professional service limited liability company which provides profes-  
30 sional engineering, land surveying, geologic, architectural and/or land-  
31 scape architectural services as such services are defined in article  
32 145, article 147 and article 148 of the education law, each member of  
33 such foreign professional service limited liability company must be  
34 licensed pursuant to article 145, article 147 and/or article 148 of the  
35 education law to practice one or more of such professions in this state.  
36 WITH RESPECT TO A FOREIGN PROFESSIONAL SERVICE LIMITED LIABILITY COMPANY  
37 WHICH PROVIDES PUBLIC ACCOUNTANCY SERVICES AS SUCH SERVICES ARE DEFINED  
38 IN ARTICLE 149 OF THE EDUCATION LAW, EACH MEMBER OF SUCH FOREIGN PROFES-  
39 SIONAL SERVICE LIMITED LIABILITY COMPANY WHOSE PRINCIPAL PLACE OF BUSI-  
40 NESS IS IN THIS STATE AND WHO PROVIDES PUBLIC ACCOUNTANCY SERVICES,  
41 SHALL BE LICENSED PURSUANT TO ARTICLE 149 OF THE EDUCATION LAW TO PRAC-  
42 TICE PUBLIC ACCOUNTANCY IN THIS STATE. With respect to a foreign profes-  
43 sional service limited liability company which provides licensed clin-  
44 ical social work services as such services are defined in article 154 of  
45 the education law, each member of such foreign professional service  
46 limited liability company shall be licensed pursuant to article 154 of  
47 the education law to practice clinical social work in this state. With  
48 respect to a foreign professional service limited liability company  
49 which provides creative arts therapy services as such services are  
50 defined in article 163 of the education law, each member of such foreign  
51 professional service limited liability company must be licensed pursuant  
52 to article 163 of the education law to practice creative arts therapy in  
53 this state. With respect to a foreign professional service limited  
54 liability company which provides marriage and family therapy services as  
55 such services are defined in article 163 of the education law, each  
56 member of such foreign professional service limited liability company

1 must be licensed pursuant to article 163 of the education law to prac-  
2 tice marriage and family therapy in this state. With respect to a  
3 foreign professional service limited liability company which provides  
4 mental health counseling services as such services are defined in arti-  
5 cle 163 of the education law, each member of such foreign professional  
6 service limited liability company must be licensed pursuant to article  
7 163 of the education law to practice mental health counseling in this  
8 state. With respect to a foreign professional service limited liability  
9 company which provides psychoanalysis services as such services are  
10 defined in article 163 of the education law, each member of such foreign  
11 professional service limited liability company must be licensed pursuant  
12 to article 163 of the education law to practice psychoanalysis in this  
13 state. With respect to a foreign professional service limited liability  
14 company which provides applied behavior analysis services as such  
15 services are defined in article 167 of the education law, each member of  
16 such foreign professional service limited liability company must be  
17 licensed or certified pursuant to article 167 of the education law to  
18 practice applied behavior analysis in this state. NOTWITHSTANDING ANY  
19 OTHER PROVISIONS OF LAW A FOREIGN PROFESSIONAL SERVICE LIMITED LIABILITY  
20 COMPANY FORMED TO LAWFULLY ENGAGE IN THE PRACTICE OF PUBLIC ACCOUNTANCY,  
21 AS SUCH PRACTICE IS RESPECTIVELY DEFINED UNDER ARTICLE 149 OF THE EDUCA-  
22 TION LAW SHALL BE REQUIRED TO SHOW (1) THAT A SIMPLE MAJORITY OF THE  
23 OWNERSHIP OF THE FIRM, IN TERMS OF FINANCIAL INTERESTS, INCLUDING OWNER-  
24 SHIP-BASED COMPENSATION, AND VOTING RIGHTS HELD BY THE FIRM'S OWNERS,  
25 BELONGS TO INDIVIDUALS LICENSED TO PRACTICE PUBLIC ACCOUNTANCY IN SOME  
26 STATE, AND (2) THAT ALL MEMBERS OF A FOREIGN LIMITED PROFESSIONAL  
27 SERVICE LIMITED LIABILITY COMPANY, WHOSE PRINCIPAL PLACE OF BUSINESS IS  
28 IN THIS STATE, AND WHO ARE ENGAGED IN THE PRACTICE OF PUBLIC ACCOUNTANCY  
29 IN THIS STATE, HOLD A VALID LICENSE ISSUED UNDER SECTION 7404 OF THE  
30 EDUCATION LAW OR ARE PUBLIC ACCOUNTANTS LICENSED UNDER SECTION 7405 OF  
31 THE EDUCATION LAW, ALTHOUGH FIRMS MAY INCLUDE NON-LICENSEE OWNERS, THE  
32 FIRM AND ITS OWNERS MUST COMPLY WITH RULES PROMULGATED BY THE STATE  
33 BOARD OF REGENTS. NOTWITHSTANDING THE FOREGOING, A FIRM REGISTERED  
34 UNDER THIS SECTION MAY NOT HAVE NON-LICENSEE OWNERS IF THE FIRM'S NAME  
35 INCLUDES THE WORDS "CERTIFIED PUBLIC ACCOUNTANT," OR "CERTIFIED PUBLIC  
36 ACCOUNTANTS," OR THE ABBREVIATIONS "CPA" OR "CPAS." EACH NON-LICENSEE  
37 OWNER OF A FIRM THAT IS REGISTERED UNDER THIS SECTION SHALL BE (1) A  
38 NATURAL PERSON WHO ACTIVELY PARTICIPATES IN THE BUSINESS OF THE FIRM OR  
39 ITS AFFILIATED ENTITIES, OR (2) AN ENTITY, INCLUDING, BUT NOT LIMITED  
40 TO, A PARTNERSHIP OR PROFESSIONAL CORPORATION, PROVIDED EACH BENEFICIAL  
41 OWNER OF AN EQUITY INTEREST IN SUCH ENTITY IS A NATURAL PERSON WHO  
42 ACTIVELY PARTICIPATES IN THE BUSINESS CONDUCTED BY THE FIRM OR ITS  
43 AFFILIATED ENTITIES. FOR PURPOSES OF THIS SUBDIVISION, "ACTIVELY PARTIC-  
44 IPATE" MEANS TO PROVIDE SERVICES TO CLIENTS OR TO OTHERWISE INDIVIDUALLY  
45 TAKE PART IN THE DAY-TO-DAY BUSINESS OR MANAGEMENT OF THE FIRM.  
46 S 19. This act shall take effect immediately; provided that sections  
47 eleven, thirteen, sixteen, and eighteen of this act shall take effect on  
48 the same date as sections 26, 27, 22 and 23, respectively, of chapter  
49 475 of the laws of 2014 take effect.

50 PART I

51 Intentionally Omitted

52 PART J

Intentionally Omitted

PART K

Intentionally Omitted

PART L

Intentionally Omitted

PART M

Section 1. Clause (G) of subparagraph (vii) of paragraph 2 of subdivision (d) of section 1089 of the family court act, as added by section 27 of part A of chapter 3 of the laws of 2005, is amended to read as follows:

(G) where a child has or will before the next permanency hearing reach the age of fourteen, (I) the services and assistance necessary to assist the child in learning independent living skills TO ASSIST THE CHILD TO MAKE THE TRANSITION FROM FOSTER CARE TO SUCCESSFUL ADULTHOOD; AND (II) A. THAT THE PERMANENCY PLAN DEVELOPED FOR THE CHILD IN FOSTER CARE WHO HAS ATTAINED THE AGE OF FOURTEEN, AND ANY REVISION OR ADDITION TO THE PLAN, SHALL BE DEVELOPED IN CONSULTATION WITH THE CHILD AND, AT THE OPTION OF THE CHILD, WITH UP TO TWO MEMBERS OF THE CHILD'S PERMANENCY PLANNING TEAM WHO ARE SELECTED BY THE CHILD AND WHO ARE NOT A FOSTER PARENT OF, OR THE CASE WORKER, CASE PLANNER OR CASE MANAGER FOR, THE CHILD EXCEPT THAT THE LOCAL COMMISSIONER OF SOCIAL SERVICES WITH CUSTODY OF THE CHILD MAY REJECT AN INDIVIDUAL SO SELECTED BY THE CHILD IF SUCH LOCAL COMMISSIONER HAS GOOD CAUSE TO BELIEVE THAT THE INDIVIDUAL WOULD NOT ACT IN THE BEST INTERESTS OF THE CHILD, AND B. THAT ONE INDIVIDUAL SO SELECTED BY THE CHILD MAY BE DESIGNATED TO BE THE CHILD'S ADVISOR AND, AS NECESSARY, ADVOCATE, WITH RESPECT TO THE APPLICATION OF THE REASONABLE AND PRUDENT PARENT STANDARD TO THE CHILD; and

S 2. Paragraph (b) of subdivision 7 of section 355.5 of the family court act, as amended by section 17 of part L of chapter 56 of the laws of 2015, is amended to read as follows:

(b) in the case of a respondent who has attained the age of fourteen, (I) the services needed, if any, to assist the respondent to make the transition from foster care to [independent living] SUCCESSFUL ADULTHOOD; AND (II)(A) THAT THE PERMANENCY PLAN DEVELOPED FOR THE RESPONDENT, AND ANY REVISION OR ADDITION TO THE PLAN, SHALL BE DEVELOPED IN CONSULTATION WITH THE RESPONDENT AND, AT THE OPTION OF THE RESPONDENT, WITH UP TO TWO MEMBERS OF THE RESPONDENT'S PERMANENCY PLANNING TEAM WHO ARE SELECTED BY THE RESPONDENT AND WHO ARE NOT A FOSTER PARENT OF, OR CASE WORKER, CASE PLANNER OR CASE MANAGER FOR, THE CHILD, EXCEPT THAT THE LOCAL COMMISSIONER OF SOCIAL SERVICES WITH CUSTODY OF THE RESPONDENT OR THE COMMISSIONER OF THE OFFICE OF CHILDREN AND FAMILY SERVICES IF SUCH OFFICE HAS CUSTODY OF THE RESPONDENT MAY REJECT AN INDIVIDUAL SELECTED BY THE RESPONDENT IF SUCH COMMISSIONER HAS GOOD CAUSE TO BELIEVE THAT THE INDIVIDUAL WOULD NOT ACT IN THE BEST INTERESTS OF THE RESPONDENT, AND (B) THAT ONE INDIVIDUAL SO SELECTED BY THE RESPONDENT MAY BE DESIGNATED TO BE THE RESPONDENT'S ADVISOR AND, AS NECESSARY, ADVOCATE, WITH RESPECT TO THE APPLICATION OF THE REASONABLE AND PRUDENT PARENT STANDARD;

1 S 3. Paragraph (ii) of subdivision (d) of section 756-a of the family  
2 court act, as amended by section 22 of part L of chapter 56 of the laws  
3 of 2015, is amended to read as follows:

4 (ii) in the case of a child who has attained the age of fourteen, (A)  
5 the services needed, if any, to assist the child to make the transition  
6 from foster care to [independent living] SUCCESSFUL ADULTHOOD; AND  
7 (B)(1) THAT THE PERMANENCY PLAN DEVELOPED FOR THE CHILD, AND ANY  
8 REVISION OR ADDITION TO THE PLAN SHALL BE DEVELOPED IN CONSULTATION WITH  
9 THE CHILD AND, AT THE OPTION OF THE CHILD, WITH UP TO TWO ADDITIONAL  
10 MEMBERS OF THE CHILD'S PERMANENCY PLANNING TEAM WHO ARE SELECTED BY THE  
11 CHILD AND WHO ARE NOT A FOSTER PARENT OF, OR CASE WORKER, CASE PLANNER  
12 OR CASE MANAGER FOR, THE CHILD, EXCEPT THAT THE LOCAL COMMISSIONER OF  
13 SOCIAL SERVICES WITH CUSTODY OF THE CHILD MAY REJECT AN INDIVIDUAL SO  
14 SELECTED BY THE CHILD IF SUCH COMMISSIONER HAS GOOD CAUSE TO BELIEVE  
15 THAT THE INDIVIDUAL WOULD NOT ACT IN THE BEST INTERESTS OF THE CHILD,  
16 AND (2) THAT ONE INDIVIDUAL SO SELECTED BY THE CHILD MAY BE DESIGNATED  
17 TO BE THE CHILD'S ADVISOR AND, AS NECESSARY, ADVOCATE WITH RESPECT TO  
18 THE APPLICATION OF THE REASONABLE AND PRUDENT PARENT STANDARD;

19 S 4. Subdivisions 1 and 2 of section 458-c of the social services law,  
20 as added by section 4 of part F of chapter 58 of the laws of 2010, are  
21 amended to read as follows:

22 1. A social services official shall make payments for non-recurring  
23 guardianship expenses incurred by or on behalf of the relatives OR  
24 SUCCESSOR GUARDIANS who have been approved by the social services offi-  
25 cial to receive kinship guardianship assistance payments, when such  
26 expenses are incurred in connection with assuming the guardianship of a  
27 foster child OR A FORMER FOSTER CHILD IN REGARD TO SUCCESSOR GUARDIANS.  
28 The agreement for the payment of non-recurring guardianship expenses  
29 must be reflected in the written agreement set forth in subdivision four  
30 of section four hundred fifty-eight-b of this title. In accordance with  
31 subdivision two of this section, the payments shall be made by the  
32 social services official either to the relative OR SUCCESSOR guardian or  
33 guardians directly or to an attorney on behalf of the relative OR  
34 SUCCESSOR guardian or guardians, AS APPLICABLE, for the allowable amount  
35 of non-recurring guardianship expenses incurred in connection with  
36 obtaining such guardianship.

37 2. The amount of the payment made pursuant to this section shall not  
38 exceed two thousand dollars for each foster child for whom the  
39 relatives, OR EACH FORMER FOSTER CHILD FOR WHOM THE SUCCESSOR GUARDIANS,  
40 seek guardianship or permanent guardianship and shall be available only  
41 for those expenses that are determined to be eligible for reimbursement  
42 by the social services official in accordance with the regulations of  
43 the office of children and family services.

44 S 5. The social services law is amended by adding a new section 383-a  
45 to read as follows:

46 S 383-A. IMMUNITY FROM LIABILITY FOR APPLICATION OF THE REASONABLE AND  
47 PRUDENT PARENT STANDARD. 1. TO FACILITATE A NORMAL CHILDHOOD EXPERI-  
48 ENCE, CAREGIVERS SHALL BE ENCOURAGED TO ALLOW FOSTER CHILDREN TO PARTIC-  
49 IPATE IN EXTRACURRICULAR, ENRICHMENT, CULTURAL, OR SOCIAL ACTIVITIES. TO  
50 PROMOTE THIS GOAL, CAREGIVERS CAN PERMIT FOSTER CHILDREN TO ENGAGE IN  
51 SUCH ACTIVITIES WITHOUT LIABILITY IF THEY EXERCISE THE REASONABLE AND  
52 PRUDENT PARENT STANDARD. HOWEVER, FOSTER CHILDREN SHALL CONTINUE TO BE  
53 ABLE TO SEEK COMPENSATION WHEN THEY HAVE BEEN INJURED AS A RESULT OF ANY  
54 PERSON'S NEGLIGENCE WHEN THEY ARE ENGAGED IN SUCH ACTIVITIES.

55 2. DEFINITIONS. AS USED IN THIS SECTION, THE FOLLOWING TERMS SHALL  
56 HAVE THE FOLLOWING MEANINGS:

1 (A) "CAREGIVER" SHALL MEAN A FOSTER PARENT, THE EMPLOYEE OF A CHILD  
2 CARE FACILITY OPERATED BY A VOLUNTARY AUTHORIZED AGENCY THAT IS DESIG-  
3 NATED TO APPLY THE REASONABLE AND PRUDENT PARENT STANDARD, OR A LOCAL  
4 DEPARTMENT OF SOCIAL SERVICES OR A VOLUNTARY AUTHORIZED AGENCY THAT IS  
5 RESPONSIBLE FOR THE CARE OF A FOSTER CHILD AT THE RELEVANT TIME WHEN  
6 SUCH CAREGIVER IS APPLYING THE REASONABLE AND PRUDENT PARENT STANDARD.

7 (B) "CHILD" SHALL MEAN A CHILD WHO IS IN FOSTER CARE OR WHO WAS IN  
8 FOSTER CARE AT THE RELEVANT TIME.

9 (C) "CHILD CARE FACILITY" SHALL MEAN AN INSTITUTION, GROUP RESIDENCE,  
10 GROUP HOME, AGENCY OPERATED BOARDING HOME, OR SUPERVISED INDEPENDENT  
11 LIVING PROGRAM.

12 (D) "REASONABLE AND PRUDENT PARENT STANDARD" SHALL MEAN, IN ACCORDANCE  
13 WITH 42 U.S.C. 675 AS AMENDED BY P.L. 113-183, THE STANDARD CHARACTER-  
14 IZED BY CAREFUL AND SENSIBLE PARENTAL DECISIONS THAT MAINTAIN THE  
15 HEALTH, SAFETY, AND BEST INTERESTS OF A CHILD WHILE AT THE SAME TIME  
16 ENCOURAGING THE EMOTIONAL AND DEVELOPMENTAL GROWTH OF THE CHILD THAT A  
17 CAREGIVER SHALL USE WHEN DETERMINING WHETHER TO ALLOW A CHILD IN FOSTER  
18 CARE TO PARTICIPATE IN EXTRACURRICULAR, ENRICHMENT, CULTURAL OR SOCIAL  
19 ACTIVITIES.

20 3. A CAREGIVER SHALL NOT BE LIABLE FOR INJURIES TO THE CHILD THAT  
21 OCCUR AS A RESULT OF ACTING IN ACCORDANCE WITH THE REASONABLE AND  
22 PRUDENT PARENT STANDARD AS DEFINED IN PARAGRAPH (D) OF SUBDIVISION TWO  
23 OF THIS SECTION. NOTHING IN THIS SECTION SHALL PROVIDE IMMUNITY FROM  
24 LIABILITY FOR A CAREGIVER'S OWN NEGLIGENT ACTION OR INACTION.

25 4. IN DETERMINING WHETHER THE REASONABLE AND PRUDENT PARENT STANDARD  
26 WAS APPLIED BY A CAREGIVER IN RELATION TO A PARTICULAR CHILD, ANY GUID-  
27 ANCE ISSUED BY THE OFFICE OF CHILDREN AND FAMILY SERVICES OR THE UNITED  
28 STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES IN ACCORDANCE WITH 42  
29 U.S.C. 675 AS AMENDED BY P.L. 113-183, MAY BE CONSIDERED.

30 S 6. The opening paragraph of paragraph (e) of subdivision 2 of  
31 section 378-a of the social services law, as amended by section 10 of  
32 part L of chapter 56 of the laws of 2015, is amended to read as follows:

33 [After] EXCEPT AS SET FORTH IN PARAGRAPH (M) OF THIS SECTION, AFTER  
34 reviewing any criminal history record information provided by the divi-  
35 sion of criminal justice services, the office of children and family  
36 services shall promptly notify the authorized agency or other state  
37 agency that:

38 S 7. Subdivision 2 of section 378-a of the social services law is  
39 amended by adding a new paragraph (m) to read as follows:

40 (M)(1) THE OFFICE OF CHILDREN AND FAMILY SERVICES SHALL NOT RELEASE  
41 THE CONTENT OF THE RESULTS OF THE NATIONWIDE CRIMINAL HISTORY RECORD  
42 CHECK CONDUCTED BY THE FEDERAL BUREAU OF INVESTIGATION IN ACCORDANCE  
43 WITH THIS SUBDIVISION TO AN AUTHORIZED AGENCY, AS DEFINED IN PARAGRAPHS  
44 (A) OR (C) OF SUBDIVISION TEN OF SECTION THREE HUNDRED SEVENTY-ONE OF  
45 THIS TITLE.

46 (2) FOR ANY APPLICATION MADE TO SUCH AN AUTHORIZED AGENCY UNDER THIS  
47 SUBDIVISION, THE OFFICE OF CHILDREN AND FAMILY SERVICES SHALL:

48 (A) REVIEW AND EVALUATE THE RESULTS OF THE NATIONWIDE CRIMINAL HISTORY  
49 RECORD CHECK OF THE PROSPECTIVE FOSTER PARENT, PROSPECTIVE ADOPTIVE  
50 PARENT AND ANY OTHER PERSON OVER THE AGE OF EIGHTEEN WHO RESIDES IN THE  
51 HOME OF SUCH APPLICANT IN ACCORDANCE WITH THE STANDARDS SET FORTH IN  
52 PARAGRAPH (E) OF THIS SUBDIVISION RELATING TO MANDATORY DISQUALIFYING  
53 CONVICTIONS, HOLD IN ABEYANCE CHARGES OR CONVICTIONS, AND DISCRETIONARY  
54 CHARGES AND CONVICTIONS; AND

55 (B) BASED ON THE RESULTS OF THE NATIONWIDE CRIMINAL HISTORY RECORD  
56 CHECK, INFORM SUCH AUTHORIZED AGENCY THAT THE APPLICATION FOR CERTIF-

1 ICATION OR APPROVAL OF THE PROSPECTIVE FOSTER PARENT OR THE PROSPECTIVE  
2 ADOPTIVE PARENT EITHER: (I) MUST BE DENIED; (II) MUST BE HELD IN ABEY-  
3 ANCE PENDING SUBSEQUENT NOTIFICATION FROM THE OFFICE OF CHILDREN AND  
4 FAMILY SERVICES; OR (III) THAT THE OFFICE OF CHILDREN AND FAMILY  
5 SERVICES HAS NO OBJECTION, SOLELY BASED ON THE NATIONWIDE CRIMINAL  
6 HISTORY RECORD CHECK, FOR THE AUTHORIZED AGENCY TO PROCEED WITH A DETER-  
7 MINATION ON SUCH APPLICATION BASED ON THE STANDARDS FOR CERTIFICATION OR  
8 APPROVAL OF A PROSPECTIVE FOSTER PARENT OR PROSPECTIVE ADOPTIVE PARENT,  
9 AS SET FORTH IN THE REGULATIONS OF THE OFFICE OF CHILDREN AND FAMILY  
10 SERVICES.

11 (3) WHERE THE OFFICE OF CHILDREN AND FAMILY SERVICES DIRECTS THE  
12 AUTHORIZED AGENCY TO DENY THE APPLICATION OF A PROSPECTIVE FOSTER PARENT  
13 OR A PROSPECTIVE ADOPTIVE PARENT IN ACCORDANCE WITH THIS PARAGRAPH, THE  
14 OFFICE OF CHILDREN AND FAMILY SERVICES SHALL ALSO NOTIFY THE PROSPECTIVE  
15 FOSTER PARENT, PROSPECTIVE ADOPTIVE PARENT OR OTHER PERSON OVER THE AGE  
16 OF EIGHTEEN WHO RESIDED IN THE HOME OF THE APPLICANT WHOSE CRIMINAL  
17 HISTORY WAS THE BASIS FOR THE DENIAL.

18 (4) THIS PARAGRAPH DOES NOT APPLY TO NATIONWIDE CRIMINAL HISTORY  
19 RECORD CHECKS CONDUCTED BY THE FEDERAL BUREAU OF INVESTIGATION ON BEHALF  
20 OF STATE AGENCIES OR AUTHORIZED AGENCIES, AS DEFINED IN PARAGRAPH (B) OF  
21 SUBDIVISION TEN OF SECTION THREE HUNDRED SEVENTY-ONE OF THIS TITLE, OR  
22 TO THE RESULTS OF STATEWIDE CRIMINAL HISTORY RECORD CHECKS CONDUCTED BY  
23 THE DIVISION OF CRIMINAL JUSTICE SERVICES.

24 S 8. Severability. If any clause, sentence, paragraph, subdivision,  
25 section or part contained in any part of this act shall be adjudged by  
26 any court of competent jurisdiction to be invalid, such judgement shall  
27 not affect, impair, or invalidate the remainder thereof, but shall be  
28 confined in its operation to the clause, sentence, paragraph, subdivi-  
29 sion, section or part contained in any part thereof directly involved in  
30 the controversy in which such judgment shall have been rendered. It is  
31 hereby declared to be the intent of the legislature that this act would  
32 have been enacted even if such invalid provisions had not been included  
33 herein.

34 S 9. This act shall take effect immediately, provided however that  
35 sections six and seven of this act shall take effect on the ninetieth  
36 day after it shall have become a law.

37 PART N

38 Intentionally Omitted

39 PART O

40 Section 1. Paragraphs (a), (b), (c) and (d) of subdivision 1 of  
41 section 131-o of the social services law, as amended by section 1 of  
42 part I of chapter 56 of the laws of 2015, are amended to read as  
43 follows:

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

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

50 (c) in the case of each individual receiving enhanced residential  
51 care, an amount equal to at least \$193.00 for each month beginning on or  
52 after January first, two thousand [fifteen] SIXTEEN.

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

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

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

S. 2. Paragraphs (a), (b), (c), (d), (e) and (f) of subdivision 2 of section 209 of the social services law, as amended by section 2 of part I of chapter 56 of the laws of 2015, are amended to read as follows:

(a) On and after January first, two thousand [fifteen] SIXTEEN, for an eligible individual living alone, \$820.00; and for an eligible couple living alone, \$1204.00.

(b) On and after January first, two thousand [fifteen] SIXTEEN, for an eligible individual living with others with or without in-kind income, \$756.00; and for an eligible couple living with others with or without in-kind income, \$1146.00.

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

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

(e) [(i) On and after] (1) FROM January first, two thousand [fifteen] SIXTEEN TO MARCH THIRTY-FIRST, TWO THOUSAND SIXTEEN, for an eligible individual receiving enhanced residential care, \$1427.00; and [(ii)] (2) for an eligible couple receiving enhanced residential care, two times the amount set forth in [subparagraph (i)] CLAUSE ONE of this [paragraph] SUBPARAGRAPH.

(II) (1) FROM APRIL FIRST, TWO THOUSAND SIXTEEN TO MARCH THIRTY-FIRST, TWO THOUSAND SEVENTEEN, FOR AN ELIGIBLE INDIVIDUAL RECEIVING ENHANCED RESIDENTIAL CARE, \$1502; AND (2) FOR AN ELIGIBLE COUPLE RECEIVING ENHANCED RESIDENTIAL CARE, TWO TIMES THE AMOUNT SET FORTH IN CLAUSE ONE OF THIS SUBPARAGRAPH.

(III) (1) FROM APRIL FIRST, TWO THOUSAND SEVENTEEN TO MARCH THIRTY-FIRST, TWO THOUSAND EIGHTEEN, FOR AN ELIGIBLE INDIVIDUAL RECEIV-



1 ING ENHANCED RESIDENTIAL CARE, \$1577; AND (2) FOR AN ELIGIBLE COUPLE  
2 RECEIVING ENHANCED RESIDENTIAL CARE, TWO TIMES THE AMOUNT SET FORTH IN  
3 CLAUSE ONE OF THIS SUBPARAGRAPH.

4 (IV) (1) FROM APRIL FIRST, TWO THOUSAND EIGHTEEN AND THEREAFTER, FOR  
5 AN ELIGIBLE INDIVIDUAL RECEIVING ENHANCED RESIDENTIAL CARE, \$1652; AND  
6 (2) FOR AN ELIGIBLE COUPLE RECEIVING ENHANCED RESIDENTIAL CARE, TWO  
7 TIMES THE AMOUNT SET FORTH IN CLAUSE ONE OF THIS SUBPARAGRAPH.

8 (f) The amounts set forth in paragraphs (a) through (e) of this subdi-  
9 vision shall be increased to reflect any increases in federal supple-  
10 mental security income benefits for individuals or couples which become  
11 effective on or after January first, two thousand [sixteen] SEVENTEEN  
12 but prior to June thirtieth, two thousand [sixteen] SEVENTEEN.

13 S 3. This act shall take effect December 31, 2016; provided, however  
14 that the amendments to paragraph (e) of subdivision 2 of section 209 of  
15 the social services law, made by section two of this act, shall take  
16 effect April 1, 2016.

17 PART P

18 Section 1. Notwithstanding any other provision of law, the housing  
19 trust fund corporation may provide, for purposes of the rural rental  
20 assistance program, a sum not to exceed twenty-two million two hundred  
21 ninety-two thousand dollars for the fiscal year ending March 31, 2017.  
22 Notwithstanding any other provision of law, and subject to the approval  
23 of the New York state director of the budget, the board of directors of  
24 the state of New York mortgage agency shall authorize the transfer to  
25 the housing trust fund corporation, for the purposes of reimbursing any  
26 costs associated with rural rental assistance program contracts author-  
27 ized by this section, a total sum not to exceed twenty-two million two  
28 hundred ninety-two thousand dollars, such transfer to be made from (i)  
29 the special account of the mortgage insurance fund created pursuant to  
30 section 2429-b of the public authorities law, in an amount not to exceed  
31 the actual excess balance in the special account of the mortgage insur-  
32 ance fund, as determined and certified by the state of New York mortgage  
33 agency for the fiscal year 2015-2016 in accordance with section 2429-b  
34 of the public authorities law, if any, and/or (ii) provided that the  
35 reserves in the project pool insurance account of the mortgage insurance  
36 fund created pursuant to section 2429-b of the public authorities law  
37 are sufficient to attain and maintain the credit rating (as determined  
38 by the state of New York mortgage agency) required to accomplish the  
39 purposes of such account, the project pool insurance account of the  
40 mortgage insurance fund, such transfer to be made as soon as practicable  
41 but no later than June 30, 2016. Notwithstanding any other provision of  
42 law, such funds may be used by the corporation in support of contracts  
43 scheduled to expire in the fiscal year ending March 31, 2017 for as many  
44 as 10 additional years; in support of contracts for new eligible  
45 projects for a period not to exceed 5 years; and in support of contracts  
46 which reach their 25 year maximum in and/or prior to the fiscal year  
47 ending March 31, 2017 for an additional one year period.

48 S 2. Notwithstanding any other provision of law, the housing finance  
49 agency may provide, for costs associated with the rehabilitation of  
50 Mitchell Lama housing projects, a sum not to exceed forty-two million  
51 dollars for the fiscal year ending March 31, 2017. Notwithstanding any  
52 other provision of law, and subject to the approval of the New York  
53 state director of the budget, the board of directors of the state of New  
54 York mortgage agency shall authorize the transfer to the housing finance

1 agency, for the purposes of reimbursing any costs associated with Mitc-  
2 hell Lama housing projects authorized by this section, a total sum not  
3 to exceed forty-two million dollars, such transfer to be made from (i)  
4 the special account of the mortgage insurance fund created pursuant to  
5 section 2429-b of the public authorities law, in an amount not to exceed  
6 the actual excess balance in the special account of the mortgage insur-  
7 ance fund, as determined and certified by the state of New York mortgage  
8 agency for the fiscal year 2015-2016 in accordance with section 2429-b  
9 of the public authorities law, if any, and/or (ii) provided that the  
10 reserves in the project pool insurance account of the mortgage insurance  
11 fund created pursuant to section 2429-b of the public authorities law  
12 are sufficient to attain and maintain the credit rating (as determined  
13 by the state of New York mortgage agency) required to accomplish the  
14 purposes of such account, the project pool insurance account of the  
15 mortgage insurance fund, such transfer to be made as soon as practicable  
16 but no later than March 31, 2017.

17 S 3. Notwithstanding any other provision of law, the housing trust  
18 fund corporation may provide, for purposes of the neighborhood preserva-  
19 tion program, a sum not to exceed eight million four hundred seventy-  
20 nine thousand dollars for the fiscal year ending March 31, 2017.  
21 Notwithstanding any other provision of law, and subject to the approval  
22 of the New York state director of the budget, the board of directors of  
23 the state of New York mortgage agency shall authorize the transfer to  
24 the housing trust fund corporation, for the purposes of reimbursing any  
25 costs associated with neighborhood preservation program contracts  
26 authorized by this section, a total sum not to exceed eight million four  
27 hundred seventy-nine thousand dollars, such transfer to be made from (i)  
28 the special account of the mortgage insurance fund created pursuant to  
29 section 2429-b of the public authorities law, in an amount not to exceed  
30 the actual excess balance in the special account of the mortgage insur-  
31 ance fund, as determined and certified by the state of New York mortgage  
32 agency for the fiscal year 2015-2016 in accordance with section 2429-b  
33 of the public authorities law, if any, and/or (ii) provided that the  
34 reserves in the project pool insurance account of the mortgage insurance  
35 fund created pursuant to section 2429-b of the public authorities law  
36 are sufficient to attain and maintain the credit rating (as determined  
37 by the state of New York mortgage agency) required to accomplish the  
38 purposes of such account, the project pool insurance account of the  
39 mortgage insurance fund, such transfer to be made as soon as practicable  
40 but no later than June 30, 2016.

41 S 4. Notwithstanding any other provision of law, the housing trust  
42 fund corporation may provide, for purposes of the rural preservation  
43 program, a sum not to exceed three million five hundred thirty-nine  
44 thousand dollars for the fiscal year ending March 31, 2017. Notwith-  
45 standing any other provision of law, and subject to the approval of the  
46 New York state director of the budget, the board of directors of the  
47 state of New York mortgage agency shall authorize the transfer to the  
48 housing trust fund corporation, for the purposes of reimbursing any  
49 costs associated with rural preservation program contracts authorized by  
50 this section, a total sum not to exceed three million five hundred thir-  
51 ty-nine thousand dollars, such transfer to be made from (i) the special  
52 account of the mortgage insurance fund created pursuant to section  
53 2429-b of the public authorities law, in an amount not to exceed the  
54 actual excess balance in the special account of the mortgage insurance  
55 fund, as determined and certified by the state of New York mortgage  
56 agency for the fiscal year 2015-2016 in accordance with section 2429-b

1 of the public authorities law, if any, and/or (ii) provided that the  
2 reserves in the project pool insurance account of the mortgage insurance  
3 fund created pursuant to section 2429-b of the public authorities law  
4 are sufficient to attain and maintain the credit rating (as determined  
5 by the state of New York mortgage agency) required to accomplish the  
6 purposes of such account, the project pool insurance account of the  
7 mortgage insurance fund, such transfer to be made as soon as practicable  
8 but no later than June 30, 2016.

9 S 5. Notwithstanding any other provision of law, the housing trust  
10 fund corporation may provide, for purposes of the rural and urban commu-  
11 nity investment fund program created pursuant to article XXVII of the  
12 private housing finance law, a sum not to exceed thirty-five million two  
13 hundred fifty thousand dollars for the fiscal year ending March 31,  
14 2017. Notwithstanding any other provision of law, and subject to the  
15 approval of the New York state director of the budget, the board of  
16 directors of the state of New York mortgage agency shall authorize the  
17 transfer to the housing trust fund corporation, for the purposes of  
18 reimbursing any costs associated with rural and urban community invest-  
19 ment fund program contracts authorized by this section, a total sum not  
20 to exceed thirty-five million two hundred fifty thousand dollars, such  
21 transfer to be made from (i) the special account of the mortgage insur-  
22 ance fund created pursuant to section 2429-b of the public authorities  
23 law, in an amount not to exceed the actual excess balance in the special  
24 account of the mortgage insurance fund, as determined and certified by  
25 the state of New York mortgage agency for the fiscal year 2015-2016 in  
26 accordance with section 2429-b of the public authorities law, if any,  
27 and/or (ii) provided that the reserves in the project pool insurance  
28 account of the mortgage insurance fund created pursuant to section  
29 2429-b of the public authorities law are sufficient to attain and main-  
30 tain the credit rating (as determined by the state of New York mortgage  
31 agency) required to accomplish the purposes of such account, the project  
32 pool insurance account of the mortgage insurance fund, such transfer to  
33 be made as soon as practicable but no later than March 31, 2017.

34 S 6. Notwithstanding any other provision of law, the housing trust  
35 fund corporation may provide, for the purposes of carrying out the  
36 provisions of the low income housing trust fund program created pursuant  
37 to article XVIII of the private housing finance law, a sum not to exceed  
38 ten million dollars for the fiscal year ending March 31, 2017. Notwith-  
39 standing any other provision of law, and subject to the approval of the  
40 New York state director of the budget, the board of directors of the  
41 state of New York mortgage agency shall authorize the transfer to the  
42 housing trust fund corporation, for the purposes of carrying out the  
43 provisions of the low income housing trust fund program created pursuant  
44 to article XVIII of the private housing finance law authorized by this  
45 section, a total sum not to exceed ten million dollars, such transfer to  
46 be made from (i) the special account of the mortgage insurance fund  
47 created pursuant to section 2429-b of the public authorities law, in an  
48 amount not to exceed the actual excess balance in the special account of  
49 the mortgage insurance fund, as determined and certified by the state of  
50 New York mortgage agency for the fiscal year 2015-2016 in accordance  
51 with section 2429-b of the public authorities law, if any, and/or (ii)  
52 provided that the reserves in the project pool insurance account of the  
53 mortgage insurance fund created pursuant to section 2429-b of the public  
54 authorities law are sufficient to attain and maintain the credit rating  
55 (as determined by the state of New York mortgage agency) required to  
56 accomplish the purposes of such account, the project pool insurance

1 account of the mortgage insurance fund, such transfer to be made as soon  
2 as practicable but no later than March 31, 2017.

3 S 7. Notwithstanding any other provision of law, the housing trust  
4 fund corporation may provide, for purposes of the homes for working  
5 families program for deposit in the housing trust fund created pursuant  
6 to section 59-a of the private housing finance law and subject to the  
7 provisions of article XVIII of the private housing finance law, a sum  
8 not to exceed twelve million seven hundred fifty thousand dollars for  
9 the fiscal year ending March 31, 2017. Notwithstanding any other  
10 provision of law, and subject to the approval of the New York state  
11 director of the budget, the board of directors of the state of New York  
12 mortgage agency shall authorize the transfer to the housing trust fund  
13 corporation, for the purposes of reimbursing any costs associated with  
14 homes for working families program contracts authorized by this section,  
15 a total sum not to exceed twelve million seven hundred fifty thousand  
16 dollars, such transfer to be made from (i) the special account of the  
17 mortgage insurance fund created pursuant to section 2429-b of the public  
18 authorities law, in an amount not to exceed the actual excess balance in  
19 the special account of the mortgage insurance fund, as determined and  
20 certified by the state of New York mortgage agency for the fiscal year  
21 2015-2016 in accordance with section 2429-b of the public authorities  
22 law, if any, and/or (ii) provided that the reserves in the project pool  
23 insurance account of the mortgage insurance fund created pursuant to  
24 section 2429-b of the public authorities law are sufficient to attain  
25 and maintain the credit rating (as determined by the state of New York  
26 mortgage agency) required to accomplish the purposes of such account,  
27 the project pool insurance account of the mortgage insurance fund, such  
28 transfer to be made as soon as practicable but no later than March 31,  
29 2017.

30 S 8. Notwithstanding any other provision of law, the homeless housing  
31 and assistance corporation may provide, for purposes of the New York  
32 state supportive housing program, the solutions to end homelessness  
33 program or the operational support for AIDS housing program, or to qual-  
34 ified grantees under those programs, in accordance with the requirements  
35 of those programs, a sum not to exceed fifteen million six hundred nine-  
36 ty thousand dollars for the fiscal year ending March 31, 2017. The home-  
37 less housing and assistance corporation may enter into an agreement with  
38 the office of temporary and disability assistance to administer such sum  
39 in accordance with the requirements of the programs. Notwithstanding any  
40 other provision of law, and subject to the approval of the director of  
41 the budget, the board of directors of the state of New York mortgage  
42 agency shall authorize the transfer to the homeless housing and assist-  
43 ance corporation, a total sum not to exceed fifteen million six hundred  
44 ninety thousand dollars, such transfer to be made from (i) the special  
45 account of the mortgage insurance fund created pursuant to section  
46 2429-b of the public authorities law, in an amount not to exceed the  
47 actual excess balance in the special account of the mortgage insurance  
48 fund, as determined and certified by the state of New York mortgage  
49 agency for the fiscal year 2015-2016 in accordance with section 2429-b  
50 of the public authorities law, if any, and/or (ii) provided that the  
51 reserves in the project pool insurance account of the mortgage insurance  
52 fund created pursuant to section 2429-b of the public authorities law  
53 are sufficient to attain and maintain the credit rating (as determined  
54 by the state of New York mortgage agency) required to accomplish the  
55 purposes of such account, the project pool insurance account of the

1 mortgage insurance fund, such transfer to be made as soon as practicable  
2 but no later than March 31, 2017.

