STATE OF NEW YORK

8433

2019-2020 Regular Sessions

IN ASSEMBLY

June 20, 2019

Introduced by M. of A. WEINSTEIN -- (at request of the Budget Article VII) -- read once and referred to the Committee on Ways and Means

AN ACT to amend the public authorities law, in relation to performance metrics of the MTA (Part A); to amend the vehicle and traffic law, in relation to the description of the central business district (Part B); to amend the public authorities law, in relation to the MTA's reorganization plan (Part C); to amend the vehicle and traffic law, in relation to removing caps on automated enforcement cameras for bus lanes in the city of New York and creating a graduated schedule of fines for repeat offenders and to amend part II of chapter 59 of the laws of 2010, amending the vehicle and traffic law and the public officers law relating to establishing a bus rapid transit demonstration program to restrict the use of bus lanes by means of bus lane photo devices, in relation to the effectiveness thereof (Part D); to amend the public authorities law, in relation to the membership of the metropolitan transportation authority (Part E); intentionally omitted (Part F); to amend the real property tax law and the tax law, in relation to switching from the STAR tax exemption to the STAR tax credit (Part G); to amend the state finance law and the tax law, in relation to establishing the empire state entertainment diversity job training development fund (Subpart A); and to amend the tax law, in relation to amending the definition of a qualified film production facility (Subpart B) (Part H); to amend the tax law, in relation to exempting from tax a portion of global intangible low-taxed income (Part I); to amend the tax law, in relation to the definitions of vendor and marketplace provider (Part J); to amend chapter 329 of the laws of 1991, amending the state finance law and other laws relating to the establishment of the dedicated highway and bridge trust fund, in relation to the issuance of certain bonds or notes; to amend the public authorities law, in relation to the issuance of certain bonds or notes; to amend the New York state urban development corporation act, in relation to the issuance of certain bonds or notes; to amend chapter 63 of the laws of 2005, relating to the composition and responsibilities of the New York state higher education capital match-

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

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ing grant board, in relation to increasing the amount of authorized matching capital grants; and to amend the private housing finance law, in relation to housing program bonds and notes (Part K); to amend the public health law, in relation to award dates for certain statewide II applications (Part L); to amend the infrastructure investment act, in relation to the definition of an authorized entity that may utilize design-build contracts (Part M); to amend the "Jose Peralta New York state DREAM act", in relation to making certain technical corrections (Part N); to amend the highway law, in relation to mass transit access for LaGuardia airport (Part O); to amend the public authorities law, in relation to the acquisition and disposition of real property; and providing for the repeal of such provisions upon expiration thereof (Part P); to amend the administrative code of the city of New York, to amend the emergency tenant protection act of nineteen seventy-four, and to amend part C of chapter 36 of the laws of 2019, amending the administrative code of the city of New York and the emergency tenant protection act of nineteen seventy-four relating to vacancy of certain housing accommodations and to amend the emergency tenant protection act of nineteen seventy-four and the administrative code of the city of New York relating to prohibiting a county rent guidelines board from establishing rent adjustments for class A dwelling units based on certain considerations, in relation to rent guidelines boards; to amend part D of chapter 36 of the laws of 2019 amending the emergency tenant protection act of nineteen seventy-four relating to vacancies in certain housing accommodations, in relation to making certain technical corrections; to amend the emergency tenant protection act of nineteen seventy-four and the administrative code of the city of New York, in relation to vacancy decontrol; to amend the administrative code of the city of New York, the emergency tenant protection act of nineteen seventy-four and the emergency housing rent control law, in relation to recovery of certain housing accommodations by a landlord; to amend the emergency tenant protection act of nineteen seventy-four, the administrative code of the city of New York, the emergency housing rent control law, and to amend part K of chapter 36 of the laws of 2019, amending the emergency tenant protection act of nineteen seventy-four and other laws, relating to a temporary increase in rent in certain cases, in relation to rent increases in certain cases; to amend the public housing law, in relation to annual reports by the state commissioner of housing and community renewal; to amend the real property law, in relation to notices required to tenants; to amend part M of chapter 36 of the laws of 2019, amending the real property law, and other laws, relating to enacting the "statewide housing security and tenant protection act of 2019", in relation to the effectiveness of certain provisions thereof; to amend the real property law, in relation to the content of rent-to-own contracts pertaining to manufactured or mobile homes; to amend the emergency housing rent control law, in relation to adjustments of maximum rent; and to repeal certain provisions of the emergency housing rent control law and the administrative code of the city of New York relating to vacancy decontrol (Part Q); to amend the tax law, in relation to operational expenses of certain gaming facilities (Part R); to amend the tax law and the state finance law, in relation to video lottery gaming in Orange county (Part S); and to amend the judiciary law, in relation to increasing the number of supreme court judges and county court judges in certain jurisdictions (Part T)

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

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

PART A

Section 1. Section 1276-f of the public authorities law, as added by section 2 of subpart D of part ZZZ of chapter 59 of the laws of 2019, is amended to read as follows:

§ 1276-f. Metropolitan transportation authority transit performance metrics. 1. Definitions. For the purposes of this section, the following terms shall have the following meanings:

(a) "additional platform time" means **for the subways** the average added time that customers spend waiting on the platform for a train, compared with their scheduled wait time.

(b) "additional train time" means **for the subways** the average additional time customers spend onboard the train [~~due to various service issues~~]**, compared with their scheduled on-train time**.

(c) "customer journey time performance" means **for the subways** the percentage of customer trips with an estimated total travel time within [~~two~~] **five** minutes of the scheduled total travel time.

(d) "elevator availability" means percentage of facilities that require the use of stairs and have an operational elevator.

(e) "escalator availability" means percentage of facilities that require the use of stairs and have an operational escalator.

(f) [~~"excess~~] **"additional** journey time" means **for the subways** comparison of measured **or estimated actual** journey time compared to [~~scheduled and standard journey times~~] **schedule**.

(g) "journey time [~~metric~~]" means [~~the times of each component of a trip including access, egress, interchange, time in queue for tickets,~~] **for the subways** time on platform and **the** time on train. **Journey time is calculated as either actual journey times that customers experience, or as scheduled journey times.** Journey time and its components may be based on a manual or an automatically generated sample.

(h) "major incidents" mean **(1) for the subway** incidents that delay [~~twenty~~] **fifty** or more trains **where a train is considered delayed if it is more than five minutes late or skips planned stops, and (2) for the commuter railroads incidents that delay ten or more trains greater than five minutes and fifty-nine seconds**.

(i) "[~~staff hours~~] lost [~~to~~] **time** accidents" means [~~staff hours lost due to accidents or illegal activity per billion passenger journeys~~] **a job related incident that results in the inability of an employee to perform full job duties for at least one working day beyond the day of the incident. Rates are based on lost time accidents per one hundred employees**.

(j) [~~"standard journey time" means the ideal journey time calculated by the metropolitan transportation authority for a particular journey~~] "employees' lost time days" means for the commuter railroads the total number of calendar days employees' treating medical professionals have determined that they cannot work due to an occupation injury or illness.

(k) "employee lost time rate" means for the commuter railroads the number of occupational injuries or illnesses per two hundred thousand employee hours worked.

[~~(k)~~] (l) "terminal on-time performance" means (1) for the subways the percentage of trains arriving at their destination terminals as scheduled[~~. A~~] with a train [~~may be~~] counted as on-time if it arrives at its destination early, on time, or no more than [~~two~~] five minutes late, and has not skipped any planned stops, and (2) for the commuter railroads the percentage of trains arriving at their final destination terminals as scheduled with a train counted as on-time if it arrives at its destination early, on-time or no more than five minutes and fifty-nine seconds late. Provided that the percentage of trains not arriving at their final destinations shall include unscheduled cancellations.

(m) "additional data" means (1) for the subways the percentage of trains arriving at their scheduled terminals between four and five minutes after their scheduled arrival time; (2) for the commuter railroads the percentage of trains arriving at their scheduled terminals between four and five minutes and fifty-nine seconds after their scheduled arrival time; and (3) for commuter rails the percentage of cancelled trains.

2. Reporting. The [~~metropolitan transportation~~] authority shall take all practicable measures to collect, compile and publish meaningful and informative performance metrics [~~of~~] for all [~~services~~] customer trips provided by the New York city transit authority subways, [~~long island railroad~~] Long Island rail road and [~~metro-north~~] Metro-North commuter railroad on a [~~weekly~~] monthly basis including all applicable performance metrics as defined in subdivision one of this section. [~~These metrics shall include but not be limited to:~~

~~(a) additional platform time;~~

~~(b) additional train time;~~

~~(c) customer journey time performance;~~

~~(d) elevator availability;~~

~~(e) escalator availability;~~

~~(f) excess journey time;~~

~~(g) journey time metric;~~

~~(h) major incidents metric;~~

~~(i) staff hours lost to accidents; and~~

~~(j) terminal on-time performance.~~] If the authority cannot practicably collect and compile any such performance metric for a customer trip type, it may, subject to the approval by the chairman of the metropolitan transportation authority, substitute an equivalent performance metric based on international public transport benchmarking and best practices that comparably measures system performance and service delivery.

3. International benchmarking. (a) The authority shall publish an annual report presenting the authority's performance in comparison with other [~~metros who are members of the community of metros known as CoMET~~] national and international peer agencies. This report shall include, but not be limited to, the following metrics:

(i) total operating cost per car per mile;

(ii) maintenance cost per car per [~~km~~] mile;

(iii) passenger journeys per total staff and contractor hours; and
(iv) staff hours lost to accidents.
(b) The authority shall also provide an annual implementation report to the governor, the temporary president of the senate, the speaker of the assembly, the minority leader of the assembly and senate, and the chairs and ranking members of the transportation and corporations, authorities and commissions committees on or before [~~December~~] January thirty-first every year, and publish such report on its website.
§ 2. This act shall take effect on the same date and in the same manner as section 2 of subpart D of part ZZZ of chapter 59 of the laws of 2019, takes effect.

PART B

Section 1. Subdivision 2 of section 1704 of the vehicle and traffic law, as added by section 1 of subpart A of part ZZZ of chapter 59 of the laws of 2019, is amended to read as follows:
2. The central business district tolling program will operate in the central business district. The central business district shall include [~~any roadways, bridges, tunnels, approaches or ramps that are located within, or enter into,~~] the geographic area in the borough of Manhattan south of and inclusive of sixtieth street to the extent practicable but shall not include the FDR Drive, and New York state route 9A otherwise known as the "West Side highway" including the Battery Park underpass and any surface roadway portion of the Hugh L. Carey Tunnel connecting to West St. The boundaries of the central business district shall not be modified, expanded, or reduced and shall incorporate the outer bounds of the aforementioned district to the extent practicable.
§ 2. This act shall take effect on the same date and in the same manner as section 1 of subpart A of part ZZZ of chapter 59 of the laws of 2019, takes effect.

PART C

Section 1. Subdivision 1 of section 1279-e of the public authorities law, as added by section 1 of subpart B of part ZZZ of chapter 59 of the laws of 2019, is amended to read as follows:
1. (a) Notwithstanding any provision of this title or any other provision of law, general, special or local, the authority shall develop and complete a personnel and reorganization plan no later than June thirtieth, two thousand nineteen which shall, in whole or in part, assign, transfer, share, or consolidate any one or more of its powers, duties, functions or activities or any department, division or office established therewith, or any of those of its subsidiaries, or affiliates or their subsidiaries, within or between itself, its subsidiaries or affiliates or their subsidiaries, including, but not limited to the New York City Transit Authority, the Long Island Rail Road, the Metro North Commuter Railroad Company, MTA Capital Construction, MTA New York City Bus, Triborough bridge and tunnel authority, and the MTA Staten Island Railway, in a manner consistent with the provisions of this section. Such plan shall identify common functions and assign, transfer, share or consolidate, in whole or in part, such functions between the authority and its subsidiaries, affiliates and subsidiaries of affiliates and shall be accompanied by an independent evaluation of existing personnel within or between itself, its subsidiaries, or affiliates or their subsidiaries in coordination with the authority's senior manage-

ment. **This plan shall be approved by the board of the authority by July thirtieth, two thousand nineteen. Upon such approval, the board shall also appoint a director of MTA transformation whose responsibilities shall include implementing the personnel and reorganization plan and reporting directly to the board regarding the director's activities.**

(b) Upon receipt of the review pursuant to section twelve hundred seventy-nine-f of this title the authority shall revise the **personnel and** reorganization plan to consider and incorporate the findings of such review within ninety days of receipt. **Such revised personnel and reorganization plan shall be approved by the board of the authority.**

§ 2. This act shall take effect immediately; and shall be deemed to have been in full force and effect on the same date and in the same manner as subpart B of part ZZZ of chapter 59 of the laws of 2019 took effect.

PART D

Section 1. Paragraph 4 of subdivision (a), paragraph 5 of subdivision (c) and subdivisions (e) and (m) of section 1111-c of the vehicle and traffic law, as amended and subdivision (m) as added by section 6 of part NNN of chapter 59 of the laws of 2018, are amended to read as follows:

4. Within the city of New York, such bus lane photo devices [~~shall~~] **may** only be operated on designated bus lanes [~~within the bus rapid transit program and only from 6:00 a.m. to 10:00 p.m.~~]**.** Warning notices of violation be issued during the first sixty days that bus lane photo devices are operated on each route in the bus rapid transit program that is established after June fifteenth, two thousand fifteen.

5. "bus rapid transit program" shall mean [~~up to ten~~] routes designated by the New York city department of transportation in consultation with the applicable mass transit agency, in addition to the Bus Rapid Transit Phase I plan routes, that operate on designated bus lanes and that may include upgraded signage, enhanced road markings, minimum bus stop spacing, off-board fare payment, traffic signal priority for buses, and any other enhancement that increases bus speed or reliability.

(e) An owner liable for a violation of a bus lane restriction imposed on any route within a bus rapid transit program shall be liable for monetary penalties in accordance with a schedule of fines and penalties promulgated by the parking violations bureau of the city of New York; provided, however, that the monetary penalty for violating a bus lane restriction shall not exceed [~~one hundred fifteen~~] **fifty** dollars**, one hundred dollars for a second offense within a twelve-month period, one hundred fifty dollars for a third offense within a twelve-month period, two hundred dollars for a fourth offense within a twelve-month period, and two hundred fifty dollars for each subsequent offense within a twelve-month period**; provided, further, that an owner shall be liable for an additional penalty not to exceed twenty-five dollars for each violation for the failure to respond to a notice of liability within the prescribed time period.

(m) Any revenue from fines and penalties collected pursuant to this section from any mobile bus lane photo devices [~~that were authorized to be installed pursuant to a chapter of the laws of two thousand eighteen that added this subdivision~~]**, not including any revenue shared with the city of New York pursuant to agreement** shall be remitted by the city of New York to the applicable mass transit agency on a quarterly basis to be deposited in the general transportation account of the New York city

transportation assistance fund established pursuant to section twelve hundred seventy-i of the public authorities law.

§ 2. The opening paragraph of section 14 of part II of chapter 59 of the laws of 2010, amending the vehicle and traffic law and the public officers law relating to establishing a bus rapid transit demonstration program to restrict the use of bus lanes by means of bus lane photo devices, as amended by chapter 239 of the laws of 2015, is amended to read as follows:

This act shall take effect on the ninetieth day after it shall have become a law and shall expire [~~10~~] **15** years after such effective date when upon such date the provisions of this act shall be deemed repealed; and provided that any rules and regulations related to this act shall be promulgated on or before such effective date, provided that:

§ 3. This act shall take effect immediately; provided that the amendments to section 1111-c of the vehicle and traffic law made by section one of this act shall not affect the repeal of such section and shall be deemed repealed therewith. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized and directed to be made and completed on or before such effective date.

