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

IN ASSEMBLY -- A BUDGET BILL, submitted by the Governor pursuant to article seven of the Constitution -- read once and referred to the Committee on Ways and Means -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

AN ACT intentionally omitted (Part A); intentionally omitted (Part B); intentionally omitted (Part C); to amend the education law, in relation to residency requirements for the purpose of qualifying for certain scholarships and financial assistance for higher education; and to repeal certain provisions of the education law relating thereto (Part D); intentionally omitted (Part E); to amend the state finance law, in relation to the arts capital grants fund (Part F); to utilize reserves in the mortgage insurance fund for various housing purposes and for municipal relief to the city of Albany (Part G); to amend the social services law, in relation to the initial period of licensure or registration and required inspections, background clearances and training for child care providers; and to repeal certain provisions of such law relating thereto (Part H); to amend the social services law, in relation to federally required background clearances for persons working in residential foster care programs (Part I); to amend the social services law, in relation to residential programs for domestic violence victims; and repealing certain provisions of such law relating thereto (Part J); to amend the family court act, the social services law and the executive law, in relation to persons in need of supervision; and to repeal certain provisions of the family court act

EXPLANATION--Matter in italics (underscored) is new; matter in brackets [ ] is old law to be omitted.
relating thereto (Part K); to amend the social services law, in relation to increasing the standards of monthly need for aged, blind and disabled persons living in the community (Part L); to amend part W of chapter 54 of the laws of 2016, amending the social services law relating to the powers and duties of the commissioner of social services relating to the appointment of a temporary operator, in relation to the effectiveness thereof (Part M); intentionally omitted (Part N); intentionally omitted (Part O); intentionally omitted (Part P); intentionally omitted (Part Q); intentionally omitted (Part R); intentionally omitted (Part S); to amend the executive law, in relation to preventing discrimination based on lawful source of income in housing (Part T); intentionally omitted (Part U); intentionally omitted (Part V); intentionally omitted (Part W); intentionally omitted (Part X); intentionally omitted (Part Y); intentionally omitted (Part Z); to amend the executive law, in relation to changing the name of the New York state division of veterans' affairs to the New York state division of veterans' services; and to amend the executive law, in relation to changing the name of the veterans' affairs commission to the veterans' services commission (Part AA); to amend the education law, in relation to the foster youth college success initiative eligibility requirements (Part BB); to amend the education law, in relation to authorizing the setting of a reduced rate of tuition at the state university of New York, the city university of New York and community colleges for certain students participating in dual or concurrent enrollment programs (Part CC); to amend the civil service law, in relation to providing that public employers, employee organizations, the state comptroller and the public employment relations board shall not be liable for and shall have a complete defense to certain claims relating to agency shop fee deductions (Part DD); and authorizing the state university of New York at Albany to lease or contract with certain tenants for the use of space in the Emerging Technology and Entrepreneurship Complex (Part EE)

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

1. Section 1. This act enacts into law major components of legislation which are necessary to implement the state fiscal plan for the 2019-2020 state fiscal year. Each component is wholly contained within a Part identified as Parts A through EE. 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.
Section 1. Section 609-a of the education law, as added by a chapter of the laws of 2019, amending the education law constituting the Jose Peralta New York state DREAM act, as proposed in legislative bill numbers S. 1250 and A. 782, is REPEALED.

§ 2. The opening paragraph of subparagraph (ii) of paragraph a of subdivision 5 of section 661 of the education law, as added by a chapter of the laws of 2019, amending the education law constituting the Jose Peralta New York state DREAM act, as proposed in legislative bill numbers S. 1250 and A. 782, is amended to read as follows:

An applicant who is not a legal resident of the state eligible pursuant to subparagraph (i) of this paragraph, but is a United States citizen, a permanent lawful resident, an individual who is granted U or T non-immigrant status pursuant to the Victims of Trafficking and Violence Protection Act of 2000, a person granted temporary protected status pursuant to the Federal Immigration Act of 1990, an individual of a class of refugees paroled by the attorney general of the United States under his or her parole authority pertaining to the admission of aliens to the United States, or an applicant without lawful immigration status shall be eligible for an award at the undergraduate level of study provided that the student:

§ 3. The opening paragraph of subparagraph (ii) of paragraph b of subdivision 5 of section 661 of the education law, as added by a chapter of the laws of 2019, amending the education law constituting the Jose Peralta New York state DREAM act, as proposed in legislative bill numbers S. 1250 and A. 782, is amended to read as follows:

An applicant who is not a legal resident of the state eligible pursuant to subparagraph (i) of this paragraph, but is a United States citizen, a permanent lawful resident, an individual who is granted U or T non-immigrant status pursuant to the Victims of Trafficking and Violence Protection Act of 2000, a person granted temporary protected status pursuant to the Federal Immigration Act of 1990, an individual of a class of refugees paroled by the attorney general of the United States under his or her parole authority pertaining to the admission of aliens to the United States, or an applicant without lawful immigration status shall be eligible for an award at the graduate level of study provided that the student:

§ 4. Subparagraph 10 of paragraph h of subdivision 2 of section 355 of the education law, as added by a chapter of the laws of 2019, amending the education law constituting the Jose Peralta New York state DREAM act, as proposed in legislative bill numbers S. 1250 and A. 782, is amended to read as follows:
Such regulations shall further provide that any student who is not a legal resident of New York state but is a United States citizen, a permanent lawful resident, an individual who is granted U or T non-immigrant status pursuant to the Victims of Trafficking and Violence Protection Act of 2000, a person granted temporary protected status pursuant to the Federal Immigration Act of 1990, an individual of a class of refugees paroled by the attorney general of the United States under his or her parole authority pertaining to the admission of aliens to the United States, or an applicant without lawful immigration status may have the payment of tuition and other fees and charges reduced by state-aided programs, scholarships or other financial assistance awarded under the provisions of articles thirteen, thirteen-A, fourteen and fourteen-A of this chapter, provided that the student meets the requirements set forth in subparagraph (ii) of paragraph a or subparagraph (ii) of paragraph b of subdivision five of section six hundred sixty-one of this chapter, as applicable.

§ 5. Paragraph (e) of subdivision 7 of section 6206 of the education law, as added by a chapter of the laws of 2019, amending the education law constituting the Jose Peralta New York state DREAM act, as proposed in legislative bill numbers S. 1250 and A. 782, is amended to read as follows:

(e) The trustees shall further provide that any student who is not a legal resident of New York state but is a United States citizen, a permanent lawful resident, an individual who is granted U or T non-immigrant status pursuant to the Victims of Trafficking and Violence Protection Act of 2000, a person granted temporary protected status pursuant to the Federal Immigration Act of 1990, an individual of a class of refugees paroled by the attorney general of the United States under his or her parole authority pertaining to the admission of aliens to the United States, or an applicant without lawful immigration status may have the payment of tuition and other fees and charges reduced by state-aided programs, scholarships or other financial assistance awarded under the provisions of articles thirteen, thirteen-A, fourteen and fourteen-A of this chapter, provided that the student meets the requirements set forth in subparagraph (ii) of paragraph a or subparagraph (ii) of paragraph b of subdivision five of section six hundred sixty-one of this chapter, as applicable.

§ 6. Subdivision 8-a of section 6305 of the education law, as added by a chapter of the laws of 2019, amending the education law constituting the Jose Peralta New York state DREAM act, as proposed in legislative bill numbers S. 1250 and A. 782, is amended to read as follows:

8-a. The payment of tuition and other fees and charges of a student who is attending a community college and who is not a legal resident of New York state but is a United States citizen, a permanent lawful resident, an individual who is granted U or T non-immigrant status pursuant to the Victims of Trafficking and Violence Protection Act of 2000, a person granted temporary protected status pursuant to the Federal Immigration Act of 1990, an individual of a class of refugees paroled by the attorney general of the United States under his or her parole authority pertaining to the admission of aliens to the United States, or an applicant without lawful immigration status may be reduced by state-aided programs, scholarships and other financial assistance awarded under the provisions of articles thirteen, thirteen-A, fourteen and fourteen-A of this chapter, provided that the student meets the requirements set forth in subparagraph (ii) of para-
§ 7. The opening paragraph of subparagraph (ii) of paragraph (a) of subdivision 3 of section 6455 of the education law, as added by a chapter of the laws of 2019, amending the education law constituting the Jose Peralta New York state DREAM act, as proposed in legislative bill numbers S. 1250 and A. 782, is amended to read as follows:

An applicant who is not a legal resident of New York state, but either is a United States citizen, a permanent lawful resident, an individual who is granted U or T non-immigrant status pursuant to the Victims of Trafficking and Violence Protection Act of 2000, a person granted temporary protected status pursuant to the Federal Immigration Act of 1990, an individual of a class of refugees paroled by the attorney general of the United States under his or her parole authority pertaining to the admission of aliens to the United States, or an applicant without lawful immigration status shall be eligible for an award at the graduate level of study provided that the student:

§ 8. The opening paragraph of subparagraph (ii) of paragraph (a) of subdivision 3 of section 6455 of the education law, as added by a chapter of the laws of 2019, amending the education law constituting the Jose Peralta New York state DREAM act, as proposed in legislative bill numbers S. 1250 and A. 782, is amended to read as follows:

An applicant who is not a legal resident of New York state, but either is a United States citizen, a permanent lawful resident, an individual who is granted U or T non-immigrant status pursuant to the Victims of Trafficking and Violence Protection Act of 2000, a person granted temporary protected status pursuant to the Federal Immigration Act of 1990, an individual of a class of refugees paroled by the attorney general of the United States under his or her parole authority pertaining to the admission of aliens to the United States, or an applicant without lawful immigration status shall be eligible for an award at the graduate level of study provided that the student:

§ 9. This act shall take effect on the same date and in the same manner as a chapter of the laws of 2019, amending the education law constituting the Jose Peralta New York state DREAM act, as proposed in legislative bill numbers S. 1250 and A. 782, takes effect.

PART E

Intentionally Omitted

PART F

Section 1. Section 97-z of the state finance law, as added by chapter 625 of the laws of 1987, subdivision 3 as amended by chapter 83 of the laws of 1995, is amended to read as follows:

§ 97-z. Arts capital [revolving] grants fund. 1. A special fund to be known as the "arts capital [revolving] grants fund" is hereby established in the custody of the state comptroller and the commissioner of taxation and finance.

2. The fund shall consist of all monies appropriated for its purpose, all monies transferred to such fund pursuant to law, all monies required by this section or any other provision of law to be paid into or credited to the fund[ , including payments of principal of and interest on loans made from the fund] and any interest earnings which may accrue
from the investment of monies in the fund. Nothing contained herein shall prevent the New York state council on the arts from receiving grants, gifts or bequests for the purposes of the fund as defined in this section and depositing them into the fund according to law.

3. Monies of the fund, when allocated, shall be available for administrative costs of the council and to make [loans grants to eligible not-for-profit arts organizations as provided in section 3.07 of the arts and cultural affairs law [and to pay the reasonable administrative costs of the dormitory authority incurred in monitoring construction on eligible projects and costs associated with contracts with outside entities to disburse loans and receive payments on such loans, as provided in such section].

4. Monies shall be payable from the fund on the audit and warrant of the comptroller on vouchers approved and certified by the chairman of the New York state council on the arts.

§ 2. This act shall take effect immediately.

PART G

1. Notwithstanding any other provision of law, the housing trust fund corporation may provide, for purposes of the neighborhood preservation program, a sum not to exceed $8,479,000 for the fiscal year ending March 31, 2020. Within this total amount, one hundred fifty thousand dollars shall be used for the purpose of entering into a contract with the neighborhood preservation coalition to provide technical assistance and services to companies funded pursuant to article XVI of the private housing finance law. Notwithstanding any other provision of law, and subject to the approval of the New York state director of the budget, the board of directors of the state of New York mortgage agency shall authorize the transfer to the housing trust fund corporation, for the purposes of reimbursing any costs associated with neighborhood preservation program contracts authorized by this section, a total sum not to exceed $8,479,000, such transfer to be made from (i) the special account of the mortgage insurance fund created pursuant to section 2429-b of the public authorities law, in an amount not to exceed the actual excess balance in the special account of the mortgage insurance fund, as determined and certified by the state of New York mortgage agency for the fiscal year 2018-2019 in accordance with section 2429-b of the public authorities law, if any, and/or (ii) provided that the reserves in the project pool insurance account of the mortgage insurance fund created pursuant to section 2429-b of the public authorities law are sufficient to attain and maintain the credit rating (as determined by the state of New York mortgage agency) required to accomplish the purposes of such account, the project pool insurance account of the mortgage insurance fund, such transfer to be made as soon as practicable but no later than June 30, 2019.

§ 2. Notwithstanding any other provision of law, the housing trust fund corporation may provide, for purposes of the rural preservation program, a sum not to exceed $3,539,000 for the fiscal year ending March 31, 2020. Within this total amount, one hundred fifty thousand dollars shall be used for the purpose of entering into a contract with the rural housing coalition to provide technical assistance and services to companies funded pursuant to article XVI of the private housing finance law. Notwithstanding any other provision of law, and subject to the approval of the New York state director of the budget, the board of directors of the state of New York mortgage agency shall authorize the transfer to
the housing trust fund corporation, for the purposes of reimbursing any costs associated with rural preservation program contracts authorized by this section, a total sum not to exceed $3,539,000, such transfer to be made from (i) the special account of the mortgage insurance fund created pursuant to section 2429-b of the public authorities law, in an amount not to exceed the actual excess balance in the special account of the mortgage insurance fund, as determined and certified by the state of New York mortgage agency for the fiscal year 2018-2019 in accordance with section 2429-b of the public authorities law, if any, and/or (ii) provided that the reserves in the project pool insurance account of the mortgage insurance fund created pursuant to section 2429-b of the public authorities law are sufficient to attain and maintain the credit rating (as determined by the state of New York mortgage agency) required to accomplish the purposes of such account, the project pool insurance account of the mortgage insurance fund, such transfer to be made as soon as practicable no later than June 30, 2019.

§ 3. Notwithstanding any other provision of law, and in addition to the powers currently authorized to be exercised by the state of New York municipal bond bank agency, the state of New York municipal bond bank agency may provide, for purposes of municipal relief to the city of Albany, a sum not to exceed five million dollars for the city fiscal year ending December 31, 2019, to the city of Albany. Notwithstanding any other provision of law, and subject to the approval of the New York state director of the budget, the state of New York mortgage agency shall transfer to the state of New York municipal bond bank agency for distribution as municipal relief to the city of Albany, a total sum not to exceed five million dollars, such transfer to be made from (i) the special account of the mortgage insurance fund created pursuant to section 2429-b of the public authorities law, in an amount not to exceed the actual excess balance in the special account of the mortgage insurance fund, as determined and certified by the state of New York mortgage agency for the fiscal year 2018-2019 in accordance with section 2429-b of the public authorities law, if any, and/or (ii) provided that the reserves in the project pool insurance account of the mortgage insurance fund created pursuant to section 2429-b of the public authorities law are sufficient to attain and maintain the credit rating (as determined by the agency) required to accomplish the purposes of such account, the project pool insurance account of the mortgage insurance fund created pursuant to section 2429-b of the public authorities law, such transfer to be made as soon as practicable no later than December 31, 2019, and provided further that the New York state director of the budget may request additional information from the city of Albany regarding the utilization of these funds and the finances and operations of the city, as appropriate.

§ 4. This act shall take effect immediately.

PART H

Section 1. Subparagraph (i) of paragraph (a) of subdivision 1 of section 390 of the social services law, as added by chapter 750 of the laws of 1990, is amended to read as follows:

(i) "Child day care" shall mean child care where a license or registration pursuant to this section is required and shall include care for a child on a regular basis provided away from the child's residence for less than twenty-four hours per day by someone other than (1) the parent, step-parent, guardian, or relative within the third degree of
consanguinity of the parents or step-parents of such child; or (2) an
enrolled legally-exempt provider as such term is defined in paragraph
(g) of this subdivision.
§ 2. Subdivision 1 of section 390 of the social services law is
amended by adding a new paragraph (g) to read as follows:
(g) "Enrolled legally exempt provider" shall mean a person who is a
caregiver or entity that is not required to be licensed or registered
pursuant to this section and that is enrolled to be a caregiver and
provide subsidized child care services to eligible families in accord-
ance with title five-C of this article and the regulations of the office
of children and family services.
§ 2-a. Subdivision 2 of section 390 of the social services law is
amended by adding a new paragraph (d-1) to read as follows:
(d-1) (i) The office of children and family services shall promulgate
regulations for inspections of enrolled legally exempt providers, which
shall include the completion of a satisfactory inspection of the prem-
ises where care is to be provided, by the office of children and family
services.
(ii) Provided however, unless a complaint is made in or as otherwise
authorized such inspections shall not be required when the enrolled
legally exempt provider is an individual, age eighteen or older, and
who, by virtue of blood, marriage or court decree, is, to all of the
children that such person is enrolled to provide subsidized child care
services to in accordance with title five-C of this article:
(A) a grandparent;
(B) a great-grandparent;
(C) a sibling, provided that such sibling resides in a separate house-
hold from the child;
(D) an aunt; or
(E) an uncle.
§ 3. Paragraph (a) of subdivision 2 of section 390 of the social
services law, as amended by chapter 117 of the laws of 2010, is amended
to read as follows:
(a) Child day care centers caring for seven or more children and group
family day care programs, as defined in subdivision one of this section,
shall obtain a license from the office of children and family services
and shall operate in accordance with the terms of such license and the
regulations of such office. Initial licenses shall be valid for a peri-
od of up to two years; and subsequent licenses shall be valid for a
period of up to four years so long as the provider remains substantially
in compliance with applicable law and regulations during such period.
§ 4. Clause (A) of subparagraph (ii) of paragraph (d) of subdivision 2
of section 390 of the social services law, as amended by chapter 117 of
the laws of 2010, is amended to read as follows:
(A) Initial registrations shall be valid for a period of up to two
years; and subsequent registrations shall be valid for a
period of up to four years so long as the provider remains substantially
in compliance with applicable law and regulations during such period.
§ 5. Paragraphs (a) and (b) of subdivision 3 of section 390 of the
social services law, paragraph (a) as amended by chapter 416 of the laws
of 2000, and paragraph (b) as amended by chapter 117 of the laws of
2010, are amended to read as follows:
(a) The office of children and family services may make announced or
unannounced inspections of the records and premises of any child day
care provider, whether or not such provider has a license from, or is
registered with, the office of children and family services. The office
of children and family services shall make unannounced inspections of the records and premises of any child day care provider within fifteen days after the office of children and family services receives a complaint that, if true, would indicate such provider does not comply with the applicable regulations of the office of children and family services or with statutory requirements. If the complaint indicates that there may be imminent danger to the children, the office of children and family services shall investigate the complaint no later than the next day of operation of the provider. The office of children and family services may provide for inspections through the purchase of services.

(b) (i) Where inspections have been made and violations of applicable statutes or regulations have been found, the office of children and family services shall within ten days advise the child day care provider in writing of the violations and require the provider to correct such violations. The office of children and family services may also act pursuant to subdivisions ten and eleven of this section.

(ii) Where inspections have been made and violations of applicable statutes or regulations have been found, the office of children and family services or its designee shall, within ten days, advise the enrolled legally-exempt provider in writing of the violations and require the provider to correct such violations.