3 S 9. Notwithstanding any other provision of law, the housing trust  
4 fund corporation may provide, for the purposes of the rural mobile home  
5 replacement program, a sum not to exceed five million dollars for the  
6 fiscal year ending March 31, 2017. Notwithstanding any other provision  
7 of law, and subject to the approval of the New York state director of  
8 the budget, the board of directors of the state of New York mortgage  
9 agency shall authorize the transfer to the housing trust fund corpo-  
10 ration, for the purposes of carrying out the provisions of the low  
11 income housing trust fund program created pursuant to article XVIII of  
12 the private housing finance law authorized by this section, a total sum  
13 not to exceed five million dollars, such transfer to be made from (i)  
14 the special account of the mortgage insurance fund created pursuant to  
15 section 2429-b of the public authorities law, in an amount not to exceed  
16 the actual excess balance in the special account of the mortgage insur-  
17 ance fund, as determined and certified by the state of New York mortgage  
18 agency for the fiscal year 2015-2016 in accordance with section 2429-b  
19 of the public authorities law, if any, and/or (ii) provided that the  
20 reserves in the project pool insurance account of the mortgage insurance  
21 fund created pursuant to section 2429-b of the public authorities law  
22 are sufficient to attain and maintain the credit rating (as determined  
23 by the state of New York mortgage agency) required to accomplish the  
24 purposes of such account, the project pool insurance account of the  
25 mortgage insurance fund, such transfer to be made as soon as practicable  
26 but no later than March 31, 2017.

27 S 10. This act shall take effect immediately.

#### 28 PART Q

29 Section 1. Section 4 of subpart A of part D of chapter 58 of the laws  
30 the 2011 amending the education law relating to capital facilities in  
31 support of the state university and community colleges, is amended to  
32 read as follows:

33 S 4. This act shall take effect immediately and shall expire and be  
34 deemed repealed June 30, [2016] 2021.

35 S 2. Section 4 of subpart B of part D of chapter 58 of the laws of  
36 2011 amending the education law relating to procurement in support of  
37 the state and city universities, is amended to read as follows:

38 S 4. This act shall take effect immediately and shall expire and be  
39 deemed repealed June 30, [2016] 2021.

40 S 3. Section 3 of subpart C of part D of chapter 58 of the laws of  
41 2011 amending the education law relating to state university health care  
42 facilities, is amended to read as follows:

43 S 3. This act shall take effect immediately, and shall expire and be  
44 deemed repealed June 30, [2016] 2021.

45 S 4. This act shall take effect immediately.

#### 46 PART R

47 Section 1. Section 3.11 of the arts and cultural affairs law is  
48 amended to read as follows:

49 S 3.11. Grants by council; consideration to certain applicants. 1. In  
50 issuing grants to applicants for council funds [in the area of the  
51 performing arts] the council may give consideration to the applicant's  
52 demonstration of an ability to enhance the state's capacity to attract

1 tourists as evidenced by showing that significant numbers of persons in  
2 such audiences are or will be attracted to the applicant's geographical  
3 area by reason of such applicant's program and evidence of advertising  
4 and publicity designed and planned in such a manner as to reach poten-  
5 tial audiences from outside the applicant's geographical area.

6 2. REGIONS OF THE STATE. THERE ARE HEREBY CREATED AND ESTABLISHED TEN  
7 REGIONS WITHIN WHICH THE COUNCIL SHALL APPROVE GRANTS. THE TEN REGIONS  
8 SHALL CONSIST OF THE SEVERAL COUNTIES AS FOLLOWS:

9 (A) REGION ONE, WHICH SHALL CONSIST OF THE COUNTIES OF ALBANY, COLUM-  
10 BIA, GREENE, RENSSELAER, SARATOGA, SCHENECTADY, WARREN, AND WASHINGTON;

11 (B) REGION TWO, WHICH SHALL CONSIST OF THE COUNTIES OF FULTON, HERKIM-  
12 ER, MONTGOMERY, ONEIDA, OTSEGO, AND SCHOHARIE;

13 (C) REGION THREE, WHICH SHALL CONSIST OF THE COUNTIES OF CAYUGA, CORT-  
14 LAND, MADISON, ONONDAGA, AND OSWEGO;

15 (D) REGION FOUR, WHICH SHALL CONSIST OF THE COUNTIES OF GENESEE,  
16 LIVINGSTON, MONROE, ONTARIO, ORLEANS, SENECA, WAYNE, WYOMING, AND YATES;

17 (E) REGION FIVE, WHICH SHALL CONSIST OF THE COUNTIES OF ALLEGANY,  
18 CATTARAUGUS, CHAUTAUQUA, ERIE, AND NIAGARA;

19 (F) REGION SIX, WHICH SHALL CONSIST OF THE COUNTIES OF CLINTON, ESSEX,  
20 FRANKLIN, HAMILTON, JEFFERSON, LEWIS, AND ST. LAWRENCE;

21 (G) REGION SEVEN, WHICH SHALL CONSIST OF THE COUNTIES OF DUTCHESS,  
22 ORANGE, PUTNAM, ROCKLAND, SULLIVAN, ULSTER, AND WESTCHESTER;

23 (H) REGION EIGHT, WHICH SHALL CONSIST OF THE COUNTIES OF BROOME,  
24 CHEMUNG, CHENANGO, DELAWARE, SCHUYLER, STEUBEN, TIOGA, AND TOMPKINS;

25 (I) REGION NINE, WHICH SHALL CONSIST OF THE COUNTIES OF NASSAU AND  
26 SUFFOLK;

27 (J) REGION TEN, WHICH SHALL CONSIST OF THE COUNTIES OF BRONX, KINGS,  
28 NEW YORK, QUEENS, AND RICHMOND.

29 3. THE AMOUNTS AVAILABLE FOR DISTRIBUTION AS GENERAL FUND LOCAL  
30 ASSISTANCE, SUBJECT TO THE APPROPRIATION AVAILABLE, SHALL BE APPORTIONED  
31 SUCH THAT NO REGION AS DEFINED IN SUBDIVISION TWO OF THIS SECTION, (A)  
32 SHALL BE APPORTIONED LESS IN GENERAL FUND LOCAL ASSISTANCE THAN THE  
33 AMOUNT IT WAS AWARDED IN THE PRIOR YEAR, AND (B) AMOUNTS AVAILABLE FOR  
34 DISTRIBUTION AS GENERAL FUND LOCAL ASSISTANCE ABOVE THE AMOUNT APPROPRI-  
35 ATED IN THE PRIOR YEAR SHALL BE APPORTIONED SUCH THAT EACH REGION SHALL  
36 RECEIVE AN AMOUNT EQUAL TO THE QUOTIENT OF SUCH REGION'S POPULATION  
37 DIVIDED BY THE TOTAL POPULATION OF NEW YORK STATE ACCORDING TO THE MOST  
38 RECENT DECENNIAL CENSUS POPULATION FIGURES FOR NEW YORK STATE.

39 S 2. This act shall take effect immediately.

40 PART S

41 Section 1. Section 6303 of the education law is amended by adding a  
42 new subdivision 6 to read as follows:

43 6. NOTWITHSTANDING ANY OTHER LAW, RULE OR REGULATION TO THE CONTRARY,  
44 FOR PURPOSES OF THE STATE UNIVERSITY OF NEW YORK (SUNY) ORANGE BRIDGES  
45 PROGRAM, ORANGE COUNTY COMMUNITY COLLEGE SHALL NOT BE CONSIDERED AN  
46 INDEPENDENT CONTRACTOR FOR THE PURPOSES OF PROVIDING SERVICES TO SCHOOL  
47 DISTRICTS WHOSE STUDENTS HAVE DUEL ENROLLMENT WITH SUCH BRIDGES PROGRAM.

48 S 2. This act shall take effect immediately.

49 PART T

50 Section 1. Subdivision 10 of section 6306 of the education law, as  
51 added by section 1 of part Y of chapter 56 of the laws of 2015, is  
52 amended to read as follows:

10. The boards of trustees of the state university of New York community colleges shall consult with boards of cooperative educational services (BOCES) AND THE TRUSTEE, TRUSTEES OR BOARD OF EDUCATION OF EACH SCHOOL DISTRICT to identify new or existing programs offered to students that would allow a student to pursue an associate of occupational studies (AOS) degree from a community college upon high school graduation. Once identified, BOCES in collaboration with the community college boards of trustees shall make such path, identified programs, and AOS degree options known to ensure that students are aware that such options exist. Such notification [may] SHALL begin [as early as] IN the seventh grade. Provided however, that such boards and BOCES shall not take any action to direct or suggest that a student should pursue a particular degree or pathway.

S 2. This act shall take effect immediately.

#### PART U

Section 1. Section 9-w of the banking law is REPEALED.

S 2. The education law is amended by adding a new section 665-b to read as follows:

S 665-B. STANDARD FINANCIAL AID AWARD LETTER. EACH COLLEGE, VOCATIONAL INSTITUTION, AND ANY OTHER INSTITUTION THAT OFFERS AN APPROVED PROGRAM AS DEFINED IN SECTION SIX HUNDRED ONE OF THIS TITLE SHALL PROVIDE UNIFORM FINANCIAL AID INFORMATION TO EVERY PROSPECTIVE FIRST-TIME AND TRANSFER UNDERGRADUATE STUDENT WHO HAS BEEN ACCEPTED FOR ADMISSION TO SUCH INSTITUTION. EACH INSTITUTION SHALL PROVIDE SUCH INFORMATION PRIOR TO SUCH INSTITUTION'S ENROLLMENT DEADLINE. EACH INSTITUTION SHALL USE THE FINANCIAL AID SHOPPING SHEET DEVELOPED BY THE CONSUMER FINANCIAL PROTECTION BUREAU AND THE UNITED STATES DEPARTMENT OF EDUCATION PURSUANT TO THE HIGHER EDUCATION OPPORTUNITY ACT, P.L. 110-315, TO PROVIDE SUCH INFORMATION. EACH INSTITUTION SHALL UTILIZE THE STANDARD LETTER IN RESPONDING TO ALL FINANCIAL AID APPLICANTS FOR THE TWO THOUSAND SEVENTEEN--TWO THOUSAND EIGHTEEN ACADEMIC YEAR AND THEREAFTER. THE PRESIDENT OF THE HIGHER EDUCATION SERVICES CORPORATION SHALL PROMULGATE REGULATIONS IMPLEMENTING THIS SECTION.

S 3. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2016.

#### PART V

Section 1. Subdivision 10 of section 7605 of the education law, as added by section 4 of part AA of chapter 57 of the laws of 2013, is amended and a new subdivision 12 is added to read as follows:

10. A person without a license from performing assessments such as basic information collection, gathering of demographic data, and informal observations, screening and referral used for general eligibility for a program or service and determining the functional status of an individual for the purpose of determining need for services [unrelated to a behavioral health diagnosis or treatment plan]. Such licensure shall not be required to [create, develop or implement] PARTICIPATE AS A MEMBER OF THE TREATMENT TEAM IN THE CREATION, DEVELOPMENT OR IMPLEMENTATION OF a service plan [unrelated to a behavioral health diagnosis or treatment plan]. Such service plans shall include, but are not limited to, job training and employability, housing, general public assistance, in home services and supports or home-delivered meals, investigations conducted or assessments made by adult or child protective services,

1 adoption home studies and assessments, family service plans, transition  
2 plans and permanency planning activities, de-escalation techniques, peer  
3 services or skill development. A license under this article shall not be  
4 required for persons to participate as a member of a multi-disciplinary  
5 team to implement a behavioral health services or treatment plan;  
6 provided however, that such team shall include one or more professionals  
7 licensed under this article or [articles] ARTICLE one hundred thirty-  
8 one, one hundred fifty-four or one hundred sixty-three of this [chapter]  
9 TITLE WHO MUST HAVE A FACE TO FACE VISIT WITH EACH PATIENT PRIOR TO THE  
10 RENDERING OF A DIAGNOSIS; and provided, further, that the activities  
11 performed by members of the team shall be consistent with the scope of  
12 practice for each team member licensed or authorized under title VIII of  
13 this chapter, and those who are not so authorized may not engage in the  
14 following restricted practices, BUT MAY ASSIST LICENSED PROFESSIONALS  
15 AND/OR MULTI-DISCIPLINARY TEAM MEMBERS WITH: the diagnosis of mental,  
16 emotional, behavioral, addictive and developmental disorders and disa-  
17 bilities; [patient assessment and evaluating;] the provision of  
18 psychotherapeutic treatment; the provision of treatment other than  
19 psychotherapeutic treatment; and/or the development and implementation  
20 of assessment-based treatment plans as defined in section seventy-seven  
21 hundred one of this [chapter] TITLE. AS USED IN THIS SUBDIVISION, THE  
22 TERM "ASSIST" SHALL INCLUDE, THOSE FUNCTIONS WHICH ARE EXEMPT UNDER THIS  
23 SUBDIVISION. Provided, further, that nothing in this subdivision shall  
24 be construed as requiring a license for any particular activity or func-  
25 tion based solely on the fact that the activity or function is not list-  
26 ed in this subdivision.

27 12. NOTHING IN THIS ARTICLE SHALL BE CONSTRUED TO PROHIBIT OR LIMIT  
28 THE ACTIVITIES OR SERVICES PROVIDED UNDER THIS ARTICLE ON THE PART OF  
29 ANY PERSON WHO, ON THE EFFECTIVE DATE OF THIS SECTION, IS IN THE EMPLOY  
30 OF A PROGRAM OR SERVICE, AS DEFINED IN SUBDIVISION B OF SECTION SEVEN-  
31 TEEN-A OF CHAPTER SIX HUNDRED SEVENTY-SIX OF THE LAWS OF TWO THOUSAND  
32 TWO, AS AMENDED, FOR THE PERIOD DURING WHICH SUCH PERSON MAINTAINS  
33 EMPLOYMENT IN SUCH PROGRAM; ACTIVITIES AND SERVICES THAT MAY BE  
34 PERFORMED ARE LIMITED TO THOSE PROVIDED BY SUCH INDIVIDUAL WITHIN THE  
35 PRACTICE OF PSYCHOLOGY, PRIOR TO THE EFFECTIVE DATE OF THIS SUBDIVISION.  
36 THIS SECTION SHALL NOT AUTHORIZE THE USE OF ANY TITLE AUTHORIZED PURSU-  
37 ANT TO THIS ARTICLE BY ANY SUCH EMPLOYED PERSON, EXCEPT AS OTHERWISE  
38 PROVIDED BY THIS ARTICLE RESPECTIVELY.

39 PROVIDED, HOWEVER, THAT ANY PERSON EMPLOYED AFTER THE EFFECTIVE DATE  
40 OF THIS SUBDIVISION TO PERFORM SERVICES THAT ARE RESTRICTED UNDER THIS  
41 ARTICLE SHALL BE APPROPRIATELY LICENSED OR AUTHORIZED UNDER THIS ARTI-  
42 CLE.

43 S 2. Subdivision 7 of section 7706 of the education law, as added by  
44 section 5 of part AA of chapter 57 of the laws of 2013, is amended and a  
45 new subdivision 8 is added to read as follows:

46 7. Prevent a person without a license from performing assessments such  
47 as basic information collection, gathering of demographic data, and  
48 informal observations, screening and referral used for general eligibil-  
49 ity for a program or service and determining the functional status of an  
50 individual for the purpose of determining need for services [unrelated  
51 to a behavioral health diagnosis or treatment plan]. Such licensure  
52 shall not be required to [create, develop or implement] PARTICIPATE AS A  
53 MEMBER OF THE TREATMENT TEAM IN THE CREATION, DEVELOPMENT OR IMPLEMENTA-  
54 TION OF a service plan unrelated to a behavioral health diagnosis or  
55 treatment plan. Such service plans shall include, but are not limited  
56 to, job training and employability, housing, general public assistance,



1 in home services and supports or home-delivered meals, investigations  
2 conducted or assessments made by adult or child protective services,  
3 adoption home studies and assessments, family service plans, transition  
4 plans and permanency planning activities, de-escalation techniques, peer  
5 services or skill development. A license under this article shall not be  
6 required for persons to participate as a member of a multi-disciplinary  
7 team to implement a behavioral health services or treatment plan;  
8 provided however, that such team shall include one or more professionals  
9 licensed under this article or [articles] ARTICLE one hundred thirty-  
10 one, one hundred fifty-three or one hundred sixty-three of this [chap-  
11 ter] TITLE WHO MUST HAVE A FACE TO FACE VISIT WITH EACH PATIENT PRIOR TO  
12 THE RENDERING OF A DIAGNOSIS; and provided, further, that the activities  
13 performed by members of the team shall be consistent with the scope of  
14 practice for each team member licensed or authorized under title VIII of  
15 this chapter, and those who are not so authorized may not engage in the  
16 following restricted practices, BUT MAY ASSIST LICENSED PROFESSIONALS  
17 AND/OR MULTI-DISCIPLINARY TEAM MEMBERS WITH: the diagnosis of mental,  
18 emotional, behavioral, addictive and developmental disorders and disa-  
19 bilities; [patient assessment and evaluating;] the provision of  
20 psychotherapeutic treatment; the provision of treatment other than  
21 psychotherapeutic treatment; and/or the development and implementation  
22 of assessment-based treatment plans as defined in section seventy-seven  
23 hundred one of this article. AS USED IN THIS SUBDIVISION, THE TERM  
24 "ASSIST" SHALL INCLUDE, THOSE FUNCTIONS WHICH ARE EXEMPT UNDER THIS  
25 SUBDIVISION. Provided, further, that nothing in this subdivision shall  
26 be construed as requiring a license for any particular activity or func-  
27 tion based solely on the fact that the activity or function is not list-  
28 ed in this subdivision.

29 8. NOTHING IN THIS ARTICLE SHALL BE CONSTRUED TO PROHIBIT OR LIMIT THE  
30 ACTIVITIES OR SERVICES PROVIDED UNDER THIS ARTICLE ON THE PART OF ANY  
31 PERSON WHO, ON THE EFFECTIVE DATE OF THIS SUBDIVISION, IS IN THE EMPLOY  
32 OF A PROGRAM OR SERVICE, AS DEFINED IN SECTION NINE OF CHAPTER FOUR  
33 HUNDRED TWENTY OF THE LAWS OF TWO THOUSAND TWO, AS AMENDED, FOR THE  
34 PERIOD DURING WHICH SUCH PERSON MAINTAINS EMPLOYMENT IN SUCH PROGRAM;  
35 ACTIVITIES AND SERVICES THAT MAY BE PERFORMED ARE LIMITED TO THOSE  
36 PROVIDED BY SUCH INDIVIDUAL WITHIN THE PRACTICE OF LICENSED MASTER  
37 SOCIAL WORK OR LICENSED CLINICAL SOCIAL WORK, PRIOR TO THE EFFECTIVE  
38 DATE OF THIS SUBDIVISION. THIS SECTION SHALL NOT AUTHORIZE THE USE OF  
39 ANY TITLE AUTHORIZED PURSUANT TO THIS ARTICLE BY ANY SUCH EMPLOYED  
40 PERSON, EXCEPT AS OTHERWISE PROVIDED BY THIS ARTICLE RESPECTIVELY.

41 PROVIDED, HOWEVER, THAT ANY PERSON EMPLOYED AFTER THE EFFECTIVE DATE  
42 OF THIS SECTION TO PERFORM SERVICES THAT ARE RESTRICTED UNDER THIS ARTI-  
43 CLE SHALL BE APPROPRIATELY LICENSED OR AUTHORIZED UNDER THIS ARTICLE.

44 S 3. Section 7707 of the education law is amended by adding a new  
45 subdivision 2-a to read as follows:

46 2-A. ANY PERSON WHO POSSESSES A MASTER'S OF SOCIAL WORK DEGREE,  
47 ACCEPTABLE TO THE DEPARTMENT, ON THE EFFECTIVE DATE OF THIS SUBDIVISION,  
48 AND WHO HAS TWO YEARS OF POST-GRADUATE SOCIAL WORK EMPLOYMENT, AS VERI-  
49 FIED BY A LICENSED SUPERVISOR OR COLLEAGUE ON FORMS ACCEPTABLE TO THE  
50 DEPARTMENT, AND WHO, IN THE DETERMINATION OF THE DEPARTMENT, MEETS ALL  
51 OTHER REQUIREMENTS FOR LICENSURE AS A LICENSED MASTER SOCIAL WORKER,  
52 EXCEPT FOR EXAMINATION, AND WHO FILES WITH THE DEPARTMENT THE APPLICA-  
53 TION, FEE AND REQUIRED DOCUMENTATION WITHIN ONE YEAR OF THE EFFECTIVE  
54 DATE OF THIS SUBDIVISION, SHALL BE LICENSED AS A LICENSED MASTER SOCIAL  
55 WORKER.

1 S 4. Subdivision 8 of section 8410 of the education law, as added by  
2 section 6 of part AA of chapter 57 of the laws of 2013, is amended and a  
3 new subdivision 9 is added to read as follows:

4 8. Prevent a person without a license from performing assessments such  
5 as basic information collection, gathering of demographic data, and  
6 informal observations, screening and referral used for general eligibil-  
7 ity for a program or service and determining the functional status of an  
8 individual for the purpose of determining need for services [unrelated  
9 to a behavioral health diagnosis or treatment plan]. Such licensure  
10 shall not be required to [create, develop or implement] PARTICIPATE AS A  
11 MEMBER OF THE TREATMENT TEAM IN THE CREATION, DEVELOPMENT OR IMPLEMENTA-  
12 TION OF a service plan unrelated to a behavioral health diagnosis or  
13 treatment plan. Such service plans shall include, but are not limited  
14 to, job training and employability, housing, general public assistance,  
15 in home services and supports or home-delivered meals, investigations  
16 conducted or assessments made by adult or child protective services,  
17 adoption home studies and assessments, family service plans, transition  
18 plans and permanency planning activities, de-escalation techniques, peer  
19 services or skill development. A license under this article shall not be  
20 required for persons to participate as a member of a multi-disciplinary  
21 team to implement a behavioral health services or treatment plan;  
22 provided however, that such team shall include one or more professionals  
23 licensed under this article or [articles] ARTICLE one hundred thirty-  
24 one, one hundred fifty-three or one hundred fifty-four of this [chapter]  
25 TITLE WHO MUST HAVE A FACE TO FACE VISIT WITH EACH PATIENT PRIOR TO THE  
26 RENDERING OF A DIAGNOSIS; and provided, further, that the activities  
27 performed by members of the team shall be consistent with the scope of  
28 practice for each team member licensed or authorized under title VIII of  
29 this chapter, and those who are not so authorized may not engage in the  
30 following restricted practices BUT MAY ASSIST LICENSED PROFESSIONALS  
31 AND/OR MULTI-DISCIPLINARY TEAM MEMBERS WITH: the diagnosis of mental,  
32 emotional, behavioral, addictive and developmental disorders and disa-  
33 bilities; [patient assessment and evaluating;] the provision of  
34 psychotherapeutic treatment; the provision of treatment other than  
35 psychotherapeutic treatment; and/or the development and implementation  
36 of assessment-based treatment plans as defined in section seventy-seven  
37 hundred one of this [chapter] TITLE. AS USED IN THIS SUBDIVISION, THE  
38 TERM "ASSIST" SHALL INCLUDE, THOSE FUNCTIONS THAT ARE EXEMPT UNDER THIS  
39 SUBDIVISION. Provided, further, that nothing in this subdivision shall  
40 be construed as requiring a license for any particular activity or func-  
41 tion based solely on the fact that the activity or function is not list-  
42 ed in this subdivision.

43 9. NOTHING IN THIS ARTICLE SHALL BE CONSTRUED TO PROHIBIT OR LIMIT THE  
44 ACTIVITIES OR SERVICES PROVIDED UNDER THIS ARTICLE ON THE PART OF ANY  
45 PERSON WHO, ON THE EFFECTIVE DATE OF THIS SUBDIVISION, IS IN THE EMPLOY  
46 OF A PROGRAM OR SERVICE, AS DEFINED IN SUBDIVISION B OF SECTION SEVEN-  
47 TEEN-A OF CHAPTER SIX HUNDRED SEVENTY-SIX OF THE LAWS OF TWO THOUSAND  
48 TWO, AS AMENDED, FOR THE PERIOD DURING WHICH SUCH PERSON MAINTAINS  
49 EMPLOYMENT IN SUCH PROGRAM; ACTIVITIES AND SERVICES THAT MAY BE  
50 PERFORMED ARE LIMITED TO THOSE PROVIDED BY SUCH INDIVIDUAL WITHIN THE  
51 PRACTICE OF MENTAL HEALTH COUNSELING, MARRIAGE AND FAMILY THERAPY, CREA-  
52 TIVE ARTS THERAPY AND PSYCHOANALYSIS, PRIOR TO THE EFFECTIVE DATE OF  
53 THIS SUBDIVISION. THIS SECTION SHALL NOT AUTHORIZE THE USE OF ANY TITLE  
54 AUTHORIZED PURSUANT TO THIS ARTICLE BY ANY SUCH EMPLOYED PERSON, EXCEPT  
55 AS OTHERWISE PROVIDED BY THIS ARTICLE RESPECTIVELY.

1 PROVIDED, HOWEVER, THAT ANY PERSON EMPLOYED AFTER THE EFFECTIVE DATE  
2 OF THIS SUBDIVISION TO PERFORM SERVICES THAT ARE RESTRICTED UNDER THIS  
3 ARTICLE SHALL BE APPROPRIATELY LICENSED OR AUTHORIZED UNDER THIS ARTI-  
4 CLE.

5 S 5. This act shall take effect July 1, 2016.

6 PART W

7 Section 1. Subdivision 1 of section 663 of the education law, as  
8 amended by section 1 of part F of chapter 58 of the laws of 2011, is  
9 amended to read as follows:

10 1. Income defined. Except as otherwise provided in this section,  
11 "income" shall be the total of the combined net taxable income and  
12 income from pensions of New York state, local governments, the federal  
13 government and any private employer of the applicant, the applicant's  
14 spouse, and the applicant's parents, including any pension and annuity  
15 income excluded for purposes of taxation pursuant to paragraph three-a  
16 of subsection (c) of section six hundred twelve of the tax law, as  
17 reported in New York state income tax returns for the calendar year  
18 PRIOR TO THE CALENDAR YEAR next preceding the beginning of the school  
19 year for which application for assistance is made, except that any  
20 amount received by an applicant as a scholarship at an educational  
21 institution or as a fellowship grant, including the value of contributed  
22 services and accommodations, shall not be included within the definition  
23 of "income" for the purposes of this article. The term "parent" shall  
24 include birth parents, stepparents, adoptive parents and the spouse of  
25 an adoptive parent. Income, if not a whole dollar amount, shall be  
26 assumed to be equal to the next lowest whole dollar amount. Any change  
27 in the status of an applicant with regard to the persons responsible for  
28 the applicant's support occurring after the beginning of any semester  
29 shall not be considered to change the applicant's award for that semes-  
30 ter.

31 S 2. This act shall take effect immediately and shall apply to all  
32 awards commencing with the 2017-2018 school year and thereafter.

33 PART X

34 Section 1. Subdivision (a) of section 1203 of the limited liability  
35 company law, as amended by chapter 554 of the laws of 2013, is amended  
36 to read as follows:

37 (a) Notwithstanding the education law or any other provision of law,  
38 one or more professionals each of whom is authorized by law to render a  
39 professional service within the state, or one or more professionals, at  
40 least one of whom is authorized by law to render a professional service  
41 within the state, may form, or cause to be formed, a professional  
42 service limited liability company for pecuniary profit under this arti-  
43 cle for the purpose of rendering the professional service or services as  
44 such professionals are authorized to practice. With respect to a profes-  
45 sional service limited liability company formed to provide medical  
46 services as such services are defined in article 131 of the education  
47 law, each member of such limited liability company must be licensed  
48 pursuant to article 131 of the education law to practice medicine in  
49 this state. With respect to a professional service limited liability  
50 company formed to provide dental services as such services are defined  
51 in article 133 of the education law, each member of such limited liabil-  
52 ity company must be licensed pursuant to article 133 of the education

1 law to practice dentistry in this state. With respect to a professional  
2 service limited liability company formed to provide veterinary services  
3 as such services are defined in article 135 of the education law, each  
4 member of such limited liability company must be licensed pursuant to  
5 article 135 of the education law to practice veterinary medicine in this  
6 state. With respect to a professional service limited liability company  
7 formed to provide professional engineering, land surveying, architec-  
8 tural and/or landscape architectural services as such services are  
9 defined in article 145, article 147 and article 148 of the education  
10 law, each member of such limited liability company must be licensed  
11 pursuant to article 145, article 147 and/or article 148 of the education  
12 law to practice one or more of such professions in this state. With  
13 respect to a professional service limited liability company formed to  
14 provide licensed clinical social work services as such services are  
15 defined in article 154 of the education law, each member of such limited  
16 liability company shall be licensed pursuant to article 154 of the  
17 education law to practice licensed clinical social work in this state.  
18 With respect to a professional service limited liability company formed  
19 to provide creative arts therapy services as such services are defined  
20 in article 163 of the education law, each member of such limited liabil-  
21 ity company must be licensed pursuant to article 163 of the education  
22 law to practice creative arts therapy in this state. With respect to a  
23 professional service limited liability company formed to provide  
24 marriage and family therapy services as such services are defined in  
25 article 163 of the education law, each member of such limited liability  
26 company must be licensed pursuant to article 163 of the education law to  
27 practice marriage and family therapy in this state. With respect to a  
28 professional service limited liability company formed to provide mental  
29 health counseling services as such services are defined in article 163  
30 of the education law, each member of such limited liability company must  
31 be licensed pursuant to article 163 of the education law to practice  
32 mental health counseling in this state. With respect to a professional  
33 service limited liability company formed to provide psychoanalysis  
34 services as such services are defined in article 163 of the education  
35 law, each member of such limited liability company must be licensed  
36 pursuant to article 163 of the education law to practice psychoanalysis  
37 in this state. With respect to a professional service limited liability  
38 company formed to provide applied behavior analysis services as such  
39 services are defined in article 167 of the education law, each member of  
40 such limited liability company must be licensed or certified pursuant to  
41 article 167 of the education law to practice applied behavior analysis  
42 in this state. In addition to engaging in such profession or  
43 professions, a professional service limited liability company may engage  
44 in any other business or activities as to which a limited liability  
45 company may be formed under section two hundred one of this chapter.  
46 Notwithstanding any other provision of this section, a professional  
47 service limited liability company (i) authorized to practice law may  
48 only engage in another profession or business or activities or (ii)  
49 which is engaged in a profession or other business or activities other  
50 than law may only engage in the practice of law, to the extent not  
51 prohibited by any other law of this state or any rule adopted by the  
52 appropriate appellate division of the supreme court or the court of  
53 appeals. NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, WITH  
54 RESPECT TO A LIMITED LIABILITY COMPANY FORMED TO PROVIDE INTEGRATED,  
55 MULTIDISCIPLINARY MEDICAL AND CHIROPRACTIC SERVICES, AS SUCH SERVICES  
56 ARE RESPECTIVELY DEFINED UNDER ARTICLES 131 AND 132 OF THE EDUCATION

1 LAW, (I) EACH MEMBER OF SUCH LIMITED LIABILITY COMPANY MUST BE LICENSED  
2 PURSUANT TO ARTICLE 131 OR ARTICLE 132 OF THE EDUCATION LAW TO PRACTICE  
3 HIS OR HER PROFESSION IN THIS STATE, (II) EACH MEMBER SHALL ONLY PRAC-  
4 TICE HIS OR HER PROFESSION AS SPECIFIED IN HIS OR HER RESPECTIVE PROFES-  
5 SIONAL ENABLING STATUTE UNDER ARTICLE 131 OR ARTICLE 132 OF THE EDU-  
6 CATION LAW, AND (III) THE CLINICAL INTEGRATION OF PROFESSIONAL PRACTICES  
7 WITHIN AN INTEGRATED, MULTIDISCIPLINARY ENTITY ORGANIZED UNDER THIS  
8 SECTION DOES NOT ALTER, EXPAND OR CURTAIL THE SCOPE OF PRACTICE OF ANY  
9 OF THE INDIVIDUALS LICENSED UNDER THE STATUTE OF HIS OR HER RESPECTIVE  
10 PROFESSIONAL ENABLING LAW, PROVIDED THAT: (A) THE CLINICAL JUDGMENT,  
11 MANAGEMENT AND CLINICAL DECISION-MAKING OF ONE OR MORE ARTICLE 131  
12 PROVIDERS IN AN INTEGRATED, MULTIDISCIPLINARY PROFESSIONAL SERVICE  
13 LIMITED LIABILITY COMPANY SHALL BE CONTROLLING, (B) MEMBERS LICENSED  
14 UNDER ARTICLE 132 OF THE EDUCATION LAW, SHALL NOT, DIRECTLY OR INDIRECT-  
15 LY, INTERFERE WITH THE CLINICAL JUDGMENT OR LEGITIMATE CLINICAL PRACTICE  
16 OF A PROFESSIONAL LICENSED UNDER ARTICLE 131, AND (C) INDIVIDUALS  
17 LICENSED UNDER ARTICLE 131 MAY NOT ORDER OR DIRECT A PROFESSIONAL  
18 LICENSED UNDER ARTICLE 132 OF THE EDUCATION LAW TO PRACTICE BEYOND THE  
19 SCOPE OF HIS OR HER LICENSE UNDER ARTICLE 132 OF THE EDUCATION LAW, EVEN  
20 IF SUPERVISED DIRECTLY OR INDIRECTLY BY A PROFESSIONAL LICENSED UNDER  
21 ARTICLE 131.

22 S 2. Subdivision (b) of section 1207 of the limited liability company  
23 law, as amended by chapter 554 of the laws of 2013, is amended to read  
24 as follows:

25 (b) With respect to a professional service limited liability company  
26 formed to provide medical services as such services are defined in arti-  
27 cle 131 of the education law, each member of such limited liability  
28 company must be licensed pursuant to article 131 of the education law to  
29 practice medicine in this state. With respect to a professional service  
30 limited liability company formed to provide dental services as such  
31 services are defined in article 133 of the education law, each member of  
32 such limited liability company must be licensed pursuant to article 133  
33 of the education law to practice dentistry in this state. With respect  
34 to a professional service limited liability company formed to provide  
35 veterinary services as such services are defined in article 135 of the  
36 education law, each member of such limited liability company must be  
37 licensed pursuant to article 135 of the education law to practice veter-  
38 inary medicine in this state. With respect to a professional service  
39 limited liability company formed to provide professional engineering,  
40 land surveying, architectural and/or landscape architectural services as  
41 such services are defined in article 145, article 147 and article 148 of  
42 the education law, each member of such limited liability company must be  
43 licensed pursuant to article 145, article 147 and/or article 148 of the  
44 education law to practice one or more of such professions in this state.  
45 With respect to a professional service limited liability company formed  
46 to provide licensed clinical social work services as such services are  
47 defined in article 154 of the education law, each member of such limited  
48 liability company shall be licensed pursuant to article 154 of the  
49 education law to practice licensed clinical social work in this state.  
50 With respect to a professional service limited liability company formed  
51 to provide creative arts therapy services as such services are defined  
52 in article 163 of the education law, each member of such limited liabil-  
53 ity company must be licensed pursuant to article 163 of the education  
54 law to practice creative arts therapy in this state. With respect to a  
55 professional service limited liability company formed to provide  
56 marriage and family therapy services as such services are defined in

1 article 163 of the education law, each member of such limited liability  
2 company must be licensed pursuant to article 163 of the education law to  
3 practice marriage and family therapy in this state. With respect to a  
4 professional service limited liability company formed to provide mental  
5 health counseling services as such services are defined in article 163  
6 of the education law, each member of such limited liability company must  
7 be licensed pursuant to article 163 of the education law to practice  
8 mental health counseling in this state. With respect to a professional  
9 service limited liability company formed to provide psychoanalysis  
10 services as such services are defined in article 163 of the education  
11 law, each member of such limited liability company must be licensed  
12 pursuant to article 163 of the education law to practice psychoanalysis  
13 in this state. With respect to a professional service limited liability  
14 company formed to provide applied behavior analysis services as such  
15 services are defined in article 167 of the education law, each member of  
16 such limited liability company must be licensed or certified pursuant to  
17 article 167 of the education law to practice applied behavior analysis  
18 in this state. NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION,  
19 WITH RESPECT TO A PROFESSIONAL SERVICE LIMITED LIABILITY COMPANY FORMED  
20 TO PROVIDE INTEGRATED, MULTIDISCIPLINARY MEDICAL AND CHIROPRACTIC  
21 SERVICES, AS SUCH SERVICES ARE RESPECTIVELY DEFINED UNDER ARTICLES 131  
22 AND 132 OF THE EDUCATION LAW, (I) EACH MEMBER OF SUCH LIMITED LIABILITY  
23 COMPANY MUST BE LICENSED PURSUANT TO ARTICLE 131 OR ARTICLE 132 OF THE  
24 EDUCATION LAW TO PRACTICE HIS OR HER PROFESSION IN THIS STATE, (II) EACH  
25 MEMBER SHALL ONLY PRACTICE HIS OR HER PROFESSION AS SPECIFIED IN HIS OR  
26 HER RESPECTIVE PROFESSIONAL ENABLING STATUTE UNDER ARTICLE 131 OR ARTI-  
27 CLE 132 OF THE EDUCATION LAW, AND (III) THE CLINICAL INTEGRATION OF  
28 PROFESSIONAL PRACTICES WITHIN AN INTEGRATED, MULTIDISCIPLINARY ENTITY  
29 ORGANIZED UNDER THIS SECTION DOES NOT ALTER, EXPAND OR CURTAIL THE SCOPE  
30 OF PRACTICE OF ANY OF THE INDIVIDUALS LICENSED UNDER THE STATUTE OF HIS  
31 OR HER RESPECTIVE PROFESSIONAL ENABLING LAW, PROVIDED THAT: (A) THE  
32 CLINICAL JUDGMENT, MANAGEMENT AND CLINICAL DECISION-MAKING OF ONE OR  
33 MORE ARTICLE 131 PROVIDERS IN AN INTEGRATED, MULTIDISCIPLINARY PROFES-  
34 SIONAL SERVICE LIMITED LIABILITY COMPANY SHALL BE CONTROLLING, (B)  
35 MEMBERS LICENSED UNDER ARTICLE 132 OF THE EDUCATION LAW, SHALL NOT,  
36 DIRECTLY OR INDIRECTLY, INTERFERE WITH THE CLINICAL JUDGMENT OR LEGITI-  
37 MATE CLINICAL PRACTICE OF A PROFESSIONAL LICENSED UNDER ARTICLE 131, AND  
38 (C) INDIVIDUALS LICENSED UNDER ARTICLE 131 MAY NOT ORDER OR DIRECT A  
39 PROFESSIONAL LICENSED UNDER ARTICLE 132 OF THE EDUCATION LAW TO PRACTICE  
40 BEYOND THE SCOPE OF HIS OR HER LICENSE UNDER ARTICLE 132 OF THE EDUCA-  
41 TION LAW, EVEN IF SUPERVISED DIRECTLY OR INDIRECTLY BY A PROFESSIONAL  
42 LICENSED UNDER ARTICLE 131.