PART E

Section 1. Subparagraph 1 of paragraph (a) of subdivision 1 of section 1263 of the public authorities law, as amended by section 3 of part H of chapter 25 of the laws of 2009, is amended to read as follows:

(1) There is hereby created the "metropolitan transportation authority." The authority shall be a body corporate and politic constituting a public benefit corporation. The authority shall consist of a chairman, sixteen other voting members, and two non-voting and four alternate non-voting members, as described in subparagraph two of this paragraph appointed by the governor by and with the advice and consent of the senate. Any member appointed to a term commencing on or after June thirtieth, two thousand nine shall have experience in one or more of the following areas: transportation, public administration, business management, finance, accounting, law, engineering, land use, urban and regional planning, management of large capital projects, labor relations, or have experience in some other area of activity central to the mission of the authority. Four of the sixteen voting members other than the chairman shall be appointed on the written recommendation of the mayor of the city of New York; and each of seven other voting members other than the chairman shall be appointed after selection from a written list of three recommendations from the chief executive officer of the county in which the particular member is required to reside pursuant to the provisions of this subdivision. Of the members appointed on recommendation of the chief executive officer of a county, one such member shall be, at the time of appointment, a resident of the county of Nassau, one a resident of the county of Suffolk, one a resident of the county of Westchester, one a resident of the county of Dutchess, one a resident of the county of Orange, one a resident of the county of Putnam and one a resident of the county of Rockland, provided that the term of any member who is a resident of a county that has withdrawn from the metropolitan commuter transportation district pursuant to section twelve hundred seventy-nine-b of this [~~article~~] **title** shall terminate upon the effective date of such county's withdrawal from such district. Of the five voting members, other than the chairman, appointed by the governor

without recommendation from any other person, three shall be, at the time of appointment, residents of the city of New York and two shall be, at the time of appointment, residents of such city or of any of the aforementioned counties in the metropolitan commuter transportation district. **Provided however, notwithstanding the foregoing residency requirement, one of the five voting members appointed by the governor without recommendation from any other person, other than the chairman, may be the director of the New York state division of the budget, and provided further that, in the event of such appointment, the budget director's membership in the authority shall be deemed ex-officio.** The chairman and each of the members shall be appointed for a term of six years, provided however, that the chairman first appointed shall serve for a term ending June thirtieth, nineteen hundred eighty-one, provided that thirty days after the effective date of the chapter of the laws of two thousand nine which amended this subparagraph, the term of the chairman shall expire; provided, further, that such chairman may continue to discharge the duties of his or her office until the position of chairman is filled by appointment by the governor upon the advice and consent of the senate and the term of such new chairman shall terminate June thirtieth, two thousand fifteen. The sixteen other members first appointed shall serve for the following terms: The members from the counties of Nassau and Westchester shall each serve for a term ending June thirtieth, nineteen hundred eighty-five; the members from the county of Suffolk and from the counties of Dutchess, Orange, Putnam and Rockland shall each serve for a term ending June thirtieth, nineteen hundred ninety-two; two of the members appointed on recommendation of the mayor of the city of New York shall each serve for a term ending June thirtieth, nineteen hundred eighty-four and, two shall each serve for a term ending June thirtieth, nineteen hundred eighty-one; two of the members appointed by the governor without the recommendation of any other person shall each serve for a term ending June thirtieth, nineteen hundred eighty-two, two shall each serve for a term ending June thirtieth, nineteen hundred eighty and one shall serve for a term ending June thirtieth, nineteen hundred eighty-five. The two non-voting and four alternate non-voting members shall serve until January first, two thousand one. The members from the counties of Dutchess, Orange, Putnam and Rockland shall cast one collective vote.

§ 2. Paragraph (a) of subdivision 1 of section 1263 of the public authorities law, as amended by section 4 of part H of chapter 25 of the laws of 2009, is amended to read as follows:

(a) There is hereby created the "metropolitan transportation authority." The authority shall be a body corporate and politic constituting a public benefit corporation. The authority shall consist of a chairman and sixteen other members appointed by the governor by and with the advice and consent of the senate. Any member appointed to a term commencing on or after June thirtieth, two thousand nine shall have experience in one or more of the following areas of expertise: transportation, public administration, business management, finance, accounting, law, engineering, land use, urban and regional planning, management of large capital projects, labor relations, or have experience in some other area of activity central to the mission of the authority. Four of the sixteen members other than the chairman shall be appointed on the written recommendation of the mayor of the city of New York; and each of seven other members other than the chairman shall be appointed after selection from a written list of three recommendations from the chief executive officer of the county in which the particular member is

required to reside pursuant to the provisions of this subdivision. Of the members appointed on recommendation of the chief executive officer of a county, one such member shall be, at the time of appointment, a resident of the county of Nassau; one a resident of the county of Suffolk; one a resident of the county of Westchester; and one a resident of the county of Dutchess, one a resident of the county of Orange, one a resident of the county of Putnam and one a resident of the county of Rockland, provided that the term of any member who is a resident of a county that has withdrawn from the metropolitan commuter transportation district pursuant to section twelve hundred seventy-nine-b of this [~~article~~] **title** shall terminate upon the effective date of such county's withdrawal from such district. Of the five members, other than the chairman, appointed by the governor without recommendation from any other person, three shall be, at the time of appointment, residents of the city of New York and two shall be, at the time of appointment, residents of such city or of any of the aforementioned counties in the metropolitan commuter transportation district. **Provided however, notwithstanding the foregoing residency requirement, one of the five voting members appointed by the governor without recommendation from any other person, other than the chairman, may be the director of the New York state division of the budget, and provided further that, in the event of such appointment, the budget director's membership in the authority shall be deemed ex-officio.** The chairman and each of the members shall be appointed for a term of six years, provided however, that the chairman first appointed shall serve for a term ending June thirtieth, nineteen hundred eighty-one, provided that thirty days after the effective date of the chapter of the laws of two thousand nine which amended this paragraph, the term of the chairman shall expire; provided, further, that such chairman may continue to discharge the duties of his office until the position of chairman is filled by appointment by the governor upon the advice and consent of the senate and the term of such new chairman shall terminate June thirtieth, two thousand fifteen. The sixteen other members first appointed shall serve for the following terms: The members from the counties of Nassau and Westchester shall each serve for a term ending June thirtieth, nineteen hundred eighty-five; the members from the county of Suffolk and from the counties of Dutchess, Orange, Putnam and Rockland shall each serve for a term ending June thirtieth, nineteen hundred ninety-two; two of the members appointed on recommendation of the mayor of the city of New York shall each serve for a term ending June thirtieth, nineteen hundred eighty-four and, two shall each serve for a term ending June thirtieth, nineteen hundred eighty-one; two of the members appointed by the governor without the recommendation of any other person shall each serve for a term ending June thirtieth, nineteen hundred eighty-two, two shall each serve for a term ending June thirtieth, nineteen hundred eighty and one shall serve for a term ending June thirtieth, nineteen hundred eighty-five. The members from the counties of Dutchess, Orange, Putnam and Rockland shall cast one collective vote.

§ 3. This act shall take effect immediately, provided that the amendments to paragraph (a) of subdivision 1 of section 1263 of the public authorities law made by section one of this act shall be subject to the expiration and reversion of such paragraph pursuant to section 3 of chapter 549 of the laws of 1994, as amended, when upon such date the provisions of section two of this act shall take effect.

PART F

Intentionally Omitted

PART G

Section 1. Paragraph (c) of subdivision 16 of section 425 of the real property tax law, as amended by section 5 of part A of chapter 73 of the laws of 2016, is amended to read as follows:

(c) If the owners of a parcel that is receiving the STAR exemption authorized by this section want to claim the personal income tax credit authorized by subsection (eee) of section six hundred six of the tax law in lieu of such exemption, they [~~all must~~] may do so by switching to the credit in the manner provided by subdivision seventeen of this section. Alternatively, they may renounce that exemption and make any required payments in the manner provided by section four hundred ninety-six of this chapter[~~, and must pay any required taxes, interest and penalties, on or before December thirty-first of the taxable year for which they want to claim the credit~~]. Any such switch to the credit or renunciation shall be irrevocable.

§ 2. Section 425 of the real property tax law is amended by adding a new subdivision 17 to read as follows:

17. Switching to the STAR credit. (a) The commissioner shall develop procedures to enable property owners to switch from the STAR exemption to the STAR credit in as simple and expeditious a manner as practicable.

(b) Such procedures may allow STAR exemption recipients to switch to the STAR credit in the course of applying for the STAR credit. When an applicant does so, the commissioner shall advise the appropriate assessor as soon as practicable that such individual is switching or has switched to the STAR credit, that no further STAR exemptions may be granted to the property in question after the switch takes effect, and if appropriate, that the property's STAR exemption should be removed from the most recently filed assessment roll and/or the forthcoming assessment roll. The assessor or other party having custody and control of the assessment roll shall thereupon be authorized and directed to proceed accordingly.

(c) Such procedures may also set forth instances under which the commissioner may direct such a switch to the STAR credit to be deferred for one year, with the resulting differential, if any, to be added to the applicant's initial STAR credit. As used in this subdivision, the term "resulting differential" means the amount by which the STAR credit that the applicant did not receive due to the deferral of the switch exceeds the STAR exemption tax savings that the applicant did receive due to the deferral of the switch. The commissioner is specifically authorized to direct a switch to the STAR credit to be so deferred under the following circumstances:

(i) A STAR credit switch may be deferred if the application for the credit is submitted after a cutoff date set by the commissioner. When setting a cutoff date, the commissioner shall take into account the time required to ensure that the STAR exemptions of all STAR credit applicants in the assessing unit will be removed before school tax bills are prepared. The commissioner shall specify the applicable cutoff dates after taking into account local assessment calendars, provided that different cutoff dates may be set for municipalities with different assessment calendars, and provided further that any such cutoff date may be no earlier than the fifteenth day prior to the date on which the applicable final assessment roll is required by law to be completed and filed.

(ii) A STAR credit switch may be deferred if the application is submitted after school tax bills have been prepared, but before the first day of January of the following year, or such later date as the commissioner shall establish.

(iii) A STAR credit switch may be deferred if the applicant's STAR exemption is not removed from the applicable assessment roll in a timely manner due to inadvertence or other reasons.

(d) Such procedures may also provide that Basic STAR exemption recipients whose incomes exceeds the limit applicable to that exemption may be automatically enrolled in and switched to the Basic STAR credit if their incomes do not exceed the limit applicable to that credit. Each affected individual shall be notified of the switch as soon as practicable. Each such notice shall also advise the individual either that the commissioner has determined that the individual is eligible for the credit, or that the individual must furnish additional information to enable the commissioner to determine the individual's eligibility, as the case may be. In either case, once the individual receives a STAR credit check and deposits or endorses it, he or she shall be deemed to have consented to the switch and shall not be permitted to switch back to the exemption.

§ 3. Subdivision 1 of section 510-a of the real property tax law, as amended by chapter 386 of the laws of 2003, is amended to read as follows:

1. Notwithstanding the provisions of any general, special or local law to the contrary, the assessors in towns, counties, and cities, having power to determine the taxable status of property for tax purposes shall, not later than ten days prior to the date for hearing complaints in relation to assessments, or in the case of the city of New York, not later than thirty days prior to the final date for filing an appeal, mail to each owner of such real property in their town, city or county a notice of change which said assessors have made in the taxable status of such property from the status of (a) wholly exempt to taxable in whole or in part or (b) taxable in part to taxable in whole. Such notice shall include a statement of the date or dates and times at which the board of assessment review shall meet to hear complaints with respect to assessments. Provided, however, that no such notice shall be required when a STAR exemption has been removed upon the request of the property owner or at the direction of the commissioner.

§ 4. Paragraph 5 of subsection (eee) of section 606 of the tax law, as amended by section 4 of part TT of chapter 59 of the laws of 2019, is amended to read as follows:

(5) Disqualification. A taxpayer shall not qualify for the credit authorized by this subsection if the parcel that serves as the taxpayer's primary residence received the STAR exemption on the assessment roll upon which school district taxes for the associated fiscal year were levied. Provided, however, that the taxpayer may remove this disqualification by switching to the credit in the manner provided by subdivision seventeen of section four hundred twenty-five of the real property tax law. Alternatively, the taxpayer may remove this disqualification by renouncing the exemption [~~by December thirty-first of the taxable year, as provided by subdivision sixteen of section four hundred twenty-five of the real property tax law,~~] and making any required payments [~~within the time frame prescribed~~] in the manner provided by section four hundred ninety-six of the real property tax law. Any such switch to the credit or renunciation shall be irrevocable.

§ 5. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2019.

PART H

Section 1. This act enacts into law components of legislation relating to film and entertainment industry tax credits. Each component is wholly contained within a Subpart identified as Subparts A through B. The effective date for each particular provision contained within such Subpart is set forth in the last section of such Subpart. Any provision in any section contained within a Subpart, including the effective date of the Subpart, which makes a reference to a section "of this act", when used in connection with that particular component, shall be deemed to mean and refer to the corresponding section of the Subpart in which it is found. Section three of this act sets forth the general effective date of this act.

SUBPART A

Section 1. The state finance law is amended by adding a new section 97-ff to read as follows:

§ 97-ff. Empire state entertainment diversity job training development fund. 1. There is hereby established in the joint custody of the commissioner of taxation and finance and the comptroller, a special fund to be known as the empire state entertainment diversity job training development fund.

2. Such fund shall consist of the funds transferred by the comptroller to the fund from the general fund without appropriation, as determined under subdivision (f) of section twenty-four and subdivision (e) of section thirty-one of the tax law. Nothing contained herein shall prevent the state from receiving grants, gifts, or bequests for the fund and depositing them into the fund according to law.

3. Monies in the fund shall be expended only for job creation and training programs approved by the commissioner of economic development that support efforts to recruit, hire, promote, retain, develop and train a diverse and inclusive workforce as production company employees in the motion picture and television industry within the state of New York including, but not limited to, those programs that promote development in economically distressed areas of the state. The commissioner of economic development shall promulgate regulations that set forth relevant definitions, minimum standards and criteria for such fund and eligible training programs.

4. Monies shall be payable from the fund on the audit and warrant of the comptroller on vouchers approved and certified by the commissioner of economic development.

§ 2. Section 24 of the tax law is amended by adding a new subdivision (f) to read as follows:

(f) (1) With regard to certificates of tax credit issued on or after January first, two thousand twenty, the commissioner of economic development shall reduce by one-quarter of one percent the amount of credit allowed to a taxpayer and this reduced amount shall be reported on a certificate of tax credit issued pursuant to this section and the regulations promulgated by the commissioner of economic development to implement this credit program.

(2) By January thirty-first of each year, the commissioner of economic development shall report to the comptroller the total amount of such reductions of tax credit during the immediately preceding calendar year. On or before March thirty-first of each year, the comptroller shall transfer without appropriations from the general fund to the empire

state entertainment diversity job training development fund established under section ninety-seven-ff of the state finance law an amount equal to the total amount of such reductions reported by the commissioner of economic development for the immediately preceding calendar year.

(3) Notwithstanding paragraph two of this subdivision, the following provisions shall apply with respect to reductions of tax credit in two thousand twenty. (i) The commissioner of economic development shall report to the comptroller by June first, two thousand twenty the total amount of such reductions of tax credit during the period of January first, two thousand twenty through May fifteenth, two thousand twenty. On or before July first, two thousand twenty, the comptroller shall transfer without appropriations from the general fund to the empire state entertainment diversity job training development fund an amount equal to the total amount of such reductions reported by the commissioner of economic development for the period of January first, two thousand twenty through May fifteenth, two thousand twenty. (ii) By January thirty-first, two thousand twenty-one, the commissioner of economic development shall report to the comptroller the total amount of such reductions of tax credit during the period of May sixteenth, two thousand twenty through December thirty-first, two thousand twenty. On or before March thirty-first, two thousand twenty-one, the comptroller shall transfer without appropriations from the general fund to the empire state entertainment diversity job training development fund an amount equal to the total amount of such reductions reported by the commissioner of economic development for the period of May sixteenth, two thousand twenty through December thirty-first, two thousand twenty.