§ 6. Paragraph (a) of subdivision 4 of section 390 of the social services law, as amended by chapter 416 of the laws of 2000, is amended to read as follows:

(a) The office of children and family services on an annual basis shall inspect [at least twenty percent of all registered family day care homes, registered child day care centers and registered school-age child care programs to determine whether such homes, centers and programs are operating in compliance with applicable statutes and regulations. The office of children and family services shall increase the percentage of family day care homes, child day care centers and school-age child care programs which are inspected pursuant to this subdivision as follows: to at least thirty percent by the thirty-first of December two thousand; and to at least fifty percent by the thirty-first of December two thousand one] all child day care programs and all enrolled legally-exempt providers except when such provider is determined to be exempt in accordance with subparagraph (ii) of paragraph (d-one) of subdivision two of this section. The office of children and family services may provide for such inspections through purchase of services. [Priority shall be given to family day care homes which have never been licensed or certified prior to initial registration.]

§ 7. Subdivision 3 of section 390-a of the social services law, as added by chapter 416 of the laws of 2000, paragraph (b) as amended by chapter 552 of the laws of 2003, subparagraph (ix) as amended by chapter 117 of the laws of 2010, is amended to read as follows:

3. (a) The office of children and family services shall promulgate regulations requiring operators, program directors, employees and assistants of family day care homes, group family day care homes, school-age child care programs and child day care centers to receive pre-service and annual training, as applicable. Provided however that such providers shall be required to receive thirty hours of training every two years; provided, however, [that fifteen] any individual or provider who is already in compliance with this subdivision, prior to the effective date of the chapter of the laws of two thousand nineteen that amended this subdivision, shall only be required to complete any additional federal training requirements which they have not already
completed in order to be deemed in compliance with this subdivision.

Fifteen hours of such training must be received within the first six months of the initial licensure, registration or employment. Such training requirements shall also apply to any volunteer in such day care homes, programs or centers who has the potential for regular and substantial contact with children. The thirty hours of training required during the first biennial cycle after initial licensure or registration shall include training received while an application for licensure or registration pursuant to section three hundred ninety of this title is pending. The office of children and family services may provide this training through purchase of services.

(b) The training required in paragraph (a) of this subdivision shall address topics and subject matters required by federal law and the following topics or subject matters, unless such topics or subject matters are substantially covered in training that is required pursuant to federal law:

(i) principles of childhood development, focusing on the developmental stages of the age groups for which the program provides care;
(ii) nutrition and health needs of infants and children;
(iii) child day care program development;
(iv) safety and security procedures;
(v) business record maintenance and management;
(vi) child abuse and maltreatment identification and prevention;
(vii) statutes and regulations pertaining to child day care;
(viii) statutes and regulations pertaining to child abuse and maltreatment; and
(ix) for operators, program directors, employees and assistants of family day care homes, group family day care homes and child day care centers, education and information on the identification, diagnosis and prevention of shaken baby syndrome.

(c) For the thirty hours of biennial training required after the initial period of licensure or registration, each provider who can demonstrate basic competency shall determine in which of the specified topics he or she needs further study, based on the provider's experience and the needs of the children in the provider's care.

(d) Family day care home and group family day care home operators shall obtain training pertaining to protection of the health and safety of children, as required by regulation, prior to the issuance of a license or registration by the office of children and family services.

(e) Upon request by the office of children and family services, the child day care applicant or provider shall submit documentation demonstrating compliance with the training requirements of this section.

§ 8. The section heading of section 390-b of the social services law, as added by chapter 416 of the laws of 2000, is amended to read as follows:

Criminal history review and background clearances of child care providers, generally.

§ 9. Subdivisions 1, 2 and 3 of section 390-b of the social services law are REPEALED and five new subdivisions 1, 1-a, 2, 3, 3-a and 3-b are added to read as follows:

1. Notwithstanding any other provision of law to the contrary, and subject to rules and regulations of the office of children and family services and, where applicable, the division of criminal justice services, the following clearances shall be conducted for entities specified in subdivision two of this section in the time and manner as required by this section:
(a) a criminal history record check with the division of criminal justice services;
(b) a search of the criminal history repository in each state other than New York where such person resides or resided during the preceding five years, if applicable unless such state's criminal history record information will be provided as part of the results or the clearance conducted pursuant to paragraph (c) of this subdivision;
(c) a national criminal record check with the federal bureau of investigation; the division of criminal justice services is directed to submit fingerprints to the federal bureau of investigation for the purpose of a nationwide criminal history record check, pursuant to and consistent with public law 113-186 to determine whether such persons shall have a criminal history in any state or federal jurisdiction;
(d) a search of the New York state sex offender registry;
(e) a search of any state sex offender registry or repository in each state other than New York where such person resides or resided during the preceding five years, if applicable unless such state's sex offender registry information will be provided as part of the clearance conducted pursuant to paragraph (f) of this subdivision;
(f) a search of the national sex offender registry using the national crime and information center, established under the Adam Walsh child protection and safety act of 2006 (42 U.S.C. 16901 et seq.);
(g) a database check of the statewide central register of child abuse and maltreatment in accordance with section four hundred twenty-four-a of this article; and
(h) a search of a state-based child abuse or neglect repository of any state other than New York where such person resides or resided during the preceding five years; if applicable.

1-a. For purposes of this section, and in accordance with federal law, the term "enrolled legally-exempt provider" shall refer to a person who meets the definition of "enrolled legally-exempt provider" as defined in paragraph (g) of subdivision one of section three hundred ninety of this title and who is not an individual who is related to all children for whom child care services are provided.

2. In relation to any child day care program and any enrolled legally-exempt provider:
   (a) the clearances required pursuant to paragraphs (a), (c), (d) and (g) of subdivision one of this section shall be conducted for:
      (i) every prospective volunteer with the potential for unsupervised contact with children in care;
      (ii) every applicant to become an enrolled legally-exempt provider;
      (iii) every prospective employee, director or operator of such a program or provider; and
      (iv) every individual eighteen years of age and over residing or who begins to reside in a home where services are or will be provided in a family or group family setting; and
   (v) every individual eighteen years of age and over residing or who begins to reside in a home where services are or will be provided who are not related in any way to all children receiving services as or will be provided by an enrolled legally exempt provider;
   (b) notwithstanding any other provision of law to the contrary, prior to October first, two thousand twenty, all clearances listed in subdivision one of this section that have not previously been conducted pursuant to paragraph (a) of this subdivision and for which on-going criminal history results are not already provided, shall be conducted in accord-
ance with a schedule developed by the office of children and family
services, for all:
   (i) existing volunteers with the potential for unsupervised contact
with children in care;
   (ii) existing caregivers for an enrolled legally exempt provider;
   (iii) existing employees, directors and operators of any such program
or provider; and
   (iv) every individual eighteen years of age and over residing or who
begins to reside in a home where services are or will be provided in a
family or group family setting; and
   (v) every individual eighteen years of age and over residing or who
begins to reside in a home where services are or will be provided who
are not related in any way to all children receiving services as or will
be provided by an enrolled legally exempt provider;
(c) notwithstanding any other provision of law to the contrary, the
clearances required pursuant to this section other than those for which
on-going criminal history results are provided, shall be conducted for a
person listed in subparagraphs (i), (ii), (iii) and (iv) of paragraph
(b) of this subdivision at least once every five years in accordance
with a schedule developed by the office of children and family services.
3. (a) Notwithstanding any other provision of law to the contrary, in
relation to the clearances required pursuant to this section, an indi-
vidual or a program or provider shall be deemed ineligible, as such term
is defined in paragraph (b) of this subdivision, if such individual:
   (i) refuses to consent to such clearance;
   (ii) knowingly makes a materially false statement in connection with
such a clearance;
   (iii) is registered, or is required to be registered, on a state sex
offender registry or repository or the national sex offender registry
established under the Adam Walsh child protection and safety act of 2006
(42 U.S.C. 16901 et seq.); or
   (iv) has been convicted of a crime enumerated in subparagraph (E) or
clauses (i) through (viii) of subparagraph (D) of paragraph (1) of
subsection (C) of 42 U.S.C. 9858f.
(b) For purpose of this subdivision, the term "ineligible" shall mean:
   (i) the individual who engaged in conduct listed in paragraph (a) of
this subdivision shall not be permitted to:
      (1) operate, direct, be the caregiver for, or be employed by a child
day care program or an enrolled legally-exempt provider; or
      (2) be a volunteer with the potential for unsupervised contact with
children in a child day care program or with an enrolled legally-exempt
provider; or
      (3) be an enrolled legally exempt provider; or
      (ii) in relation to child day care programs or any enrolled legally-
exempt providers, where child care is, or is proposed to be provided, to
a child in a home setting where such child does not reside, such program
or provider shall not be eligible to operate or to be enrolled to serve
children receiving child care subsidies pursuant to title five-C of this
article, if an individual over the age of eighteen who is not related in
any way to all children for whom child care services are or will be
provided, resides in the household where child care is, or is proposed
to be provided, engaged in conduct listed in paragraph (a) of this
subdivision.
3-a. (a) In relation to child day care programs and any enrolled
legally-exempt provider, when a clearance conducted pursuant to this
section reveals that any existing operator, director, caregiver, or
16 person over the age of eighteen who is not related in any way to all
17 children for whom child care services are or will be provided, that
18 resides in a home where child care is provided in a home setting where
19 the child does not reside has been convicted of a crime other than one
20 set forth in subparagraph (iv) of paragraph (a) of subdivision three of
21 this section, the office of children and family services shall conduct a
22 safety assessment of the program and take all appropriate steps to
23 protect the health and safety of the children in the program, and may
24 deny, limit, suspend, revoke or reject such program’s license or regis-
25 tration or terminate or reject such program’s enrollment, as applicable,
26 unless the office of children and family services, determines in its
27 discretion, that continued operation by the child day care program or
28 enrolled legally-exempt provider will not in any way jeopardize the
29 health, safety or welfare of the children cared for in the program or by
30 the provider.
31 (b) In relation to child day care programs and any enrolled legally-
32 exempt provider, when a clearance conducted pursuant to this section
33 reveals that any existing employee or volunteer with the potential for
34 unsupervised contact with children has been convicted of a crime other
35 than one set forth in subparagraph (iv) of paragraph (a) of subdivision
36 three of this section, the office of children of family services shall
37 conduct a safety assessment of the program and take all appropriate
38 steps to protect the health and safety of the children in the program.
39 The office of children and family services may direct the program or
40 provider to terminate the employee or volunteer based on such a
41 conviction, consistent with article twenty-three-A of the correction
42 law.
43 (c) (i) In relation to any child day care programs and any enrolled
44 legally-exempt providers, where a clearance conducted pursuant to this
45 section reveals a conviction for a crime other than one set forth in
46 subparagraph (iv) of paragraph (a) of subdivision three of this section,
47 for any prospective employee or volunteer, the office of children and
48 family services may direct that such person not be hired, as applicable,
49 based on such a conviction, consistent with article twenty-three-A of
50 the correction law.
51 (ii) In relation to any child day care program and any enrolled legal-
52 ly-exempt provider, when a clearance conducted pursuant to this section
53 reveals a conviction for a crime other than one set forth in subpara-
54 graph (iv) of paragraph (a) of subdivision three of this section, for
55 any prospective caregiver seeking enrollment, or applicant to be a
56 director or operator, the office of children and family services may
57 deny the application or enrollment, consistent with article
58 twenty-three-A of the correction law.
59 (d) (i) Where a clearance conducted pursuant to this section reveals
60 that an applicant to be the operator or director of a child day care
61 program, or applicant to be a caregiver, or anyone who is not related in
62 any way to all children for whom child care services will be provided,
63 resides in the home over the age of eighteen where child day care is
64 proposed to be provided to children in a home-based setting has been
65 charged with a crime, the office of children and family services shall
66 hold the application in abeyance until the charge is finally resolved.
67 (ii) Where a clearance conducted pursuant to this section reveals that
68 the current operator or director of a child day care program, or any
69 person over the age of eighteen who is not related in any way to all
70 children for whom child care services will be provided, that resides in
71 a home where child day care is provided has been charged with a crime,
the office of children and family services shall conduct a safety
assessment of the program and take all appropriate steps to protect the
health and safety of children in the program. The office of children and
family services may suspend a license or registration or terminate
enrollment based on such a charge when necessary to protect the health
and safety of children in the program.

(iii) Where a clearance conducted pursuant to this section reveals
that an existing caregiver, volunteer or an existing employee of an
enrolled legally-exempt provider or any person over the age of eighteen
that resides in a home where the child care is provided by an enrolled
legally-exempt provider in a home setting where the child does not
reside, has been charged with a crime, the office of children and family
services shall take one or more of the following steps:
(A) Conduct a safety assessment; or
(B) Take all appropriate steps to protect the health and safety of
children in the program.

(iv) Where a clearance conducted pursuant to this section reveals that
an applicant to be an employee or volunteer with the potential for unsu-
ervised contact with children of a child day care program or enrolled
legally-exempt provider has been charged with a crime, the office shall
hold the application in abeyance until the charge is finally resolved.

(v) Where a clearance conducted pursuant to this section reveals that
a current employee, or current volunteer with the potential for unsuper-
vised contact with children of a child day care program has been charged
with a crime, the office of children and family services shall conduct a
safety assessment of the program and take all appropriate steps to
protect the health and safety of the children in the program.

3-b. All persons who are subjected to a criminal history and back-
ground clearance and safety assessment pursuant to this section who the
office of children and family services determines: (i) should be denied
enrollment, employment, or the ability to volunteer pursuant to a back-
ground clearance analysis performed by the office of children and family
services, and (ii) where such denial is not based on an offense listed
in paragraph (a) of subdivision three of this section, shall have the
ability to request a de novo review of the article twenty-three-a of the
correction law determination in an administrative hearing before an
administrative law judge, to be held and completed before the present
employer is notified of such clearance determination. Such person shall
have reasonable notice concerning the determination, and information
regarding how to request a hearing to review that determination, and an
opportunity to provide any additional information that such person deems
relevant to such determination. Such person may choose to be heard in
person, by video conference if reasonably available, or through
submission of written materials. Where such request is made, the office
of children and family services shall also have an opportunity to be
heard.

§ 10. Subdivision 6 of section 390-b of the social services law is
REPEALED and a new subdivision 6 is added to read as follows:
6. The office of children and family services shall pay any required
processing fee for a criminal history or sex offender clearance pursuant
to this section. The office of children and family services shall
promptly submit fingerprints obtained pursuant to this section and such
processing fee to the division of criminal justice services.

§ 11. Subdivision 7 of section 390-b of the social services law, as
added by chapter 416 of the laws of 2000, is amended to read as follows:
7. Where the office of children and family services or its designee directs a child day care provider to deny an application based on the criminal history record, the provider must notify the applicant that such record is the basis of the denial; and (b) the office of children and family services shall also notify as the case may be, such current or prospective operator, director, employee, assistant, legally exempt provider, volunteer with the potential for unsupervised contact with children or other person eighteen years of age or older, who resides in the home where care is provided, other than the child’s home, that the criminal record check was the basis for the denial of clearance and shall provide such individual with a copy of the results of the national criminal record check upon which such denial was based together with a written statement setting forth the reasons for such denial, as well as a copy of article twenty-three-A of the correction law and inform such individual of his or her right to seek correction of any incorrect information contained in such national record check provided by the federal bureau of investigation.

§ 12. Subdivisions 9 and 10 of section 390-b of the social services law, as added by chapter 416 of the laws of 2000, are amended and a new subdivision 11 is added to read as follows:

9. (a) Any criminal history record provided by the division of criminal justice services, and any summary of the criminal history record provided by the office of children and family services to a child day care provider pursuant to this section, is confidential and shall not be available for public inspection; provided, however, nothing herein shall prevent the office of children and family services from disclosing criminal history information or the individual from disclosing his or her criminal history information at any administrative or judicial proceeding relating to the denial or revocation of an application, employment, license or registration. The subject of a criminal history review conducted pursuant to this section shall be entitled to receive, upon written request, a copy of the summary of the criminal history record provided by the office of children and family services to the child day care provider. Unauthorized disclosure of such records or reports shall be subject to civil penalties in accordance with the provisions of subdivision eleven of section three hundred ninety of this title.

(b) The office of children and family services shall not release the content of the results of the nationwide criminal history record check conducted by the federal bureau of investigation in accordance with this subdivision to any non-public entity.

10. A child day care or enrolled legally-exempt provider shall advise the office of children and family services when an individual who is subject to criminal history record review in accordance with subdivision one or two of this section is no longer subject to such review. The office of children and family services shall inform the division of criminal justice services when an individual who is subject to criminal history review is no longer subject to such review so that the division of criminal justice services may terminate its retain processing with regard to such person. At least once a year, the office of children and family services will be required to conduct a validation of the records maintained by the division of criminal justice services.

11. Child day care centers which are not subject to the provisions of section three hundred ninety of this title shall not be subject to the
provisions of this section, provided however, that the city of New York shall require that such child day care centers meet the requirements of any federal laws and regulations pertaining to the child care development and block grant and the related federally approved plans of the state of New York.

§ 13. Subparagraph (z) of paragraph (A) of subdivision 4 of section 422 of the social services law, as amended by section 11 of part L of chapter 56 of the laws of 2015, is amended to read as follows:

(z) an entity with appropriate legal authority in another state to license, certify or otherwise approve prospective foster parents, prospective adoptive parents, prospective relative guardians or child care program where disclosure of information regarding such prospective foster or prospective adoptive parents or prospective relative or prospective successor guardians and other persons over the age of eighteen residing in the home of such persons [is or where child care is provided, as required under either title IV-E of the federal social security act or the federal child care and development block grant act (section nine thousand eight hundred fifty-eight, et seq. of title forty-two of the United States Code); and

§ 14. Paragraph (a) of subdivision 1 of section 424-a of the social services law, as amended by section 12 of part L of chapter 56 of the laws of 2015, is amended to read as follows:

(a) (i) A licensing agency shall inquire of the department and the department shall, subject to the provisions of paragraph (e) of this subdivision, inform such agency and the subject of the inquiry whether an applicant for a certificate, license or permit, [assistants to group family day care providers,] the director of a camp subject to the provisions of article thirteen-B of the public health law, a prospective successor guardian when a clearance is conducted pursuant to paragraph (d) of subdivision two of section four hundred fifty-eight-b of this article, and any person over the age of eighteen who resides in the home of a person who has applied to become an adoptive parent or a foster parent [or to operate a family day care home or group family day care home] or any person over the age of eighteen residing in the home of a prospective successor guardian when a clearance is conducted of a prospective successor guardian pursuant to this paragraph, has been or is currently the subject of an indicated child abuse and maltreatment report on file with the statewide central register of child abuse and maltreatment.

(ii) A licensing agency shall inquire of the office whether an applicant for a certificate, license or permit to operate a child care program including a family day care home, group family day care home, child care center, school age child care program, or enrolled legally exempt provider or an employee, volunteer or applicant to be an employee or volunteer in such program who has potential for regular and substantial contact with children in the program, is the confirmed subject of an indicated child abuse report maintained by the statewide central register of child abuse and maltreatment. The office shall promulgate regulations related to the process by which providers and applicants will be informed whether the applicant is authorized or unauthorized to care for children based on the outcome of such inquiry.

(iii) A licensing agency shall inquire of the office whether any person age eighteen or older who is not related in any way to all children for whom care is provided that resides on the premises of where child care is provided in a setting that is not the child’s own home by an enrolled legally-exempt provider as such term is defined in subdivi-
sion one-a of section three hundred ninety-b of this chapter is the
confirmed subject of an indicated child abuse report maintained by the
statewide central register of child abuse and maltreatment. The office
shall promulgate regulations related to the process by which providers
and applicants will be informed whether the applicant is authorized or
unauthorized to care for children based on the outcome of such inquiry.

(iv) A licensing agency conducting inquiries pursuant to subparagraphs
(ii) and (iii) of this paragraph may inquire of the office whether any
person who is to be hired as a consultant by such agency who has the
potential for regular and substantial contact with individuals who are
cared for by the agency is the subject of an indicated child abuse and
maltreatment report on file with the statewide central register of child
abuse and maltreatment. The office shall promulgate regulations related
to the process by which providers and applicants will be informed whether
the applicant is authorized or unauthorized to care for children
based on the outcome of such inquiry.

