

# STATE OF NEW YORK

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S. 2506--A

A. 3006--A

## SENATE - ASSEMBLY

January 20, 2021

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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

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

AN ACT to amend the education law, in relation to school contracts for excellence; to amend the education law, in relation to the purchase and use of school textbooks, school library materials, and computers; to amend the education law, in relation to the apportionment of public moneys to school districts employing eight or more teachers; to amend the education law, in relation to special apportionments and grants-in-aid to school districts and to moneys apportioned for board of cooperative educational services aidable expenditures; to amend the education law, in relation to the local district funding adjustment; to amend the education law, in relation to pandemic adjustment payment reduction; to amend the education law, in relation to aidable transportation expense; to amend the education law, in relation to the statewide universal full-day pre-kindergarten program; to amend the education law, in relation to moneys apportioned; to amend the education law, in relation to waivers from certain duties; to amend the education law, in relation to the New York state mentor teacher-internship program; to amend the education law, in relation to the teachers of tomorrow teacher recruitment and retention program; to amend the education law, in relation to the national board for professional teaching standards certification grant; to amend the education law, in relation to charter school aid; to amend chapter 507 of the laws of 1974, relating to providing for the apportionment of state monies to certain nonpublic schools, to reimburse them for their expenses in complying with certain state requirements for the administration of state testing and evaluation programs and for participation in state programs for the reporting of basic educational data, in relation to the calculation of nonpublic schools' eligibility to

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

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receive aid; to amend chapter 756 of the laws of 1992, relating to funding a program for work force education conducted by the consortium for worker education in New York city, in relation to reimbursement for the 2021-2022 school year; to amend chapter 756 of the laws of 1992, relating to funding a program for work force education conducted by the consortium for worker education in New York city, in relation to withholding a portion of employment preparation education aid and in relation to the effectiveness thereof; to amend chapter 147 of the laws of 2001, amending the education law relating to conditional appointment of school district, charter school or BOCES employees, in relation to the effectiveness thereof; to amend chapter 425 of the laws of 2002, amending the education law relating to the provision of supplemental educational services, attendance at a safe public school and the suspension of pupils who bring a firearm to or possess a firearm at a school, in relation to the effectiveness thereof; to amend chapter 101 of the laws of 2003, amending the education law relating to implementation of the No Child Left Behind Act of 2001, in relation to the effectiveness thereof; relates to school bus driver training; relates to special apportionment for salary expenses and public pension accruals; relates to authorizing the city school district of the city of Rochester to purchase certain services; relates to suballocations of appropriations; relating to the support of public libraries; to repeal section 3033 of the education law relating to the New York state mentor teacher-internship program; to repeal section 3612 of the education law relating to the teachers of tomorrow teacher recruitment and retention program; and to repeal section 3004-a of the education law relating to the national board for professional teaching standards certification grant (Part A); to amend the business corporation law, the partnership law and the limited liability company law, in relation to certified public accountants (Part B); to amend the education law, in relation to registration of a new curriculum or program of study offered by a not-for-profit college or university (Part C); to amend the education law, in relation to extending state university of New York procurement flexibility and authorizing the state university of New York to purchase services from a consortium; and to amend part D of chapter 58 of the laws of 2011 amending the education law relating to capital facilities in support of the state university and community colleges, procurement and the state university health care facilities, in relation to the effectiveness thereof (Part D); to amend the education law, in relation to predictable tuition allowing annual tuition increase for SUNY and CUNY schools; and to amend chapter 260 of the laws of 2011, amending the education law and the New York state urban development corporation act relating to establishing components of the NY-SUNY 2020 challenge grant program, in relation to the effectiveness thereof (Part E); extending scholarship program eligibility for certain recipients affected by the COVID-19 pandemic (Part F); to amend the education law, in relation to establishing the amount awarded for the excelsior scholarship (Part G); to amend the executive law, in relation to facilities operated and maintained by the office of children and family services and to authorize the closure of certain facilities operated by such office; and to repeal certain provisions of such law relating thereto (Part H); to amend part N of chapter 56 of the laws of 2020 amending the social services law relating to restructuring financing for residential school placements, in relation to making such provisions permanent (Part I); to amend part G of chapter 57 of

the laws of 2013, amending the executive law and the social services law relating to consolidating the youth development and delinquency prevention program and the special delinquency prevention program, in relation to making such provisions permanent (Part J); to amend part K of chapter 57 of the laws of 2012, amending the education law, relating to authorizing the board of cooperative educational services to enter into contracts with the commissioner of children and family services to provide certain services, in relation to the effectiveness thereof (Part K); to amend the social services law and the family court act, in relation to compliance with the Federal Family First Prevention Services Act (Part L); to amend the social services law, in relation to differential response programs for child protection assessments or investigations (Part M); to amend the judiciary law, in relation to authorizing the chief administrator of the courts to establish veterans treatment courts; and to amend the criminal procedure law, in relation to the removal of certain actions to veterans treatment courts (Part N); to utilize reserves in the mortgage insurance fund for various housing purposes (Part O); to amend the social services law, in relation to increasing the standards of monthly need for aged, blind and disabled persons living in the community (Part P); to amend the state finance law, in relation to authorizing a tax check-off for gifts to food banks (Part Q); to amend the executive law, in relation to expanding the scope of the application of subdivision 4 of section 296 of such law to private educational institutions (Part R); to amend the executive law, in relation to prohibiting discrimination based on citizenship or immigration status (Part S); to amend the labor law, in relation to unemployment (Part T); to amend the private housing finance law, in relation to exempting certain projects from sales and compensating use taxes (Part U); to amend the social services law and the abandoned property law, in relation to the transfer of unclaimed support collections and unidentified payments; to amend the family court act and the domestic relations law, in relation to making conforming changes; to repeal certain provisions of social services law relating thereto; and to repeal paragraph (c) of subdivision 1 of section 600 and subdivision 3 of section 602 of the abandoned property law, relating to moneys paid to a support bureau of a family court (Part V); to allow employees to take paid time leave to obtain the COVID-19 vaccination (Part W); to amend the public authorities law, in relation to granting the state of New York mortgage agency authority to purchase mortgage loans from a broader pool of non-depository lenders, to purchase mortgages secured by new construction loans, and modify its mortgages to assist financially distressed homeowners (Part X); in relation to providing for the suspension of fees relating to the late payment of rent; and to permit tenants to use their security deposits as rent payments (Part Y); to amend the social services law, in relation to making child care more affordable for low-income families (Subpart A); and to amend the social services law, in relation to easing administrative burdens on child care programs and providers (Subpart B) (Part Z); relating to prevailing wage requirements (Part AA); to amend the state finance law, in relation to establishing the emergency rental assistance local government allocation fund (Part BB); and to amend the labor law, in relation to prohibiting the inclusion of claims for unemployment insurance arising from the closure of an employer due to COVID-19 from being included in such employer's experience rating charges; and to amend chapter 21 of the laws of 2021, amending the labor law relating to prohibiting the

inclusion of claims for unemployment insurance arising from the closure of an employer due to COVID-19 from being included in such employer's experience rating charges, in relation to the effectiveness thereof (Part CC)

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

1 Section 1. This act enacts into law major components of legislation  
2 necessary to implement the state education, labor, housing and family  
3 assistance budget for the 2021-2022 state fiscal year. Each component is  
4 wholly contained within a Part identified as Parts A through CC. The  
5 effective date for each particular provision contained within such Part  
6 is set forth in the last section of such Part. Any provision in any  
7 section contained within a Part, including the effective date of the  
8 Part, which makes a reference to a section "of this act", when used in  
9 connection with that particular component, shall be deemed to mean and  
10 refer to the corresponding section of the Part in which it is found.  
11 Section three of this act sets forth the general effective date of this  
12 act.

13 PART A

14 Section 1. Paragraph e of subdivision 1 of section 211-d of the educa-  
15 tion law, as amended by section 1 of part A of chapter 56 of the laws of  
16 2020, is amended to read as follows:

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

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

1 contract for excellence for the two thousand nineteen--two thousand  
2 twenty school year which shall, notwithstanding the requirements of  
3 subparagraph (vi) of paragraph a of subdivision two of this section,  
4 provide for the expenditure of an amount which shall be not less than  
5 the amount approved by the commissioner in the contract for excellence  
6 for the two thousand eighteen--two thousand nineteen school year; and  
7 provided further that, a school district that submitted a contract for  
8 excellence for the two thousand nineteen--two thousand twenty school  
9 year, unless all schools in the district are identified as in good  
10 standing, shall submit a contract for excellence for the two thousand  
11 twenty--two thousand twenty-one school year which shall, notwithstanding  
12 the requirements of subparagraph (vi) of paragraph a of subdivision two  
13 of this section, provide for the expenditure of an amount which shall be  
14 not less than the amount approved by the commissioner in the contract  
15 for excellence for the two thousand nineteen--two thousand twenty school  
16 year; and provided further that, a school district that submitted a  
17 contract for excellence for the two thousand twenty--two thousand twen-  
18 ty-one school year, unless all schools in the district are identified as  
19 in good standing, shall submit a contract for excellence for the two  
20 thousand twenty-one--two thousand twenty-two school year which shall,  
21 notwithstanding the requirements of subparagraph (vi) of paragraph a of  
22 subdivision two of this section, provide for the expenditure of an  
23 amount which shall be not less than the amount approved by the commis-  
24 sioner in the contract for excellence for the two thousand twenty--two  
25 thousand twenty-one school year. For purposes of this paragraph, the  
26 "gap elimination adjustment percentage" shall be calculated as the sum  
27 of one minus the quotient of the sum of the school district's net gap  
28 elimination adjustment for two thousand ten--two thousand eleven  
29 computed pursuant to chapter fifty-three of the laws of two thousand  
30 ten, making appropriations for the support of government, plus the  
31 school district's gap elimination adjustment for two thousand eleven--  
32 two thousand twelve as computed pursuant to chapter fifty-three of the  
33 laws of two thousand eleven, making appropriations for the support of  
34 the local assistance budget, including support for general support for  
35 public schools, divided by the total aid for adjustment computed pursu-  
36 ant to chapter fifty-three of the laws of two thousand eleven, making  
37 appropriations for the local assistance budget, including support for  
38 general support for public schools. Provided, further, that such amount  
39 shall be expended to support and maintain allowable programs and activ-  
40 ities approved in the two thousand nine--two thousand ten school year or  
41 to support new or expanded allowable programs and activities in the  
42 current year.

43 § 2. Section 701 of the education law, as amended by chapter 587 of  
44 the laws of 1973, subdivision 2 as amended by section 1 of part A1 of  
45 chapter 58 of the laws of 2011, subdivision 3 as amended by chapter 391  
46 of the laws of 1989, subdivision 4 as amended by chapter 82 of the laws  
47 of 1995, subdivision 6 as amended by section 6 of part B of chapter 57  
48 of the laws of 2007, subdivision 7 as amended by section 2 of part A of  
49 chapter 436 of the laws of 1997, and subdivision 8 as added by chapter  
50 635 of the laws of 1984, is amended to read as follows:

51 § 701. Power to designate text-books; purchase and loan of text-books;  
52 purchase of supplies. 1. In the several cities and school districts of  
53 the state, boards of education, trustees or such body or officer as  
54 perform the functions of such boards, shall designate text-books to be  
55 used in the schools under their charge.

2. A text-book, for the purposes of this section shall mean: (i) any book, or a book substitute, which shall include hard covered or paper-back books, work books, or manuals and (ii) for expenses incurred after July first, nineteen hundred ninety-nine, any courseware or other content-based instructional materials in an electronic format, as such terms are defined in the regulations of the commissioner, which a pupil is required to use as a text, or a text-substitute, in a particular class or program in the school he or she legally attends. For expenses incurred on or after July first, two thousand eleven, and before July first, two thousand twenty, a text-book shall also mean items of expenditure that are eligible for an apportionment pursuant to sections seven hundred eleven, seven hundred fifty-one and/or seven hundred fifty-three of this title, where such items are designated by the school district as eligible for aid pursuant to this section, provided, however, that if aided pursuant to this section, such expenses shall not be aidable pursuant to any other section of law. Expenditures aided pursuant to this section shall not be eligible for aid pursuant to any other section of law. Courseware or other content-based instructional materials in an electronic format included in the definition of textbook pursuant to this subdivision shall be subject to the same limitations on content as apply to books or book substitutes aided pursuant to this section.

3. In the several cities and school districts of the state, boards of education, trustees or such body or officers as perform the function of such boards shall have the power and duty to purchase and to loan upon individual request, textbooks, to all children residing in such district who are enrolled in a public school including children attending the public schools of the district for whom the district is eligible to receive reimbursement pursuant to ~~paragraph a of~~ subdivision eight of section thirty-two hundred two of this chapter, provided, however, that such children shall not be counted by any other school district, and to all children residing in such district who are enrolled in a nonpublic school. Textbooks loaned to children enrolled in said nonpublic schools shall be textbooks which are designated for use in any public schools of the state or are approved by any boards of education, trustees or other school authorities. Such textbooks are to be loaned free to such children subject to such rules and regulations as are or may be prescribed by the board of regents and such boards of education, trustees or other school authorities. Enrollment shall be as defined in subdivision one of section thirty-six hundred two of this chapter.

4. No school district shall be required to purchase or otherwise acquire textbooks, the cost of which shall exceed an amount equal to the ~~apportionment~~ textbook factor pursuant to subdivision six of this section plus a minimum lottery grant determined pursuant to subdivision four of section ninety-two-c of the state finance law multiplied by the ~~number of children residing in such district and so enrolled in the base year~~ sum of the enrollments in grades kindergarten through twelve in the base year calculated pursuant to subparagraphs four, five and six of paragraph n of subdivision one of section thirty-six hundred two of this chapter; and no school district shall be required to loan textbooks in excess of the textbooks owned or acquired by such district; provided, however that all textbooks owned or acquired by such district shall be loaned to children residing in the district and so enrolled in public and nonpublic schools on an equitable basis.

5. In the several cities and school districts of the state, boards of education, trustees or other school authorities may purchase supplies and either rent, sell or loan the same to the pupils attending the



1 public schools in such cities and school districts upon such terms and  
2 under such rules and regulations as may be prescribed by such boards of  
3 education, trustees or other school authorities.

4 6. The commissioner, in addition to the annual apportionment of public  
5 monies pursuant to other articles of this chapter, in the two thousand  
6 twenty--two thousand twenty-one school year and prior, shall apportion  
7 to each school district an amount equal to the cost of the textbooks  
8 purchased and loaned by the district pursuant to this section in the  
9 base year, but in no case shall the aid apportioned to the district  
10 exceed the product of the textbook factor plus a minimum lottery grant,  
11 determined pursuant to subdivision four of section ninety-two-c of the  
12 state finance law, and the sum of the enrollments in grades kindergarten  
13 through twelve in the base year calculated pursuant to subparagraphs  
14 four, five, and six of paragraph n of subdivision one of section thirty-  
15 six hundred two of this chapter. Aid payable pursuant to this section  
16 shall be deemed final and not subject to change after April thirtieth of  
17 the school year for which payment was due.

18 For aid payable in the two thousand seven--two thousand eight school  
19 year [~~and thereafter~~] through the two thousand twenty--two thousand  
20 twenty-one school year, the textbook factor shall equal forty-three  
21 dollars and twenty-five cents. For purposes of determining loans pursu-  
22 ant to subdivisions three and four of this section in the two thousand  
23 twenty-one--two thousand twenty-two school year and thereafter, the  
24 textbook factor shall equal fifty-eight dollars and twenty-five cents.

25 7. The apportionment provided for in this section shall be paid, at  
26 such times as may be determined by the commissioner and approved by the  
27 director of the budget, during the school year in which the expenditures  
28 are reported to the department prior to such apportionment, provided  
29 that for the two thousand twenty--two thousand twenty-one school year,  
30 such apportionment shall not exceed the amount set forth for each school  
31 district as "2020-21 TEXTBOOK AID" in the school aid computer listing  
32 produced by the commissioner in support of the executive budget request  
33 for the 2021--2022 school year and entitled "BT212-2". Expenditures by a  
34 school district in excess of the product of the textbook factor plus a  
35 minimum lottery grant determined pursuant to subdivision four of section  
36 ninety-two-c of the state finance law and the sum of the enrollments in  
37 grades kindergarten through twelve in the base year calculated pursuant  
38 to subparagraphs four, five, and six of paragraph n of subdivision one  
39 of section thirty-six hundred two of this chapter in any school year  
40 shall be deemed approved operating expense of the district for the  
41 purpose of computation of state aid pursuant to section thirty-six  
42 hundred two of this chapter, but expenditures up to such product shall  
43 not be deemed approved operating expenses for such purpose.