§ 3. Section 31 of the tax law, as added by section 12 of part Q of chapter 57 of the laws of 2010, is amended by adding a new subdivision (e) to read as follows:

(e) With regard to certificates of tax credit issued on or after January first, two thousand twenty, the commissioner of economic development shall reduce by one-quarter of one percent the amount of credit allowed to a taxpayer and this reduced amount shall be reported on a certificate of tax credit issued pursuant to this section and the regulations promulgated by the commissioner of economic development to implement this credit program. Such reductions in tax credit shall be deposited into the empire state entertainment diversity job training development fund as provided in subdivision (f) of section twenty-four of this article.

§ 4. This act shall take effect immediately.

SUBPART B

Section 1. Paragraph 5 of subdivision (b) of section 24 of the tax law, as amended by section 8 of part Q of chapter 57 of the laws of 2010, is amended to read as follows:

(5) "Qualified film production facility" shall mean a film production facility in the state, which contains at least one sound stage having a minimum of seven thousand square feet of contiguous production space, provided, however, that except with respect to a qualified film production facility being used by a qualified independent film production company: (i) a film production facility in the city of New York must contain at least one sound stage having a minimum of seven thousand square feet of contiguous production space that is sound proof with a Noise Criteria ("NC") of 30 or better, has sufficient heating and air conditioning for shooting without the need for supplemental units,

incorporates a permanent grid and sufficient built-in electric service for shooting without the need for generators, and is column-free with a clear height of at least sixteen feet under the permanent grid **for facilities constructed on or after January first, two thousand nineteen, and at least twelve feet under the permanent grid for facilities constructed before January first, two thousand nineteen**; and (ii) an armory owned by the state or city of New York located in the city of New York that does not satisfy the criteria of subparagraph (i) of this paragraph shall be treated as a qualified film production facility upon certification by the governor's office of motion picture and television development of a petition submitted to that office by a qualified film production company establishing that no qualified film production facility is available in the city of New York that has stage space available for shooting such company's film. Such petition shall be submitted no later than ninety days prior to the start of principal photography for the qualified film and the governor's office of motion picture and television development shall have ten days to certify or reject the petition. A stage will be deemed unavailable if consideration has been paid for its use or such stage is currently under an agreement with an option for use and, in either circumstance, such period of use includes the petitioner's estimated start date of principal photography.

§ 2. This act shall take effect immediately and apply to property placed in service, and uses of tangible property and performance of services at qualified film production facilities on and after January 1, 2019.

§ 2. Severability. If any clause, sentence, paragraph, section or part of this act shall be adjudged by any court of competent jurisdiction to be invalid and after exhaustion of all further judicial review, the judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part of this act directly involved in the controversy in which the judgment shall have been rendered.

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

PART I

Section 1. Paragraph (b) of subdivision 6-a of section 208 of the tax law, as amended by section 1 of part KK of chapter 59 of the laws of 2018, is amended to read as follows:

(b) "Exempt CFC income" means (i) except to the extent described in subparagraph (ii) of this paragraph, the income required to be included in the taxpayer's federal gross income pursuant to subsection (a) of section 951 of the internal revenue code, received from a corporation that is conducting a unitary business with the taxpayer but is not included in a combined report with the taxpayer, [~~and~~] (ii) such income required to be included in the taxpayer's federal gross income pursuant to subsection (a) of such section 951 of the internal revenue code by reason of subsection (a) of section 965 of the internal revenue code, as adjusted by subsection (b) of section 965 of the internal revenue code, and without regard to subsection (c) of such section, received from a corporation that is not included in a combined report with the taxpayer, **and (iii) ninety-five percent of the income required to be included in the taxpayer's federal gross income pursuant to subsection (a) of section 951A of the internal revenue code, without regard to the**

deduction under section 250 of the internal revenue code, received from a corporation that is not included in a combined report with the taxpayer, less, [~~(iii)~~] (iv) in the discretion of the commissioner, any interest deductions directly or indirectly attributable to that income. In lieu of subtracting from its exempt CFC income the amount of those interest deductions, the taxpayer may make a revocable election to reduce its total exempt CFC income by forty percent. If the taxpayer makes this election, the taxpayer must also make the elections provided for in paragraph (b) of subdivision six of this section and paragraph (c) of this subdivision. If the taxpayer subsequently revokes this election, the taxpayer must revoke the elections provided for in paragraph (b) of subdivision six of this section and paragraph (c) of this subdivision. A taxpayer which does not make this election because it has no exempt CFC income will not be precluded from making those other elections. The income described in [~~subparagraph~~] subparagraphs (ii) and (iii) of this paragraph shall not constitute investment income. The income described in subparagraph (iii) of this paragraph shall not constitute exempt unitary corporation dividends.

§ 2. Paragraph (b) of subdivision 9 of section 208 of the tax law is amended by adding a new subparagraph 25 to read as follows:

(25) The amount of any federal deduction allowed pursuant to section 250(a)(1)(B)(i) of the internal revenue code.

§ 3. Subdivision 5-a of section 210-A of the tax law, as added by section 1 of part C of chapter 59 of the laws of 2019, is amended to read as follows:

5-a. [~~Net global~~] Global intangible low-taxed income. (a) Notwithstanding any other provision of this section, [~~net~~] global intangible low-taxed income shall be included in the apportionment fraction as provided in this subdivision. [~~Receipts constituting net~~]

(b) For New York C corporations, global intangible low-taxed income shall not be included in the numerator of the apportionment fraction. [~~Receipts constituting net~~] Five percent of global intangible low-taxed income shall be included in the denominator of the apportionment fraction.

(c) For New York S corporations, global intangible low-taxed income shall not be included in the numerator of the apportionment fraction. Global intangible low-taxed income shall be included in the denominator of the apportionment fraction.

(d) For purposes of this subdivision, the term "[~~net~~] global intangible low-taxed income" means the amount required to be included in the taxpayer's federal gross income pursuant to subsection (a) of section 951A of the internal revenue code [~~less the amount of the deduction allowed under clause (i) of section 250(a)(1)(B) of such code~~].

§ 4. Paragraph 1 of subdivision (b) of section 1503 of the tax law is amended by adding two new subparagraphs (U) and (V) to read as follows:

(U) To the extent not excluded from income pursuant to subparagraph (A) of this paragraph, ninety-five percent of the income required to be included in the taxpayer's federal gross income pursuant to subsection (a) of section 951A of the internal revenue code, without regard to the deduction under section 250 of the internal revenue code, that is generated by a corporation that is not included in a combined report with the taxpayer.

(V) To the extent not excluded from income pursuant to subparagraph (A) or (B) of this paragraph, any amount treated as a dividend received by the taxpayer under section 78 of the internal revenue code that is attributable to the income required to be included in the taxpayer's

federal gross income pursuant to subsection (a) of section 951A of such code.

§ 5. Paragraph 2 of subdivision (b) of section 1503 of the tax law is amended by adding a new subparagraph (Y) to read as follows:

(Y) The amount of the federal deduction allowed pursuant to section 250(a)(1)(B) of the internal revenue code.

§ 6. Subparagraph (H) of paragraph 2 of subdivision (b) of section 1503 of the tax law, as amended by section 4-e of part KK of chapter 59 of the laws of 2018, is amended to read as follows:

(H) in the discretion of the commissioner, any amount of interest directly or indirectly and any other amount directly attributable as a carrying charge or otherwise to subsidiary capital or to income, gains or losses from subsidiary capital, or to the income described in [~~subparagraph~~] subparagraphs (S), (U) and (V) of paragraph one of this subdivision;

§ 7. This act shall take effect immediately and apply to taxable years beginning on or after January 1, 2019.

PART J

Section 1. Subparagraph (iv) of paragraph 8 of subdivision (b) of section 1101 of the tax law, as added by chapter 61 of the laws of 1989, is amended to read as follows:

(iv) For purposes of clause (E) of subparagraph (i) of this paragraph, a person shall be presumed to be regularly or systematically soliciting business in this state if, for the immediately preceding four quarterly periods ending on the last day of February, May, August and November, the cumulative total of such person's gross receipts from sales of property delivered in this state exceeds [~~three~~] five hundred thousand dollars and such person made more than one hundred sales of property delivered in this state, unless such person can demonstrate, to the satisfaction of the commissioner, that he cannot reasonably be expected to have gross receipts in excess of [~~three~~] five hundred thousand dollars or more than one hundred sales of property delivered in this state for the next succeeding four quarterly periods ending on the last day of February, May, August and November.

§ 2. Paragraph 1 of subdivision (e) of section 1101 of the tax law, as added by section 1 of part G of chapter 59 of the laws of 2019, is amended to read as follows:

(1) Marketplace provider. A person who, pursuant to an agreement with a marketplace seller, facilitates sales of tangible personal property by such marketplace seller or sellers. A person "facilitates a sale of tangible personal property" for purposes of this paragraph when the person meets both of the following conditions: (A) such person provides the forum in which, or by means of which, the sale takes place or the offer of sale is accepted, including a shop, store, or booth, an internet website, catalog, or similar forum; and (B) such person or an affiliate of such person collects the receipts paid by a customer to a marketplace seller for a sale of tangible personal property, or contracts with a third party to collect such receipts. For purposes of this paragraph, a "sale of tangible personal property" shall not include the rental of a passenger car as described in section eleven hundred sixty of this chapter but shall include a lease described in subdivision (i) of section eleven hundred eleven of this article. For purposes of this paragraph, persons are affiliated if one person has an ownership interest of more than five percent, whether direct or indirect, in

another, or where an ownership interest of more than five percent, whether direct or indirect, is held in each of such persons by another person or by a group of other persons that are affiliated persons with respect to each other. Notwithstanding anything in this paragraph, a person who is not otherwise registered pursuant to section eleven hundred thirty four of this article is not a marketplace provider if such person has no physical presence in New York and, for the immediately preceding four quarterly periods ending on the last day of February, May, August and November, can show that the cumulative total gross receipts of sales it has made or facilitated of property delivered in this state does not exceed [~~three~~] five hundred thousand dollars or that such person has not made or facilitated more than one hundred sales of property delivered in this state. However, such person may elect to register as a marketplace provider, and, once registered, will be subject to the provisions of this article.

§ 3. Any person who is a vendor solely by reason of clause (E) of subparagraph (i) of paragraph (8) of subdivision (b) of section eleven hundred one of the tax law, is registered to collect New York state and local sales and use taxes, and in good faith collected and remitted sales tax at the incorrect local rate, imposed pursuant to the authority of article 29 of the tax law, shall be liable for the additional sales tax due at such local rate but shall not be liable for any interest or penalties on such uncollected sales tax.

Such relief from interest and penalties shall apply only to sales made by such person in the immediately succeeding four quarterly periods ending in February, May, August and November, after the date on which such person becomes a "person required to collect tax" as defined in subdivision (1) of section 1131 of the tax law.

§ 4. This act shall take effect immediately; provided however, sections one and three of this act shall be deemed to have been in full force and effect on and after June 21, 2018 and section two of this act shall be deemed to have been in full force and effect on and after June 1, 2019.

PART K

Section 1. Subdivision (b) of section 11 of chapter 329 of the laws of 1991, amending the state finance law and other laws relating to the establishment of the dedicated highway and bridge trust fund, as amended by section 30 of part TTT of chapter 59 of the laws of 2019, is amended to read as follows:

(b) Any service contract or contracts for projects authorized pursuant to sections 10-c, 10-f, 10-g and 80-b of the highway law and section 14-k of the transportation law, and entered into pursuant to subdivision (a) of this section, shall provide for state commitments to provide annually to the thruway authority a sum or sums, upon such terms and conditions as shall be deemed appropriate by the director of the budget, to fund, or fund the debt service requirements of any bonds or any obligations of the thruway authority issued to fund or to reimburse the state for funding such projects having a cost not in excess of ten billion [~~seven hundred thirty-nine million four hundred seventy-eight thousand dollars $10,739,478,000~~] eight hundred five million seven hundred seventy-eight thousand dollars $10,805,778,000 cumulatively by the end of fiscal year 2019-20.

§ 2. Subdivision 1 of section 1689-i of the public authorities law, as amended by section 31 of part TTT of chapter 59 of the laws of 2019, is amended to read as follows:

1. The dormitory authority is authorized to issue bonds, at the request of the commissioner of education, to finance eligible library construction projects pursuant to section two hundred seventy-three-a of the education law, in amounts certified by such commissioner not to exceed a total principal amount of two hundred [~~thirty-one~~] **fifty-one** million dollars [~~$231,000,000~~] **$251,000,000**.

§ 3. Section 44 of section 1 of chapter 174 of the laws of 1968, constituting the New York state urban development corporation act, as amended by section 33 of part TTT of chapter 59 of the laws of 2019, is amended to read as follows:

§ 44. Issuance of certain bonds or notes. 1. Notwithstanding the provisions of any other law to the contrary, the dormitory authority and the corporation are hereby authorized to issue bonds or notes in one or more series for the purpose of funding project costs for the regional economic development council initiative, the economic transformation program, state university of New York college for nanoscale and science engineering, projects within the city of Buffalo or surrounding environs, the New York works economic development fund, projects for the retention of professional football in western New York, the empire state economic development fund, the clarkson-trudeau partnership, the New York genome center, the cornell university college of veterinary medicine, the olympic regional development authority, projects at nano Utica, onondaga county revitalization projects, Binghamton university school of pharmacy, New York power electronics manufacturing consortium, regional infrastructure projects, high tech innovation and economic development infrastructure program, high technology manufacturing projects in Chautauqua and Erie county, an industrial scale research and development facility in Clinton county, upstate revitalization initiative projects, downstate revitalization initiative, market New York projects, fairground buildings, equipment or facilities used to house and promote agriculture, the state fair, the empire state trail, the moynihan station development project, the Kingsbridge armory project, strategic economic development projects, the cultural, arts and public spaces fund, water infrastructure in the city of Auburn and town of Owasco, a life sciences laboratory public health initiative, not-for-profit pounds, shelters and humane societies, arts and cultural facilities improvement program, restore New York's communities initiative, heavy equipment, economic development and infrastructure projects, Roosevelt Island operating corporation capital projects, **Lake Ontario regional projects, Pennsylvania station and other transit projects** and other state costs associated with such projects. The aggregate principal amount of bonds authorized to be issued pursuant to this section shall not exceed nine billion [~~two~~] **eight** hundred [~~eleven~~] **twenty-one** million six hundred thirty-six thousand dollars [~~$9,211,636,000~~] **$9,821,636,000**, excluding bonds issued to fund one or more debt service reserve funds, to pay costs of issuance of such bonds, and bonds or notes issued to refund or otherwise repay such bonds or notes previously issued. Such bonds and notes of the dormitory authority and the corporation shall not be a debt of the state, and the state shall not be liable thereon, nor shall they be payable out of any funds other than those appropriated by the state to the dormitory authority and the corporation for principal, interest, and related expenses pursuant to a service contract and such bonds and notes shall contain on the face thereof a statement to such

effect. Except for purposes of complying with the internal revenue code, any interest income earned on bond proceeds shall only be used to pay debt service on such bonds.