(v) A licensing agency conducting inquiries pursuant to subparagraphs
(ii) and (iii) of this paragraph may inquire of the office whether any
person who has volunteered his or her services to such agency and who
will have the potential for regular and substantial contact with indivi-
duals who are cared for by the agency, is the subject of an indicated
child abuse and maltreatment report on file with the statewide central
register of child abuse and maltreatment. The office shall promulgate
regulations related to the process by which providers and applicants
will be informed whether the applicant is authorized or unauthorized to
care for children based on the outcome of such inquiry.

§ 14-a. Subdivision 3 of section 424-a of the social services law, as
amended by section 6 of part C of chapter 57 of the laws of 2018, is
amended to read as follows:

3. For purposes of this section, the term "provider" or "provider
agency" shall mean: an authorized agency; the office of children and
family services; juvenile detention facilities subject to the certif-
ication of the office of children and family services; programs estab-
lished pursuant to article nineteen-H of the executive law; non-residen-
tial or residential programs or facilities licensed or operated by the
office of mental health or the office for people with developmental
disabilities except family care homes; [licensed child day care
centers,] including head start programs which are funded pursuant to
title V of the federal economic opportunity act of nineteen hundred
sixty-four, as amended; early intervention service established pursuant
to section twenty-five hundred forty of the public health law; preschool
services established pursuant to section forty-four hundred ten of the
education law; [school-age child care programs;] special act school
districts as enumerated in chapter five hundred sixty-six of the laws of
nineteen hundred sixty-seven, as amended; programs and facilities
licensed by the office of alcoholism and substance abuse services; resi-
dential schools which are operated, supervised or approved by the educa-
tion department; health homes, or any subcontractor of such health
homes, who contracts with or is approved or otherwise authorized by the
department of health to provide health home services to all those
enrolled pursuant to a diagnosis of a developmental disability as
defined in subdivision twenty-two of section 1.03 of the mental hygiene
law and enrollees who are under twenty-one years of age under section
three hundred sixty-five-l of this chapter, or any entity that provides
home and community based services to enrollees who are under twenty-one
years of age under a demonstration program pursuant to section eleven
hundred fifteen of the federal social security act; publicly-funded emergency shelters for families with children, provided, however, for purposes of this section, when the provider or provider agency is a publicly-funded emergency shelter for families with children, then all references in this section to the "potential for regular and substantial contact with individuals who are cared for by the agency" shall mean the potential for regular and substantial contact with children who are served by such shelter; and any other facility or provider agency, as defined in subdivision four of section four hundred eighty-eight of this chapter, in regard to the employment of staff, or use of providers of goods and services and staff of such providers, consultants, interns and volunteers.

§ 15. Subdivision 4 of section 424-a of the social services law, as amended by section 14 of part L of chapter 56 of the laws of 2015, is amended to read as follows:

4. For purposes of this section, the term "licensing agency" shall mean an authorized agency which has received an application to become an adoptive parent or an authorized agency which has received an application for a certificate or license to receive, board or keep any child pursuant to the provisions of section three hundred seventy-six or three hundred seventy-seven of this article or an authorized agency which has received an application from a relative within the second degree or third degree of consanguinity of the parent of a child or a relative within the second degree or third degree of consanguinity of the step-parent of a child or children, or the child's legal guardian for approval to receive, board or keep such child, or an authorized agency that conducts a clearance pursuant to paragraph (d) of subdivision two of section four hundred fifty-eight-b of this article, or a state or local governmental agency which receives an application to provide child day care services in a child day care center, school-age child care program, family day care home or group family day care home or enrolled legally-exempt provider as such term is defined in subdivision one-a of section three hundred ninety-b of this article pursuant to the provisions of section three hundred ninety of this article, or the department of health and mental hygiene of the city of New York, when such department receives an application for a certificate of approval to provide child day care services in a child day care center pursuant to the provisions of the health code of the city of New York, or the office of mental health or the office for people with developmental disabilities when such office receives an application for an operating certificate pursuant to the provisions of the mental hygiene law to operate a family care home, or a state or local governmental official who receives an application for a permit to operate a camp which is subject to the provisions of article thirteen-B of the public health law or the office of children and family services which has received an application for a certificate to receive, board or keep any child at a foster family home pursuant to articles nineteen-G and nineteen-H of the executive law or any other facility or provider agency, as defined in subdivision four of section four hundred eighty-eight of this chapter, in regard to any licensing or certification function carried out by such facility or agency.

§ 16. Severability. If any clause, sentence, paragraph, subdivision, section or part contained in any 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 remained thereof, but shall by confined in its operation to the clause, sentence, paragraph, subdivi-
sion, section or part contained in any 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.
§ 17. This act shall take effect immediately; provided, however that
sections one, two, two-a, eight, nine, ten, eleven, twelve, thirteen,
fourteen and fifteen of this act shall take effect September 1, 2019;
and provided, further that sections three, four, five and six of this
act shall take effect September 30, 2019; and provided, further, that
the office of children and family services is authorized to promulgate
any rules or regulations necessary for the implementation of this act on
its effective date.

PART I

Section 1. Subdivision 1 of section 378-a of the social services law,
as amended by chapter 83 of the laws of 2013, is amended to read as
follows:
1. Every authorized agency which operates a residential program for
children licensed or certified by the office of children and family
services, and the office of children and family services in relation to
any juvenile justice program it operates, shall request that the justice
center for the protection of people with special needs check, and upon
such request, such justice center shall request and shall be authorized
to receive from the division of criminal justice services and the feder-
al bureau of investigation criminal history information, as such phrase
is defined in paragraph (c) of subdivision one of section eight hundred
forty-five-b of the executive law concerning each prospective operator,
employee or volunteer of such a residential program who will have regu-
lar and substantial unsupervised or unrestricted physical contact with
children in such program.

(a) Provided however, any authorized agency required to request crimi-
nal history information pursuant to this subdivision that operates a
residential program for foster children that is licensed or certified by
the office of children and family services shall request that the
justice center for the protection of people with special needs check,
and upon such request, such justice center shall request and shall be
authorized to receive from the division of criminal justice services and
the federal bureau of investigation criminal history information, as
such phrase is defined in paragraph (c) of subdivision one of section
eight hundred forty-five-b of the executive law, for every: (i) prospec-
tive employee of such program that is not already required to be cleared
pursuant to the opening paragraph of this subdivision; and (ii) notwith-
standing any other provision of law to the contrary, prior to April
first, two thousand twenty and in accordance with a schedule developed
by the office of children and family services, any person who is
employed in a residential foster care program that has not previously
had a clearance conducted pursuant to this section in connection to such
employment.

(b) For the purposes of this section, "operator" shall include any
natural person with an ownership interest in the authorized agency.

(c) Access to and the use of such information obtained pursuant to
this subdivision shall be governed by the provisions of section eight
hundred forty-five-b of the executive law.
§ 2. Paragraph A of subdivision 4 of section 422 of the social services law, is amended by adding a new subparagraph (bb) to read as follows:

(bb) an entity with appropriate legal authority in another state to license, certify or otherwise approve residential programs for foster children where disclosure of information regarding any prospective or current employee of such program is required by paragraph twenty of subdivision (a) of section six hundred seventy-one of title forty-two of the United States code.

§ 3. Subparagraph (i) of paragraph (b) of subdivision 1 of section 424-a of the social services law, as amended by section 8-a of part D of chapter 501 of the laws of 2012, is amended to read as follows:

(i) [A] Subject to the provisions of subdivision seven of this section, a provider agency shall inquire of the office and the office shall, subject to the provisions of paragraph (e) of this subdivision, inform such agency and the subject of the inquiry whether any person who is actively being considered for employment and who will have the potential for regular and substantial contact with individuals who are cared for by the agency, is the subject of an indicated child abuse and maltreatment report on file with the statewide central register of child abuse and maltreatment prior to permitting such person to have unsupervised contact with such individuals. Such agency may inquire of the office and the office shall inform such agency and the subject of the inquiry whether any person who is currently employed and who has the potential for regular and substantial contact with individuals who are cared for by such agency is the subject of an indicated child abuse and maltreatment report on file with the statewide central register of child abuse and maltreatment. A provider agency shall also inquire of the office and the office shall inform such agency and the subject of the inquiry whether any person who is employed by an individual, corporation, partnership or association which provides goods or services to such agency who has the potential for regular and substantial contact with individuals who are cared for by the agency, is the subject of an indicated child abuse and maltreatment report on file with the statewide central register of child abuse and maltreatment prior to permitting such person to have unsupervised contact with such individuals. Inquiries made to the office pursuant to this subparagraph by a provider agency on current employees shall be made no more often than once in any six month period.

(B) Notwithstanding clause (A) of this subparagraph, where the provider agency is an authorized agency that operates a residential program for foster children that is licensed or certified by the office of children and family services such agency shall inquire of the office and the office shall, subject to the provisions of paragraph (e) of this subdivision, inform such agency and the subject of the inquiry whether:

(I) any person who is actively being considered for employment in such program who is not already required to be cleared pursuant to clause (A) of this subparagraph is the subject of an indicated child abuse and maltreatment report on file with the statewide central register of child abuse and maltreatment; and

(II) Notwithstanding any other provision of law to the contrary, prior to April first, two thousand twenty and in accordance with a schedule developed by the office of children and family services, whether any person who is employed in a residential foster care program that has not previously had a clearance conducted pursuant to this subparagraph in connection to such employment is the subject of an indicated child abuse and maltreatment report on file with the statewide central register of child abuse and maltreatment.
§ 4. This act shall take effect July 1, 2019.

PART J

Section 1. The section heading and the opening paragraph of subdivision 1 of section 131-u of the social services law, as amended by chapter 169 of the laws of 1994, is amended to read as follows:

Domestic violence services to eligible persons.

Notwithstanding any inconsistent provision of law, a social services district shall, in accordance with the provisions of this section and regulations of the department, offer and provide emergency shelter and services at a residential program for victims of domestic violence, as defined in article six-A of this chapter, to the extent that such shelter and services are necessary and available to a victim of domestic violence, as defined in article six-A of this chapter, and in need of emergency shelter and services, who was residing in the social services district at the time of the alleged domestic violence and who:

§ 2. Paragraphs (a) and (b) of subdivision 1 of section 131-u of the social services law are REPEALED.

§ 3. Subdivision 2 of section 131-u of the social services law, as amended by chapter 169 of the laws of 1994, is amended to read as follows:

2. The department shall annually establish, subject to the approval of the director of the budget, a daily rate of reimbursement for each residential program for victims of domestic violence, as defined in article six-A of this chapter, certified by the department which provides emergency shelter and services to persons eligible for such emergency shelter and services pursuant to this section. A social services district financially responsible for a victim of domestic violence shall reimburse a residential program for victims of domestic violence for the costs of emergency shelter and services provided to such victim at the daily reimbursement rate established by the department reduced by the sum of all fees which such victim is able to pay toward the costs of such shelter and services as determined in accordance with the public assistance budgeting rules set forth in the regulations of the department and by any third-party other reimbursement available for such costs.

§ 4. Section 459-f of the social services law, as amended by chapter 169 of the laws of 1994, is amended to read as follows:

§ 459-f. [Fees] Payment for services. [Any program defined in subdivision four of section four hundred fifty-nine-a of this article may charge a service fee to a victim of domestic violence who is able to pay all or part of the costs of the emergency shelter and services provided to the victim.] Payments by a social services district to a residential program for victims of domestic violence for the costs of emergency shelter and services provided to a victim of domestic violence at the daily reimbursement rate determined by the department in accordance with section one hundred thirty-one-u of this chapter shall be reduced by the sum of all fees which such victim is able to pay toward the costs of such shelter and services as determined in accordance with the public assistance budgeting rules set forth in the regulations of the department and by any third-party other reimbursement available for such costs.

§ 5. This act shall take effect April 1, 2019.
Section 1. Section 712 of the family court act, as amended by chapter 920 of the laws of 1982, subdivision (a) as amended by section 7 of part G of chapter 58 of the laws of 2010, subdivision (b) as amended by chapter 465 of the laws of 1992, subdivision (g) as amended by section 2 of part B of chapter 3 of the laws of 2005, subdivision (h) as added by chapter 7 of the laws of 1999, subdivision (i) as amended and subdivisions (j), (k), (l) and (m) as added by chapter 38 of the laws of 2014, is amended to read as follows:

§ 712. Definitions. As used in this article, the following terms shall have the following meanings:

(a) "Person in need of supervision". A person less than eighteen years of age: (i) who does not attend school in accordance with the provisions of part one of article sixty-five of the education law; (ii) who is incorrigible, ungovernable or habitually disobedient and beyond the lawful control of a parent or other person legally responsible for such child's care, or other lawful authority; (iii) who violates the provisions of: (1) section 221.05; or (2) 230.00 of the penal law; (iv) or who appears to be a sexually exploited child as defined in paragraph (a), (c) or (d) of subdivision one of section four hundred forty-seven-a of the social services law, but only if the child consents to the filing of a petition under this article.

(b) ["Detention"] "Pre-dispositional placement". The temporary care and maintenance of children away from their own homes as defined in section five hundred twenty of the executive law pursuant to section seven hundred twenty of this article.

(c) "Secure detention facility". A facility characterized by physically restricting construction, hardware and procedures.

(d) "Non-secure detention facility". A facility characterized by the absence of physically restricting construction, hardware and procedures.

(e) (c) "Fact-finding hearing". A hearing to determine whether the respondent did the acts alleged to show that he or she is incorrigible, ungovernable or habitually disobedient and beyond the control of his or her parents, guardian or legal custodian.

(f) (d) "Dispositional hearing". A hearing to determine whether the respondent requires supervision or treatment.

(g) (e) "Aggravated circumstances". Aggravated circumstances shall have the same meaning as the definition of such term in subdivision (j) of section one thousand twelve of this act.

(h) (f) "Permanency hearing". A hearing held in accordance with paragraph (b) of subdivision two of section seven hundred fifty-four or section seven hundred fifty-six-a of this article for the purpose of reviewing the foster care status of the respondent and the appropriateness of the permanency plan developed by the social services official on behalf of such respondent.

(g) (g) "Diversion services". Services provided to children and families pursuant to section seven hundred thirty-five of this article for the purpose of avoiding the need to file a petition or direct the detention pre-dispositional placement of the child. Diversion services shall include: efforts to adjust cases pursuant to this article before a petition is filed, or by order of the court, after the petition is filed but before fact-finding is commenced; and preventive services provided in accordance with section four hundred nine-a of the social services law to avert the placement of the child into foster care, including crisis intervention and respite services. Diversion services may also
include, in cases where any person is seeking to file a petition that
alleges that the child has a substance use disorder or is in need of
immediate detoxification or substance use disorder services, an assess-
ment for substance use disorder; provided, however, that notwithstanding
any other provision of law to the contrary, the designated lead agency
shall not be required to pay for all or any portion of the costs of such
assessment or substance use disorder or detoxification services, except
in cases where medical assistance for needy persons may be used to pay
for all or any portion of the costs of such assessment or services.

(h) “Substance use disorder”. The misuse of, dependence on, or
addiction to alcohol and/or legal or illegal drugs leading to effects
that are detrimental to the person's physical and mental health or the
welfare of others.

Assessment for substance use disorder”. Assessment by a
provider that has been certified by the office of alcoholism and
substance abuse services of a person less than eighteen years of age
where it is alleged that the youth is suffering from a substance use
disorder which could make a youth a danger to himself or herself or
others.

(i) “A substance use disorder which could make a youth a danger
to himself or herself or others”. A substance use disorder that is
accompanied by the dependence on, or the repeated use or abuse of, drugs
or alcohol to the point of intoxication such that the person is in need
of immediate detoxification or other substance use disorder services.

(j) “Substance use disorder services”. Substance use disorder
services shall have the same meaning as provided for in section 1.03 of
the mental hygiene law.

§ 2. The part heading of part 2 of article 7 of the family court act
is amended to read as follows:

CUSTODY [AND-DETENTION]

§ 3. Section 720 of the family court act, as amended by chapter 419 of
the laws of 1987, subdivision 3 as amended by section 9 of subpart B of
part Q of chapter 58 of the laws of 2011, subdivision 5 as amended by
section 3 of part E of chapter 57 of the laws of 2005, and paragraph (c)
of subdivision 5 as added by section 8 of part G of chapter 58 of the
laws of 2010, is amended to read as follows:

§ 720. [Detention] Pre-dispositional placement. 1. No child to whom
the provisions of this article may apply, shall be detained in any pris-
on, jail, lockup, or other place used for adults or children convicted
of crime or under arrest and charged with a crime.

2. The detention of a child in a secure detention or non-secure facil-
ity shall not be directed under any of the provisions of this article.

3. [Detention] Pre-dispositional placement of a person alleged to be
or adjudicated as a person in need of supervision shall[; except as
provided in subdivision four of this section,] be authorized only in a
foster care program certified by the office of children and family
services or a short-term safe house in accordance with section seven
hundred thirty-nine of this article, or a certified or approved family
boarding home[; or a non-secure detention facility certified by the
office and in accordance with section seven hundred thirty-nine of this
article, pursuant to the social services law. The setting of the
[detention] placement shall take into account:

(a) [the] The proximity to the community in which the person alleged
to be or adjudicated as a person in need of supervision lives with such
person's parents or to which such person will be discharged[; and]
(b) The existing educational setting of such person and the proximity of such setting to the location of the detention placement.

4. Whenever detention is authorized and ordered pursuant to this article, for a person alleged to be or adjudicated as a person in need of supervision, a family court in a city having a population of one million or more shall, notwithstanding any other provision of law, direct detention in a foster care facility established and maintained pursuant to the social services law. In all other respects, the detention of such a person in a foster care facility shall be subject to the identical terms and conditions for detention as are set forth in this article and in section two hundred thirty-five of this act.

5. (a) The court shall not order or direct detention pre-dispositional placement under this article, (i) unless the court determines that there is no substantial likelihood that the youth and his or her family will continue to benefit from diversion services, including but not limited to, any available respite services; and (2) that all available alternatives to detention have been exhausted; and (3) that pre-dispositional placement of the respondent is in the best interest of the respondent; and (4) that it would be contrary to the welfare of the respondent to continue in their own home; or (ii) if the sole basis for the petition is an allegation pursuant to paragraph (i) of subdivision (a) of section seven hundred twelve of this article.

(b) Where the youth is sixteen years of age or older, the court shall not order or direct detention pre-dispositional placement under this article, unless the court determines that special circumstances exist to warrant such placement.

(c) If in addition to the provisions of this section, the respondent may be a sexually exploited child as defined in subdivision one of section four hundred forty-seven-a of the social services law, the court may direct the respondent to an available short-term safe house as defined in subdivision two of section four hundred forty-seven-a of the social services law as an alternative to detention in accordance with section seven hundred thirty-nine of this article.

§ 4. Section 727 of the family court act is REPEALED.