44 8. In its discretion, a board of education may adopt regulations spec-  
45 ifying the date by which requests for the purchase and loan of textbooks  
46 must be received by the district. Notice of such date shall be given to  
47 all non-public schools. Such date shall not be earlier than the first  
48 day of June of the school year prior to that for which such textbooks  
49 are being requested, provided, however, that a parent or guardian of a  
50 child not attending a particular non-public school prior to June first  
51 of the school year may submit a written request for textbooks within  
52 thirty days after such child is enrolled in such non-public school. In  
53 no event however shall a request made later than the times otherwise  
54 provided pursuant to this subdivision be denied where a reasonable  
55 explanation is given for the delay in making the request.



§ 3. Subdivision 4 of section 711 of the education law, as amended by section 4 of part C of chapter 58 of the laws of 1998, is amended to read as follows:

4. Commencing July first, nineteen hundred ninety eight through June thirtieth, two thousand twenty-one, the commissioner, in addition to the annual apportionment of public monies pursuant to other articles of this chapter, shall apportion to each school district an amount equal to the cost of the school library materials purchased by the district pursuant to this section in the base year, but in no case shall the aid apportioned to the district exceed the product of the library materials factor and the sum of public school district enrollment, nonpublic school enrollment, and additional public enrollment as defined in subparagraphs two, three, and six of paragraph n of subdivision one of section thirty-six hundred two of this chapter. Aid payable pursuant to this section shall be deemed final and not subject to change after April thirtieth of the school year for which payment was due, provided that for the two thousand twenty--two thousand twenty-one school year, such apportionment shall not exceed the amount set forth for each school district as "2020-21 LIBRARY MATERIALS AID" in the school aid computer listing produced by the commissioner in support of the executive budget request for the 2021--2022 school year and entitled "BT212-2".

§ 4. Subdivision 2 of section 712 of the education law, as added by chapter 53 of the laws of 1985, is amended to read as follows:

2. No school district shall be required to loan school library materials in excess of the school library materials owned ~~[ex]~~, acquired, or designated by such district pursuant to section seven hundred eleven of this article, provided that such designated amount shall not exceed the product of the library materials factor and the sum of public school district enrollment, nonpublic school enrollment, and additional public enrollment as defined in subparagraphs two, three and six of paragraph n of subdivision one of section thirty-six hundred two of this chapter for the base year. Such school library materials shall be loaned on an equitable basis to children defined in subdivision three of section seven hundred eleven of this article attending in the current year. The payment of tuition under article eighty-nine of this chapter is deemed to be an equitable loan to children for whom such tuition is paid.

§ 5. Subdivision 4 of section 751 of the education law, as amended by section 3 of part H of chapter 83 of the laws of 2002, is amended to read as follows:

4. The commissioner, in addition to the annual apportionment of public monies pursuant to other articles of this chapter, in the two thousand twenty--two thousand twenty-one school year and prior, shall apportion to each school district an amount equal to the cost of the software programs purchased by the district pursuant to this section in the base year, but in no case shall the aid apportioned to the district exceed the product of the software factor and the sum of public school district enrollment, nonpublic school enrollment, and additional public enrollment as defined in subparagraphs two, three, and six of paragraph n of subdivision one of section thirty-six hundred two of this chapter, provided that for the two thousand twenty--two thousand twenty-one school year, such apportionment shall not exceed the amount set forth for each school district as "2020-21 SOFTWARE AID" in the school aid computer listing produced by the commissioner in support of the executive budget request for the 2021--2022 school year and entitled "BT212-2".

1 For aid payable in the nineteen hundred ninety-seven--ninety-eight and  
2 nineteen hundred ninety-eight--ninety-nine school years, the software  
3 factor shall equal four dollars and fifty-eight cents. For aid payable  
4 in the nineteen hundred ninety-nine--two thousand school year, the soft-  
5 ware factor shall equal seven dollars and fifty-five cents. For aid  
6 payable in the two thousand--two thousand one school year, the software  
7 factor shall equal fourteen dollars and ninety-eight cents. For aid  
8 payable in the two thousand one--two thousand two school year, the soft-  
9 ware factor shall equal twenty-three dollars and ninety cents. For aid  
10 payable in the two thousand two--two thousand three school year and  
11 thereafter, the software factor shall equal fourteen dollars and nine-  
12 ty-eight cents. The apportionment provided for in this section shall be  
13 paid at such times as may be determined by the commissioner and approved  
14 by the director of the budget. Aid payable pursuant to this section  
15 shall be deemed final and not subject to change after April thirtieth of  
16 the school year for which payment was due.

17 § 6. Subdivision 2 of section 752 of the education law, as amended by  
18 chapter 257 of the laws of 1984, is amended to read as follows:

19 2. No school district shall be required to loan software programs in  
20 excess of the software programs owned ~~[or]~~, acquired, or designated by  
21 such district pursuant to section seven hundred fifty-one of this arti-  
22 cle provided that such designated amount shall not exceed the product of  
23 the software factor and the sum of public school district enrollment,  
24 nonpublic school enrollment, and additional public enrollment as defined  
25 in subparagraphs two, three and six of paragraph n of subdivision one of  
26 section thirty-six hundred two of this chapter for the base year. Such  
27 software programs shall be loaned on an equitable basis to children  
28 defined in subdivision three of section seven hundred fifty-one of this  
29 article attending in the current year. The payment of tuition under  
30 article eighty-nine of this chapter is deemed to be an equitable loan to  
31 children for whom such tuition is paid.

32 § 7. Section 753 of the education law, as added by section 7-a of part  
33 B of chapter 57 of the laws of 2007, subdivision 1 as amended by section  
34 4 of part A1 of chapter 58 of the laws of 2011, is amended to read as  
35 follows:

36 § 753. Instructional computer hardware and technology equipment appor-  
37 tionment. 1. In addition to any other apportionment under this chapter,  
38 a school district shall be eligible for an apportionment under the  
39 provisions of this section in the two thousand twenty--two thousand  
40 twenty-one school year and prior for approved expenses for (i) the  
41 purchase or lease of micro and/or mini computer equipment or terminals  
42 for instructional purposes or (ii) technology equipment, as defined in  
43 paragraph c of subdivision two of this section, used for instructional  
44 purposes, or (iii) for the repair of such equipment and training and  
45 staff development for instructional purposes as provided hereinafter, or  
46 (iv) for expenses incurred on or after July first, two thousand eleven  
47 and before July first, two thousand twenty, any items of expenditure  
48 that are eligible for an apportionment pursuant to sections seven  
49 hundred one, seven hundred eleven and/or seven hundred fifty-one of this  
50 title, where such items are designated by the school district as eligi-  
51 ble for aid pursuant to this section, provided, however, that if aided  
52 pursuant to this section, such expenses shall not be aidable pursuant to  
53 any other section of law, provided further that for the two thousand  
54 twenty--two thousand twenty-one school year, such apportionment shall  
55 not exceed the amount set forth for each school district as "2020-21  
56 HARDWARE & TECHNOL AID" in the school aid computer listing produced by

1 the commissioner in support of the executive budget request for the  
2 2021--2022 school year and entitled "BT212-2". Such aid shall be  
3 provided pursuant to a plan developed by the district which demonstrates  
4 to the satisfaction of the commissioner that the instructional computer  
5 hardware needs of the district's public school students have been  
6 adequately met and that the school district has provided for the loan of  
7 instructional computer hardware to students legally attending nonpublic  
8 schools pursuant to section seven hundred fifty-four of this article.  
9 The apportionment shall equal the lesser of such approved expense in the  
10 base year or, the product of (i) the technology factor, (ii) the sum of  
11 the public school district enrollment and the nonpublic school enroll-  
12 ment in the base year as defined in subparagraphs two and three of para-  
13 graph n of subdivision one of section thirty-six hundred two of this  
14 chapter, and (iii) the building aid ratio, as defined in subdivision  
15 four of section thirty-six hundred two of this chapter. For aid payable  
16 in the two thousand seven--two thousand eight school year and thereaft-  
17 er, the technology factor shall be twenty-four dollars and twenty cents.  
18 A school district may use up to twenty percent of the product of (i) the  
19 technology factor, (ii) the sum of the public school district enrollment  
20 and the nonpublic school enrollment in the base year as defined in  
21 subparagraphs two and three of paragraph n of subdivision one of section  
22 thirty-six hundred two of this chapter, and (iii) the building aid ratio  
23 for the repair of instructional computer hardware and technology equip-  
24 ment and training and staff development for instructional purposes  
25 pursuant to a plan submitted to the commissioner.

26 2. As used in this article:

27 a. "Current year" shall have the same meaning as that term is defined  
28 in subdivision one of section thirty-six hundred two of this chapter;

29 b. "Base year" shall have the same meaning as that term is defined in  
30 subdivision one of section thirty-six hundred two of this article; and

31 c. "Technology equipment", for the purposes of this article, shall  
32 mean equipment with a useful life used in conjunction with or in support  
33 of educational programs including but not limited to video, solar ener-  
34 gy, robotic, satellite, laser and such other equipment as the commis-  
35 sioner shall approve provided that expenses for the purchase or lease of  
36 such equipment shall not be eligible for aid under any other provisions  
37 of this chapter.

38 3. No school district shall be required to purchase or otherwise  
39 acquire instructional computer hardware or technology equipment, the  
40 cost of which exceeds, for the two thousand twenty--two thousand twen-  
41 ty-one school year and prior, the amount of state aid provided pursuant  
42 to this section, and for the two thousand twenty-one--two thousand twen-  
43 ty-two school year and thereafter, the product of (i) the technology  
44 factor, (ii) the sum of the public school district enrollment and the  
45 nonpublic school enrollment in the base year as defined in subparagraphs  
46 two and three of paragraph n of subdivision one of section thirty-six  
47 hundred two of this chapter, and (iii) the building aid ratio.

48 4. The apportionment provided for in this section shall be paid at  
49 such times as may be determined by the commissioner and approved by the  
50 director of the budget, during the school year in which the expenditures  
51 are reported to the department prior to such apportionment, but not  
52 earlier than the school year after the school year in which expenses are  
53 incurred.

54 5. Expenses aided pursuant to this section shall not be eligible for  
55 aid pursuant to any other provision of this chapter.

§ 8. Paragraphs a, g and h of subdivision 5 of section 1950 of the education law, paragraph a as amended by section 4 and paragraph g as amended by section 5 of part C of chapter 57 of the laws of 2004, and paragraph h as added by section 1 of part L of chapter 57 of the laws of 2005, are amended to read as follows:

a. Upon application by a board of cooperative educational services, in the two thousand twenty--two thousand twenty-one school year and prior, there shall be apportioned and paid from state funds to each board of cooperative educational services an amount which shall be the product of the approved cost of services actually incurred during the base year multiplied by the sharing ratio for cooperative educational services aid which shall equal the greater of: (i) an amount equal to one minus the quotient expressed as a decimal to three places without rounding of eight mills divided by the tax rate of the local district computed upon the actual valuation of taxable property, as determined pursuant to subdivision one of section thirty-six hundred two of this chapter [~~and notwithstanding section three thousand six hundred three~~], expressed in mills to the nearest tenth as determined by the commissioner, provided, however, that where services are provided to a school district which is included within a central high school district or to a central high school district, such amount shall equal one minus the quotient expressed as a decimal to three places without rounding of three mills divided by the tax rates, expressed in mills to the nearest tenth, of such districts, as determined by the commissioner or (ii) the aid ratio of each school district for the current year, which shall be such component school district's board of cooperative educational services aid ratio and which shall be not less than thirty-six percent converted to decimals and shall be not more than ninety percent converted to decimals, provided that for the two thousand twenty--two thousand twenty-one school year, such apportionment shall not exceed the amount set forth for each school district as "2020-21 BOCES AID" in the school aid computer listing produced by the commissioner in support of the executive budget request for the 2021--2022 school year and entitled "BT212-2". For the purposes of this paragraph, the tax rate of the local district computed upon the actual valuation of taxable property shall be the sum of the amount of tax raised by the school district plus any payments in lieu of taxes received by the school district pursuant to section four hundred eighty-five of the real property tax law, divided by the actual valuation of the school district, provided, however that the tax rate for a central high school district shall be the sum of the amount of tax raised by the common and union free school districts included within the central high school district for the support of the central high school district plus any payments in lieu of taxes received for the support of the central high school district pursuant to section four hundred eighty-five of the real property tax law, divided by the actual valuation of the central high school district. The tax rate for each common or union free school district which is included within a central high school district shall be the sum of the amount raised for the support of such common or union free school district plus any payments in lieu of taxes received for the support of the school district pursuant to section four hundred eighty-five of the real property tax law, exclusive of the amount raised for the central high school district, divided by the actual valuation of such common or union free school district.

g. Any payment required by a board of cooperative educational services to the dormitory authority or any payment required by a board of cooper-

1 active educational services to acquire or construct a school facility of  
2 the board of cooperative educational services, and any payments for  
3 rental of facilities by a board of cooperative educational services  
4 shall, for the purposes of apportionment of public moneys to the board  
5 of cooperative educational services by the state of New York, be deemed  
6 to be an administrative or capital expense, as designated by the commis-  
7 sioner, but the entire amount of such payment shall be utilized in  
8 making such apportionment and the limitation of ten percent of the total  
9 expenses contained in this subdivision shall not be applicable. Any  
10 expense designated by the commissioner as a capital expense shall be  
11 included in the capital budget of the board of cooperative educational  
12 services and, except as otherwise provided in this paragraph, shall be  
13 aided in the same manner as an administrative expense, provided, howev-  
14 er, that such aid shall not be provided commencing with the two thousand  
15 twenty-one--two thousand twenty-two school year. Any such payment shall  
16 not be considered part of the total expenses of the board for purposes  
17 of determining the administrative and clerical expenses not to exceed  
18 ten percent otherwise eligible for aid under this subdivision, and such  
19 payments shall be considered for the purpose of apportionment during the  
20 current school year such payment is made. The apportionment for such  
21 payments shall be determined by multiplying the amount of such payment  
22 allocated to each component school district in the board of cooperative  
23 educational services by the aid ratio, and shall be not more than ninety  
24 percent converted to decimals, of each such component computed pursuant  
25 to subdivision three of section thirty-six hundred two of this chapter  
26 and used to apportion aid to that district in that current school year;  
27 provided, however, the apportionment for the construction, acquisition,  
28 reconstruction, rehabilitation, or improvement of board of cooperative  
29 educational services facilities, including payments to the dormitory  
30 authority and payments under any lease agreement, shall be based upon  
31 the cost of the board of cooperative educational services school facili-  
32 ties but not to exceed the cost allowance set forth in subdivision six  
33 of section thirty-six hundred two of [~~the education law~~] this chapter  
34 and payments for rental facilities shall be subject to the approval of  
35 the commissioner.

36 h. Each board of cooperative educational services receiving a payment  
37 pursuant to paragraph a of this subdivision and section thirty-six  
38 hundred nine-d of this chapter, in the two thousand twenty--two thousand  
39 twenty-one school year and prior, shall be required to set aside from  
40 such payment an amount not less than the amount of state aid received  
41 pursuant to paragraph a of this subdivision in the base year that was  
42 attributable to cooperative services agreements (CO-SERs) for career  
43 education, as determined by the commissioner, and shall be required to  
44 use such amount to support career education programs in the current  
45 year.

46 § 9. Subdivision 1 of section 3602 of the education law is amended by  
47 adding a new paragraph kk to read as follows:

48 kk. The "federal COVID-19 supplemental stimulus" shall be equal to the  
49 sum of (1) ninety percent of the funds from the elementary and secondary  
50 school emergency relief made available to school districts pursuant to  
51 the Coronavirus Response and Relief Supplemental Appropriations Act,  
52 2021 in the same proportion as such district's share of funds provided  
53 under Title I of the Elementary and Secondary Education Act of 1965 plus  
54 (2) the base federal allocation. For eligible districts, the base  
55 federal allocation shall be equal to the product of nine hundred fifty-  
56 two dollars and fifteen cents (\$952.15) and public school district



enrollment in the base year as computed pursuant to paragraph n of this subdivision less ninety percent of the funds from the elementary and secondary school emergency relief made available to school districts pursuant to the Coronavirus Response and Relief Supplemental Appropriations Act, 2021 in the same proportion as such district's share of funds provided under Title I of the Elementary and Secondary Education Act of 1965, but not less than zero. Districts shall be eligible for the base federal allocation if their combined wealth ratio for the current year computed pursuant to subparagraph one of paragraph c of subdivision three of this section is less than one and five tenths (1.5) and the district is not a central high school district.