2. Notwithstanding any other provision of law to the contrary, in order to assist the dormitory authority and the corporation in undertaking the financing for project costs for the regional economic development council initiative, the economic transformation program, state university of New York college for nanoscale and science engineering, projects within the city of Buffalo or surrounding environs, the New York works economic development fund, projects for the retention of professional football in western New York, the empire state economic development fund, the clarkson-trudeau partnership, the New York genome center, the cornell university college of veterinary medicine, the olympic regional development authority, projects at nano Utica, onondaga county revitalization projects, Binghamton university school of pharmacy, New York power electronics manufacturing consortium, regional infrastructure projects, New York State Capital Assistance Program for Transportation, infrastructure, and economic development, high tech innovation and economic development infrastructure program, high technology manufacturing projects in Chautauqua and Erie county, an industrial scale research and development facility in Clinton county, upstate revitalization initiative projects, downstate revitalization initiative, market New York projects, fairground buildings, equipment or facilities used to house and promote agriculture, the state fair, the empire state trail, the moynihan station development project, the Kingsbridge armory project, strategic economic development projects, the cultural, arts and public spaces fund, water infrastructure in the city of Auburn and town of Owasco, a life sciences laboratory public health initiative, not-for-profit pounds, shelters and humane societies, arts and cultural facilities improvement program, restore New York's communities initiative, heavy equipment, economic development and infrastructure projects, Roosevelt Island operating corporation capital projects, **Lake Ontario regional projects, Pennsylvania station and other transit projects** and other state costs associated with such projects the director of the budget is hereby authorized to enter into one or more service contracts with the dormitory authority and the corporation, none of which shall exceed thirty years in duration, upon such terms and conditions as the director of the budget and the dormitory authority and the corporation agree, so as to annually provide to the dormitory authority and the corporation, in the aggregate, a sum not to exceed the principal, interest, and related expenses required for such bonds and notes. Any service contract entered into pursuant to this section shall provide that the obligation of the state to pay the amount therein provided shall not constitute a debt of the state within the meaning of any constitutional or statutory provision and shall be deemed executory only to the extent of monies available and that no liability shall be incurred by the state beyond the monies available for such purpose, subject to annual appropriation by the legislature. Any such contract or any payments made or to be made thereunder may be assigned and pledged by the dormitory authority and the corporation as security for its bonds and notes, as authorized by this section.

§ 4. Subdivision 1 of section 386-b of the public authorities law, as amended by section 37 of part TTT of chapter 59 of the laws of 2019, is amended to read as follows:

1. Notwithstanding any other provision of law to the contrary, the authority, the dormitory authority and the urban development corporation

are hereby authorized to issue bonds or notes in one or more series for the purpose of financing peace bridge projects and capital costs of state and local highways, parkways, bridges, the New York state thruway, Indian reservation roads, and facilities, and transportation infrastructure projects including aviation projects, non-MTA mass transit projects, and rail service preservation projects, including work appurtenant and ancillary thereto. The aggregate principal amount of bonds authorized to be issued pursuant to this section shall not exceed four billion six hundred [~~twenty-eight~~] **forty-eight** million dollars [~~$4,628,000,000~~] **$4,648,000,000**, excluding bonds issued to fund one or more debt service reserve funds, to pay costs of issuance of such bonds, and to refund or otherwise repay such bonds or notes previously issued. Such bonds and notes of the authority, the dormitory authority and the urban development corporation shall not be a debt of the state, and the state shall not be liable thereon, nor shall they be payable out of any funds other than those appropriated by the state to the authority, the dormitory authority and the urban development corporation for principal, interest, and related expenses pursuant to a service contract and such bonds and notes shall contain on the face thereof a statement to such effect. Except for purposes of complying with the internal revenue code, any interest income earned on bond proceeds shall only be used to pay debt service on such bonds.

§ 5. Subdivision 1 of section 50 of section 1 of chapter 174 of the laws of 1968, constituting the New York state urban development corporation act, as amended by section 45 of part TTT of chapter 59 of the laws of 2019, is amended to read as follows:

1. Notwithstanding the provisions of any other law to the contrary, the dormitory authority and the urban development corporation are hereby authorized to issue bonds or notes in one or more series for the purpose of funding project costs undertaken by or on behalf of special act school districts, state-supported schools for the blind and deaf, approved private special education schools, non-public schools, community centers, day care facilities, **residential camps, day camps,** and other state costs associated with such capital projects. The aggregate principal amount of bonds authorized to be issued pursuant to this section shall not exceed one hundred [~~ten~~] **thirty** million dollars [~~$110,000,000~~] **$130,000,000**, excluding bonds issued to fund one or more debt service reserve funds, to pay costs of issuance of such bonds, and bonds or notes issued to refund or otherwise repay such bonds or notes previously issued. Such bonds and notes of the dormitory authority and the urban development corporation shall not be a debt of the state, and the state shall not be liable thereon, nor shall they be payable out of any funds other than those appropriated by the state to the dormitory authority and the urban development corporation for principal, interest, and related expenses pursuant to a service contract and such bonds and notes shall contain on the face thereof a statement to such effect. Except for purposes of complying with the internal revenue code, any interest income earned on bond proceeds shall only be used to pay debt service on such bonds.

§ 6. Subdivision 1 of section 49 of section 1 of chapter 174 of the laws of 1968, constituting the New York state urban development corporation act, as amended by section 46-a of part TTT of chapter 59 of the laws of 2019, is amended to read as follows:

1. Notwithstanding the provisions of any other law to the contrary, the dormitory authority and the corporation are hereby authorized to issue bonds or notes in one or more series for the purpose of funding

project costs for the state and municipal facilities program and other state costs associated with such capital projects. The aggregate principal amount of bonds authorized to be issued pursuant to this section shall not exceed two billion [~~four~~] seven hundred [~~thirteen~~] ninety-eight million five hundred thousand dollars, excluding bonds issued to fund one or more debt service reserve funds, to pay costs of issuance of such bonds, and bonds or notes issued to refund or otherwise repay such bonds or notes previously issued. Such bonds and notes of the dormitory authority and the corporation shall not be a debt of the state, and the state shall not be liable thereon, nor shall they be payable out of any funds other than those appropriated by the state to the dormitory authority and the corporation for principal, interest, and related expenses pursuant to a service contract and such bonds and notes shall contain on the face thereof a statement to such effect. Except for purposes of complying with the internal revenue code, any interest income earned on bond proceeds shall only be used to pay debt service on such bonds.

§ 7. Paragraph (b) of subdivision 3 and clause (B) of subparagraph (iii) of paragraph (j) of subdivision 4 of section 1 of part D of chapter 63 of the laws of 2005, relating to the composition and responsibilities of the New York state higher education capital matching grant board, as amended by section 59 of part BBB of chapter 59 of the laws of 2018, are amended to read as follows:

(b) Within amounts appropriated therefor, the board is hereby authorized and directed to award matching capital grants totaling [~~two hundred seventy~~] three hundred million dollars, $300,000,000. Each college shall be eligible for a grant award amount as determined by the calculations pursuant to subdivision five of this section. In addition, such colleges shall be eligible to compete for additional funds pursuant to paragraph (h) of subdivision four of this section.

(B) The dormitory authority shall not issue any bonds or notes in an amount in excess of [~~two hundred seventy~~] three hundred million dollars, $300,000,000 for the purposes of this section; excluding bonds or notes issued to fund one or more debt service reserve funds, to pay costs of issuance of such bonds, and bonds or notes issued to refund or otherwise repay such bonds or notes previously issued. Except for purposes of complying with the internal revenue code, any interest on bond proceeds shall only be used to pay debt service on such bonds.

§ 8. Paragraph (a) of subdivision 2 of section 47-e of the private housing finance law, as amended by section 29 of part TTT of chapter 59 of the laws of 2019, is amended to read as follows:

(a) Subject to the provisions of chapter fifty-nine of the laws of two thousand, in order to enhance and encourage the promotion of housing programs and thereby achieve the stated purposes and objectives of such housing programs, the agency shall have the power and is hereby authorized from time to time to issue negotiable housing program bonds and notes in such principal amount as shall be necessary to provide sufficient funds for the repayment of amounts disbursed (and not previously reimbursed) pursuant to law or any prior year making capital appropriations or reappropriations for the purposes of the housing program; provided, however, that the agency may issue such bonds and notes in an aggregate principal amount not exceeding [~~six billion one hundred seventy-eight million five hundred ninety-nine thousand dollars $6,178,599,000~~] six billion two hundred ninety million five hundred ninety-nine thousand dollars $6,290,599,000, plus a principal amount of bonds issued to fund the debt service reserve fund in accordance with

the debt service reserve fund requirement established by the agency and to fund any other reserves that the agency reasonably deems necessary for the security or marketability of such bonds and to provide for the payment of fees and other charges and expenses, including underwriters' discount, trustee and rating agency fees, bond insurance, credit enhancement and liquidity enhancement related to the issuance of such bonds and notes. No reserve fund securing the housing program bonds shall be entitled or eligible to receive state funds apportioned or appropriated to maintain or restore such reserve fund at or to a particular level, except to the extent of any deficiency resulting directly or indirectly from a failure of the state to appropriate or pay the agreed amount under any of the contracts provided for in subdivision four of this section.

§ 9. This act shall take effect immediately.

PART L

Section 1. Subdivision 4-b of section 2825-f of the public health law, as added by section 1 of part Q of chapter 57 of the laws of 2019, is amended to read as follows:

4-b. Authorized amounts to be awarded pursuant to applications submitted in response to the request for application number 17648 shall be awarded no later than [~~May~~] **September** first, two thousand nineteen.

§ 2. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after May 1, 2019.

PART M

Section 1. Subdivision (a) of section 2 of part F of chapter 60 of the laws of 2015 constituting the infrastructure investment act, as amended by section 1 of part RRR of chapter 59 of the laws of 2017, is amended to read as follows:

(a) (i) "authorized state entity" shall mean the New York state thruway authority, the department of transportation, the office of parks, recreation and historic preservation, the department of environmental conservation and the New York state bridge authority.

(ii) Notwithstanding the provisions of subdivision 26 of section 1678 of the public authorities law, section 8 of the public buildings law, sections 8 and 9 of section 1 of chapter 359 of the laws of 1968 as amended, section 103 of the general municipal law, and the provisions of any other law to the contrary, the term "authorized state entity" shall also refer to only those agencies or authorities identified below solely in connection with the following authorized projects, provided that such an authorized state entity may utilize the alternative delivery method referred to as design-build contracts solely in connection with the following authorized projects should the total cost of each such project not be less than five million dollars ($5,000,000):

	Authorized Projects	Authorized State Entity
1.	Frontier Town	Urban Development Corporation
2.	Life Sciences Laboratory	Dormitory Authority & Urban Development Corporation
3.	Whiteface Transformative Projects	New York State Olympic Regional

	Development Authority
4. Gore Transformative Projects	New York State Olympic Regional Development Authority
5. Belleayre Transformative Projects	New York State Olympic Regional Development Authority
6. Mt. Van Hoevenberg Transformative Projects	New York State Olympic Regional Development Authority
7. Olympic Training Center	**New York State Olympic Regional Development Authority**
8. Olympic Arena and Convention Center Complex	**New York State Olympic Regional Development Authority**
[~~7.~~] **9.** State Fair Revitalization Projects	Office of General Services
[~~8.~~] **10.** State Police Forensic Laboratory	Office of General Services

Notwithstanding any provision of law to the contrary, all rights or benefits, including terms and conditions of employment, and protection of civil service and collective bargaining status of all existing employees of authorized state entities solely in connection with the authorized projects listed above, shall be preserved and protected. Nothing in this section shall result in the: (1) displacement of any currently employed worker or loss of position (including partial displacement such as a reduction in the hours of non-overtime work, wages, or employment benefits) or result in the impairment of existing collective bargaining agreements; and (2) transfer of existing duties and functions related to maintenance and operations currently performed by existing employees of authorized state entities to a contracting entity. Nothing contained herein shall be construed to affect (A) the existing rights of employees pursuant to an existing collective bargaining agreement, and (B) the existing representational relationships among employee organizations or the bargaining relationships between the employer and an employee organization.

If otherwise applicable, authorized projects undertaken by the authorized state entities listed above solely in connection with the provisions of this act shall be subject to section 135 of the state finance law, section 101 of the general municipal law, and section 222 of the labor law; provided, however, that an authorized state entity may fulfill its obligations under section 135 of the state finance law or section 101 of the general municipal law by requiring the contractor to prepare separate specifications in accordance with section 135 of the state finance law or section 101 of the general municipal law, as the case may be.

§ 2. This act shall take effect immediately; provided, however that the amendments to the infrastructure investment act made by section one of this act shall not affect the repeal of such act and shall be deemed repealed therewith.

PART N

Section 1. Section 18 of chapter 26 of the laws of 2019, constituting the "Jose Peralta New York state DREAM act", is amended to read as follows:

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

[~~(a) section two of this act shall take effect January 1, 2020;~~

~~(b)~~] (a) sections fifteen and sixteen of this act shall take effect on the ninetieth day after it shall have become a law; provided, however, that any rule or regulation necessary for the timely implementation of this act on its effective date shall be promulgated on or before such effective date; and

[~~(c)~~] (b) sections three, four, five, six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, and seventeen of this act shall take effect [~~on the ninetieth day after~~] upon the issuance of regulations and the development of an application form by the president of the higher education services corporation and commissioner of education or on the ninetieth day after [~~it~~] this act shall have become a law, whichever shall be [~~later~~] sooner; provided, further, however that effective immediately the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized and directed to be made and completed on or before such date; provided, further, however, that the president of the higher education services corporation and the commissioner of education shall notify the legislative bill drafting commission upon the occurrence of the issuance of the regulations and the development of an application form in order that the commission may maintain an accurate and timely effective data base of the official text of the laws of the state of New York in furtherance of effectuating the provisions of section 44 of the legislative law and section 70-b of the public officers law.

§ 2. This act shall take effect immediately.

PART O

Section 1. Clauses 6 and 7 of subparagraph (B) of paragraph (i) of subdivision (b) of section 349-g of the highway law, as added by chapter 78 of the laws of 2018, are amended to read as follows:

6. Within the waters of Flushing Bay South 45°-38'-00" East, a distance of 1092.05' to a point in the waters of Flushing Bay, said point also being the westerly line of Tax Map Lot 65 Block [~~789~~] 1789, thence;

7. Along the westerly line of same South 05°-02'-52" East, a distance of 456.35' to a point in the westerly line of Tax Map Lot 65 Block [~~789~~] 1789, thence;

§ 2. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after chapter 78 of the laws of 2018 took effect, provided the amendments to section 349-g of the highway law made by section one of this act shall not affect the repeal of such section and shall be deemed repealed therewith.

PART P

Section 1. Subdivision 1 of section 1267 of the public authorities law, as amended by chapter 634 of the laws of 1965, is amended to read as follows:

1. In addition to the powers provided in section twelve hundred sixty-six of this title to acquire transportation facilities, equipment and real property, the authority may acquire, by condemnation pursuant to the [~~condemnation~~] eminent domain procedure law, any real property it may deem necessary, convenient or desirable to effectuate the purposes of this title, provided however, that any such condemnation proceedings shall be brought only in the supreme court and the compensation to be paid shall be ascertained and determined by the court without a jury[~~.~~

~~Notwithstand~~], **, and provided further that the rate of interest paid upon any judgment or accrued claim against the authority arising out of such condemnation proceedings shall not exceed six per centum. Notwithstanding** the foregoing provisions of this subdivision [~~one~~], no real property may be acquired by the authority by condemnation for purposes other than a transportation facility unless the governing body of the city, village or town in which such real property is located shall first consent to such condemnation.

§ 2. This act shall take effect immediately; provided that section one of this act shall be deemed repealed three years after such effective date, provided that any condemnation proceedings in process at the time of repeal shall not be affected by such repeal.

PART Q

Section 1. Subdivision j of section 26-510 of the administrative code of the city of New York, as added by section 1 of part C of chapter 36 of the laws of 2019, is amended to read as follows:

j. Notwithstanding any other provision of this law, the adjustment for vacancy leases covered by the provisions of this law shall be determined exclusively pursuant to this section. [~~County~~] **The** rent guidelines [~~boards~~] **board** shall no longer promulgate adjustments for vacancy leases unless otherwise authorized by this chapter.

§ 2. Subdivision e of section 4 of section 4 of chapter 576 of the laws of 1974, constituting the emergency tenant protection act of nineteen seventy-four, as added by section 2 of part C of chapter 36 of the laws of 2019, is amended to read as follows:

e. Notwithstanding any other provision of this act, the adjustment for vacancy leases covered by the provisions of this act shall be determined exclusively pursuant to section ten of this act. [~~County rent~~] **Rent** guidelines boards shall no longer promulgate adjustments for vacancy leases.