§ 5. The section heading and subdivision (d) of section 728 of the family court act, subdivision (d) as added by chapter 145 of the laws of 2000, paragraph (i) as added and paragraph (ii) of subdivision (d) as renumbered by section 5 of part E of chapter 57 of the laws of 2005, and paragraph (iii) as amended and paragraph (iv) of subdivision (d) as added by section 10 of subpart B of part Q of chapter 58 of the laws of 2011, are amended to read as follows:
Discharge, release or detention pre-dispositional placement by judge after hearing and before filing of petition in custody cases.
(d) Upon a finding of facts and reasons which support a detention pre-dispositional placement order pursuant to this section, the court shall also determine and state in any order directing detention pre-dispositional placement:
(i) that there is no substantial likelihood that the youth and his or her family will continue to benefit from diversion services and that all available alternatives to detention such placement have been exhausted; and
(ii) whether continuation of the child in the child’s home would be contrary to the best interests of the child based upon, and limited to,
the facts and circumstances available to the court at the time of the
hearing held in accordance with this section; and
(iii) where appropriate, whether reasonable efforts were made prior to
the date of the court hearing that resulted in the detention order, to
prevent or eliminate the need for removal of the child from his or her
home or, if the child had been removed from his or her home prior to the
court appearance pursuant to this section, where appropriate, whether
reasonable efforts were made to make it possible for the child to safely
return home; and
(iv) whether the setting of the pre-dispositional placement takes into account the proximity to the community in which the
person alleged to be or adjudicated as a person in need of supervision
lives with such person's parents or to which such person will be
discharged, and the existing educational setting of such person and the
proximity of such setting to the location of the detention setting.
§ 6. Section 729 of the family court act is REPEALED.
§ 7. Subdivisions (a) and (b) of section 735 of the family court act,
subdivision (a) as added by section 7 of part E of chapter 57 of the
laws of 2005, subdivision (b) as amended by chapter 38 of the laws of
2014, are amended to read as follows:
(a) Each county and any city having a population of one million or
more shall offer diversion services as defined in section seven hundred
twelve of this article to youth who are at risk of being the subject of
a person in need of supervision petition. Such services shall be
designed to provide an immediate response to families in crisis, to
identify and utilize appropriate alternatives to placement
and to divert youth from being the subject of a petition in family
court. Each county and such city shall designate either the local social
services district or the probation department as lead agency for the
purposes of providing diversion services.
(b) The designated lead agency shall:
(i) confer with any person seeking to file a petition, the youth who
may be a potential respondent, his or her family, and other interested
persons, concerning the provision of diversion services before any peti-
tion may be filed; and
(ii) diligently attempt to prevent the filing of a petition under this
article or, after the petition is filed, to prevent the placement of the
youth into foster care; and
(iii) assess whether the youth would benefit from residential respite
services; and
(iv) assess whether the youth is a sexually exploited child as defined
in section four hundred forty-seven-a of the social services law and, if
so, whether such youth should be referred to a safe house in accordance
with section seven hundred thirty-nine of this part; and
(v) determine whether alternatives to placement or
services provided pursuant to this section are appropriate to avoid
remand of the youth to such placement; and
(vi) determine whether an assessment of the youth for substance
use disorder by an office of alcoholism and substance abuse services
certified provider is necessary when a person seeking to file a petition
alleges in such petition that the youth is suffering from a substance
use disorder which could make the youth a danger to himself or herself
or others. Provided, however, that notwithstanding any other provision
of law to the contrary, the designated lead agency shall not be required
to pay for all or any portion of the costs of such assessment or for any
substance use disorder or detoxification services, except in cases where
medical assistance for needy persons may be used to pay for all or any portion of the costs of such assessment or services. The office of alcoholism and substance abuse services shall make a list of its certified providers available to the designated lead agency.

§ 8. Section 739 of the family court act, as amended by chapter 920 of the laws of 1982, subdivision (a) as amended by section 10 of part G of chapter 58 of the laws of 2010, subdivision (c) as added by chapter 145 of the laws of 2000, is amended to read as follows:

§ 739. Release, pre-dispositional placement or [detention] referral after filing of petition and prior to order of disposition. (a) After the filing of a petition under section seven hundred thirty-two of this part, the court in its discretion may release the respondent or direct his or her [detention] pre-dispositional placement. If the respondent may be a sexually exploited child as defined in subdivision one of section four hundred forty-seven-a of the social services law, the court may direct the respondent to an available short-term safe house as an alternative to [detention] placement. However, the court shall not direct [detention] pre-dispositional placement unless it finds and states the facts and reasons for so finding that unless the respondent is [detained] placed there is a substantial probability that the respondent will not appear in court on the return date and all available alternatives to [detention] such placement have been exhausted.

(b) Unless the respondent waives a determination that probable cause exists to believe that he is a person in need of supervision, no [detention] pre-dispositional placement under this section may last more than three days (i) unless the court finds, pursuant to the evidentiary standards applicable to a hearing on a felony complaint in a criminal court, that such probable cause exists, or (ii) unless special circumstances exist, in which cases such detention may be extended not more than an additional three days exclusive of Saturdays, Sundays and public holidays.

(c) Upon a finding of facts and reasons which support a detention order pursuant to subdivision (a) of this section, the court shall also determine and state in any order directing detention:

(i) whether continuation of the respondent in the respondent's home would be contrary to the best interests of the respondent based upon, and limited to, the facts and circumstance available to the court at the time of the court's determination in accordance with this section; and

(ii) where appropriate, whether reasonable efforts were made prior to the date of the court order directing [detention] pre-dispositional placement in accordance with this section, to prevent or eliminate the need for removal of the respondent from his or her home or, if the respondent had been removed from his or her home prior to the court appearance pursuant to this section, where appropriate, whether reasonable efforts were made to make it possible for the respondent to safely return home.

§ 9. Intentionally omitted.

§ 10. Section 747 of the family court act, as amended by chapter 920 of the laws of 1982, is amended to read as follows:

§ 747. Time of fact-finding hearing. A fact-finding hearing shall commence not more than three days after the filing of a petition under this article if the respondent is in [detention] pre-dispositional placement.

§ 11. Subdivision (a) of section 748 of the family court act, as amended by chapter 920 of the laws of 1982, is amended to read as follows:
(a) If the respondent is in [detention] pre-dispositional placement, the court may adjourn a fact-finding hearing (i) on its own motion or on motion of the petitioner for good cause shown for not more than three days; (ii) on motion on behalf of the respondent or by his or her parent or other person legally responsible for his or her care for good cause shown, for a reasonable period of time.

§ 12. Subdivision (b) of section 749 of the family court act, as amended by chapter 806 of the laws of 1973, is amended to read as follows:

(b) On its own motion, the court may adjourn the proceedings on conclusion of a fact-finding hearing or during a dispositional hearing to enable it to make inquiry into the surroundings, conditions and capacities of the respondent. An adjournment on the court's motion may not be for a period of more than ten days if the respondent is [detained] in pre-dispositional placement, in which case not more than a total of two such adjournments may be granted in the absence of special circumstances. If the respondent is not [detained] in pre-dispositional placement, an adjournment may be for a reasonable time, but the total number of adjourned days may not exceed two months.

§ 13. Paragraph (a) of subdivision 2 of section 754 of the family court act, as amended by chapter 7 of the laws of 1999, subparagraph (ii) of paragraph (a) as amended by section 20 of part L of chapter 56 of the laws of 2015, is amended to read as follows:

(a) The order shall state the court's reasons for the particular disposition. If the court places the child in accordance with section seven hundred fifty-six of this part, the court in its order shall determine: (i) whether continuation in the child's home would be contrary to the best interest of the child and where appropriate, that reasonable efforts were made prior to the date of the dispositional hearing held pursuant to this article to prevent or eliminate the need for removal of the child from his or her home and, if the child was removed from his or her home prior to the date of such hearing, that such removal was in the child's best interest and, where appropriate, reasonable efforts were made to make it possible for the child to return safely home. If the court determines that reasonable efforts to prevent or eliminate the need for removal of the child from the home were not made but that the lack of such efforts was appropriate under the circumstances, the court order shall include such a finding; and (ii) in the case of a child who has attained the age of fourteen, the services needed, if any, to assist the child to make the transition from foster care to independent living. Nothing in this subdivision shall be construed to modify the standards for directing [detention] pre-dispositional placement set forth in section seven hundred thirty-nine of this article.

§ 14. Section 756 of the family court act, as amended by chapter 920 of the laws of 1982, paragraph (i) of subdivision (a) as amended by chapter 309 of the laws of 1996, the opening paragraph of paragraph (ii) of subdivision (a) as amended by section 11 of part G of chapter 58 of the laws of 2010, subdivision (b) as amended by chapter 7 of the laws of 1999, and subdivision (c) as amended by section 10 of part E of chapter 57 of the laws of 2005, is amended to read as follows:

§ 756. Placement. (a) [(i)] For purposes of section seven hundred fifty-four, the court may: (i) place the child in its own home [or]; (ii) order the child be placed in the custody of a suitable relative or other suitable private person; or (iii) order the child be placed in the
custody of a commissioner of social services[subject to the orders of the court].

(b) Where the child is placed with the commissioner of the local social services district[subject to the orders of the court]: (i) (A) the child may be placed by the social services district into a foster boarding home; or (B) if the court finds that the respondent is a sexually exploited child as defined in subdivision one of section four hundred forty-seven-a of the social services law, an available long-term safe house; or (ii) the court may direct the commissioner to: place the child with an authorized agency or class of authorized agencies, including, if the court finds that the respondent is a sexually exploited child as defined in subdivision one of section four hundred forty-seven-a of the social services law, an available long-term safe house.

(c) Provided, however, that a placement shall not be ordered pursuant to paragraph (iii) of subdivision (a) of this section:

(i) In instances where the only finding made against the respondent is that they meet the definition of a person in need of supervision pursuant to paragraph (i) of subdivision (a) of section seven hundred twelve of this article; or

(ii) Unless the court finds and states in its written order that the placement of the respondent is:

(1) in the best interest of the respondent; and

(2) that it would be contrary to the welfare of the respondent to continue in their own home.

(d) Unless the dispositional order provides otherwise, the court so directing shall include one of the following alternatives to apply in the event that the commissioner is unable to so place the child:

(i) the commissioner shall apply to the court for an order to stay, modify, set aside, or vacate such directive pursuant to the provisions of section seven hundred sixty-two or seven hundred sixty-three; or

(ii) the commissioner shall return the child to the family court for a new dispositional hearing and order.

(e) Placements under paragraph (iii) of subdivision (a) of this section may be for an initial period of twelve months no greater than sixty days. The court may extend a placement pursuant to section seven hundred fifty-six-a. In its discretion, the court may recommend restitution or require services for public good pursuant to section seven hundred fifty-eight-a in conjunction with an order of placement. For the purposes of calculating the initial period of placement, such placement shall be deemed to have commenced sixty days after the date the child was removed from his or her home in accordance with the provisions of this article. If the respondent has been in detention pending disposition, the initial period of placement ordered under this section shall be credited with and diminished by the amount of time spent by the respondent in detention prior to the commencement of the placement unless the court finds that all or part of such credit would not serve the best interests of the respondent.

(f) A placement pursuant to this section with the commissioner of social services shall not be directed in any detention facility, but the court may direct detention pending transfer to a placement authorized and ordered under this section for no more than fifteen days after such order of placement is made. Such direction shall be subject to extension pursuant to subdivision three of section three hundred ninety-eight of the social services law, upon written documentation to the office of children and family services that the youth is in need of
specialized treatment or placement and the diligent efforts by the commissioner of social services to locate an appropriate placement.

§ 14-a. Section 756-a of the family court act, as added by chapter 604 of the laws of 1986, subdivision (a) as amended by chapter 309 of the laws of 1996, subdivisions (b) and (d) as amended by section 4 of part B of chapter 327 of the laws of 2007, subdivisions (c) and (e) as amended by chapter 7 of the laws of 1999, paragraph (ii) of subdivision (d) as amended by section 3 of part M of chapter 54 of the laws of 2016, paragraphs (iii), (iv) and (v) of subdivision (d) as amended by section 23 and subdivision (d-1) as amended by section 24 of part L of chapter 56 of the laws of 2015, is amended to read as follows:

§ 756-a. Extension of placement. (a) In any case in which the child has been placed pursuant to paragraph (iii) of paragraph (a) of seven hundred fifty-six of this part, the child, the person with whom the child has been placed or the commissioner of social services may petition the court to extend such placement, as provided for in this section. Such petition shall be filed at least sixty days prior to the expiration of the initial placement and at least thirty days prior to the expiration of the period of authorized pursuant to this section, except for good cause shown, but in no event shall such petition be filed after the original expiration date.

(b) The court shall conduct a permanency hearing concerning the need for continuing the placement. The child, the person with whom the child has been placed and the commissioner of social services shall be notified of such hearing and shall have the right to be heard thereat.

(c) The provisions of section seven hundred forty-five shall apply at such permanency hearing. If the petition is filed within thirty days prior to the expiration of the period of placement, the court shall first determine at such permanency hearing whether good cause has been shown. If good cause is not shown, the court shall dismiss the petition.

(d) (i) At the conclusion of the first permanency hearing the court may, in its discretion, order one extension of the placement for not more than one year. The court must consider and determine in its order:

(A) The attorney for the child, at the request of the child, seeks an additional length of stay for the child in such program. If a request is made pursuant to this subparagraph, the court shall determine whether to grant such request based on the best interest of the child; or

(B) The court finds that extenuating circumstances exists that necessitate the child be placed out of the home.

(d-1) If the court orders an extension of placement pursuant to paragraph (d) of this section, the court must consider and determine in its order:

(i) where appropriate, that reasonable efforts were made to make it possible for the child to safely return to his or her home, or if the permanency plan for the child is adoption, guardianship or some other permanent living arrangement other than reunification with the parent or parents of the child, reasonable efforts are being made to make and finalize such alternate permanent placement including consideration of appropriate in-state and out-of-state placements;

(ii) in the case of a child who has attained the age of fourteen, (A) the services needed, if any, to assist the child to make the transition from foster care to successful adulthood; and (B) (1) that the permanency
plan developed for the child, and any revision or addition to the plan
shall be developed in consultation with the child and, at the option of
the child, with up to two additional members of the child's permanency
planning team who are selected by the child and who are not a foster
parent of, or case worker, case planner or case manager for, the child,
except that the local commissioner of social services with custody of
the child may reject an individual so selected by the child if such
commissioner has good cause to believe that the individual would not act
in the best interests of the child, and (2) that one individual so
selected by the child may be designated to be the child's advisor and,
as necessary, advocate with respect to the application of the reasonable
and prudent parent standard;

(iii) in the case of a child placed outside New York state, whether
the out-of-state placement continues to be appropriate and in the best
interests of the child;
(iv) whether and when the child: (A) will be returned to the parent;
(B) should be placed for adoption with the social services official
filing a petition for termination of parental rights; (C) should be
referred for legal guardianship; (D) should be placed permanently with a
fit and willing relative; or (E) should be placed in another planned
permanent living arrangement with a significant connection to an adult
willing to be a permanency resource for the child if the child is age
sixteen or older and (1) the social services official has documented to
the court: (I) intensive, ongoing, and, as of the date of the hearing,
unsuccessful efforts made by the social services district to return the
child home or secure a placement for the child with a fit and willing
relative including adult siblings, a legal guardian, or an adoptive
parent, including through efforts that utilize search technology includ-
ing social media to find biological family members for children, (II)
the steps the social services district is taking to ensure that (A) the
child's foster family home or child care facility is following the
reasonable and prudent parent standard in accordance with guidance
provided by the United States department of health and human services,
and (B) the child has regular, ongoing opportunities to engage in age or
developmentally appropriate activities including by consulting with the
child in an age-appropriate manner about the opportunities of the child
to participate in activities; and (2) the social services district has
documented to the court and the court has determined that there are
compelling reasons for determining that it continues to not be in the
best interest of the child to return home, be referred for termination
of parental rights and placed for adoption, placed with a fit and will-
ing relative, or placed with a legal guardian; and (3) the court has
made a determination explaining why, as of the date of the hearing,
another planned living arrangement with a significant connection to an
adult willing to be a permanency resource for the child is the best
permanency plan for the child; and

(v) where the child will not be returned home, consideration of appro-
priate in-state and out-of-state placements.

[4444] (e) At the permanency hearing, the court shall consult with
the respondent in an age-appropriate manner regarding the permanency
plan; provided, however, that if the respondent is age sixteen or older
and the requested permanency plan for the respondent is placement in
another planned permanent living arrangement with a significant
connection to an adult willing to be a permanency resource for the
respondent, the court must ask the respondent about the desired perman-
encity outcome for the respondent.
Pending final determination of a petition to extend such placement filed in accordance with the provisions of this section, the court may, on its own motion or at the request of the petitioner or respondent, enter one or more temporary orders extending a period of placement not to exceed thirty days upon satisfactory proof showing probable cause for continuing such placement and that each temporary order is necessary. The court may order additional temporary extensions, not to exceed a total of fifteen days, if the court is unable to conclude the hearing within the thirty day temporary extension period. In no event shall the aggregate number of days in extensions granted or ordered under this subdivision total more than forty-five days. The petition shall be dismissed if a decision is not rendered within the period of placement or any temporary extension thereof. Notwithstanding any provision of law to the contrary, the initial permanency hearing shall be held within twelve months of the date the child was placed into care pursuant to section seven hundred fifty-six of this article and no later than every twelve months thereafter. For the purposes of this section, the date the child was placed into care shall be sixty days after the child was removed from his or her home in accordance with the provisions of this section only as authorized in this section.

Successive extensions of placement under this section may be granted, but only as authorized in this section, provided, however no placement may be made or continued beyond the child's eighteenth birthday without his or her consent and in no event past his or her twenty-first birthday.

§ 15. Subdivisions 1 and 4 of section 758-a of the family court act, as amended by chapter 73 of the laws of 1979, subdivision 1 as amended by chapter 4 of the laws of 1987, paragraph (b) of subdivision 1 as amended by chapter 575 of the laws of 2007, and subdivision 4 as amended by chapter 73 of the laws of 1979, are amended to read as follows:

1. In cases involving acts of infants, children over ten and less than eighteen years of age, the court may (a) recommend as a condition of placement, or order as a condition of probation or suspended judgment, restitution in an amount representing a fair and reasonable cost to replace the property or repair the damage caused by the infant, not, however, to exceed one thousand dollars. [In the case of a placement, the court may recommend that the infant pay out of his or her own funds or earnings the amount of replacement or damage, either in a lump sum or in periodic payments in amounts set by the agency with which he is placed, and in the case of probation or suspended judgment, the] The court may require that the infant pay out of his or her own funds or earnings the amount of replacement or damage, either in a lump sum or in periodic payments in amounts set by the court; and/or (b) order as a condition of placement, probation, or suspended judgment, services for the public good including in the case of a crime involving willful, malicious, or unlawful damage or destruction to real or personal property maintained as a cemetery plot, grave, burial place, or other place of interment of human remains, services for the maintenance and repair thereof, taking into consideration the age and physical condition of the infant.

4. The court, upon receipt of the reports provided for in subdivision two or three of this section may, on its own motion or the motion of any party or the agency, hold a hearing to determine whether the placement should be altered or modified.
§ 16. Section 774 of the family court act is amended to read as follows:

§ 774. Action on petition for transfer. On receiving a petition under sections seven hundred seventy-three of this part, the court may proceed under sections seven hundred thirty-seven, seven hundred thirty-eight or seven hundred thirty-nine of this article with respect to the issuance of a summons or warrant and sections seven hundred twenty-seven and seven hundred twenty-nine govern questions of detention and failure to comply with a promise to appear. Due notice of the petition and a copy of the petition shall also be served personally or by mail upon the office of the locality chargeable for the support of the person involved and upon the person involved and his or her parents and other persons.

§ 17. Intentionally omitted.

§ 18. Intentionally omitted.

§ 18-a. Intentionally omitted.

§ 18-b. Article 6 of the social services law is amended by adding a new title 12 to read as follows:

TITLE 12

FAMILY SUPPORT SERVICES PROGRAMS

Section 458-m. Family support services programs.

§ 458-m. Family support services programs. 1. As used in this title, the term "family support services programs" shall mean a program established pursuant to this title to provide community-based supportive services to children and families with the goal of preventing a child from being adjudicated a person in need of supervision and help prevent the out of home placements of such youth or preventing a petition from being filed under article seven of the family court act.