§ 10. Paragraph h of subdivision 4 of section 3602 of the education law, as added by section 14-a of part A of chapter 56 of the laws of 2020, is amended to read as follows:

h. Foundation aid payable in the two thousand twenty--two thousand twenty-one through the two thousand twenty-one--two thousand twenty-two school ~~[year]~~ years. Notwithstanding any provision of law to the contrary, foundation aid payable in the two thousand twenty--two thousand twenty-one through two thousand twenty-one--two thousand twenty-two school ~~[year]~~ years shall equal the apportionment for foundation aid in the base year.

§ 11. Subdivision 10 of section 3602 of the education law, as added by chapter 57 of the laws of 1993 and renumbered by section 16 of part B of chapter 57 of the laws of 2007, the subdivision heading and paragraphs a and c as amended by section 32 of part H of chapter 83 of the laws of 2002, paragraph b as amended by section 16 of part B of chapter 57 of the laws of 2007, paragraph d as added by section 17 of part B of chapter 57 of the laws of 2008, and paragraph e as added by chapter 357 of the laws of 2018, is amended to read as follows:

10. Special services aid for large city school districts and other school districts which were not components of a board of cooperative educational services in the base year. a. ~~[The]~~ In the two thousand twenty--two thousand twenty-one school year and prior, the city school districts of those cities having populations in excess of one hundred twenty-five thousand and any other school district which was not a component of a board of cooperative educational services in the base year shall be entitled to an apportionment under the provisions of this section.

b. Aid for career education. There shall be apportioned to such city school districts and other school districts which were not components of a board of cooperative educational services in the base year for pupils in grades ten through twelve in attendance in career education programs as such programs are defined by the commissioner, subject for the purposes of this paragraph to the approval of the director of the budget, an amount for each such pupil to be computed by multiplying the career education aid ratio by three thousand nine hundred dollars, provided that such apportionments for the two thousand twenty--two thousand twenty-one school year shall not exceed the amount set forth for each school district as "2020-21 CAREER EDUCATION AID" under the heading "CAREER EDUCATION AID" in the school aid computer listing produced by the commissioner in support of the executive budget request for the 2021--2022 school year and entitled "BT212-2". Such aid will be payable for weighted pupils attending career education programs operated by the school district and for weighted pupils for whom such school district contracts with boards of cooperative educational services to attend career education programs operated by a board of cooperative educational

1 services. Weighted pupils for the purposes of this paragraph shall mean  
2 the sum of the attendance of students in grades ten through twelve in  
3 career education sequences in trade, industrial, technical, agricultural  
4 or health programs plus the product of sixteen hundredths multiplied by  
5 the attendance of students in grades ten through twelve in career educa-  
6 tion sequences in business and marketing as defined by the commissioner  
7 in regulations. The career education aid ratio shall be computed by  
8 subtracting from one the product obtained by multiplying fifty-nine  
9 percent by the combined wealth ratio. This aid ratio shall be expressed  
10 as a decimal carried to three places without rounding, but not less than  
11 thirty-six percent.

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

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

24 c. Computer administration aid for large city school districts and any  
25 other school district which was not a component of a board of cooper-  
26 ative educational services in the base year. The city school districts  
27 of those cities having populations in excess of one hundred twenty-five  
28 thousand inhabitants and any other school district which was not a  
29 component of a board of cooperative educational services in the base  
30 year shall be eligible for an apportionment in accordance with the  
31 provisions of this subdivision, provided that such apportionments for  
32 the two thousand twenty--two thousand twenty-one school year shall not  
33 exceed the amount set forth for each school district as "2020-21 COMPUT-  
34 ER ADMIN AID" under the heading "COMPUTER ADMINISTRATION" in the school  
35 aid computer listing produced by the commissioner in support of the  
36 executive budget request for the 2021--2022 school year and entitled  
37 "BT212-2". Such districts shall be entitled to an additional apportion-  
38 ment computed by multiplying the lesser of (1) expenses for approved  
39 computer services in the base year or (2) the maximum allowable expense  
40 equal to the product of sixty-two dollars and thirty cents and the  
41 enrollment of pupils attending the public schools of such district in  
42 the base year, by the computer expenses aid ratio. The computer  
43 expenses aid ratio shall be computed by subtracting from one the product  
44 obtained by multiplying fifty-one per centum by the combined wealth  
45 ratio. This aid ratio shall be expressed as a decimal carried to three  
46 places without rounding, but shall not be less than thirty per centum.  
47 Expenses for approved computer services in the base year up to the maxi-  
48 mum allowable expense shall not be used to claim aid pursuant to any  
49 other provisions of this section.

50 d. Aid for academic improvement. There shall be apportioned to such  
51 city school districts and other school districts which were not compo-  
52 nents of a board of cooperative educational services in the base year,  
53 an amount per pupil for each pupil eligible for aid pursuant to para-  
54 graph b of this subdivision to be computed by multiplying the career  
55 education aid ratio computed pursuant to such paragraph b of this subdivi-  
56 sion by the sum of (1) one hundred dollars plus (2) the quotient of



one thousand dollars divided by the lesser of one or the combined wealth ratio, provided that such apportionments for the two thousand twenty--two thousand twenty-one school year shall not exceed the amount set forth for each school district as "2020-21 ACADEMIC IMPRVMT AID" under the heading "ACADEMIC IMPROVEMENT AID" in the school aid computer listing produced by the commissioner in support of the executive budget request for the 2021--2022 school year and entitled "BT212-2". Aid for academic improvement shall be unrestricted general aid available to support any academic programs of the school district.

~~[e. Career education data collection. Beginning in the two thousand seventeen two thousand eighteen school year the commissioner shall collect data from school districts receiving aid under this subdivision on the number of students in the base year that are in grade nine and enrolled in career education courses in trade/industrial education, technical education, agricultural education, health occupations education, business and marketing education, family and consumer science education, and technology education programs in a manner prescribed by the commissioner.]~~

§ 12. Section 3602 of the education law is amended by adding a new subdivision 21 to read as follows:

21. Services Aid. a. For the two thousand twenty-one--two thousand twenty-two school year, each school district shall be entitled to an apportionment for services aid equal to the difference of (1) the amounts set forth for each school district as "2021-22 BOCES AID", "2021-22 TEXTBOOK AID", "2021-22 SOFTWARE AID", "2021-22 LIBRARY MATERIALS AID", "2021-22 HARDWARE & TECHNOL AID", "2020-21 SUPPLEMENTAL PUB EXCESS COST", "2021-22 TRANSPORTATION AID", "2021-22 PAYABLE SUMM TRANS AID", "2021-22 CAREER EDUCATION AID", "2021-22 ACADEMIC IMPRVMT AID", "2021-22 COMPUTER ADMIN AID", "2020-21 ACADEMIC ENHANCEMENT", "2020-21 HIGH TAX AID" and "2021-22 TRANSITIONAL AID" in the school aid computer listing produced by the commissioner in support of the executive budget request for the 2021--2022 school year and entitled "BT212-2" less (2) the services aid reduction.

b. The services aid reduction shall be equal to the lesser of (1) the positive difference of the federal COVID-19 supplemental stimulus as computed pursuant to paragraph kk of subdivision one of this section less the Local District Funding Adjustment pursuant to subdivision one of section thirty-six hundred nine-i of this part or (2) the product of public school district enrollment in the base year as computed pursuant to paragraph n of subdivision one of this section multiplied by (i) six hundred three dollars and two cents (\$603.02) for a city school district in a city having a population of one million or more, or (ii) for all other districts, the product of one hundred forty-five dollars and eighty cents (\$145.80) and the positive value, if any, computed by subtracting from one and thirty-seven hundredths (1.37) the product obtained by multiplying the combined wealth ratio for the current year computed pursuant to subparagraph one of paragraph c of subdivision three of this section by sixty-four hundredths (0.64) as set forth for each school district as "2021-22 SERVICES AID REDUCT" in the school aid computer listing produced by the commissioner in support of the executive budget request for the 2021--2022 school year and entitled "BT212-2".

c. For the two-thousand twenty-two--two thousand twenty-three school year and thereafter, each school district shall be entitled to an apportionment for services aid equal to the difference of (1) services aid for the two-thousand twenty-one--two thousand twenty-two school year

less (2) for each city school district with a population of more than one hundred twenty-five thousand inhabitants but less than one million inhabitants, the positive value of the amount set forth as "LOCAL DISTRICT FUNDING ADJ." in the school aid computer listing produced by the commissioner in support of the executive budget request for the 2021--2022 school year and entitled "BT212-2".

§ 12-a. Subdivision 8 of section 3641 of the education law, as added by section 38 of part B of chapter 57 of the laws of 2007, paragraph b as amended by section 29 of part B of chapter 57 of the laws of 2008, is amended to read as follows:

8. Supplemental educational improvement grants. a. In addition to apportionments otherwise provided by section thirty-six hundred two of this article, for aid payable in the two thousand seven--two thousand eight school year [~~and thereafter~~] through the two thousand twenty--two thousand twenty-one school year, the amounts specified in paragraph b of this subdivision shall be paid for the purpose of providing additional funding for the costs of educational improvement plans required as a result of a court-ordered settlement in a school desegregation case to which the state was a party. Grant funds awarded pursuant to this subdivision shall be used exclusively for services and expenses incurred by the school district to implement such educational improvement plans.

b. To the Yonkers city school district there shall be paid seventeen million five hundred thousand dollars (\$17,500,000) on an annual basis through the two thousand twenty--two thousand twenty-one school year. Such grant shall be payable from funds appropriated for such purpose and shall be apportioned to the Yonkers city school district in accordance with the payment schedules contained in section thirty-six hundred nine-a of this article, notwithstanding any provision of law to the contrary.

§ 13. The opening paragraph of subdivision 41 of section 3602 of the education law, as amended by section 20 of part B of chapter 57 of the laws of 2008, is amended to read as follows:

Transitional aid for charter school payments. In addition to any other apportionment under this section, for the two thousand seven--two thousand eight school year [~~and thereafter~~] through the two thousand twenty--two thousand twenty-one school year, a school district other than a city school district in a city having a population of one million or more shall be eligible for an apportionment in an amount equal to the sum of the following, provided that such apportionments for the two thousand twenty--two thousand twenty-one school year shall be equal to the amount set forth for each school district as "2021-22 TRANSITIONAL AID" in the school aid computer listing produced by the commissioner in support of the executive budget request for the 2021--2022 school year and entitled "BT212-2".

§ 14. Subdivision 4 of section 3602 of the education law is amended by adding a new paragraph c-1 to read as follows:

c-1. For the purposes of this chapter, "BOCES payment adjustment" shall mean the total amount set forth for such school district as "2021-22 BOCES AID" in the data file produced by the commissioner in support of the executive budget request for the two thousand twenty-one--two thousand twenty-two school year and entitled "BT212-2". Notwithstanding any provision of law to the contrary, for the two thousand twenty-one--two thousand twenty-two school year and thereafter, of the total apportionment pursuant to this subdivision, an amount equal to the BOCES payment adjustment shall be paid pursuant to section thirty-six hundred nine-d of this part.

§ 15. The opening paragraph of section 3609-d of the education law, as amended by section 20 of part L of chapter 57 of the laws of 2005, is amended to read as follows:

Notwithstanding the provisions of section thirty-six hundred nine-a of this ~~[article]~~ part, for school years prior to the two thousand twenty-one--two thousand twenty-two school year, apportionments payable pursuant to section nineteen hundred fifty of this chapter shall be paid pursuant to this section. For aid payable in the two thousand four--two thousand five school year ~~[and thereafter]~~ through two thousand twenty--two thousand twenty-one school year, "moneys apportioned" shall mean the lesser of (i) one hundred percent of the respective amount set forth for each school district as payable pursuant to this section in the school aid computer listing produced by the commissioner in support of the budget including the appropriation for support of boards of cooperative educational services for payments due prior to April first for the current year, or (ii) the apportionment calculated by the commissioner based on data on file at the time the payment is processed; provided however, that for the purposes of any payment to be made in the month of June of two thousand six such calculation shall be based on the school aid computer listing for the current year using updated data at the time of each payment. For districts subject to chapter five hundred sixty-three of the laws of nineteen hundred eighty, thirty-six hundred two-b, or two thousand forty of this chapter, for aid payable in the two thousand four--two thousand five school year and thereafter, "moneys apportioned" shall mean the apportionment calculated by the commissioner based on data on file at the time the payment is processed. Notwithstanding the provisions of section thirty-six hundred nine-a of this part, for the two thousand twenty-one--two thousand twenty-two school year and thereafter, apportionments payable pursuant to paragraph c-1 of subdivision four of section thirty-six hundred two of this part shall be paid pursuant to this section. The "school aid computer listing for the current year" shall be as defined in the opening paragraph of section thirty-six hundred nine-a of this ~~[article]~~ part. The definitions "base year" and "current year" as set forth in subdivision one of section thirty-six hundred two of this ~~[article]~~ part shall apply to this section.

§ 16. The education law is amended by adding a new section 3609-i to read as follows:

§ 3609-i. Local district funding adjustment. 1. Notwithstanding any provision of law to the contrary, for the two thousand twenty-one--two thousand twenty-two school year and thereafter, payments computed pursuant to section thirty-six hundred nine-e of this part shall be reduced by the local district funding adjustment.

2. The "local district funding adjustment" shall be equal to the lesser of the prescribed payments pursuant to section thirty-six hundred nine-e of this part or the federal COVID-19 supplemental stimulus as computed pursuant to paragraph kk of subdivision one of section thirty-six hundred two of this part, provided that for city school districts with a population of more than one hundred twenty-five thousand inhabitants but less than one million inhabitants, the local district funding adjustment for the two thousand twenty-two--two thousand twenty-three school year and thereafter shall be zero.

§ 16-a. Paragraph b of subdivision 5-b of section 2576 of education law, as added by section 9 of part B of chapter 57 of the laws of 2007, is amended to read as follows:

b. The city amount shall not be less than the difference of the city amount appropriated in the base year less the value of any reduction for the ensuing fiscal year pursuant to section thirty-six hundred and nine-i of this chapter determined at the time of adoption of the budget for the ensuing fiscal year, and shall not be less than the difference of the city amount expended in the base year determined as of the end of the school year less the value of any reduction for such fiscal year pursuant to section thirty-six hundred and nine-i of this chapter.

Provided, however, in the event the total amount of city funds relied upon to balance such budget is lower than the total amount of city funds appropriated in the base year, as determined at the time of adoption of such budget, the city amount may be reduced by up to the same percentage as the overall percentage decrease in city funds between the base year and the ensuing fiscal year.

§ 17. Subdivision 19 of section 3602 of the education law is amended by adding a new paragraph c to read as follows:

c. The positive value of the pandemic adjustment payment reduction shall not exceed the sum of moneys apportioned pursuant to sections seven hundred one, seven hundred eleven, seven hundred fifty-one, seven hundred fifty-three, thirty-six hundred nine-a, thirty-six hundred nine-b, thirty-six hundred nine-d, thirty-six hundred nine-f, and thirty-six hundred nine-h for the two thousand twenty--two thousand twenty-one school year for any school district.

§ 18. Paragraph a of subdivision 7 of section 3602 of the education law, as amended by section 17 of part B of chapter 57 of the laws of 2007, is amended to read as follows:

a. In addition to the foregoing apportionment, for the two thousand twenty--two thousand twenty-one and prior school years there shall be apportioned to any school district for pupil transportation, the lesser of ninety per centum or the state share of its approved transportation expense for the base year. The state share shall equal the sum of the transportation sparsity adjustment and the transportation aid ratio, but not less than six and one-half percent. The transportation aid ratio shall equal the greater of (i) the product of one and two hundred sixty-three thousandths multiplied by the state sharing ratio, (ii) an aid ratio computed by subtracting from one and one hundredth the product computed to three decimals without rounding obtained by multiplying the resident weighted average daily attendance wealth ratio by forty-six percent, where such aid ratio shall be expressed as a decimal carried to three places without rounding or (iii) excluding cities with a population of more than one million, an aid ratio computed by subtracting from one and one hundredth the product computed to three decimal places without rounding obtained by multiplying the number computed to three decimals without rounding obtained when the quotient of actual valuation of a school district, as defined in paragraph c of subdivision one of this section, divided by the sum of the resident public school district enrollment, the resident nonpublic school district enrollment and the additional public school enrollment of the school district for the year prior to the base year is divided by the statewide average actual valuation per the sum of such total resident public school district enrollment, nonpublic school district enrollment and additional public school enrollment of all school districts eligible for an apportionment pursuant to this section except central high school districts as computed by the commissioner using the latest single year actual valuation computed under paragraph c of subdivision one of this section, by forty-six percent, where such ratio shall be expressed as a decimal carried to

1 three decimal places without rounding. The computation of such statewide  
2 average shall include the actual valuation of all school districts  
3 eligible for an apportionment pursuant to this section except central  
4 high school districts. The transportation sparsity adjustment shall  
5 equal the quotient of: the positive remainder of twenty-one minus the  
6 district's public school enrollment for the year prior to the base year  
7 per square mile, divided by three hundred seventeen and eighty-eight  
8 hundredths. Approved transportation expense shall be the sum of the  
9 approved transportation operating expense and the approved transporta-  
10 tion capital, debt service and lease expense of the district. Approved  
11 transportation expense shall not be aidable pursuant to section nineteen  
12 hundred fifty of this chapter.