43 S 3. Subdivision (a) of section 1301 of the limited liability company  
44 law, as amended by chapter 554 of the laws of 2013, is amended to read  
45 as follows:

46 (a) "Foreign professional service limited liability company" means a  
47 professional service limited liability company, whether or not denomi-  
48 nated as such, organized under the laws of a jurisdiction other than  
49 this state, (i) each of whose members and managers, if any, is a profes-  
50 sional authorized by law to render a professional service within this  
51 state and who is or has been engaged in the practice of such profession  
52 in such professional service limited liability company or a predecessor  
53 entity, or will engage in the practice of such profession in the profes-  
54 sional service limited liability company within thirty days of the date  
55 such professional becomes a member, or each of whose members and manag-  
56 ers, if any, is a professional at least one of such members is author-

1 ized by law to render a professional service within this state and who  
2 is or has been engaged in the practice of such profession in such  
3 professional service limited liability company or a predecessor entity,  
4 or will engage in the practice of such profession in the professional  
5 service limited liability company within thirty days of the date such  
6 professional becomes a member, or (ii) authorized by, or holding a  
7 license, certificate, registration or permit issued by the licensing  
8 authority pursuant to, the education law to render a professional  
9 service within this state; except that all members and managers, if any,  
10 of a foreign professional service limited liability company that  
11 provides health services in this state shall be licensed in this state.  
12 With respect to a foreign professional service limited liability company  
13 which provides veterinary services as such services are defined in arti-  
14 cle 135 of the education law, each member of such foreign professional  
15 service limited liability company shall be licensed pursuant to article  
16 135 of the education law to practice veterinary medicine. With respect  
17 to a foreign professional service limited liability company which  
18 provides medical services as such services are defined in article 131 of  
19 the education law, each member of such foreign professional service  
20 limited liability company must be licensed pursuant to article 131 of  
21 the education law to practice medicine in this state. With respect to a  
22 foreign professional service limited liability company which provides  
23 dental services as such services are defined in article 133 of the  
24 education law, each member of such foreign professional service limited  
25 liability company must be licensed pursuant to article 133 of the educa-  
26 tion law to practice dentistry in this state. With respect to a foreign  
27 professional service limited liability company which provides profes-  
28 sional engineering, land surveying, architectural and/or landscape  
29 architectural services as such services are defined in article 145,  
30 article 147 and article 148 of the education law, each member of such  
31 foreign professional service limited liability company must be licensed  
32 pursuant to article 145, article 147 and/or article 148 of the education  
33 law to practice one or more of such professions in this state. With  
34 respect to a foreign professional service limited liability company  
35 which provides licensed clinical social work services as such services  
36 are defined in article 154 of the education law, each member of such  
37 foreign professional service limited liability company shall be licensed  
38 pursuant to article 154 of the education law to practice clinical social  
39 work in this state. With respect to a foreign professional service  
40 limited liability company which provides creative arts therapy services  
41 as such services are defined in article 163 of the education law, each  
42 member of such foreign professional service limited liability company  
43 must be licensed pursuant to article 163 of the education law to prac-  
44 tice creative arts therapy in this state. With respect to a foreign  
45 professional service limited liability company which provides marriage  
46 and family therapy services as such services are defined in article 163  
47 of the education law, each member of such foreign professional service  
48 limited liability company must be licensed pursuant to article 163 of  
49 the education law to practice marriage and family therapy in this state.  
50 With respect to a foreign professional service limited liability company  
51 which provides mental health counseling services as such services are  
52 defined in article 163 of the education law, each member of such foreign  
53 professional service limited liability company must be licensed pursuant  
54 to article 163 of the education law to practice mental health counseling  
55 in this state. With respect to a foreign professional service limited  
56 liability company which provides psychoanalysis services as such

1 services are defined in article 163 of the education law, each member of  
2 such foreign professional service limited liability company must be  
3 licensed pursuant to article 163 of the education law to practice  
4 psychoanalysis in this state. With respect to a foreign professional  
5 service limited liability company which provides applied behavior analy-  
6 sis services as such services are defined in article 167 of the educa-  
7 tion law, each member of such foreign professional service limited  
8 liability company must be licensed or certified pursuant to article 167  
9 of the education law to practice applied behavior analysis in this  
10 state. WITH RESPECT TO A FOREIGN PROFESSIONAL SERVICE LIMITED LIABILITY  
11 COMPANY FORMED TO PROVIDE INTEGRATED, MULTI-DISCIPLINARY MEDICAL AND  
12 CHIROPRACTIC SERVICES, AS SUCH SERVICES ARE RESPECTIVELY DEFINED UNDER  
13 ARTICLE 131 AND ARTICLE 132 OF THE EDUCATION LAW, (I) EACH MEMBER OF  
14 SUCH LIMITED LIABILITY COMPANY MUST BE LICENSED PURSUANT TO ARTICLE 131  
15 OR ARTICLE 132 OF THE EDUCATION LAW TO PRACTICE HIS OR HER PROFESSION IN  
16 THIS STATE, (II) EACH MEMBER SHALL ONLY PRACTICE HIS OR HER PROFESSION  
17 AS SPECIFIED IN HIS OR HER RESPECTIVE PROFESSIONAL ENABLING STATUTE  
18 UNDER ARTICLE 131 OR ARTICLE 132 OF THE EDUCATION LAW, AND (III) THE  
19 CLINICAL INTEGRATION OF PROFESSIONAL PRACTICES WITHIN AN INTEGRATED,  
20 MULTIDISCIPLINARY ENTITY ORGANIZED UNDER THIS SECTION DOES NOT ALTER,  
21 EXPAND OR CURTAIL THE SCOPE OF PRACTICE OF ANY OF THE INDIVIDUALS  
22 LICENSED UNDER THE STATUTE OF HIS OR HER RESPECTIVE PROFESSIONAL ENABL-  
23 ING LAW, PROVIDED THAT: (A) THE CLINICAL JUDGMENT, MANAGEMENT AND CLIN-  
24 ICAL DECISION-MAKING OF ONE OR MORE ARTICLE 131 PROVIDERS IN AN INTE-  
25 GRATED, MULTIDISCIPLINARY PROFESSIONAL SERVICE LIMITED LIABILITY COMPANY  
26 SHALL BE CONTROLLING, (B) MEMBERS LICENSED UNDER ARTICLE 132 OF THE  
27 EDUCATION LAW, SHALL NOT, DIRECTLY OR INDIRECTLY, INTERFERE WITH THE  
28 CLINICAL JUDGMENT OR LEGITIMATE CLINICAL PRACTICE OF A PROFESSIONAL  
29 LICENSED UNDER ARTICLE 131, AND (C) INDIVIDUALS LICENSED UNDER ARTICLE  
30 131 MAY NOT ORDER OR DIRECT A PROFESSIONAL LICENSED UNDER ARTICLE 132 OF  
31 THE EDUCATION LAW TO PRACTICE BEYOND THE SCOPE OF HIS OR HER LICENSE  
32 UNDER ARTICLE 132 OF THE EDUCATION LAW, EVEN IF SUPERVISED DIRECTLY OR  
33 INDIRECTLY BY A PROFESSIONAL LICENSED UNDER ARTICLE 131.

34 S 4. Paragraph (a) of section 1503 of the business corporation law, as  
35 amended by chapter 550 of the laws of 2011, is amended to read as  
36 follows:

37 (a) Notwithstanding any other provision of law, (I) one or more indi-  
38 viduals duly authorized by law to render the same professional service  
39 within the state may organize, or cause to be organized, a professional  
40 service corporation for pecuniary profit under this article for the  
41 purpose of rendering the same professional service, except that one or  
42 more individuals duly authorized by law to practice professional engi-  
43 neering, architecture, landscape architecture or land surveying within  
44 the state may organize, or cause to be organized, a professional service  
45 corporation or a design professional service corporation for pecuniary  
46 profit under this article for the purpose of rendering such professional  
47 services as such individuals are authorized to practice, AND, (II) ONE  
48 OR MORE INDIVIDUALS DULY LICENSED TO PRACTICE MEDICINE AND ONE OR MORE  
49 CHIROPRACTORS LICENSED UNDER ARTICLE 132 OF THE EDUCATION LAW, WHO MAY  
50 BE BOARD CERTIFIED OR QUALIFIED BY HIS OR HER RESPECTIVE PROFESSIONAL  
51 SPECIALTY BOARDS, MAY ORGANIZE, OR CAUSE TO BE ORGANIZED, FOR BUSINESS  
52 PURPOSES ONLY, A MULTIDISCIPLINARY PROFESSIONAL SERVICE CORPORATION  
53 FORMED FOR PECUNIARY PROFIT UNDER THIS ARTICLE FOR THE PURPOSE OF  
54 RENDERING INTEGRATED AND NON-INTEGRATED PROFESSIONAL SERVICES WITHIN  
55 SUCH A CORPORATION AS SUCH INDIVIDUALS ARE AUTHORIZED TO PRACTICE INDI-  
56 VIDUALLY IN HIS OR HER RESPECTIVE PROFESSIONS, PROVIDED THAT THE CLIN-



1 ICAL INTEGRATION OF PROFESSIONAL PRACTICES WITHIN AN ENTITY ORGANIZED  
2 UNDER THIS SECTION DOES NOT ALTER, EXPAND OR CURTAIL THE SCOPE OF PRAC-  
3 TICE OF ANY OF THE INDIVIDUALS LICENSED UNDER THE STATUTE OF HIS OR HER  
4 RESPECTIVE PROFESSIONAL ENABLING LAW; THAT THE CLINICAL JUDGMENT,  
5 MANAGEMENT AND CLINICAL DECISION-MAKING OF ONE OR MORE ARTICLE 131  
6 PROVIDERS IN AN INTEGRATED, MULTIDISCIPLINARY PRACTICE SHALL BE CONTROL-  
7 LING; THAT MEMBERS LICENSED UNDER ARTICLE 132 OF THE EDUCATION LAW,  
8 SHALL NOT, DIRECTLY OR INDIRECTLY, INTERFERE WITH THE CLINICAL JUDGMENT  
9 OR LEGITIMATE CLINICAL PRACTICE OF A PROFESSIONAL LICENSED UNDER ARTICLE  
10 131; AND THAT INDIVIDUALS LICENSED UNDER ARTICLE 131 MAY NOT ORDER OR  
11 DIRECT A PROFESSIONAL LICENSED UNDER ARTICLE 132 OF THE EDUCATION LAW TO  
12 PRACTICE BEYOND THE SCOPE OF HIS OR HER LICENSE UNDER ARTICLE 132 OF THE  
13 EDUCATION LAW IN A PROFESSIONAL SERVICE LIMITED LIABILITY COMPANY, EVEN  
14 IF SUPERVISED DIRECTLY OR INDIRECTLY BY A PROFESSIONAL LICENSED UNDER  
15 ARTICLE 131.

16 S 5. Subdivision (q) of section 121-1500 of the partnership law, as  
17 amended by chapter 554 of the laws of 2013, is amended to read as  
18 follows:

19 (q) Each partner of a registered limited liability partnership formed  
20 to provide medical services in this state must be licensed pursuant to  
21 article 131 of the education law to practice medicine in this state and  
22 each partner of a registered limited liability partnership formed to  
23 provide dental services in this state must be licensed pursuant to arti-  
24 cle 133 of the education law to practice dentistry in this state. Each  
25 partner of a registered limited liability partnership formed to provide  
26 veterinary services in this state must be licensed pursuant to article  
27 135 of the education law to practice veterinary medicine in this state.  
28 Each partner of a registered limited liability partnership formed to  
29 provide professional engineering, land surveying, architectural and/or  
30 landscape architectural services in this state must be licensed pursuant  
31 to article 145, article 147 and/or article 148 of the education law to  
32 practice one or more of such professions in this state. Each partner of  
33 a registered limited liability partnership formed to provide licensed  
34 clinical social work services in this state must be licensed pursuant to  
35 article 154 of the education law to practice clinical social work in  
36 this state. Each partner of a registered limited liability partnership  
37 formed to provide creative arts therapy services in this state must be  
38 licensed pursuant to article 163 of the education law to practice crea-  
39 tive arts therapy in this state. Each partner of a registered limited  
40 liability partnership formed to provide marriage and family therapy  
41 services in this state must be licensed pursuant to article 163 of the  
42 education law to practice marriage and family therapy in this state.  
43 Each partner of a registered limited liability partnership formed to  
44 provide mental health counseling services in this state must be licensed  
45 pursuant to article 163 of the education law to practice mental health  
46 counseling in this state. Each partner of a registered limited liability  
47 partnership formed to provide psychoanalysis services in this state must  
48 be licensed pursuant to article 163 of the education law to practice  
49 psychoanalysis in this state. Each partner of a registered limited  
50 liability partnership formed to provide applied behavior analysis  
51 service in this state must be licensed or certified pursuant to article  
52 167 of the education law to practice applied behavior analysis in this  
53 state. EACH PARTNER OF A REGISTERED LIMITED LIABILITY PARTNERSHIP  
54 FORMED TO PROVIDE INTEGRATED, MULTIDISCIPLINARY MEDICAL AND CHIROPRACTIC  
55 SERVICES, AS SUCH SERVICES ARE RESPECTIVELY DEFINED UNDER ARTICLE 131  
56 AND ARTICLE 132 OF THE EDUCATION LAW, (I) MUST BE LICENSED PURSUANT TO

1 ARTICLE 131 OR ARTICLE 132 OF THE EDUCATION LAW TO PRACTICE HIS OR HER  
2 PROFESSION IN THIS STATE, (II) SHALL ONLY PRACTICE HIS OR HER PROFESSION  
3 AS SPECIFIED IN HIS OR HER RESPECTIVE PROFESSIONAL ENABLING STATUTE  
4 UNDER ARTICLE 131 OR ARTICLE 132 OF THE EDUCATION LAW, AND (III) THE  
5 CLINICAL INTEGRATION OF PROFESSIONAL PRACTICES WITHIN AN INTEGRATED,  
6 MULTI-DISCIPLINARY ENTITY ORGANIZED UNDER THIS SECTION DOES NOT ALTER,  
7 EXPAND OR CURTAIL THE SCOPE OF PRACTICE OF ANY OF THE INDIVIDUALS  
8 LICENSED UNDER THE STATUTE OF HIS OR HER RESPECTIVE PROFESSIONAL ENABL-  
9 ING LAW, PROVIDED THAT: (A) THE CLINICAL JUDGMENT, MANAGEMENT AND CLIN-  
10 ICAL DECISION-MAKING OF ONE OR MORE ARTICLE 131 PROVIDERS IN AN INTE-  
11 GRATED, MULTIDISCIPLINARY PROFESSIONAL SERVICE LIMITED LIABILITY COMPANY  
12 SHALL BE CONTROLLING, (B) MEMBERS LICENSED UNDER ARTICLE 132 OF THE  
13 EDUCATION LAW, SHALL NOT, DIRECTLY OR INDIRECTLY, INTERFERE WITH THE  
14 CLINICAL JUDGMENT OR LEGITIMATE CLINICAL PRACTICE OF A PROFESSIONAL  
15 LICENSED UNDER ARTICLE 131, AND (C) INDIVIDUALS LICENSED UNDER ARTICLE  
16 131 MAY NOT ORDER OR DIRECT A PROFESSIONAL LICENSED UNDER ARTICLE 132 OF  
17 THE EDUCATION LAW TO PRACTICE BEYOND THE SCOPE OF HIS OR HER LICENSE  
18 UNDER ARTICLE 132 OF THE EDUCATION LAW, EVEN IF SUPERVISED DIRECTLY OR  
19 INDIRECTLY BY A PROFESSIONAL LICENSED UNDER ARTICLE 131.

20 S 6. Subdivision (q) of section 121-1502 of the partnership law, as  
21 amended by chapter 554 of the laws of 2013, is amended to read as  
22 follows:

23 (q) Each partner of a foreign limited liability partnership which  
24 provides medical services in this state must be licensed pursuant to  
25 article 131 of the education law to practice medicine in the state and  
26 each partner of a foreign limited liability partnership which provides  
27 dental services in the state must be licensed pursuant to article 133 of  
28 the education law to practice dentistry in this state. Each partner of a  
29 foreign limited liability partnership which provides veterinary service  
30 in the state shall be licensed pursuant to article 135 of the education  
31 law to practice veterinary medicine in this state. Each partner of a  
32 foreign limited liability partnership which provides professional engi-  
33 neering, land surveying, architectural and/or landscape architectural  
34 services in this state must be licensed pursuant to article 145, article  
35 147 and/or article 148 of the education law to practice one or more of  
36 such professions. Each partner of a foreign limited liability partner-  
37 ship which provides licensed clinical social work services in this state  
38 must be licensed pursuant to article 154 of the education law to prac-  
39 tice licensed clinical social work in this state. Each partner of a  
40 foreign limited liability partnership which provides creative arts ther-  
41 apy services in this state must be licensed pursuant to article 163 of  
42 the education law to practice creative arts therapy in this state. Each  
43 partner of a foreign limited liability partnership which provides  
44 marriage and family therapy services in this state must be licensed  
45 pursuant to article 163 of the education law to practice marriage and  
46 family therapy in this state. Each partner of a foreign limited liabil-  
47 ity partnership which provides mental health counseling services in this  
48 state must be licensed pursuant to article 163 of the education law to  
49 practice mental health counseling in this state. Each partner of a  
50 foreign limited liability partnership which provides psychoanalysis  
51 services in this state must be licensed pursuant to article 163 of the  
52 education law to practice psychoanalysis in this state. Each partner of  
53 a foreign limited liability partnership which provides applied behavior  
54 analysis services in this state must be licensed or certified pursuant  
55 to article 167 of the education law to practice applied behavior analy-  
56 sis in this state. EACH PARTNER OF A FOREIGN LIMITED LIABILITY PARTNER-

SHIP FORMED TO PROVIDE INTEGRATED, MULTIDISCIPLINARY MEDICAL AND CHIROPRACTIC SERVICES, AS SUCH SERVICES ARE DEFINED UNDER ARTICLE 131 OR ARTICLE 132 OF THE EDUCATION LAW, (I) MUST BE LICENSED PURSUANT TO ARTICLE 131 OR ARTICLE 132 OF THE EDUCATION LAW TO PRACTICE HIS OR HER PROFESSION IN THIS STATE, (II) SHALL ONLY PRACTICE HIS OR HER PROFESSION AS SPECIFIED IN HIS OR HER RESPECTIVE PROFESSIONAL ENABLING STATUTE UNDER ARTICLE 131 OR ARTICLE 132 OF THE EDUCATION LAW, AND (III) THE CLINICAL INTEGRATION OF PROFESSIONAL PRACTICES WITHIN AN INTEGRATED, MULTIDISCIPLINARY ENTITY ORGANIZED UNDER THIS SECTION DOES NOT ALTER, EXPAND OR CURTAIL THE SCOPE OF PRACTICE OF ANY OF THE INDIVIDUALS LICENSED UNDER THE STATUTE OF HIS OR HER RESPECTIVE PROFESSIONAL ENABLING LAW, PROVIDED THAT: (A) THE CLINICAL JUDGMENT, MANAGEMENT AND CLINICAL DECISION-MAKING OF ONE OR MORE ARTICLE 131 PROVIDERS IN AN INTEGRATED, MULTIDISCIPLINARY PROFESSIONAL SERVICE LIMITED LIABILITY COMPANY SHALL BE CONTROLLING, (B) MEMBERS NOT LICENSED UNDER ARTICLE 131 OF THE EDUCATION LAW, SHALL NOT, DIRECTLY OR INDIRECTLY, INTERFERE WITH THE CLINICAL JUDGMENT OR LEGITIMATE CLINICAL PRACTICE OF A PROFESSIONAL LICENSED UNDER ARTICLE 131, AND (C) INDIVIDUALS LICENSED UNDER ARTICLE 131 MAY NOT ORDER OR DIRECT A PROFESSIONAL LICENSED UNDER ARTICLE 132 OF THE EDUCATION LAW TO PRACTICE BEYOND THE SCOPE OF HIS OR HER LICENSE UNDER ARTICLE 132 OF THE EDUCATION LAW, EVEN IF SUPERVISED DIRECTLY OR INDIRECTLY BY A PROFESSIONAL LICENSED UNDER ARTICLE 131.

S 7. Subdivision (a) of section 1203 of the limited liability company law, as amended by chapter 475 of the laws of 2014, is amended to read as follows:

(a) Notwithstanding the education law or any other provision of law, one or more professionals each of whom is authorized by law to render a professional service within the state, or one or more professionals, at least one of whom is authorized by law to render a professional service within the state, may form, or cause to be formed, a professional service limited liability company for pecuniary profit under this article for the purpose of rendering the professional service or services as such professionals are authorized to practice. 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 licensed clinical social work services as such services are defined in article 154 of the education law, each member of such limited

1 liability company shall be licensed pursuant to article 154 of the  
2 education law to practice licensed clinical social work in this state.  
3 With respect to a professional service limited liability company formed  
4 to provide creative arts therapy services as such services are defined  
5 in article 163 of the education law, each member of such limited liabil-  
6 ity company must be licensed pursuant to article 163 of the education  
7 law to practice creative arts therapy in this state. With respect to a  
8 professional service limited liability company formed to provide  
9 marriage and family therapy services as such services are defined in  
10 article 163 of the education law, each member of such limited liability  
11 company must be licensed pursuant to article 163 of the education law to  
12 practice marriage and family therapy in this state. With respect to a  
13 professional service limited liability company formed to provide mental  
14 health counseling services as such services are defined in article 163  
15 of the education law, each member of such limited liability company must  
16 be licensed pursuant to article 163 of the education law to practice  
17 mental health counseling in this state. With respect to a professional  
18 service limited liability company formed to provide psychoanalysis  
19 services as such services are defined in article 163 of the education  
20 law, each member of such limited liability company must be licensed  
21 pursuant to article 163 of the education law to practice psychoanalysis  
22 in this state. With respect to a professional service limited liability  
23 company formed to provide applied behavior analysis services as such  
24 services are defined in article 167 of the education law, each member of  
25 such limited liability company must be licensed or certified pursuant to  
26 article 167 of the education law to practice applied behavior analysis  
27 in this state. In addition to engaging in such profession or  
28 professions, a professional service limited liability company may engage  
29 in any other business or activities as to which a limited liability  
30 company may be formed under section two hundred one of this chapter.  
31 Notwithstanding any other provision of this section, a professional  
32 service limited liability company (i) authorized to practice law may  
33 only engage in another profession or business or activities or (ii)  
34 which is engaged in a profession or other business or activities other  
35 than law may only engage in the practice of law, to the extent not  
36 prohibited by any other law of this state or any rule adopted by the  
37 appropriate appellate division of the supreme court or the court of  
38 appeals. NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, WITH  
39 RESPECT TO A LIMITED LIABILITY COMPANY FORMED TO PROVIDE INTEGRATED,  
40 MULTIDISCIPLINARY MEDICAL AND CHIROPRACTIC SERVICES, AS SUCH SERVICES  
41 ARE RESPECTIVELY DEFINED UNDER ARTICLES 131 AND 132 OF THE EDUCATION  
42 LAW, (I) EACH MEMBER OF SUCH LIMITED LIABILITY COMPANY MUST BE LICENSED  
43 PURSUANT TO ARTICLE 131 OR ARTICLE 132 OF THE EDUCATION LAW TO PRACTICE  
44 HIS OR HER PROFESSION IN THIS STATE, (II) EACH MEMBER SHALL ONLY PRAC-  
45 TICE HIS OR HER PROFESSION AS SPECIFIED IN HIS OR HER RESPECTIVE PROFES-  
46 SIONAL ENABLING STATUTE UNDER ARTICLE 131 OR ARTICLE 132 OF THE EDUCA-  
47 TION LAW, AND (III) THE CLINICAL INTEGRATION OF PROFESSIONAL PRACTICES  
48 WITHIN AN INTEGRATED, MULTIDISCIPLINARY ENTITY ORGANIZED UNDER THIS  
49 SECTION DOES NOT ALTER, EXPAND OR CURTAIL THE SCOPE OF PRACTICE OF ANY  
50 OF THE INDIVIDUALS LICENSED UNDER THE STATUTE OF HIS OR HER RESPECTIVE  
51 PROFESSIONAL ENABLING LAW, PROVIDED THAT: (A) THE CLINICAL JUDGMENT,  
52 MANAGEMENT AND CLINICAL DECISION-MAKING OF ONE OR MORE ARTICLE 131  
53 PROVIDERS IN AN INTEGRATED, MULTIDISCIPLINARY PROFESSIONAL SERVICE  
54 LIMITED LIABILITY COMPANY SHALL BE CONTROLLING, (B) MEMBERS LICENSED  
55 UNDER ARTICLE 132 OF THE EDUCATION LAW, SHALL NOT, DIRECTLY OR INDIRECT-  
56 LY, INTERFERE WITH THE CLINICAL JUDGMENT OR LEGITIMATE CLINICAL PRACTICE

1 OF A PROFESSIONAL LICENSED UNDER ARTICLE 131, AND (C) INDIVIDUALS  
2 LICENSED UNDER ARTICLE 131 MAY NOT ORDER OR DIRECT A PROFESSIONAL  
3 LICENSED UNDER ARTICLE 132 OF THE EDUCATION LAW TO PRACTICE BEYOND THE  
4 SCOPE OF HIS OR HER LICENSE UNDER ARTICLE 132 OF THE EDUCATION LAW, EVEN  
5 IF SUPERVISED DIRECTLY OR INDIRECTLY BY A PROFESSIONAL LICENSED UNDER  
6 ARTICLE 131.

7 S 8. Subdivision (b) of section 1207 of the limited liability company  
8 law, as amended by chapter 475 of the laws of 2014, is amended to read  
9 as follows:

10 (b) With respect to a professional service limited liability company  
11 formed to provide medical services as such services are defined in arti-  
12 cle 131 of the education law, each member of such limited liability  
13 company must be licensed pursuant to article 131 of the education law to  
14 practice medicine in this state. With respect to a professional service  
15 limited liability company formed to provide dental services as such  
16 services are defined in article 133 of the education law, each member of  
17 such limited liability company must be licensed pursuant to article 133  
18 of the education law to practice dentistry in this state. With respect  
19 to a professional service limited liability company formed to provide  
20 veterinary services as such services are defined in article 135 of the  
21 education law, each member of such limited liability company must be  
22 licensed pursuant to article 135 of the education law to practice veter-  
23 inary medicine in this state. With respect to a professional service  
24 limited liability company formed to provide professional engineering,  
25 land surveying, architectural, landscape architectural and/or geological  
26 services as such services are defined in article 145, article 147 and  
27 article 148 of the education law, each member of such limited liability  
28 company must be licensed pursuant to article 145, article 147 and/or  
29 article 148 of the education law to practice one or more of such  
30 professions in this state. With respect to a professional service limit-  
31 ed liability company formed to provide licensed clinical social work  
32 services as such services are defined in article 154 of the education  
33 law, each member of such limited liability company shall be licensed  
34 pursuant to article 154 of the education law to practice licensed clin-  
35 ical social work in this state. With respect to a professional service  
36 limited liability company formed to provide creative arts therapy  
37 services as such services are defined in article 163 of the education  
38 law, each member of such limited liability company must be licensed  
39 pursuant to article 163 of the education law to practice creative arts  
40 therapy in this state. With respect to a professional service limited  
41 liability company formed to provide marriage and family therapy services  
42 as such services are defined in article 163 of the education law, each  
43 member of such limited liability company must be licensed pursuant to  
44 article 163 of the education law to practice marriage and family therapy  
45 in this state. With respect to a professional service limited liability  
46 company formed to provide mental health counseling services as such  
47 services are defined in article 163 of the education law, each member of  
48 such limited liability company must be licensed pursuant to article 163  
49 of the education law to practice mental health counseling in this state.  
50 With respect to a professional service limited liability company formed  
51 to provide psychoanalysis services as such services are defined in arti-  
52 cle 163 of the education law, each member of such limited liability  
53 company must be licensed pursuant to article 163 of the education law to  
54 practice psychoanalysis in this state. With respect to a professional  
55 service limited liability company formed to provide applied behavior  
56 analysis services as such services are defined in article 167 of the

1 education law, each member of such limited liability company must be  
2 licensed or certified pursuant to article 167 of the education law to  
3 practice applied behavior analysis in this state. NOTWITHSTANDING ANY  
4 OTHER PROVISION OF THIS SECTION, WITH RESPECT TO A PROFESSIONAL SERVICE  
5 LIMITED LIABILITY COMPANY FORMED TO PROVIDE INTEGRATED, MULTIDISCIPLI-  
6 NARY MEDICAL AND CHIROPRACTIC SERVICES, AS SUCH SERVICES ARE RESPECTIVE-  
7 LY DEFINED UNDER ARTICLES 131 AND 132 OF THE EDUCATION LAW, (I) EACH  
8 MEMBER OF SUCH LIMITED LIABILITY COMPANY MUST BE LICENSED PURSUANT TO  
9 ARTICLE 131 OR ARTICLE 132 OF THE EDUCATION LAW TO PRACTICE HIS OR HER  
10 PROFESSION IN THIS STATE, (II) EACH MEMBER SHALL ONLY PRACTICE HIS OR  
11 HER PROFESSION AS SPECIFIED IN HIS OR HER RESPECTIVE PROFESSIONAL ENABL-  
12 ING STATUTE UNDER ARTICLE 131 OR ARTICLE 132 OF THE EDUCATION LAW, AND  
13 (III) THE CLINICAL INTEGRATION OF PROFESSIONAL PRACTICES WITHIN AN INTE-  
14 GRATED, MULTIDISCIPLINARY ENTITY ORGANIZED UNDER THIS SECTION DOES NOT  
15 ALTER, EXPAND OR CURTAIL THE SCOPE OF PRACTICE OF ANY OF THE INDIVIDUALS  
16 LICENSED UNDER THE STATUTE OF HIS OR HER RESPECTIVE PROFESSIONAL ENABL-  
17 ING LAW, PROVIDED THAT: (A) THE CLINICAL JUDGMENT, MANAGEMENT AND CLIN-  
18 ICAL DECISION-MAKING OF ONE OR MORE ARTICLE 131 PROVIDERS IN AN INTE-  
19 GRATED, MULTIDISCIPLINARY PROFESSIONAL SERVICE LIMITED LIABILITY COMPANY  
20 SHALL BE CONTROLLING, (B) MEMBERS LICENSED UNDER ARTICLE 132 OF THE  
21 EDUCATION LAW, SHALL NOT, DIRECTLY OR INDIRECTLY, INTERFERE WITH THE  
22 CLINICAL JUDGMENT OR LEGITIMATE CLINICAL PRACTICE OF A PROFESSIONAL  
23 LICENSED UNDER ARTICLE 131, AND (C) INDIVIDUALS LICENSED UNDER ARTICLE  
24 131 MAY NOT ORDER OR DIRECT A PROFESSIONAL LICENSED UNDER ARTICLE 132 OF  
25 THE EDUCATION LAW TO PRACTICE BEYOND THE SCOPE OF HIS OR HER LICENSE  
26 UNDER ARTICLE 132 OF THE EDUCATION LAW, EVEN IF SUPERVISED DIRECTLY OR  
27 INDIRECTLY BY A PROFESSIONAL LICENSED UNDER ARTICLE 131.

28 S 9. Subdivision (a) of section 1301 of the limited liability company  
29 law, as amended by chapter 475 of the laws of 2014, is amended to read  
30 as follows:

31 (a) "Foreign professional service limited liability company" means a  
32 professional service limited liability company, whether or not denomi-  
33 nated as such, organized under the laws of a jurisdiction other than  
34 this state, (i) each of whose members and managers, if any, is a profes-  
35 sional authorized by law to render a professional service within this  
36 state and who is or has been engaged in the practice of such profession  
37 in such professional service limited liability company or a predecessor  
38 entity, or will engage in the practice of such profession in the profes-  
39 sional service limited liability company within thirty days of the date  
40 such professional becomes a member, or each of whose members and manag-  
41 ers, if any, is a professional at least one of such members is author-  
42 ized by law to render a professional service within this state and who  
43 is or has been engaged in the practice of such profession in such  
44 professional service limited liability company or a predecessor entity,  
45 or will engage in the practice of such profession in the professional  
46 service limited liability company within thirty days of the date such  
47 professional becomes a member, or (ii) authorized by, or holding a  
48 license, certificate, registration or permit issued by the licensing  
49 authority pursuant to, the education law to render a professional  
50 service within this state; except that all members and managers, if any,  
51 of a foreign professional service limited liability company that  
52 provides health services in this state shall be licensed in this state.  
53 With respect to a foreign professional service limited liability company  
54 which provides veterinary services as such services are defined in arti-  
55 cle 135 of the education law, each member of such foreign professional  
56 service limited liability company shall be licensed pursuant to article

1 135 of the education law to practice veterinary medicine. With respect  
2 to a foreign professional service limited liability company which  
3 provides medical services as such services are defined in article 131 of  
4 the education law, each member of such foreign professional service  
5 limited liability company must be licensed pursuant to article 131 of  
6 the education law to practice medicine in this state. With respect to a  
7 foreign professional service limited liability company which provides  
8 dental services as such services are defined in article 133 of the  
9 education law, each member of such foreign professional service limited  
10 liability company must be licensed pursuant to article 133 of the educa-  
11 tion law to practice dentistry in this state. With respect to a foreign  
12 professional service limited liability company which provides profes-  
13 sional engineering, land surveying, geologic architectural and/or land-  
14 scape architectural services as such services are defined in article  
15 145, article 147 and article 148 of the education law, each member of  
16 such foreign professional service limited liability company must be  
17 licensed pursuant to article 145, article 147 and/or article 148 of the  
18 education law to practice one or more of such professions in this state.  
19 With respect to a foreign professional service limited liability company  
20 which provides licensed clinical social work services as such services  
21 are defined in article 154 of the education law, each member of such  
22 foreign professional service limited liability company shall be licensed  
23 pursuant to article 154 of the education law to practice clinical social  
24 work in this state. With respect to a foreign professional service  
25 limited liability company which provides creative arts therapy services  
26 as such services are defined in article 163 of the education law, each  
27 member of such foreign professional service limited liability company  
28 must be licensed pursuant to article 163 of the education law to prac-  
29 tice creative arts therapy in this state. With respect to a foreign  
30 professional service limited liability company which provides marriage  
31 and family therapy services as such services are defined in article 163  
32 of the education law, each member of such foreign professional service  
33 limited liability company must be licensed pursuant to article 163 of  
34 the education law to practice marriage and family therapy in this state.  
35 With respect to a foreign professional service limited liability company  
36 which provides mental health counseling services as such services are  
37 defined in article 163 of the education law, each member of such foreign  
38 professional service limited liability company must be licensed pursuant  
39 to article 163 of the education law to practice mental health counseling  
40 in this state. With respect to a foreign professional service limited  
41 liability company which provides psychoanalysis services as such  
42 services are defined in article 163 of the education law, each member of  
43 such foreign professional service limited liability company must be  
44 licensed pursuant to article 163 of the education law to practice  
45 psychoanalysis in this state. With respect to a foreign professional  
46 service limited liability company which provides applied behavior analy-  
47 sis services as such services are defined in article 167 of the educa-  
48 tion law, each member of such foreign professional service limited  
49 liability company must be licensed or certified pursuant to article 167  
50 of the education law to practice applied behavior analysis in this  
51 state. WITH RESPECT TO A FOREIGN PROFESSIONAL SERVICE LIMITED LIABILITY  
52 COMPANY FORMED TO PROVIDE INTEGRATED, MULTI-DISCIPLINARY MEDICAL AND  
53 CHIROPRACTIC SERVICES, AS SUCH SERVICES ARE RESPECTIVELY DEFINED UNDER  
54 ARTICLE 131 AND ARTICLE 132 OF THE EDUCATION LAW, (I) EACH MEMBER OF  
55 SUCH LIMITED LIABILITY COMPANY MUST BE LICENSED PURSUANT TO ARTICLE 131  
56 OR ARTICLE 132 OF THE EDUCATION LAW TO PRACTICE HIS OR HER PROFESSION IN

1 THIS STATE, (II) EACH MEMBER SHALL ONLY PRACTICE HIS OR HER PROFESSION  
2 AS SPECIFIED IN HIS OR HER RESPECTIVE PROFESSIONAL ENABLING STATUTE  
3 UNDER ARTICLE 131 OR ARTICLE 132 OF THE EDUCATION LAW, AND (III) THE  
4 CLINICAL INTEGRATION OF PROFESSIONAL PRACTICES WITHIN AN INTEGRATED,  
5 MULTIDISCIPLINARY ENTITY ORGANIZED UNDER THIS SECTION DOES NOT ALTER,  
6 EXPAND OR CURTAIL THE SCOPE OF PRACTICE OF ANY OF THE INDIVIDUALS  
7 LICENSED UNDER THE STATUTE OF HIS OR HER RESPECTIVE PROFESSIONAL ENABL-  
8 ING LAW, PROVIDED THAT: (A) THE CLINICAL JUDGMENT, MANAGEMENT AND CLIN-  
9 ICAL DECISION-MAKING OF ONE OR MORE ARTICLE 131 PROVIDERS IN AN INTE-  
10 GRATED, MULTIDISCIPLINARY PROFESSIONAL SERVICE LIMITED LIABILITY COMPANY  
11 SHALL BE CONTROLLING, (B) MEMBERS LICENSED UNDER ARTICLE 132 OF THE  
12 EDUCATION LAW, SHALL NOT, DIRECTLY OR INDIRECTLY, INTERFERE WITH THE  
13 CLINICAL JUDGMENT OR LEGITIMATE CLINICAL PRACTICE OF A PROFESSIONAL  
14 LICENSED UNDER ARTICLE 131, AND (C) INDIVIDUALS LICENSED UNDER ARTICLE  
15 131 MAY NOT ORDER OR DIRECT A PROFESSIONAL LICENSED UNDER ARTICLE 132 OF  
16 THE EDUCATION LAW TO PRACTICE BEYOND THE SCOPE OF HIS OR HER LICENSE  
17 UNDER ARTICLE 132 OF THE EDUCATION LAW, EVEN IF SUPERVISED DIRECTLY OR  
18 INDIRECTLY BY A PROFESSIONAL LICENSED UNDER ARTICLE 131.

19 S 10. Paragraph (a) of section 1503 of the business corporation law,  
20 as amended by chapter 475 of the laws of 2014, is amended to read as  
21 follows:

22 (a) Notwithstanding any other provision of law, (I) one or more indi-  
23 viduals duly authorized by law to render the same professional service  
24 within the state may organize, or cause to be organized, a professional  
25 service corporation for pecuniary profit under this article for the  
26 purpose of rendering the same professional service, except that one or  
27 more individuals duly authorized by law to practice professional engi-  
28 neering, architecture, landscape architecture, land surveying or geology  
29 within the state may organize, or cause to be organized, a professional  
30 service corporation or a design professional service corporation for  
31 pecuniary profit under this article for the purpose of rendering such  
32 professional services as such individuals are authorized to practice,  
33 AND, (II) ONE OR MORE INDIVIDUALS DULY LICENSED TO PRACTICE MEDICINE AND  
34 ONE OR MORE CHIROPRACTORS LICENSED UNDER ARTICLE 132 OF THE EDUCATION  
35 LAW, WHO MAY BE BOARD CERTIFIED OR QUALIFIED BY HIS OR HER RESPECTIVE  
36 PROFESSIONAL SPECIALTY BOARDS, MAY ORGANIZE, OR CAUSE TO BE ORGANIZED,  
37 FOR BUSINESS PURPOSES ONLY, A MULTIDISCIPLINARY PROFESSIONAL SERVICE  
38 CORPORATION FORMED FOR PECUNIARY PROFIT UNDER THIS ARTICLE FOR THE  
39 PURPOSE OF RENDERING INTEGRATED AND NON-INTEGRATED PROFESSIONAL SERVICES  
40 WITHIN SUCH A CORPORATION AS SUCH INDIVIDUALS ARE AUTHORIZED TO PRACTICE  
41 INDIVIDUALLY IN HIS OR HER RESPECTIVE PROFESSIONS, PROVIDED THAT THE  
42 CLINICAL INTEGRATION OF PROFESSIONAL PRACTICES WITHIN AN ENTITY ORGAN-  
43 IZED UNDER THIS SECTION DOES NOT ALTER, EXPAND OR CURTAIL THE SCOPE OF  
44 PRACTICE OF ANY OF THE INDIVIDUALS LICENSED UNDER THE STATUTE OF HIS OR  
45 HER RESPECTIVE PROFESSIONAL ENABLING LAW; THAT THE CLINICAL JUDGMENT,  
46 MANAGEMENT AND CLINICAL DECISION-MAKING OF ONE OR MORE ARTICLE 131  
47 PROVIDERS IN AN INTEGRATED, MULTIDISCIPLINARY PRACTICE SHALL BE CONTROL-  
48 LING; THAT MEMBERS LICENSED UNDER ARTICLE 132 OF THE EDUCATION LAW,  
49 SHALL NOT, DIRECTLY OR INDIRECTLY, INTERFERE WITH THE CLINICAL JUDGMENT  
50 OR LEGITIMATE CLINICAL PRACTICE OF A PROFESSIONAL LICENSED UNDER ARTICLE  
51 131; AND THAT INDIVIDUALS LICENSED UNDER ARTICLE 131 MAY NOT ORDER OR  
52 DIRECT A PROFESSIONAL LICENSED UNDER ARTICLE 132 OF THE EDUCATION LAW TO  
53 PRACTICE BEYOND THE SCOPE OF HIS OR HER LICENSE UNDER ARTICLE 132 OF THE  
54 EDUCATION LAW IN A PROFESSIONAL SERVICE LIMITED LIABILITY COMPANY, EVEN  
55 IF SUPERVISED DIRECTLY OR INDIRECTLY BY A PROFESSIONAL LICENSED UNDER  
56 ARTICLE 131.