2. Family support services programs shall provide comprehensive services to such children and their families, either directly or through referrals with partner agencies, including, but not limited to:

(a) rapid family assessments and screenings;
(b) crisis intervention;
(c) family mediation and skills building;
(d) mental and behavioral health services including cognitive interventions;
(e) case management;
(f) respite services;
(g) education advocacy; and
(h) other family support services.

3. The services that are provided shall be trauma responsive, family focused, gender-responsive, and evidence based or informed and strengths based and shall be tailored to the individualized needs of the child and family based on the assessments and screenings conducted by such family support services program.

4. Family support services programs shall have the capacity to serve families outside of regular business hours including evenings and weekends.

§ 458-n. Funding for family support services programs. 1. Notwithstanding any other provision of law to the contrary, to the extent that funds are available for such purpose and specifically appropriated therefor, the office of children and family services shall distribute funding to the highest need municipality which shall mean a county or a city with a population of one million or more to contract with not-for-profit corporations to operate family support services programs in
accordance with the provisions of this title and the specific program
model requirements issued by the office.

2. Notwithstanding any other provision of law to the contrary, when
determining the highest need municipality pursuant to this subdivision,
the office may consider factors that may include, but are not necessar-
ily limited to:
   (a) the total amount of available funding and the amount of funding
required for family support services programs to meet the objectives
outlined in section four hundred fifty-eight-m of this title;
   (b) relevant, available statistics regarding each municipality, a
   group of two or more municipalities that jointly seek to fund and admin-
ister a family support services program in accordance with subdivision
four of this section which may include, but not necessarily be limited
to:
      (i) the availability of services within such municipality to prevent
or reduce detention or residential placement of youth pursuant to arti-
cle seven of the family court act; and
      (ii) relative to the youth population of such municipality:
         (1) the number of petitions filed pursuant to article seven of the
family court act; or
         (2) the number of placements of youth into residential care or
detention pursuant to article seven of the family court act as applica-
able, over the last five years;
   (c) any reported performance outcomes reported to the office pursuant
to subdivision three of this section for programs that previously
received funding pursuant to this title; or
   (d) other appropriate factors as determined by the office.

3. Municipalities receiving funding under this title shall report to
the office of children and family services, in the form and manner and
at such times as determined by the office, on the performance outcomes
of any family support service program located within such municipalities
that receives funding under this title.

4. Two or more eligible municipalities within a close geographic with-
in a close geographic proximity to each other may enter into an agree-
ment to jointly seek funding for and jointly administer family support
services programs to service eligible youth and families within such
municipalities in accordance with this section. Such agreements shall
include provisions for the proportionate cost to be borne by each muni-
cipality and for the manner of employment of personnel and may provide
that a fiscal officer of one such municipality shall be the custodian of
the moneys made available for expenditure for such purposes by all such
municipalities and that such fiscal officer may make payments therefrom
upon audit of the appropriate auditing body or officer of his or her
municipality. In making claims for state aid pursuant to section, each
such municipality shall claim for its proportionate share of the total
joint expenditures so made. However, where it is provided that there
shall be a disbursing municipality, such disbursing municipality shall
claim for the total joint program expenditures so made and shall
disburse such state aid to each participating municipality based upon
the proportionate share of expenditures so made.

5. Notwithstanding the provisions of subdivisions two, three and four
of this section, a municipality, consistent with its approved plan for
supervision and treatment services for juveniles program, may utilize
any funding available to such municipality pursuant to section five
hundred twenty-nine-b of the executive law to fund family support
services programs pursuant to this title.
§ 19. Subdivision 3 of section 502 of the executive law, as amended by section 79 of part WWW of chapter 59 of the laws of 2017, is amended to read as follows:

3. "Detention" means the temporary care and maintenance of youth held away from their homes pursuant to article three of the family court act, or held pending a hearing for alleged violation of the conditions of release from an office of children and family services facility or authorized agency, or held pending a hearing for alleged violation of the condition of parole as a juvenile offender, youthful offender or adolescent offender or held pending return to a jurisdiction other than the one in which the youth is held, or held pursuant to a securing order of a criminal court if the youth named therein as principal is charged as a juvenile offender, youthful offender or adolescent offender or held pending a hearing on an extension of placement or held pending transfer to a facility upon commitment or placement by a court. Only alleged or convicted juvenile offenders, youthful offenders or adolescent offenders who have not attained their eighteenth or, commencing October first, two thousand eighteen, their twenty-first birthday shall be subject to detention in a detention facility. Commencing October first, two thousand eighteen, a youth who on or after such date committed an offense when the youth was sixteen years of age; or commencing October first, two thousand nineteen, a youth who committed an offense on or after such date when the youth was seventeen years of age held pursuant to a securing order of a criminal court if the youth is charged as an adolescent offender or held pending a hearing for alleged violation of the condition of parole as an adolescent offender, must be held in a specialized secure juvenile detention facility for older youth certified by the state office of children and family services in conjunction with the state commission of correction.

§ 20. Section 529-b of the executive law, as added by section 3 of subpart B of part Q of chapter 58 of the laws of 2011, subdivision 1, the opening paragraph of subdivision 2, subparagraphs (i) and (iii) of paragraph (a) of subdivision 3, as amended by section 99 of part WWW of chapter 59 of the laws of 2017, is amended to read as follows:

§ 529-b. Supervision and treatment services for juveniles program. 1. (a) Notwithstanding any provision of law to the contrary, eligible expenditures by an eligible municipality for services to divert from detention, residential placement or confinement, as applicable, youth who are: (i) at risk of, alleged to be, or adjudicated as juvenile delinquents [or]; (ii) at risk of, or alleged to be or adjudicated as persons [alleged or adjudicated to be] in need of supervision[, or youth]; (iii) alleged to be or convicted as juvenile offenders[;] (iv) alleged to be or convicted as youthful offenders[;] (v) alleged to be or convicted as adolescent offenders [from placement in detention or in residential care] shall be subject to state reimbursement under the supervision and treatment services for juveniles program for up to sixty-two percent of the municipality's expenditures, subject to available appropriations and exclusive of any federal funds made available for such purposes, not to exceed the municipality's distribution under the supervision and treatment services for juveniles program.

(b) The state funds appropriated for the supervision and treatment services for juveniles program shall be distributed to eligible municipalities by the office of children and family services based on a plan developed by the office which may consider historical information regarding the number of youth seen at probation intake for an alleged act of delinquency, the number of youth remanded to detention, the
number of juvenile delinquents placed with the office, the number of
juvenile delinquents and persons in need of supervision placed in resi-
dential care with the municipality, the municipality's reduction in the
use of detention and residential placements, and other factors as deter-
mined by the office. Such plan developed by the office shall be subject
to the approval of the director of the budget. The office is authorized,
in its discretion, to make advance distributions to a municipality in
anticipation of state reimbursement.

2. As used in this section, the term:
(a) "municipality" shall mean a county, or a city having a population
of one million or more,
(b) "supervision and treatment services for juveniles" shall mean
community-based services or programs designed to safely maintain youth
in the community pending a family court disposition or conviction in
criminal court and services or programs provided to eligible youth
adjudicated as juvenile delinquents or persons in need of supervision,
or youth alleged to be juvenile offenders, youthful offenders or adoles-
cent offenders to prevent residential placement of such youth or a
return to placement where such youth have been released to the community
from residential placement.

3. Supervision and treatment services for juveniles may include but
are not limited to services or programs that:
(a) provide or facilitate support to such youth for mental health
disorders, substance abuse problems, or learning disabilities that
contribute to such youth being at risk for detention, residential place-
ment, confinement or return to detention or residential placement;
(a-1) provide or facilitate support to youth who are eligible to
receive services pursuant to subparagraph (ii) of paragraph (a) of
subdivision one of this section, and their families, in family support
services programs in accordance with title twelve of article six of the
social services law;
(b) provide temporary respite care, including, but not limited to,
respite provided pursuant to article seven of the family court act;
(c) provide family therapy or support or explore alternate housing
options for youth who are at risk for detention or placement due to the
absence of an available home;
(d) provide post-release support within the youth's community, includ-
ing, but not limited to aftercare services; or
(e) reduce arrest rates or recidivism.

3-a. (a) The chief executive officer of the municipality shall
designate a lead agency for the purposes of planning and administering
the municipality's supervision and treatment services for juveniles
program. In order for a municipality to be eligible to receive
reimbursement pursuant to this section, such municipality must submit an
annual plan to the office of children and family services detailing how
the supervision and treatment services for juveniles will be provided
within the municipality. Two or more eligible municipalities within a
close geographic proximity to each other may enter into an agreement to
jointly seek funding for and jointly administer a supervision and treat-
ment services for juveniles programs to service eligible youth and fami-
lies within such municipalities in accordance with this section. The
municipality shall develop such plan in cooperation with the applicable
local governmental departments responsible for probation, law enforce-
ment, detention, diversion, and social services; and with the courts,
service providers, schools and youth development programs. The plan must
be approved by the chief executive officer of the municipality, and must include:

(i) an analysis that identifies the neighborhoods or communities from which the greatest number of juvenile delinquents and persons in need of supervision are remanded to detention or residentially placed;

(ii) where the use of detention or residential placement in the municipality shows a significant racial or ethnic disproportionality, a description of how the services proposed for funding will address such disproportionality;

(iii) a description of how the services and programs proposed for funding will reduce the number of youth from the municipality who are detained and residentially or otherwise placed; how such services and programs are family-focused; and whether such services and programs are capable of being replicated across multiple sites;

(iv) a description of the demonstrated effectiveness of such services and programs or other justification why the services and programs are proposed for funding;

(v) projected performance outcomes for such services and programs, including an estimate of the anticipated reductions in detention utilization and residential placements, and other projected positive outcomes for youth who participate in the services and programs; and

(vi) for each year that the municipality submits a plan as required by this section, the municipality must provide the following information for the most recent preceding year for which such municipality received funding:

(A) the number of youth who participated in the services and programs funded pursuant to this section; and

(B) whether the services and programs achieved the projected reductions in detention utilization and residential placements and other performance outcomes.

(b) A municipality's plan shall be submitted to the office of children and family services for review and approval. The office may approve all or part of the plan based on the potential effectiveness of the plan.

(i) If the office does not approve a plan, the municipality shall have sixty days to submit an amended plan.

(ii) Upon approval of a plan, the office shall notify the municipality and post the approved plan on the office of children and family services website.

(c) Any claims submitted by a municipality for reimbursement for a particular program year for which the municipality does not receive state reimbursement during the applicable program year may not be claimed against that municipality’s distribution for any succeeding program year. The office may require that such claims be submitted to the office electronically in the manner and format required by the office.

(d) Any municipality submitting claims for reimbursement shall certify to the office that supervision and treatment services for juveniles program funds were not used to supplant other state and local funds, and such claims for reimbursement are not for the same type and level of services that the municipality provided under any contract in existence on September thirtieth, two thousand ten that was funded other than through the office of children and family services as community optional preventive, alternatives to detention, alternatives to residential placement, preventive, independent living, or after care services.

4. Two or more eligible municipalities may join together to establish, operate and maintain supervision and treatment services for juveniles
programs and may make and perform agreements in connection therewith. Such agreements shall include provisions for the proportionate cost to be borne by each municipality and for the manner of employment of personnel and may provide that a fiscal officer of one such municipality shall be the custodian of the moneys made available for expenditure for such purposes by all such municipalities and that such fiscal officer may make payments therefrom upon audit of the appropriate auditing body or officer of his municipality. In making claims for state reimbursement pursuant to this section, each municipality shall claim for its proportionate share of expenditures. However, where the agreement provides for a disbursing municipality, such disbursing municipality shall claim for the total joint program expenditures made and shall disburse the state reimbursement to each participating municipality based upon the proportionate share of each participating municipality's expenditures.

5. The office of children and family services shall report to the governor, the speaker of the assembly, the temporary president of the senate, the minority leader of the assembly and the minority leader of the senate no later than July first, two thousand twelve, and each year thereafter, detailing the implementation and progress of the supervision and treatment services for juveniles program, as established by this section. The report shall detail the following information for each municipality, as defined by this section:

(a) the amount of funds disbursed to date for the previous program year of the supervision and treatment services for juveniles program;

(b) the amount of juvenile detention funds distributed by such date in accordance with section five hundred thirty of this title for the previous program year and, if any, the amount of such funds used for supervision and treatment services for juveniles program;

(c) the number of alleged and adjudicated juvenile delinquents and persons in need of supervision and alleged and convicted juvenile offenders being served by such programs; and

(d) each program name and its provider.

§ 21. The opening paragraph and paragraph (a) of subdivision 2, subparagraphs 1 and 4 of paragraph (a) and paragraph (b) of subdivision 5, and subdivision 7 of section 530 of the executive law, the opening paragraph and paragraph (a) of subdivision 2 and subparagraphs 1 and 4 of paragraph (a) and paragraph (b) of subdivision 5 as amended by section 100 of part WWW of chapter 59 of the laws of 2017 and subdivision 7 as amended by section 6 of subpart B of part Q of chapter 58 of the laws of 2011, are amended to read as follows:

Expenditures made by municipalities in providing care, maintenance and supervision to youth in detention facilities designated pursuant to sections seven hundred twenty and section 305.2 of the family court act and certified by office of children and family services, shall be subject to reimbursement by the state, as follows:

(a) Notwithstanding any provision of law to the contrary, eligible expenditures by a municipality during a particular program year for the care, maintenance and supervision [in foster care programs certified by the office of children and family services, certified or approved family boarding homes, and non-secure detention facilities certified by the office for those youth alleged to be persons in need of supervision or adjudicated persons in need of supervision held pending transfer to a facility upon placement; and] in secure and non-secure detention facilities certified by the office in accordance with section five hundred three of this article for those youth alleged to be juvenile delinquents; adjudicated juvenile delinquents held pending transfer to a
facility upon placement, and juvenile delinquents held at the request of
the office of children and family services pending extension of place-
ment hearings or release revocation hearings or while awaiting disposi-
tion of such hearings; and youth alleged to be or convicted as juvenile
offenders, youthful offenders and adolescent offenders and prior to
January first, two thousand twenty, youth alleged to be persons in need
of supervision or adjudicated persons in need of supervision held pend-
ing transfer to a facility upon placement in foster care programs certi-
fied by the office of children and family services, certified or
approved foster boarding homes and non-secure detention facilities
certified by the office, shall be subject to state reimbursement for up
to fifty percent of the municipality's expenditures, exclusive of any
federal funds made available for such purposes, not to exceed the
municipality's distribution from funds that have been appropriated
specifically therefor for that program year. Municipalities shall imple-
ment the use of detention risk assessment instruments in a manner
prescribed by the office so as to inform detention decisions. Notwith-
standing any other provision of state law to the contrary, data neces-
sary for completion of a detention risk assessment instrument may be
shared among law enforcement, probation, courts, detention administra-
tors, detention providers, and the attorney for the child upon retention
or appointment; solely for the purpose of accurate completion of such
risk assessment instrument, and a copy of the completed detention risk
assessment instrument shall be made available to the applicable
detention provider, the attorney for the child and the court.

(1) temporary care, maintenance and supervision provided to alleged
juvenile delinquents [and persons in need of supervision] in detention
facilities certified pursuant to [sections seven hundred twenty and]
section 305.2 of the family court act by the office of children and
family services, pending adjudication of alleged delinquency [or alleged
need of supervision] by the family court, or pending transfer to insti-
tutions to which committed or placed by such court or while awaiting
disposition by such court after adjudication or held pursuant to a
securing order of a criminal court if the person named therein as prin-
cipal is under seventeen years of age; or

(4) prior to January first, two thousand twenty temporary care, main-
tenance and supervision provided youth detained in foster care facili-
ties or certified or approved family boarding homes pursuant to article
seven of the family court act.

(b) Payments made for reserved accommodations, whether or not in full
time use, approved and certified by the office of children and family
services and certified pursuant to [sections seven hundred twenty and]
section 305.2 of the family court act, in order to assure that adequate
accommodations will be available for the immediate reception and proper
care therein of youth for which detention costs are reimbursable pursu-
ant to paragraph (a) of this subdivision, shall be reimbursed as expend-
itures for care, maintenance and supervision under the provisions of
this section, provided the office shall have given its prior approval
for reserving such accommodations.

7. The agency administering detention for each county and the city of
New York shall submit to the office of children and family services, at
such times and in such form and manner and containing such information
as required by the office of children and family services, an annual
report on youth remanded pursuant to article three or seven of the famil-
ly court act who are detained during each calendar year including,
commencing January first, two thousand twelve, the risk level of each
detained youth as assessed by a detention risk assessment instrument approved by the office of children and family services provided, however, that the report due January first, two thousand twenty-one and thereafter shall not be required to contain any information on youth who are subject to article seven of the family court act. The office may require that such data on detention use be submitted to the office electronically. Such report shall include, but not be limited to, the reason for the court's determination in accordance with section 320.5 or seven hundred thirty-nine of the family court act to detain the youth; the offense or offenses with which the youth is charged; and all other reasons why the youth remains detained. The office shall submit a compilation of all the separate reports to the governor and the legislature.

§ 22. Intentionally omitted.

§ 23. Severability. If any clause, sentence, paragraph, subdivision, section or part contained in any 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 contained in any 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.

§ 24. This act shall take effect January 1, 2020 and shall be deemed to be applicable to the pre-dispositional placement of youth pursuant to petitions filed pursuant to article seven of the family court act on or after such effective date.

PART L

Section 1. Paragraphs (a), (b), (c) and (d) of subdivision 1 of section 131-o of the social services law, as amended by section 1 of part YY of chapter 59 of the laws of 2018, are amended to read as follows:

(a) in the case of each individual receiving family care, an amount equal to at least [$144.00] $148.00 for each month beginning on or after January first, two thousand [eighteen] nineteen.

(b) in the case of each individual receiving residential care, an amount equal to at least [$166.00] $171.00 for each month beginning on or after January first, two thousand [eighteen] nineteen.

(c) in the case of each individual receiving enhanced residential care, an amount equal to at least [$198.00] $204.00 for each month beginning on or after January first, two thousand [eighteen] nineteen.

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

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

(2) the amount in subparagraph one of this paragraph, multiplied by the percentage of any federal supplemental security income cost of living adjustment which becomes effective on or after January first, two thousand [nineteen] twenty, but prior to June thirtieth, two thousand [nineteen] twenty, rounded to the nearest whole dollar.
§ 2. Paragraph (a), (b), (c), (d), (e) and (f) of subdivision 2 of section 209 of the social services law, as amended by section 2 of part YY of chapter 59 of the laws of 2018, are amended to read as follows:

(a) On and after January first, two thousand [eighteen] nineteen, for an eligible individual living alone, [$837.00] $858.00; and for an eligible couple living alone, [$1,229.00] $1,261.00.

(b) On and after January first, two thousand [eighteen] nineteen, for an eligible individual living with others with or without in-kind income, [$773.00] $794.00; and for an eligible couple living with others with or without in-kind income, [$1,171.00] $1,203.00.

(c) On and after January first, two thousand [eighteen] nineteen, (i) for an eligible individual receiving family care, [$1,016.48] $1,037.48 if he or she is receiving such care in the city of New York or the county of Nassau, Suffolk, Westchester or Rockland; and (ii) for an eligible couple receiving family care in the city of New York or the county of Nassau, Suffolk, Westchester or Rockland, two times the amount set forth in subparagraph (i) of this paragraph; or (iii) for an eligible individual receiving such care in any other county in the state, [$978.48] $999.48; and (iv) for an eligible couple receiving such care in any other county in the state, two times the amount set forth in subparagraph (iii) of this paragraph.