§ 3. The opening paragraph of subdivision b of section 4 of section 4 of chapter 576 of the laws of 1974, constituting the emergency tenant protection act of nineteen seventy-four, as amended by section 3 of part C of chapter 36 of the laws of 2019, is amended to read as follows:

A county rent guidelines board shall establish annual guidelines for rent adjustments which, at its sole discretion may be varied and different for and within the several zones and jurisdictions of the board, and in determining whether rents for housing accommodations as to which an emergency has been declared pursuant to this act shall be adjusted, shall consider among other things (1) the economic condition of the residential real estate industry in the affected area including such factors as the prevailing and projected (i) real estate taxes and sewer and water rates, (ii) gross operating maintenance costs (including insurance rates, governmental fees, cost of fuel and labor costs), (iii) costs and availability of financing (including effective rates of interest), (iv) over-all supply of housing accommodations and over-all vacancy rates, (2) relevant data from the current and projected cost of living indices for the affected area, (3) such other data as may be made available to it. As soon as practicable after its creation and thereafter not later than July first of each year, a rent guidelines board shall file with the state division of housing and community renewal its findings for the preceding calendar year, and shall accompany such findings with a statement of the maximum rate or rates of rent adjustment, if any, for one or more classes of accommodation subject to this act,

authorized for leases or other rental agreements commencing during the next succeeding twelve months. The standards for rent adjustments may be applicable for the entire county or may be varied according to such zones or jurisdictions within such county as the board finds necessary to achieve the purposes of this subdivision. A [~~county~~] rent guidelines board shall not establish annual guidelines for rent adjustments based on the current rental cost of a unit or on the amount of time that has elapsed since another rent increase was authorized pursuant to this chapter.

§ 4. Section 5 of part C of chapter 36 of the laws of 2019, amending the administrative code of the city of New York and the emergency tenant protection act of nineteen seventy-four relating to vacancy of certain housing accommodations and to amend the emergency tenant protection act of nineteen seventy-four and the administrative code of the city of New York relating to prohibiting a county rent guidelines board from establishing rent adjustments for class A dwelling units based on certain considerations, is amended to read as follows:

§ 5. This act shall take effect immediately**; provided, further, that the amendments to section 26-510 of chapter 4 of title 26 of the administrative code of the city of New York made by sections one and four of this act shall expire on the same date as such law expires and shall not affect the expiration of such law as provided under section 26-520 of such law**.

§ 5. Section 6 of part D of chapter 36 of the laws of 2019 amending the emergency tenant protection act of nineteen seventy-four, relating to vacancies in certain housing accommodations, is amended to read as follows:

§ 6. Paragraph 12 of subdivision a of section 5 of **section 4 of** chapter 576 of the laws of 1974, constituting the emergency tenant protection act of nineteen seventy-four, is REPEALED.

§ 6. Section 7 of part D of chapter 36 of the laws of 2019 amending the emergency tenant protection act of nineteen seventy-four, relating to vacancies in certain housing accommodations, is amended to read as follows:

§ 7. Section 5-a **of section 4** of chapter 576 of the laws of 1974, constituting the emergency tenant protection act of nineteen seventy-four, is REPEALED.

§ 7. Section 26-403.1 of the administrative code of the city of New York is REPEALED.

§ 8. Subparagraph (j) of paragraph 2 of subdivision (e) of section 26-403 of the administrative code of the city of New York is REPEALED.

§ 9. Section 2-a of chapter 274 of the laws of 1946, constituting the emergency housing rent control law, is REPEALED.

§ 10. Section 8 of part D of chapter 36 of the laws of 2019, amending the emergency tenant protection act of nineteen seventy-four, relating to vacancies in certain housing accommodations, is amended to read as follows:

§ 8. This act shall take effect immediately**; provided however, that (i) any unit that was lawfully deregulated prior to June 14, 2019 shall remain deregulated; and (ii) a market rate unit in a multiple dwelling which receives benefits pursuant to subdivision 16 of section 421-a of the real property tax law shall be subject to the deregulation provisions of rent stabilization as provided by law prior to June 14, 2019**.

§ 11. Subdivision (a-2) of section 10 of section 4 of chapter 576 of the laws of 1974, constituting the emergency tenant protection act of

nineteen seventy-four, as amended by section 1 of part E of chapter 36 of the laws of 2019, is amended to read as follows:

(a-2) Where the amount of rent charged to and paid by the tenant is less than the legal regulated rent for the housing accommodation, the amount of rent for such housing accommodation which may be charged upon vacancy thereof, may, at the option of the owner, be based upon such previously established legal regulated rent, as adjusted by the most recent applicable guidelines increases and other increases authorized by law. [~~Any~~] **For any** tenant who is subject to a lease on or after the effective date of a chapter of the laws of two thousand nineteen which amended this subdivision, or is or was entitled to receive a renewal or vacancy lease on or after such date, upon renewal of such lease, the amount of rent for such housing accommodation that may be charged and paid shall be no more than the rent charged to and paid by the tenant prior to that renewal, as adjusted by the most recent applicable guidelines increases and any other increases authorized by law. Provided, however, that for buildings that are subject to this statute by virtue of a regulatory agreement with a local government agency and which buildings receive federal project based rental assistance administered by the United States department of housing and urban development or a state or local section eight administering agency, where the rent set by the federal, state or local governmental agency is less than the legal regulated rent for the housing accommodation, the amount of rent for such housing accommodation which may be charged **with the approval of such federal, state or local governmental agency** upon renewal or upon vacancy thereof, may be based upon such previously established legal regulated rent, as adjusted by the most recent applicable guidelines increases or other increases authorized by law; and further provided that such vacancy shall not be caused by the failure of the owner or an agent of the owner, to maintain the housing accommodation in compliance with the warranty of habitability set forth in subdivision one of section two hundred thirty-five-b of the real property law.

§ 12. Paragraph 14 of subdivision c of section 26-511 of the administrative code of the city of New York, as amended by section 2 of part E of chapter 36 of the laws of 2019, is amended to read as follows:

(14) where the amount of rent charged to and paid by the tenant is less than the legal regulated rent for the housing accommodation, the amount of rent for such housing accommodation which may be charged upon vacancy thereof, may, at the option of the owner, be based upon such previously established legal regulated rent, as adjusted by the most recent applicable guidelines increases and any other increases authorized by law. [~~Any~~] **For any** tenant who is subject to a lease on or after the effective date of a chapter of the laws of two thousand nineteen which amended this paragraph, or is or was entitled to receive a renewal or vacancy lease on or after such date, upon renewal of such lease, the amount of rent for such housing accommodation that may be charged and paid shall be no more than the rent charged to and paid by the tenant prior to that renewal, as adjusted by the most recent applicable guidelines increases and any other increases authorized by law. Provided, however, that for buildings that are subject to this statute by virtue of a regulatory agreement with a local government agency and which buildings receive federal project based rental assistance administered by the United States department of housing and urban development or a state or local section eight administering agency, where the rent set by the federal, state or local governmental agency is less than the legal regulated rent for the housing accommodation, the amount of rent for

such housing accommodation which may be charged **with the approval of such federal, state or local governmental agency** upon renewal or upon vacancy thereof, may be based upon such previously established legal regulated rent, as adjusted by the most recent applicable guidelines increases and other increases authorized by law; and further provided that such vacancy shall not be caused by the failure of the owner or an agent of the owner, to maintain the housing accommodation in compliance with the warranty of habitability set forth in subdivision one of section two hundred thirty-five-b of the real property law.

§ 13. Paragraph 9 of subdivision a of section 12 of section 4 of chapter 576 of the laws of 1974, constituting the emergency tenant protection act of nineteen seventy-four, as added by section 2 of part F of chapter 36 of the laws of 2019, is amended to read as follows:

(9) The division of housing and community renewal and the courts, in investigating complaints of overcharge and in determining legal regulated rents, shall consider all available rent history which is reasonably necessary to make such determinations, including but not limited to (a) any rent registration or other records filed with the state division of housing and community renewal, or any other state, municipal or federal agency, regardless of the date to which the information on such registration refers; (b) any order issued by any state, municipal or federal agency; (c) any records maintained by the owner or tenants; and (d) any public record kept in the regular course of business by any state, municipal or federal agency. Nothing contained in this paragraph shall limit the examination of rent history relevant to a determination as to:

(i) whether the legality of a rental amount charged or registered is reliable in light of all available evidence including, but not limited to, whether an unexplained increase in the registered or lease rents, or a fraudulent scheme to destabilize the housing accommodation, rendered such rent or registration unreliable;

(ii) whether an accommodation is subject to the emergency tenant protection act;

(iii) whether an order issued by the division of housing and community renewal or a court of competent jurisdiction, including, but not limited to an order issued pursuant to section [~~26-514 of the administrative code of the city of New York~~] **seven of this act**, or any regulatory agreement or other contract with any governmental agency, and remaining in effect within six years of the filing of a complaint pursuant to this section, affects or limits the amount of rent that may be charged or collected;

(iv) whether an overcharge was or was not willful;

(v) whether a rent adjustment that requires information regarding the length of occupancy by a present or prior tenant was lawful;

(vi) the existence or terms and conditions of a preferential rent, or the propriety of a legal registered rent during a period when the tenants were charged a preferential rent;

(vii) the legality of a rent charged or registered immediately prior to the registration of a preferential rent; or

(viii) the amount of the legal regulated rent where the apartment was vacant or temporarily exempt on the date six years prior to a tenant's complaint.

§ 14. Subparagraph (b) of paragraph 9 of subdivision c of section 26-511 of the administrative code of the city of New York, as amended by section 2 of part I of chapter 36 of the laws of 2019, is amended to read as follows:

(b) where he or she seeks to recover possession of one dwelling unit because of immediate and compelling necessity for his or her own personal use and occupancy as his or her primary residence or for the use and occupancy of a member of his or her immediate family as his or her primary residence, provided however, that this subparagraph shall permit recovery of only one dwelling unit and shall not apply where a tenant or the spouse of a tenant lawfully occupying the dwelling unit is sixty-two years of age or older, has been a tenant in a dwelling unit in that building for fifteen years or more, or has an impairment which results from anatomical, physiological or psychological conditions, other than addiction to alcohol, gambling, or any controlled substance, which are demonstrable by medically acceptable clinical and laboratory diagnostic techniques, and which are expected to be permanent and which prevent the tenant from engaging in any substantial gainful employment, unless such owner offers to provide and if requested, provides an equivalent or superior housing accommodation at the same or lower stabilized rent in a closely proximate area. The provisions of this subparagraph shall only permit one of the individual owners of any building to recover possession of one dwelling unit for his or her own personal use and/or for that of his or her immediate family. A dwelling unit recovered by an owner pursuant to this subparagraph shall not for a period of three years be rented, leased, subleased or assigned to any person other than a person for whose benefit recovery of the dwelling unit is permitted pursuant to this subparagraph or to the tenant in occupancy at the time of recovery under the same terms as the original lease; provided, however, that a tenant required to surrender a [~~housing accommodation by virtue of the operation of subdivision g or h of section 26-408 of this title~~] dwelling unit under this subparagraph shall have a cause of action in any court of competent jurisdiction for damages, declaratory, and injunctive relief against a landlord or purchaser of the premises who makes a fraudulent statement regarding a proposed use of the housing accommodation. In any action or proceeding brought pursuant to this subparagraph a prevailing tenant shall be entitled to recovery of actual damages, and reasonable attorneys' fees. This subparagraph shall not be deemed to establish or eliminate any claim that the former tenant of the dwelling unit may otherwise have against the owner. Any such rental, lease, sublease or assignment during such period to any other person may be subject to a penalty of a forfeiture of the right to any increases in residential rents in such building for a period of three years; or

§ 15. Subdivision a of section 10 of section 4 of chapter 576 of the laws of 1974, constituting the emergency tenant protection act of nineteen seventy-four, as amended by section 3 of part I of chapter 36 of the laws of 2019, is amended to read as follows:

a. For cities having a population of less than one million and towns and villages, the state division of housing and community renewal shall be empowered to implement this act by appropriate regulations. Such regulations may encompass such speculative or manipulative practices or renting or leasing practices as the state division of housing and community renewal determines constitute or are likely to cause circumvention of this act. Such regulations shall prohibit practices which are likely to prevent any person from asserting any right or remedy granted by this act, including but not limited to retaliatory termination of periodic tenancies and shall require owners to grant a new one or two year vacancy or renewal lease at the option of the tenant, except where a mortgage or mortgage commitment existing as of the local effective date of this act provides that the owner shall not grant a one-year lease; and shall

prescribe standards with respect to the terms and conditions of new and renewal leases, additional rent and such related matters as security deposits, advance rental payments, the use of escalator clauses in leases and provision for increase in rentals for garages and other ancillary facilities, so as to [~~insure~~] **ensure** that the level of rent adjustments authorized under this law will not be subverted and made ineffective. Any provision of the regulations permitting an owner to refuse to renew a lease on grounds that the owner seeks to recover possession of a housing accommodation for his or her own use and occupancy or for the use and occupancy of his or her immediate family shall permit recovery of only one housing accommodation, shall require that an owner demonstrate immediate and compelling need and that the housing accommodation will be the proposed occupants' primary residence and shall not apply where a member of the housing accommodation is sixty-two years of age or older, has been a tenant in a housing accommodation in that building for fifteen years or more, or has an impairment which results from anatomical, physiological or psychological conditions, other than addiction to alcohol, gambling, or any controlled substance, which are demonstrable by medically acceptable clinical and laboratory diagnostic techniques, and which are expected to be permanent and which prevent the tenant from engaging in any substantial gainful employment; provided, however, that a tenant required to surrender a housing accommodation [~~by virtue of the operation of subdivision g or h of section 26-408 of the administrative code of the city of New York~~] **under this subdivision** shall have a cause of action in any court of competent jurisdiction for damages, declaratory, and injunctive relief against a landlord or purchaser of the premises who makes a fraudulent statement regarding a proposed use of the housing accommodation. In any action or proceeding brought pursuant to this subdivision a prevailing tenant shall be entitled to recovery of actual damages, and reasonable attorneys' fees.