1 S 11. Subdivision (q) of section 121-1500 of the partnership law, as  
2 amended by chapter 475 of the laws of 2014, is amended to read as  
3 follows:

4 (q) Each partner of a registered limited liability partnership formed  
5 to provide medical services in this state must be licensed pursuant to  
6 article 131 of the education law to practice medicine in this state and  
7 each partner of a registered limited liability partnership formed to  
8 provide dental services in this state must be licensed pursuant to arti-  
9 cle 133 of the education law to practice dentistry in this state. Each  
10 partner of a registered limited liability partnership formed to provide  
11 veterinary services in this state must be licensed pursuant to article  
12 135 of the education law to practice veterinary medicine in this state.  
13 Each partner of a registered limited liability partnership formed to  
14 provide professional engineering, land surveying, geological services,  
15 architectural and/or landscape architectural services in this state must  
16 be licensed pursuant to article 145, article 147 and/or article 148 of  
17 the education law to practice one or more of such professions in this  
18 state. Each partner of a registered limited liability partnership formed  
19 to provide licensed clinical social work services in this state must be  
20 licensed pursuant to article 154 of the education law to practice clin-  
21 ical social work in this state. Each partner of a registered limited  
22 liability partnership formed to provide creative arts therapy services  
23 in this state must be licensed pursuant to article 163 of the education  
24 law to practice creative arts therapy in this state. Each partner of a  
25 registered limited liability partnership formed to provide marriage and  
26 family therapy services in this state must be licensed pursuant to arti-  
27 cle 163 of the education law to practice marriage and family therapy in  
28 this state. Each partner of a registered limited liability partnership  
29 formed to provide mental health counseling services in this state must  
30 be licensed pursuant to article 163 of the education law to practice  
31 mental health counseling in this state. Each partner of a registered  
32 limited liability partnership formed to provide psychoanalysis services  
33 in this state must be licensed pursuant to article 163 of the education  
34 law to practice psychoanalysis in this state. Each partner of a regis-  
35 tered limited liability partnership formed to provide applied behavior  
36 analysis service in this state must be licensed or certified pursuant to  
37 article 167 of the education law to practice applied behavior analysis  
38 in this state. EACH PARTNER OF A REGISTERED LIMITED LIABILITY PARTNER-  
39 SHIP FORMED TO PROVIDE INTEGRATED, MULTIDISCIPLINARY MEDICAL AND CHIROP-  
40 RACTIC SERVICES, AS SUCH SERVICES ARE RESPECTIVELY DEFINED UNDER ARTICLE  
41 131 AND ARTICLE 132 OF THE EDUCATION LAW, (I) MUST BE LICENSED PURSUANT  
42 TO ARTICLE 131 OR ARTICLE 132 OF THE EDUCATION LAW TO PRACTICE HIS OR  
43 HER PROFESSION IN THIS STATE, (II) SHALL ONLY PRACTICE HIS OR HER  
44 PROFESSION AS SPECIFIED IN HIS OR HER RESPECTIVE PROFESSIONAL ENABLING  
45 STATUTE UNDER ARTICLE 131 OR ARTICLE 132 OF THE EDUCATION LAW, AND (III)  
46 THE CLINICAL INTEGRATION OF PROFESSIONAL PRACTICES WITHIN AN INTEGRATED,  
47 MULTI-DISCIPLINARY ENTITY ORGANIZED UNDER THIS SECTION DOES NOT ALTER,  
48 EXPAND OR CURTAIL THE SCOPE OF PRACTICE OF ANY OF THE INDIVIDUALS  
49 LICENSED UNDER THE STATUTE OF HIS OR HER RESPECTIVE PROFESSIONAL ENABL-  
50 ING LAW, PROVIDED THAT: (A) THE CLINICAL JUDGMENT, MANAGEMENT AND CLIN-  
51 ICAL DECISION-MAKING OF ONE OR MORE ARTICLE 131 PROVIDERS IN AN INTE-  
52 GRATED, MULTIDISCIPLINARY PROFESSIONAL SERVICE LIMITED LIABILITY COMPANY  
53 SHALL BE CONTROLLING, (B) MEMBERS LICENSED UNDER ARTICLE 132 OF THE  
54 EDUCATION LAW, SHALL NOT, DIRECTLY OR INDIRECTLY, INTERFERE WITH THE  
55 CLINICAL JUDGMENT OR LEGITIMATE CLINICAL PRACTICE OF A PROFESSIONAL  
56 LICENSED UNDER ARTICLE 131, AND (C) INDIVIDUALS LICENSED UNDER ARTICLE

1 131 MAY NOT ORDER OR DIRECT A PROFESSIONAL LICENSED UNDER ARTICLE 132 OF  
2 THE EDUCATION LAW TO PRACTICE BEYOND THE SCOPE OF HIS OR HER LICENSE  
3 UNDER ARTICLE 132 OF THE EDUCATION LAW, EVEN IF SUPERVISED DIRECTLY OR  
4 INDIRECTLY BY A PROFESSIONAL LICENSED UNDER ARTICLE 131.

5 S 12. Subdivision (q) of section 121-1502 of the partnership law, as  
6 amended by chapter 475 of the laws of 2014, is amended to read as  
7 follows:

8 (q) Each partner of a foreign limited liability partnership which  
9 provides medical services in this state must be licensed pursuant to  
10 article 131 of the education law to practice medicine in the state and  
11 each partner of a foreign limited liability partnership which provides  
12 dental services in the state must be licensed pursuant to article 133 of  
13 the education law to practice dentistry in this state. Each partner of a  
14 foreign limited liability partnership which provides veterinary service  
15 in the state shall be licensed pursuant to article 135 of the education  
16 law to practice veterinary medicine in this state. Each partner of a  
17 foreign limited liability partnership which provides professional engi-  
18 neering, land surveying, geological services, architectural and/or land-  
19 scape architectural services in this state must be licensed pursuant to  
20 article 145, article 147 and/or article 148 of the education law to  
21 practice one or more of such professions. Each partner of a foreign  
22 limited liability partnership which provides licensed clinical social  
23 work services in this state must be licensed pursuant to article 154 of  
24 the education law to practice licensed clinical social work in this  
25 state. Each partner of a foreign limited liability partnership which  
26 provides creative arts therapy services in this state must be licensed  
27 pursuant to article 163 of the education law to practice creative arts  
28 therapy in this state. Each partner of a foreign limited liability part-  
29 nership which provides marriage and family therapy services in this  
30 state must be licensed pursuant to article 163 of the education law to  
31 practice marriage and family therapy in this state. Each partner of a  
32 foreign limited liability partnership which provides mental health coun-  
33 seling services in this state must be licensed pursuant to article 163  
34 of the education law to practice mental health counseling in this state.  
35 Each partner of a foreign limited liability partnership which provides  
36 psychoanalysis services in this state must be licensed pursuant to arti-  
37 cle 163 of the education law to practice psychoanalysis in this state.  
38 Each partner of a foreign limited liability partnership which provides  
39 applied behavior analysis services in this state must be licensed or  
40 certified pursuant to article 167 of the education law to practice  
41 applied behavior analysis in this state. EACH PARTNER OF A FOREIGN  
42 LIMITED LIABILITY PARTNERSHIP FORMED TO PROVIDE INTEGRATED, MULTIDISCI-  
43 PLINARY MEDICAL AND CHIROPRACTIC SERVICES, AS SUCH SERVICES ARE DEFINED  
44 UNDER ARTICLE 131 OR ARTICLE 132 OF THE EDUCATION LAW, (I) MUST BE  
45 LICENSED PURSUANT TO ARTICLE 131 OR ARTICLE 132 OF THE EDUCATION LAW TO  
46 PRACTICE HIS OR HER PROFESSION IN THIS STATE, (II) SHALL ONLY PRACTICE  
47 HIS OR HER PROFESSION AS SPECIFIED IN HIS OR HER RESPECTIVE PROFESSIONAL  
48 ENABLING STATUTE UNDER ARTICLE 131 OR ARTICLE 132 OF THE EDUCATION LAW,  
49 AND (III) THE CLINICAL INTEGRATION OF PROFESSIONAL PRACTICES WITHIN AN  
50 INTEGRATED, MULTIDISCIPLINARY ENTITY ORGANIZED UNDER THIS SECTION DOES  
51 NOT ALTER, EXPAND OR CURTAIL THE SCOPE OF PRACTICE OF ANY OF THE INDI-  
52 VIDUALS LICENSED UNDER THE STATUTE OF HIS OR HER RESPECTIVE PROFESSIONAL  
53 ENABLING LAW, PROVIDED THAT: (A) THE CLINICAL JUDGMENT, MANAGEMENT AND  
54 CLINICAL DECISION-MAKING OF ONE OR MORE ARTICLE 131 PROVIDERS IN AN  
55 INTEGRATED, MULTIDISCIPLINARY PROFESSIONAL SERVICE LIMITED LIABILITY  
56 COMPANY SHALL BE CONTROLLING, (B) MEMBERS NOT LICENSED UNDER ARTICLE 131

1 OF THE EDUCATION LAW, SHALL NOT, DIRECTLY OR INDIRECTLY, INTERFERE WITH  
2 THE CLINICAL JUDGMENT OR LEGITIMATE CLINICAL PRACTICE OF A PROFESSIONAL  
3 LICENSED UNDER ARTICLE 131, AND (C) INDIVIDUALS LICENSED UNDER ARTICLE  
4 131 MAY NOT ORDER OR DIRECT A PROFESSIONAL LICENSED UNDER ARTICLE 132 OF  
5 THE EDUCATION LAW TO PRACTICE BEYOND THE SCOPE OF HIS OR HER LICENSE  
6 UNDER ARTICLE 132 OF THE EDUCATION LAW, EVEN IF SUPERVISED DIRECTLY OR  
7 INDIRECTLY BY A PROFESSIONAL LICENSED UNDER ARTICLE 131.

8 S 13. Subdivision 1 of section 2801 of the public health law, as sepa-  
9 rately amended by chapters 297 and 416 of the laws of 1983, is amended  
10 to read as follows:

11 1. "Hospital" means a facility or institution engaged principally in  
12 providing services by or under the supervision of a physician or, in the  
13 case of a dental clinic or dental dispensary, of a dentist, for the  
14 prevention, diagnosis or treatment of human disease, pain, injury,  
15 deformity or physical condition, including, but not limited to, a gener-  
16 al hospital, public health center, diagnostic center, treatment center,  
17 dental clinic, dental dispensary, rehabilitation center other than a  
18 facility used solely for vocational rehabilitation, nursing home, tuber-  
19 culosis hospital, chronic disease hospital, maternity hospital, lying-  
20 in-asylum, out-patient department, out-patient lodge, dispensary and a  
21 laboratory or central service facility serving one or more such insti-  
22 tutions, but the term hospital shall not include an institution, sani-  
23 tarium or other facility engaged principally in providing services for  
24 the prevention, diagnosis or treatment of mental disability and which is  
25 subject to the powers of visitation, examination, inspection and inves-  
26 tigation of the department of mental hygiene except for those distinct  
27 parts of such a facility which provide hospital service. The provisions  
28 of this article shall not apply to a facility or institution engaged  
29 principally in providing services by or under the supervision of the  
30 bona fide members and adherents of a recognized religious organization  
31 whose teachings include reliance on spiritual means through prayer alone  
32 for healing in the practice of the religion of such organization and  
33 where services are provided in accordance with those teachings OR TO A  
34 BUSINESS CORPORATION, LIMITED LIABILITY CORPORATION OR PARTNERSHIP  
35 BETWEEN A MEDICAL DOCTOR AND A DULY LICENSED TITLE VIII HEALTHCARE  
36 PROFESSIONAL.

37 S 14. Subdivision 19 of section 6530 of the education law, as added by  
38 chapter 606 of the laws of 1991, is amended to read as follows:

39 19. Permitting any person to share in the fees for professional  
40 services, other than: a partner, employee, associate in a professional  
41 firm or corporation, professional subcontractor or consultant authorized  
42 to practice medicine, or a legally authorized trainee practicing under  
43 the supervision of a licensee OR A CHIROPRACTOR PROVIDING PROFESSIONAL  
44 SERVICES IN THE SAME PRACTICE. This prohibition shall include any  
45 arrangement or agreement whereby the amount received in payment for  
46 furnishing space, facilities, equipment or personnel services used by a  
47 licensee constitutes a percentage of, or is otherwise dependent upon,  
48 the income or receipts of the licensee from such practice, except as  
49 otherwise provided by law with respect to a facility licensed pursuant  
50 to article twenty-eight of the public health law or article thirteen of  
51 the mental hygiene law;

52 S 15. Section 6509-a of the education law, as amended by chapter 555  
53 of the laws of 1993, is amended to read as follows:

54 S 6509-a. Additional definition of professional misconduct; limited  
55 application. Notwithstanding any inconsistent provision of this article  
56 or of any other provision of law to the contrary, the license or regis-

1 tration of a person subject to the provisions of articles one hundred  
2 thirty-two, one hundred thirty-three, one hundred thirty-six, one  
3 hundred thirty-seven, one hundred thirty-nine, one hundred forty-one,  
4 one hundred forty-three, one hundred forty-four, one hundred fifty-six,  
5 one hundred fifty-nine and one hundred sixty-four of this chapter may be  
6 revoked, suspended or annulled or such person may be subject to any  
7 other penalty provided in section sixty-five hundred eleven of this  
8 article in accordance with the provisions and procedure of this article  
9 for the following:

10 That any person subject to the above enumerated articles, has directly  
11 or indirectly requested, received or participated in the division,  
12 transference, assignment, rebate, splitting or refunding of a fee for,  
13 or has directly requested, received or profited by means of a credit or  
14 other valuable consideration as a commission, discount or gratuity in  
15 connection with the furnishing of professional care, or service, includ-  
16 ing x-ray examination and treatment, or for or in connection with the  
17 sale, rental, supplying or furnishing of clinical laboratory services or  
18 supplies, x-ray laboratory services or supplies, inhalation therapy  
19 service or equipment, ambulance service, hospital or medical supplies,  
20 physiotherapy or other therapeutic service or equipment, artificial  
21 limbs, teeth or eyes, orthopedic or surgical appliances or supplies,  
22 optical appliances, supplies or equipment, devices for aid of hearing,  
23 drugs, medication or medical supplies or any other goods, services or  
24 supplies prescribed for medical diagnosis, care or treatment under this  
25 chapter, except payment, not to exceed thirty-three and one-third per  
26 centum of any fee received for x-ray examination, diagnosis or treat-  
27 ment, to any hospital furnishing facilities for such examination, diag-  
28 nosis or treatment. Nothing contained in this section shall prohibit  
29 such persons from practicing as partners, in groups or as a professional  
30 corporation or as a university faculty practice corporation nor from  
31 pooling fees and moneys received, either by the partnerships, profes-  
32 sional corporations, university faculty practice corporations or groups  
33 by the individual members thereof, for professional services furnished  
34 by any individual professional member, or employee of such partnership,  
35 corporation or group, nor shall the professionals constituting the part-  
36 nerships, corporations or groups be prohibited from sharing, dividing or  
37 apportioning the fees and moneys received by them or by the partnership,  
38 corporation or group in accordance with a partnership or other agree-  
39 ment; provided that no such practice as partners, corporations or in  
40 groups or pooling of fees or moneys received or shared, division or  
41 apportionment of fees shall be permitted with respect to care and treat-  
42 ment under the workers' compensation law except as expressly authorized  
43 by the workers' compensation law. NOTHING CONTAINED IN THIS SECTION,  
44 SHALL PROHIBIT A MULTIDISCIPLINARY MEDICAL AND CHIROPRACTIC PRACTICE  
45 FORMED PURSUANT TO SUBDIVISION (A) OR (B) OF SECTION TWELVE HUNDRED  
46 THREE OF THE LIMITED LIABILITY COMPANY LAW, SUBDIVISION (A) OF SECTION  
47 THIRTEEN HUNDRED ONE OF THE LIMITED LIABILITY COMPANY LAW, PARAGRAPH (A)  
48 OF SECTION FIFTEEN HUNDRED THREE OF THE BUSINESS CORPORATION LAW, SUBDI-  
49 VISION (Q) OF SECTION 121-1500 OF THE PARTNERSHIP LAW, OR SUBDIVISION  
50 (Q) OF SECTION 121-1502 OF THE PARTNERSHIP LAW FROM POOLING FEES OR  
51 MONIES RECEIVED. Nothing contained in this chapter shall prohibit a  
52 medical or dental expense indemnity corporation pursuant to its contract  
53 with the subscriber from prorationing a medical or dental expense indem-  
54 nity allowance among two or more professionals in proportion to the  
55 services rendered by each such professional at the request of the  
56 subscriber, provided that prior to payment thereof such professionals

1 shall submit both to the medical or dental expense indemnity corporation  
2 and to the subscriber statements itemizing the services rendered by each  
3 such professional and the charges therefor.

4 S 16. Section 6531 of the education law, as amended by chapter 555 of  
5 the laws of 1993, is amended to read as follows:

6 S 6531. Additional definition of professional misconduct, limited  
7 application. Notwithstanding any inconsistent provision of this article  
8 or any other provisions of law to the contrary, the license or registra-  
9 tion of a person subject to the provisions of this article and article  
10 one hundred thirty-one-B of this chapter may be revoked, suspended, or  
11 annulled or such person may be subject to any other penalty provided in  
12 section two hundred thirty-a of the public health law in accordance with  
13 the provisions and procedures of this article for the following:

14 That any person subject to the above-enumerated articles has directly  
15 or indirectly requested, received or participated in the division,  
16 transference, assignment, rebate, splitting, or refunding of a fee for,  
17 or has directly requested, received or profited by means of a credit or  
18 other valuable consideration as a commission, discount or gratuity, in  
19 connection with the furnishing of professional care or service, includ-  
20 ing x-ray examination and treatment, or for or in connection with the  
21 sale, rental, supplying, or furnishing of clinical laboratory services  
22 or supplies, x-ray laboratory services or supplies, inhalation therapy  
23 service or equipment, ambulance service, hospital or medical supplies,  
24 physiotherapy or other therapeutic service or equipment, artificial  
25 limbs, teeth or eyes, orthopedic or surgical appliances or supplies,  
26 optical appliances, supplies, or equipment, devices for aid of hearing,  
27 drugs, medication, or medical supplies, or any other goods, services, or  
28 supplies prescribed for medical diagnosis, care, or treatment under this  
29 chapter, except payment, not to exceed thirty-three and one-third  
30 percent of any fee received for x-ray examination, diagnosis, or treat-  
31 ment, to any hospital furnishing facilities for such examination, diag-  
32 nosis, or treatment. Nothing contained in this section shall prohibit  
33 such persons from practicing as partners, in groups or as a professional  
34 corporation or as a university faculty practice corporation, nor from  
35 pooling fees and moneys received, either by the partnerships, profes-  
36 sional corporations, or university faculty practice corporations or  
37 groups by the individual members thereof, for professional services  
38 furnished by an individual professional member, or employee of such  
39 partnership, corporation, or group, nor shall the professionals consti-  
40 tuting the partnerships, corporations or groups be prohibited from shar-  
41 ing, dividing, or apportioning the fees and moneys received by them or  
42 by the partnership, corporation, or group in accordance with a partner-  
43 ship or other agreement; provided that no such practice as partners,  
44 corporations, or groups, or pooling of fees or moneys received or  
45 shared, division or apportionment of fees shall be permitted with  
46 respect to and treatment under the workers' compensation law. NOTHING  
47 CONTAINED IN THIS SECTION, SHALL PROHIBIT A MULTIDISCIPLINARY MEDICAL  
48 AND CHIROPRACTIC PRACTICE FORMED PURSUANT TO SUBDIVISION (A) OR (B) OF  
49 SECTION TWELVE HUNDRED THREE OF THE LIMITED LIABILITY COMPANY LAW,  
50 SUBDIVISION (A) OF SECTION THIRTEEN HUNDRED ONE OF THE LIMITED LIABILITY  
51 COMPANY LAW, PARAGRAPH (A) OF SECTION FIFTEEN HUNDRED THREE OF THE BUSI-  
52 NESS CORPORATION LAW, SUBDIVISION (Q) OF SECTION 121-1500 OF THE PART-  
53 NERSHIP LAW, OR SUBDIVISION (Q) OF SECTION 121-1502 OF THE PARTNERSHIP  
54 LAW FROM POOLING FEES OR MONIES RECEIVED. Nothing contained in this  
55 chapter shall prohibit a corporation licensed pursuant to article  
56 forty-three of the insurance law pursuant to its contract with the

1 subscribed from prorationing a medical or dental expenses indemnity  
2 allowance among two or more professionals in proportion to the services  
3 rendered by each such professional at the request of the subscriber,  
4 provided that prior to payment thereof such professionals shall submit  
5 both to the corporation licensed pursuant to article forty-three of the  
6 insurance law and to the subscriber statements itemizing the services  
7 rendered by each such professional and the charges therefor.

8 S 17. This act shall take effect on the thirtieth day after it shall  
9 have become a law; provided, however that sections seven, eight, nine,  
10 ten, eleven and twelve of this act shall take effect on the same date  
11 and in the same manner as section 28 of chapter 475 of the laws of 2014,  
12 takes effect.

13 PART Y

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

16 ARTICLE XXVIII

17 RURAL MOBILE HOME REPLACEMENT PROGRAM

18 SECTION 1240. STATEMENT OF LEGISLATIVE FINDINGS AND PURPOSE.

19 1241. DEFINITIONS.

20 1242. RURAL MOBILE HOME REPLACEMENT CONTRACTS.

21 S 1240. STATEMENT OF LEGISLATIVE FINDINGS AND PURPOSE. THE LEGISLATURE  
22 HEREBY FINDS AND DECLARES THAT THERE EXISTS IN NEW YORK STATE A SERIOUS  
23 NEED TO ELIMINATE OLDER, DILAPIDATED MOBILE HOMES AND REPLACE THEM WITH  
24 NEW MODULAR OR STICK-BUILT HOMES ON SITE. OLDER MOBILE HOME UNITS WITH  
25 RUSTED, LEAKING METAL ROOFS, METAL-FRAMED WINDOWS WITH INTERIOR TAKE-OUT  
26 STORMS, AND METAL SIDING, ARE THOSE THAT MOST NEED REPLACEMENT. NO  
27 MATTER THE AMOUNT OF REHABILITATION INVESTMENT, THE END RESULT IS UNSAT-  
28 ISFACTORY IN TERMS OF LONGEVITY, ENERGY EFFICIENCY AND AFFORDABILITY.  
29 THE LEGISLATURE THEREFORE FINDS THAT, IN RURAL AREAS OF THE STATE, A  
30 PROGRAM SHOULD BE ESTABLISHED TO FUND THE REPLACEMENT OF MOBILE HOMES  
31 WITH NEW AFFORDABLE AND ENERGY EFFICIENT MODULAR OR STICK-BUILT HOMES.

32 S 1241. DEFINITIONS. FOR THE PURPOSES OF THIS ARTICLE THE FOLLOWING  
33 TERMS SHALL HAVE THE FOLLOWING MEANINGS:

34 1. "CORPORATION" SHALL MEAN THE HOUSING TRUST FUND CORPORATION ESTAB-  
35 LISHED IN SECTION FORTY-FIVE-A OF THIS CHAPTER.

36 2. "RURAL MOBILE HOME REPLACEMENT PROGRAM" OR "PROGRAM" SHALL MEAN A  
37 PROPOSAL BY AN ELIGIBLE APPLICANT FOR THE REPLACEMENT OF A DILAPIDATED  
38 MOBILE HOME IN A RURAL AREA WITH A NEW MODULAR OR STICK-BUILT HOME.

39 3. "RURAL AREA OF THE STATE" SHALL MEAN CITIES, TOWNS AND VILLAGES  
40 HAVING A POPULATION OF LESS THAN TWENTY-FIVE THOUSAND AS DETERMINED BY  
41 THE LAST FEDERAL DECENNIAL CENSUS.

42 4. "ELIGIBLE APPLICANT" SHALL MEAN A PERSON WHO OWNS AND LIVES IN A  
43 DILAPIDATED MOBILE HOME THAT IS AT LEAST TEN YEARS OLD, ON LAND THAT THE  
44 APPLICANT OWNS, WITH THE DEED IN THE APPLICANT'S NAME.

45 5. "ELIGIBLE PROPERTY" SHALL MEAN A MOBILE HOME IN A RURAL AREA THAT  
46 IS THE PRIMARY RESIDENCE OF A PERSON WITH A TOTAL HOUSEHOLD INCOME THAT  
47 DOES NOT EXCEED EIGHTY PERCENT OF AREA MEDIAN INCOME FOR THE COUNTY IN  
48 WHICH A PROJECT IS LOCATED AS CALCULATED BY THE UNITED STATES DEPARTMENT  
49 OF HOUSING AND URBAN DEVELOPMENT.

50 S 1242. RURAL MOBILE HOME REPLACEMENT CONTRACTS. 1. ASSISTANCE. WITHIN  
51 AMOUNTS APPROPRIATED OR OTHERWISE AVAILABLE THEREFOR, THE HOUSING TRUST  
52 FUND CORPORATION SHALL DEVELOP AND ADMINISTER A RURAL MOBILE HOME  
53 REPLACEMENT PROGRAM WHICH SHALL PROVIDE ASSISTANCE IN THE FORM OF GRANTS

TO AN ELIGIBLE APPLICANT FOR THE REPLACEMENT OF DILAPIDATED MOBILE HOMES IN RURAL AREAS OF THE STATE.

2. PROGRAM CRITERIA. THE CORPORATION SHALL DEVELOP PROCEDURES, CRITERIA AND REQUIREMENTS RELATED TO THE APPLICATION AND AWARD OF PROJECTS PURSUANT TO THIS SECTION WHICH SHALL INCLUDE: ELIGIBILITY, MARKET DEMAND, FEASIBILITY AND FUNDING CRITERIA; THE FUNDING DETERMINATION PROCESS; SUPERVISION AND EVALUATION OF CONTRACTING APPLICANTS; REPORTING, BUDGETING AND RECORD-KEEPING REQUIREMENTS; PROVISIONS FOR MODIFICATION AND TERMINATION OF CONTRACTS; AND SUCH OTHER MATTERS NOT INCONSISTENT WITH THE PURPOSES AND PROVISIONS OF THIS ARTICLE AS THE CORPORATION SHALL DEEM NECESSARY OR APPROPRIATE. THE CORPORATION SHALL REQUIRE THAT, IN ORDER TO RECEIVE A GRANT PURSUANT TO THIS ARTICLE, THE ELIGIBLE APPLICANT SHALL HAVE NO LIENS ON THE LAND AFTER CLOSING THE GRANT OTHER THAN THE NEW HOME FINANCING AND CURRENTLY EXISTING MORTGAGE OR MORTGAGES; ALL PROPERTY TAXES AND INSURANCES MUST BE CURRENT; ONE HUNDRED PERCENT GRANTS IN THE FORM OF DEFERRED PAYMENT LOANS (DPL) WILL BE PROVIDED. A TEN YEAR DECLINING BALANCE LIEN IN THE FORM OF A NOTE AND MORTGAGE, DULY FILED AT THE COUNTY CLERK'S OFFICE, WILL BE UTILIZED FOR STICK-BUILT REPLACEMENT PROJECTS. NO INTEREST OR PAYMENTS WILL BE REQUIRED ON THE DPL UNLESS THE PROPERTY IS SOLD OR TRANSFERRED BEFORE THE REGULATORY TERM EXPIRES. IN SUCH CASES FUNDS WILL BE RECAPTURED FROM THE PROCEEDS OF THE SALE OF THE HOME, ON A DECLINING BALANCE BASIS, UNLESS AN INCOME-ELIGIBLE IMMEDIATE FAMILY MEMBER ACCEPTS OWNERSHIP OF, AND RESIDES IN THE HOME FOR THE REMAINDER OF THE REGULATORY TERM. THE ELIGIBLE APPLICANT MUST AGREE TO ATTEND AN APPROVED HOMEOWNERSHIP TRAINING PROGRAM FOR POST-PURCHASE, CREDIT/BUDGET, AND HOME MAINTENANCE COUNSELING AS PART OF THE APPLICATION PROCESS.

3. FUNDING CRITERIA. THE TOTAL PAYMENT PURSUANT TO ANY ONE GRANT CONTRACT SHALL NOT EXCEED SEVENTY-FIVE THOUSAND DOLLARS AND THE CONTRACT SHALL PROVIDE FOR COMPLETION OF THE PROGRAM WITHIN A REASONABLE PERIOD, AS SPECIFIED THEREIN, NOT TO EXCEED FOUR YEARS.

4. FUNDING AND ANNUAL REPORT. THE CORPORATION IN ITS SOLE DISCRETION SHALL AUTHORIZE ALL FUNDING DECISIONS AND MAKE ALL AWARD ANNOUNCEMENTS. THE CORPORATION SHALL, ON OR BEFORE DECEMBER THIRTY-FIRST IN EACH YEAR SUBMIT A REPORT TO THE LEGISLATURE ON THE IMPLEMENTATION OF THIS ARTICLE. SUCH REPORT SHALL INCLUDE, BUT NOT BE LIMITED TO, FOR EACH AWARD MADE TO A GRANTEE UNDER THIS ARTICLE: A DESCRIPTION OF SUCH AWARD; CONTRACT AMOUNT AND CUMULATIVE TOTAL; AND SUCH OTHER INFORMATION AS THE CORPORATION DEEMS PERTINENT.

S 2. This act shall take effect immediately.

## PART Z

Section 1. Paragraph (n) of subdivision 2 of section 2 of chapter 274 of the laws of 1946, constituting the emergency housing rent control law, as amended by section 7 of part A of chapter 20 of the laws of 2015, is amended to read as follows:

(n) any housing accommodation with a maximum rent of two thousand dollars or more per month at any time between the effective date of this paragraph and October first, nineteen hundred ninety-three which is or becomes vacant on or after the effective date of this paragraph; or, for any housing accommodation with a maximum rent of two thousand dollars or more per month at any time on or after the effective date of the rent regulation reform act of 1997 and before the effective date of the rent act of 2011, which is or becomes vacant on or after the effective date of the rent regulation reform act of 1997 and before the effective date

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

30 S 2. Paragraph 13 of subdivision a of section 5 of section 4 of chap-  
31 ter 576 of the laws of 1974, constituting the emergency tenant  
32 protection act of nineteen seventy-four, as amended by section 8 of part  
33 A of chapter 20 of the laws of 2015, is amended to read as follows:

34 (13) any housing accommodation with a legal regulated rent of two  
35 thousand dollars or more per month at any time between the effective  
36 date of this paragraph and October first, nineteen hundred ninety-three  
37 which is or becomes vacant on or after the effective date of this para-  
38 graph; or, for any housing accommodation with a legal regulated rent of  
39 two thousand dollars or more per month at any time on or after the  
40 effective date of the rent regulation reform act of 1997 and before the  
41 effective date of the rent act of 2011, which is or becomes vacant on or  
42 after the effective date of the rent regulation reform act of 1997 and  
43 before the effective date of the rent act of 2011. This exclusion shall  
44 apply regardless of whether the next tenant in occupancy or any subse-  
45 quent tenant in occupancy is charged or pays less than two thousand  
46 dollars a month; or, for any housing accommodation with a legal regu-  
47 lated rent of two thousand five hundred dollars or more per month at any  
48 time on or after the effective date of the rent act of 2011, which is or  
49 becomes vacant on or after such effective date, but prior to the effec-  
50 tive date of the rent act of 2015; or, any housing accommodation with a  
51 legal regulated rent [that was] OF two thousand seven hundred dollars or  
52 more per month at any time on or after the effective date of the rent  
53 act of 2015, which becomes vacant after the effective date of the rent  
54 act of 2015, provided, however, that starting on January 1, 2016, and  
55 annually thereafter, the maximum legal regulated rent for this deregu-  
56 lation threshold, shall also be increased by the same percentage as the



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

23 S 3. Subparagraph (k) of paragraph 2 of subdivision e of section  
24 26-403 of the administrative code of the city of New York, as amended by  
25 section 9 of part A of chapter 20 of the laws of 2015, is amended to  
26 read as follows:

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

1 become effective with respect to housing accommodations which the  
2 commissioner determines or finds that the landlord or any person acting  
3 on his or her behalf, with intent to cause the tenant to vacate, has  
4 engaged in any course of conduct (including, but not limited to, inter-  
5 ruption or discontinuance of required services) which interfered with or  
6 disturbed or was intended to interfere with or disturb the comfort,  
7 repose, peace or quiet of the tenant in his or her use or occupancy of  
8 the housing accommodations and in connection with such course of  
9 conduct, any other general enforcement provision of this law shall also  
10 apply.

11 S 4. Section 26-504.2 of the administrative code of the city of New  
12 York, as amended by section 10 of part A of chapter 20 of the laws of  
13 2015, is amended to read as follows:

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

1 respect to housing accommodations which the commissioner determines or  
2 finds that the landlord or any person acting on his or her behalf, with  
3 intent to cause the tenant to vacate, engaged in any course of conduct  
4 (including, but not limited to, interruption or discontinuance of  
5 required services) which interfered with or disturbed or was intended to  
6 interfere with or disturb the comfort, repose, peace or quiet of the  
7 tenant in his or her use or occupancy of the housing accommodations and  
8 in connection with such course of conduct, any other general enforcement  
9 provision of this law shall also apply.

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

49 S 5. Paragraph 14 of subdivision c of section 26-511 of the adminis-  
50 trative code of the city of New York, as amended by section 12 of part A  
51 of chapter 20 of the laws of 2015, is amended to read as follows:

52 (14) provides that where the amount of rent charged to and paid by the  
53 tenant is less than the legal regulated rent for the housing accommo-  
54 dation, the amount of rent for such housing accommodation which may be  
55 charged upon renewal or upon vacancy thereof, may, at the option of the  
56 owner, be based upon such previously established legal regulated rent,

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

15 S 6. Section 467-i of the real property tax law is REPEALED.

16 S 7. This act shall take effect immediately; provided, however that:

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

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

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

30 (d) the amendments to chapter 3 of title 26 of the administrative code  
31 of the city of New York made by section three of this act shall remain  
32 in full force and effect only as long as the public emergency requiring  
33 the regulation and control of residential rents and evictions continues,  
34 as provided in subdivision 3 of section 1 of the local emergency housing  
35 rent control act.

36 PART AA

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

40 Tax abatement for rent-controlled and rent regulated property occupied  
41 by senior citizens or persons with disabilities OR PERSONS PAYING A  
42 MAXIMUM RENT OR LEGAL REGULATED RENT WHICH EXCEEDS ONE-HALF OF THE  
43 COMBINED INCOME OF ALL MEMBERS OF THEIR HOUSEHOLD.

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

47 b. "Head of the household" means a person (i) who is sixty-two years  
48 of age or older, or (ii) who qualifies as a person with a disability  
49 pursuant to subdivision five of this section, OR (III) WHO PAYS A MAXI-  
50 MUM RENT OR LEGAL REGULATED RENT WHICH EXCEEDS ONE-HALF OF THE COMBINED  
51 INCOME OF ALL MEMBERS OF THEIR HOUSEHOLD, and is entitled to the  
52 possession or to the use or occupancy of a dwelling unit;

1 S 3. Subdivision 2 of section 467-b of the real property tax law, as  
2 amended by chapter 747 of the laws of 1985, paragraph (c) as added by  
3 chapter 553 of the laws of 2015, is amended to read as follows:

4 2. The governing body of any municipal corporation is hereby author-  
5 ized and empowered to adopt, after public hearing, in accordance with  
6 the provisions of this section, a local law, ordinance or resolution  
7 providing for the abatement of taxes of said municipal corporation  
8 imposed on real property containing a dwelling unit as defined herein by  
9 one of the following amounts: (a) where the head of the household does  
10 not receive a monthly allowance for shelter pursuant to the social  
11 services law, an amount not in excess of that portion of any increase in  
12 maximum rent or legal regulated rent which causes such maximum rent or  
13 legal regulated rent to exceed one-third of the combined income of all  
14 members of the household; or

15 (b) WHERE THE HEAD OF THE HOUSEHOLD QUALIFIES AS A PERSON PAYING A  
16 MAXIMUM RENT OR LEGAL REGULATED RENT WHICH EXCEEDS ONE-HALF OF THE  
17 COMBINED INCOME OF ALL MEMBERS OF THE HOUSEHOLD AND DOES NOT RECEIVE A  
18 MONTHLY ALLOWANCE FOR SHELTER PURSUANT TO THE SOCIAL SERVICES LAW, AN  
19 AMOUNT NOT IN EXCESS OF THAT PORTION OF ANY INCREASE IN MAXIMUM RENT OR  
20 LEGAL REGULATED RENT WHICH CAUSES SUCH MAXIMUM RENT OR LEGAL REGULATED  
21 RENT TO EXCEED ONE-HALF OF THE COMBINED INCOME OF ALL MEMBERS OF THE  
22 HOUSEHOLD; OR

23 (C) where the head of the household receives a monthly allowance for  
24 shelter pursuant to the social services law, an amount not in excess of  
25 that portion of any increase in maximum rent or legal regulated rent  
26 which is not covered by the maximum allowance for shelter which such  
27 person is entitled to receive pursuant to the social services law.

28 [(c)] Provided, however, that in a city of a population of one million  
29 or more, where the head of household has been granted a rent increase  
30 exemption order that is in effect as of January first, two thousand  
31 fifteen or takes effect on or before July first, two thousand fifteen,  
32 the amount determined by paragraph (a) of this subdivision shall be an  
33 amount not in excess of the difference between the maximum rent or legal  
34 regulated rent and the amount specified in such order, as adjusted by  
35 any other provision of this section.

36 S 4. Paragraph a of subdivision 3 of section 467-b of the real proper-  
37 ty tax law, as amended by section 1 of part U of chapter 55 of the laws  
38 of 2014, is amended to read as follows:

39 a. for a dwelling unit where the head of the household is a person  
40 sixty-two years of age or older OR WHERE THE HEAD OF THE HOUSEHOLD PAYS  
41 A MAXIMUM RENT OR LEGAL REGULATED RENT WHICH EXCEEDS ONE-HALF OF THE  
42 COMBINED INCOME OF ALL MEMBERS OF THE HOUSEHOLD, no tax abatement shall  
43 be granted if the combined income of all members of the household for  
44 the income tax year immediately preceding the date of making application  
45 exceeds four thousand dollars, or such other sum not more than twenty-  
46 five thousand dollars beginning July first, two thousand five, twenty-  
47 six thousand dollars beginning July first, two thousand six, twenty-sev-  
48 en thousand dollars beginning July first, two thousand seven,  
49 twenty-eight thousand dollars beginning July first, two thousand eight,  
50 twenty-nine thousand dollars beginning July first, two thousand nine,  
51 and fifty thousand dollars beginning July first, two thousand fourteen,  
52 as may be provided by the local law, ordinance or resolution adopted  
53 pursuant to this section, provided that when the head of the household  
54 retires before the commencement of such income tax year and the date of  
55 filing the application, the income for such year may be adjusted by

1 excluding salary or earnings and projecting his or her retirement income  
2 over the entire period of such year.

3 S 5. Paragraph a of subdivision 3 of section 467-b of the real proper-  
4 ty tax law, as separately amended by section 1 of chapter 188 and chap-  
5 ter 205 of the laws of 2005, is amended to read as follows:

6 a. for a dwelling unit where the head of the household is a person  
7 sixty-two years of age or older OR WHERE THE HEAD OF THE HOUSEHOLD PAYS  
8 A MAXIMUM RENT OR LEGAL REGULATED RENT WHICH EXCEEDS ONE-HALF OF THE  
9 COMBINED INCOME OF ALL MEMBERS OF THE HOUSEHOLD, no tax abatement shall  
10 be granted if the combined income of all members of the household for  
11 the income tax year immediately preceding the date of making application  
12 exceeds four thousand dollars, or such other sum not more than twenty-  
13 five thousand dollars beginning July first, two thousand five, twenty-  
14 six thousand dollars beginning July first, two thousand six, twenty-sev-  
15 en thousand dollars beginning July first, two thousand seven,  
16 twenty-eight thousand dollars beginning July first, two thousand eight,  
17 and twenty-nine thousand dollars beginning July first, two thousand  
18 nine, as may be provided by the local law, ordinance or resolution  
19 adopted pursuant to this section, provided that when the head of the  
20 household retires before the commencement of such income tax year and  
21 the date of filing the application, the income for such year may be  
22 adjusted by excluding salary or earnings and projecting his or her  
23 retirement income over the entire period of such year.