(d) On and after January first, two thousand [eighteen] nineteen, (i) for an eligible individual receiving residential care, [$1,185.00] $1,206.00 if he or she is receiving such care in the city of New York or the county of Nassau, Suffolk, Westchester or Rockland; and (ii) for an eligible couple receiving residential care in the city of New York or the county of Nassau, Suffolk, Westchester or Rockland, two times the amount set forth in subparagraph (i) of this paragraph; or (iii) for an eligible individual receiving such care in any other county in the state, [$1,156.00] $1,176.00; and (iv) for an eligible couple receiving such care in any other county in the state, two times the amount set forth in subparagraph (iii) of this paragraph.

(e) (i) On and after January first, two thousand [eighteen] nineteen, (i) for an eligible individual receiving enhanced residential care, [$1,444.00] $1,465.00; and (ii) for an eligible couple receiving enhanced residential care, two times the amount set forth in subparagraph (i) of this paragraph.

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

§ 3. This act shall take effect December 31, 2019.

PART M

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

§ 4. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2016, provided further that this act shall expire and be deemed repealed March 31, [2019] 2022.

§ 2. This act shall take effect immediately.
Section 1. Short title. This act shall be known and may be cited as the "Lawful Source of Income Non-Discrimination Act of 2019".

§ 2. Section 292 of the executive law is amended by adding a new subdivision 36 to read as follows:

36. The term "lawful source of income" shall include, but not be limited to, child support, alimony, foster care subsidies, income derived from social security, or any form of federal, state, or local public assistance or housing assistance including, but not limited to, section 8 vouchers, or any other form of housing assistance payment or credit whether or not such income or credit is paid or attributed directly to a landlord, and any other forms of lawful income. The provisions of this subdivision shall not be construed to prohibit the use of criteria or qualifications of eligibility for the sale, rental, leasing or occupancy of publicly-assisted housing accommodations where such criteria or qualifications are required to comply with federal or state law, or are necessary to obtain the benefits of a federal or state program. A publicly assisted housing accommodation may include eligibility criteria in statements, advertisements, publications or applications, and may make inquiry or request information to the extent necessary to determine eligibility.

§ 3. Paragraphs (a), (b), (c) and (c-1) of subdivision 2-a of section 296 of the executive law, as amended by chapter 8 of the laws of 2019, are amended to read as follows:

(a) To refuse to sell, rent or lease or otherwise to deny to or withdraw from any person or group of persons such housing accommodations because of the race, creed, color, disability, national origin, sexual orientation, gender identity or expression, military status, age, sex, marital status, lawful source of income or familial status of such person or persons, or to represent that any housing accommodation or
land is not available for inspection, sale, rental or lease when in fact
it is so available.

(b) To discriminate against any person because of his or her race,
creed, color, disability, national origin, sexual orientation, gender
identity or expression, military status, age, sex, marital status,
lawful source of income or familial status in the terms, conditions or
privileges of any publicly-assisted housing accommodations or in the
furnishing of facilities or services in connection therewith.

(c) To cause to be made any written or oral inquiry or record concern-
ing the race, creed, color, disability, national origin, sexual orien-
tation, gender identity or expression, membership in the reserve armed
forces of the United States or in the organized militia of the state,
age, sex, marital status, lawful source of income or familial status of
a person seeking to rent or lease any publicly-assisted housing accommo-
dation; provided, however, that nothing in this subdivision shall
prohibit a member of the reserve armed forces of the United States or in
the organized militia of the state from voluntarily disclosing such
membership.

(c-1) To print or circulate or cause to be printed or circulated any
statement, advertisement or publication, or to use any form of applica-
tion for the purchase, rental or lease of such housing accommodation or
to make any record or inquiry in connection with the prospective
purchase, rental or lease of such a housing accommodation which
expresses, directly or indirectly, any limitation, specification or
discrimination as to race, creed, color, national origin, sexual orien-
tation, gender identity or expression, military status, sex, age, disa-
bility, marital status, lawful source of income or familial status, or
any intent to make any such limitation, specification or discrimination.

§ 4. Subparagraphs 1, 2 and 3 of paragraph (a) of subdivision 5 of
section 296 of the executive law, as amended by chapter 8 of the laws of
2019, are amended to read as follows:

(1) To refuse to sell, rent, lease or otherwise to deny to or withhold
from any person or group of persons such a housing accommodation because
of the race, creed, color, national origin, sexual orientation, gender
identity or expression, military status, sex, age, disability, marital
status, lawful source of income or familial status of such person or
persons, or to represent that any housing accommodation or land is not
available for inspection, sale, rental or lease when in fact it is so
available.

(2) To discriminate against any person because of race, creed, color,
national origin, sexual orientation, gender identity or expression,
military status, sex, age, disability, marital status, lawful source of
income or familial status in the terms, conditions or privileges of the
sale, rental or lease of any such housing accommodation or in the
furnishing of facilities or services in connection therewith.

(3) To print or circulate or cause to be printed or circulated any
statement, advertisement or publication, or to use any form of applica-
tion for the purchase, rental or lease of such housing accommodation or
to make any record or inquiry in connection with the prospective
purchase, rental or lease of such a housing accommodation which
expresses, directly or indirectly, any limitation, specification or
discrimination as to race, creed, color, national origin, sexual orien-
tation, gender identity or expression, military status, sex, age, disa-
bility, marital status, lawful source of income or familial status, or
any intent to make any such limitation, specification or discrimination.
§ 5. Subparagraphs 1 and 2 of paragraph (c) of subdivision 5 of section 296 of the executive law, as amended by chapter 8 of the laws of 2019, are amended to read as follows:

(1) To refuse to sell, rent or lease any housing accommodation, land or commercial space to any person or group of persons or to refuse to negotiate for the sale, rental or lease, of any housing accommodation, land or commercial space to any person or group of persons because of the race, creed, color, national origin, sexual orientation, gender identity or expression, military status, sex, age, disability, marital status, **lawful source of income** or familial status of such person or persons, or to represent that any housing accommodation, land or commercial space is not available for inspection, sale, rental or lease when in fact it is so available, or otherwise to deny or withhold any housing accommodation, land or commercial space or any facilities of any housing accommodation, land or commercial space from any person or group of persons because of the race, creed, color, national origin, sexual orientation, gender identity or expression, military status, sex, age, disability, marital status, **lawful source of income** or familial status of such person or persons.

(2) To print or circulate or cause to be printed or circulated any statement, advertisement or publication, or to use any form of application for the purchase, rental or lease of any housing accommodation, land or commercial space or to make any record or inquiry in connection with the prospective purchase, rental or lease of any housing accommodation, land or commercial space which expresses, directly or indirectly, any limitation, specification, or discrimination as to race, creed, color, national origin, sexual orientation, gender identity or expression, military status, sex, age, disability, marital status, **lawful source of income** or familial status; or any intent to make any such limitation, specification or discrimination.

§ 6. Paragraph (d) of subdivision 5 of section 296 of the executive law, as amended by chapter 8 of the laws of 2019, is amended to read as follows:

(d) It shall be an unlawful discriminatory practice for any real estate board, because of the race, creed, color, national origin, sexual orientation, gender identity or expression, military status, sex, age, disability, marital status, **lawful source of income** or familial status of any individual who is otherwise qualified for membership, to exclude or expel such individual from membership, or to discriminate against such individual in the terms, conditions and privileges of membership in such board.

§ 7. This act shall take effect immediately and shall apply to all causes of action filed on or after such effective date.

PART U

Intentionally Omitted

PART V

Intentionally Omitted

PART W

Intentionally Omitted
Section 1. The opening paragraph of section 5-211 of the election law, as amended by chapter 265 of the laws of 2013, is amended to read as follows:

Each agency designated as a participating agency under the provisions of this section shall implement and administer a program of distribution of voter registration forms pursuant to the provisions of this section. The following offices which provide public assistance and/or provide state funded programs primarily engaged in providing services to persons with disabilities are hereby designated as voter registration agencies: designated as the state agencies which provide public assistance are the office of children and family services, the office of temporary and disability assistance and the department of health. Also designated as public assistance agencies are all agencies of local government that provide such assistance. Designated as state agencies that provide programs primarily engaged in providing services to people with disabilities are the department of labor, office for the aging, division of veterans' services, office of mental health, office of vocational and educational services for individuals with disabilities, commission on quality of care for the mentally disabled, office of mental retardation and developmental disabilities, commission for the blind, office of alcoholism and substance abuse services, the office of the advocate for the disabled and all offices which administer programs established or funded by such agencies. Additional state agencies designated as voter registration offices are the department of state and the division of workers' compensation. Such agencies shall be required to offer voter registration forms to persons upon initial application for services, renewal or recertification for services and change of address relating to such services. Such agencies shall also be responsible for providing assistance to applicants in completing voter registration forms, receiving and transmitting the completed application form from all applicants who wish to have such form transmitted to the appropriate board of elections. The state board of elections shall, together with representatives of the department of defense, develop and implement procedures for including recruitment offices of the armed forces of the United States as voter registration offices when such offices are so designated by federal law. The state board shall also make request of the United States Immigration and Naturalization Service to include applications for registration by mail with any materials which are given to new citizens. All institutions of the state university of New York and the city university of New York, shall, at the beginning of the school year, and again in January of a year in which the president of the United States is to be elected, provide an application for registra-
tion to each student in each such institution. The state board of
elections may, by regulation, grant a waiver from any or all of the
requirements of this section to any office or program of an agency, if
it determines that it is not feasible for such office or program to
administer such requirement.
§ 2. Subdivision 8 of section 31 of the executive law, as amended by
section 106 of subpart B of part C of chapter 62 of the laws of 2011, is
amended to read as follows:

8. The division of veterans' [affairs] services.

§ 2-a. Paragraph (e) of subdivision 1 of section 169 of the executive
law, as amended by section 9 of part A of chapter 60 of the laws of
2012, is amended to read as follows:

(e) [chairman] chairperson of state athletic commission, director of
the office of victim services, [chairman] chairperson of human rights
appeal board, [chairman] chairperson of the industrial board of appeals,
[chairman] chairperson of the state commission of correction, members of
the board of parole, [member-chairman] member-chairperson of unemploy-
ment insurance appeal board, director of veterans' [affairs] services,
and [vice-chairman] vice-chairperson of the workers' compensation board;

§ 3. Subdivision 1 of section 191 of the executive law, as added by
chapter 285 of the laws of 1995, is amended to read as follows:

1. There is hereby established within the division of military and
naval affairs a temporary advisory committee on the restoration and
display of New York state's military battle flags (hereinafter referred
to as the "committee"). The committee shall have thirteen members as
follows: the adjutant general, the director of the New York state mili-
tary heritage museum, the commissioners of education and parks, recre-
ation and historic preservation and the director of the division of
veterans' [affairs] services, or their designated representatives, two
members appointed each by the governor, speaker of the assembly and
majority leader of the senate and one member each appointed by the
minority leaders of the senate and assembly and shall serve at the plea-
sure of the appointing authority. Appointed members shall include indi-
viduals with experience in restoration of historical memorabilia, exper-
tise in military history, or a background in historical restoration or
fine arts conservation. No appointed member shall be a member of the
executive, legislative or judicial branch of the state government at the
time of his/her appointment. The advisory committee shall meet at least
four times a year. No members shall receive any compensation, but
members who are not state officials may receive actual and necessary
expenses incurred in the performance of their duties.

§ 4. The article heading of article 17 of the executive law is amended
to read as follows:

VETERANS' [AFFAIRS] SERVICES

§ 5. Subdivisions 1 and 2 of section 350 of the executive law are
amended to read as follows:

1. The term "division" means the division of veterans' [affairs] services.

2. The term "state director" means the New York state director of
veterans' [affairs] services.

§ 6. Section 351 of the executive law is amended to read as follows:

§ 351. Division of veterans' [affairs] services. There is hereby
created in the executive department a division of veterans' [affairs]
services. The head of such division shall be the New York state direc-
tor of veterans' [affairs] services who shall be a veteran. He or she
shall be appointed by the governor and shall hold office during his or
pleasure. Such state director shall receive an annual salary to be fixed by the governor within the limitation provided by law. He or she shall also be entitled to receive his or her expenses actually and necessarily incurred by him or her in the performance of his or her duties. The state director, with the approval of the governor, may establish such bureaus within the division as are necessary and appropriate to carrying out its functions and may consolidate or abolish such bureaus. The state director may appoint such officers, consultants, clerks and other employees and agents as he or she may deem necessary, fix their compensation within the limitation provided by law, and prescribe their duties.

§ 7. The section heading and subdivisions 1 and 5 of section 352 of the executive law, as amended by chapter 501 of the laws of 1993, are amended to read as follows:

Veterans' [affairs] services commission. 1. There shall be in the division a veterans' [affairs] services commission, which shall consist of the members and the ex officio members provided for in this section. 5. The commission shall have power, and it shall be its duty, to assist the state director in the formulation of policies affecting veterans and in the coordination of all operations of state agencies relating to veterans' [affairs] services.

§ 8. Section 354-a of the executive law, as amended by section 95 of subpart B of part C of chapter 62 of the laws of 2011, is amended to read as follows:

§ 354-a. Information on status of veterans receiving assistance. Departments, divisions, bureaus, boards, commissions and agencies of the state and political subdivisions thereof, which provide assistance, treatment, counseling, care, supervision or custody in service areas involving health, mental health, family services, criminal justice or employment, including but not limited to the office of alcoholism and substance abuse services, office of mental health, office of probation and correctional alternatives, office of children and family services, office of temporary and disability assistance, department of health, department of labor, local workforce investment boards, office for people with developmental disabilities, and department of corrections and community supervision, shall request assisted persons to provide information with regard to their veteran status and military experiences. Individuals identifying themselves as veterans shall be advised that the division of veterans' [affairs] services and local veterans' service agencies established pursuant to section three hundred fifty-seven of this article provide assistance to veterans regarding benefits under federal and state law. Information regarding veterans status and military service provided by assisted persons solely to implement this section shall be protected as personal confidential information under article six-A of the public officers law against disclosure of confidential material, and used only to assist in the diagnosis, treatment, assessment and handling of the veteran's problems within the agency requesting such information and in referring the veteran to the division of veterans' [affairs] services for information and assistance with regard to benefits and entitlements under federal and state law.

§ 8-a. Subdivision 2 of section 354-e of the executive law, as added by chapter 322 of the laws of 2018, is amended to read as follows:

2. Individuals identifying themselves as having served in the military or a family member shall be advised that the division of veterans' [affairs] services and local veterans service agencies established pursuant to section three hundred fifty-seven of this article provide
assistance to veterans regarding benefits under federal and state law.

Information regarding veterans and military status provided by assisted persons solely to implement this section shall be protected as personal confidential material, and used only to assist in the diagnosis, treatment, assessment and handling of the veteran's or family member's problems within the agency requesting such information and in referring the veteran or family member to the division of veterans' services for the information and assistance with regard to benefits and entitlements under federal and state law.

§ 9. Paragraph (b) of subdivision 1 of section 361-b of the executive law, as amended by chapter 515 of the laws of 2011, is amended to read as follows:

(b) "Division" shall mean the state division of veterans' services.

§ 10. Section 362 of the executive law, as amended by chapter 251 of the laws of 2004, is amended to read as follows:

§ 362. Creation of annuity. 1. Payment to veterans. a. Any veteran as defined in this article who has been or is hereafter classified by the New York State commission for the visually handicapped as a blind person as defined in section three of chapter four hundred fifteen of the laws of nineteen hundred thirteen, as amended, and continues to be a blind person within the meaning of that section, shall, upon application to the director of the division of veterans' services, be paid out of the treasury of the state for such term as such veteran shall be entitled thereto under the provisions of this article, the sum of one thousand dollars annually, plus any applicable annual adjustment, as provided in this section.

b. The entitlement of any veteran to receive the annuity herein provided shall terminate upon his or her ceasing to continue to be a resident of and domiciled in the state, but such entitlement may be reinstated upon application to the director of veterans' services, if such veteran shall thereafter resume his or her residence and domicile in the state.

c. The effective date of an award of the annuity to a veteran shall be the date of receipt of the application therefor by the director of veterans' services, except that if the application is denied but is granted at a later date upon an application for reconsideration based upon new evidence, the effective date of the award of the annuity to a veteran shall be the date of receipt of the application for reconsideration by the director of veterans' services.

2. Payment to widows and widowers of blind veterans. a. The unmarried spouse of a veteran who heretofore has died or the unmarried spouse of a veteran dying hereafter, such veteran being at the time of his or her death a recipient of, or eligible for, the benefits above provided, shall, upon application to the director of veterans' services, also be paid out of the treasury of the state the sum of one thousand dollars annually, plus any applicable annual adjustment, for such term as such unmarried spouse shall be entitled thereto under the provisions of this article.

b. The entitlement of any widow or widower to receive the annuity herein provided shall terminate upon her or his death or re-marriage or upon her or his ceasing to continue to be a resident of and domiciled in the state of New York, but such entitlement may be reinstated upon application to the director of veterans' services, if such widow or widower shall thereafter resume her or his residence and domicile in the state.
c. The effective date of an award of the annuity to a widow or widower shall be the day after the date of death of the veteran if the application therefor is received within one year from such date of death. If the application is received after the expiration of the first year following the date of the death of the veteran, the effective date of an award of the annuity to a widow or widower shall be the date of receipt of the application by the director of veterans' services. If an application is denied but is granted at a later date upon an application for reconsideration based upon new evidence, the effective date of the award of the annuity to a widow or widower shall be the date of receipt of the application for reconsideration by the director of veterans' services.

3. Annual adjustment. Commencing in the year two thousand five, and for each year thereafter, the amount of any annuity payable under this section shall be the same amount as the annuity payable in the preceding year plus a percentage adjustment equal to the annual percentage increase, if any, for compensation and pension benefits administered by the United States Department of Veterans' Affairs in the previous year. Such percentage increase shall be rounded up to the next highest one-tenth of one percent and shall not be less than one percent nor more than four percent. Commencing in the year two thousand five, the director of veterans' services, not later than February first of each year, shall publish by any reasonable means the amount of the annuity as adjusted payable under this section. § 10-a. Subdivisions 1 and 2 of section 363 of the executive law, subdivision 1 as added by chapter 424 of the laws of 1961, and subdivision 2 as amended by chapter 1052 of the laws of 1971, are amended to read as follows:

1. The evidence of such service, blindness, residence and domicile, or of such marriage, widowhood, residence and domicile in each case shall be furnished in the manner and form prescribed by the director of veterans' services who shall examine the same.

2. Upon being satisfied that such service was performed, that other facts and statements in the application of such veteran or widow are true and that the said veteran has been classified by the New York state commission for the visually handicapped as a blind person, where such veteran is not receiving or not entitled to receive a benefit from any existing retirement system to which the state is a contributor, unless such veteran shall have become disabled by reason of loss of sight, while engaged in employment entitling him to receive a benefit from any existing retirement system to which the state is a contributor, and as a result of such disability has retired from such employment and is receiving or is entitled to receive a benefit from such retirement system, the director of veterans' services shall certify to the state comptroller the name and address of such veteran or widow.