13 § 19. The opening paragraph of section 3622-a of the education law, as  
14 added by chapter 474 of the laws of 1996, is amended to read as follows:

15 For the computation of transportation aid pursuant to the requirements  
16 of subdivision seven of section thirty-six hundred two of this article  
17 and this part for the two thousand twenty--two thousand twenty-one and  
18 prior school years, aidable regular transportation shall include the  
19 following, provided that the school district shall have voted to furnish  
20 such transportation, as provided by law, or that the commissioner shall  
21 have directed that such transportation be furnished; and provided  
22 further that transportation aid shall not be paid in a case where the  
23 provision made for transportation is inadequate and is disapproved by  
24 the commissioner:

25 § 20. Subdivisions 6 and 7 of section 3622-a of the education law,  
26 subdivision 6 as amended by section 47 of part A of chapter 58 of the  
27 laws of 2011 and subdivision 7 as added by chapter 422 of the laws of  
28 2004, are amended and a new subdivision 8 is added to read as follows:

29 6. Transportation of pupils to and from approved summer school  
30 programs operated by a school district in the two thousand--two thousand  
31 one school year [~~and thereafter~~] through the two thousand nineteen--two  
32 thousand twenty school year, provided, however, that if the total state-  
33 wide apportionment attributable to allowable transportation expenses  
34 incurred pursuant to this subdivision exceeds five million dollars  
35 (\$5,000,000), individual school district allocations shall be prorated  
36 to ensure that the apportionment for such summer transportation does not  
37 exceed five million dollars (\$5,000,000), provided that such prorated  
38 apportionment computed and payable as of September one of the school  
39 year immediately following the school year for which such aid is claimed  
40 shall be deemed final and not subject to change; [~~and~~]

41 7. Transportation provided pursuant to section thirty-six hundred  
42 thirty-five-b of this article; and

43 8. Notwithstanding paragraph a of subdivision five of section thirty-  
44 six hundred four of this article, transportation provided in the two  
45 thousand nineteen--two thousand twenty school year during the state  
46 disaster emergency declared pursuant to executive order 202 of 2020,  
47 provided that transportation was provided during the time period of  
48 school closures ordered pursuant to executive order 202 of 2020. Such  
49 aidable transportation shall include transportation of meals, educa-  
50 tional materials and supplies to students, and transportation to provide  
51 students with internet access.

52 § 21. The opening paragraph of section 3623-a of the education law, as  
53 added by chapter 474 of the laws of 1996, is amended to read as follows:

54 For the computation of transportation aid for the two thousand twen-  
55 ty--two thousand twenty-one and prior school years, pursuant to the  
56 requirements of subdivision seven of section thirty-six hundred two of



1 this article and this part, allowable transportation expense shall  
2 include expenditures for aidable regular transportation as defined in  
3 section thirty-six hundred twenty-two-a of this part, provided that such  
4 expense shall be limited to expenditure items listed in subdivision one  
5 of this section as transportation operating expense and in subdivision  
6 two of this section as transportation capital, debt service and lease  
7 expense.

8 § 22. Section 3623-a of the education law is amended by adding a new  
9 subdivision 4 to read as follows:

10 4. Notwithstanding the provisions of this section or any other  
11 provision of law to the contrary, for the computation of transportation  
12 aid pursuant to the requirements of subdivision seven of section thir-  
13 ty-six hundred two of this article, allowable transportation expenses  
14 shall also include transportation operating expenses described in subdi-  
15 vision one of this section incurred in the two thousand nineteen--two  
16 thousand twenty school year during the state disaster emergency declared  
17 pursuant to executive order 202 of 2020. Such expenses shall only be  
18 allowable transportation expenses where aidable regular transportation  
19 as defined in section thirty-six hundred twenty-two-a of this part was  
20 provided.

21 § 23. Subdivision 16 of section 3602-ee of the education law, as  
22 amended by section 22 of part A of chapter 56 of the laws of 2020, is  
23 amended to read as follows:

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

28 § 24. Paragraphs a, b and c of subdivision 5 of section 3604 of the  
29 education law, paragraph a as amended by chapter 161 of the laws of  
30 2005, paragraph b as amended by section 59 of part A of chapter 436 of  
31 the laws of 1997, and paragraph c as added by chapter 82 of the laws of  
32 1995, are amended to read as follows:

33 a. State aid adjustments. All errors or omissions in the apportionment  
34 shall be corrected by the commissioner. Whenever a school district has  
35 been apportioned less money than that to which it is entitled, the  
36 commissioner may allot to such district the balance to which it is enti-  
37 tled. Whenever a school district has been apportioned more money than  
38 that to which it is entitled, the commissioner may, by an order, direct  
39 such moneys to be paid back to the state to be credited to the general  
40 fund local assistance account for state aid to the schools, or may  
41 deduct such amount from the next apportionment to be made to said  
42 district, provided, however, that, upon notification of excess payments  
43 of aid for which a recovery must be made by the state through deduction  
44 of future aid payments, a school district may request that such excess  
45 payments be recovered by deducting such excess payments from the  
46 payments due to such school district and payable in the month of June in  
47 (i) the school year in which such notification was received and (ii) the  
48 two succeeding school years, provided further that there shall be no  
49 interest penalty assessed against such district or collected by the  
50 state. Such request shall be made to the commissioner in such form as  
51 the commissioner shall prescribe, and shall be based on documentation  
52 that the total amount to be recovered is in excess of one percent of the  
53 district's total general fund expenditures for the preceding school  
54 year. The amount to be deducted in the first year shall be the greater  
55 of (i) the sum of the amount of such excess payments that is recognized  
56 as a liability due to other governments by the district for the preced-

ing school year and the positive remainder of the district's unreserved fund balance at the close of the preceding school year less the product of the district's total general fund expenditures for the preceding school year multiplied by five percent, or (ii) one-third of such excess payments. The amount to be recovered in the second year shall equal the lesser of the remaining amount of such excess payments to be recovered or one-third of such excess payments, and the remaining amount of such excess payments shall be recovered in the third year. Provided further that, notwithstanding any other provisions of this subdivision, any pending payment of moneys due to such district as a prior year adjustment payable pursuant to paragraph [e] b of this subdivision ~~[for]~~, other than payments required as a result of a final audit of the state, shall be deemed paid. For aid claims that had been previously paid as current year aid payments in excess of the amount to which the district is entitled and for which recovery of excess payments is to be made pursuant to this paragraph, shall be reduced at the time of actual payment by any remaining unrecovered balance of such excess payments, and the remaining scheduled deductions of such excess payments pursuant to this paragraph shall be reduced by the commissioner to reflect the amount so recovered. ~~[The commissioner shall certify no payment to a school district based on a claim submitted later than three years after the close of the school year in which such payment was first to be made. For claims for which payment is first to be made in the nineteen hundred ninety-six-ninety-seven school year, the commissioner shall certify no payment to a school district based on a claim submitted later than two years after the close of such school year.]~~ For claims for which payment is first to be made ~~[in the nineteen hundred ninety-seven-ninety-eight]~~ prior to the two thousand twenty--two thousand twenty-one school year ~~[and thereafter]~~, the commissioner shall certify no payment to a school district based on a claim submitted later than ~~[one year after]~~ the close of such school year. For claims for which payment is first to be made in the two thousand twenty--two thousand twenty-one school year and thereafter, the commissioner shall certify no payment to a school district based on a claim submitted later than the first of November of such school year. Provided, however, no payments shall be barred or reduced where such payment is required as a result of a final audit of the state. ~~[It is further provided that, until June thirtieth, nineteen hundred ninety-six, the commissioner may grant a waiver from the provisions of this section for any school district if it is in the best educational interests of the district pursuant to guidelines developed by the commissioner and approved by the director of the budget.]~~ Further provided that for any apportionments provided pursuant to sections seven hundred one, seven hundred eleven, seven hundred fifty-one, seven hundred fifty-three, nineteen hundred fifty, thirty-six hundred two, thirty-six hundred two-b, thirty-six hundred two-c, thirty-six hundred two-e and forty-four hundred five of this chapter for the two thousand twenty--two thousand twenty-one and two thousand twenty-one--two thousand twenty-two school years, the commissioner shall certify no payment to a school district, other than payments pursuant to subdivisions six-a, eleven, thirteen and fifteen of section thirty-six hundred two of this part, in excess of the payment computed based on an electronic data file used to produce the school aid computer listing produced by the commissioner in support of the executive budget request submitted for the two thousand twenty-one--two thousand twenty-two state fiscal year and entitled "BT212-2", and further provided that for any apportionments provided pursuant to sections seven hundred one, seven hundred eleven,



seven hundred fifty-one, seven hundred fifty-three, nineteen hundred fifty, thirty-six hundred two, thirty-six hundred two-b, thirty-six hundred two-c, thirty-six hundred two-e and forty-four hundred five of this chapter for the two thousand twenty-two--two thousand twenty-three school year and thereafter, the commissioner shall certify no payment to a school district, other than payments pursuant to subdivisions six-a, eleven, thirteen and fifteen of section thirty-six hundred two of this part, in excess of the payment computed based on an electronic data file used to produce the school aid computer listing produced by the commissioner in support of the executive budget request submitted for the state fiscal year in which the school year commences.

~~b. [Claims resulting from court orders or judgments. Any payment which would be due as the result of a court order or judgment shall not be barred, provided that, commencing January first, nineteen hundred ninety-six, such court order or judgment and any other data required shall be filed with the comptroller within one year from the date of the court order or judgment, and provided further that the commissioner shall certify no payment to a school district for a specific school year that is based on a claim that results from a court order or judgement so filed with the comptroller unless the total value of such claim, as determined by the commissioner, is greater than one percent of the school district's total revenues from state sources as previously recorded in the general fund and reported to the comptroller in the annual financial report of the school district for such school year.~~

~~e.] Payment of moneys due for prior years. State aid payments due for prior years in accordance with the provisions of this subdivision, other than payments required as a result of a final audit of the state, shall be deemed paid ~~[within the limit of the appropriation designated therefor provided, however, that each eligible claim shall be payable in the order that it has been approved for payment by the commissioner, but in no case shall a single claim draw down more than forty percent of the appropriation so designated for a single year, and provided further that no claim shall be set aside for insufficiency of funds to make a complete payment, but shall be eligible for a partial payment in one year and shall retain its priority date status for appropriations designated for such purposes in future years].~~~~

§ 25. Subdivision 6 of section 4408 of the education law, as added by chapter 82 of the laws of 1995, is amended to read as follows:

6. Notwithstanding any other provision of law to the contrary, no payments shall be made by the commissioner pursuant to this section on or after July first, nineteen hundred ninety-six based on a claim submitted later than ~~[three years]~~ one year after the end of the school year in which services were rendered, provided however that no payment shall be barred or reduced where such payment is required as a result of a court order or judgment or a final audit.

§ 26. The opening paragraph of section 3609-a of the education law, as amended by section 24 of part A of chapter 56 of the laws of 2020, is amended to read as follows:

For aid payable in the two thousand seven--two thousand eight school year through the two thousand twenty--two thousand twenty-one school year, "moneys apportioned" shall mean the lesser of (i) the sum of one hundred percent of the respective amount set forth for each school district as payable pursuant to this section in the school aid computer listing for the current year produced by the commissioner in support of the budget which includes the appropriation for the general support for public schools for the prescribed payments and individualized payments

1 due prior to April first for the current year plus the apportionment  
2 payable during the current school year pursuant to [~~subdivision~~] subdi-  
3 visions six-a and [~~subdivision~~] fifteen of section thirty-six hundred  
4 two of this part minus any reductions to current year aids pursuant to  
5 subdivision seven of section thirty-six hundred four of this part or any  
6 deduction from apportionment payable pursuant to this chapter for  
7 collection of a school district basic contribution as defined in subdi-  
8 vision eight of section forty-four hundred one of this chapter, less any  
9 grants provided pursuant to subparagraph two-a of paragraph b of subdi-  
10 vision four of section ninety-two-c of the state finance law, less any  
11 grants provided pursuant to subdivision five of section ninety-seven-  
12 nnnn of the state finance law, less any grants provided pursuant to  
13 subdivision twelve of section thirty-six hundred forty-one of this arti-  
14 cle, or (ii) the apportionment calculated by the commissioner based on  
15 data on file at the time the payment is processed; provided however,  
16 that for the purposes of any payments made pursuant to this section  
17 prior to the first business day of June of the current year, moneys  
18 apportioned shall not include any aids payable pursuant to subdivisions  
19 six and fourteen, if applicable, of section thirty-six hundred two of  
20 this part as current year aid for debt service on bond anticipation  
21 notes and/or bonds first issued in the current year or any aids payable  
22 for full-day kindergarten for the current year pursuant to subdivision  
23 nine of section thirty-six hundred two of this part. The definitions of  
24 "base year" and "current year" as set forth in subdivision one of  
25 section thirty-six hundred two of this part shall apply to this section.  
26 ~~[For aid payable in the two thousand twenty-two thousand twenty-one~~  
27 ~~school year, reference to such "school aid computer listing for the~~  
28 ~~current year" shall mean the printouts entitled "SA202-1".]~~ For aid  
29 payable in the two thousand twenty-one--two thousand twenty-two school  
30 year and thereafter, "moneys apportioned" shall mean the lesser of: (i)  
31 the sum of one hundred percent of the respective amount set forth for  
32 each school district as payable pursuant to this section in the school  
33 aid computer listing for the current year produced by the commissioner  
34 in support of the executive budget request which includes the appropri-  
35 ation for the general support for public schools for the prescribed  
36 payments and individualized payments due prior to April first for the  
37 current year plus the apportionment payable during the current school  
38 year pursuant to subdivisions six-a and fifteen of section thirty-six  
39 hundred two of this part minus any reductions to current year aids  
40 pursuant to subdivision seven of section thirty-six hundred four of this  
41 part or any deduction from apportionment payable pursuant to this chap-  
42 ter for collection of a school district basic contribution as defined in  
43 subdivision eight of section forty-four hundred one of this chapter,  
44 less any grants provided pursuant to subparagraph two-a of paragraph b  
45 of subdivision four of section ninety-two-c of the state finance law,  
46 less any grants provided pursuant to subdivision six of section ninety-  
47 seven-nnnn of the state finance law, less any grants provided pursuant  
48 to subdivision twelve of section thirty-six hundred forty-one of this  
49 article, or (ii) the apportionment calculated by the commissioner based  
50 on data on file at the time the payment is processed; provided however,  
51 that for the purposes of any payments made pursuant to this section  
52 prior to the first business day of June of the current year, moneys  
53 apportioned shall not include any aids payable pursuant to subdivisions  
54 six and fourteen, if applicable, of section thirty-six hundred two of  
55 this part as current year aid for debt service on bond anticipation  
56 notes and/or bonds first issued in the current year or any aids payable

1 for full-day kindergarten for the current year pursuant to subdivision  
2 nine of section thirty-six hundred two of this part. For aid payable in  
3 the two thousand twenty-one--two thousand twenty-two school year, refer-  
4 ence to such "school aid computer listing for the current year" shall  
5 mean the printouts entitled "BT212-2".

6 § 27. The education law is amended by adding a new section 4403-a to  
7 read as follows:

8 § 4403-a. Waivers from certain duties. 1. A local school district,  
9 approved private school or board of cooperative educational services may  
10 submit an application for a waiver from any requirement imposed on such  
11 district, school or board of cooperative educational services pursuant  
12 to section forty-four hundred two or forty-four hundred three of this  
13 article, and regulations promulgated thereunder, for a specific school  
14 year. Such application must be submitted at least sixty days in advance  
15 of the proposed date on which the waiver would be effective and shall be  
16 in a form prescribed by the commissioner.