24 S 6. Paragraph d of subdivision 1 of section 467-c of the real proper-  
25 ty tax law, as separately amended by chapters 188 and 205 of the laws of  
26 2005, and subparagraph 1 as amended by section 2 of part U of chapter 55  
27 of the laws of 2014, is amended to read as follows:

28 d. "Eligible head of the household" means (1) a person or his or her  
29 spouse who is sixty-two years of age or older, OR A PERSON WHO PAYS A  
30 MAXIMUM RENT WHICH EXCEEDS ONE-HALF OF THE COMBINED INCOME OF ALL  
31 MEMBERS OF THE HOUSEHOLD, and is entitled to the possession or to the  
32 use and occupancy of a dwelling unit, provided, however, with respect to  
33 a dwelling which was subject to a mortgage insured or initially insured  
34 by the federal government pursuant to section two hundred thirteen of  
35 the National Housing Act, as amended "eligible head of the household"  
36 shall be limited to that person or his or her spouse who was entitled to  
37 possession or the use and occupancy of such dwelling unit at the time of  
38 termination of such mortgage, and whose income when combined with the  
39 income of all other members of the household, does not exceed six thou-  
40 sand five hundred dollars for the taxable period, or such other sum not  
41 less than sixty-five hundred dollars nor more than twenty-five thousand  
42 dollars beginning July first, two thousand five, twenty-six thousand  
43 dollars beginning July first, two thousand six, twenty-seven thousand  
44 dollars beginning July first, two thousand seven, twenty-eight thousand  
45 dollars beginning July first, two thousand eight, twenty-nine thousand  
46 dollars beginning July first, two thousand nine, and fifty thousand  
47 dollars beginning July first, two thousand fourteen, as may be provided  
48 by local law; or (2) a person with a disability as defined in this  
49 subdivision.

50 S 7. Subparagraph 1 of paragraph d of subdivision 1 of section 467-c  
51 of the real property tax law, as separately amended by chapters 188 and  
52 205 of the laws of 2005, is amended to read as follows:

53 (1) a person or his or her spouse who is sixty-two years of age or  
54 older, OR A PERSON WHO PAYS A MAXIMUM RENT WHICH EXCEEDS ONE-HALF OF THE  
55 COMBINED INCOME OF ALL MEMBERS OF THE HOUSEHOLD, and is entitled to the  
56 possession or to the use and occupancy of a dwelling unit, provided,

1 however, with respect to a dwelling which was subject to a mortgage  
2 insured or initially insured by the federal government pursuant to  
3 section two hundred thirteen of the National Housing Act, as amended  
4 "eligible head of the household" shall be limited to that person or his  
5 or her spouse who was entitled to possession or the use and occupancy of  
6 such dwelling unit at the time of termination of such mortgage, and  
7 whose income when combined with the income of all other members of the  
8 household, does not exceed six thousand five hundred dollars for the  
9 taxable period, or such other sum not less than sixty-five hundred  
10 dollars nor more than twenty-five thousand dollars beginning July first,  
11 two thousand five, twenty-six thousand dollars beginning July first, two  
12 thousand six, twenty-seven thousand dollars beginning July first, two  
13 thousand seven, twenty-eight thousand dollars beginning July first, two  
14 thousand eight, and twenty-nine thousand dollars beginning July first,  
15 two thousand nine, as may be provided by local law; or

16 S 8. Subparagraph (1) of paragraph a of subdivision 3 of section 467-c  
17 of the real property tax law, as amended by chapter 747 of the laws of  
18 1985, is amended to read as follows:

19 (1) where the eligible head of the household WHO IS EITHER SIXTY-TWO  
20 YEARS OF AGE OR OLDER OR IS DISABLED does not receive a monthly allow-  
21 ance for shelter pursuant to the social services law, the amount by  
22 which increases in the maximum rent subsequent to such person's eligi-  
23 bility date have resulted in the maximum rent exceeding one-third of the  
24 combined income of all members of the household for the taxable period,  
25 OR WHERE THE ELIGIBLE HEAD OF THE HOUSEHOLD IS A PERSON WHO PAYS A MAXI-  
26 MUM RENT WHICH EXCEEDS ONE-HALF OF THE COMBINED INCOME OF ALL MEMBERS OF  
27 THE HOUSEHOLD DOES NOT RECEIVE A MONTHLY ALLOWANCE FOR SHELTER PURSUANT  
28 TO THE SOCIAL SERVICES LAW, THE AMOUNT BY WHICH INCREASES IN THE MAXIMUM  
29 RENT SUBSEQUENT TO SUCH PERSON'S DATE HAVE RESULTED IN THE MAXIMUM RENT  
30 EXCEEDING ONE-HALF OF THE COMBINED INCOME OF ALL MEMBERS OF THE HOUSE-  
31 HOLD FOR THE TAXABLE PERIOD, except that in no event shall a rent  
32 increase exemption order/tax abatement certificate become effective  
33 prior to January first, nineteen hundred seventy-six; or

34 S 9. The state comptroller shall annually pay to each city providing  
35 real property tax abatements pursuant to sections 467-b and 467-c of the  
36 real property tax law an amount equal to 10 per centum of the real prop-  
37 erty tax revenue lost during the city fiscal year due to the implementa-  
38 tion of the provisions of this act. Each city eligible for state  
39 payments pursuant to this section shall provide the state comptroller  
40 with such information as he or she shall deem necessary.

41 S 10. This act shall take effect July 1, 2016; provided however, that:

42 a. the amendments to section 467-b of the real property tax law, made  
43 by sections one, two, three, four and five of this act shall not affect  
44 the expiration of such section and shall expire and be deemed repealed  
45 therewith;

46 b. the amendments to paragraph a of subdivision 3 of section 467-b of  
47 the real property tax law, made by section four of this act shall be  
48 subject to the expiration and reversion of such paragraph pursuant to  
49 section 4 of part U of chapter 55 of the laws of 2014, as amended, and  
50 shall be deemed to expire therewith, when upon such date section five of  
51 this act shall take effect; and

52 c. the amendments to subparagraph 1 of paragraph d of subdivision 1 of  
53 section 467-c of the real property tax law, made by section six of this  
54 act shall not affect the expiration and reversion of such subparagraph  
55 pursuant to section 4 of part U of chapter 55 of the laws of 2014, as

1 amended, and shall expire and be deemed repealed therewith, when upon  
2 such date section seven of this act shall take effect.

3 PART BB

4 Section 1. Section 6305 of the education law is amended by adding a  
5 new subdivision 2-a to read as follows:

6 2-A. NOTWITHSTANDING SUBDIVISIONS TWO AND THREE OF THIS SECTION, NO  
7 COMMUNITY COLLEGE SHALL BE AUTHORIZED TO CHARGE A COUNTY IN THE STATE  
8 FOR ANY PORTION OF THE LOCAL SPONSOR'S SHARE OF OPERATING COSTS ATTRIB-  
9 UTABLE TO A NON-RESIDENT STUDENT IF SUCH NON-RESIDENT STUDENT IS  
10 ENROLLED IN A BACHELOR'S DEGREE PROGRAM OR HIGHER AT SUCH COMMUNITY  
11 COLLEGE.

12 S 2. Subdivision 5 of section 6305 of the education law, as amended by  
13 chapter 681 of the laws of 1971, is amended to read as follows:

14 5. Amounts payable to such colleges by a county pursuant to this  
15 section shall be a general county charge[; provided, however, that with  
16 respect to the amounts allocable to each community college a county may  
17 charge back such amounts in whole or in part to the cities and towns in  
18 the county in proportion to the number of students who, on the basis of  
19 certificates of residence issued by such county, were attending each  
20 such college as non-residents of the local sponsors thereof during the  
21 terms for which the county has been charged, and who were residents of  
22 each such city or town at the beginning of such terms].

23 S 3. This act shall take effect July 1, 2016.

24 PART CC

25 Section 1. The education law is amended by adding a new section 609 to  
26 read as follows:

27 S 609. TUITION, AID AND PLACEMENT REPORT. BEGINNING IN ACADEMIC YEAR  
28 TWO THOUSAND SIXTEEN--TWO THOUSAND SEVENTEEN, ALL NON-PUBLIC INSTI-  
29 TUTIONS OF HIGHER EDUCATION, RECOGNIZED AND APPROVED BY THE REGENTS OF  
30 THE UNIVERSITY OF THE STATE OF NEW YORK, WHICH PROVIDE A COURSE OF STUDY  
31 LEADING TO THE GRANTING OF A FOUR YEAR POST-SECONDARY DEGREE OR DIPLOMA  
32 SHALL REPORT TO THE SENATE AND ASSEMBLY CHAIRS OF THE HIGHER EDUCATION  
33 COMMITTEES ON OR BEFORE AUGUST FIFTEENTH OF EACH YEAR, ON THE FOLLOWING:  
34 FACTORS THAT DRIVE COST INCREASES; TUITION TRENDS FOR THE PAST SIX YEARS  
35 AND PERCENTAGE OF YEAR TO YEAR INCREASES; TOTAL COST OF FEES; IF THE  
36 INSTITUTION HAS AN ENDOWMENT AND THE AMOUNT OF SUCH ENDOWMENT; THE AVER-  
37 AGE INSTITUTIONAL FINANCIAL AID PACKAGE BY INCOME BRACKET AS DEFINED BY  
38 THE NATIONAL CENTER FOR EDUCATION STATISTICS' INTEGRATED POST-SECONDARY  
39 EDUCATION DATA SYSTEM; THE AVERAGE AMOUNT OF DEBT A STUDENT HAS UPON  
40 GRADUATION BY INCOME BRACKET; GRADUATION RATES FOR FOUR, FIVE AND SIX  
41 YEARS AND AVERAGE DEBT ASSOCIATED WITH EACH; ENROLLMENT TRENDS OVER THE  
42 PAST SIX YEARS; JOB PLACEMENT RATES FOR GRADUATES OF THE INSTITUTION;  
43 THE AMOUNT SPENT TO EDUCATE STUDENTS PER FTE; THE PERCENTAGE OF STUDENTS  
44 WHO ARE TAP AND PELL ELIGIBLE; ADMINISTRATIVE AND OPERATING COSTS AND  
45 THE PERCENTAGE OF THOSE COSTS FUNDED BY TUITION; AND COST SAVING MEAS-  
46 URES IMPLEMENTED OVER THE PAST SIX YEARS, IF ANY.

47 S 2. This act shall take effect immediately.

48 PART DD



Section 1. Subdivision 1 of section 669-e of the education law, as added by section 1 of part G of chapter 56 of the laws of 2014, is amended to read as follows:

1. Undergraduate students who are matriculated in an approved undergraduate program leading to a career in science, technology, engineering or mathematics at a New York state [public institution of higher education] COLLEGE AS DEFINED IN SECTION SIX HUNDRED ONE OF THIS CHAPTER shall be eligible for an award under this section, provided the applicant: (a) graduates from a high school located in New York state during or after the two thousand thirteen--fourteen school year; and (b) graduates within the top ten percent of his or her high school class; and (c) enrolls in full-time study each term beginning in the fall term after his or her high school graduation in an approved undergraduate program in science, technology, engineering or mathematics, as defined by the corporation, at a New York state [public institution of higher education] COLLEGE AS DEFINED IN SECTION SIX HUNDRED ONE OF THIS CHAPTER; and (d) signs a contract with the corporation agreeing that his or her award will be converted to a student loan in the event the student fails to comply with the terms of this program as set forth in subdivision four of this section; and (e) complies with the applicable provisions of this article and all requirements promulgated by the corporation for the administration of the program.

S 2. This act shall take effect immediately.

#### PART EE

Section 1. The education law is amended by adding a new section 679-h to read as follows:

S 679-H. NEW YORK STATE AGRICULTURE EDUCATORS LOAN FORGIVENESS INCENTIVE PROGRAM. 1. DEFINITION. THE TERM "AGRICULTURE EDUCATOR" MEANS AN INSTRUCTOR WHO PROVIDES DIDACTIC INSTRUCTION TO STUDENTS ABOUT AGRICULTURE, FOOD AND NATURAL RESOURCES DELIVERED THROUGH LESSONS IN SCIENCE, COMMUNICATIONS, LEADERSHIP, MANAGEMENT AND TECHNOLOGY.

2. PURPOSE. THE PRESIDENT SHALL GRANT STUDENT LOAN FORGIVENESS AWARDS FOR THE PURPOSE OF ALLEVIATING THE BURDEN OF STUDENT LOAN DEBT FOR AGRICULTURE EDUCATORS TEACHING IN THE FIELD OF AGRICULTURE EDUCATION IN NEW YORK STATE. SUCH AWARDS SHALL BE MADE ON A COMPETITIVE BASIS AS PROMULGATED BY THE CORPORATION FOR SUCH PURPOSES, TO APPLICANTS WHO MEET THE ELIGIBILITY CRITERIA. SUCH RULES AND REGULATIONS SHALL INCLUDE PROVISIONS FOR THE CONSIDERATION OF APPLICANTS WHO ARE ECONOMICALLY DISADVANTAGED.

3. ELIGIBILITY. TO BE ELIGIBLE FOR AN AWARD PURSUANT TO THIS SECTION, APPLICANTS SHALL:

(A) HAVE GRADUATED AND OBTAINED A DEGREE FROM AN APPROVED NEW YORK STATE COLLEGE OR UNIVERSITY;

(B) HAVE AN OUTSTANDING STUDENT LOAN DEBT FROM OBTAINING SUCH DEGREE;

(C) BE EMPLOYED AS AN AGRICULTURE EDUCATOR IN NEW YORK STATE;

(D) APPLY FOR THIS PROGRAM WITHIN TWO YEARS OF COLLEGE GRADUATION; AND

(E) COMPLY WITH SUBDIVISIONS THREE AND FIVE OF SECTION SIX HUNDRED SIXTY-ONE OF THIS PART.

4. AWARDS. THE CORPORATION SHALL GRANT SUCH AWARDS WITHIN AMOUNTS APPROPRIATED FOR SUCH PURPOSES AND BASED ON THE AVAILABILITY OF FUNDS.

S 2. This act shall take effect on the ninetieth day after it shall have become a law.

#### PART FF

1 Section 1. The social services law is amended by adding a new section  
2 390-j to read as follows:

3 S 390-J. THE CHILD CARE REGULATORY REVIEW TASK FORCE. 1. DUTIES. (A)  
4 PURSUANT TO THE PROVISIONS OF THIS SECTION, THE CHILD CARE REGULATORY  
5 REVIEW TASK FORCE SHALL REVIEW PROCESSES AND REGULATORY, STATUTORY AND  
6 PROGRAMMATIC REQUIREMENTS, PLACED ON CHILD CARE PROVIDERS WHICH ARE  
7 REGULATED BY THE OFFICE OF CHILDREN AND FAMILY SERVICES, THAT ARE DUPLI-  
8 CATIVE OR UNNECESSARY AND CREATE ADMINISTRATIVE BURDENS FOR CHILD CARE  
9 PROVIDERS;

10 (B) HOLD, AT MINIMUM, ONE PUBLIC HEARING TO OBTAIN ORAL AND/OR WRITTEN  
11 TESTIMONY FROM INTERESTED STAKEHOLDERS;

12 (C) DEVELOP AND PROPOSE RECOMMENDATIONS FOR THE STREAMLINING OF  
13 CURRENT PROCESSES AND REQUIREMENTS WHICH ARE IDENTIFIED AS DUPLICATIVE  
14 OR BURDENSOME;

15 (D) SUCH RECOMMENDATIONS SHALL BE SUBMITTED TO THE LEGISLATURE ANNUAL-  
16 LY.

17 2. MEMBERSHIP. (A) THE TASK FORCE SHALL CONSIST OF, AT A MINIMUM, THE  
18 COMMISSIONER OF THE OFFICE OF CHILDREN AND FAMILY SERVICES; THE COMMIS-  
19 SIONER OF THE OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE; THE COMMIS-  
20 SIONER OF THE DEPARTMENT OF HEALTH AND THE COMMISSIONER OF THE NEW YORK  
21 CITY DEPARTMENT OF HEALTH AND MENTAL HYGIENE.

22 (B) THE MEMBERS OF THE CHILD CARE REGULATORY TASK FORCE SHALL NOT  
23 RECEIVE ANY COMPENSATION. HOWEVER, THE MEMBERS SHALL BE ENTITLED TO  
24 REIMBURSEMENT FOR ANY NECESSARY EXPENSES INCURRED IN CONNECTION WITH THE  
25 PERFORMANCE OF THEIR DUTIES.

26 3. EVERY STATE DEPARTMENT, AGENCY, DIVISION, BOARD, BUREAU, COMMISSION  
27 AND ANY OTHER RELEVANT ENTITY SHALL PROVIDE ALL NECESSARY ASSISTANCE  
28 AND/OR INFORMATION TO THE CHILD CARE REGULATORY REVIEW TASK FORCE TO  
29 CARRY OUT ITS DUTIES AS AUTHORIZED BY SUBDIVISION ONE OF THIS SECTION,  
30 UNLESS OTHERWISE PROTECTED BY LAW.

31 4. ANY INFORMATION OBTAINED BY A MEMBER OF THE CHILD CARE REGULATORY  
32 REVIEW TASK FORCE WHILE CARRYING OUT ANY DUTIES AS PRESCRIBED IN SUBDI-  
33 VISION ONE OF THIS SECTION SHALL ONLY BE UTILIZED IN HIS OR HER CAPACITY  
34 AS A MEMBER OF THE CHILD CARE REGULATORY REVIEW TASK FORCE.

35 S 2. This act shall take effect immediately.

36 PART GG

37 Section 1. The administrative code of the city of New York is amended  
38 by adding a new section 25-114 to read as follows:

39 S 25-114 NEW YORK CITY HOUSING AUTHORITY REPAIR CERTIFICATE PROGRAM.  
40 A. THE CITY PLANNING COMMISSION SHALL ESTABLISH THE NEW YORK CITY HOUS-  
41 ING AUTHORITY REPAIR CERTIFICATE PROGRAM, IN COOPERATION WITH THE NEW  
42 YORK CITY HOUSING AUTHORITY. UNDER SUCH PROGRAM, THE CITY PLANNING  
43 COMMISSION SHALL GRANT AMENDMENTS TO ZONING RESOLUTIONS WHICH INCREASE  
44 THE ALLOWABLE DEVELOPMENT IN AREAS COVERED BY A NEW YORK CITY HOUSING  
45 AUTHORITY REPAIR CERTIFICATE ISSUED PURSUANT TO SECTION FOUR HUNDRED  
46 TWO-C OF THE PUBLIC HOUSING LAW.

47 B. THE CITY PLANNING COMMISSION SHALL FOR EACH APPLICATION FOR AN  
48 AMENDMENT OF A ZONING RESOLUTION, ESTABLISH THE PER FOOT VALUE OF ANY  
49 NEW YORK CITY HOUSING AUTHORITY REPAIR CERTIFICATE ISSUED IN THE AREAS  
50 COVERED BY SUCH AMENDMENT AND THE MAXIMUM ALLOWED FOOT AREA RATIO THAT  
51 MAY BE GRANTED TO THE HOLDER OF SUCH CERTIFICATE IN THE NEWLY ZONED  
52 AREA. SUCH PER FOOT VALUE SHALL BE UPDATED ANNUALLY BASED UPON INCREASES  
53 IN THE CONSUMER PRICE INDEX FOR HOUSING COSTS IN THE NEW YORK CITY  
54 METROPOLITAN AREA.

1 C. A DEVELOPER WHO SEEKS TO OBTAIN AN INCREASED FOOT AREA RATIO IN A  
2 NEWLY ZONED AREA, BY MEANS OF BEING THE HOLDER OF A NEW YORK CITY HOUS-  
3 ING AUTHORITY REPAIR CERTIFICATE, SHALL SUBMIT AN APPLICATION THEREFOR  
4 TO THE CITY PLANNING COMMISSION. SUCH COMMISSION SHALL WITHIN SEVEN DAYS  
5 OF RECEIVING AN APPLICATION PURSUANT TO THIS SUBDIVISION, FORWARD IT TO  
6 THE NEW YORK CITY HOUSING AUTHORITY, ALONG WITH THE PER FOOT VALUE TO BE  
7 GRANTED IF THE APPLICANT RECEIVES A REPAIR CERTIFICATE FROM SUCH AUTHOR-  
8 ITY.

9 D. UPON CERTIFICATION BY THE NEW YORK CITY HOUSING AUTHORITY THAT A  
10 DEVELOPER HAS BEEN AWARDED A REPAIR CERTIFICATE, THE CITY PLANNING  
11 COMMISSION SHALL APPROVE SUCH DEVELOPER'S APPLICATION SUBMITTED PURSUANT  
12 TO THIS SECTION.

13 E. THE TRANSFER OF A CERTIFICATE MUST BE REGISTERED WITH THE CITY  
14 PLANNING COMMISSION WITHIN SEVEN DAYS OF THE TRANSFER.

15 S 2. The public housing law is amended by adding a new section 402-c  
16 to read as follows:

17 S 402-C. ISSUANCE OF REPAIR CERTIFICATE. 1. THE NEW YORK CITY HOUSING  
18 AUTHORITY, IN CONSULTATION WITH THE NEW YORK CITY PLANNING COMMISSION,  
19 SHALL ESTABLISH PROCEDURES AND GUIDELINES FOR THE AWARDING OF REPAIR  
20 CERTIFICATES BY SUCH AUTHORITY TO DEVELOPERS WHICH PERFORM CAPITAL  
21 REPAIRS TO A PROJECT OPERATED BY THE AUTHORITY. NO SUCH CERTIFICATE  
22 SHALL BE AWARDED BASED UPON THE PERFORMANCE OF ANY WORK WHICH WOULD  
23 CONSTITUTE REGULAR MAINTENANCE UPON ANY PROJECT OPERATED BY SUCH AUTHOR-  
24 ITY. THE PROCEDURES AND GUIDELINES ESTABLISHED PURSUANT TO THIS SUBDIVI-  
25 SION SHALL PROVIDE MAXIMUM ALLOWABLE COSTS FOR VARIOUS KINDS AND TYPES  
26 OF CAPITAL REPAIR PROJECTS.

27 2. THERE SHALL BE ESTABLISHED, WITHIN THE NEW YORK CITY HOUSING  
28 AUTHORITY, AN OFFICE OF REPAIR CERTIFICATION. SUCH OFFICE SHALL ADMINIS-  
29 TER THE REPAIR CERTIFICATE PROGRAM. THE OFFICE SHALL ESTABLISH LISTS OF  
30 REPAIR PROJECTS, TO AUTHORITY FACILITIES, WHICH SHALL BE ELIGIBLE FOR  
31 THE REPAIR CERTIFICATE PROGRAM, THE ESTIMATED VALUE OF EACH SUCH REPAIR  
32 PROJECT, AND THE PRIORITY OF EACH REPAIR PROJECT BASED UPON ITS URGENCY  
33 AND/OR IMPORTANCE.

34 3. THE OFFICE OF REPAIR CERTIFICATION SHALL RECEIVE EACH APPLICATION  
35 FORWARDED TO THE NEW YORK CITY HOUSING AUTHORITY PURSUANT TO SUBDIVISION  
36 C OF SECTION 25-114 OF THE ADMINISTRATIVE CODE OF THE CITY OF NEW YORK.  
37 WITHIN TEN DAYS OF RECEIVING AN APPLICATION, THE OFFICE SHALL CONTACT  
38 THE APPLICANT AND PROVIDE IT WITH A LIST OF ELIGIBLE REPAIR PROJECTS  
39 EQUAL IN VALUE TO THE BENEFIT TO BE PROVIDED TO SUCH APPLICANT BY THE  
40 CITY PLANNING COMMISSION. SUCH LIST SHALL, TO THE EXTENT PRACTICABLE,  
41 INCLUDE ONLY THOSE ELIGIBLE REPAIR PROJECTS WITHIN THE SAME NEIGHBORHOOD  
42 INCLUDED IN THE AREA TO WHICH THE REQUESTED AMENDMENT TO THE ZONING  
43 RESOLUTION RELATES, REGARDLESS OF THE IMPORTANCE OR URGENCY OF THE  
44 REPAIR PROJECT. PROVIDED, HOWEVER, IF NO SUCH ELIGIBLE REPAIR PROJECTS  
45 EXIST IN THE NEIGHBORHOOD, THEN THE PROJECTS SHALL BE LISTED IN ORDER OF  
46 PRIORITY.

47 4. UPON RECEIPT OF A LIST FROM THE OFFICE, AN APPLICANT MUST REPLY  
48 WITHIN THIRTY DAYS. IF THE APPLICANT FAILS TO DO SO, ITS APPLICATION  
49 SHALL BE TERMINATED. SUCH REPLY TO THE OFFICE SHALL INCLUDE DESIGNATION  
50 OF THE PROJECT OR PROJECTS THE APPLICANT DESIRES TO COMPLETE, THE APPLI-  
51 CANT'S ESTIMATE OF THE COST OF COMPLETING THE REPAIR PROJECT, AND A  
52 TIMELINE FOR THE COMPLETION OF THE PROJECT.

53 5. THE OFFICE OF REPAIR CERTIFICATION SHALL, WITHIN FOURTEEN DAYS OF  
54 RECEIVING AN APPLICANT'S REPLY, REVIEW THE COSTS AND PROJECT PLAN  
55 SUBMITTED, AND EITHER APPROVE OR DISAPPROVE SUCH REPLY. IF AN APPLI-  
56 CANT'S SUBMISSION IS DISAPPROVED, IT SHALL HAVE FIFTEEN DAYS TO RESUBMIT

1 A NEW PROJECT PLAN AND ESTIMATE OF COSTS FOR REVIEW BY THE OFFICE. UPON  
2 A SECOND SUBMISSION, THE OFFICE SHALL AGAIN MAKE A DETERMINATION WITHIN  
3 FOURTEEN DAYS, AND, IF THE PLAN IS DISAPPROVED, THE OFFICE SHALL PROVIDE  
4 THE APPLICANT WITH A WRITTEN EXPLANATION THEREFOR.

5 6. FOR ANY REPAIR PROJECT PLAN THAT IS APPROVED BY THE OFFICE OF  
6 REPAIR CERTIFICATION WHERE THE APPLICANT'S ESTIMATED COST THEREOF  
7 EXCEEDS THE VALUE OF THE PROJECT ESTABLISHED BY THE OFFICE, SUCH OFFICE  
8 SHALL PROVIDE NOTICE TO THE CITY PLANNING COMMISSION THAT THE ZONING  
9 VALUATION OF THE ZONING AMENDMENT MUST BE ADJUSTED WITHIN SEVEN DAYS.

10 7. UPON COMPLETION OF THE AGREED UPON REPAIR PROJECT OR PROJECTS BY  
11 THE APPLICANT, THE OFFICE SHALL AWARD THE APPLICANT A CERTIFICATE OF  
12 COMPLETION AND PROVIDE A COPY THEREOF TO THE CITY PLANNING COMMISSION  
13 WITHIN FOURTEEN DAYS OF CERTIFYING THE COMPLETION OF THE PROJECT.

14 S 3. This act shall take effect on the one hundred eightieth day after  
15 it shall have become a law; provided, however, that effective immediate-  
16 ly, the addition, amendment and/or repeal of any rule or regulation  
17 necessary for the implementation of this act on its effective date are  
18 authorized and directed to be made and completed on or before such  
19 effective date.

20 PART HH

21 Section 1. The public housing law is amended by adding a new section  
22 402-c to read as follows:

23 S 402-C. NEW YORK CITY COUNCIL OVERSIGHT. THE NEW YORK CITY COUNCIL  
24 AS ESTABLISHED IN SECTION TWENTY-ONE OF THE NEW YORK CITY CHARTER IS  
25 EMPOWERED TO MANDATE THAT THE NEW YORK CITY HOUSING AUTHORITY PRODUCE  
26 REPORTS ABOUT ANY FACETS OF ITS OPERATIONS OR THE CONDITION OF THE  
27 PROJECTS UNDER ITS MANAGEMENT, INCLUDING ANY PROJECT BASED SECTION EIGHT  
28 VOUCHER DEVELOPMENTS IN WHICH THE AUTHORITY HAS AN OWNERSHIP STAKE,  
29 THROUGH THE PASSAGE OF A LOCAL LAW. SUCH A LAW SHALL DETERMINE WHICH  
30 INFORMATION IS TO BE INCLUDED IN THE REPORT, THE DEADLINE FOR THE  
31 PRODUCTION OF THE REPORT, WHETHER THE REPORTING MANDATE APPLIES ONCE OR  
32 IS RECURRING, AND WHICH LOCAL AUTHORITIES SHALL RECEIVE COPIES. A COPY  
33 OF ANY SUCH REPORTS MUST BE PROVIDED TO THE COMMISSIONER AND SHALL BE  
34 CONSIDERED AN AGENCY DOCUMENT FOR THE PURPOSES OF ARTICLE SIX OF THE  
35 PUBLIC OFFICERS LAW.

36 S 2. Subdivision a of section 29 of the New York city charter, as  
37 added by a vote of the people of the city of New York at the general  
38 election held in November 1989, is amended to read as follows:

39 a. The council, acting as a committee of the whole, and each standing  
40 or special committee of the council, through hearings or otherwise:

41 1. [may] MAY investigate any matters within its jurisdiction relating  
42 to the property, affairs, or government of the city or of any county  
43 within the city, or to any other powers of the council, or to the effec-  
44 tuation of the purposes or provisions of this charter or any laws relat-  
45 ing to the city or to any county within the city.

46 2. [shall] SHALL review on a regular and continuous basis the activ-  
47 ities of the agencies of the city, including their service goals and  
48 performance and management efficiency. Each unit of appropriation in  
49 the adopted budget of the city shall be assigned to a standing commit-  
50 tee. Each standing committee of the council shall hold at least one  
51 hearing each year relating to the activities of each of the agencies  
52 under its jurisdiction.

53 3. SHALL REVIEW ON A REGULAR AND CONTINUOUS BASIS THE ACTIVITIES OF  
54 THE NEW YORK CITY HOUSING AUTHORITY, INCLUDING THE SERVICE GOALS,

PERFORMANCE AND MANAGEMENT EFFICIENCY OF SUCH AUTHORITY. SUCH AUTHORITY SHALL BE ASSIGNED TO A STANDING COMMITTEE. SUCH STANDING COMMITTEE OF THE COUNCIL SHALL HOLD AT LEAST ONE HEARING EACH YEAR RELATING TO THE ACTIVITIES OF THE NEW YORK CITY HOUSING AUTHORITY.

S 3. This act shall take effect on the thirtieth day after it shall have become a law.

## PART II

Section 1. The state finance law is amended by adding a new section 99-y to read as follows:

S 99-Y. PUBLIC HOUSING REVITALIZATION FUND. 1. THERE IS HEREBY ESTABLISHED IN THE CUSTODY OF THE STATE COMPTROLLER A SPECIAL REVENUE FUND TO BE KNOWN AS THE "PUBLIC HOUSING REVITALIZATION FUND".

2. THE FUND SHALL BE CLASSIFIED BY THE STATE COMPTROLLER AS A CAPITAL PROJECTS TYPE OF FUND, AND SHALL CONSIST OF ALL MONEYS APPROPRIATED OR TRANSFERRED THERETO FROM ANY OTHER FUND OR SOURCE PURSUANT TO LAW, AND ANY OTHER MONEYS TRANSFERRED THERETO FOR THE PURPOSES OF THE FUND. THE STATE SHALL APPROPRIATE AN AMOUNT TO THE FUND WHICH SHALL EQUAL ANY AMOUNT APPROPRIATED BY THE CITY OF NEW YORK FOR THE SAME PURPOSES AS THOSE OUTLINED IN SUBDIVISION THREE OF THIS SECTION, FOLLOWING A JOINT CERTIFICATION BY THE COMPTROLLER AND THE COMPTROLLER OF THE CITY OF NEW YORK OF THE AMOUNT OF SUCH FUNDS MADE AVAILABLE BY THE CITY OF NEW YORK FOR THOSE PURPOSES.

3. MONIES OF THE FUNDS, UPON APPROPRIATION THEREOF, SHALL BE DISBURSED BY THE COMMISSIONER OF HOUSING AND COMMUNITY RENEWAL TO THE NEW YORK CITY HOUSING AUTHORITY, IN ACCORDANCE WITH SECTION SEVENTY-SEVEN OF THE PUBLIC HOUSING LAW, FOR THE REPAIR, RECONSTRUCTION, REHABILITATION AND UPGRADE OF PROJECTS OPERATED BY SUCH AUTHORITY.

S 2. The public housing law is amended by adding a new section 77 to read as follows:

S 77. PUBLIC HOUSING REVITALIZATION FUND. 1. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, THE COMMISSIONER SHALL MAKE AVAILABLE TO THE NEW YORK CITY HOUSING AUTHORITY, CONSTITUTED UNDER SECTION FOUR HUNDRED ONE OF THIS CHAPTER, MONEYS FOR THE REPAIR, RECONSTRUCTION, REHABILITATION AND UPGRADE OF PROJECTS OWNED BY THE AUTHORITY IN ORDER TO PREVENT THE FURTHER DETERIORATION OF SUCH PROJECTS.

2. SUCH MONEYS SHALL BE DISBURSED FROM THE PUBLIC HOUSING REVITALIZATION FUND ESTABLISHED BY SECTION NINETY-NINE-Y OF THE STATE FINANCE LAW.

3. MONEYS MADE AVAILABLE TO THE NEW YORK CITY HOUSING AUTHORITY FROM THIS FUND SHALL BE USED FOR THE REPAIR, RECONSTRUCTION, REHABILITATION, AND UPGRADE OF EXISTING STRUCTURAL COMPONENTS OF PROJECTS IN POOR CONDITION INCLUDING ROOFS, WALLS, ELEVATORS, HEATING SYSTEMS INCLUDING BOILERS, WATER PIPES, ELECTRICAL SYSTEMS, AND OTHER SUCH COMPONENTS.

4. NO MONEYS SHALL BE MADE AVAILABLE BY THE COMMISSIONER AFTER JANUARY FIRST, TWO THOUSAND SEVENTEEN UNLESS HE OR SHE HAS BY THAT DATE CERTIFIED THE RECEIPT OF A REFORM PLAN FROM THE NEW YORK CITY HOUSING AUTHORITY LAYING OUT PROPOSALS FOR THE STREAMLINING OF ITS OPERATIONS THAT SHOULD INCLUDE, BUT NOT BE LIMITED TO, RECOMMENDATIONS SUCH AS:

A. A PROPERTY-CENTRIC PROPERTY MANAGEMENT MODEL WITH MORE EMPOWERED PROPERTY MANAGERS. THIS INCLUDES, BUT SHALL NOT BE LIMITED TO, DECENTRALIZING MAINTENANCE AND REPAIR STAFF TO THE PROPERTY LEVEL AND DEVOLVING MANAGERIAL RESPONSIBILITIES TO THE PROPERTY MANAGERS;

B. REDESIGNING MAINTENANCE AND REPAIR POLICIES TO CUT WAIT TIMES SIGNIFICANTLY;

1 C. OVERHAUL OF ITS PROCUREMENT SYSTEM TO CUT REQUEST FOR PROPOSAL WAIT  
2 TIMES SIGNIFICANTLY AND CREATING A CENTRALIZED STREAMLINED PROCUREMENT  
3 SYSTEM;

4 D. IMPROVE CUSTOMER SERVICE TO PROVIDE A MORE RELIABLE AND  
5 USER-FRIENDLY EXPERIENCE TO BOTH RESIDENTS AND APPLICANT;

6 E. REDUCE INTERNAL BUREAUCRACY BY FLATTENING THE ORGANIZATION, REDUC-  
7 ING REDUNDANT OR UNNECESSARY STEPS AND REQUIREMENTS AND IMPROVING CYCLE  
8 TIMES; AND

9 F. DEVELOPING A LONG-TERM FINANCIAL SUSTAINABILITY PLAN, UPDATED  
10 BI-ANNUALLY.

11 S 3. This act shall take effect on the one hundred twentieth day after  
12 it shall have become a law.

13 PART JJ

14 Section 1. Article 2-A of the public housing law, as added by section  
15 1 of part CC of chapter 63 of the laws of 2000, subdivision 4 of section  
16 22 as amended by section 2 of part P of chapter 59 of the laws of 2014,  
17 is amended to read as follows:

18 ARTICLE 2-A

19 NEW YORK STATE LOW INCOME AND MIDDLE INCOME  
20 HOUSING TAX CREDIT PROGRAM

21 Section 21. Definitions.

22 22. Allowance of credit, amount and limitations.

23 23. Project monitoring.

24 24. Credit recapture.

25 25. Regulations, coordination with federal low-income housing  
26 credit provisions.

27 S 21. Definitions. 1. (a) "Applicable percentage" means, FOR THE  
28 PURPOSES OF AN ELIGIBLE LOW-INCOME BUILDING, the appropriate percentage  
29 (depending on whether a building is new, existing, or federally subsi-  
30 dized) prescribed by the secretary of the treasury for purposes of  
31 section 42 of the internal revenue code AND, FOR THE PURPOSES OF AN  
32 ELIGIBLE MIDDLE-INCOME BUILDING, THIRTY PERCENT OF THE QUALIFIED BASIS  
33 OF THE BUILDING AS DETERMINED PURSUANT TO SECTION 42 OF THE INTERNAL  
34 REVENUE CODE, for the month which is the earlier of:

35 (i) the month in which the eligible low-income building OR THE ELIGI-  
36 BLE MIDDLE-INCOME BUILDING is placed in service, or

37 (ii) at the election of the taxpayer,

38 (A) the month in which the taxpayer and the commissioner enter into an  
39 agreement with respect to such building (which is binding on the commis-  
40 sioner, the taxpayer, and all successors in interest) as to the housing  
41 credit dollar amount to be allocated to such building, or

42 (B) in the case of any building to which subsection (h)(4)(B) of such  
43 section 42 applies, the month in which the tax-exempt obligations are  
44 issued.

45 (b) A month may be elected under subparagraph (ii) of paragraph (a) of  
46 this subdivision only if the election is made not later than the fifth  
47 day after the close of such month. Such election, once made, shall be  
48 irrevocable.

49 (c) If, as of the close of any taxable year in the credit period, the  
50 qualified basis of an eligible low-income building OR AN ELIGIBLE  
51 MIDDLE-INCOME BUILDING exceeds such basis as of the close of the first  
52 year of the credit period, the applicable percentage which shall apply  
53 to such excess shall be two-thirds of the applicable percentage  
54 originally ascribed to such building.

1 2. "Compliance period" means, with respect to any building, the period  
2 of fifteen taxable years beginning with the first taxable year of the  
3 credit period with respect to such building.

4 3. "Credit period" means, with respect to any eligible low-income  
5 building OR ELIGIBLE MIDDLE-INCOME BUILDING, the period of ten taxable  
6 years beginning with

7 (a) the taxable year in which the building is placed in service, or

8 (b) at the election of the taxpayer, the succeeding taxable year,  
9 but only if the building is an eligible low-income building as of the  
10 close of the first year of such period. The election under paragraph (b)  
11 of this subdivision, once made, shall be irrevocable.

12 4. "Eligibility statement" means a statement issued by the commission-  
13 er certifying that a building is an eligible low-income building OR AN  
14 ELIGIBLE MIDDLE-INCOME BUILDING. Such statement shall set forth the  
15 taxable year in which such building is placed in service, the dollar  
16 amount of low-income housing credit OR MIDDLE-INCOME HOUSING CREDIT  
17 allocated by the commissioner to such building as provided in subdivi-  
18 sion five of section twenty-two of this article, the applicable percent-  
19 age and maximum qualified basis with respect to such building taken into  
20 account in determining such dollar amount, sufficient information to  
21 identify each such building and the taxpayer or taxpayers with respect  
22 to each such building, and such other information as the commissioner,  
23 in consultation with the commissioner of taxation and finance, shall  
24 prescribe. Such statement shall be first issued following the close of  
25 the first taxable year in the credit period, and thereafter, to the  
26 extent required by the commissioner of taxation and finance, following  
27 the close of each taxable year of the compliance period.

28 5. "Eligible low-income building" means a building located in this  
29 state which either

30 (a) is a qualified low-income building as defined in section 42(c) of  
31 the internal revenue code, or

32 (b) would be a qualified low-income building under such section if the  
33 20-50 test specified in subsection (g)(1) of such section were disre-  
34 garded and the 40-60 test specified in such subsection (requiring that  
35 at least forty percent of residential units be both rent-restricted and  
36 occupied by individuals whose income is sixty percent or less of area  
37 median gross income) were a 40-90 test.

38 5-A. "ELIGIBLE MIDDLE-INCOME BUILDING" MEANS A BUILDING LOCATED IN  
39 THIS STATE WHICH IS COMPOSED OF MULTIPLE RESIDENTIAL UNITS WHICH WILL,  
40 UPON COMPLETION, BE AFFORDABLE BY ELIGIBLE MIDDLE-INCOME HOUSEHOLDS.