§ 10-b. Subdivisions 3 and 5 of section 364 of the executive law, subdivision 3 as added by chapter 424 of the laws of 1961, and subdivision 5 as amended by chapter 115 of the laws of 1981, are amended to read as follows:

3. Where any veteran is disqualified for the annuity for any period solely by reason of the provisions of subdivision two of this section, the director of veterans' services shall pay to his wife or her spouse, if any, the annuity which such veteran would receive for that period but for said subdivision two.
5. Where payment of the annuity as hereinbefore authorized is to be made to a mentally incompetent person or a conservatee, such payment may be authorized by the director of veterans' services of the state to be paid only to a duly qualified court-appointed committee or conservator, legally vested with the care of such incompetent's person or property or of such conservatee's property, except that in the case of an incompetent annuitant for whom a committee has not been appointed or a person under a substantial impairment [within the meaning of the conservatorship provisions of article seventy-seven of the mental hygiene law] for whom a conservator has not been appointed and who is hospitalized in a United States veterans health administration hospital or in a hospital under the jurisdiction of the state of New York, the director of veterans' services of the state may in his or her discretion certify payment of the annuity, as hereinbefore authorized, to the manager of such United States veterans health administration hospital or to the director of such state hospital for the account of the said incompetent or substantially impaired annuitant.

§ 11. The third undesignated paragraph of subdivision 1 and the opening paragraphs of paragraphs (a) and (b), paragraph (g), the opening paragraph and clause 6 of subparagraph (ii) of paragraph (h) of subdivision 2 of section 365 of the executive law, as added by section 5 of part W of chapter 57 of the laws of 2013, are amended to read as follows:

The legislature additionally finds and determines that it is therefore necessary to provide for the construction and establishment of one or more New York state veterans cemeteries, and that to thereafter, provide for the expansion, improvement, support, operation, maintenance and the provision of perpetual care of all such cemeteries so constructed and established. The legislature also finds and determines that it is appropriate to have the responsibility for the construction, establishment, expansion, improvement, support, operation, maintenance and the provision of perpetual care for veterans cemeteries in this state, to be under the oversight and direction of the state division of veterans services, and its director, individually, and as chair of the management board, for each such veterans cemetery so constructed and established.

The division, in cooperation with the United States department of veterans affairs, and in consultation with, and upon the support of the department of state division of cemeteries, is hereby directed to conduct an investigation and study on the issue of the construction and establishment of the first New York state veterans' cemetery. Such investigation and study shall include, but not be limited to:

Prior to the commencement of the investigation and study pursuant to paragraph (a) of this subdivision, the director of the division of veterans' services, the director of the division of the budget, the director of the department of state's division of cemeteries, and the office of the state comptroller must certify to the governor, the temporary president of the senate, the speaker of the assembly, the chair of the senate finance committee and the chair of the assembly ways and means committee that the veterans remembrance and cemetery maintenance and operation fund, created pursuant to section ninety-seven-mmm of the state finance law, contains moneys sufficient, adjusted to reflect projected future inflation, to fund the operation, maintenance and the provision of perpetual care of a state veterans' cemetery for a period of not less than fifteen years, provided that such amount shall
1 not include any amount that shall be reimbursed or contributed to the
cemetery from the government of the United States or any amount that
would be recoverable by the cemetery pursuant to a charge of fee for the
 provision of a grave site for a non-veteran spouse or family member. In
 making such a certification, the director of the division of veterans' [affairs] services, the director of the division of the budget, the
director of the department of state's division of cemeteries, and the
office of the state comptroller shall consider, but are not limited to,
the following factors:
  (g) Nothing in this section shall be construed to authorize the divi-
sion of veterans' [affairs] services to commence an investigation and
study pursuant to paragraph (a) of this subdivision, issuing a request
for proposals pursuant to paragraph (c) of this subdivision, selecting a
site for the first New York state [veterans] veterans' cemetery pursuant
to paragraph (d) of this subdivision, or submitting any application for
funding from the government of the United States in accordance with the
grant requirements specified in section 2408 of title 38 of the United
States code, part 30 of title 38 of the code of federal regulations, and
other relevant federal statutes or regulations, for the purpose of seek-
ing funds to support the construction, establishment, expansion,
 improvement, support, operation, maintenance and the provision of
perpetual care of New York state's first [veterans] veterans' cemetery
pursuant to paragraph (e) of this subdivision until the funds in the
veterans remembrance and cemetery maintenance and operation fund have
been certified pursuant to paragraph (b) of this subdivision.
Guidelines and standards for the request for proposals for any local
government desiring to have the first state [veterans] veterans' ceme-
tery located within its political subdivision, pursuant to paragraph (b)
of this subdivision, including, but not limited to:
  (6) The requirement that a response shall require the local government
to agree to authorize the state of New York, in the event that the local
government fails to perform its obligations under the contract with the
state of New York, that the state director of the division of veterans' [affairs] services shall certify to the comptroller any unpaid amounts
or any amounts necessary for the state to assume the obligations which
the local government failed to perform, and the comptroller shall, to
the extent not otherwise prohibited by law, withhold such amount from
any state aid or other amount payable to such local government; to the
extent that sufficient funds are not available for such withholding, the
state may pursue any and all available legal remedies to enforce the
terms of the contract entered into between the state and a local govern-
ment pursuant to this subdivision; and
§ 11-a. Paragraph (a) of subdivision 1 of section 367 of the executive
law, as amended by chapter 356 of the laws of 2018, is amended to read
as follows:
(a) A parent, identified in 10 USC 1126 as a gold star parent, of a
veteran who heretofore has died or parent of a veteran dying hereafter,
shall upon application to the state director, be paid an annual annuity
out of the treasury of the state for the sum of five hundred dollars for
such term as such parent shall be entitled thereto under the provisions
of this article. Commencing in the year two thousand nineteen, the
amount of any annuity payable under this section shall be the same
amount as the annuity payable in the preceding year plus a percentage
adjustment equal to the annual percentage increase, if any, for compen-
sation and pension benefits administered by the United States department
of [veterans] veterans affairs in the previous year. Such percentage
increase shall be rounded up to the next highest one-tenth of one percent and shall not be less than one percent nor more than four percent. The director of veterans' [affairs] services, not later than February first of each year, shall publish by any reasonable means, including but not limited to posting on the division's website, the amount of the annuity as adjusted payable under this section. The term "parent" for the purposes of this section includes mother, father, stepmother, stepfather, mother through adoption and father through adoption.

§ 12. Subdivision 3 of section 369-d of the executive law, as added by chapter 557 of the laws of 2013, is amended to read as follows:
3. establish and maintain, together with the director of the division of veterans' [affairs] services, a program to educate separating service members as to the benefits available to veterans under this article.

§ 13. Paragraph (c) of subdivision 4 of section 369-i of the executive law, as added by chapter 22 of the laws of 2014, is amended to read as follows:
(c) Evaluate and assess availability of firms for the purpose of increasing participation of such firms in state contracting in consultation with relevant state entities including, but not limited to, the New York state division of veterans' [affairs] services.

§ 14. Subdivision 1 of section 643 of the executive law, as amended by section 107 of subpart B of part C of chapter 62 of the laws of 2011, is amended to read as follows:
1. As used in this section, "crime victim-related agency" means any agency of state government which provides services to or deals directly with crime victims, including (a) the office of children and family services, the office for the aging, the division of veterans' services, the office of probation and correctional alternatives, the department of corrections and community supervision, the office of victim services, the department of motor vehicles, the office of vocational rehabilitation, the workers' compensation board, the department of health, the division of criminal justice services, the office of mental health, every transportation authority and the division of state police, and (b) any other agency so designated by the governor within ninety days of the effective date of this section.

§ 15. Subdivisions 3 and 4 of section 95-f of the state finance law, as added by chapter 266 of the laws of 2005, are amended to read as follows:
3. Monies of the fund shall be expended for the provision of veterans' counseling services provided by local veterans' service agencies pursuant to section three hundred fifty-seven of the executive law under the direction of the division of veterans' [affairs] services.
4. To the extent practicable, the director of the division of veterans' [affairs] services shall ensure that all monies received during a fiscal year are expended prior to the end of that fiscal year.

§ 16. The opening paragraph of subdivision 2-a and subdivision 5 of section 97-mmmm of the state finance law, the opening paragraph of subdivision 2-a as amended by section 27-c of part UU of chapter 54 of the laws of 2016, and subdivision 5 as added by section 2 of part W of chapter 57 of the laws of 2013, are amended to read as follows:
1. On or before the first day of February each year, the director of the New York state division of veterans' [affairs] services shall provide a written report to the temporary president of the senate, speaker of the assembly, chair of the senate finance committee, chair of the assembly ways and means committee, chair of the senate committee on veterans, homeland security and military affairs, chair of the assembly veterans'
affairs committee, the state comptroller and the public. Such report
shall include how the monies of the fund were utilized during the
preceding calendar year, and shall include:
5. Moneys shall be payable from the fund on the audit and warrant of
the comptroller on vouchers approved and certified by the director of
the division of [veterans affairs] veterans' services.
§ 17. Subdivision 1, the opening paragraph of subdivision 2-a and
subdivisions 4 and 5 of section 99-v of the state finance law, subdivi-
sions 1, 4 and 5 as added by chapter 428 of the laws of 2014, and the
opening paragraph of subdivision 2-a as amended by section 27-d of part
UU of chapter 54 of the laws of 2016, are amended to read as follows:
1. There is hereby established in the joint custody of the commission-
er of taxation and finance, the New York state director of [veterans
affairs] veterans' services and the comptroller, a special fund to be
known as the "homeless veterans assistance fund".
On or before the first day of February each year, the director of the
New York state division of veterans' [affairs] services shall provide a
written report to the temporary president of the senate, speaker of the
assembly, chair of the senate finance committee, chair of the assembly
ways and means committee, chair of the senate committee on veterans,
homeland security and military affairs, chair of the assembly veterans'
affairs committee, the state comptroller and the public. Such report
shall include how the monies of the fund were utilized during the
preceding calendar year, and shall include:
4. Moneys of the fund shall be expended only for the assistance and
care of homeless veterans, for housing and housing-related expenses, as
determined by the division of [veterans affairs] veterans' services.
5. Moneys shall be paid out of the fund on the audit and warrant of
the comptroller on vouchers approved and certified by the New York state
director of [veterans affairs] veterans' services. Any interest
received by the comptroller on moneys on deposit in the homeless veter-
ans assistance fund shall be retained in and become part of such fund.
§ 18. Subdivision 1 of section 168 of the labor law, as amended by
section 117 of subpart B of part C of chapter 62 of the laws of 2011, is
amended to read as follows:
1. This section shall apply to all persons employed by the state in
the ward, cottage, colony, kitchen and dining room, and guard service
personnel in any hospital, school, prison, reformatory or other institu-
tion within or subject to the jurisdiction, supervision, control or
visitation of the department of corrections and community supervision,
the department of health, the department of mental hygiene, the depart-
ment of social welfare or the division of veterans' [affairs] services
in the executive department, and engaged in the performance of such
duties as nursing, guarding or attending the inmates, patients, wards or
other persons kept or housed in such institutions, or in protecting and
guarding the buildings and/or grounds thereof, or in preparing or serv-
ing food therein.
§ 19. Subdivision 3 of section 404-v of the vehicle and traffic law,
as amended by chapter 266 of the laws of 2005, is amended to read as
follows:
3. A distinctive plate issued pursuant to this section shall be issued
in the same manner as other number plates upon the payment of the regu-
lar registration fee prescribed by section four hundred one of this
article, provided, however, that an additional annual service charge of
fifteen dollars shall be charged for such plate. Such annual service
charge shall be deposited to the credit of the Eighth Air Force Histor-
ical Society fund established pursuant to section ninety-five-f of the state finance law and shall be used for veterans' counseling services provided by local veterans' service agencies pursuant to section three hundred fifty-seven of the executive law under the direction of the division of veterans' services. Provided, however, that one year after the effective date of this section funds in the amount of five thousand dollars, or so much thereof as may be available, shall be allocated to the department to offset costs associated with the production of such license plates.

§ 20. Subdivision 3 of section 11-0707 of the environmental conservation law, as amended by section 92 of subpart B of part C of chapter 62 of the laws of 2011, is amended to read as follows:

3. Any person who is a patient at any facility in this state maintained by the United States Veterans' Administration or at any hospital or sanitorium for treatment of tuberculosis maintained by the state or any municipal corporation thereof or resident patient at any institution of the department of Mental Hygiene, or resident patient at the rehabilitation hospital of the department of Health, or at any rest camp maintained by the state through the Division of Veterans' Services in the Executive Department or any inmate of a conservation work camp within the youth rehabilitation facility of the department of corrections and community supervision, or any inmate of a youth opportunity or youth rehabilitation center within the Office of Children and Family Services, any resident of a nursing home or residential health care facility as defined in subdivisions two and three of section twenty-eight hundred one of the public health law, or any staff member or volunteer accompanying or assisting one or more residents of such nursing home or residential health care facility on an outing authorized by the administrator of such nursing home or residential health care facility may take fish as if he held a fishing license, except that he may not take bait fish by net or trap, if he has on his person an authorization upon a form furnished by the department containing such identifying information and data as may be required by it, and signed by the superintendent or other head of such facility, institution, hospital, sanitarium, nursing home, residential health care facility or rest camp, as the case may be, or by a staff physician thereat duly authorized so to do by the superintendent or other head thereof. Such authorization with respect to inmates of said conservation work camps shall be limited to areas under the care, custody and control of the department.

§ 21. Subdivision 5 of section 2805-b of the public health law, as amended by chapter 64 of the laws of 2016, is amended to read as follows:

5. The staff of a general hospital shall: (a) inquire whether or not the person admitted has served in the United States armed forces. Such information shall be listed on the admissions form; (b) notify any admittee who is a veteran of the possible availability of services at a hospital operated by the United States veterans health administration, and, upon request by the admittee, such staff shall make arrangements for the individual's transfer to a United States veterans health administration hospital, provided, however, that transfers shall be authorized only after it has been determined, according to accepted clinical and medical standards, that the patient's condition has stabilized and transfer can be accomplished safely and without complication; and (c) provide any admittee who has served in the United States armed forces with a copy of
the "Information for Veterans concerning Health Care Options" fact sheet, maintained by the division of veterans' services pursuant to subdivision twenty-three of section three hundred fifty-three of the executive law prior to discharging or transferring the patient. The commissioner shall promulgate rules and regulations for notifying such admittees of possible available services and for arranging a requested transfer.

§ 22. Subdivisions 2 and 3 of section 2805-o of the public health law, subdivision 2 as amended by chapter 95 of the laws of 2004, and subdivision 3 as added by chapter 158 of the laws of 1993, are amended to read as follows:

2. Every nursing home and residential health care facility shall in writing advise all individuals identifying themselves as veterans or spouses of veterans that the division of veterans' services and local veterans' service agencies established pursuant to section three hundred fifty-seven of the executive law to provide assistance to veterans and their spouses regarding benefits under federal and state law. Such written information shall include the name, address and telephone number of the New York state division of veterans' services, the nearest division of veterans' services office, the nearest county or city veterans' service agency and the nearest accredited veterans' service officer.

3. Every nursing home and residential health care facility, upon request of individuals identifying themselves as veterans or spouses of veterans, shall transmit such veteran status information to the division of veterans' services.

§ 23. Subdivision 2 of section 3802 of the public health law, as added by chapter 1135 of the laws of 1971, is amended to read as follows:

2. In the exercise of the foregoing powers and duties the commissioner shall consult with the director of the division of veterans' services and the heads of state agencies charged with responsibility for manpower and health resources.

§ 24. Subdivision 3 of section 3803 of the public health law, as amended by chapter 743 of the laws of 2006, is amended to read as follows:

3. In exercising any of his or her powers under this section, the commissioner shall consult with appropriate health care professionals, providers, veterans or organizations representing them, the division of veterans' services, the [federal] United States department of veterans affairs and the United States defense department.

§ 25. Section 99-v of the general municipal law, as added by chapter 16 of the laws of 2011, is amended to read as follows:

99-v. Veterans services; display of events. Each county, city, town or village may adopt a local law to provide a bulletin board to be conspicuously displayed in such county, city, town or village building holding its local legislative body or municipal offices. Such bulletin board shall be used by veterans organizations, the New York state division of veterans' services, the county veterans service agency or city veterans service agency to display information regarding veterans in such county, city, town or village. Such information may include, but not be limited to, benefits or upcoming veterans related events in the community.

§ 26. Subdivision 1-b of section 247 of the military law, as added by chapter 477 of the laws of 2013, is amended to read as follows:

1-b. The adjutant general is hereby authorized to present in the name of the legislature of the state of New York, a certificate, to be known
as the "Cold War Certificate", bearing a suitable inscription, to any person: (i) who is a citizen of the state of New York or (ii) who was a citizen of the state of New York while serving in the armed forces of the United States; (iii) who served in the United States Armed Forces during the period of time from September second, nineteen forty-five through December twenty-sixth, nineteen ninety-one, commonly known as the Cold War Era; and (iv) who was honorably discharged or released under honorable circumstances during the Cold War Era. Not more than one Cold War Certificate shall be awarded or presented, under the provisions of this subdivision, to any person whose entire service subsequent to the time of the receipt of such medal shall not have been honorable. In the event of the death of any person during or subsequent to the receipt of such certificate it shall be presented to such representative of the deceased as may be designated. The adjutant general, in consultation with the director of the division of veterans' services, shall make such rules and regulations as may be deemed necessary for the proper presentation and distribution of the certificate.

§ 27. Subdivision 3 of section 14-a of the domestic relations law, as amended by chapter 297 of the laws of nineteen sixty-three, is amended to read as follows:

3. No fee shall be charged for any certificate when required by the [veterans administration] United States department of veterans affairs or by the division of veterans' services of the state of New York to be used in determining the eligibility of any person to participate in the benefits made available by the [veterans administration] United States department of veterans affairs or by the state of New York.

§ 28. Subdivision 1 of section 19 of the domestic relations law, as amended by chapter 674 of the laws of nineteen eighty-five, is amended to read as follows:

1. Each town and city clerk hereby empowered to issue marriage licenses shall keep a book supplied by the state department of health in which such clerk shall record and index such information as is required therein, which book shall be kept and preserved as a part of the public records of his or her office. Whenever an application is made for a search of such records the city or town clerk, excepting the city clerk of the city of New York, may make such search and furnish a certificate of the result to the applicant upon the payment of a fee of five dollars for a search of one year and a further fee of one dollar for the second year for which such search is requested and fifty cents for each additional year thereafter, which fees shall be paid in advance of such search. Whenever an application is made for a search of such records in the city of New York, the city clerk of the city of New York may make such search and furnish a certificate of the result to the applicant upon the payment of a fee of five dollars for a search of one year and a further fee of one dollar for the second year for which search is requested and fifty cents each additional year thereafter. Notwithstanding any other provision of this article, no fee shall be charged for any search or certificate when required by the [veterans administration] United States department of veterans affairs or by the division of veterans' services of the state of New York to be used in determining the eligibility of any person to participate in the benefits made available by the [veterans administration] United States department of veterans affairs or by the state of New York. All such affidavits, statements and consents, immediately upon the taking or receiving of the
same by the town or city clerk, shall be recorded and indexed as
provided herein and shall be public records and open to public
inspection whenever the same may be necessary or required for judicial
or other proper purposes. At such times as the commissioner shall
direct, the said town or city clerk, excepting the city clerk of the
city of New York, shall file in the office of the state department of
health the original of each affidavit, statement, consent, order of a
justice or judge authorizing immediate solemnization of marriage,
license and certificate, filed with or made before such clerk during the
preceding month. Such clerk shall not be required to file any of said
documents with the state department of health until the license is
returned with the certificate showing that the marriage to which they
refer has been actually performed.

The county clerks of the counties comprising the city of New York
shall cause all original applications and original licenses with the
marriage solemnization statements thereon heretofore filed with each,
and all papers and records and binders relating to such original docu-
ments pertaining to marriage licenses issued by said city clerk, in
their custody and possession to be removed, transferred, and delivered
to the borough offices of the city clerk in each of said counties.