17 2. Before submitting an application for a waiver, the local school  
18 district, approved private school or board of cooperative educational  
19 services shall provide notice of the proposed waiver to the parents or  
20 persons in parental relationship to the students that would be impacted  
21 by the waiver if granted. Such notice shall be in a form and manner that  
22 will ensure that such parents and persons in parental relationship will  
23 be aware of all relevant changes that would occur under the waiver, and  
24 shall include information on the form, manner and date by which parents  
25 may submit written comments on the proposed waiver. The local school  
26 district, approved private school, or board of cooperative educational  
27 services shall provide at least sixty days for such parents and persons  
28 in parental relationship to submit written comments, and shall include  
29 in the waiver application submitted to the commissioner pursuant to  
30 subdivision one of this section any written comments received from such  
31 parents or persons in parental relationship to such students.

32 3. The commissioner may grant a waiver from any requirement imposed on  
33 a local school district, approved private school or board of cooperative  
34 educational services pursuant to section forty-four hundred two or  
35 forty-four hundred three of this article, upon a finding that such waiv-  
36 er will enable a local school district, approved private school or board  
37 of cooperative educational services to implement an innovative special  
38 education program that is consistent with applicable federal require-  
39 ments, and will enhance student achievement and/or opportunities for  
40 placement in regular classes and programs. In making such determination,  
41 the commissioner shall consider any comments received by the local  
42 school district, approved private school or board of cooperative educa-  
43 tional services from parents or persons in parental relation to the  
44 students that would be directly affected by the waiver if granted.

45 4. Any local school district, approved private school or board of  
46 cooperative educational services granted a waiver shall submit an annual  
47 report to the commissioner regarding the operation and evaluation of the  
48 program no later than thirty days after the end of each school year for  
49 which a waiver is granted.

50 § 28. Subdivision 1 of section 3033 of the education law, as amended  
51 by chapter 886 of the laws of 1986, is amended to read as follows:

52 1. Boards of education and boards of cooperative educational services  
53 are hereby authorized to participate in the New York state mentor teach-  
54 er-internship program in accordance with the provisions of this section  
55 through the two thousand twenty--two thousand twenty-one school year.

56 § 29. Section 3033 of the education law is REPEALED.

§ 30. Paragraph b of subdivision 2 of section 3612 of education law, as amended by section 22 of part YYY of chapter 59 of the laws of 2019, is amended to read as follows:

b. Such grants shall be awarded to school districts, within the limits of funds appropriated therefor, through a competitive process that takes into consideration the magnitude of any shortage of teachers in the school district, the number of teachers employed in the school district who hold temporary licenses to teach in the public schools of the state, the number of provisionally certified teachers, the fiscal capacity and geographic sparsity of the district, the number of new teachers the school district intends to hire in the coming school year and the number of summer in the city student internships proposed by an eligible school district, if applicable. Grants provided pursuant to this section shall be used only for the purposes enumerated in this section. Notwithstanding any other provision of law to the contrary, a city school district in a city having a population of one million or more inhabitants receiving a grant pursuant to this section may use no more than eighty percent of such grant funds for any recruitment, retention and certification costs associated with transitional certification of teacher candidates for the school years two thousand one--two thousand two through [~~two thousand twenty-three two thousand twenty-four~~] two thousand twenty--two thousand twenty-one.

§ 31. Section 3612 of the education law is REPEALED.

§ 32. Section 3004-a of the education law is amended by adding a new subdivision 7 to read as follows:

7. Notwithstanding any provision of law to the contrary, no grants shall be awarded pursuant to this section after the two thousand twenty--two thousand twenty-one school year grant period.

§ 33. Section 3004-a of the education law is REPEALED.

§ 34. Subparagraphs (viii) and (ix) of paragraph (a) of subdivision 1 of section 2856 of the education law, as amended by section 26-a of part A of chapter 56 of the laws of 2020, are amended to read as follows:

(viii) for the two thousand twenty--two thousand twenty-one and two thousand twenty-one--two thousand twenty-two school years, the charter school basic tuition shall be the lesser of (A) the product of (i) the charter school basic tuition calculated for the base year multiplied by (ii) the average of the quotients for each school year in the period commencing with the year three years prior to the base year and finishing with the year prior to the base year of the total approved operating expense for such school district calculated pursuant to paragraph t of subdivision one of section thirty-six hundred two of this chapter for each such year divided by the total approved operating expense for such district for the immediately preceding year multiplied by, (iii) for the two thousand twenty--two thousand twenty-one school year only, [(iii)] nine hundred forty-five one-thousandths (0.945), or for the two thousand twenty-one--two thousand twenty-two school year only, one minus the adjustment factor or (B) the quotient of the total general fund expenditures for the school district calculated pursuant to an electronic data file created for the purpose of compliance with paragraph b of subdivision twenty-one of section three hundred five of this chapter published annually on May fifteenth for the year prior to the base year divided by the total estimated public enrollment for the school district pursuant to paragraph n of subdivision one of section thirty-six hundred two of this chapter for the year prior to the base year. The adjustment factor shall equal the quotient arrived at when dividing (A) the sum of (i) the services aid reduction for the school district pursuant to paragraph b

1 of subdivision twenty-one of section thirty-six hundred two of this  
2 chapter, (ii) plus the local district funding adjustment for the school  
3 district pursuant to subdivision one of section thirty-six hundred  
4 nine-i of this chapter by (B) the total general fund expenditures for  
5 the school district for the two thousand twenty--two thousand twenty-one  
6 school year calculated pursuant to an electronic data file created for  
7 the purpose of compliance with paragraph b of subdivision twenty-one of  
8 section three hundred five of this chapter published on May fifteenth,  
9 two thousand twenty-one.

10 (ix) for the two thousand twenty-two--two thousand twenty-three  
11 through two thousand twenty-four--two thousand twenty-five school years  
12 the charter school basic tuition shall be the lesser of (A) the product  
13 of (i) for the two thousand twenty-two--two thousand twenty-three school  
14 year, the charter school basic tuition calculated for the base year  
15 divided by the difference of one less the adjustment factor and for the  
16 two thousand twenty-three--two thousand twenty-four and two thousand  
17 twenty-four--two thousand twenty-five school years, the charter school  
18 basic tuition calculated for the base year multiplied by (ii) the aver-  
19 age of the quotients for each school year in the period commencing with  
20 the year four years prior to the base year and finishing with the year  
21 prior to the base year, excluding the two thousand twenty--two thousand  
22 twenty-one school year, of the total approved operating expense for such  
23 school district calculated pursuant to paragraph t of subdivision one of  
24 section thirty-six hundred two of this chapter for each such year  
25 divided by the total approved operating expense for such district for  
26 the immediately preceding year or (B) the quotient of the total general  
27 fund expenditures for the school district calculated pursuant to an  
28 electronic data file created for the purpose of compliance with para-  
29 graph b of subdivision twenty-one of section three hundred five of this  
30 chapter published annually on May fifteenth for the year prior to the  
31 base year divided by the total estimated public enrollment for the  
32 school district pursuant to paragraph n of subdivision one of section  
33 thirty-six hundred two of this chapter for the year prior to the base  
34 year.

35 § 35. Subparagraphs (viii) and (ix) of paragraph (a) of subdivision 1  
36 of section 2856 of the education law, as amended by section 26-b of part  
37 A of chapter 56 of the laws of 2020, are amended to read as follows:

38 (viii) for the two thousand twenty--two thousand twenty-one and two  
39 thousand twenty-one--two thousand twenty-two school years, the charter  
40 school basic tuition shall be the lesser of (A) the product of (i) the  
41 charter school basic tuition calculated for the base year multiplied by  
42 (ii) the average of the quotients for each school year in the period  
43 commencing with the year three years prior to the base year and finish-  
44 ing with the year prior to the base year of the total approved operating  
45 expense for such school district calculated pursuant to paragraph t of  
46 subdivision one of section thirty-six hundred two of this chapter for  
47 each such year divided by the total approved operating expense for such  
48 district for the immediately preceding year multiplied by, (iii) for the  
49 two thousand twenty--two thousand twenty-one school year only, [~~(iii)~~]  
50 nine hundred forty-five one-thousandths (0.945), or for the two thousand  
51 twenty-one--two thousand twenty-two school year only, one minus the  
52 adjustment factor or (B) the quotient of the total general fund expendi-  
53 tures for the school district calculated pursuant to an electronic data  
54 file created for the purpose of compliance with paragraph b of subdivi-  
55 sion twenty-one of section three hundred five of this chapter published  
56 annually on May fifteenth for the year prior to the base year divided by



1 the total estimated public enrollment for the school district pursuant  
2 to paragraph n of subdivision one of section thirty-six hundred two of  
3 this chapter for the year prior to the base year. The adjustment factor  
4 shall equal the quotient arrived at when dividing (A) the sum of (i) the  
5 services aid reduction for the school district pursuant to paragraph b  
6 of subdivision twenty-one of section thirty-six hundred two of this  
7 chapter, (ii) plus the local district funding adjustment for the school  
8 district pursuant to subdivision one of section thirty-six hundred  
9 nine-i of this chapter by (B) the total general fund expenditures for  
10 the school district for the two thousand twenty--two thousand twenty-one  
11 school year calculated pursuant to an electronic data file created for  
12 the purpose of compliance with paragraph b of subdivision twenty-one of  
13 section three hundred five of this chapter published on May fifteenth,  
14 two thousand twenty-one.

15 (ix) for the two thousand twenty-two--two thousand twenty-three  
16 through two thousand twenty-four--two thousand twenty-five school years  
17 the charter school basic tuition shall be the lesser of (A) the product  
18 of (i) for the two thousand twenty-two--two thousand twenty-three school  
19 year, the charter school basic tuition calculated for the base year  
20 divided by the difference of one less the adjustment factor and for the  
21 two thousand twenty-three--two thousand twenty-four and two thousand  
22 twenty-four--two thousand twenty-five school years, the charter school  
23 basic tuition calculated for the base year multiplied by (ii) the aver-  
24 age of the quotients for each school year in the period commencing with  
25 the year four years prior to the base year and finishing with the year  
26 prior to the base year, excluding the two thousand twenty--two thousand  
27 twenty-one school year, of the total approved operating expense for such  
28 school district calculated pursuant to paragraph t of subdivision one of  
29 section thirty-six hundred two of this chapter for each such year  
30 divided by the total approved operating expense for such district for  
31 the immediately preceding year or (B) the quotient of the total general  
32 fund expenditures for the school district calculated pursuant to an  
33 electronic data file created for the purpose of compliance with para-  
34 graph b of subdivision twenty-one of section three hundred five of this  
35 chapter published annually on May fifteenth for the year prior to the  
36 base year divided by the total estimated public enrollment for the  
37 school district pursuant to paragraph n of subdivision one of section  
38 thirty-six hundred two of this chapter for the year prior to the base  
39 year.

40 § 36. The closing paragraph of paragraph (a) of subdivision 1 of  
41 section 2856 of the education law, as amended by section 4 of part YYY  
42 of chapter 59 of the laws of 2017, is amended to read as follows:

43 (a-1) For the purposes of this subdivision, the "supplemental basic  
44 tuition" shall be (A) for a school district for which the charter school  
45 basic tuition computed for the current year is greater than or equal to  
46 the charter school basic tuition for the two thousand ten--two thousand  
47 eleven school year pursuant to the provisions of subparagraph (i) of  
48 this paragraph, (1) for the two thousand fourteen--two thousand fifteen  
49 school year two hundred and fifty dollars, and (2) for the two thousand  
50 fifteen--two thousand sixteen school year three hundred and fifty  
51 dollars, and (3) for the two thousand sixteen--two thousand seventeen  
52 school year five hundred dollars, and (4) for the two thousand seven-  
53 teen--two thousand eighteen school year and thereafter, the sum of (i)  
54 the supplemental basic tuition calculated for the two thousand sixteen-  
55 --two thousand seventeen school year plus (ii) five hundred dollars, and  
56 (B) for school years prior to the two thousand seventeen--two thousand

1 eight school year, for a school district for which the charter school  
2 basic tuition for the two thousand ten--two thousand eleven school year  
3 is greater than the charter school basic tuition for the current year  
4 pursuant to the provisions of subparagraph (i) of this paragraph, the  
5 positive difference of the charter school basic tuition for the two  
6 thousand ten--two thousand eleven school year minus the charter school  
7 basic tuition for the current year pursuant to the provisions of subpar-  
8 agraph (i) of this paragraph and (C) for school years following the two  
9 thousand sixteen--two thousand seventeen school years, for a school  
10 district for which the charter school basic tuition for the two thousand  
11 ten--two thousand eleven school year is greater than the charter school  
12 basic tuition for the current year pursuant to the provisions of subpar-  
13 agraph (i) of this paragraph, the sum of (i) the supplemental basic  
14 tuition calculated for the two thousand sixteen--two thousand seventeen  
15 school year plus (ii) five hundred dollars. Provided, however, that  
16 notwithstanding any inconsistent provision of law, for the two thousand  
17 twenty--two thousand twenty-one school year, the supplemental basic  
18 tuition shall be reduced by an amount equal to the product of (i) one  
19 half multiplied by (ii) the adjustment factor as defined in this  
20 section, further multiplied by (iii) the charter school basic tuition  
21 for the two thousand twenty-one--two thousand twenty-two school year,  
22 but shall not be less than zero.

23 § 36-a. The closing paragraph of paragraph (a) of subdivision 1 of  
24 section 2856 of the education law, as amended by section 4-a of part YY  
25 of chapter 59 of the laws of 2017, is amended to read as follows:

26 (a-1) For the purposes of this subdivision, the "supplemental basic  
27 tuition" shall be (A) for a school district for which the charter school  
28 basic tuition computed for the current year is greater than or equal to  
29 the charter school basic tuition for the two thousand ten--two thousand  
30 eleven school year pursuant to the provisions of subparagraph (i) of  
31 this paragraph, (1) for the two thousand fourteen--two thousand fifteen  
32 school year two hundred and fifty dollars, and (2) for the two thousand  
33 fifteen--two thousand sixteen school year three hundred and fifty  
34 dollars, and (3) for the two thousand sixteen--two thousand seventeen  
35 school year five hundred dollars, and (4) for the two thousand seven-  
36 teen--two thousand eighteen school year and thereafter, the sum of (i)  
37 the supplemental basic tuition calculated for the two thousand sixteen-  
38 --two thousand seventeen school year plus (ii) five hundred dollars, and  
39 (B) for school years prior to the two thousand seventeen--two thousand  
40 eighteen school year, for a school district for which the charter school  
41 basic tuition for the two thousand ten--two thousand eleven school year  
42 is greater than the charter school basic tuition for the current year  
43 pursuant to the provisions of subparagraph (i) of this paragraph, the  
44 positive difference of the charter school basic tuition for the two  
45 thousand ten--two thousand eleven school year minus the charter school  
46 basic tuition for the current year pursuant to the provisions of subpar-  
47 agraph (i) of this paragraph and (C) for school years following the two  
48 thousand sixteen--two thousand seventeen school years, for a school  
49 district for which the charter school basic tuition for the two thousand  
50 ten--two thousand eleven school year is greater than the charter school  
51 basic tuition for the current year pursuant to the provisions of subpar-  
52 agraph (i) of this paragraph, the sum of (i) the supplemental basic  
53 tuition calculated for the two thousand sixteen--two thousand seventeen  
54 school year plus (ii) five hundred dollars. Provided, however, that  
55 notwithstanding any inconsistent provision of law, for the two thousand  
56 twenty--two thousand twenty-one school year, the supplemental basic



tuition shall be reduced by an amount equal to the product of (i) one half multiplied by (ii) the adjustment factor as defined in this section, further multiplied by (iii) the charter school basic tuition for the two thousand twenty-one--two thousand twenty-two school year, but shall not be less than zero.

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

9. The total number of charters issued pursuant to this article statewide shall not exceed four hundred sixty. (a) All charters issued on or after July first, two thousand fifteen and counted toward the numerical limits established by this subdivision shall be issued by the board of regents upon application directly to the board of regents or on the recommendation of the board of trustees of the state university of New York pursuant to a competitive process in accordance with subdivision nine-a of this section. Fifty of such charters issued on or after July first, two thousand fifteen, and no more, shall be granted to a charter for a school to be located in a city having a population of one million or more. The failure of any body to issue the regulations authorized pursuant to this article shall not affect the authority of a charter entity to propose a charter to the board of regents or the board of regents' authority to grant such charter. A conversion of an existing public school to a charter school, or the renewal or extension of a charter approved by any charter entity, or the reissuance of a surrendered, revoked or terminated charter pursuant to paragraph (b) or (b-1) of this subdivision shall not be counted toward the numerical limits established by this subdivision.