41 5-B. "ELIGIBLE MIDDLE-INCOME HOUSEHOLD" MEANS (A) IN CITIES HAVING A  
42 POPULATION OF ONE MILLION OR MORE, A PERSON OR FAMILY RESIDING IN A  
43 RESIDENTIAL UNIT WHOSE INCOME DOES NOT EXCEED ONE HUNDRED THIRTY PERCENT  
44 OF THE MEDIAN INCOME FOR THE METROPOLITAN STATISTICAL AREA IN WHICH AN  
45 ELIGIBLE MIDDLE-INCOME BUILDING IS LOCATED; OR (B) IN ANY PORTION OF THE  
46 STATE OUTSIDE OF A CITY HAVING A POPULATION OF ONE MILLION OR MORE AND  
47 (I) WITHIN A METROPOLITAN STATISTICAL AREA, A PERSON OR FAMILY RESIDING  
48 IN A RESIDENTIAL UNIT WHOSE INCOME DOES NOT EXCEED ONE HUNDRED THIRTY  
49 PERCENT OF THE MEDIAN INCOME FOR THE METROPOLITAN STATISTICAL AREA IN  
50 WHICH AN ELIGIBLE MIDDLE-INCOME BUILDING IS LOCATED, OR ONE HUNDRED  
51 THIRTY PERCENT OF THE STATEWIDE MEDIAN INCOME, WHICHEVER SHALL BE LESS,  
52 OR (II) OUTSIDE OF METROPOLITAN STATISTICAL AREA, A PERSON OR FAMILY  
53 RESIDING IN A RESIDENTIAL UNIT WHOSE INCOME DOES NOT EXCEED ONE HUNDRED  
54 THIRTY PERCENT OF THE MEDIAN INCOME FOR THE COUNTY IN WHICH AN ELIGIBLE  
55 MIDDLE-INCOME BUILDING IS LOCATED, OR ONE HUNDRED THIRTY PERCENT OF THE  
56 STATEWIDE MEDIAN INCOME, WHICHEVER SHALL BE LESS.

1 6. "Qualified basis" of an eligible low-income building OR AN ELIGIBLE  
2 MIDDLE-INCOME BUILDING means the qualified basis of such building deter-  
3 mined under section 42(c) of the internal revenue code, or, FOR AN  
4 ELIGIBLE LOW-INCOME BUILDING, which would be determined under such  
5 section if the 40-90 test specified in paragraph (b) of subdivision five  
6 of this section applied under such section 42 to determine if such  
7 building were part of a qualified low-income housing project.

8 7. References in this article to section 42 of the internal revenue  
9 code shall mean such section as amended from time to time.

10 S 22. Allowance of credit, amount and limitations. 1. A taxpayer  
11 subject to tax under article nine-A, twenty-two[, thirty-two] or thir-  
12 ty-three of the tax law which owns an interest in one or more eligible  
13 low-income buildings OR ELIGIBLE MIDDLE-INCOME BUILDINGS shall be  
14 allowed a credit against such tax for the amount of low-income housing  
15 credit OR FOR THE AMOUNT OF THE MIDDLE-INCOME HOUSING CREDIT, AS THE  
16 CASE MAY BE, allocated by the commissioner to each such building. Except  
17 as provided in subdivision two of this section, the credit amount so  
18 allocated shall be allowed as a credit against the tax for the ten taxa-  
19 ble years in the credit period.

20 2. Adjustment of first-year credit allowed in eleventh year. The cred-  
21 it allowable for the first taxable year of the credit period with  
22 respect to any building shall be adjusted using the rules of section  
23 42(f)(2) of the internal revenue code (relating to first-year adjustment  
24 of qualified basis by the weighted average of low-income to total resi-  
25 dential units, OR BY THE WEIGHTED AVERAGE OF MIDDLE-INCOME TO TOTAL  
26 RESIDENTIAL UNITS, AS THE CASE MAY BE), and any reduction in first-year  
27 credit by reason of such adjustment shall be allowable for the first  
28 taxable year following the credit period.

29 3. Amount of credit. Except as provided in subdivisions four and five  
30 of this section, the amount of low-income housing credit AND MIDDLE-IN-  
31 COME HOUSING CREDIT shall be the applicable percentage of the qualified  
32 basis of each eligible low-income building OR OF EACH ELIGIBLE  
33 MIDDLE-INCOME BUILDING.

34 4. Statewide limitation. The aggregate dollar amount of credit which  
35 the commissioner may allocate to eligible low-income buildings under  
36 this article shall be sixty-four million dollars. THE AGGREGATE DOLLAR  
37 AMOUNT OF CREDIT WHICH THE COMMISSIONER MAY ALLOCATE TO ELIGIBLE  
38 MIDDLE-INCOME BUILDINGS UNDER THIS ARTICLE SHALL BE TWENTY-FIVE MILLION  
39 DOLLARS. The limitation provided by this subdivision applies only to  
40 allocation of the aggregate dollar amount of credit by the commissioner,  
41 and does not apply to allowance to a taxpayer of the credit with respect  
42 to an eligible low-income building OR AN ELIGIBLE MIDDLE-INCOME BUILDING  
43 for each year of the credit period.

44 5. Building limitation. The dollar amount of credit allocated to any  
45 building shall not exceed the amount the commissioner determines is  
46 necessary for the financial feasibility of the project and the viability  
47 of the building as an eligible low-income building OR AS AN ELIGIBLE  
48 MIDDLE-INCOME BUILDING throughout the credit period. In allocating a  
49 dollar amount of credit to any building, the commissioner shall specify  
50 the applicable percentage and the maximum qualified basis which may be  
51 taken into account under this article with respect to such building. The  
52 applicable percentage and the maximum qualified basis with respect to a  
53 building shall not exceed the amounts determined in subdivisions one and  
54 six, respectively, of section twenty-one of this article.

55 6. Long-term commitment to low-income OR MIDDLE-INCOME housing  
56 required. (A) No credit shall be allowed under this article with respect



1 to [a] AN ELIGIBLE LOW-INCOME building for the taxable year unless an  
2 extended low-income housing commitment is in effect as of the end of  
3 such taxable year. For purposes of this [subdivision] PARAGRAPH, the  
4 term "extended low-income housing commitment" means an agreement between  
5 the taxpayer and the commissioner substantially similar to the agreement  
6 specified in section 42(h)(6)(B) of the internal revenue code.

7 (B) NO CREDIT SHALL BE ALLOWED UNDER THIS ARTICLE WITH RESPECT TO AN  
8 ELIGIBLE MIDDLE-INCOME BUILDING FOR THE TAXABLE YEAR UNLESS AN EXTENDED  
9 MIDDLE-INCOME HOUSING COMMITMENT IS IN EFFECT AS OF THE END OF SUCH  
10 TAXABLE YEAR. FOR THE PURPOSES OF THIS PARAGRAPH, THE TERM "EXTENDED  
11 MIDDLE-INCOME HOUSING COMMITMENT" MEANS AN AGREEMENT BETWEEN THE TAXPAY-  
12 ER AND THE COMMISSIONER WHICH HAS BEEN DETERMINED BY THE COMMISSIONER TO  
13 BE SIMILAR TO THE AGREEMENT SPECIFIED IN SECTION 42(H)(6)(B) OF THE  
14 INTERNAL REVENUE CODE.

15 7. Credit to successor owner. If a credit is allowed under subdivision  
16 one of this section with respect to an eligible low-income building OR  
17 AN ELIGIBLE MIDDLE-INCOME BUILDING, and such building (or an interest  
18 therein) is sold during the credit period, the credit for the period  
19 after the sale which would have been allowable under such subdivision  
20 one to the prior owner had the building not been sold shall be allowable  
21 to the new owner. Credit for the year of sale shall be allocated between  
22 the parties on the basis of the number of days during such year that the  
23 building or interest was held by each.

24 S 23. Project monitoring. The commissioner shall establish such proce-  
25 dures as he OR SHE deems necessary for monitoring compliance of an  
26 eligible low-income building OR AN ELIGIBLE MIDDLE-INCOME BUILDING with  
27 the provisions of this article, and for notifying the commissioner of  
28 taxation and finance of any such noncompliance of which he OR SHE  
29 becomes aware.

30 S 24. Credit recapture. If, as of the close of any taxable year in the  
31 compliance period, the amount of the qualified basis of any building  
32 with respect to the taxpayer is less than the amount of such basis as of  
33 the close of the preceding taxable year, the credit under this article  
34 may be recaptured as provided in section eighteen OR EIGHTEEN-A of the  
35 tax law.

36 S 25. Regulations, coordination with federal low-income housing credit  
37 provisions. 1. The commissioner shall promulgate rules and regulations  
38 necessary to administer the provisions of this act.

39 2. The provisions of section 42 of the internal revenue code shall  
40 apply to the credit under this article, provided however, to the extent  
41 such provisions are inconsistent with this article, the provisions of  
42 this article shall control.

43 S 2. The tax law is amended by adding a new section 18-a to read as  
44 follows:

45 S 18-A. MIDDLE-INCOME HOUSING CREDIT. (A) ALLOWANCE OF CREDIT. A  
46 TAXPAYER SUBJECT TO TAX UNDER ARTICLE NINE-A, TWENTY-TWO OR THIRTY-THREE  
47 OF THIS CHAPTER SHALL BE ALLOWED A CREDIT AGAINST SUCH TAX, PURSUANT TO  
48 THE PROVISIONS REFERENCED IN SUBDIVISION (D) OF THIS SECTION, WITH  
49 RESPECT TO THE OWNERSHIP OF ELIGIBLE MIDDLE-INCOME BUILDINGS FOR WHICH  
50 AN ELIGIBILITY STATEMENT HAS BEEN ISSUED BY THE COMMISSIONER OF HOUSING  
51 AND COMMUNITY RENEWAL. THE AMOUNT OF THE CREDIT SHALL BE THE CREDIT  
52 AMOUNT FOR EACH SUCH BUILDING ALLOCATED BY SUCH COMMISSIONER AS PROVIDED  
53 IN ARTICLE TWO-A OF THE PUBLIC HOUSING LAW. THE CREDIT AMOUNT SHALL BE  
54 ALLOWED FOR EACH OF THE TEN TAXABLE YEARS IN THE CREDIT PERIOD, AND ANY  
55 REDUCTION IN FIRST-YEAR CREDIT AS PROVIDED IN SUBDIVISION TWO OF SECTION  
56 TWENTY-TWO OF SUCH LAW SHALL BE ALLOWED IN THE ELEVENTH TAXABLE YEAR.

(B) CREDIT RECAPTURE. (1) GENERAL. IF,

(A) AS OF THE CLOSE OF ANY TAXABLE YEAR IN THE COMPLIANCE PERIOD, THE AMOUNT OF THE QUALIFIED BASIS OF ANY BUILDING WITH RESPECT TO THE TAXPAYER IS LESS THAN

(B) THE AMOUNT OF SUCH BASIS AS OF THE CLOSE OF THE PRECEDING TAXABLE YEAR,

(C) THEN THE CREDIT RECAPTURE AMOUNT MUST BE ADDED BACK FOR THE TAXABLE YEAR.

(2) CREDIT RECAPTURE AMOUNT. THE CREDIT RECAPTURE AMOUNT IS AN AMOUNT EQUAL TO THE SUM OF

(A) THE AGGREGATE DECREASE IN THE CREDITS ALLOWED TO THE TAXPAYER UNDER THIS SECTION FOR ALL PRIOR TAXABLE YEARS WHICH WOULD HAVE RESULTED IF THE ACCELERATED PORTION OF THE CREDIT ALLOWABLE BY REASON OF THIS SECTION WERE NOT ALLOWED FOR ALL PRIOR TAXABLE YEARS WITH RESPECT TO THE EXCESS OF THE AMOUNT DESCRIBED IN SUBPARAGRAPH (B) OF PARAGRAPH (1) OF THIS SUBDIVISION OVER THE AMOUNT DESCRIBED IN SUBPARAGRAPH (A) OF SUCH PARAGRAPH, PLUS

(B) INTEREST AT THE OVERPAYMENT RATE ESTABLISHED UNDER SECTION ONE THOUSAND NINETY-SIX OF THIS CHAPTER ON THE AMOUNT DETERMINED UNDER SUBPARAGRAPH (A) OF THIS PARAGRAPH FOR EACH PRIOR TAXABLE YEAR FOR THE PERIOD BEGINNING ON THE DUE DATE FOR FILING THE REPORT FOR THE PRIOR TAXABLE YEAR INVOLVED.

(3) ACCELERATED PORTION OF CREDIT. FOR PURPOSES OF PARAGRAPH TWO OF THIS SUBDIVISION, THE ACCELERATED PORTION OF THE CREDIT FOR THE PRIOR TAXABLE YEARS WITH RESPECT TO ANY AMOUNT OF BASIS IS THE EXCESS OF

(A) THE AGGREGATE CREDIT ALLOWED BY REASON OF THIS SECTION (WITHOUT REGARD TO THIS SUBDIVISION) FOR SUCH YEARS WITH RESPECT TO SUCH BASIS, OVER

(B) THE AGGREGATE CREDIT WHICH WOULD BE ALLOWABLE BY REASON OF THIS SECTION FOR SUCH YEARS WITH RESPECT TO SUCH BASIS IF THE AGGREGATE CREDIT WHICH WOULD (BUT FOR THIS SUBDIVISION) HAVE BEEN ALLOWED FOR THE ENTIRE COMPLIANCE PERIOD WERE ALLOWABLE RATABLY OVER FIFTEEN YEARS.

(4) SPECIAL RULES. FOR PURPOSES OF THIS SUBDIVISION, THE RULES OF SECTION 42 (J)(4)(B) AND (C) OF THE INTERNAL REVENUE CODE SHALL APPLY IN DETERMINING THE CREDIT RECAPTURE AMOUNT.

(5) EXCEPTIONS TO RECAPTURE. RECAPTURE UNDER THIS SUBDIVISION SHALL NOT APPLY TO A REDUCTION IN QUALIFIED BASIS

(A) BY REASON OF A CASUALTY LOSS, IF THE COMMISSIONER, IN CONSULTATION WITH THE COMMISSIONER OF HOUSING AND COMMUNITY RENEWAL, DETERMINES THAT SUCH LOSS IS RESTORED BY RECONSTRUCTION OR REPLACEMENT WITHIN A REASONABLE PERIOD, OR

(B) BY REASON OF A CHANGE IN FLOOR SPACE DEVOTED TO MIDDLE-INCOME UNITS IN A BUILDING, IF SUCH BUILDING REMAINS AN ELIGIBLE MIDDLE-INCOME BUILDING AFTER SUCH CHANGE, AND IF THE COMMISSIONER, IN CONSULTATION WITH THE COMMISSIONER OF HOUSING AND COMMUNITY RENEWAL, DETERMINES THAT SUCH CHANGE IS DE MINIMIS, OR

(C) BY REASON OF ERROR IN COMPLYING WITH MIDDLE-INCOME ELIGIBILITY TESTS REFERRED TO IN SUBDIVISION FIVE OF SECTION TWENTY-ONE OF THE PUBLIC HOUSING LAW, IF THE COMMISSIONER, IN CONSULTATION WITH THE COMMISSIONER OF HOUSING AND COMMUNITY RENEWAL, DETERMINES THAT SUCH ERROR IS DE MINIMIS.

(6) RECAPTURE BY PARTNERS OF A PARTNERSHIP. IN THE CASE OF OWNERSHIP OF A BUILDING OR INTEREST THEREIN BY A PARTNERSHIP WHICH HAS THIRTY-FIVE OR MORE PARTNERS, THE PROVISIONS OF SECTION 42(J)(5) OF THE INTERNAL REVENUE CODE SHALL APPLY TO ANY RECAPTURE UNDER THIS SUBDIVISION UNLESS THE PARTNERSHIP ELECTS NOT TO HAVE SUCH PROVISIONS APPLY.

(7) (A) THE CREDIT RECAPTURE REQUIRED UNDER THIS SUBDIVISION WILL NOT APPLY SOLELY BY REASON OF THE DISPOSITION OF A BUILDING OR AN INTEREST THEREIN IF IT IS REASONABLY EXPECTED THAT SUCH BUILDING WILL CONTINUE TO BE OPERATED AS AN ELIGIBLE MIDDLE-INCOME BUILDING FOR THE REMAINING COMPLIANCE PERIOD WITH RESPECT TO SUCH BUILDING.

(B) STATUTE OF LIMITATIONS. IF A BUILDING (OR AN INTEREST THEREIN) IS DISPOSED OF DURING ANY TAXABLE YEAR AND THERE IS ANY REDUCTION IN THE QUALIFIED BASIS OF SUCH BUILDING WHICH RESULTS IN AN INCREASE IN TAX UNDER THIS SECTION FOR SUCH TAXABLE OR ANY SUBSEQUENT TAXABLE YEAR, THEN

(I) THE STATUTORY PERIOD FOR THE ASSESSMENT OF ANY DEFICIENCY WITH RESPECT TO SUCH INCREASE IN TAX WILL NOT EXPIRE BEFORE THE EXPIRATION OF THREE YEARS FROM THE DATE THE COMMISSIONER OF HOUSING AND COMMUNITY RENEWAL IS NOTIFIED BY THE TAXPAYER (IN SUCH MANNER AS THE COMMISSIONER OF HOUSING AND COMMUNITY RENEWAL MAY PRESCRIBE) OF SUCH REDUCTION IN QUALIFIED BASIS, AND

(II) SUCH DEFICIENCY MAY BE ASSESSED BEFORE THE EXPIRATION OF SUCH THREE-YEAR PERIOD NOTWITHSTANDING THE PROVISIONS OF ANY OTHER LAW OR RULE OF LAW WHICH WOULD OTHERWISE PREVENT SUCH ASSESSMENT.

(C) CONSTRUCTION WITH PUBLIC HOUSING LAW; DEFINITIONS. THE PROVISIONS OF THIS SECTION SHALL BE CONSTRUED IN CONJUNCTION WITH THE PROVISIONS OF ARTICLE TWO-A OF THE PUBLIC HOUSING LAW. FOR DEFINITIONS RELATING TO THE MIDDLE-INCOME HOUSING CREDIT, SEE SECTION TWENTY-ONE OF SUCH LAW.

(D) CROSS-REFERENCES. FOR APPLICATION OF THE CREDIT PROVIDED FOR IN THIS SECTION, SEE THE FOLLOWING PROVISIONS OF THIS CHAPTER:

(1) ARTICLE 9-A: SECTION 210-B: SUBDIVISION 15-A,

(2) ARTICLE 22: SECTION 606: SUBSECTIONS (I) AND (X-1),

(3) ARTICLE 33: SECTION 1511: SUBDIVISION (N-1).

S 3. Section 210-B of the tax law is amended by adding a new subdivision 15-a to read as follows:

15-A. MIDDLE-INCOME HOUSING CREDIT. (A) ALLOWANCE OF CREDIT. A TAXPAYER SHALL BE ALLOWED A CREDIT AGAINST THE TAX IMPOSED BY THIS ARTICLE WITH RESPECT TO THE OWNERSHIP OF ELIGIBLE MIDDLE-INCOME BUILDINGS, COMPUTED AS PROVIDED IN SECTION EIGHTEEN-A OF THIS CHAPTER.

(B) APPLICATION OF CREDIT. THE CREDIT ALLOWED UNDER THIS SUBDIVISION FOR ANY TAXABLE YEAR SHALL NOT, IN THE AGGREGATE, REDUCE THE TAX DUE FOR SUCH YEAR TO LESS THAN THE HIGHER OF THE AMOUNTS PRESCRIBED IN PARAGRAPHS (C) AND (D) OF SUBDIVISION ONE OF THIS SECTION. HOWEVER, IF THE AMOUNT OF CREDIT ALLOWED UNDER THIS SUBDIVISION FOR ANY TAXABLE YEAR REDUCES THE TAX TO SUCH AMOUNT, ANY AMOUNT OF CREDIT THUS NOT DEDUCTIBLE IN SUCH TAXABLE YEAR SHALL BE TREATED AS AN OVERPAYMENT OF TAX TO BE CREDITED OR REFUNDED IN ACCORDANCE WITH THE PROVISIONS OF SECTION TEN HUNDRED EIGHTY-SIX OF THIS CHAPTER. PROVIDED, HOWEVER, THE PROVISIONS OF SUBSECTION (C) OF SECTION TEN HUNDRED EIGHTY-EIGHT OF THIS CHAPTER NOTWITHSTANDING, NO INTEREST SHALL BE PAID THEREON.

(C) CREDIT RECAPTURE. FOR PROVISIONS REQUIRING RECAPTURE OF CREDIT, SEE SUBDIVISION (B) OF SECTION EIGHTEEN-A OF THIS CHAPTER.

S 4. Subparagraph (B) of paragraph 1 of subsection (i) of section 606 of the tax law is amended by adding a new clause (xiii-a) to read as follows:

(XIII-A) MIDDLE-INCOME HOUSING	CREDIT AMOUNT UNDER SUBDIVISION
CREDIT UNDER SUBSECTION (X-L)	FIFTEEN-A OF SECTION TWO HUNDRED
	TEN-B

S 5. Section 606 of the tax law is amended by adding a new subsection (x-1) to read as follows:

(X-1) MIDDLE-INCOME HOUSING CREDIT. (1) ALLOWANCE OF CREDIT. A TAXPAYER SHALL BE ALLOWED A CREDIT AGAINST THE TAX IMPOSED BY THIS ARTICLE WITH RESPECT TO THE OWNERSHIP OF ELIGIBLE MIDDLE-INCOME BUILDINGS, COMPUTED AS PROVIDED IN SECTION EIGHTEEN-A OF THIS CHAPTER.

(2) APPLICATION OF CREDIT. IF THE AMOUNT OF CREDIT ALLOWABLE UNDER THIS SUBSECTION FOR ANY TAXABLE YEAR SHALL EXCEED THE TAXPAYER'S TAX FOR SUCH YEAR, THE EXCESS SHALL BE TREATED AS AN OVERPAYMENT OF TAX TO BE CREDITED OR REFUNDED IN ACCORDANCE WITH THE PROVISIONS OF SECTION SIX HUNDRED EIGHTY-SIX OF THIS ARTICLE, PROVIDED, HOWEVER, THAT NO INTEREST SHALL BE PAID THEREON.

(3) CREDIT RECAPTURE. FOR PROVISIONS REQUIRING RECAPTURE OF CREDIT, SEE SUBDIVISION (B) OF SECTION EIGHTEEN-A OF THIS CHAPTER.

S 6. Section 1511 of the tax law is amended by adding a new subdivision (n-1) to read as follows:

(N-1) MIDDLE-INCOME HOUSING CREDIT. (1) ALLOWANCE OF CREDIT. A TAXPAYER SHALL BE ALLOWED A CREDIT AGAINST THE TAX IMPOSED BY THIS ARTICLE WITH RESPECT TO THE OWNERSHIP OF ELIGIBLE MIDDLE-INCOME BUILDINGS, COMPUTED AS PROVIDED IN SECTION EIGHTEEN-A OF THIS CHAPTER.

(2) APPLICATION OF CREDIT. THE CREDIT ALLOWED UNDER THIS SUBDIVISION FOR ANY TAXABLE YEAR SHALL NOT, IN THE AGGREGATE, REDUCE THE TAX DUE FOR SUCH YEAR TO LESS THAN THE MINIMUM TAX FIXED BY PARAGRAPH FOUR OF SUBDIVISION (A) OF SECTION FIFTEEN HUNDRED TWO OF THIS ARTICLE OR BY SECTION FIFTEEN HUNDRED TWO-A OF THIS ARTICLE, WHICHEVER IS APPLICABLE. HOWEVER, IF THE AMOUNT OF CREDIT ALLOWED UNDER THIS SUBDIVISION FOR ANY TAXABLE YEAR REDUCES THE TAX TO SUCH AMOUNT, THEN ANY AMOUNT OF CREDIT THUS NOT DEDUCTIBLE IN SUCH TAXABLE YEAR SHALL BE TREATED AS AN OVERPAYMENT OF TAX TO BE CREDITED OR REFUNDED IN ACCORDANCE WITH THE PROVISIONS OF SECTION TEN HUNDRED EIGHTY-SIX OF THIS CHAPTER. PROVIDED, HOWEVER, THE PROVISIONS OF SUBSECTION (C) OF SECTION TEN HUNDRED EIGHTY-EIGHT OF THIS CHAPTER NOTWITHSTANDING, NO INTEREST SHALL BE PAID THEREON.

(3) CREDIT RECAPTURE. FOR PROVISIONS REQUIRING RECAPTURE OF CREDIT, SEE SUBDIVISION (B) OF SECTION EIGHTEEN-A OF THIS CHAPTER.

S 7. This act shall take effect immediately and shall apply to tax years commencing on or after January 1, 2016.

## PART KK

Section 1. Statement of legislative purpose and findings. The legislature finds and declares that New York's mortgage foreclosure crisis is ongoing. This state's communities have been devastated by the dramatic increase in foreclosures since the 2008 financial crisis. Many New Yorkers are working to keep their homes, but are faced with a mortgage servicing system moving too slowly. Communities across the state struggle to cope with vacant, distressed or abandoned properties that, if repaired and returned to the market, would be affordable housing and generate tax income for municipalities. The legislature finds that it is necessary to create a statewide program to protect communities throughout the state by: (i) preventing foreclosures when possible, (ii) reducing blight, (iii) restoring property tax revenue, and (iv) supporting affordable housing options. Accordingly the legislature hereby creates the community reinvestment program.

S 2. Definitions. As used in this act, the following words and phrases shall have the following meanings:

1. "Asset" means real property or notes secured by mortgages.

2. "Community development financial institution" or "CDFI" means an organization which has been certified as a community development finan-

cial institution by the federal community development financial institutions fund, as established pursuant to 12 U.S.C. 4701 et seq.

3. "Community reinvestment program fund" or "fund" means the community reinvestment program fund established pursuant to section 85 of the state finance law.

4. "Council" means the community reinvestment program fund council.

5. "Fund manager" means a Community Development Financial Institution ("CDFI") fund manager.

6. "Not-for-profit members" means members of the community reinvestment program fund council who do not have a significant financial interest in or control of a business or profit making entity involved in real estate transactions or real estate speculation.

7. "Program manager" means a property holding company that will own and manage the assets purchased through the community reinvestment program.

8. "Real estate owned" means real property owned by a lender, including a banking organization, or federal or state agency, which owns such property as the result of a default in payments on a mortgage.

9. "Vacant" means real property which has no current residents.

S 3. The state finance law is amended by adding a new section 85 to read as follows:

S 85. COMMUNITY REINVESTMENT PROGRAM FUND. 1. THERE IS HEREBY ESTABLISHED IN THE CUSTODY OF THE STATE COMPTROLLER A SPECIAL FUND TO BE KNOWN AS THE "COMMUNITY REINVESTMENT PROGRAM FUND".

2. THE COMMUNITY REINVESTMENT PROGRAM FUND SHALL CONSIST OF MONEYS DEPOSITED THEREIN BY THE STATE COMPTROLLER. NOTHING CONTAINED IN THIS SECTION SHALL PREVENT THE STATE FROM RECEIVING GRANTS, GIFTS, MONIES OBTAINED THROUGH JUDGMENTS AND SETTLEMENTS FROM THE STATE OR ANY OTHER GOVERNMENTAL ENTITY, OR BEQUESTS AND DEPOSITING THEM INTO THE ACCESSIBLE ELECTRONIC INFORMATION SERVICE FUND ACCORDING TO LAW.

3. THE MONEYS IN THE FUND SHALL BE USED TO:

(A) PURCHASE MORTGAGE NOTES ON ONE TO FOUR UNIT HOMES AT DISCOUNTED RATES; AND

(B) ACQUIRE OR SELL HOMES AT DISCOUNTED RATES FROM LENDERS, AND PURCHASE HOMES AT AUCTION, THROUGH SHORT SALE, OR OTHER SALE WITH THE INTENT TO:

(I) WHERE POSSIBLE, MODIFY THE MORTGAGE TO AN AFFORDABLE RATE TO KEEP CURRENT HOMEOWNERS IN THE PROPERTY;

(II) RENT OR SELL BACK TO HOMEOWNERS WITH AN AFFORDABLE LOAN;

(III) FUND LOCAL, NOT-FOR-PROFIT DEVELOPMENT EFFORTS TO TURN VACANT PROPERTIES INTO AFFORDABLE HOUSING;

(IV) REHABILITATE DISTRESSED PROPERTIES FOR NEW OWNERS; AND/OR

(V) DEMOLISH HOMES THAT ARE DILAPIDATED OR REASONABLY BEYOND REPAIR.

4. (A) AS USED IN THIS SECTION, THE TERMS "COMMUNITY DEVELOPMENT FINANCIAL INSTITUTION" "CDFI", "FUND MANAGER" AND "PROGRAM MANAGER" SHALL HAVE THE SAME MEANINGS AS ASCRIBED TO SUCH TERMS BY SECTION TWO OF THE CHAPTER OF THE LAWS OF TWO THOUSAND SIXTEEN THAT ADDED THIS SECTION.

(B) AS USED IN THIS SECTION, "COMMUNITY REINVESTMENT PROGRAM FUND COUNCIL" MEANS SUCH COUNCIL AS ESTABLISHED BY SECTION FOUR OF THE CHAPTER OF THE LAWS OF TWO THOUSAND SIXTEEN THAT ADDED THIS SECTION.

5. THE DIVISION OF HOUSING AND COMMUNITY RENEWAL, IN CONSULTATION WITH THE COMMUNITY REINVESTMENT PROGRAM FUND COUNCIL, SHALL SELECT THE FUND MANAGER AND PROGRAM MANAGER THROUGH THE REQUEST FOR PROPOSAL PROCESS.

6. THE FUND MANAGER SHALL:

(A) BE RESPONSIBLE FOR THE RECEIPT, MANAGEMENT AND EXPENDITURE OF MONIES HELD IN THE COMMUNITY REINVESTMENT PROGRAM FUND;

1 (B) MAINTAIN BOOKS AND RECORDS PERTAINING TO ALL MONIES RECEIVED AND  
2 DISBURSED PURSUANT TO THIS SECTION;

3 (C) SEEK AND RECEIVE RECEIVE PUBLIC, SETTLEMENT AND OTHER FUNDS AND  
4 USE THOSE FUNDS TO PURCHASE ASSETS THAT WILL BE HELD BY THE PROGRAM  
5 MANAGER;

6 (D) HAVE THE AUTHORITY TO RESEARCH, ACQUIRE AND PURCHASE DISTRESSED OR  
7 UNDERPERFORMING ASSETS IN ORDER TO TRANSFER SUCH ASSETS TO THE PROGRAM  
8 MANAGER;

9 (E) WORK WITH THE COMMUNITY REINVESTMENT PROGRAM FUND COUNCIL TO  
10 DEVELOP STRATEGIES FOR ACQUIRING DISTRESSED ASSETS AND TO IDENTIFY  
11 OPPORTUNITIES TO ACQUIRE DISTRESSED ASSETS;

12 (F) WORK WITH THE PROGRAM MANAGER AND THE COMMUNITY REINVESTMENT  
13 PROGRAM FUND COUNCIL TO IDENTIFY NOT-FOR-PROFIT DEVELOPERS ABLE TO  
14 IMPLEMENT DISPOSITIONS TAILORED TO LOCAL NEEDS, WHETHER SALES TO NEW  
15 HOMEOWNERS, USE AS AFFORDABLE RENTAL PROPERTY, OR DEMOLITION AND REPUR-  
16 POSING FOR OTHER COMMUNITY USES; PROVIDED, HOWEVER, THAT IF NO NOT-FOR-  
17 PROFIT DEVELOPER IS AVAILABLE IN A PARTICULAR LOCATION, A FOR-PROFIT  
18 DEVELOPER MAY, WITH THE CONSENT AND APPROVAL OF THE COMMUNITY REINVEST-  
19 MENT PROGRAM FUND COUNCIL, BE SELECTED;

20 (G) MAKE FUNDS DIRECTLY AVAILABLE TO NOT-FOR-PROFIT ORGANIZATIONS AND  
21 DEVELOPERS FOR USE TO ACQUIRE, REHABILITATE AND/OR FINANCE PROPERTIES  
22 DIRECTLY; PROVIDED, HOWEVER, THAT IF NO NOT-FOR-PROFIT ORGANIZATIONS AND  
23 DEVELOPERS ARE AVAILABLE IN A PARTICULAR LOCATION, FOR-PROFIT ORGANIZA-  
24 TIONS AND DEVELOPERS MAY, WITH THE CONSENT AND APPROVAL OF THE COMMUNITY  
25 REINVESTMENT PROGRAM FUND COUNCIL, BE SELECTED. THESE FUNDS WOULD BE  
26 MADE AVAILABLE THROUGH A REQUEST FOR PROPOSAL PROCESS CONDUCTED THROUGH  
27 THE DIVISION OF HOUSING AND COMMUNITY RENEWAL, IN CONSULTATION WITH THE  
28 FUND MANAGER;

29 (H) DEVELOP A PLAN TO MAKE THE FUND A REVOLVING LOAN FUND;

30 (I) APPLY FOR FEDERAL OR PRIVATE GRANT MONEY THAT BECOMES AVAILABLE TO  
31 CARRY OUT THE PURPOSE OF THIS SECTION;

32 (J) COORDINATE WITH MUNICIPALITIES TO IDENTIFY MORTGAGE NOTES FOR  
33 PURCHASE; AND

34 (K) PERFORM ANY AND ALL TASKS AND FUNCTIONS NECESSARY TO OPERATE THE  
35 FUND.

36 7. THE PROGRAM MANAGER SHALL:

37 (A) HAVE THE AUTHORITY TO ACQUIRE, PURCHASE OR SELL DISTRESSED REAL  
38 PROPERTY ASSETS OR MORTGAGE NOTES ON ONE TO FOUR UNIT HOMES, WHETHER  
39 CURRENT, DELINQUENT AND/OR IN FORECLOSURE, OCCUPIED, VACANT OR ABAN-  
40 DONED, WHERE PURCHASED OR ACQUIRED:

41 (I) AT OR BELOW REASONABLE AND CUSTOMARY PRICES;

42 (II) THROUGH NEGOTIATED SALES AT FHA DISTRESSED ASSET STABILIZATION  
43 PROGRAM SALES OR AT ANY OTHER SUCH SALES CONDUCTED BY A GOVERNMENT ENTI-  
44 TY;

45 (III) THROUGH AUCTIONS, SHORT SALES, REAL ESTATE OWNED PROPERTIES OR  
46 PROPERTIES IDENTIFIED BY THE MEMBERS OF THE COMMUNITY REINVESTMENT  
47 PROGRAM FUND COUNCIL;

48 (IV) THROUGH DONATION OR BY OTHER MEANS;

49 (B) OWN AND MANAGE THE DISTRESSED OR UNDERPERFORMING ASSETS;

50 (C) HAVE THE POWER TO MODIFY MORTGAGE NOTES ON THE ACQUIRED ASSETS;

51 (D) WITH THE INPUT OF THE COMMUNITY REINVESTMENT PROGRAM FUND COUNCIL,  
52 DEVELOP DISPOSITION STRATEGIES TAILORED TO THE NEEDS AND MARKET CONDI-  
53 TIONS IN THE LOCAL COMMUNITIES WHERE THE DISTRESSED OR UNDERPERFORMING  
54 ASSETS ARE LOCATED;

55 (E) WORK WITH THE COMMUNITY REINVESTMENT PROGRAM FUND COUNCIL TO  
56 DETERMINE OPTIMAL OUTCOMES FOR ACQUIRED MORTGAGE NOTES AND PROPERTIES;

(F) HAVE A RELATIONSHIP WITH A SPECIALTY MORTGAGE SERVICER WHOSE ROLE IS TO ASSIST WITH MODIFICATIONS OF ACQUIRED MORTGAGE NOTES;

(G) WORK WITH THE FUND MANAGER AND THE COMMUNITY REINVESTMENT PROGRAM FUND COUNCIL TO DEVELOP MODIFICATION CRITERIA;

(H) WORK WITH LOAN SERVICERS, HOUSING COUNSELORS AND ATTORNEYS TO ASSIST BORROWERS WITH APPLICATIONS FOR LOAN MODIFICATIONS AND REFINANCING;

(I) WITH THE APPROVAL OF THE COMMUNITY REINVESTMENT PROGRAM FUND COUNCIL, MAKE AVAILABLE REASONABLE EXPENSES TO NOT-FOR-PROFIT ORGANIZATIONS FOR DIRECT DISPOSITION EXPENSES, INCLUDING WORKING WITH HOMEOWNERS TO ACHIEVE LOAN MODIFICATIONS AND OTHER WORKOUT OPTIONS;

(J) WORK WITH THE FUND MANAGER AND THE COMMUNITY REINVESTMENT PROGRAM FUND COUNCIL TO IDENTIFY NOT-FOR-PROFIT DEVELOPERS ABLE TO IMPLEMENT DISPOSITIONS TAILORED TO LOCAL NEEDS, WHETHER SALES TO NEW HOMEOWNERS, USE AS AFFORDABLE RENTAL PROPERTY, OR DEMOLITION AND REPURPOSING FOR OTHER COMMUNITY USES;

(K) MEET WITH THE COMMUNITY REINVESTMENT PROGRAM FUND COUNCIL AT A MINIMUM EVERY QUARTER OF THE CALENDAR YEAR, AND PROVIDE SUCH COUNCIL WITH THE INFORMATION NEEDED TO ASSESS WHETHER THE FUND IS OPERATING WITHIN THE PURPOSES OF THIS SECTION; AND

(L) PERFORM ANY AND ALL TASKS AND FUNCTIONS NECESSARY TO OPERATE THE FUND.

S 4. Community reinvestment program fund council. 1. There is hereby established the community reinvestment program fund council consisting of twenty-seven members. The purpose of such council is to serve as an advisory board to advise the program manager, assist with the identification of opportunities to acquire distressed or underperforming assets, assist in the development of disposition strategies tailored to meet the needs and market conditions in the local communities where distressed or underperforming assets are located, work with the program manager to determine optimal outcomes for acquired mortgage notes and properties, work with the fund manager and program manager to determine the loan servicer's modification criteria, work with the fund manager and program manager to identify not-for-profit developers able to implement dispositions tailored to local needs, whether sales to new homeowners, use as affordable rental property, or demolition and repurposing for other community uses, and perform such functions as shall be necessary to operate the community reinvestment program fund.

2. The members of the council shall consist of:

a. the commissioner of housing and community renewal, or his or her designee, who shall be the chair of the council;

b. the commissioner of economic development, or his or her designee;

c. the chair of the senate committee on housing, construction and community development or his or her designee;

d. the chair of the assembly committee on housing or his or her designee;

e. twenty-three community based, not-for-profit members with two members from each of the regional economic council areas, with the exception of the city of New York. These areas shall include: Western New York, the Finger Lakes, Central New York, the Southern Tier, the Mohawk Valley, the North Country, the Capital Region, the Mid-Hudson Region and Long Island. One member shall be appointed from each borough of the city of New York; and

f. not less than seventy-five percent of the appointed members of the council shall have experience with housing organizations, not-for-profit corporations, advocacy organizations, civic associations, community-

1 based organizations or similar entities with expertise in the fields of  
2 housing, housing finance, municipal planning or community development.

3 3. Members of the council shall serve terms of two years. Members who  
4 serve pursuant to paragraphs c and d of subdivision two of this section  
5 shall serve for the duration of their two year term and shall not be  
6 removed unless there is good cause shown, after notice and an opportu-  
7 nity to be heard.

8 4. The governor shall appoint the members of the council, with the  
9 advice and consent of the senate. The governor shall appoint the  
10 members of the council from a list of qualified persons submitted to the  
11 division of housing and community renewal by the chairs of the senate  
12 committees on banks, and housing, construction and community develop-  
13 ment, and the chairs of the assembly committees on banks and housing.  
14 Such list shall be composed of individuals who have knowledge or exper-  
15 tise in housing issues within their region of the state.

16 5. Notwithstanding the provisions of subdivision three of this  
17 section, of the members of the council initially appointed, in accord-  
18 ance with paragraph c of subdivision two of this section, one member  
19 from each regional council area and the members appointed from the  
20 boroughs of Manhattan and Staten Island shall be appointed for a term of  
21 one year, and all subsequent appointees shall serve terms of two years.  
22 The governor shall appoint the initial members, with the advice and  
23 consent of the senate, within 180 days of the effective date of this  
24 section. Furthermore, the first meeting of the council shall convene  
25 within 90 days of the date upon which all members of the council have  
26 been appointed.

27 6. The council shall meet at least quarterly or more frequently at the  
28 call of the chair of the council. At the initial meeting of the council  
29 and annually thereafter the members of the council shall elect from its  
30 members a secretary and such other officers as the council shall deem  
31 necessary.

32 7. The chair of the council shall establish committees for the purpose  
33 of conducting special studies pursuant to the duties of the council.  
34 Individuals who are not members of the council shall be authorized to  
35 be members of a committee to serve as resource persons for the commit-  
36 tee. No person who is not a member of the council shall be a voting  
37 member of a committee or the council. All recommendations of a committee  
38 shall be subject to the approval of the council.

39 8. The members of the council shall receive no compensation for their  
40 services, but shall be allowed their actual and necessary expenses  
41 incurred in the performance of their duties pursuant to this act. All  
42 such expenses shall be payable from the fund.