§ 16. Paragraph (a) of subdivision 2 of section 5 of chapter 274 of the laws of 1946, constituting the emergency housing rent control law, as amended by section 4 of part I of chapter 36 of the laws of 2019, is amended to read as follows:

(a) the landlord seeks in good faith to recover possession of a housing accommodation because of immediate and compelling necessity for his or her own personal use and occupancy as his or her primary residence or for the use and occupancy of his or her immediate family as their primary residence; provided, however, this subdivision shall permit recovery of only one housing accommodation and shall not apply where a member of the household lawfully occupying the housing accommodation is sixty-two years of age or older, has been a tenant in a housing accommodation in that building for fifteen years or more, or has an impairment which results from anatomical, physiological or psychological conditions, other than addiction to alcohol, gambling, or any controlled substance, which are demonstrable by medically acceptable clinical and laboratory diagnostic techniques, and which are expected to be permanent and which prevent the tenant from engaging in any substantial gainful employment; provided, however, that a tenant required to surrender a housing accommodation [~~by virtue of the operation of subdivision g or h of section 26-408 of the administrative code of the city of New York~~] **under this paragraph** shall have a cause of action in any court of competent jurisdiction for damages, declaratory, and injunctive relief against a landlord or purchaser of the premises who makes a fraudulent statement regarding a proposed use of the housing accommodation. In any action or proceeding brought pursuant to this paragraph a prevailing tenant shall

be entitled to recovery of actual damages, and reasonable attorneys' fees; or

§ 17. Paragraphs 6 and 10 of subdivision a of section 5 of section 4 of chapter 576 of the laws of 1974, constituting the emergency tenant protection act of nineteen seventy-four, paragraph 6 as amended by chapter 403 of the laws of 1983 and paragraph 10 as amended by section 1 of part J of chapter 36 of the laws of 2019, are amended to read as follows:

(6) housing accommodations owned or operated by a hospital, convent, monastery, asylum, public institution, or college or school dormitory or any institution operated exclusively for charitable or educational purposes on a non-profit basis other than **(i)** those accommodations occupied by a tenant on the date such housing accommodation is acquired by any such institution, or which are occupied subsequently by a tenant who is not affiliated with such institution at the time of his initial occupancy **or (ii) permanent housing accommodations with government contracted services, as of and after June fourteenth, two thousand nineteen, to vulnerable individuals or individuals with disabilities who are or were homeless or at risk of homelessness; provided, however, that the terms of leases in existence as of June fourteenth, two thousand nineteen, shall only be affected upon lease renewal, and further provided that upon the vacancy of such housing accommodations, the legal regulated rent for such housing accommodations shall be the legal regulated rent paid for such housing accommodations by the prior tenant, subject only to any adjustment adopted by the applicable rent guidelines board**;

(10) housing accommodations in buildings operated exclusively for charitable purposes on a non-profit basis except for permanent housing accommodations with government contracted services, as of and after the effective date of the chapter of the laws of two thousand nineteen that amended this paragraph, to vulnerable individuals or individuals with disabilities who are or were homeless or at risk of homelessness; provided, however, that **the** terms of leases in existence as of the effective date of the chapter of the laws of two thousand nineteen that amended this paragraph, shall only be affected upon lease renewal, and further provided that upon the vacancy of such housing accommodations**,** **the legal regulated rent for such housing accommodations** shall be the legal regulated rent paid for such housing accommodations by the prior tenant, subject only to any adjustment adopted by the applicable rent guidelines board;

§ 18. Paragraph 1 of subdivision d of section 6 of section 4 of chapter 576 of the laws of 1974, constituting the emergency tenant protection act of nineteen seventy-four, as amended by section 1 of part K of chapter 36 of the laws of 2019, is amended to read as follows:

(1) there has been a substantial modification or increase of dwelling space, or installation of new equipment or improvements or new furniture or furnishings, provided in or to a tenant's housing accommodation, on written informed tenant consent to the rent increase. In the case of a vacant housing accommodation, tenant consent shall not be required. The temporary increase in the legal regulated rent for the affected housing accommodation shall be one-one hundred sixty-eighth, in the case of a building with thirty-five or fewer housing accommodations or one-one hundred eightieth in the case of a building with more than thirty-five housing accommodations where such increase takes effect on or after the effective date of the chapter of the laws of two thousand nineteen that amended this paragraph, of the total actual cost incurred by the landlord up to fifteen thousand dollars in providing such reasonable and

verifiable modification or increase in dwelling space, furniture, furnishings, or equipment, including the cost of installation but excluding finance charges and any costs that exceed reasonable costs established by rules and regulations promulgated by the division of housing and community renewal. Such rules and regulations shall include: (i) requirements for work to be done by licensed contractors and a prohibition on common ownership between the landlord and the contractor or vendor; and (ii) a requirement that the owner resolve within the dwelling space all outstanding hazardous or immediately hazardous violations of the Uniform Fire Prevention and Building Code (Uniform Code), New York City Fire Code, or New York City Building and Housing Maintenance Codes, if applicable. Provided further that an owner who is entitled to a rent increase pursuant to this paragraph shall not be entitled to a further rent increase based upon the installation of similar equipment, or new furniture or furnishings within the useful life of such new equipment, or new furniture or furnishings. Provided further that the recoverable costs incurred by the landlord, pursuant to this paragraph, shall be limited to an aggregate cost of fifteen thousand dollars that may be expended on no more than three separate individual apartment improvements in a fifteen year period **beginning with the first individual apartment improvement on or after June fourteenth, two thousand nineteen**. Provided further that increases to the legal regulated rent pursuant to this paragraph shall be removed from the legal regulated rent thirty years from the date the increase became effective inclusive of any increases granted by the applicable rent guidelines board.

§ 19. Paragraph 13 of subdivision c of section 26-511 of the administrative code of the city of New York, as amended by section 2 of part K of chapter 36 of the laws of 2019, is amended to read as follows:

(13) provides that an owner is entitled to a rent increase where there has been a substantial modification or increase of dwelling space, or installation of new equipment or improvements or new furniture or furnishings provided in or to a tenant's housing accommodation, on written informed tenant consent to the rent increase. In the case of a vacant housing accommodation, tenant consent shall not be required. The temporary increase in the legal regulated rent for the affected housing accommodation shall be one-one hundred sixty-eighth, in the case of a building with thirty-five or fewer housing accommodations or one-one hundred eightieth in the case of a building with more than thirty-five housing accommodations where such increase takes effect on or after the effective date of the chapter of the laws of two thousand nineteen that amended this paragraph, of the total actual cost incurred by the landlord in providing such reasonable and verifiable modification or increase in dwelling space, furniture, furnishings, or equipment, including the cost of installation but excluding finance charges and any costs that exceed reasonable costs established by rules and regulations promulgated by the division of housing and community renewal. Such rules and regulations shall include: (i) requirements for work to be done by licensed contractors and prohibit common ownership between the landlord and the contractor or vendor; and (ii) a requirement that the owner resolve within the dwelling space all outstanding hazardous or immediately hazardous violations of the Uniform Fire Prevention and Building Code (Uniform Code), New York City Fire Code, or New York City Building and Housing Maintenance Codes, if applicable. Provided further that an owner who is entitled to a rent increase pursuant to this paragraph shall not be entitled to a further rent increase based upon the instal-

lation of similar equipment, or new furniture or furnishings within the useful life of such new equipment, or new furniture or furnishings. Provided further that the recoverable costs incurred by the landlord, pursuant to this paragraph, shall be limited to an aggregate cost of fifteen thousand dollars that may be expended on no more than three separate individual apartment improvements in a fifteen year period **beginning with the first individual apartment improvement on or after June fourteenth, two thousand nineteen**. Provided further that increases to the legal regulated rent pursuant to this paragraph shall be removed from the legal regulated rent thirty years from the date the increase became effective inclusive of any increases granted by the applicable rent guidelines board.

§ 20. Subparagraph (e) of paragraph 1 of subdivision g of section 26-405 of the administrative code of the city of New York, as amended by section 3 of part K of chapter 36 of the laws of 2019, is amended to read as follows:

(e) The landlord and tenant by mutual voluntary written agreement demonstrating informed consent agree to a substantial increase or decrease in dwelling space or a change in furniture, furnishings or equipment provided in the housing accommodations. An adjustment under this subparagraph shall be equal to one-one hundred sixty-eighth, in the case of a building with thirty-five or fewer housing accommodations or one-one hundred eightieth in the case of a building with more than thirty-five housing accommodations where such temporary adjustment takes effect on or after the effective date of the chapter of the laws of two thousand nineteen that amended this subparagraph, of the total actual cost incurred by the landlord in providing such reasonable and verifiable modification or increase in dwelling space, furniture, furnishings, or equipment, including the cost of installation but excluding finance charges and any costs that exceed reasonable costs established by rules and regulations promulgated by the division of housing and community renewal. Such rules and regulations shall include: (i) requirements for work to be done by licensed contractors and prohibit common ownership between the landlord and the contractor or vendor; and (ii) a requirement that the owner resolve within the dwelling space all outstanding hazardous or immediately hazardous violations of the Uniform Fire Prevention and Building Code (Uniform Code), New York City Fire Code, or New York City Building and Housing Maintenance Codes, if applicable. Provided further that an owner who is entitled to a rent increase pursuant to this subparagraph shall not be entitled to a further rent increase based upon the installation of similar equipment, or new furniture or furnishings within the useful life of such new equipment, or new furniture or furnishings. Provided further that the recoverable costs incurred by the landlord, pursuant to this subparagraph shall be limited to an aggregate cost of fifteen thousand dollars that may be expended on no more than three separate individual apartment improvements in a fifteen year period **beginning with the first individual apartment improvement on or after June fourteenth, two thousand nineteen**. Provided further that increases to the legal regulated rent pursuant to this subparagraph shall be removed from the legal regulated rent thirty years from the date the increase became effective inclusive of any increases granted by the applicable rent guidelines board. The owner shall give written notice to the city rent agency of any such temporary adjustment pursuant to this subparagraph; or

§ 21. Paragraphs 8 and 12 of subdivision a of section 26-511.1 of the administrative code of the city of New York, as added by section 4 of

part K of chapter 36 of the laws of 2019, are amended to read as follows:

(8) establish that temporary major capital improvement increases shall be collectible prospectively **on the first day of the first month beginning** sixty days from the date of mailing notice of approval to the tenant. Such notice shall disclose the total monthly increase in rent and the first month in which the tenant would be required to pay the temporary increase. An approval for a temporary major capital improvement increase shall not include retroactive payments. The collection of any increase shall not exceed two percent in any year from the effective date of the order granting the increase over the rent set forth in the schedule of gross rents, with collectability of any dollar excess above said sum to be spread forward in similar increments and added to the rent as established or set in future years. Upon vacancy, the landlord may add any remaining balance of the temporary major capital improvement increase to the legal regulated rent. Notwithstanding any other provision of the law, **for any renewal lease commencing on or after June 14, 2019,** the collection of any rent increases due to any major capital improvements approved on or after June 16, 2012 and before June 16, 2019 shall not exceed two percent in any year [~~**beginning on or after September 1, 2019**~~] for any tenant in occupancy on the date the major capital improvement was approved;

(12) establish a form **in the top six languages other than English spoken in the state according to the latest available data from the U.S. Bureau of Census** for a temporary individual apartment improvement rent increase for a tenant in occupancy which shall be used by landlords to obtain written informed consent that shall include the estimated total cost of the improvement and the estimated monthly rent increase. [~~**Such consent shall be executed in the tenant's primary language.**~~] Such form shall be completed and preserved in the centralized electronic retention system **to be operational by June 14, 2020**. Nothing herein shall relieve a landlord, lessor, or agent thereof of his or her duty to retain proper documentation of all improvements performed or any rent increases resulting from said improvements.

§ 22. Paragraphs 8 and 12 of subdivision a of section 26-405.1 of the administrative code of the city of New York, as added by section 5 of part K of chapter 36 of the laws of 2019, are amended to read as follows:

(8) establish that temporary major capital improvement increases shall be collectible prospectively **on the first day of the first month beginning** sixty days from the date of mailing notice of approval to the tenant. Such notice shall disclose the total monthly increase in rent and the first month in which the tenant would be required to pay the temporary increase. An approval for a temporary major capital improvement increase shall not include retroactive payments. The collection of any increase shall not exceed two percent in any year from the effective date of the order granting the increase over the rent set forth in the schedule of gross rents, with collectability of any dollar excess above said sum to be spread forward in similar increments and added to the rent as established or set in future years. Upon vacancy, the landlord may add any remaining balance of the temporary major capital improvement increase to the legal regulated rent. Notwithstanding any other provision of the law, **for any renewal lease commencing on or after June 14, 2019,** the collection of any rent increases due to any major capital improvements approved on or after June 16, 2012 and before June 16, 2019 shall not exceed two percent in any year [~~**beginning on or after Septem-**~~

~~ber 1, 2019~~] for any tenant in occupancy on the date the major capital improvement was approved;

(12) establish a form **in the top six languages other than English spoken in the state according to the latest available data from the U.S. Bureau of Census** for a temporary individual apartment improvement rent increase for a tenant in occupancy which shall be used by landlords to obtain written informed consent that shall include the estimated total cost of the improvement and the estimated monthly rent increase. [~~Such consent shall be executed in the tenant's primary language.~~] Such form shall be completed and preserved in the centralized electronic retention system **to be operational by June 14, 2020**. Nothing herein shall relieve a landlord, lessor, or agent thereof of his or her duty to retain proper documentation of all improvements performed or any rent increases resulting from said improvements.

§ 23. Paragraphs 8 and 12 of subdivision (a) of section 10-b of section 4 of chapter 576 of the laws of 1974, constituting the emergency tenant protection act of nineteen seventy-four, as added by section 6 of part K of chapter 36 of the laws of 2019, are amended to read as follows:

8. establish that temporary major capital improvement increases shall be collectible prospectively **on the first day of the first month beginning** sixty days from the date of mailing notice of approval to the tenant. Such notice shall disclose the total monthly increase in rent and the first month in which the tenant would be required to pay the temporary increase. An approval for a temporary major capital improvement increase shall not include retroactive payments. The collection of any increase shall not exceed two percent in any year from the effective date of the order granting the increase over the rent set forth in the schedule of gross rents, with collectability of any dollar excess above said sum to be spread forward in similar increments and added to the rent as established or set in future years. Upon vacancy, the landlord may add any remaining balance of the temporary major capital improvement increase to the legal regulated rent. Notwithstanding any other provision of the law, **for any renewal lease commencing on or after June 14, 2019,** the collection of any rent increases due to any major capital improvements approved on or after June 16, 2012 and before June 16, 2019 shall not exceed two percent in any year [~~beginning on or after September 1, 2019~~] for any tenant in occupancy on the date the major capital improvement was approved;

12. establish a form **in the top six languages other than English spoken in the state according to the latest available data from the U.S. Bureau of Census** for a temporary individual apartment improvement rent increase for a tenant in occupancy which shall be used by landlords to obtain written informed consent that shall include the estimated total cost of the improvement and the estimated monthly rent increase. [~~Such consent shall be executed in the tenant's primary language.~~] Such form shall be completed and preserved in the centralized electronic retention system **to be operational by June 14, 2020**. Nothing herein shall relieve a landlord, lessor, or agent thereof of his or her duty to retain proper documentation of all improvements performed or any rent increases resulting from said improvements.

§ 24. Paragraphs (h) and (l) of subdivision 1 of section 8-a of chapter 274 of the laws of 1946, constituting the emergency housing rent control law, as added by section 7 of part K of chapter 36 of the laws of 2019, are amended to read as follows:

(h) establish that temporary major capital improvement increases shall be collectible prospectively **on the first day of the first month beginning** sixty days from the date of mailing notice of approval to the tenant. Such notice shall disclose the total monthly increase in rent and the first month in which the tenant would be required to pay the temporary increase. An approval for a temporary major capital improvement increase shall not include retroactive payments. The collection of any increase shall not exceed two percent in any year from the effective date of the order granting the increase over the rent set forth in the schedule of gross rents, with collectability of any dollar excess above said sum to be spread forward in similar increments and added to the rent as established or set in future years. Upon vacancy, the landlord may add any remaining balance of the temporary major capital improvement increases to the legal regulated rent. Notwithstanding any other provision of the law, **for any renewal lease commencing on or after June 14, 2019,** the collection of any rent increases due to any major capital improvements approved on or after June 16, 2012 and before June 16, 2019 shall not exceed two percent in any year [~~**beginning on or after September 1, 2019**~~] for any tenant in occupancy on the date the major capital improvement was approved;

(l) establish a form **in the top six languages other than English spoken in the state according to the latest available data from the U.S. Bureau of Census** for a temporary individual apartment improvement rent increase for a tenant in occupancy which shall be used by landlords to obtain written informed consent that shall include the estimated total cost of the improvement and the estimated monthly rent increase. [~~**Such consent shall be executed in the tenant's primary language.**~~] Such form shall be completed and preserved in the centralized electronic retention system **to be operational by June 14, 2020**. Nothing herein shall relieve a landlord, lessor, or agent thereof of his or her duty to retain proper documentation of all improvements performed or any rent increases resulting from said improvements.