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

(b-1) Notwithstanding any provision of law to the contrary, a charter that has been surrendered, revoked or terminated after July first, two thousand fifteen, including a charter that has not been renewed by action of its charter entity, may be reissued pursuant to paragraph (a) of this subdivision by the board of regents either upon application directly to the board of regents or on the recommendation of the board of trustees of the state university of New York pursuant to a competitive process in accordance with subdivision nine-a of this section. Provided that such reissuance shall not be counted toward the numerical limits established by this subdivision.

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

(d) Notwithstanding any provision of this article to the contrary, any charter authorized to be issued by chapter fifty-seven of the laws of two thousand seven effective July first, two thousand seven, and that remains unissued as of July first, two thousand fifteen, may be issued pursuant to the provisions of law applicable to a charter authorized to

1 be issued by such chapter in effect as of June fifteenth, two thousand  
2 fifteen; provided however that nothing in this paragraph shall be  
3 construed to increase the numerical limit applicable to a city having a  
4 population of one million or more as provided in paragraph (a) of this  
5 subdivision, as amended by ~~[a] subpart A of part B of~~ chapter twenty of  
6 the laws of two thousand fifteen ~~[which added this paragraph]~~.

7 § 37. Paragraph a of subdivision 6-g of section 3602 of the education  
8 law, as amended by section 11-a of part A of chapter 54 of the laws of  
9 2016, is amended to read as follows:

10 a. The city school district of the city of New York, upon documenting  
11 that it has incurred total aggregate expenses of forty million dollars  
12 or more pursuant to subparagraph five of paragraph (e) of subdivision  
13 three of section twenty-eight hundred fifty-three of this chapter, shall  
14 be eligible for an apportionment through the two thousand nineteen--two  
15 thousand twenty school year, pursuant to this subdivision for its annual  
16 approved expenditures incurred through the two thousand eighteen--two  
17 thousand nineteen school year, for the lease of space for charter  
18 schools incurred in the base year in accordance with paragraph (e) of  
19 subdivision three of section twenty-eight hundred fifty-three of this  
20 chapter.

21 § 38. Section 3 of chapter 507 of the laws of 1974, relating to  
22 providing for the apportionment of state monies to certain nonpublic  
23 schools, to reimburse them for their expenses in complying with  
24 certain state requirements for the administration of state testing and  
25 evaluation programs and for participation in state programs for the  
26 reporting of basic educational data, as amended by chapter 347 of the  
27 laws of 2018, is amended to read as follows:

28 § 3. Apportionment. a. The commissioner shall annually apportion to  
29 each qualifying school, for school years beginning on and after July  
30 first, nineteen hundred seventy-four, an amount equal to the actual cost  
31 incurred by each such school during the preceding school year for  
32 providing services required by law to be rendered to the state in  
33 compliance with the requirements of the state's pupil evaluation  
34 program, the basic educational data system, regents examinations, the  
35 statewide evaluation plan, the uniform procedure for pupil attendance  
36 reporting, the state's immunization program and other similar state  
37 prepared examinations and reporting procedures. Provided that each  
38 nonpublic school that seeks aid payable in the two thousand twenty--two  
39 thousand twenty-one school year to reimburse two thousand nineteen--two  
40 thousand twenty school year expenses shall submit a claim for such aid  
41 to the state education department no later than May fifteenth, two thou-  
42 sand twenty-one and such claims shall be paid by the state education  
43 department no later than June thirtieth, two thousand twenty-one.  
44 Provided further that each nonpublic school that seeks aid payable in  
45 the two thousand twenty-one--two thousand twenty-two school year and  
46 thereafter shall submit a claim for such aid to the state education  
47 department no later than April first of the school year in which aid is  
48 payable and such claims shall be paid by the state education department  
49 no later than May thirty-first of such school year. Provided, however,  
50 that the state's liability under this section shall be limited to the  
51 annual amount appropriated for such purpose. In the event that total  
52 claims submitted exceed the appropriation available for such aid, each  
53 claimant shall only be reimbursed an amount equal to the percentage that  
54 each such claimant represents to the total of all claims submitted.

55 b. Such nonpublic schools shall be eligible to receive aid based on  
56 the number of days or portion of days attendance is taken and either a

1 5.0/5.5 hour standard instructional day, or another work day as certi-  
2 fied by the nonpublic school officials, in accordance with the methodol-  
3 ogy for computing salary and benefits applied by the department in  
4 paying aid for the two thousand twelve--two thousand thirteen and prior  
5 school years.

6 c. The commissioner shall annually apportion to each qualifying school  
7 in the cities of New York, Buffalo and Rochester, for school years  
8 beginning on or after July first two thousand sixteen, an amount equal  
9 to the actual cost incurred by each such school during the preceding  
10 school year in meeting the recording and reporting requirements of the  
11 state school immunization program, provided that the state's liability  
12 shall be limited to the amount appropriated for this purpose.

13 § 39. Subdivision b of section 2 of chapter 756 of the laws of 1992,  
14 relating to funding a program for work force education conducted by the  
15 consortium for worker education in New York city, as amended by section  
16 30 of part A of chapter 56 of the laws of 2020, is amended to read as  
17 follows:

18 b. Reimbursement for programs approved in accordance with subdivision  
19 a of this section for the reimbursement for the 2018--2019 school year  
20 shall not exceed 59.4 percent of the lesser of such approvable costs per  
21 contact hour or fourteen dollars and ninety-five cents per contact hour,  
22 reimbursement for the 2019--2020 school year shall not exceed 57.7  
23 percent of the lesser of such approvable costs per contact hour or  
24 fifteen dollars sixty cents per contact hour, ~~and~~ reimbursement for  
25 the 2020--2021 school year shall not exceed 56.9 percent of the lesser  
26 of such approvable costs per contact hour or sixteen dollars and twen-  
27 ty-five cents per contact hour, and reimbursement for the 2021--2022  
28 school year shall not exceed 56.0 percent of the lesser of such approva-  
29 ble costs per contact hour or sixteen dollars and thirty-five cents per  
30 contact hour, and where a contact hour represents sixty minutes of  
31 instruction services provided to an eligible adult. Notwithstanding any  
32 other provision of law to the contrary, for the 2018--2019 school year  
33 such contact hours shall not exceed one million four hundred sixty-three  
34 thousand nine hundred sixty-three (1,463,963); for the 2019--2020 school  
35 year such contact hours shall not exceed one million four hundred  
36 forty-four thousand four hundred forty-four (1,444,444); ~~and~~ for the  
37 2020--2021 school year such contact hours shall not exceed one million  
38 four hundred six thousand nine hundred twenty-six (1,406,926); and for  
39 the 2021--2022 school year such contact hours shall not exceed one  
40 million two hundred fifty-six thousand eight hundred thirty (1,256,830).  
41 Notwithstanding any other provision of law to the contrary, the appor-  
42 tionment calculated for the city school district of the city of New York  
43 pursuant to subdivision 11 of section 3602 of the education law shall be  
44 computed as if such contact hours provided by the consortium for worker  
45 education, not to exceed the contact hours set forth herein, were eligi-  
46 ble for aid in accordance with the provisions of such subdivision 11 of  
47 section 3602 of the education law.

48 § 40. Section 4 of chapter 756 of the laws of 1992, relating to fund-  
49 ing a program for work force education conducted by the consortium for  
50 worker education in New York city, is amended by adding a new subdivi-  
51 sion z to read as follows:

52 z. The provisions of this subdivision shall not apply after the  
53 completion of payments for the 2021--2022 school year. Notwithstanding  
54 any inconsistent provisions of law, the commissioner of education shall  
55 withhold a portion of employment preparation education aid due to the  
56 city school district of the city of New York to support a portion of the

costs of the work force education program. Such moneys shall be credited to the elementary and secondary education fund-local assistance account and shall not exceed eleven million five hundred thousand dollars (\$11,500,000).

§ 41. Section 6 of chapter 756 of the laws of 1992, relating to funding a program for work force education conducted by the consortium for worker education in New York city, as amended by section 32 of part A of chapter 56 of the laws of 2020, is amended to read as follows:

§ 6. This act shall take effect July 1, 1992, and shall be deemed repealed on June 30, [~~2021~~] 2022.

§ 42. Section 12 of chapter 147 of the laws of 2001, amending the education law relating to conditional appointment of school district, charter school or BOCES employees, as amended by section 34 of part A of chapter 56 of the laws of 2020, is amended to read as follows:

§ 12. This act shall take effect on the same date as chapter 180 of the laws of 2000 takes effect, and shall expire July 1, [~~2021~~] 2022 when upon such date the provisions of this act shall be deemed repealed.

§ 43. Section 4 of chapter 425 of the laws of 2002, amending the education law relating to the provision of supplemental educational services, attendance at a safe public school and the suspension of pupils who bring a firearm to or possess a firearm at a school, as amended by section 35 of part A of chapter 56 of the laws of 2020, is amended to read as follows:

§ 4. This act shall take effect July 1, 2002 and section one of this act shall expire and be deemed repealed June 30, 2019, and sections two and three of this act shall expire and be deemed repealed on June 30, [~~2021~~] 2022.

§ 44. Section 5 of chapter 101 of the laws of 2003, amending the education law relating to the implementation of the No Child Left Behind Act of 2001, as amended by section 36 of part A of chapter 56 of the laws of 2020, is amended to read as follows:

§ 5. This act shall take effect immediately; provided that sections one, two and three of this act shall expire and be deemed repealed on June 30, [~~2021~~] 2022.

§ 45. School bus driver training. In addition to apportionments otherwise provided by section 3602 of the education law, for aid payable in the 2021--2022 school year, the commissioner of education shall allocate school bus driver training grants to school districts and boards of cooperative educational services pursuant to sections 3650-a, 3650-b and 3650-c of the education law, or for contracts directly with not-for-profit educational organizations for the purposes of this section. Such payments shall not exceed four hundred thousand dollars (\$400,000) per school year.

§ 46. Special apportionment for salary expenses. a. Notwithstanding any other provision of law, upon application to the commissioner of education, not sooner than the first day of the second full business week of June 2022 and not later than the last day of the third full business week of June 2022, a school district eligible for an apportionment pursuant to section 3602 of the education law shall be eligible to receive an apportionment pursuant to this section, for the school year ending June 30, 2022, for salary expenses incurred between April 1 and June 30, 2021 and such apportionment shall not exceed the sum of (i) the deficit reduction assessment of 1990--1991 as determined by the commissioner of education, pursuant to paragraph f of subdivision 1 of section 3602 of the education law, as in effect through June 30, 1993, plus (ii) 186 percent of such amount for a city school district in a city with a

1 population in excess of 1,000,000 inhabitants, plus (iii) 209 percent of  
2 such amount for a city school district in a city with a population of  
3 more than 195,000 inhabitants and less than 219,000 inhabitants accord-  
4 ing to the latest federal census, plus (iv) the net gap elimination  
5 adjustment for 2010--2011, as determined by the commissioner of educa-  
6 tion pursuant to chapter 53 of the laws of 2010, plus (v) the gap elimi-  
7 nation adjustment for 2011--2012 as determined by the commissioner of  
8 education pursuant to subdivision 17 of section 3602 of the education  
9 law, and provided further that such apportionment shall not exceed such  
10 salary expenses. Such application shall be made by a school district,  
11 after the board of education or trustees have adopted a resolution to do  
12 so and in the case of a city school district in a city with a population  
13 in excess of 125,000 inhabitants, with the approval of the mayor of such  
14 city.

15 b. The claim for an apportionment to be paid to a school district  
16 pursuant to subdivision a of this section shall be submitted to the  
17 commissioner of education on a form prescribed for such purpose, and  
18 shall be payable upon determination by such commissioner that the form  
19 has been submitted as prescribed. Such approved amounts shall be payable  
20 on the same day in September of the school year following the year in  
21 which application was made as funds provided pursuant to subparagraph  
22 (4) of paragraph b of subdivision 4 of section 92-c of the state finance  
23 law, on the audit and warrant of the state comptroller on vouchers  
24 certified or approved by the commissioner of education in the manner  
25 prescribed by law from moneys in the state lottery fund and from the  
26 general fund to the extent that the amount paid to a school district  
27 pursuant to this section exceeds the amount, if any, due such school  
28 district pursuant to subparagraph (2) of paragraph a of subdivision 1 of  
29 section 3609-a of the education law in the school year following the  
30 year in which application was made.

31 c. Notwithstanding the provisions of section 3609-a of the education  
32 law, an amount equal to the amount paid to a school district pursuant to  
33 subdivisions a and b of this section shall first be deducted from the  
34 following payments due the school district during the school year  
35 following the year in which application was made pursuant to subpara-  
36 graphs (1), (2), (3), (4) and (5) of paragraph a of subdivision 1 of  
37 section 3609-a of the education law in the following order: the lottery  
38 apportionment payable pursuant to subparagraph (2) of such paragraph  
39 followed by the fixed fall payments payable pursuant to subparagraph (4)  
40 of such paragraph and then followed by the district's payments to the  
41 teachers' retirement system pursuant to subparagraph (1) of such para-  
42 graph, and any remainder to be deducted from the individualized payments  
43 due the district pursuant to paragraph b of such subdivision shall be  
44 deducted on a chronological basis starting with the earliest payment due  
45 the district.

46 § 47. Special apportionment for public pension accruals. a. Notwith-  
47 standing any other provision of law, upon application to the commission-  
48 er of education, not later than June 30, 2022, a school district eligi-  
49 ble for an apportionment pursuant to section 3602 of the education law  
50 shall be eligible to receive an apportionment pursuant to this section,  
51 for the school year ending June 30, 2022 and such apportionment shall  
52 not exceed the additional accruals required to be made by school  
53 districts in the 2004--2005 and 2005--2006 school years associated with  
54 changes for such public pension liabilities. The amount of such addi-  
55 tional accrual shall be certified to the commissioner of education by  
56 the president of the board of education or the trustees or, in the case

1 of a city school district in a city with a population in excess of  
2 125,000 inhabitants, the mayor of such city. Such application shall be  
3 made by a school district, after the board of education or trustees have  
4 adopted a resolution to do so and in the case of a city school district  
5 in a city with a population in excess of 125,000 inhabitants, with the  
6 approval of the mayor of such city.

7 b. The claim for an apportionment to be paid to a school district  
8 pursuant to subdivision a of this section shall be submitted to the  
9 commissioner of education on a form prescribed for such purpose, and  
10 shall be payable upon determination by such commissioner that the form  
11 has been submitted as prescribed. Such approved amounts shall be payable  
12 on the same day in September of the school year following the year in  
13 which application was made as funds provided pursuant to subparagraph  
14 (4) of paragraph b of subdivision 4 of section 92-c of the state finance  
15 law, on the audit and warrant of the state comptroller on vouchers  
16 certified or approved by the commissioner of education in the manner  
17 prescribed by law from moneys in the state lottery fund and from the  
18 general fund to the extent that the amount paid to a school district  
19 pursuant to this section exceeds the amount, if any, due such school  
20 district pursuant to subparagraph (2) of paragraph a of subdivision 1 of  
21 section 3609-a of the education law in the school year following the  
22 year in which application was made.

23 c. Notwithstanding the provisions of section 3609-a of the education  
24 law, an amount equal to the amount paid to a school district pursuant to  
25 subdivisions a and b of this section shall first be deducted from the  
26 following payments due the school district during the school year  
27 following the year in which application was made pursuant to subpara-  
28 graphs (1), (2), (3), (4) and (5) of paragraph a of subdivision 1 of  
29 section 3609-a of the education law in the following order: the lottery  
30 apportionment payable pursuant to subparagraph (2) of such paragraph  
31 followed by the fixed fall payments payable pursuant to subparagraph (4)  
32 of such paragraph and then followed by the district's payments to the  
33 teachers' retirement system pursuant to subparagraph (1) of such para-  
34 graph, and any remainder to be deducted from the individualized payments  
35 due the district pursuant to paragraph b of such subdivision shall be  
36 deducted on a chronological basis starting with the earliest payment due  
37 the district.

38 § 48. Notwithstanding the provision of any law, rule, or regulation to  
39 the contrary, the city school district of the city of Rochester, upon  
40 the consent of the board of cooperative educational services of the  
41 supervisory district serving its geographic region may purchase from  
42 such board for the 2021--2022 school year, as a non-component school  
43 district, services required by article 19 of the education law.