§ 29. Subdivision 1 of section 3308 of the education law, as added by
section 1 of part A of chapter 328 of the laws of 2014, is amended to
read as follows:

1. Each member state shall, through the creation of a state council or
use of an existing body or board, provide for the coordination among its
agencies of government, local educational agencies and military instal-
lations concerning the state's participation in, and compliance with,
this compact and interstate commission activities. In New York, the
state council shall include the commissioner or his or her designee, the
director of the New York state division of veterans' services or his or her designee, the adjutant general of the state of New York or
his or her designee, a superintendent of a school district with a high
concentration of military children appointed by the commissioner, a
district superintendent of schools of a board of cooperative educational
services serving an area with a high concentration of military children
appointed by the commissioner, a representative from a military instal-
lation appointed by the governor, a representative of military families
appointed by the governor, a public member appointed by the governor and
one representative each appointed by the speaker of the assembly, the
temporary president of the senate and the governor.

§ 30. Subdivision 1 of section 6505-c of the education law, as added
by chapter 106 of the laws of 2003, is amended to read as follows:

1. The commissioner shall develop, jointly with the director of the
division of veterans' [affairs services, a program to facilitate artic-
ulation between participation in the military service of the United
States or the military service of the state and admission to practice of
a profession. The commissioner and the director shall identify, review
and evaluate professional training programs offered through either the
military service of the United States or the military service of the
state which may, where applicable, be accepted by the department as
equivalent education and training in lieu of all or part of an approved
program. Particular emphasis shall be placed on the identification of
military programs which have previously been deemed acceptable by the
department as equivalent education and training, programs which may
provide, where applicable, equivalent education and training for those
professions which are critical to public health and safety and programs
which may provide, where applicable, equivalent education and training
for those professions for which shortages exist in the state of New
York.

§ 31. Paragraph 5 of subdivision (b) of section 5.06 of the mental
hygiene law, as added by section 2 of part N of chapter 56 of the laws
of 2012, is amended to read as follows:

(5) one member appointed on the recommendation of the state director
of the division of veterans' services and one member appointed
on the recommendation of the adjutant general of the division of mili-
tary and naval affairs, at least one of whom shall be a current or
former consumer of mental health services or substance use disorder
services who is a veteran who has served in a combat theater or combat
zone of operations and is a member of a veterans organization;

§ 31-a. Subdivision (i) of section 19.07 of the mental hygiene law, as
added by chapter 358 of the laws of 2013, is amended to read as follows:

(i) The office of alcoholism and substance abuse services shall peri-
odically, in consultation with the state director of veterans' services:
(1) review the programs operated by the office to ensure that
the needs of the state's veterans who served in the U.S. armed forces
and who are recovering from alcohol and/or substance abuse are being met
and to develop improvements to programs to meet such needs; and (2) in
collaboration with the state director of veterans' services and the commissioner of the office of mental health, review and make
recommendations to improve programs that provide treatment, rehabili-
tation, relapse prevention, and recovery services to veterans who have
served in a combat theatre or combat zone of operations and have a
co-occurring mental health and alcoholism or substance abuse disorder.

§ 31-b. Subdivision 15 of section 202 of the elder law, as amended by
chapter 455 of the laws of 2016, is amended to read as follows:

15. to periodically, in consultation with the state director of veter-
ans' services, review the programs operated by the office to
ensure that the needs of the state's aging veteran population are being
met and to develop improvements to programs to meet such needs; and

§ 32. Paragraph (j) of subdivision 3 of section 20 of the social
services law, as added by chapter 407 of the laws of 2016, is amended to
read as follows:

(j) to ensure the provision, on any form required to be completed at
application or recertification for the purpose of obtaining financial
assistance pursuant to this chapter, the form shall contain a check-off
question asking whether the applicant or recipient or a member of his or
her family served in the United States military, and an option to answer
in the affirmative. Where the applicant or recipient answers in the
affirmative to such question, the office of temporary and disability
assistance shall ensure that contact information for the state division
of veterans' services is provided to such applicant or recipi-
ent, in addition to any other materials provided.

§ 33. Paragraph (g) of section 202 of the not-for-profit corporation
law, as added by chapter 407 of the laws of 2016, is amended to read as
follows:

(g) Every corporation receiving any kind of state funding shall ensure
the provision on any form required to be completed at application or
recertification for the purpose of obtaining financial assistance pursu-
ant to this chapter, that the application form shall contain a check-off
question asking whether the applicant or recipient or a member of his or
her family served in the United States military, and an option to answer
in the affirmative. Where the applicant or recipient answers in the
affirmative to such question, the not-for-profit corporation shall ensure that contact information for the state division of veterans' [affairs] services is provided to such applicant or recipient in addition to any other materials provided.

§ 34. Paragraph (b) of section 1401 of the not-for-profit corporation law, as amended by chapter 675 of the laws of 2004, is amended to read as follows:

(b) Removal of remains from private cemeteries to other cemeteries. The supervisor of any town containing a private cemetery may remove any body interred in such cemetery to any other cemetery within the town, if the owners of such cemeteries and the next of kin of the deceased consent to such removal. The owners of a private cemetery may remove the bodies interred therein to any other cemetery within such town, or to any cemetery designated by the next of kin of the deceased. Notice of such removal shall be given within twenty days before such removal personally or by certified mail to the next of kin of the deceased and to the clerk and historian of the county in which such real property is situated and notice shall be given to the New York state department of state, division of cemeteries. If any of the deceased are known to be veterans, the owners shall also notify the division of veterans' [affairs] services. In the absence of the next of kin, the county clerk, county historian or the division of veterans' [affairs] services may act as a guardian to ensure proper reburial.

§ 35. Subdivision 10 of section 458 of the real property tax law, as added by chapter 426 of the laws of 2014, is amended to read as follows:

10. The commissioner shall develop in consultation with the director of the New York state division of veterans' [affairs] services a listing of documents to be used to establish eligibility under this section, including but not limited to a certificate of release or discharge from active duty also known as a DD-214 form or an Honorable Service Certificate/Report of Causality from the department of defense. Such information shall be made available to each county, city, town or village assessor's office, or congressional chartered veterans service officers who request such information. The listing of acceptable military records shall be made available on the internet websites of the division of veterans' [affairs] services and the office of real property tax services.

§ 36. Subdivision 9 of section 458-a of the real property tax law, as added by chapter 426 of the laws of 2014, is amended to read as follows:

9. The commissioner shall develop in consultation with the director of the New York state division of veterans' [affairs] services a listing of documents to be used to establish eligibility under this section, including but not limited to a certificate of release or discharge from active duty also known as a DD-214 form or an Honorable Service Certificate/Report of Causality from the department of defense. Such information shall be made available to each county, city, town or village assessor's office, or congressional chartered veterans service officers who request such information. The listing of acceptable military records shall be made available on the internet websites of the division of veterans' [affairs] services and the office of real property tax services.

§ 37. Subdivision 8 of section 458-b of the real property tax law, as added by chapter 426 of the laws of 2014, is amended to read as follows:

8. The commissioner shall develop in consultation with the director of the New York state division of veterans' [affairs] services a listing of documents to be used to establish eligibility under this section,
including but not limited to a certificate of release or discharge from active duty also known as a DD-214 form or an Honorable Service Certificate/Report of Causality from the department of defense. Such information shall be made available to each county, city, town or village assessor's office, or congressional chartered veterans service officers who request such information. The listing of acceptable military records shall be made available on the internet websites of the division of veterans' services and the office of real property tax services.

§ 38. Subdivision 1 of section 20 of chapter 784 of the laws of 1951, constituting the New York state defense emergency act, as amended by section 85 of part A of chapter 62 of the laws of 2011, is amended to read as follows:

1. There is hereby continued in the division of military and naval affairs in the executive department a state civil defense commission to consist of the same members as the members of the disaster preparedness commission as established in article two-B of the executive law. In addition, the superintendent of financial services, the chairman of the workers' compensation board and the director of the division of veterans' services shall be members. The governor shall designate one of the members of the commission to be the chairman thereof. The commission may provide for its division into subcommittees and for action by such subcommittees with the same force and effect as action by the full commission. The members of the commission, except for those who serve ex officio, shall be allowed their actual and necessary expenses incurred in the performance of their duties under this article but shall receive no additional compensation for services rendered pursuant to this article.

§ 39. Paragraph 2 of subdivision b of section 31-102 of the administrative code of the city of New York, as added by local law number 113 of the city of New York for the year 2015, is amended to read as follows:

2. links to websites describing veteran employment services provided by the federal government and New York state government, including, but not limited to, the websites of the United States department of labor, the New York state department of labor, the United States department of veterans affairs, and the New York state division of veterans' services; and

§ 40. Subdivision a of section 3102 of the New York city charter, as added by local law number 113 of the city of New York for the year 2015, is amended to read as follows:

a. Except as otherwise provided by law, the commissioner shall have such powers as provided by the director of the state veterans' service agency and shall have the duty to inform military and naval authorities of the United States and assist members of the armed forces and veterans, who are residents of the city, and their families, in relation to: (1) matters pertaining to educational training and retraining services and facilities, (2) health, medical and rehabilitation service and facilities, (3) provisions of federal, state and local laws and regulations affording special rights and privileges to members of the armed forces and veterans and their families, (4) employment and re-employment services, and (5) other matters of similar, related or appropriate nature. The commissioner shall also assist families of members of the reserve components of the armed forces and the organized militia ordered into active duty to ensure that they are made aware of and are receiving all appropriate support available to them. The department also shall
1 perform such other duties as may be assigned by the state director of
2 the division of veterans' services.

§ 41. The section heading and subdivision 1 of section 352 of the
3 executive law, as amended by chapter 501 of the laws of 1993, are
4 amended to read as follows:
5 Veterans' services commission. 1. There shall be in the
6 division a veterans' services commission, which shall consist
7 of the members and the ex officio members provided for in this section.
8 § 42. Subdivision 1 of section 359 of the executive law, as amended by
9 chapter 196 of the laws of 2009, is amended to read as follows:
10 1. A local director shall designate the location of the local and
11 branch offices of the local veterans' service agency within his or her
12 jurisdiction, which offices shall be open during convenient hours. The
13 cost of maintenance and operation of a county veterans' service agency
14 shall be a county charge and the cost of maintenance and operation of a
15 city veterans' service agency shall be a city charge, excepting that the
16 state director with the approval of the veterans' services commission shall allot and pay, from state moneys made available to him
17 or her for such purposes, to each county veterans' service agency and
18 each city veterans' service agency, an amount equal to fifty per centum
19 of its expenditures for maintenance and operation approved by the state
director, provided that in no event shall the amount allotted and paid
20 for such approved expenditures incurred in any given year exceed (1) in
21 the case of any county veterans' service agency in a county having a
22 population of not more than one hundred thousand or in the case of any
23 city veterans' service agency in a city having a population of not more
24 than one hundred thousand, the sum of ten thousand dollars, nor (2) in
25 the case of any county veterans' service agency in a county having a
26 population in excess of one hundred thousand excluding the population of
27 any city therein which has a city veterans' service agency, the sum of
28 ten thousand dollars, and, in addition thereto, the sum of five thousand
29 dollars for each one hundred thousand, or major portion thereof, of the
30 population of the county in excess of one hundred thousand excluding the
31 population of any city therein which has a city veterans' service agency,
32 nor (3) in the case of any city veterans' service agency in a city
33 having a population in excess of one hundred thousand, the sum of ten
34 thousand dollars, and, in addition thereto, the sum of five thousand
35 dollars for each one hundred thousand, or major portion thereof, of the
36 population of the city in excess of one hundred thousand. Such popu-
37 lation shall be certified in the same manner as provided by section
38 fifty-four of the state finance law.
39 § 43. Terms occurring in laws, contracts and other documents. Whenever
40 the functions, powers, obligations, duties and officials relating to
41 the division of veterans' affairs, the veterans' affairs commission or
42 the director of veterans' affairs is referred to or designated in any
43 other law, regulation, contract or document, such reference or design-
44 nation shall be deemed to refer to the appropriate functions, powers,
45 obligations, duties, officials and director of the division of veterans'
46 services or the veterans' services commission, as designated by this
47 act.
48 § 44. Existing rights and remedies preserved. No existing right or
49 remedy of any character shall be lost, impaired or affected by reason of
50 this act.
51 § 45. Severability. If any clause, sentence, paragraph, subdivision,
52 section or part contained in any part of this act shall be adjudged by
53 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 contained in any 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.

§ 46. This act shall take effect immediately; provided, however, that
the amendments to paragraph (c) of subdivision 4 of section 369-i of the
executive law made by section thirteen of this act shall not affect the
repeal of such section and shall be deemed repealed therewith.

PART BB

Section 1. Subdivisions 2 and 4 and paragraph e of subdivision 5 of
section 6456 of the education law, subdivision 2 as added by section 1
of part X of chapter 56 of the laws of 2015, subdivision 4 as amended by
section 2 of part V of chapter 56 of the laws of 2018, and paragraph e
of subdivision 5 as added by section 1 of part V of chapter 56 of the
laws of 2018, are amended to read as follows:

2. For the purposes of this section, "foster youth" shall mean
students who [have qualified as] (i) are an orphan, foster child, or
(ii) are, or have been, either a child or youth in foster care as such
term is defined in section thirty-two hundred forty-four of this chapter
or ward of the court [for the purposes of federal student financial aid
programs authorized by Title IV of the Higher Education Act of 1965, as
amended] at any time after their thirteenth birthday.

4. Funds for all programs under this section shall be awarded in equal
amounts per foster youth, except for students not enrolled in a post-
secondary opportunity program, to each institution that applies for
funding allocated to its sector distribution as provided in subdivision
three of this section and has an application that is approved by the
commissioner; provided, however, funds shall be awarded to a foster
youth based on his or her need as determined by the institution of high-
er education where such foster youth is in attendance.

e. to provide supplemental housing and meals for foster youth [not
currently enrolled in a post-secondary opportunity program at the state
university of New York].

§ 2. This act shall take effect immediately.

PART CC

Section 1. Paragraph h of subdivision 2 of section 355 of the educa-
tion law is amended by adding a new subparagraph 3-a to read as follows:

(3-a) Notwithstanding the provisions of any other general, special or
local law, rule or regulation, the state university trustees shall be
authorized to set a reduced rate of tuition and/or fees, or to waive
tuition and/or fees entirely, for students participating in any dual or
concurrent enrollment program with no reduction in other state, local,
or other support for such students earning college credit that such
higher education partner would otherwise be eligible to receive;
provided that, for purposes of this provision, a dual or concurrent
enrollment program shall mean one or more college courses taken by a
high school student through a state-operated institution while such
student is still enrolled in high school or boards of cooperative educa-
tional services and for which the student may receive both high school
and college credit.

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

6. Notwithstanding the provisions of any other general, special or
local law, rule or regulation, each community college, or the entity or
entities responsible for setting tuition at such institution, shall be
authorized to set a reduced rate of tuition and/or fees, or to waive
tuition and/or fees entirely, for students participating in any dual or
concurrent enrollment program with no reduction in other state, local,
or other support for such students earning college credit that such
higher education partner would otherwise be eligible to receive;
provided that, for purposes of this provision, a dual or concurrent
enrollment program shall mean one or more college courses taken by a
high school student through a community college while such student is
still enrolled in high school or boards of cooperative educational
services and for which the student may receive both high school and
college credit.

§ 3. Subdivision 7 of section 6206 of the education law is amended by
adding a new paragraph (e) to read as follows:

(e) Notwithstanding the provisions of any other general, special or
local law, rule or regulation, the board of trustees shall be authorized
to set a reduced rate of tuition and/or fees, or to waive tuition and/or
fees entirely, for students participating in any dual or concurrent
enrollment program with no reduction in other state, local, or other
support for such students earning college credit that such higher educa-
tion partner would otherwise be eligible to receive; provided that, for
purposes of this provision, a dual or concurrent enrollment program
shall mean one or more college courses taken by a high school student
through a community college or a senior college of the city university
while such student is still enrolled in high school and for which the
student may receive both high school and college credit.

§ 4. This act shall take effect immediately.

PART DD

Section 1. The civil service law is amended by adding a new section
215 to read as follows:

§ 215. Agency shop fee deductions. 1. Notwithstanding any other law to
the contrary, any public employer, any employee organization, the comp-
troller and the board, or any of their employees or agents, shall not be
liable for, and shall have a complete defense to, any claims or actions
under the laws of this state for requiring, deducting, receiving, or
retaining agency shop fee deductions from public employees, and current
or former public employees shall not have standing to pursue these
claims or actions, if the fees were permitted or mandated at the time
under the laws of this state then in force and paid, through payroll
deduction or otherwise, prior to June twenty-seventh, two thousand eigh-
teen.

2. This section shall apply to claims and actions pending or filed on
or after June twenty-seventh, two thousand eighteen.

3. The enactment of this section shall not be interpreted to create
the inference that any relief made unavailable by this section would
otherwise be available.

§ 2. This act shall take effect immediately.
Section 1. Legislative findings. The legislature finds that the State University of New York at Albany ("University") is in the process of developing 12 neighboring acres on the W. Averell Harriman State Office Building Campus to build the 245,000-square-foot Emerging Technology and Entrepreneurship Complex ("ETEC"). This ETEC development is part of a long-term development strategy of the University as part of the NYSUNY 2020 Challenge Grant Program. ETEC will house the University's College of Emergency Preparedness, Homeland Security and Cybersecurity, the Department of Atmospheric and Environmental Sciences, the Atmospheric Sciences Research Center and other University academic departments, as well as the New York State Mesonet weather-detection system. As part of this effort, the University wishes to lease a portion of the space within ETEC to non-New York State entities, including businesses, to enable collaboration, research commercialization, and real world experiential learning opportunities for students. The legislature further finds that granting the trustees of the State University of New York the authority and power to lease and otherwise contract a portion of the ETEC will promote the mission of the new facility to help the state be better prepared for emerging threats of extreme weather and terrorism.

§ 2. Notwithstanding any other law to the contrary, the state university trustees are authorized and empowered to delegate to the University the authorization and empowerment to lease or otherwise contract to tenants with interests that are in alignment with the academic and research mission of the University. The University under this authorization shall be permitted to lease or otherwise contract up to 15,000 square feet of space and facilities at ETEC, without any public bidding. Any lease or contract of such space and facilities at ETEC may be subject to applicable approvals of the office of the Attorney General and the Office of the State Comptroller for revenue contracts. Such leases or contracts shall be for periods not to exceed 50 years and shall be conditioned upon any terms and conditions determined to be necessary by the state university trustees.

§ 3. Pursuant to section two of this act, notwithstanding any law, rule or regulation to the contrary, the State University of New York shall not contract out to any lessees or contractors or any subsidiary of such lessees or contractors for the instruction of students or any pedagogical functions or services, maintenance, operation or any administrative services, or similar professional services that will be performed by state employees at the University. All such functions and services shall be performed by state employees pursuant to the civil service law. Nothing in this act shall result in the permanent displacement of any currently employed state worker or the loss of position (including partial displacement such as the permanent reduction in the hours of non-overtime, wages or employment benefits), or result in the impairment of existing contracts for services or collective bargaining rights pursuant to existing agreements. All positions currently within the space described in section two of this act in the unclassified or classified service of the civil service law shall remain in the classified or unclassified service.

§ 4. Any leases entered into by the University pursuant to section two of this act shall be considered revenue contracts of the University and subject to review and approval by the office of the Attorney General and the office of the State Comptroller as required for revenue contracts at
the time of execution of said leases. All proceeds from said leases
shall be deposited into accounts of the University.

§ 5. Insofar as the provisions of this act are inconsistent with the
provisions of any law, general, special or local, the provisions of this
act shall be controlling.

§ 6. This act shall take effect immediately.

§ 2. Severability clause. If any clause, sentence, paragraph, subdivi-
sion, 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 judg-
ment 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 EE of this act shall be
as specifically set forth in the last section of such Parts.