43 S 5. Annual report to the legislature. The division of housing and  
44 community renewal shall submit a report to the governor, the speaker of  
45 the assembly, the temporary president of the senate, the minority leader  
46 of the assembly and the minority leader of the senate on or before the  
47 first of October, and annually thereafter, describing the use of the  
48 community restoration fund pursuant to this act, including asset  
49 purchases, loan modifications, home sales, rentals, property rehabili-  
50 tations and other information provided pursuant to this act, including:  
51 the number of assets purchased, number of loans modified, number of  
52 properties rented and a description of projects financed or assisted by  
53 fund monies; the amount and source of funds leveraged; and such other  
54 information as the state agency may deem appropriate.

55 S 6. The community reinvestment program shall constitute a govern-  
56 mental entity within the division of housing and community renewal. Such



1 program shall be the primary entity within the state for negotiating the  
2 purchase of assets from distressed asset stabilization sales, in consul-  
3 tation with municipalities and local government entities. Such local  
4 governments shall enter into participation agreements with the community  
5 reinvestment program to establish the terms of asset acquisition. Local  
6 government entities shall notify the program manager not less than thir-  
7 ty days prior to making any distressed asset purchase, federal housing  
8 finance agency purchase, or purchase from any other entity engaged in  
9 the sale of mortgage note pools for purposes substantially similar to  
10 those enumerated in this act. In the event that the program manager is  
11 able to expedite such purchases or reduce costs, he or she shall make an  
12 effort to do so in consultation with the council.

13 S 7. The division of housing and community renewal is hereby author-  
14 ized to promulgate rules and regulations in accordance with the state  
15 administrative procedure act that are necessary to fulfill the purposes  
16 of this act including, but not limited to, rules relating to the manage-  
17 ment of the fund, distribution of monies therefrom, mortgage note acqui-  
18 sition guidelines, council activities and meeting schedules, and afford-  
19 ability guidelines. The rules shall include guidelines to ensure that  
20 fund monies are expended based upon demonstrable community needs. In  
21 addition, these rules shall specify that no more than forty percent of  
22 the monies of the fund shall be expended on an annual basis in any  
23 single economic development council area. Furthermore, such rules and  
24 regulations are to be completed not later than one hundred eighty days  
25 after the effective date of this act.

26 S 8. This act shall take effect immediately.

27

#### PART LL

28 Section 1. Paragraph a of subdivision 3 of section 467-b of the real  
29 property tax law, as amended by section 2 of chapter 188 of the laws of  
30 2005, is amended to read as follows:

31 a. for a dwelling unit where the head of the household is a person  
32 sixty-two years of age or older, no tax abatement shall be granted if  
33 the combined income of all members of the household for the income tax  
34 year immediately preceding the date of making application exceeds three  
35 thousand dollars, or such other sum not more than five thousand dollars,  
36 AND FIFTY THOUSAND DOLLARS BEGINNING JULY FIRST, TWO THOUSAND SIXTEEN,  
37 as may be provided by the local law, ordinance or resolution adopted  
38 pursuant to this section, provided that when the head of the household  
39 retires before the commencement of such year and the date of filing the  
40 application, the income for such year may be adjusted by excluding sala-  
41 ry or earnings and projecting his retirement income over the entire  
42 period of such year.

43 S 2. Section 4 of part U of chapter 55 of the laws of 2014, amending  
44 the real property tax law, relating to the tax abatement and exemption  
45 for rent regulated and rent controlled property occupied by senior citi-  
46 zens, is amended to read as follows:

47 S 4. This act shall take effect July 1, 2014[, and sections one and  
48 two of this act shall expire and be deemed repealed 2 years after the  
49 effective date thereof]; provided that the amendment to section 467-b of  
50 the real property tax law made by section one of this act shall not  
51 affect the expiration of such section and shall be deemed to expire  
52 therewith.

1 S 3. Paragraph b of subdivision 3 of section 467-b of the real proper-  
2 ty tax law, as amended by section 2 of chapter 129 of the laws of 2014,  
3 is amended to read as follows:

4 b. for a dwelling unit where the head of the household qualifies as a  
5 person with a disability pursuant to subdivision five of this section,  
6 no tax abatement shall be granted if the combined income for all members  
7 of the household for the current income tax year exceeds fifty thousand  
8 dollars beginning July first, two thousand [fourteen] SIXTEEN as may be  
9 provided by the local law, ordinance or resolution adopted pursuant to  
10 this section.

11 S 4. Paragraph m of subdivision 1 of section 467-c of the real proper-  
12 ty tax law, as added by chapter 188 of the laws of 2005, is amended to  
13 read as follows:

14 m. "Person with a disability" means an individual who is currently  
15 receiving social security disability insurance (SSDI) or supplemental  
16 security income (SSI) benefits under the federal social security act or  
17 disability pension or disability compensation benefits provided by the  
18 United States department of veterans affairs or those previously eligi-  
19 ble by virtue of receiving disability benefits under the supplemental  
20 security income program or the social security disability program and  
21 currently receiving medical assistance benefits based on determination  
22 of disability as provided in section three hundred sixty-six of the  
23 social services law and whose income for the current income tax year,  
24 together with the income of all members of such individual's household,  
25 does not exceed [the maximum income at which such individual would be  
26 eligible to receive cash supplemental security income benefits under  
27 federal law during such tax year] FIFTY THOUSAND DOLLARS BEGINNING JULY  
28 FIRST, TWO THOUSAND SIXTEEN, AS MAY BE PROVIDED BY LOCAL LAW.

29 S 5. Paragraph (a) of subdivision 3 of section 467 of the real proper-  
30 ty tax law, as amended by chapter 259 of the laws of 2009, is amended to  
31 read as follows:

32 (a) if the income of the owner or the combined income of the owners of  
33 the property for the income tax year immediately preceding the date of  
34 making application for exemption exceeds the sum of three thousand  
35 dollars, or such other sum not less than three thousand dollars nor more  
36 than twenty-six thousand dollars beginning July first, two thousand six,  
37 twenty-seven thousand dollars beginning July first, two thousand seven,  
38 twenty-eight thousand dollars beginning July first, two thousand eight,  
39 [and] twenty-nine thousand dollars beginning July first, two thousand  
40 nine, AND FIFTY THOUSAND DOLLARS BEGINNING JULY FIRST, TWO THOUSAND  
41 SIXTEEN, as may be provided by the local law, ordinance or resolution  
42 adopted pursuant to this section. Income tax year shall mean the twelve  
43 month period for which the owner or owners filed a federal personal  
44 income tax return, or if no such return is filed, the calendar year.  
45 Where title is vested in either the husband or the wife, their combined  
46 income may not exceed such sum, except where the husband or wife, or  
47 ex-husband or ex-wife is absent from the property as provided in subpar-  
48 agraph (ii) of paragraph (d) of this subdivision, then only the income  
49 of the spouse or ex-spouse residing on the property shall be considered  
50 and may not exceed such sum. Such income shall include social security  
51 and retirement benefits, interest, dividends, total gain from the sale  
52 or exchange of a capital asset which may be offset by a loss from the  
53 sale or exchange of a capital asset in the same income tax year, net  
54 rental income, salary or earnings, and net income from self-employment,  
55 but shall not include a return of capital, gifts, inheritances, payments  
56 made to individuals because of their status as victims of Nazi perse-

1 cution, as defined in P.L. 103-286 or monies earned through employment  
2 in the federal foster grandparent program and any such income shall be  
3 offset by all medical and prescription drug expenses actually paid which  
4 were not reimbursed or paid for by insurance, if the governing board of  
5 a municipality, after a public hearing, adopts a local law, ordinance or  
6 resolution providing therefor. Furthermore, such income shall not  
7 include the proceeds of a reverse mortgage, as authorized by section  
8 six-h of the banking law, and sections two hundred eighty and two  
9 hundred eighty-a of the real property law; provided, however, that  
10 monies used to repay a reverse mortgage may not be deducted from income,  
11 and provided additionally that any interest or dividends realized from  
12 the investment of reverse mortgage proceeds shall be considered income.  
13 The provisions of this paragraph notwithstanding, such income shall not  
14 include veterans disability compensation, as defined in Title 38 of the  
15 United States Code provided the governing board of such municipality,  
16 after public hearing, adopts a local law, ordinance or resolution  
17 providing therefor. In computing net rental income and net income from  
18 self-employment no depreciation deduction shall be allowed for the  
19 exhaustion, wear and tear of real or personal property held for the  
20 production of income;

21 S 6. Paragraph (a) of subdivision 5 of section 459-c of the real prop-  
22 erty tax law, as separately amended by chapters 187 and 252 of the laws  
23 of 2006, is amended to read as follows:

24 (a) if the income of the owner or the combined income of the owners of  
25 the property for the income tax year immediately preceding the date of  
26 making application for exemption exceeds the sum of three thousand  
27 dollars, or such other sum not less than three thousand dollars nor more  
28 than twenty-six thousand dollars beginning July first, two thousand six,  
29 twenty-seven thousand dollars beginning July first, two thousand seven,  
30 twenty-eight thousand dollars beginning July first, two thousand eight,  
31 [and] twenty-nine thousand dollars beginning July first, two thousand  
32 nine, AND FIFTY THOUSAND DOLLARS BEGINNING JULY FIRST, TWO THOUSAND  
33 SIXTEEN, as may be provided by the local law or resolution adopted  
34 pursuant to this section. Income tax year shall mean the twelve month  
35 period for which the owner or owners filed a federal personal income tax  
36 return, or if no such return is filed, the calendar year. Where title is  
37 vested in either the husband or the wife, their combined income may not  
38 exceed such sum, except where the husband or wife, or ex-husband or  
39 ex-wife is absent from the property due to divorce, legal separation or  
40 abandonment, then only the income of the spouse or ex-spouse residing on  
41 the property shall be considered and may not exceed such sum. Such  
42 income shall include social security and retirement benefits, interest,  
43 dividends, total gain from the sale or exchange of a capital asset which  
44 may be offset by a loss from the sale or exchange of a capital asset in  
45 the same income tax year, net rental income, salary or earnings, and net  
46 income from self-employment, but shall not include a return of capital,  
47 gifts, inheritances or monies earned through employment in the federal  
48 foster grandparent program and any such income shall be offset by all  
49 medical and prescription drug expenses actually paid which were not  
50 reimbursed or paid for by insurance, if the governing board of a munici-  
51 pality, after a public hearing, adopts a local law or resolution provid-  
52 ing therefor. In computing net rental income and net income from self-  
53 employment no depreciation deduction shall be allowed for the  
54 exhaustion, wear and tear of real or personal property held for the  
55 production of income;

56 S 7. This act shall take effect immediately; provided that:

1 a. the amendments to subdivision 3 of section 467-b of the real prop-  
2 erty tax law made by sections one and three of this act shall take  
3 effect on the same date as the reversion of such section pursuant to  
4 section 17 of chapter 576 of the laws of 1974, as amended; and

5 b. the amendments to paragraph m of subdivision 1 of section 467-c of  
6 the real property tax law, made by section four of this act shall take  
7 effect on the same date as the reversion of such paragraph as provided  
8 in subdivision (b) of section 4 of chapter 129 of the laws of 2014, as  
9 amended.

10 PART MM

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

13 S 355-D. "NEW YORK STATE PRE-PAID TUITION PLAN". 1. DEFINITIONS. FOR  
14 THE PURPOSES OF THIS SECTION, THE FOLLOWING TERMS SHALL HAVE THE FOLLOW-  
15 ING MEANINGS:

16 A. "ACCOUNT" OR "PRE-PAID TUITION ACCOUNT" SHALL MEAN AN INDIVIDUAL  
17 PRE-PAID TUITION ACCOUNT ESTABLISHED IN ACCORDANCE WITH THE PROVISIONS  
18 OF THIS SECTION.

19 B. "ACCOUNT OWNER" SHALL MEAN A PERSON WHO ENTERS INTO A PRE-PAID  
20 TUITION AGREEMENT PURSUANT TO THE PROVISIONS OF THIS ARTICLE, INCLUDING  
21 A PERSON WHO ENTERS INTO SUCH AN AGREEMENT AS A FIDUCIARY OR AGENT ON  
22 BEHALF OF A TRUST, ESTATE, PARTNERSHIP, ASSOCIATION, COMPANY OR CORPO-  
23 RATION. THE ACCOUNT OWNER MAY ALSO BE THE DESIGNATED BENEFICIARY OF THE  
24 ACCOUNT.

25 C. "CITY UNIVERSITY" SHALL MEAN THE CITY UNIVERSITY OF NEW YORK.

26 D. "COMPTROLLER" SHALL MEAN THE STATE COMPTROLLER.

27 E. "DESIGNATED BENEFICIARY" SHALL MEAN, WITH RESPECT TO AN ACCOUNT OR  
28 ACCOUNTS, THE INDIVIDUAL DESIGNATED AS THE INDIVIDUAL WHOSE TUITION  
29 EXPENSES ARE EXPECTED TO BE PAID FROM THE ACCOUNT OR ACCOUNTS.

30 F. "ELIGIBLE EDUCATIONAL INSTITUTION" SHALL MEAN ANY INSTITUTION OF  
31 HIGHER EDUCATION DEFINED AS AN ELIGIBLE EDUCATIONAL INSTITUTION IN  
32 SECTION 529(E)(5) OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED.

33 G. "FINANCIAL ORGANIZATION" SHALL MEAN AN ORGANIZATION AUTHORIZED TO  
34 DO BUSINESS IN THE STATE AND (I) WHICH IS AN AUTHORIZED FIDUCIARY TO ACT  
35 AS A TRUSTEE PURSUANT TO THE PROVISIONS OF AN ACT OF CONGRESS ENTITLED  
36 "EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974" AS SUCH PROVISIONS MAY  
37 BE AMENDED FROM TIME TO TIME, OR AN INSURANCE COMPANY; AND (II) (A) IS  
38 LICENSED OR CHARTERED BY THE DEPARTMENT OF FINANCIAL SERVICES, (B) IS  
39 CHARTERED BY AN AGENCY OF THE FEDERAL GOVERNMENT, (C) IS SUBJECT TO THE  
40 JURISDICTION AND REGULATION OF THE SECURITIES AND EXCHANGE COMMISSION OF  
41 THE FEDERAL GOVERNMENT, OR (D) IS ANY OTHER ENTITY OTHERWISE AUTHORIZED  
42 TO ACT IN THIS STATE AS A TRUSTEE PURSUANT TO THE PROVISIONS OF AN ACT  
43 OF CONGRESS ENTITLED "EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974"  
44 AS SUCH PROVISIONS MAY BE AMENDED FROM TIME TO TIME.

45 H. "MEMBER OF FAMILY" SHALL MEAN A FAMILY MEMBER AS DEFINED IN SECTION  
46 529 OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED.

47 I. "NONQUALIFIED WITHDRAWAL" SHALL MEAN A WITHDRAWAL FROM AN ACCOUNT,  
48 BUT SHALL NOT MEAN:

49 (I) A QUALIFIED WITHDRAWAL; (II) A WITHDRAWAL MADE AS THE RESULT OF  
50 THE DEATH OR DISABILITY OF THE DESIGNATED BENEFICIARY OF AN ACCOUNT; OR  
51 (III) A WITHDRAWAL MADE ON THE ACCOUNT OF A SCHOLARSHIP.

52 J. "PLAN" SHALL MEAN THE NEW YORK STATE PRE-PAID TUITION PLAN ESTAB-  
53 LISHED PURSUANT TO THIS SECTION.

1 K. "PLAN MANAGER" SHALL MEAN A FINANCIAL ORGANIZATION SELECTED BY THE  
2 COMPTROLLER TO ACT AS A DEPOSITORY AND MANAGER OF THE PLAN.

3 L. "QUALIFIED WITHDRAWAL" SHALL MEAN A WITHDRAWAL FROM AN ACCOUNT TO  
4 PAY THE QUALIFIED TUITION EXPENSES OF THE DESIGNATED BENEFICIARY.

5 M. "STATE UNIVERSITY" SHALL MEAN THE STATE UNIVERSITY OF NEW YORK.

6 N. "TUITION" SHALL MEAN ANY MANDATORY CHARGES IMPOSED BY AN ELIGIBLE  
7 EDUCATIONAL INSTITUTION FOR ATTENDANCE FOR AN ACADEMIC YEAR AS A CONDI-  
8 TION OF ENROLLMENT. SUCH TERM SHALL NOT INCLUDE LABORATORY FEES, ROOM  
9 AND BOARD, OR OTHER SIMILAR FEES AND CHARGES.

10 O. "TUITION SAVINGS AGREEMENT" SHALL MEAN AN AGREEMENT BETWEEN THE  
11 COMPTROLLER OR A FINANCIAL ORGANIZATION AND AN ACCOUNT OWNER.

12 2. POWERS AND DUTIES OF THE COMPTROLLER. THE COMPTROLLER SHALL ADMIN-  
13 ISTER THE PLAN AND SHALL DEVELOP AND IMPLEMENT PROGRAMS FOR THE PREPAY-  
14 MENT OF UNDERGRADUATE TUITION, AT A FIXED, GUARANTEED LEVEL FOR APPLICA-  
15 TION AT ANY TWO-YEAR OR FOUR-YEAR ELIGIBLE EDUCATIONAL INSTITUTION AS  
16 DEFINED IN SECTION 529 OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED,  
17 OR OTHER APPLICABLE FEDERAL LAW. IN ADDITION, THE COMPTROLLER SHALL HAVE  
18 THE POWER AND DUTY TO:

19 A. DEVELOP AND IMPLEMENT THE PLAN IN A MANNER CONSISTENT WITH THE  
20 PROVISIONS OF THIS SECTION THROUGH RULES AND REGULATIONS ESTABLISHED IN  
21 ACCORDANCE WITH THE STATE ADMINISTRATIVE PROCEDURE ACT;

22 B. MAKE ARRANGEMENTS WITH THE STATE UNIVERSITY, CITY UNIVERSITY AND  
23 ANY ELIGIBLE EDUCATIONAL INSTITUTION LOCATED WITHIN THE STATE WHICH  
24 CHOOSES TO PARTICIPATE, TO FULFILL OBLIGATIONS UNDER PREPAID TUITION  
25 CONTRACTS FOR TWO-YEAR OR FOUR-YEAR DEGREE PROGRAMS, INCLUDING, BUT NOT  
26 LIMITED TO, PAYMENT FROM THE PLAN OF THE THEN ACTUAL IN-STATE UNDERGRAD-  
27 UATE TUITION COST ON BEHALF OF A QUALIFIED BENEFICIARY OF A PREPAID  
28 TUITION CONTRACT TO THE INSTITUTION IN WHICH SUCH BENEFICIARY IS ADMIT-  
29 TED AND ENROLLED, AND APPLICATION OF SUCH BENEFITS TOWARDS GRADUATE-LEV-  
30 EL TUITION AND TOWARDS TUITION COSTS AT SUCH ELIGIBLE EDUCATIONAL INSTI-  
31 TUTIONS, AS THAT TERM IS DEFINED IN 26 U.S.C. S 529 OR ANY OTHER  
32 APPLICABLE SECTION OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED, AS  
33 DETERMINED BY THE COMPTROLLER IN HIS OR HER SOLE DISCRETION. SUCH  
34 ARRANGEMENTS MUST INCLUDE PLANS THAT ALLOW AN ACCOUNT OWNER TO ENTER  
35 INTO CONTRACTS IN WHICH HE OR SHE CAN PURCHASE TUITION IN INSTALLMENTS  
36 EQUAL TO THE COST OF SEMESTERS AS A FULL TIME STUDENT, BUT CAN ALSO  
37 INCLUDE PLANS THAT WOULD ALLOW FOR THE PREPAYMENT OF TUITION FOR TUITION  
38 CREDIT HOURS;

39 C. ENGAGE THE SERVICES OF CONSULTANTS ON A CONTRACT BASIS FOR RENDER-  
40 ING PROFESSIONAL AND TECHNICAL ASSISTANCE AND ADVICE;

41 D. SEEK RULINGS AND OTHER GUIDANCE FROM THE UNITED STATES DEPARTMENT  
42 OF TREASURY AND THE INTERNAL REVENUE SERVICE RELATING TO THE PROGRAM;

43 E. MAKE CHANGES TO THE PLAN REQUIRED FOR THE PARTICIPANTS TO OBTAIN  
44 THE FEDERAL INCOME TAX BENEFITS OR TREATMENT PROVIDED BY SECTION 529 OF  
45 THE INTERNAL REVENUE CODE OF 1986, AS AMENDED, OR ANY SIMILAR SUCCESSOR  
46 LEGISLATION;

47 F. CHARGE, IMPOSE AND COLLECT ADMINISTRATIVE FEES AND SERVICE CHARGES  
48 IN CONNECTION WITH ANY AGREEMENT, CONTRACT OR TRANSACTION RELATING TO  
49 THE PLAN;

50 G. DEVELOP MARKETING PLANS AND PROMOTION MATERIAL;

51 H. ESTABLISH THE METHODS BY WHICH THE FUNDS HELD IN SUCH ACCOUNTS BE  
52 DISBURSED;

53 I. ESTABLISH THE METHOD BY WHICH FUNDS SHALL BE ALLOCATED TO PAY FOR  
54 ADMINISTRATIVE COSTS; AND

55 J. DO ALL THINGS NECESSARY AND PROPER TO CARRY OUT THE PURPOSES OF  
56 THIS SECTION.

1 3. PLAN REQUIREMENTS. EVERY PRE-PAID TUITION ACCOUNT SHALL COMPLY WITH  
2 THE PROVISIONS OF THIS SECTION.

3 A. A PRE-PAID TUITION ACCOUNT MAY BE OPENED BY ANY PERSON WHO DESIRES  
4 TO ENTER INTO A CONTRACT FOR PRE-PAYMENT OF TUITION EXPENSES AT AN  
5 INSTITUTION OF THE STATE UNIVERSITY, THE CITY UNIVERSITY OR ANY PARTIC-  
6 IPATING ELIGIBLE EDUCATIONAL INSTITUTION. AN ACCOUNT OWNER MAY DESIGNATE  
7 ANOTHER PERSON AS SUCCESSOR OWNER OF THE ACCOUNT IN THE EVENT OF THE  
8 DEATH OF THE ORIGINAL ACCOUNT OWNER. SUCH PERSON WHO OPENS AN ACCOUNT OR  
9 ANY SUCCESSOR OWNER SHALL BE CONSIDERED THE ACCOUNT OWNER.

10 B. AN APPLICATION FOR SUCH ACCOUNT SHALL BE IN THE FORM PRESCRIBED BY  
11 THE COMPTROLLER AND CONTAIN THE FOLLOWING:

12 (I) THE NAME, ADDRESS AND SOCIAL SECURITY NUMBER OR EMPLOYER IDENTIFI-  
13 CATION NUMBER OF THE ACCOUNT OWNER;

14 (II) THE DESIGNATION OF A DESIGNATED BENEFICIARY;

15 (III) THE NAME, ADDRESS AND SOCIAL SECURITY NUMBER OF THE DESIGNATED  
16 BENEFICIARY; AND

17 (IV) SUCH OTHER INFORMATION AS THE COMPTROLLER MAY REQUIRE.

18 C. THE COMPTROLLER MAY ESTABLISH A NOMINAL FEE FOR SUCH APPLICATION.

19 D. ANY PERSON, INCLUDING THE ACCOUNT OWNER, MAY MAKE CONTRIBUTIONS TO  
20 AN ACCOUNT AFTER THE ACCOUNT IS OPENED.

21 E. CONTRIBUTIONS TO ACCOUNTS MAY BE MADE ONLY IN CASH.

22 F. FOUR YEARS MUST ELAPSE BETWEEN THE ESTABLISHMENT OF A PRE-PAID  
23 TUITION ACCOUNT AND THE TIME THE FIRST QUALIFIED WITHDRAWAL IS MADE FOR  
24 THE PAYMENT OF TUITION EXPENSES.

25 G. AN ACCOUNT OWNER MAY WITHDRAW ALL OR PART OF THE BALANCE FROM AN  
26 ACCOUNT ON SIXTY DAYS NOTICE OR SUCH SHORTER PERIOD AS MAY BE AUTHORIZED  
27 UNDER RULES GOVERNING THE PLAN. SUCH RULES SHALL INCLUDE PROVISIONS THAT  
28 WILL GENERALLY ENABLE THE DETERMINATION AS TO WHETHER A WITHDRAWAL IS A  
29 NONQUALIFIED WITHDRAWAL OR A QUALIFIED WITHDRAWAL.

30 H. AN ACCOUNT OWNER MAY CHANGE THE DESIGNATED BENEFICIARY OF AN  
31 ACCOUNT TO AN INDIVIDUAL WHO IS A MEMBER OF THE FAMILY OF THE PRIOR  
32 DESIGNATED BENEFICIARY IN ACCORDANCE WITH PROCEDURES ESTABLISHED BY THE  
33 COMPTROLLER.

34 I. AN ACCOUNT OWNER MAY TRANSFER ALL OR A PORTION OF AN ACCOUNT TO  
35 ANOTHER FAMILY TUITION ACCOUNT, THE SUBSEQUENT DESIGNATED BENEFICIARY OF  
36 WHICH IS A MEMBER OF THE FAMILY AS DEFINED IN SECTION 529 OF THE INTER-  
37 NAL REVENUE CODE OF 1986, AS AMENDED.

38 J. THE PLAN SHALL PROVIDE SEPARATE ACCOUNTING FOR EACH DESIGNATED  
39 BENEFICIARY.

40 K. NO ACCOUNT OWNER OR DESIGNATED BENEFICIARY OF ANY ACCOUNT SHALL BE  
41 PERMITTED TO DIRECT THE INVESTMENT OF ANY CONTRIBUTIONS TO AN ACCOUNT OR  
42 THE EARNINGS THEREON.

43 L. NEITHER AN ACCOUNT OWNER NOR A DESIGNATED BENEFICIARY SHALL USE AN  
44 INTEREST IN AN ACCOUNT AS SECURITY FOR A LOAN. ANY PLEDGE OF AN INTEREST  
45 IN AN ACCOUNT SHALL BE OF NO FORCE AND EFFECT.

46 M. (I) IF THERE IS ANY DISTRIBUTION FROM AN ACCOUNT TO ANY INDIVIDUAL  
47 OR FOR THE BENEFIT OF ANY INDIVIDUAL DURING A CALENDAR YEAR, SUCH  
48 DISTRIBUTION SHALL BE REPORTED TO THE INTERNAL REVENUE SERVICE AND THE  
49 ACCOUNT OWNER, THE DESIGNATED BENEFICIARY OR THE DISTRIBUTE TO THE  
50 EXTENT REQUIRED BY FEDERAL LAW OR REGULATION.

51 (II) STATEMENTS SHALL BE PROVIDED TO EACH ACCOUNT OWNER AT LEAST ONCE  
52 EACH YEAR WITHIN SIXTY DAYS AFTER THE END OF THE TWELVE MONTH PERIOD TO  
53 WHICH THEY RELATE. THE STATEMENT SHALL IDENTIFY THE CONTRIBUTIONS MADE  
54 DURING A PRECEDING TWELVE MONTH PERIOD, THE TOTAL CONTRIBUTIONS MADE TO  
55 THE ACCOUNT THROUGH THE END OF THE PERIOD, THE VALUE OF THE ACCOUNT AT  
56 THE END OF SUCH PERIOD, DISTRIBUTIONS MADE DURING SUCH PERIOD AND ANY

1 OTHER INFORMATION THAT THE COMPTROLLER SHALL REQUIRE TO BE REPORTED TO  
2 THE ACCOUNT OWNER.

3 (III) STATEMENTS AND INFORMATION RELATING TO ACCOUNTS SHALL BE  
4 PREPARED AND FILED TO THE EXTENT REQUIRED BY FEDERAL AND STATE TAX LAW.

5 N. (I) A LOCAL GOVERNMENT OR ORGANIZATION DESCRIBED IN SECTION  
6 501(C)(3) OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED, MAY OPEN AND  
7 BECOME THE ACCOUNT OWNER OF AN ACCOUNT TO FUND SCHOLARSHIPS FOR PERSONS  
8 WHOSE IDENTITY WILL BE DETERMINED UPON DISBURSEMENT.

9 (II) IN THE CASE OF ANY ACCOUNT OPENED PURSUANT TO PARAGRAPH A OF THIS  
10 SUBDIVISION THE REQUIREMENT SET FORTH IN THIS SUBDIVISION THAT A DESIG-  
11 NATED BENEFICIARY BE DESIGNATED WHEN AN ACCOUNT IS OPENED SHALL NOT  
12 APPLY AND EACH INDIVIDUAL WHO RECEIVES AN INTEREST IN SUCH ACCOUNT AS A  
13 SCHOLARSHIP SHALL BE TREATED AS A DESIGNATED BENEFICIARY WITH RESPECT TO  
14 SUCH INTEREST.

15 O. AN ANNUAL FEE MAY BE IMPOSED UPON THE ACCOUNT OWNER FOR THE MAINTENANCE OF THE ACCOUNT.

16 P. THE PLAN SHALL DISCLOSE THE FOLLOWING INFORMATION IN WRITING TO  
17 EACH ACCOUNT OWNER AND PROSPECTIVE ACCOUNT OWNER OF A PRE-PAID TUITION  
18 ACCOUNT:

19 (I) THE TERMS AND CONDITIONS FOR PURCHASING A PRE-PAID TUITION  
20 ACCOUNT;

21 (II) ANY RESTRICTIONS ON THE SUBSTITUTION OF BENEFICIARIES;

22 (III) THE PERSON OR ENTITY ENTITLED TO TERMINATE THE TUITION PRE-PAYMENT AGREEMENT;

23 (IV) THE PERIOD OF TIME DURING WHICH A BENEFICIARY MAY RECEIVE BENEFITS UNDER THE TUITION PRE-PAYMENT AGREEMENT;

24 (V) THE TERMS AND CONDITIONS UNDER WHICH MONEY MAY BE WHOLLY OR PARTIALLY WITHDRAWN FROM THE PLAN, INCLUDING, BUT NOT LIMITED TO, ANY REASONABLE CHARGES AND FEES THAT MAY BE IMPOSED FOR WITHDRAWAL;

25 (VI) THE PROBABLE TAX CONSEQUENCES ASSOCIATED WITH CONTRIBUTIONS TO AND DISTRIBUTIONS FROM ACCOUNTS; AND

26 (VII) ALL OTHER RIGHT AND OBLIGATIONS PURSUANT TO PRE-PAID TUITION AGREEMENTS, AND ANY OTHER TERMS, CONDITIONS AND PROVISIONS DEEMED NECESSARY AND APPROPRIATE BY THE COMPTROLLER PURSUANT TO THIS SUBDIVISION.

27 Q. PRE-PAID TUITION SAVINGS AGREEMENTS SHALL BE SUBJECT TO SECTION FOURTEEN-C OF THE BANKING LAW AND THE "TRUTH-IN-SAVINGS" REGULATIONS PROMULGATED THEREUNDER.

28 R. NOTHING IN THIS ARTICLE OR IN ANY PRE-PAID TUITION SAVINGS AGREEMENT ENTERED INTO PURSUANT TO THIS ARTICLE SHALL BE CONSTRUED AS A GUARANTEE BY THE STATE OR ANY COLLEGE THAT A BENEFICIARY WILL BE ADMITTED TO A COLLEGE OR UNIVERSITY, OR, UPON ADMISSION TO A COLLEGE WILL BE PERMITTED TO CONTINUE TO ATTEND OR WILL RECEIVE A DEGREE FROM A COLLEGE OR UNIVERSITY.

29 4. STATE GUARANTEE. A. NOTHING IN THIS SECTION SHALL ESTABLISH OR BE DEEMED TO ESTABLISH ANY OBLIGATION OF THE STATE, THE COMPTROLLER OR ANY AGENCY OR INSTRUMENTALITY OF THE STATE TO GUARANTEE ANY BENEFITS TO ANY ACCOUNT OWNER OR DESIGNATED BENEFICIARY.

30 B. NOTWITHSTANDING THE PROVISIONS OF SUBDIVISION ONE OF THIS SECTION, IN ORDER TO ENSURE THAT THE PLAN IS ABLE TO MEET ITS OBLIGATIONS, THE GOVERNOR SHALL INCLUDE IN THE BUDGET SUBMITTED PURSUANT TO SECTION TWENTY-TWO OF THE STATE FINANCE LAW, AN APPROPRIATION SUFFICIENT FOR THE PURPOSE OF ENSURING THAT THE PLAN CAN MEET ITS OBLIGATIONS. ANY SUMS APPROPRIATED FOR SUCH PURPOSE SHALL BE TRANSFERRED TO THE PLAN. ALL AMOUNTS PAID INTO THE PLAN PURSUANT TO THIS SUBDIVISION SHALL CONSTITUTE AND BE ACCOUNTED FOR AS ADVANCES BY THE STATE TO THE PLAN AND, SUBJECT TO THE RIGHTS OF THE PLAN'S CONTRACT HOLDERS, SHALL BE REPAID TO THE

STATE WITHOUT INTEREST FROM AVAILABLE OPERATING REVENUE OF THE PLAN IN EXCESS OF AMOUNTS REQUIRED FOR THE PAYMENT OF THE OBLIGATIONS OF THE PLAN. AS USED IN THIS SECTION, "OBLIGATIONS OF THE PLAN" MEANS AMOUNTS REQUIRED FOR THE PAYMENT OF CONTRACT BENEFITS OR OTHER OBLIGATIONS OF THE PLAN, THE MAINTENANCE OF THE PLAN, AND OPERATING EXPENSES FOR THE CURRENT FISCAL YEAR.

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

S 78-C. NEW YORK STATE PRE-PAID TUITION PLAN FUND. 1. THERE IS HEREBY ESTABLISHED IN THE SOLE CUSTODY OF THE STATE COMPTROLLER A SPECIAL FUND TO BE KNOWN AS THE NEW YORK STATE PRE-PAID TUITION PLAN FUND. ALL PAYMENTS FROM SUCH FUND SHALL BE MADE IN ACCORDANCE WITH SECTION THREE HUNDRED FIFTY-FIVE-D OF THE EDUCATION LAW.

2. (A) THE COMPTROLLER SHALL INVEST THE ASSETS OF THE FUND IN INVESTMENTS AUTHORIZED BY ARTICLE FOUR-A OF THE RETIREMENT AND SOCIAL SECURITY LAW, PROVIDED HOWEVER, THAT:

(I) THE PROVISIONS OF PARAGRAPH (A) OF SUBDIVISION TWO OF SECTION ONE HUNDRED SEVENTY-SEVEN OF THE RETIREMENT AND SOCIAL SECURITY LAW SHALL NOT APPLY EXCEPT FOR SUBPARAGRAPH (II) OF SUCH PARAGRAPH; AND (II) NOTWITHSTANDING THE PROVISIONS OF SUBDIVISION SEVEN OF SECTION ONE HUNDRED SEVENTY-SEVEN OF THE RETIREMENT AND SOCIAL SECURITY LAW OR ANY OTHER LAW TO THE CONTRARY, THE ASSETS OF THE FUND MAY BE INVESTED IN ANY FUNDING AGREEMENT ISSUED IN ACCORDANCE WITH SECTION THREE THOUSAND TWO HUNDRED TWENTY-TWO OF THE INSURANCE LAW BY A DOMESTIC LIFE INSURANCE COMPANY OR A FOREIGN LIFE INSURANCE COMPANY DOING BUSINESS IN THIS STATE, SUBJECT TO THE FOLLOWING:

(1) SUCH A FUNDING AGREEMENT MAY PROVIDE FOR A GUARANTEED MINIMUM RATE OF RETURN;

(2) SUCH A FUNDING AGREEMENT MAY BE ALLOCATED AS EITHER A SEPARATE ACCOUNT OR A GENERAL ACCOUNT OF THE ISSUER, AS THE COMPTROLLER MAY DECIDE;

(3) TOTAL INVESTMENTS OF THE FUND PURSUANT TO THIS PARAGRAPH IN ANY FUNDING AGREEMENTS ISSUED BY A SINGLE LIFE INSURANCE COMPANY WHICH ARE ALLOCATED AS A GENERAL ACCOUNT OF THE ISSUER SHALL NOT, IN THE AGGREGATE, EXCEED THREE HUNDRED FIFTY MILLION DOLLARS; AND

(4) NO ASSETS OF THE FUND SHALL BE INVESTED IN ANY SUCH FUNDING AGREEMENT UNLESS, AT THE TIME OF SUCH INVESTMENT, THE GENERAL OBLIGATIONS OR FINANCIAL STRENGTH OF THE ISSUER HAVE RECEIVED EITHER THE HIGHEST OR SECOND HIGHEST RATING BY TWO NATIONALLY RECOGNIZED RATING SERVICES OR BY ONE NATIONALLY RECOGNIZED RATING SERVICE IN THE EVENT THAT ONLY ONE SUCH SERVICE RATES SUCH OBLIGATIONS.

(B) FUND ASSETS SHALL BE KEPT SEPARATE AND SHALL NOT BE COMMINGLED WITH OTHER ASSETS. THE COMPTROLLER MAY ENTER INTO CONTRACTS TO PROVIDE FOR INVESTMENT ADVICE AND MANAGEMENT, CUSTODIAL SERVICES AND OTHER PROFESSIONAL SERVICES FOR THE ADMINISTRATION AND INVESTMENT OF THE PLAN. ADMINISTRATIVE FEES, COSTS AND EXPENSES, INCLUDING INVESTMENT FEES AND EXPENSES, SHALL BE PAID FROM THE ASSETS OF THE FUND.

3. THE COMPTROLLER SHALL PROVIDE FOR THE ADMINISTRATION OF THE TRUST FUND, INCLUDING MAINTAINING PARTICIPANT RECORDS AND ACCOUNTS, AND PROVIDING ANNUAL AUDITED REPORTS. THE COMPTROLLER MAY ENTER INTO CONTRACTS TO PROVIDE ADMINISTRATIVE SERVICES AND REPORTING.

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

(P) EXEMPTION FOR NEW YORK STATE PRE-PAID TUITION PLAN MONIES. MONIES IN AN ACCOUNT CREATED PURSUANT TO SECTION THREE HUNDRED FIFTY-FIVE-D OF



1 THE EDUCATION LAW ARE EXEMPT FROM APPLICATION TO THE SATISFACTION OF A  
2 MONEY JUDGMENT AS FOLLOWS:

3 1. ONE HUNDRED PERCENT OF MONIES IN AN ACCOUNT IN CONNECTION WITH A  
4 PRE-PAID TUITION PLAN ESTABLISHED PURSUANT TO SUCH ARTICLE IS EXEMPT;  
5 AND

6 2. ONE HUNDRED PERCENT OF MONIES IN AN ACCOUNT IS EXEMPT WHERE THE  
7 JUDGMENT DEBTOR IS THE ACCOUNT OWNER OR DESIGNATED BENEFICIARY OF SUCH  
8 ACCOUNT.

9 FOR THE PURPOSES OF THIS SUBDIVISION, THE TERMS "ACCOUNT OWNER" AND  
10 "DESIGNATED BENEFICIARY" SHALL HAVE THE MEANINGS ASCRIBED TO THEM IN  
11 ARTICLE FOURTEEN-A OF THE EDUCATION LAW.

12 S 4. Paragraph 34 of subsection (b) of section 612 of the tax law, as  
13 amended by chapter 535 of the laws of 2000, subparagraph (B) as amended  
14 by chapter 593 of the laws of 2003, is amended to read as follows:

15 (34) (A) Excess distributions received during the taxable year by a  
16 distributee of a family tuition account established under the New York  
17 state college choice tuition savings program provided for under article  
18 fourteen-A of the education law, OR OF A PRE-PAID TUITION ACCOUNT ESTAB-  
19 LISHED PURSUANT TO SECTION THREE HUNDRED FIFTY-FIVE-D OF THE EDUCATION  
20 LAW, to the extent such excess distributions are deemed attributable to  
21 deductible contributions under paragraph thirty-two of subsection (c) of  
22 this section.

23 (B) (i) The term "excess distributions" means distributions which are  
24 not

25 (I) qualified withdrawals within the meaning of subdivision nine of  
26 section six hundred ninety-five-b OR PARAGRAPH L OF SUBDIVISION ONE OF  
27 SECTION THREE HUNDRED FIFTY-FIVE-D of the education law;

28 (II) withdrawals made as a result of the death or disability of the  
29 designated beneficiary within the meaning of subdivision ten of section  
30 six hundred ninety-five-b OR PARAGRAPH I OF SUBDIVISION ONE OF SECTION  
31 THREE HUNDRED FIFTY-FIVE-D of such law; or

32 (III) transfers described in paragraph b of subdivision six of section  
33 six hundred ninety-five-e of such law.