§ 25. Subparagraph 7 of the second undesignated paragraph of paragraph (a) of subdivision 4 of section 4 of chapter 274 of the laws of 1946, constituting the emergency housing rent control law, as amended by section 8 of part K of chapter 36 of the laws of 2019, is amended to read as follows:

(7) there has been since March first, nineteen hundred fifty, a major capital improvement essential for the preservation, energy efficiency, functionality, or infrastructure of the entire building, improvement of the structure including heating, windows, plumbing and roofing, but shall not be for operational costs or unnecessary cosmetic improvements; which for any order of the commissioner issued after the effective date of the chapter of the laws of two thousand nineteen that amended this paragraph the cost of such improvement shall be amortized over a twelve-year period for buildings with thirty-five or fewer units or a twelve and one-half year period for buildings with more than thirty-five units, and shall be removed from the legal regulated rent thirty years from the date the increase became effective inclusive of any increases granted by the applicable rent guidelines board. Temporary major capital improvement increases shall be collectible prospectively **on the first day of the first month beginning** sixty days from the date of mailing notice of approval to the tenant. Such notice shall disclose the total monthly increase in rent and the first month in which the tenant would be required to pay the temporary increase. An approval for a temporary major capital improvement increase shall not include retroactive

payments. The collection of any increase shall not exceed two percent in any year from the effective date of the order granting the increase over the rent set forth in the schedule of gross rents, with collectability of any dollar excess above said sum to be spread forward in similar increments and added to the rent as established or set in future years. Upon vacancy, the landlord may add any remaining balance of the temporary major capital improvement increase to the legal regulated rent. Notwithstanding any other provision of the law, **for any renewal lease commencing on or after June 14, 2019,** the collection of any rent increases due to any major capital improvements approved on or after June 16, 2012 and before June 16, 2019 shall not exceed two percent in any year [~~**beginning on or after September 1, 2019**~~] for any tenant in occupancy on the date the major capital improvement was approved; or

§ 26. Paragraph 3 of subdivision d of section 6 of section 4 of chapter 576 of the laws of 1974, constituting the emergency tenant protection act of nineteen seventy-four, as amended by section 9 of part K of chapter 36 of the laws of 2019, is amended to read as follows:

(3) there has been since January first, nineteen hundred seventy-four a major capital improvement essential for the preservation, energy efficiency, functionality, or infrastructure of the entire building, improvement of the structure including heating, windows, plumbing and roofing, but shall not be for operation costs or unnecessary cosmetic improvements. An adjustment under this paragraph shall be in an amount sufficient to amortize the cost of the improvements pursuant to this paragraph over a twelve-year period for a building with thirty-five or fewer housing accommodations, or a twelve and one-half period for a building with more than thirty-five housing accommodations and shall be removed from the legal regulated rent thirty years from the date the increase became effective inclusive of any increases granted by the applicable rent guidelines board, for any determination issued by the division of housing and community renewal after the effective date of the chapter of the laws of two thousand nineteen that amended this paragraph[~~**; the**~~]**. Temporary major capital improvement increases shall be collectable prospectively on the first day of the first month beginning sixty days from the date of mailing notice of approval to the tenant. Such notice shall disclose the total monthly increase in rent and the first month in which the tenant would be required to pay the temporary increase. An approval for a temporary major capital improvement increase shall not include retroactive payments. The** collection of any increase shall not exceed two percent in any year from the effective date of the order granting the increase over the rent set forth in the schedule of gross rents, with collectability of any dollar excess above said sum to be spread forward in similar increments and added to the rent as established or set in future years. Upon vacancy, the landlord may add any remaining balance of the temporary major capital improvement increase to the legal regulated rent. Notwithstanding any other provision of the law, the collection of any rent increases **for any renewal lease commencing on or after June 14, 2019,** due to any major capital improvements approved on or after June 16, 2012 and before June 16, 2019 shall not exceed two percent in any year [~~**beginning on or after September 1, 2019**~~] for any tenant in occupancy on the date the major capital improvement was approved, or

§ 27. Subparagraph (g) of paragraph 1 of subdivision g of section 26-405 of the administrative code of the city of New York, as amended by section 10 of part K of chapter 36 of the laws of 2019, is amended to read as follows:

(g) There has been since July first, nineteen hundred seventy, a major capital improvement essential for the preservation energy efficiency, functionality, or infrastructure of the entire building, improvement of the structure including heating, windows, plumbing and roofing but shall not be for operational costs or unnecessary cosmetic improvements. The temporary increase based upon a major capital improvement under this subparagraph for any order of the commissioner issued after the effective date of the chapter of the laws of two thousand nineteen that amended this subparagraph shall be in an amount sufficient to amortize the cost of the improvements pursuant to this subparagraph (g) over a twelve-year period for buildings with thirty-five or fewer units or a twelve and one-half year period for buildings with more than thirty-five units, and shall be removed from the legal regulated rent thirty years from the date the increase became effective inclusive of any increases granted by the applicable rent guidelines board. Temporary major capital improvement increases shall be collectible prospectively **on the first day of the first month beginning** sixty days from the date of mailing notice of approval to the tenant. Such notice shall disclose the total monthly increase in rent and the first month in which the tenant would be required to pay the temporary increase. An approval for a temporary major capital improvement increase shall not include retroactive payments. The collection of any increase shall not exceed two percent in any year from the effective date of the order granting the increase over the rent set forth in the schedule of gross rents, with collectability of any dollar excess above said sum to be spread forward in similar increments and added to the rent as established or set in future years. Upon vacancy, the landlord may add any remaining balance of the temporary major capital improvement increase to the legal regulated rent. Notwithstanding any other provision of the law, **for any renewal lease commencing on or after June 14, 2019,** the collection of any rent increases due to any major capital improvements approved on or after June 16, 2012 and before June 16, 2019 shall not exceed two percent in any year [~~**beginning on or after September 1, 2019**~~] for any tenant in occupancy on the date the major capital improvement was approved, or

§ 28. Paragraph 6 of subdivision c of section 26-511 of the administrative code of the city of New York, as amended by section 11 of part K of chapter 36 of the laws of 2019, is amended to read as follows:

(6) provides criteria whereby the commissioner may act upon applications by owners for increases in excess of the level of fair rent increase established under this law provided, however, that such criteria shall provide (a) as to hardship applications, for a finding that the level of fair rent increase is not sufficient to enable the owner to maintain approximately the same average annual net income (which shall be computed without regard to debt service, financing costs or management fees) for the three year period ending on or within six months of the date of an application pursuant to such criteria as compared with annual net income, which prevailed on the average over the period nineteen hundred sixty-eight through nineteen hundred seventy, or for the first three years of operation if the building was completed since nineteen hundred sixty-eight or for the first three fiscal years after a transfer of title to a new owner provided the new owner can establish to the satisfaction of the commissioner that he or she acquired title to the building as a result of a bona fide sale of the entire building and that the new owner is unable to obtain requisite records for the fiscal years nineteen hundred sixty-eight through nineteen hundred seventy

despite diligent efforts to obtain same from predecessors in title and further provided that the new owner can provide financial data covering a minimum of six years under his or her continuous and uninterrupted operation of the building to meet the three year to three year comparative test periods herein provided; and (b) as to completed building-wide major capital improvements, for a finding that such improvements are deemed depreciable under the Internal Revenue Code and that the cost is to be amortized over a twelve-year period for a building with thirty-five or fewer housing accommodations, or a twelve and one-half-year period for a building with more than thirty-five housing accommodations, for any determination issued by the division of housing and community renewal after the effective date of the the chapter of the laws of two thousand nineteen that amended this paragraph and shall be removed from the legal regulated rent thirty years from the date the increase became effective inclusive of any increases granted by the applicable rent guidelines board. Temporary major capital improvement increases shall be collectible prospectively **on the first day of the first month beginning** sixty days from the date of mailing notice of approval to the tenant. Such notice shall disclose the total monthly increase in rent and the first month in which the tenant would be required to pay the temporary increase. An approval for a temporary major capital improvement increase shall not include retroactive payments. The collection of any increase shall not exceed two percent in any year from the effective date of the order granting the increase over the rent set forth in the schedule of gross rents, with collectability of any dollar excess above said sum to be spread forward in similar increments and added to the rent as established or set in future years. Upon vacancy, the landlord may add any remaining balance of the temporary major capital improvement increase to the legal regulated rent. Notwithstanding any other provision of the law, **for any renewal lease commencing on or after June 14, 2019,** the collection of any rent increases due to any major capital improvements approved on or after June 16, 2012 and before June 16, 2019 shall not exceed two percent in any year [~~**beginning on or after September 1, 2019**~~] for any tenant in occupancy on the date the major capital improvement was approved or based upon cash purchase price exclusive of interest or service charges. Notwithstanding anything to the contrary contained herein, no hardship increase granted pursuant to this paragraph shall, when added to the annual gross rents, as determined by the commissioner, exceed the sum of, (i) the annual operating expenses, (ii) an allowance for management services as determined by the commissioner, (iii) actual annual mortgage debt service (interest and amortization) on its indebtedness to a lending institution, an insurance company, a retirement fund or welfare fund which is operated under the supervision of the banking or insurance laws of the state of New York or the United States, and (iv) eight and one-half percent of that portion of the fair market value of the property which exceeds the unpaid principal amount of the mortgage indebtedness referred to in subparagraph (iii) of this paragraph. Fair market value for the purposes of this paragraph shall be six times the annual gross rent. The collection of any increase in the stabilized rent for any apartment pursuant to this paragraph shall not exceed six percent in any year from the effective date of the order granting the increase over the rent set forth in the schedule of gross rents, with collectability of any dollar excess above said sum to be spread forward in similar increments and added to the stabilized rent as established or set in future years;

§ 29. Subdivision (c) of section 18 of part K of chapter 36 of the laws of 2019, amending the emergency tenant protection act of nineteen seventy-four and other laws relating to a temporary increase in rent in certain cases, is amended to read as follows:

(c) [~~effective immediately,~~] the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on [~~its effective date are authorized and~~] **and after June 14, 2019 are** directed to be made **immediately** and completed on or before [~~such effective date~~] **June 14, 2020, provided however that in the absence of such rules and regulations, the division shall immediately commence and continue implementation of all provisions of this act**.

§ 30. Subdivision 2 of section 20 of the public housing law, as added by section 2 of part L of chapter 36 of the laws of 2019, is amended to read as follows:

2. The commissioner shall, on or before December thirty-first, two thousand nineteen, and on or before December thirty-first in each subsequent year, submit and make publicly available a report to the governor, the temporary president of the senate, the speaker of the assembly, and on its website, on the implementation of the system of rent regulation pursuant to chapter five hundred seventy-six of the laws of nineteen hundred seventy-four, chapter two hundred seventy four of the laws of nineteen hundred forty-six, chapter three hundred twenty-nine of the laws of nineteen hundred sixty-three, chapter five hundred fifty-five of the laws of nineteen hundred eighty-two, chapter four hundred two of the laws of nineteen hundred eighty-three, chapter one hundred sixteen of the laws of nineteen hundred ninety-seven, sections 26-501, 26-502, and 26-520 of the administrative code of the city of New York and the housing stability and tenant protection act of 2019. Such report shall include but not be limited to: a narrative describing the programs and activities undertaken by the office of rent administration and the tenant protection unit, and any other programs or activities undertaken by the division to implement, administer, and enforce the system of rent regulation; and in tabular format, for each of the three fiscal years immediately preceding the date the report is due: (i) the number of rent stabilized housing accommodations within each county; (ii) the number of rent controlled housing accommodations within each county; (iii) the number of applications for major capital improvements filed with the division, the number of such applications approved as submitted, the number of such applications approved with modifications, and the number of such applications rejected; (iv) the median and mean value of applications for major capital improvements approved; (v) the number of units which were registered with the division where the amount charged to and paid by the tenant was less than the registered rent for the housing accommodation; (vi) for housing accommodations that were registered with the division where the amount charged to and paid by the tenant was less than the registered rent for the housing accommodation, the median and mean difference between the registered rent for a housing accommodation and the amount charged to and paid by the tenant; (vii) the median and mean registered rent for housing accommodations for which the lease was renewed by an existing tenant; (viii) the median and mean registered rent for housing accommodations for which a lease was signed by a new tenant after a vacancy; (ix) the median and mean increase, in dollars and as a percentage, in the registered rent for housing accommodations where the lease was signed by a new tenant after a vacancy; (x) the median and mean increase, in dollars and as a percentage, in the registered rent for housing accommodations where the lease was signed by a

new tenant after a vacancy, where the amount changed to and paid by the prior tenant was the full registered rent; (xi) the median and mean increase, in dollars and as a percentage, in the registered rent for housing accommodations where the lease was signed by a new tenant after a vacancy, where the amount changed to and paid by the prior tenant was less than the registered rent; (xii) the number of rent overcharge complaints processed by the division; (xiii) the number of final overcharge orders granting an overcharge; (xiv) the number of investigations commenced by the tenant protection unit, the aggregate number of rent stabilized or rent controlled housing accommodations in each county that were the subject of such investigations, and the dispositions of such investigations. At the time the report is due, the commissioner shall make available to the governor, the temporary president of the senate, the speaker of the assembly, and shall make publicly available, and on its website in machine readable format, the data used to tabulate the figures required to be included in the report, taking any steps necessary to protect confidential information regarding **ongoing investigations,** individual buildings, housing accommodations, property owners, and tenants.

§ 31. Subdivision 2 of section 226-c of the real property law, as added by section 3 of part M of chapter 36 of the laws of 2019, is amended to read as follows:

2. (a) **For the purposes of this section, the required notice shall be based on the cumulative amount of time the tenant has occupied the residence or the length of the tenancy in each lease, whichever is longer.**

(b) If the tenant has occupied the unit for less than one year and does not have a lease term of at least one year, the landlord shall provide at least thirty days' notice.

[~~(b)~~] **(c)** If the tenant has occupied the unit for more than one year but less than two years, or has a lease term of at least one year but less than two years, the landlord shall provide at least sixty days' notice.

[~~(c)~~] **(d)** If the tenant has occupied the unit for more than two years or has a lease term of at least two years, the landlord shall provide at least ninety days' notice.

§ 32. Section 232-a of the real property law, as amended by section 6 of part M of chapter 36 of the laws of 2019, is amended to read as follows:

§ 232-a. Notice to terminate monthly tenancy or tenancy from month to month in the city of New York. No monthly tenant, or tenant from month to month, shall hereafter be removed from any lands or buildings in the city of New York on the grounds of holding over the tenant's term unless pursuant to the notice period required by subdivision two of section two hundred twenty-six-c of this article, **or for a tenancy other than a residential tenancy at least thirty days before the expiration of the term,** the landlord or the landlord's agent serve upon the tenant, in the same manner in which a notice of petition in summary proceedings is now allowed to be served by law, a notice in writing to the effect that the landlord elects to terminate the tenancy and that unless the tenant removes from such premises on the day designated in the notice, the landlord will commence summary proceedings under the statute to remove such tenant therefrom.

§ 33. Section 232-b of the real property law, as amended by section 7 of part M of chapter 36 of the laws of 2019, is amended to read as follows:

§ 232-b. Notification to terminate monthly tenancy or tenancy from month to month outside the city of New York. A monthly tenancy or tenancy from month to month of any lands or buildings located outside of the city of New York may be terminated by the tenant **or for a tenancy other than a residential tenancy the landlord,** upon the tenant's **or non-residential landlord's** notifying the landlord **or non-residential tenant** at least one month before the expiration of the term of the tenant's election to terminate; provided, however, that no notification shall be necessary to terminate a tenancy for a definite term.

§ 34. Section 29 of part M of chapter 36 of the laws of 2019, amending the real property law, and other laws, in relation to enacting the "statewide housing security and tenant protection act of 2019", is amended to read as follows:

§ 29. This act shall take effect immediately and shall apply to actions and proceedings commenced on or after such effective date; provided, however, that sections three, six and seven shall take effect on the one hundred twentieth day after this act shall have become a law; provided, further, that section twenty-five of this act shall take effect on the thirtieth day after this act shall have become a law and shall apply to any lease or rental agreement or renewal of a lease or rental agreement entered into on or after such date; and, provided, further, [~~section~~] **sections** five**, fourteen, sixteen and seventeen** of this act shall take effect on the thirtieth day after this act shall have become a law.