44 § 49. The amounts specified in this section shall be a set-aside from  
45 the state funds which each such district is receiving from the total  
46 foundation aid:

47 a. for the development, maintenance or expansion of magnet schools or  
48 magnet school programs for the 2021--2022 school year. For the city  
49 school district of the city of New York there shall be a setaside of  
50 foundation aid equal to forty-eight million one hundred seventy-five  
51 thousand dollars (\$48,175,000) including five hundred thousand dollars  
52 (\$500,000) for the Andrew Jackson High School; for the Buffalo city  
53 school district, twenty-one million twenty-five thousand dollars  
54 (\$21,025,000); for the Rochester city school district, fifteen million  
55 dollars (\$15,000,000); for the Syracuse city school district, thirteen  
56 million dollars (\$13,000,000); for the Yonkers city school district,



1 forty-nine million five hundred thousand dollars (\$49,500,000); for the  
2 Newburgh city school district, four million six hundred forty-five thou-  
3 sand dollars (\$4,645,000); for the Poughkeepsie city school district,  
4 two million four hundred seventy-five thousand dollars (\$2,475,000); for  
5 the Mount Vernon city school district, two million dollars (\$2,000,000);  
6 for the New Rochelle city school district, one million four hundred ten  
7 thousand dollars (\$1,410,000); for the Schenectady city school district,  
8 one million eight hundred thousand dollars (\$1,800,000); for the Port  
9 Chester city school district, one million one hundred fifty thousand  
10 dollars (\$1,150,000); for the White Plains city school district, nine  
11 hundred thousand dollars (\$900,000); for the Niagara Falls city school  
12 district, six hundred thousand dollars (\$600,000); for the Albany city  
13 school district, three million five hundred fifty thousand dollars  
14 (\$3,550,000); for the Utica city school district, two million dollars  
15 (\$2,000,000); for the Beacon city school district, five hundred sixty-  
16 six thousand dollars (\$566,000); for the Middletown city school  
17 district, four hundred thousand dollars (\$400,000); for the Freeport  
18 union free school district, four hundred thousand dollars (\$400,000);  
19 for the Greenburgh central school district, three hundred thousand  
20 dollars (\$300,000); for the Amsterdam city school district, eight  
21 hundred thousand dollars (\$800,000); for the Peekskill city school  
22 district, two hundred thousand dollars (\$200,000); and for the Hudson  
23 city school district, four hundred thousand dollars (\$400,000).

24 b. Notwithstanding any inconsistent provision of law to the contrary,  
25 a school district setting aside such foundation aid pursuant to this  
26 section may use such setaside funds for: (i) any instructional or  
27 instructional support costs associated with the operation of a magnet  
28 school; or (ii) any instructional or instructional support costs associ-  
29 ated with implementation of an alternative approach to promote diversity  
30 and/or enhancement of the instructional program and raising of standards  
31 in elementary and secondary schools of school districts having substan-  
32 tial concentrations of minority students.

33 c. The commissioner of education shall not be authorized to withhold  
34 foundation aid from a school district that used such funds in accordance  
35 with this paragraph, notwithstanding any inconsistency with a request  
36 for proposals issued by such commissioner for the purpose of attendance  
37 improvement and dropout prevention for the 2021--2022 school year, and  
38 for any city school district in a city having a population of more than  
39 one million, the setaside for attendance improvement and dropout  
40 prevention shall equal the amount set aside in the base year. For the  
41 2021--2022 school year, it is further provided that any city school  
42 district in a city having a population of more than one million shall  
43 allocate at least one-third of any increase from base year levels in  
44 funds set aside pursuant to the requirements of this section to communi-  
45 ty-based organizations. Any increase required pursuant to this section  
46 to community-based organizations must be in addition to allocations  
47 provided to community-based organizations in the base year.

48 d. For the purpose of teacher support for the 2021--2022 school year:  
49 for the city school district of the city of New York, sixty-two million  
50 seven hundred seven thousand dollars (\$62,707,000); for the Buffalo city  
51 school district, one million seven hundred forty-one thousand dollars  
52 (\$1,741,000); for the Rochester city school district, one million seven-  
53 ty-six thousand dollars (\$1,076,000); for the Yonkers city school  
54 district, one million one hundred forty-seven thousand dollars  
55 (\$1,147,000); and for the Syracuse city school district, eight hundred  
56 nine thousand dollars (\$809,000). All funds made available to a school

1 district pursuant to this section shall be distributed among teachers  
2 including prekindergarten teachers and teachers of adult vocational and  
3 academic subjects in accordance with this section and shall be in addi-  
4 tion to salaries heretofore or hereafter negotiated or made available;  
5 provided, however, that all funds distributed pursuant to this section  
6 for the current year shall be deemed to incorporate all funds distrib-  
7 uted pursuant to former subdivision 27 of section 3602 of the education  
8 law for prior years. In school districts where the teachers are repres-  
9 ented by certified or recognized employee organizations, all salary  
10 increases funded pursuant to this section shall be determined by sepa-  
11 rate collective negotiations conducted pursuant to the provisions and  
12 procedures of article 14 of the civil service law, notwithstanding the  
13 existence of a negotiated agreement between a school district and a  
14 certified or recognized employee organization.

15 § 50. Support of public libraries. The moneys appropriated for the  
16 support of public libraries by a chapter of the laws of 2021 enacting  
17 the aid to localities budget shall be apportioned for the 2021--2022  
18 state fiscal year in accordance with the provisions of sections 271,  
19 272, 273, 282, 284 and 285 of the education law as amended by the  
20 provisions of this chapter and the provisions of this section, provided  
21 that library construction aid pursuant to section 273-a of the education  
22 law shall not be payable from the appropriations for the support of  
23 public libraries and provided further that no library, library system or  
24 program, as defined by the commissioner of education, shall receive less  
25 total system or program aid than it received for the year 2001--2002  
26 except as a result of a reduction adjustment necessary to conform to the  
27 appropriations for support of public libraries.

28 Notwithstanding any other provision of law to the contrary the moneys  
29 appropriated for the support of public libraries for the year 2021--2022  
30 by a chapter of the laws of 2021 enacting the education, labor and fami-  
31 ly assistance budget shall fulfill the state's obligation to provide  
32 such aid and, pursuant to a plan developed by the commissioner of educa-  
33 tion and approved by the director of the budget, the aid payable to  
34 libraries and library systems pursuant to such appropriations shall be  
35 reduced proportionately to assure that the total amount of aid payable  
36 does not exceed the total appropriations for such purpose.

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

48 § 52. This act shall take effect immediately, and shall be deemed to  
49 have been in full force and effect on and after April 1, 2021, provided,  
50 however, that:

51 1. Sections one, twenty-three, twenty-six, forty-one, forty-three,  
52 forty-four, forty-five, forty-eight and forty-nine of this act shall  
53 take effect July 1, 2021;

54 2. Sections twenty-nine and thirty-one of this act shall take effect  
55 July 1, 2022;

1 3. Section thirty-three of this act shall take effect September 1,  
2 2024;

3 4. The amendments to paragraph (a) of subdivision 1 of section 2856 of  
4 the education law made by section thirty-four of this act shall be  
5 subject to the expiration and reversion of such subdivision pursuant to  
6 subdivision d of section 27 of chapter 378 of the laws of 2007, as  
7 amended, when upon such date the provisions of section thirty-five of  
8 this act shall take effect; and

9 5. The amendments to paragraph (a-1) of subdivision 1 of section 2856  
10 of the education law made by section thirty-six of this act shall be  
11 subject to the expiration and reversion of such subdivision pursuant to  
12 subdivision d of section 27 of chapter 378 of the laws of 2007, as  
13 amended, when upon such date the provisions of section thirty-six-a of  
14 this act shall take effect.

15 6. The amendments to chapter 756 of the laws of 1992, relating to  
16 funding a program for work force education conducted by a consortium for  
17 worker education in New York City made by sections thirty-nine and forty  
18 of this act shall not affect the repeal of such chapter and shall be  
19 deemed repealed therewith.

20 PART B

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

23 (h) Any firm established for the business purpose of incorporating as  
24 a professional service corporation formed to lawfully engage in the  
25 practice of public accountancy, as such practice is respectively defined  
26 under article one hundred forty-nine of the education law shall be  
27 required to show (1) that a simple majority of the ownership of the  
28 firm, in terms of financial interests, and voting rights held by the  
29 firm's owners, belongs to individuals licensed to practice public  
30 accountancy in some state, and (2) that all shareholders of a profes-  
31 sional service corporation whose principal place of business is in this  
32 state, and who are engaged in the practice of public accountancy in this  
33 state, hold a valid license issued under section seventy-four hundred  
34 four of the education law. For purposes of this paragraph, "financial  
35 interest" means capital stock, capital accounts, capital contributions,  
36 capital interest, or interest in undistributed earnings of a business  
37 entity. Although firms may include non-licensee owners, the firm and  
38 its owners must comply with rules promulgated by the state board of  
39 regents. Notwithstanding the foregoing, a firm incorporated under this  
40 section may not have non-licensee owners if the firm's name includes the  
41 words "certified public accountant," or "certified public accountants,"  
42 or the abbreviations "CPA" or "CPAs". Each non-licensee owner of a firm  
43 that is incorporated under this section shall be a natural person who  
44 actively participates in the business of the firm or its affiliated  
45 entities. For purposes of this paragraph, "actively participate" means  
46 to provide services to clients or to otherwise individually take part in  
47 the day-to-day business or management of the firm. Such a firm shall  
48 have attached to its certificate of incorporation a certificate or  
49 certificates demonstrating the firm's compliance with this paragraph, in  
50 lieu of the certificate or certificates required by subparagraph (ii) of  
51 paragraph (b) of this section.

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

1 (c) Any firm established for the business purpose of incorporating as  
2 a professional service corporation pursuant to paragraph (h) of section  
3 fifteen hundred three of this article may issue shares to individuals  
4 who are authorized by law to practice in this state the profession which  
5 such corporation is authorized to practice and who are or have been  
6 engaged in the practice of such profession in such corporation or a  
7 predecessor entity, or who will engage in the practice of such profes-  
8 sion in such corporation within thirty days of the date such shares are  
9 issued and may also issue shares to employees of the corporation not  
10 licensed as certified public accountants, provided that:

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

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

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

17 (iv) the president, the chairperson of the board of directors and the  
18 chief executive officer or officers are certified public accountants.  
19 No shareholder of a firm established for the business purpose of incor-  
20 porating as a professional service corporation pursuant to paragraph (h)  
21 of section fifteen hundred three of this article shall enter into a  
22 voting trust agreement, proxy or any other type of agreement vesting in  
23 another person, other than another shareholder of the same corporation,  
24 the authority to exercise voting power of any or all of his or her  
25 shares. All shares issued, agreements made or proxies granted in  
26 violation of this section shall be void.

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

29 (c) The directors and officers of any firm established for the busi-  
30 ness purpose of incorporating as a professional service corporation  
31 pursuant to paragraph (h) of section fifteen hundred three of this arti-  
32 cle may include individuals who are not licensed to practice public  
33 accountancy, provided however that at least fifty-one percent of the  
34 directors, at least fifty-one percent of the officers and the president,  
35 the chairperson of the board of directors and the chief executive offi-  
36 cer or officers are authorized by law to practice in any state the  
37 profession which such corporation is authorized to practice, and are  
38 either shareholders of such corporation or engaged in the practice of  
39 their professions in such corporation.

40 § 4. Section 1509 of the business corporation law, as amended by chap-  
41 ter 550 of the laws of 2011, is amended to read as follows:

42 § 1509. Disqualification of shareholders, directors, officers and  
43 employees.

44 If any shareholder, director, officer or employee of a professional  
45 service corporation, including a design professional service corpo-  
46 ration, who has been rendering professional service to the public  
47 becomes legally disqualified to practice his or her profession within  
48 this state, he or she shall sever all employment with, and financial  
49 interests (other than interests as a creditor) in, such corporation  
50 forthwith or as otherwise provided in section 1510 of this article. All  
51 provisions of law regulating the rendering of professional services by a  
52 person elected or appointed to a public office shall be applicable to a  
53 shareholder, director, officer and employee of such corporation in the  
54 same manner and to the same extent as if fully set forth herein. Such  
55 legal disqualification to practice his or her profession within this  
56 state shall be deemed to constitute an irrevocable offer by the disqual-

ified shareholder to sell his or her shares to the corporation, pursuant to the provisions of section 1510 of this article or of the certificate of incorporation, by-laws or agreement among the corporation and all shareholders, whichever is applicable. Compliance with the terms of such offer shall be specifically enforceable in the courts of this state. A professional service corporation's failure to enforce compliance with this provision shall constitute a ground for forfeiture of its certificate of incorporation and its dissolution.

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

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

(c) A firm established for the business purpose of incorporating as a professional service corporation pursuant to paragraph (h) of section fifteen hundred three of this article, shall purchase or redeem the shares of a non-licensed professional shareholder in the case of his or her termination of employment within thirty days after such termination. A firm established for the business purpose of incorporating as a professional service corporation pursuant to paragraph (h) of section



1 fifteen hundred three of this article, shall not be required to purchase  
2 or redeem the shares of a terminated non-licensed professional share-  
3 holder if such shares, within thirty days after such termination, are  
4 sold or transferred to another employee of the corporation pursuant to  
5 this article.

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

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

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

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

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

22 (iv) the president, the chairperson of the board of directors and the  
23 chief executive officer or officers are and were certified public  
24 accountants.

25 The statement shall be signed by the president or any certified public  
26 accountant vice-president and attested to by the secretary or any  
27 assistant secretary of the corporation.

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

30 (d) "Foreign professional service corporation" means a professional  
31 service corporation, whether or not denominated as such, organized under  
32 the laws of a jurisdiction other than this state, all of the sharehold-  
33 ers, directors and officers of which are authorized and licensed to  
34 practice the profession for which such corporation is licensed to do  
35 business; except that all shareholders, directors and officers of a  
36 foreign professional service corporation which provides health services  
37 in this state shall be licensed in this state. A foreign professional  
38 service corporation formed to lawfully engage in the practice of public  
39 accountancy, as such practice is defined under article one hundred  
40 forty-nine of the education law, or equivalent state law, shall be  
41 required to show (1) that a simple majority of the ownership of the  
42 firm, in terms of financial interests, and voting rights held by the  
43 firm's owners, belongs to individuals licensed to practice public  
44 accountancy in some state, and (2) that all shareholders of a foreign  
45 professional service corporation whose principal place of business is in  
46 this state, and who are engaged in the practice of public accountancy in  
47 this state, hold a valid license issued under section seventy-four  
48 hundred four of the education law. For purposes of this paragraph,  
49 "financial interest" means capital stock, capital accounts, capital  
50 contributions, capital interest, or interest in undistributed earnings  
51 of a business entity. Although firms may include non-licensee owners,  
52 the firm and its owners must comply with rules promulgated by the state  
53 board of regents. Notwithstanding the foregoing, a firm registered  
54 under this section may not have non-licensee owners if the firm's name  
55 includes the words "certified public accountant," or "certified public  
56 accountants," or the abbreviations "CPA" or "CPAs". Each non-licensee

owner of a firm that is operating under this section shall be a natural person who actively participates in the business of the firm or its affiliated entities, provided each beneficial owner of an equity interest in such entity is a natural person who actively participates in the business conducted by the firm or its affiliated entities. For purposes of this paragraph, "actively participate" means to provide services to clients or to otherwise individually take part in the day-to-day business or management of the firm.