34 (ii) Excess distributions shall be deemed attributable to deductible  
35 contributions to the extent the amount of any such excess distribution,  
36 when added to all previous excess distributions from the account,  
37 exceeds the aggregate of all nondeductible contributions to the account.

38 S 5. Paragraphs 32 and 33 of subsection (c) of section 612 of the tax  
39 law, paragraph 32 as amended by chapter 81 of the laws of 2008 and para-  
40 graph 33 as added by chapter 546 of the laws of 1997, are amended to  
41 read as follows:

42 (32) Contributions made during the taxable year by an account owner to  
43 one or more family tuition accounts established under the New York state  
44 college choice tuition savings program provided for under article four-  
45 teen-A, OR TO A PRE-PAID TUITION ACCOUNT PURSUANT TO SECTION THREE  
46 HUNDRED FIFTY-FIVE-D of the education law, to the extent not deductible  
47 or eligible for credit for federal income tax purposes, provided, howev-  
48 er, the exclusion provided for in this paragraph shall not exceed five  
49 thousand dollars for an individual or head of household, and for married  
50 couples who file joint tax returns, shall not exceed ten thousand  
51 dollars; provided, further, that such exclusion shall be available only  
52 to the account owner and not to any other person.

53 (33) Distributions from a family tuition account established under the  
54 New York state college choice tuition savings program provided for under  
55 article fourteen-A, OR FROM A PRE-PAID TUITION ACCOUNT PURSUANT TO

SECTION THREE HUNDRED FIFTY-FIVE-D of the education law, to the extent includible in gross income for federal income tax purposes.  
S 6. This act shall take effect immediately and shall apply to taxable years commencing after December 31, 2016.

## PART NN

Section 1. Legislative intent. The legislature declares that the purpose of this act is to clearly provide in statute for insurers to offer and for homeowners, condominium owners, cooperative apartment owners, and renters to obtain a financial incentive if they complete a course of instruction on how to make their residence more resilient to a natural disaster, reduce the potential loss of life or property damage that could result from a natural disaster, reduce the risk of fire, theft, burglary, personal injury or property damage, and raise their awareness of natural disaster preparedness by offering property/casualty insurance premium reductions.

S 2. The section heading of section 2346 of the insurance law, as amended by chapter 637 of the laws of 1993, is amended and a new subsection 5 is added to read as follows:

Reduction in rates of fire insurance [or], homeowners insurance OR PROPERTY/CASUALTY premiums for residential property.

5. (A) DEFINITIONS. FOR THE PURPOSES OF THIS SUBSECTION, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

(1) "COMPLETION CERTIFICATE" MEANS A DOCUMENT WHICH CANNOT BE ALTERED AND WHICH IS PROVIDED TO A PERSON WHO SUCCESSFULLY COMPLETES A HOMEOWNER NATURAL DISASTER PREPAREDNESS, HOME SAFETY AND LOSS PREVENTION COURSE.

(2) "NATURAL DISASTER" MEANS THE OCCURRENCE OR IMMINENT THREAT OF WIDESPREAD CATASTROPHIC OR SEVERE DAMAGE, INJURY, OR LOSS OF LIFE OR PROPERTY RESULTING FROM ANY NATURAL CAUSE INCLUDING, BUT NOT LIMITED TO, FIRE, FLOOD, EARTHQUAKE, HURRICANE, TORNADO, HIGH WATER, LANDSLIDE, MUDSLIDE, WIND, STORM, WAVE ACTION, ICE STORM, EPIDEMIC, AIR CONTAMINATION, BLIGHT, DROUGHT, INFESTATION, EXPLOSION, WATER CONTAMINATION, BRIDGE FAILURE, OR BRIDGE COLLAPSE.

(3) "HOMEOWNER NATURAL DISASTER PREPAREDNESS, HOME SAFETY AND LOSS PREVENTION COURSE" MEANS A NATURAL DISASTER PREPAREDNESS, HOME SAFETY AND LOSS PREVENTION COURSE THAT HAS BEEN SUBMITTED TO THE SUPERINTENDENT FOR APPROVAL BY AN APPLICANT, AND WHICH HAS BEEN APPROVED BY THE SUPERINTENDENT, PURSUANT TO PARAGRAPH (D) OF THIS SUBSECTION. SUCH COURSE SHALL PROVIDE USEFUL INFORMATION TO PARTICIPANTS ON ITEMS INCLUDING, BUT NOT LIMITED TO: COURSES OF ACTION THAT CAN BE TAKEN BEFORE, DURING AND AFTER THE OCCURRENCE OF A NATURAL DISASTER, STRATEGIES TO REDUCE RISK EXPOSURE TO INSURED RESIDENTIAL PROPERTY OWNERS AND RENTERS, AND INFORMATION ABOUT THE INSTALLATION OF EQUIPMENT, DEVICES OR OTHER CAPITAL IMPROVEMENTS TO REAL PROPERTY WHICH CAN HELP TO ELIMINATE OR MITIGATE DAMAGE TO REAL OR PERSONAL PROPERTY, PERSONAL INJURY OR THE LOSS OF LIFE CAUSED BY A NATURAL DISASTER OR OTHER INSURABLE EVENT OR OCCURRENCE OF A FIRE, THEFT, BURGLARY, PERSONAL INJURY OR PROPERTY DAMAGE.

(4) "APPLICANT" MEANS AN INSURER, OR ANY OTHER PERSON, AGENCY OR ORGANIZATION WHICH SUBMITS A PROPOSED HOMEOWNER NATURAL DISASTER PREPAREDNESS, HOME SAFETY AND LOSS PREVENTION COURSE TO THE SUPERINTENDENT FOR APPROVAL PURSUANT TO PARAGRAPH (D) OF THIS SUBSECTION, AND WHO OR WHICH IS PREPARED AND ABLE TO OFFER SUCH COURSE TO INSURED UPON THE APPROVAL THEREOF.

(B) THE SUPERINTENDENT MAY PROVIDE FOR AN ACTUARIALLY APPROPRIATE REDUCTION FOR A PERIOD OF THREE YEARS IN RATES OF HOMEOWNER'S INSURANCE

AND PROPERTY/CASUALTY INSURANCE PREMIUMS APPLICABLE TO RESIDENTIAL REAL PROPERTY FOR EACH TRIENNIAL COMPLETION OF A HOMEOWNER NATURAL DISASTER PREPAREDNESS, HOME SAFETY AND LOSS PREVENTION COURSE BY THE INSURED OCCUPANT OF SUCH RESIDENTIAL REAL PROPERTY. IN ADDITION, THE SUPERINTENDENT MAY ALSO PROVIDE FOR ACTUARIALLY APPROPRIATE REDUCTIONS IN SUCH RATES FOR THE INSTALLATION OF EQUIPMENT, DEVICES OR OTHER CAPITAL IMPROVEMENTS TO REAL PROPERTY WHICH CAN HELP TO ELIMINATE OR MITIGATE NATURAL DISASTER DAMAGE, IMPROVE HOME SAFETY OR PREVENT OTHER LOSSES.

(C) AN INSURER, UPON APPROVAL OF THE SUPERINTENDENT, MAY UPON SUBMISSION OF A COMPLETION CERTIFICATE BY AN INSURED, PROVIDE AN ACTUARIALLY APPROPRIATE REDUCTION, FOR A PERIOD OF THREE YEARS, OF THE PREMIUM FOR SUCH INSURED'S HOMEOWNER'S INSURANCE OR PROPERTY/CASUALTY INSURANCE ON THE RESIDENTIAL REAL PROPERTY WHICH IS THE INSURED'S PLACE OF RESIDENCE.

(D) THE SUPERINTENDENT MAY ESTABLISH, BY RULE OR OTHERWISE, STANDARDS OR GUIDELINES TO BE USED BY THE SUPERINTENDENT FOR APPROVAL OF THE PROPOSED HOMEOWNER NATURAL DISASTER PREPAREDNESS, HOME SAFETY AND LOSS PREVENTION COURSES. EVERY SUCH COURSE SUBMITTED BY AN APPLICANT TO THE SUPERINTENDENT FOR APPROVAL MUST BE REVIEWED AND SHALL BE SUBJECT TO APPROVAL BY THE SUPERINTENDENT.

S 3. This act shall take effect on the first of January next succeeding the date on which it shall have become a law; provided, however, that effective immediately, any actions necessary to be taken for the implementation of the provisions of this act on its effective date are authorized and directed to be completed on or before such effective date.

## PART 00

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

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

FOR THE 2016-2017 ACADEMIC YEAR:

Amount of income	Schedule of reduction of base amount
(A) Less than seven thousand dollars	None
(B) Seven thousand dollars or more, but less than eleven thousand dollars	Seven per centum of excess over seven thousand dollars
(C) Eleven thousand dollars or more, but less than eighteen thousand dollars	Two hundred eighty dollars plus [ten] NINE per centum of excess over eleven thousand dollars
(D) Eighteen thousand dollars or more, but not more than [eighty] ONE HUNDRED thousand dollars	Nine hundred eighty dollars plus [twelve] TEN per centum of excess over eighteen thousand dollars

FOR THE 2017-2018 ACADEMIC YEAR:

1	AMOUNT OF INCOME	SCHEDULE OF REDUCTION
2		OF BASE AMOUNT
3	(A) LESS THAN TEN THOUSAND	NONE
4	DOLLARS	
5	(B) TEN THOUSAND DOLLARS OR	3.19 PERCENT
6	MORE BUT LESS THAN FIFTEEN	
7	THOUSAND DOLLARS	
8	(C) FIFTEEN THOUSAND DOLLARS	12.88 PERCENT
9	OR MORE BUT LESS THAN	
10	TWENTY THOUSAND DOLLARS	
11	(D) TWENTY THOUSAND DOLLARS	22.56 PERCENT
12	OR MORE BUT LESS THAN	
13	TWENTY-FIVE THOUSAND	
14	DOLLARS	
15	(E) TWENTY-FIVE THOUSAND	32.24 PERCENT
16	DOLLARS OR MORE BUT	
17	LESS THAN THIRTY THOUSAND	
18	DOLLARS	
19	(F) THIRTY THOUSAND DOLLARS	41.92 PERCENT
20	OR MORE BUT LESS THAN	
21	THIRTY-FIVE THOUSAND DOLLARS	
22	(G) THIRTY-FIVE THOUSAND DOLLARS	51.60 PERCENT
23	OR MORE BUT LESS THAN	
24	FORTY THOUSAND DOLLARS	
25	(H) FORTY THOUSAND DOLLARS OR	61.28 PERCENT
26	MORE BUT LESS THAN FORTY-FIVE	
27	THOUSAND DOLLARS	
28	(I) FORTY-FIVE THOUSAND DOLLARS	70.96 PERCENT
29	OR MORE BUT LESS THAN	
30	FIFTY THOUSAND DOLLARS	
31	(J) FIFTY THOUSAND DOLLARS OR	80.64 PERCENT
32	MORE BUT LESS THAN ONE HUNDRED	
33	THOUSAND DOLLARS	

34 S 2. This act shall take effect immediately and shall apply to all  
 35 awards commencing with the 2016-2017 academic year.

36 PART PP

37 Section 1. Subparagraph 1 of paragraph b of subdivision 1 of section  
 38 156 of the public housing law, as amended by chapter 179 of the laws of  
 39 2006, is amended to read as follows:

40 (1) have served in the armed forces of the United States for a period  
 41 of at least six months (or any shorter period which terminated due to  
 42 death or injury incurred in such service), provided some portion of the  
 43 period of service was between the twenty-eighth day of February, nine-  
 44 teen hundred sixty-one to the seventh day of May, nineteen hundred  
 45 seventy-five, OR BETWEEN THE FOURTEENTH DAY OF SEPTEMBER, TWO THOUSAND  
 46 ONE TO THE THIRTY-FIRST DAY OF DECEMBER, TWO THOUSAND SEVENTEEN, and

47 S 2. Section 156 of the public housing law is amended by adding a new  
 48 subdivision 8 to read as follows:

49 8. AN AUTHORITY SHALL GRANT A PREFERENCE IN THE SELECTION OF TENANTS  
 50 TO VETERANS OR FAMILIES OF VETERANS WHO HAVE A MILITARY SERVICE  
 51 CONNECTED DISABILITY PROVIDED THAT SUCH VETERANS OR FAMILIES OF VETERANS  
 52 OTHERWISE QUALIFY FOR OCCUPANCY IN SUCH AN AUTHORITY'S PROJECTS AND  
 53 PROVIDED FURTHER THAT SUCH AUTHORITY HAS COMPLIED WITH THE PROVISIONS OF

1 SECTION 960.206 OF TITLE 24 OF THE CODE OF FEDERAL REGULATIONS RELATING  
2 TO SUCH PREFERENCES.

3 S 3. This act shall take effect on the one hundred twentieth day after  
4 it shall have become a law.

5 PART QQ

6 Section 1. Paragraph (e) of subdivision 3 of section 402-b of the  
7 public housing law, as added by chapter 3 of the laws of 2010, is  
8 amended to read as follows:

9 (e) All prospective public housing and Section 8 tenants shall be  
10 selected from a waiting list which shall be maintained by the New York  
11 city housing authority in compliance with the federal public housing and  
12 Section 8 laws and all applicable rules and regulations. The New York  
13 city housing authority and each respective project owner shall screen  
14 tenants and jointly have final approval over tenant selection all in  
15 accordance with aforementioned laws, rules and regulations. All prospec-  
16 tive public housing tenants shall be taken from the waiting list in the  
17 order in which they applied for the size appropriate unit, subject  
18 however to preferences and priorities provided for in [the public hous-  
19 ing law] THIS CHAPTER and all applicable rules and regulations;  
20 PROVIDED, HOWEVER THAT, ANY PRIORITY OR PREFERENCE OFFERED TO APPLICANTS  
21 BASED ON THEIR RESIDENCE IN A CITY OWNED, OPERATED OR CONTRACTED HOME-  
22 LESS SHELTER MUST ALSO BE OFFERED EQUITABLY AND EVENLY TO APPLICANTS  
23 RESIDING IN A CITY OWNED, OPERATED OR CONTRACTED DOMESTIC VIOLENCE SHEL-  
24 TER OR IN A DOMESTIC VIOLENCE SHELTER LICENSED BY THE OFFICE OF CHILDREN  
25 AND FAMILY SERVICES.

26 S 2. This act shall take effect immediately.

27 PART RR

28 Section 1. Subparagraph (i) of paragraph (b) of subdivision 17 of  
29 section 489 of the real property tax law, as added by chapter 4 of the  
30 laws of 2013, is amended to read as follows:

31 (i) except as otherwise provided in this section with respect to  
32 multiple dwellings, buildings and structures owned and operated either  
33 by limited-profit housing companies established pursuant to article two  
34 of the private housing finance law or redevelopment companies estab-  
35 lished pursuant to article five of the private housing finance law, or  
36 with respect to a group of multiple dwellings that was developed as a  
37 planned community and that is owned as two separate condominiums  
38 containing a total of ten thousand or more dwelling units, any multiple  
39 dwelling, building or structure that is owned as a cooperative or a  
40 condominium that has an average assessed value of [thirty] FIFTY thou-  
41 sand dollars, ADJUSTED ANNUALLY AFTER JANUARY FIRST, TWO THOUSAND EIGH-  
42 TEEN BY THE MOST RECENT COST-OF-LIVING ADJUSTMENT PERCENTAGE USED BY THE  
43 UNITED STATES COMMISSIONER OF SOCIAL SECURITY TO DETERMINE THE MONTHLY  
44 SOCIAL SECURITY BENEFITS PAYABLE TO INDIVIDUALS, AS PROVIDED BY  
45 SUBSECTION (I) OF SECTION FOUR HUNDRED FIFTEEN OF TITLE FORTY-TWO OF THE  
46 UNITED STATE CODE, or more per dwelling unit shall only be eligible for  
47 such benefits if the alterations or improvements for which such multiple  
48 dwelling, building or structure has applied for the benefits pursuant to  
49 this section were carried out with substantial governmental assistance;  
50 and

51 S 2. Subparagraph (ii) of paragraph 3 of subdivision d of section  
52 11-243 of the administrative code of the city of New York, as amended by

1 local law number 49 of the city of New York for the year 1993, is  
2 amended to read as follows:

3 (ii) is owned as a condominium and is occupied as the residence or  
4 home of three or more families living independently of each other;  
5 provided, however, that, in addition to all other conditions of eligi-  
6 bility for the benefits of this section, except for multiple dwellings  
7 in which units have been newly created by substantial rehabilitation of  
8 vacant buildings or conversions of non-residential buildings, the avail-  
9 ability of benefits under this section for such multiple dwellings,  
10 buildings or structures shall be conditioned on the following: (a)  
11 alterations or improvements to at least one building-wide system are  
12 part of the application for benefits, and (b) (i) the assessed valuation  
13 of such multiple dwelling, building, or structure, including land, shall  
14 not exceed an average of [thirty] FIFTY thousand dollars, ADJUSTED ANNU-  
15 ALLY AFTER JANUARY FIRST, TWO THOUSAND EIGHTEEN BY THE MOST RECENT  
16 COST-OF-LIVING ADJUSTMENT PERCENTAGE USED BY THE UNITED STATES COMMIS-  
17 SIONER OF SOCIAL SECURITY TO DETERMINE THE MONTHLY SOCIAL SECURITY BENE-  
18 FITS PAYABLE TO INDIVIDUALS, AS PROVIDED BY SUBSECTION (I) OF SECTION  
19 FOUR HUNDRED FIFTEEN OF TITLE FORTY-TWO OF THE UNITED STATE CODE, per  
20 dwelling unit at the time of the commencement of the alterations or  
21 improvements, and (ii) during the three years immediately preceding the  
22 commencement of the alterations or improvements the average per room  
23 sale price of the dwelling units or the stock allocated to such dwelling  
24 units shall have been no greater than thirty-five percent of the maximum  
25 mortgage amount for a single family home eligible for purchase by the  
26 Federal National Mortgage Association; provided that if less than ten  
27 percent of the dwelling units or an amount of stock less than the amount  
28 allocable to ten percent of such dwelling units was not transferred  
29 during such preceding three year period, eligibility for benefits shall  
30 be conditioned upon the multiple dwelling, building, or structure having  
31 an assessed valuation per dwelling unit of no more than twenty-five  
32 thousand dollars at the time of the commencement of the alterations or  
33 improvements. Provided, further, that such benefits shall be available  
34 only for alterations or improvements commenced on or after June first,  
35 nineteen hundred eighty-six.

36 S 3. The opening paragraph of paragraph (a) of subdivision 1 of  
37 section 489 of the real property tax law, as amended by section 19 of  
38 part A of chapter 20 of the laws of 2015, is amended to read as follows:

39 Any city to which the multiple dwelling law is applicable, acting  
40 through its local legislative body or other governing agency, is hereby  
41 authorized and empowered, to and including January first, two thousand  
42 [nineteen] TWENTY, to adopt and amend local laws or ordinances providing  
43 that any increase in assessed valuation of real property shall be exempt  
44 from taxation for local purposes, as provided herein, to the extent such  
45 increase results from:

46 S 4. The closing paragraph of subparagraph 6 of paragraph (a) of  
47 subdivision 1 of section 489 of the real property tax law, as amended by  
48 section 20 of part A of chapter 20 of the laws of 2015, is amended to  
49 read as follows:

50 Such conversion, alterations or improvements shall be completed within  
51 thirty months after the date on which same shall be started except that  
52 such thirty month limitation shall not apply to conversions of residen-  
53 tial units which are registered with the loft board in accordance with  
54 article seven-C of the multiple dwelling law pursuant to subparagraph  
55 one of this paragraph. Notwithstanding the foregoing, a sixty month  
56 period for completion shall be available for alterations or improvements

1 undertaken by a housing development fund company organized pursuant to  
2 article eleven of the private housing finance law, which are carried out  
3 with the substantial assistance of grants, loans or subsidies from any  
4 federal, state or local governmental agency or instrumentality or which  
5 are carried out in a property transferred from such city if alterations  
6 and improvements are completed within seven years after the date of  
7 transfer. In addition, the local housing agency is hereby empowered to  
8 grant an extension of the period of completion for any project carried  
9 out with the substantial assistance of grants, loans or subsidies from  
10 any federal, state or local governmental agency or instrumentality, if  
11 such alterations or improvements are completed within sixty months from  
12 commencement of construction. Provided, further, that such conversion,  
13 alterations or improvements shall in any event be completed prior to  
14 June thirtieth, two thousand [nineteen] TWENTY. Exemption for conver-  
15 sions, alterations or improvements pursuant to subparagraph one, two,  
16 three or four of this paragraph shall continue for a period not to  
17 exceed fourteen years and begin no sooner than the first quarterly tax  
18 bill immediately following the completion of such conversion, alter-  
19 ations or improvements. Exemption for alterations or improvements pursu-  
20 ant to this subparagraph or subparagraph five of this paragraph shall  
21 continue for a period not to exceed thirty-four years and shall begin no  
22 sooner than the first quarterly tax bill immediately following the  
23 completion of such alterations or improvements. Such exemption shall be  
24 equal to the increase in the valuation which is subject to exemption in  
25 full or proportionally under this subdivision for ten or thirty years,  
26 whichever is applicable. After such period of time, the amount of such  
27 exempted assessed valuation of such improvements shall be reduced by  
28 twenty percent in each succeeding year until the assessed value of the  
29 improvements are fully taxable. Provided, however, exemption for any  
30 conversion, alterations or improvements which are aided by a loan or  
31 grant under article eight, eight-A, eleven, twelve, fifteen or twenty-  
32 two of the private housing finance law, section six hundred ninety-six-a  
33 or section ninety-nine-h of the general municipal law, or section three  
34 hundred twelve of the housing act of nineteen hundred sixty-four (42  
35 U.S.C.A. 1452b), or the Cranston-Gonzalez national affordable housing  
36 act (42 U.S.C.A. 12701 et. seq.), or started after July first, nineteen  
37 hundred eighty-three by a housing development fund company organized  
38 pursuant to article eleven of the private housing finance law which are  
39 carried out with the substantial assistance of grants, loans or subsi-  
40 dies from any federal, state or local governmental agency or instrumen-  
41 tality or which are carried out in a property transferred from any city  
42 and where alterations and improvements are completed within seven years  
43 after the date of transfer may commence at the beginning of any tax  
44 quarter subsequent to the start of such conversion, alterations or  
45 improvements and prior to the completion of such conversion, alterations  
46 or improvements.

47 S 5. This act shall take effect immediately.

48 PART SS

49 Section 1. The administrative code of the city of New York is amended  
50 by adding a new section 25-111-a to read as follows:  
51 S 25-111-A CITY PLANNING COMMISSION TO REGULATE THE LOCATION AND  
52 CONTINUED OPERATION OF SUPPORTIVE HOUSING FACILITIES AND SOCIAL SERVICES  
53 CENTERS. A. THE CITY PLANNING COMMISSION SHALL REGULATE AND MAY RESTRICT  
54 THE LOCATION OF SUPPORTIVE HOUSING FACILITIES AND SOCIAL SERVICES

1 CENTERS, AND SET THE CONDITIONS FOR THE RENEWAL OF LEASES OR PLANS OF  
2 OPERATION FOR SUCH FACILITIES AND CENTERS. ADDITIONALLY, UPON PASSAGE  
3 AND FILING WITH SUCH COMMISSION OF A RESOLUTION BY THE COMMUNITY BOARD  
4 IN WHICH A FACILITY OR CENTER IS LOCATED, THE CITY PLANNING COMMISSION  
5 MAY SET THE CONDITIONS FOR THE RENEWAL OF A LEASE OR PLAN OF OPERATION  
6 OF SUCH FACILITY OR CENTER.

7 B. FOR THE PURPOSES OF THIS SECTION, "SUPPORTIVE HOUSING FACILITY OR  
8 SOCIAL SERVICES CENTER" MEANS A MULTIPLE RESIDENCE OR CENTER OPERATED BY  
9 THE STATE, THE CITY, OR A NOT-FOR-PROFIT ORGANIZATION, WHICH PROVIDES  
10 HOUSING ACCOMMODATIONS AND SUPPORT SERVICES TO TEN OR MORE RESIDENTS OR  
11 FIFTY OR MORE NON-RESIDENT CLIENTS PER DAY WHO HAVE MENTAL ILLNESS,  
12 TRAUMA, ABUSE, CHEMICAL DEPENDENCY AND/OR CHRONIC ILLNESS; AND SHELTERS  
13 FOR THE HOMELESS, OR ABUSED WOMEN AND CHILDREN.

14 C. THE CITY PLANNING COMMISSION SHALL NOT AUTHORIZE THE ESTABLISHMENT  
15 OR LOCATION, OR, UPON PASSAGE AND FILING WITH SUCH COMMISSION OF A  
16 RESOLUTION BY THE COMMUNITY BOARD OF THE LOCALITY IN WHICH A FACILITY OR  
17 CENTER IS LOCATED, THE RENEWAL OF THE LEASE OR A CONTRACT TO FINANCE THE  
18 OPERATION, OF A SUPPORTIVE HOUSING FACILITY OR SOCIAL SERVICES CENTER  
19 UNTIL THE PROVISIONS OF THIS SECTION HAVE BEEN COMPLIED WITH.

20 D. NO SUPPORTIVE HOUSING FACILITY OR SOCIAL SERVICES CENTER SHALL BE  
21 ESTABLISHED OR LOCATED IN THE CITY, NOR, PURSUANT TO SUBDIVISION H OF  
22 THIS SECTION, SHALL THE LEASE FOR OR A CONTRACT TO FINANCE THE OPERATION  
23 OF SUCH A FACILITY OR CENTER BE RENEWED, UNTIL THE OPERATOR THEREOF  
24 SHALL HAVE FILED NOTICE OF SUCH PROPOSED OR EXISTING SUPPORTIVE HOUSING  
25 FACILITY OR SOCIAL SERVICES CENTER WITH THE CITY PLANNING COMMISSION AND  
26 THE COMMUNITY BOARD OF THE LOCALITY IN WHICH SUCH FACILITY OR CENTER IS  
27 PROPOSED TO BE LOCATED OR IS LOCATED. SUCH NOTICE SHALL CONTAIN A  
28 DESCRIPTION OF THE SCOPE, NATURE, SIZE AND KINDS OF TREATMENT PROGRAMS  
29 TO BE PROVIDED, THE SPECIFIC ADDRESS OF THE FACILITY OR CENTER, THE  
30 NUMBER OF ANTICIPATED RESIDENTS OR CLIENTS, THE ENTITIES THAT FINANCE  
31 ITS ESTABLISHMENT OR OPERATIONS, AND THE AMOUNT OF FINANCING ISSUED TO  
32 ESTABLISH AND OPERATE SUCH FACILITY OR CENTER STATED AS BOTH A SPECIFIC  
33 DOLLAR AMOUNT AND AS A PERCENTAGE OF THE TOTAL AMOUNT OF ALL MONEYS USED  
34 TO ESTABLISH AND OPERATE SUCH FACILITY OR CENTER.

35 E. NOT LESS THAN FORTY-FIVE DAYS NOR MORE THAN NINETY DAYS AFTER AN  
36 OPERATOR'S NOTICE PURSUANT TO SUBDIVISION D OF THIS SECTION, THE CITY  
37 PLANNING COMMISSION SHALL HOLD A PUBLIC COMMUNITY FORUM FOR THE PURPOSE  
38 OF OBTAINING PUBLIC AND COMMUNITY BOARD INPUT CONCERNING THE ANTICIPATED  
39 IMPACT OF THE PROPOSED SUPPORTIVE HOUSING FACILITY OR SOCIAL SERVICES  
40 CENTER, OR THE CONTINUED OPERATION OF SUCH FACILITY OR CENTER UPON  
41 RENEWAL OF THE LEASE OR CONTRACT TO FINANCE ITS OPERATION, UPON THE  
42 COMMUNITY AND IF THERE IS AN OVER CONCENTRATION OF SUCH FACILITIES AND  
43 CENTERS IN THE AFFECTED COMMUNITY. SUCH IMPACT MAY INCLUDE AND RELATE  
44 TO ANY POTENTIAL ADVERSE EFFECT UPON THE COMMUNITY CAUSED BY SUCH FACIL-  
45 ITY OR CENTER BEFORE, DURING OR AFTER ITS ESTABLISHMENT OR RENEWAL, AND  
46 THE OVER CONCENTRATION OF SUCH FACILITIES AND CENTERS WITHIN SUCH LOCAL  
47 COMMUNITY. THE CITY PLANNING COMMISSION SHALL AFFORD COMMUNITY MEMBERS,  
48 REPRESENTATIVES OF THE LOCAL COMMUNITY BOARD, LOCAL BUSINESSES AND RESI-  
49 DENTS A REASONABLE OPPORTUNITY TO SPEAK ABOUT RELEVANT MATTERS AT SUCH  
50 COMMUNITY FORUM AND MEASURES THAT MAY HELP TO MITIGATE AGAINST ANY  
51 ANTICIPATED OR PAST ADVERSE IMPACTS UPON SUCH COMMUNITY. EVERY SUCH  
52 FORUM SHALL BE HELD UPON NOT LESS THAN TWENTY DAYS NOTICE TO THE  
53 AFFECTED COMMUNITY AND THE LOCAL COMMUNITY BOARD.

54 F. THE CITY PLANNING COMMISSION SHALL, PRIOR TO ESTABLISHING THE DATE,  
55 TIME AND LOCATION OF THE PUBLIC COMMUNITY FORUM, CONSULT WITH AND OBTAIN  
56 THE ADVICE AND CONSENT OF THE APPROPRIATE COMMUNITY BOARD AS TO ESTAB-



LISHING A CONVENIENT DATE, TIME AND LOCATION TO CONDUCT THE FORUM FOR THE LOCALLY IMPACTED COMMUNITY. SUCH FORUM LOCATION SHALL BE WITHIN REASONABLE PROXIMITY OF THE PROPOSED SUPPORTIVE HOUSING FACILITY OR SOCIAL SERVICES CENTER, AND IN SUITABLE FACILITIES THAT PROVIDE ADEQUATE ROOM AND ACCESS TO HEAR PUBLIC COMMENTS PRESENTED.

G. NOT LESS THAN SIXTY DAYS, NOR MORE THAN NINETY DAYS, AFTER HOLDING A COMMUNITY FORUM THE CITY PLANNING COMMISSION SHALL, AFTER DUE CONSIDERATION OF THE COMMENTS AT SUCH FORUM, EITHER APPROVE, MODIFY OR DENY AUTHORIZATION OR REAUTHORIZATION FOR THE LOCATION, ESTABLISHMENT OR CONTINUED OPERATION OF THE SUPPORTIVE HOUSING FACILITY OR SOCIAL SERVICES CENTER, OR SUGGEST AN ALTERNATIVE LOCATION FOR SUCH FACILITY OR CENTER. IF SUCH APPLICATION IS APPROVED OR MODIFIED UPON APPROVAL, THE COMMUNITY BOARD SHALL OBTAIN SUCH DECISION AND THE LENGTH OF TIME SUCH FACILITY OR CENTER IS AUTHORIZED TO REMAIN IN OPERATION. SHOULD SUCH APPLICATION BE DENIED, THE SPONSOR OF SUCH APPLICATION SHALL BE PRECLUDED FROM REAPPLYING FOR APPROVAL OF THE LOCATION, ESTABLISHMENT OR OPERATION OF SUCH FACILITY OR CENTER, OR ANY SIMILAR TYPE FACILITY OR CENTER, FOR A PERIOD OF TWO YEARS FROM THE DATE OF SUCH DENIAL.

H. THE PROVISIONS OF SUBDIVISIONS D, E, F AND G OF THIS SECTION SHALL ONLY APPLY TO APPLICATIONS FOR THE CONTINUED OPERATION OF A SUPPORTIVE HOUSING FACILITY OR SOCIAL SERVICES CENTER PURSUANT TO THIS SECTION IF THE COMMUNITY BOARD OF THE LOCALITY IN WHICH A FACILITY OR CENTER IS LOCATED PASSES AND FILES WITH SUCH COMMISSION A RESOLUTION REQUESTING A HEARING ON SUCH RENEWAL AT LEAST ONE HUNDRED EIGHTY DAYS PRIOR TO THE EXPIRATION OF THE EXISTING LEASE OR CONTRACT. UPON PASSAGE AND FILING OF SUCH A RESOLUTION, NO SUCH FACILITY OR CENTER SHALL CONTINUE TO OPERATE UNTIL SUCH PROVISIONS OF THIS SECTION SHALL BE COMPLIED WITH.

S 2. This act shall take effect on the sixtieth day after it shall have become a law.

## PART TT

Section 1. The social services law is amended by adding a new section 98 to read as follows:

S 98. SENIOR HEATING ASSISTANCE PROGRAM. 1. THE OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE, SUBJECT TO APPROPRIATIONS, SHALL ESTABLISH AND OPERATE A SENIOR HEATING ASSISTANCE PROGRAM FOR ELIGIBLE RESIDENTS OF THE STATE WHO ARE SIXTY-FIVE YEARS OF AGE OR OLDER AND WHO DO NOT RECEIVE ASSISTANCE UNDER THE LOW-INCOME ENERGY ASSISTANCE PROGRAM AUTHORIZED PURSUANT TO SECTION NINETY-SEVEN OF THIS TITLE.

2. EACH SOCIAL SERVICES DISTRICT SHALL PARTICIPATE IN THE SENIOR HEATING ASSISTANCE PROGRAM TO ASSIST ELIGIBLE RESIDENTS FOUND IN SUCH DISTRICTS TO RECEIVE SUCH ASSISTANCE PURSUANT TO THIS SECTION. ONLY THOSE RESIDENTS SIXTY-FIVE YEARS OF AGE OR OLDER, WHO ARE NOT ELIGIBLE FOR OR ARE NOT RECEIVING ASSISTANCE UNDER THE LOW-INCOME ENERGY ASSISTANCE PROGRAM, AND HAVING AN ANNUAL HOUSEHOLD INCOME OF FIFTY-FIVE THOUSAND DOLLARS OR LESS FOR A SINGLE PERSON HOUSEHOLD OR HAVING AN ANNUAL HOUSEHOLD INCOME OF SEVENTY-FIVE THOUSAND DOLLARS OR LESS FOR A HOUSEHOLD OF TWO OR MORE PERSONS, SHALL BE CERTIFIED AS ELIGIBLE FOR AND ENTITLED TO RECEIVE SENIOR HEATING ASSISTANCE PURSUANT TO THIS SECTION.

3. NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, THE AMOUNT OF ANY SENIOR HEATING ASSISTANCE PAYMENTS OR ALLOWANCES PROVIDED TO AN ELIGIBLE RESIDENT SHALL NOT BE CONSIDERED HOUSEHOLD INCOME OR RESOURCES FOR ANY PURPOSE.

4. EXPENDITURES MADE BY A SOCIAL SERVICES DISTRICT PURSUANT TO THIS SECTION, INCLUDING THE COSTS OF ADMINISTRATION, SHALL BE SUBJECT TO ONE HUNDRED PERCENT REIMBURSEMENT BY THE STATE.

5. AN ELIGIBLE RESIDENT SHALL RECEIVE THE FOLLOWING ANNUAL BENEFITS, PAYABLE TO THE ELIGIBLE RESIDENT OR THE VENDOR OF THE HEATING FUEL:

(A) IF THE HOUSEHOLD SPENDS EIGHT HUNDRED SEVENTY-FIVE DOLLARS OR MORE ANNUALLY FOR OIL, KEROSENE OR PROPANE FOR HOUSEHOLD HEATING, THE BENEFIT SHALL BE FIVE HUNDRED SEVENTY-FIVE DOLLARS;

(B) IF THE HOUSEHOLD SPENDS EIGHT HUNDRED DOLLARS OR MORE ANNUALLY FOR WOOD, WOOD PELLET, COAL, CORN OR OTHER DELIVERABLE FUEL FOR HOUSEHOLD HEATING, THE BENEFIT SHALL BE FIVE HUNDRED DOLLARS; AND

(C) IF THE HOUSEHOLD SPENDS SIX HUNDRED FIFTY DOLLARS OR MORE ANNUALLY FOR ELECTRICITY OR NATURAL GAS FOR HOUSEHOLD HEATING, THE BENEFIT SHALL BE THREE HUNDRED FIFTY DOLLARS.

6. (A) IN ADDITION TO THE BENEFITS PAYABLE FOR HEATING EXPENSES PURSUANT TO SUBDIVISION FIVE OF THIS SECTION, THE SENIOR HEATING ASSISTANCE PROGRAM SHALL PROVIDE ASSISTANCE TO ELIGIBLE RESIDENCE FOR THE ONE-TIME PURCHASE AND INSTALLATION OF ENERGY STAR RATED WINDOW AIR CONDITIONING UNITS OR, IF THE INSTALLATION OF SUCH UNITS IS NOT FEASIBLE IN THE HOUSEHOLD, THE ONE-TIME PURCHASE AND INSTALLATION OF FANS.

(B) THE OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE SHALL ESTABLISH A LIST OF HEATING, VENTILATION AND AIR CONDITIONING CONTRACTORS THROUGHOUT THE STATE WHO ARE QUALIFIED TO SELL AND INSTALL AIR CONDITIONING UNITS AND FANS PURSUANT TO THIS SUBDIVISION. EACH SUCH CONTRACTOR SHALL BE COMPETENT IN THE MAINTENANCE AND REPAIR OF AIR CONDITIONING UNITS AND SHALL BE RESPONSIBLE FOR THE REMOVAL, COVERING, STORAGE AND/OR REINSTALLATION OF AIR CONDITIONING UNITS AND FANS, AS NECESSARY, PROVIDED PURSUANT TO THIS SUBDIVISION.

(C) EACH HOUSEHOLD OF AN ELIGIBLE RESIDENT MAY RECEIVE A SINGLE AIR CONDITIONING UNIT OR FAN COSTING NOT MORE THAN EIGHT HUNDRED DOLLARS, INCLUDING THE INSTALLATION THEREOF. THE OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE SHALL PAY THE FULL COST OF SUCH AIR CONDITIONING UNIT OR FAN PAYABLE TO THE ELIGIBLE RESIDENT OR THE QUALIFIED CONTRACTOR.

(D) ELIGIBLE RESIDENTS SHALL ONLY BE ENTITLED TO ASSISTANCE PURSUANT TO THIS SUBDIVISION IF THEY HAVE A DOCUMENTED MEDICAL CONDITION THAT IS EXACERBATED BY HEAT, MEET THE HOUSEHOLD INCOME REQUIREMENTS OF SUBDIVISION TWO OF THIS SECTION, DO NOT HAVE A WORKING AIR CONDITIONING UNIT OR HAS AN AIR CONDITIONING UNIT THAT IS FIVE YEARS OLD OR OLDER, HAS NOT RECEIVED AN AIR CONDITIONING UNIT PURSUANT TO THE PROVISIONS OF SECTION NINETY-SEVEN OF THIS TITLE WITHIN THE PREVIOUS TEN YEARS, AND HAS FILED AN APPLICATION THEREFOR WITH THE APPROPRIATE SOCIAL SERVICES DISTRICT IN ACCORDANCE WITH THE REQUIREMENTS ESTABLISHED BY THE DEPARTMENT.

7. THE COMMISSIONER OF TEMPORARY AND DISABILITY ASSISTANCE IS HEREBY AUTHORIZED TO PROMULGATE ANY RULES AND REGULATIONS NECESSARY TO IMPLEMENT THE PROVISIONS OF THIS SECTION.

S 2. This act shall take effect immediately, except that subdivision 6 of section 98 of the social services law, as added by section one of this act, shall take effect May 2, 2016.

#### PART UU

Section 1. Subdivision 2 of section 564 of the labor law is renumbered subdivision 3 and a new subdivision 2 is added to read as follows:

2. EXCLUSION FROM COVERAGE. THE TERM "EMPLOYMENT" SHALL NOT INCLUDE SERVICES RENDERED BY AN INDIVIDUAL WHO IS AN ALIEN ADMITTED TO THE UNITED STATES TO PERFORM AGRICULTURAL LABOR PURSUANT TO SECTIONS 214(C)

1 AND 101(A)(15)(H) OF THE FEDERAL IMMIGRATION AND NATIONALITY ACT IF, AT  
2 THE TIME SUCH SERVICES ARE RENDERED, THEY ARE EXCLUDED FROM THE DEFINITION OF EMPLOYMENT IN SECTION 3306(C) OF THE FEDERAL UNEMPLOYMENT TAX  
3 ACT.  
4

5 S 2. This act shall take effect immediately.

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

15 S 3. This act shall take effect immediately provided, however, that  
16 the applicable effective date of Parts A through UU of this act shall be  
17 as specifically set forth in the last section of such Parts.