§ 35. Paragraph 2 of subdivision y of section 233 of the real property law, as added by section 9 of part O of chapter 36 of the laws of 2019, is amended to read as follows:

2. Every rent-to-own contract shall be in writing and clearly state all terms, including but not limited to: a description of the home to be leased, including the name of the manufacturer, the serial number and the year of manufacture; the site number upon which the home is located in the manufactured home park; an itemized statement of any payments to be made during the term of the contract, including the initial lot rent, the rental amount for the home, and the amount of the rent-to-own payments; the term of the agreement; the number of payments, itemized, required to be made over the term of the agreement; [~~the annual percentage rate of the amount financed~~] **any lien or security interest encumbering the manufactured or mobile home**, if applicable; and the amount of any additional fees to be paid during the term. A rent-to-own contract shall not require a manufactured home tenant to pay any additional fees for transfer of ownership at the end of the lease period. A rent-to-own contract shall provide that where the rent-to-own tenant pays all rent-to-own payments and other fees established in the contract during the lease term, title transferred at the end of the lease term shall be free of superior interests, liens or encumbrances.

§ 36. Subparagraph 5 of the second undesignated paragraph of paragraph (a) of subdivision 4 of section 4 of chapter 274 of the laws of 1946, constituting the emergency housing rent control law, as amended by section 25 of part B of chapter 97 of the laws of 2011, is amended to read as follows:

(5) the landlord and tenant by mutual voluntary written **informed** agreement agree to a substantial increase or decrease in dwelling space [~~or a change in the services~~], furniture, furnishings or equipment provided in the housing accommodations; provided that an owner shall be entitled to a rent increase where there has been a substantial modification or increase of dwelling space [~~or an increase in the services~~], or

installation of new equipment or improvements or new furniture or furnishings provided in or to a tenant's housing accommodation. The [~~permanent~~] temporary increase in the maximum rent for the affected housing accommodation shall be [~~one-fortieth~~] one-one hundred sixty-eighth, in the case of a building with thirty-five or fewer housing accommodations, or [~~one-sixtieth~~] one-one hundred eightieth, in the case of a building with more than thirty-five housing accommodations where such [~~permanent~~] increase takes effect on or after [~~September twenty-fourth, two thousand eleven, of the total cost incurred by the landlord in providing such modification or increase in dwelling space, services, furniture, furnishings or equipment, including the cost of installation, but excluding finance charges provided~~] the effective date of the chapter of the laws of two thousand nineteen that amended this subparagraph, of the total actual cost incurred by the landlord up to fifteen thousand dollars in providing such reasonable and verifiable modification or increase in dwelling space, furniture, furnishings, or equipment, including the cost of installation but excluding finance charges and any costs that exceed reasonable costs established by rules and regulations promulgated by the division of housing and community renewal. Such rules and regulations shall include: (i) requirements for work to be done by licensed contractors and a prohibition on common ownership between the landlord and the contractor or vendor; and (ii) a requirement that the owner resolve within the dwelling space all outstanding hazardous or immediately hazardous violations of the uniform fire prevention and building code (Uniform Code), New York city fire code, or New York city building and housing maintenance codes, if applicable. Provided further that an owner who is entitled to a rent increase pursuant to this clause shall not be entitled to a further rent increase based upon the installation of similar equipment, or new furniture or furnishings within the useful life of such new equipment, or new furniture or furnishings. Provided further that the recoverable costs incurred by the landlord, pursuant to this subparagraph, shall be limited to an aggregate cost of fifteen thousand dollars that may be expended on no more than three separate individual apartment improvements in a fifteen year period beginning with the first individual apartment improvement on or after June fourteenth, two thousand nineteen. Provided further that increases to the legal regulated rent pursuant to this paragraph shall be removed from the legal regulated rent thirty years from the date the increase became effective inclusive of any increases granted by the applicable rent guidelines board. The owner shall give written notice to the commission of any such adjustment pursuant to this clause; or

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

§ 38. This act shall take effect immediately and shall be deemed to have been in full force and effect on the same date and in the same manner as chapter 36 of the laws of 2019 took effect; provided, further that:

(a) the amendments to chapter 4 of title 26 of the administrative code of the city of New York made by sections one, twelve, fourteen, nine-

teen, twenty-one and twenty-eight of this act shall expire on the same date as such chapter expires and shall not affect the expiration of such chapter as provided under section 26-520 of such law; and

(b) the amendments to sections 26-405 and 26-405.1 of the city rent and rehabilitation law made by sections twenty, twenty-two and twenty-seven of this act shall remain in full force and effect only as long as the public emergency requiring the regulation and control of residential rents and evictions continues, as provided in subdivision 3 of section 1 of the local emergency housing rent control act; and

(c) sections thirty-one, thirty-two and thirty-three of this act shall take effect on the same date and in the same manner as sections 3, 6 and 7 of part M of chapter 36 of the laws of 2019, enacting the "statewide housing security and tenant protection act of 2019", takes effect and shall apply to actions and proceedings commenced on or after such effective date; and

(d) section thirty-five of this act shall take effect on the same date and in the same manner as section 9 of part O of chapter 36 of the laws of 2019, takes effect.

PART R

Section 1. Subparagraph (i) of paragraph 1 of subdivision b of section 1612 of the tax law, as amended by section 1 of part I of chapter 61 of the laws of 2017, is amended to read as follows:

(i) less ten percent of the total revenue wagered after payout for prizes to be retained by the division for operation, administration, and procurement purposes, provided, however, a vendor track located within Oneida county, within fifteen miles of a Native American class III gaming facility, that has maintained at least ninety percent of full-time equivalent employees as they employed in the year two thousand sixteen, may**, for each quarter this subparagraph is effective,** withhold up to seventy-five percent of such funds for operational expenses [~~**upon a determination by the gaming commission that such funds are necessary to sustain operation of such vendor track**~~] **provided such vendor track has filed an affirmation with the gaming commission certifying that this additional amount is necessary to raise revenues to the same level as expenses during the previous quarter**;

§ 2. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after June 29, 2017; provided, however, that the amendments to subparagraph (i) of paragraph 1 of subdivision b of section 1612 of the tax law made by section one of this act shall not affect the expiration and reversion of such subparagraph and shall expire and revert therewith.

PART S

Section 1. Clause (B) of subparagraph (ii) of paragraph 1 of subdivision b of section 1612 of the tax law is amended by adding a new subclause 5 to read as follows:

(5) forty-nine percent for a video lottery gaming facility authorized pursuant to paragraph five of subdivision a of section sixteen hundred seventeen-a of this article;

§ 1-a. Clause (A) of subparagraph (iii) of paragraph 1 of subdivision b of section 1612 of the tax law, as added by section 1 of part EE of chapter 59 of the laws of 2019, is amended to read as follows:

(A) when a vendor track is located within **region one and is located within Orange county or** region two of development zone two, as such zone is defined in section thirteen hundred ten of the racing, pari-mutuel wagering and breeding law, or is located within region six of such development zone two and is located within Ontario county, the additional vendor fee received by the vendor track shall be calculated pursuant to subclause one of this clause; provided, however, such additional vendor fee shall not exceed ten percent.

§ 2. Paragraph 2 of subdivision b of section 1612 of the tax law, as amended by section 1 of part OO of chapter 59 of the laws of 2014, is amended to read as follows:

2. As consideration for the operation of a video lottery gaming facility, the division, shall cause the investment in the racing industry of a portion of the vendor fee received pursuant to paragraph one of this subdivision in the manner set forth in this subdivision. With the exception of Aqueduct racetrack**, a video lottery gaming facility authorized pursuant to paragraph five of subdivision a of section sixteen hundred seventeen-a of this article** or a facility in the county of Nassau or Suffolk operated by a corporation established pursuant to section five hundred two of the racing, pari-mutuel wagering and breeding law, each such track shall dedicate a portion of its vendor fees, received pursuant to clause (A), (B), **(B-1), (B-2),** (C), **or** (D)[~~**, (E), (F), or (G)**~~] of subparagraph (ii) of paragraph one of this subdivision, for the purpose of enhancing purses at such track, in an amount equal to eight and three-quarters percent of the total revenue wagered at the vendor track after pay out for prizes. One percent of the gross purse enhancement amount, as required by this subdivision, shall be paid to the gaming commission to be used exclusively to promote and ensure equine health and safety in New York. Any portion of such funding to the gaming commission unused during a fiscal year shall be returned to the video lottery gaming operators on a pro rata basis in accordance with the amounts originally contributed by each operator and shall be used for the purpose of enhancing purses at such track. One and one-half percent of the gross purse enhancement amount at a thoroughbred track, as required by this subdivision, shall be paid to an account established pursuant to section two hundred twenty-one-a of the racing, pari-mutuel wagering and breeding law to be used exclusively to provide health insurance for jockeys. In addition, with the exception of Aqueduct racetrack**, a video lottery gaming facility authorized pursuant to paragraph five of subdivision a of section sixteen hundred seventeen-a of this article** or a facility in the county of Nassau or Suffolk operated by a corporation established pursuant to section five hundred two of the racing, pari-mutuel wagering and breeding law, one and one-quarter percent of total revenue wagered at the vendor track after pay out for prizes, received pursuant to clause (A), (B), **(B-1), (B-2),** (C), **or** (D)[~~**, (E), (F), or (G)**~~] of subparagraph (ii) of paragraph one of this subdivision, shall be distributed to the appropriate breeding fund for the manner of racing conducted by such track.

Provided, further, that nothing in this paragraph shall prevent each track from entering into an agreement, not to exceed five years, with the organization authorized to represent its horsemen to increase or decrease the portion of its vendor fee dedicated to enhancing purses at such track during the years of participation by such track, or to race fewer dates than required herein.

§ 3. Subdivision h of section 1612 of the tax law, as amended by chapter 174 of the laws of 2013, is amended to read as follows:

h. As consideration for the operation of a video lottery gaming [~~resort~~] facility located in [~~Sullivan county~~] **Orange county**, the division shall cause the investment in the racing industry at the following amount from the vendor fee to be paid as follows:

As amount to the horsemen for purses at a licensed racetrack in Sullivan county [~~and to the agriculture and New York state horse breeding development fund to maintain racing support payments at the same dollar levels realized in two thousand thirteen, to be adjusted by the consumer price index for all urban consumers, as published annually by the United States department of labor bureau of labor statistics~~] **in an amount equal to eight and three-quarters percent of the total revenue wagered at the video lottery gaming facility, after pay out for prizes. The facility located in Orange county, as defined in paragraph five of subdivision a of section sixteen hundred seventeen-a of this article shall pay to the horsemen at a licensed racetrack at Yonkers racetrack an amount to maintain purses for such horsemen at the same dollar levels realized in two thousand eighteen, to be adjusted by the consumer price index for all urban consumers, as published annually by the United States department of labor bureau of labor statistics. In addition, one and one-quarter percent of total revenue wagered at the video lottery gaming facility after pay out for prizes, received pursuant to clause (B) of subparagraph (ii) of paragraph one of subdivision b of this section, shall be distributed to the appropriate breeding fund for the manner of racing conducted by such track**. In no circumstance shall net proceeds of the lottery, including the proceeds from video lottery gaming, be used for the payment of non-lottery expenses of the gaming commission, administrative or otherwise.

§ 4. Subdivision a of section 1617-a of the tax law is amended by adding three new paragraphs 5, 6, and 7 to read as follows:

(5) At a facility located in Orange county to be operated by the entity otherwise licensed to operate video lottery gaming at Monticello racetrack, provided that: (i) such licensed entity is no longer operating video lottery gaming at Monticello racetrack and provided that Monticello racetrack is conducting racing operations; (ii) such facility in Orange county is not sited within a thirty mile radius of the video lottery gaming facility at Yonkers racetrack; and (iii) the licensed entity, its subsidiaries and affiliates, including the entity licensed to operate a commercial gaming facility in Sullivan county, and the entity licensed to operate video lottery gaming at Yonkers racetrack enter into a mitigation agreement, to be approved by the gaming commission, which shall include, but not be limited to, terms that require: (A) the operator of the facility in Orange county to make an annual payment to the entity licensed to operate video lottery gaming or commercial gaming at Yonkers racetrack to account for the effects that siting such facility in Orange county would likely have on the gross gaming revenue of the entity licensed to operate at Yonkers racetrack; (B) employment levels at the affected facilities; and (C) that upon expiration or termination of the agreement, the authority to operate video lottery gaming in Orange county shall cease. Notwithstanding any other provision of this subdivision, at no time shall an entity operating video lottery gaming in Orange county be permitted to apply for or receive a license to operate a commercial gaming facility in that county.

(6) Notwithstanding any other provision of law to the contrary, as a condition of the license to operate a video lottery gaming facility located in Orange county, such operator shall provide an annual certif-

ication to the New York state gaming commission that the staffing levels at a commercial gaming facility located in zone two, region one pursuant to section thirteen hundred ten of the racing, pari-mutuel wagering and breeding law (or any successor commercial gaming facility located in said region) are no less than one thousand four hundred seventy-three full-time, permanent employees. In furtherance of and without limiting the foregoing, the licensee for the commercial gaming facility located in zone two, region one pursuant to section thirteen hundred ten of the racing, pari-mutuel wagering and breeding law (or any successor commercial gaming facility located in such region) shall not conduct any mass, involuntary layoff events that would trigger worker adjustment and retraining notification (WARN) act notifications pursuant to article twenty-five-A of the labor law or otherwise result in the employment levels at such facility dropping below levels mandated by this section. For purposes of this section, "full-time, permanent employee" shall mean an employee who has worked at the facility for a minimum of thirty-five hours per week for not less than four consecutive weeks and who is entitled to receive the usual and customary fringe benefits extended to other employees with comparable rank and duties; or two part-time employees who have worked at the facility for a combined minimum of thirty-five hours per week for not less than four consecutive weeks and who are entitled to receive the usual and customary fringe benefits extended to other employees with comparable rank and duties.

(7) The village of Monticello, Sullivan county, the town of Thompson, Sullivan county, and Sullivan county shall continue to receive assistance payments made pursuant to section fifty-four-l of the state finance law.

§ 5. Section 54-l of the state finance law is amended by adding a new subdivision 5 to read as follows:

5. The town and county in which the facility defined in paragraph five of subdivision a of section sixteen hundred seventeen-a of the tax law is located shall receive assistance payments made pursuant to this section at the same dollar level realized by the village of Monticello, Sullivan county, the town of Thompson, Sullivan county, and Sullivan county. Each village in which the facility defined in paragraph five of subdivision a of section sixteen hundred seventeen-a of the tax law is located shall receive assistance payments made pursuant to this section at the rate of fifty percent of the dollar level realized by the village of Monticello. Any payments made pursuant to this subdivision shall not commence until the facility defined in paragraph five of subdivision a of section sixteen hundred seventeen-a of the tax law has realized revenue for a period of twelve consecutive months.

§ 6. This act shall take effect immediately; provided, however, that no video lottery gaming may be conducted at any facility within Orange county unless and until the mitigation agreement required by this act is executed by all parties and approved by the gaming commission.

PART T

Section 1. Subdivisions 11, 12 and 13 of section 140-a of the judiciary law, as amended by section 1 of part XX of chapter 59 of the laws of 2018, are amended to read as follows:

11. Eleventh district, [~~forty~~] forty-one;

12. Twelfth district, [~~twenty-six~~] twenty-seven;

13. Thirteenth district, [~~four~~] five.

§ 2. Subdivision 50 of section 182 of the judiciary law, as amended by chapter 125 of the laws of 1970, is amended to read as follows:

50. Tompkins, [~~two~~] **three**;

§ 3. This act shall take effect immediately; provided, however, that the additional supreme court judges provided for by section one of this act and the additional county court judge provided for by section two of this act shall first be elected at the general election to be held in November 2019 and shall take office January 1, 2020.

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

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