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

(q) Each partner of a registered limited liability partnership formed to provide medical services in this state must be licensed pursuant to article 131 of the education law to practice medicine in this state and each partner of a registered limited liability partnership formed to provide dental services in this state must be licensed pursuant to article 133 of the education law to practice dentistry in this state. Each partner of a registered limited liability partnership formed to provide veterinary services in this state must be licensed pursuant to article 135 of the education law to practice veterinary medicine in this state. Each partner of a registered limited liability partnership formed to provide public accountancy services, whose principal place of business is in this state and who provides public accountancy services, must be licensed pursuant to article 149 of the education law to practice public accountancy in this state. Each partner of a registered limited liability partnership formed to provide professional engineering, land surveying, geological services, architectural and/or landscape architectural services in this state must be licensed pursuant to article 145, article 147 and/or article 148 of the education law to practice one or more of such professions in this state. Each partner of a registered limited liability partnership formed to provide licensed clinical social work services in this state must be licensed pursuant to article 154 of the education law to practice clinical social work in this state. Each partner of a registered limited liability partnership formed to provide creative arts therapy services in this state must be licensed pursuant to article 163 of the education law to practice creative arts therapy in this state. Each partner of a registered limited liability partnership formed to provide marriage and family therapy services in this state must be licensed pursuant to article 163 of the education law to practice marriage and family therapy in this state. Each partner of a registered limited liability partnership formed to provide mental health counseling services in this state must be licensed pursuant to article 163 of the education law to practice mental health counseling in this state. Each partner of a registered limited liability partnership formed to provide psychoanalysis services in this state must be licensed pursuant to article 163 of the education law to practice psychoanalysis in this state. Each partner of a registered limited liability partnership formed to provide applied behavior analysis service in this state must be licensed or certified pursuant to article 167 of the education law to practice applied behavior analysis in this state. A limited liability partnership formed to lawfully engage in the practice of public accountancy, as such practice is respectively defined under article 149 of the education law, shall be required to show (1) that a simple majority of the ownership of the firm, in terms of financial interests, and voting rights held by the firm's owners, belongs to individuals licensed to practice public accountancy in some state, and (2) that all partners of

a limited liability partnership whose principal place of business is in this state, and who are engaged in the practice of public accountancy in this state, hold a valid license issued under section seventy-four hundred four of the education law. For purposes of this subdivision, "financial interest" means capital stock, capital accounts, capital contributions, capital interest, or interest in undistributed earnings of a business entity. Although firms may include non-licensee owners, the firm and its owners must comply with rules promulgated by the state board of regents. Notwithstanding the foregoing, a firm registered under this section may not have non-licensee owners if the firm's name includes the words "certified public accountant," or "certified public accounts," or the abbreviations "CPA" or "CPAs". Each non-licensee owner of a firm that is formed under this section shall be (1) a natural person who actively participates in the business of the firm or its affiliated entities, or (2) an entity, including, but not limited to, a partnership or professional corporation, provided each beneficial owner of an equity interest in such entity is a natural person who actively participates in the business conducted by the firm or its affiliated entities. For purposes of this subdivision, "actively participate" means to provide services to clients or to otherwise individually take part in the day-to-day business or management of the firm.

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

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

foreign limited liability partnership which provides psychoanalysis services in this state must be licensed pursuant to article 163 of the education law to practice psychoanalysis in this state. Each partner of a foreign limited liability partnership which provides applied behavior analysis services in this state must be licensed or certified pursuant to article 167 of the education law to practice applied behavior analysis in this state. A foreign limited liability partnership formed to lawfully engage in the practice of public accountancy, as such practice is respectively defined under article 149 of the education law, shall be required to show (1) that a simple majority of the ownership of the firm, in terms of financial interests, and voting rights held by the firm's owners, belongs to individuals licensed to practice public accountancy in some state, and (2) that all partners of a foreign limited liability partnership whose principal place of business is in this state, and who are engaged in the practice of public accountancy in this state, hold a valid license issued under section seventy-four hundred four of the education law. For purposes of this subdivision, "financial interest" means capital stock, capital accounts, capital contributions, capital interest, or interest in undistributed earnings of a business entity. Although firms may include non-licensee owners, the firm and its owners must comply with rules promulgated by the state board of regents. Notwithstanding the foregoing, a firm registered under this section may not have non-licensee owners if the firm's name includes the words "certified public accountant," or "certified public accountants," or the abbreviations "CPA" or "CPAs". Each non-licensee owner of a firm that is formed under this section shall be (1) a natural person who actively participates in the business of the firm or its affiliated entities, or (2) an entity, including, but not limited to, a partnership or professional corporation, provided each beneficial owner of an equity interest in such entity is a natural person who actively participates in the business conducted by the firm or its affiliated entities. For purposes of this subdivision, "actively participate" means to provide services to clients or to otherwise individually take part in the day-to-day business or management of the firm.

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

(h) "Limited partnership" and "domestic limited partnership" mean, unless the context otherwise requires, a partnership (i) formed by two or more persons pursuant to this article or which complies with subdivision (a) of section 121-1202 of this article and (ii) having one or more general partners and one or more limited partners. Notwithstanding any other provisions of law a limited partnership or domestic limited partnership formed to lawfully engage in the practice of public accountancy, as such practice is respectively defined under article 149 of the education law shall be required to show (1) that a simple majority of the ownership of the firm, in terms of financial interests, including ownership-based compensation, and voting rights held by the firm's owners, belongs to individuals licensed to practice public accountancy in some state, and (2) that all partners of a limited partnership or domestic limited partnership, whose principal place of business is in this state, and who are engaged in the practice of public accountancy in this state, hold a valid license issued under section seventy-four hundred four of the education law or are public accountants licensed under section seventy-four hundred five of the education law. Although firms may include non-licensee owners, the firm and its owners must comply with rules promulgated by the state board of regents. Notwithstanding the

foregoing, a firm registered under this section may not have non-licen-  
see owners if the firm's name includes the words "certified public  
accountant," or "certified public accountants," or the abbreviations  
"CPA" or "CPAs". Each non-licensee owner of a firm that is registered  
under this section shall be (1) a natural person who actively partic-  
ipates in the business of the firm or its affiliated entities, or (2) an  
entity, including, but not limited to, a partnership or professional  
corporation, provided each beneficial owner of an equity interest in  
such entity is a natural person who actively participates in the busi-  
ness conducted by the firm or its affiliated entities. For purposes of  
this subdivision, "actively participate" means to provide services to  
clients or to otherwise individually take part in the day-to-day busi-  
ness or management of the firm.

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

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



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

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

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

1 such professional becomes a member, or each of whose members and manag-  
2 ers, if any, is a professional at least one of such members is author-  
3 ized by law to render a professional service within this state and who  
4 is or has been engaged in the practice of such profession in such  
5 professional service limited liability company or a predecessor entity,  
6 or will engage in the practice of such profession in the professional  
7 service limited liability company within thirty days of the date such  
8 professional becomes a member, or (ii) authorized by, or holding a  
9 license, certificate, registration or permit issued by the licensing  
10 authority pursuant to, the education law to render a professional  
11 service within this state; except that all members and managers, if any,  
12 of a foreign professional service limited liability company that  
13 provides health services in this state shall be licensed in this state.  
14 With respect to a foreign professional service limited liability company  
15 which provides veterinary services as such services are defined in arti-  
16 cle 135 of the education law, each member of such foreign professional  
17 service limited liability company shall be licensed pursuant to article  
18 135 of the education law to practice veterinary medicine. With respect  
19 to a foreign professional service limited liability company which  
20 provides medical services as such services are defined in article 131 of  
21 the education law, each member of such foreign professional service  
22 limited liability company must be licensed pursuant to article 131 of  
23 the education law to practice medicine in this state. With respect to a  
24 foreign professional service limited liability company which provides  
25 dental services as such services are defined in article 133 of the  
26 education law, each member of such foreign professional service limited  
27 liability company must be licensed pursuant to article 133 of the educa-  
28 tion law to practice dentistry in this state. With respect to a foreign  
29 professional service limited liability company which provides profes-  
30 sional engineering, land surveying, geologic, architectural and/or land-  
31 scape architectural services as such services are defined in article  
32 145, article 147 and article 148 of the education law, each member of  
33 such foreign professional service limited liability company must be  
34 licensed pursuant to article 145, article 147 and/or article 148 of the  
35 education law to practice one or more of such professions in this state.  
36 With respect to a foreign professional service limited liability company  
37 which provides public accountancy services as such services are defined  
38 in article 149 of the education law, each member of such foreign profes-  
39 sional service limited liability company whose principal place of busi-  
40 ness is in this state and who provides public accountancy services,  
41 shall be licensed pursuant to article 149 of the education law to prac-  
42 tice public accountancy in this state. With respect to a foreign profes-  
43 sional service limited liability company which provides licensed clin-  
44 ical social work services as such services are defined in article 154 of  
45 the education law, each member of such foreign professional service  
46 limited liability company shall be licensed pursuant to article 154 of  
47 the education law to practice clinical social work in this state. With  
48 respect to a foreign professional service limited liability company  
49 which provides creative arts therapy services as such services are  
50 defined in article 163 of the education law, each member of such foreign  
51 professional service limited liability company must be licensed pursuant  
52 to article 163 of the education law to practice creative arts therapy in  
53 this state. With respect to a foreign professional service limited  
54 liability company which provides marriage and family therapy services as  
55 such services are defined in article 163 of the education law, each  
56 member of such foreign professional service limited liability company

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

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

53 § 14. This act shall take effect immediately.

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

3 § 210-d. Registration of curricula. Notwithstanding any law, rule or  
4 regulation to the contrary, any new curriculum or program of study  
5 offered by any not-for-profit college or university chartered by the  
6 regents or incorporated by special act of the legislature that does not  
7 require a master plan amendment pursuant to section two hundred thirty-  
8 seven of this part, or charter amendment pursuant to section two hundred  
9 sixteen of this part, or lead to professional licensure; and that is  
10 approved by the state university board of trustees, the city university  
11 board of trustees, or the trustees or governing body of any other not-  
12 for-profit college or university chartered by the regents which (1) has  
13 maintained a physical presence in New York state for the immediately  
14 preceding ten years and has been operated continuously by the same  
15 governing body during the same immediately preceding ten year period and  
16 (2) is accredited and has continued in accreditation by the Middle  
17 States Commission on Higher Education ("MSCHE") or the department for  
18 the immediately preceding ten years, shall be deemed registered with the  
19 department thirty days after notification of approval by such college or  
20 university's governing body. If the college or university is placed on  
21 probation or has its accreditation terminated by MSCHE, such college or  
22 university shall notify the regents in writing no later than thirty days  
23 after receiving notice of its probationary status or loss of accredi-  
24 tation by the MSCHE. Any college or university which has its accredi-  
25 tation placed on probation or terminated by the MSCHE or the education  
26 department shall be subject to the commissioner's program approval until  
27 it has been removed from probation or regained accreditation by MSCHE or  
28 the education department, and shall further remain subject to such  
29 commissioner's program approval until it has continued without probation  
30 for a period of not less than six years. If a college or university  
31 subject to this section intends to offer or institute an additional  
32 degree or program which constitutes a "substantive change," as defined  
33 and determined by MSCHE, then the college or university shall provide  
34 the commissioner with copies of any reports or other documents filed  
35 with MSCHE as part of MSCHE's substantive change review process and  
36 shall inform the commissioner when the substantive change is approved.  
37 Any such college or university that does not satisfy all of the  
38 provisions of this paragraph shall comply with the procedures and crite-  
39 ria established by the regents and commissioner for academic program  
40 approval. Nothing in this section shall be deemed to limit the depart-  
41 ment's existing authority to investigate a complaint concerning the  
42 institution, or any program offered, including the authority to deregis-  
43 ter the program.

44 § 2. This act shall take effect immediately and shall be deemed to  
45 have been in full force and effect on and after April 1, 2021.

46 PART D

47 Section 1. Section 4 of subpart A of part D of chapter 58 of the laws  
48 of 2011 amending the education law relating to capital facilities in  
49 support of the state university and community colleges, as amended by  
50 section 1 of part Q of chapter 54 of the laws of 2016, is amended to  
51 read as follows:

52 § 4. This act shall take effect immediately and shall expire and be  
53 deemed repealed June 30, [~~2021~~] 2026.

§ 2. Section 4 of subpart B of part D of chapter 58 of the laws of 2011 amending the education law relating to procurement in support of the state and city universities, as amended by section 2 of part Q of chapter 54 of the laws of 2016, is amended to read as follows:

§ 4. This act shall take effect immediately and shall expire and be deemed repealed June 30, ~~2021~~ 2026.

§ 3. Section 3 of subpart C of part D of chapter 58 of the laws of 2011 amending the education law relating to state university health care facilities, as amended by section 3 of part Q of chapter 54 of the laws of 2016, is amended to read as follows:

§ 3. This act shall take effect immediately, and shall expire and be deemed repealed June 30, ~~2021~~ 2026.

§ 4. Subdivision 5 of section 355 of the education law is amended by adding a new paragraph f to read as follows:

f. notwithstanding any provision of law to the contrary, authorize contracts for the purchase of services or technology from a consortium as defined in section one hundred sixty-three of the state finance law, except that such definition as applied to the board shall include the purchase of services and technology.

§ 5. This act shall take effect immediately; provided, however, that the amendments to subdivision 5 of section 355 of the education law made by section four of this act shall not affect the expiration of such subdivision and shall expire therewith.

#### PART E

Section 1. Subparagraph 4 of paragraph h of subdivision 2 of section 355 of the education law, as amended by section 1 of part JJJ of chapter 59 of the laws of 2017, is amended to read as follows:

(4) The trustees shall not impose a differential tuition charge based upon need or income. Except as hereinafter provided, all students enrolled in programs leading to like degrees at state-operated institutions of the state university shall be charged a uniform rate of tuition except for differential tuition rates based on state residency, and flexible tuition rate categories to increase research capacity for the four university centers (Albany, Binghamton, Buffalo (university), and Stony Brook) and the five other doctoral degree granting institutions (downstate medical center, upstate medical center, the college of optometry, the college of environmental science and forestry, and the college of technology at Utica/Rome/state university polytechnic institute); provided, however, that a portion of revenue generated by such flexible tuition rate categories shall be used to ensure that no student is unable to attend an institution of choice based on income. Any flexible tuition rate categories must be recommended by the chancellor of the state university of New York and approved by the trustees; provided, however, that such flexible tuition rates based on sector shall not vary by more than 1.5 times from the minimum rate within each type of tuition rate. Provided, however, that the trustees may authorize the presidents of the colleges of technology and the colleges of agriculture and technology to set differing rates of tuition for each of the colleges for students enrolled in degree-granting programs leading to an associate degree and non-degree granting programs so long as such tuition rate does not exceed the tuition rate charged to students who are enrolled in like degree programs or degree-granting undergraduate programs leading to a baccalaureate degree at other state-operated institutions of the state university of New York. Notwithstanding any other provision of



1 this subparagraph, the trustees may authorize the setting of [a] sepa-  
2 rate [~~category~~] categories of tuition [~~rate~~] rates as follows: "distance  
3 learning rate", that shall be greater than the tuition rate for resident  
4 students and less than the tuition rate for non-resident students, only  
5 for students enrolled in distance learning courses who are not residents  
6 of the state, and "high demand certificate program rate", that shall be  
7 set at a level deemed appropriate upon recommendation of the chancellor  
8 of the state university of New York and approved by the board of trus-  
9 tees which rate shall be lower than standard rates of tuition, for iden-  
10 tified certification programs to be recommended by the chancellor of the  
11 state university of New York. Except as otherwise authorized in this  
12 subparagraph, the trustees shall not adopt changes affecting tuition  
13 charges prior to the enactment of the annual budget, provided however  
14 that:

15 (i) Commencing with the two thousand eleven--two thousand twelve  
16 academic year and ending in the two thousand fifteen--two thousand  
17 sixteen academic year the state university of New York board of trustees  
18 shall be empowered to increase the resident undergraduate rate of  
19 tuition by not more than three hundred dollars over the resident under-  
20 graduate rate of tuition adopted by the board of trustees in the prior  
21 academic year, provided however that commencing with the two thousand  
22 eleven--two thousand twelve academic year and ending in the two thousand  
23 sixteen--two thousand seventeen academic year if the annual resident  
24 undergraduate rate of tuition would exceed five thousand dollars, then a  
25 tuition credit for each eligible student, as determined and calculated  
26 by the New York state higher education services corporation pursuant to  
27 section six hundred eighty-nine-a of this title, shall be applied toward  
28 the tuition charged for each semester, quarter or term of study. Tuition  
29 for each semester, quarter or term of study shall not be due for any  
30 student eligible to receive such tuition credit until the tuition credit  
31 is calculated and applied against the tuition charged for the corre-  
32 sponding semester, quarter or term.

33 (ii) Commencing with the two thousand seventeen--two thousand eighteen  
34 academic year and ending in the two thousand twenty--two thousand twen-  
35 ty-one academic year the state university of New York board of trustees  
36 shall be empowered to increase the resident undergraduate rate of  
37 tuition by not more than two hundred dollars over the resident under-  
38 graduate rate of tuition adopted by the board of trustees in the prior  
39 academic year, provided, however that if the annual resident undergradu-  
40 ate rate of tuition would exceed five thousand dollars, then a tuition  
41 credit for each eligible student, as determined and calculated by the  
42 New York state higher education services corporation pursuant to section  
43 six hundred eighty-nine-a of this title, shall be applied toward the  
44 tuition charged for each semester, quarter or term of study. Tuition for  
45 each semester, quarter or term of study shall not be due for any student  
46 eligible to receive such tuition credit until the tuition credit is  
47 calculated and applied against the tuition charged for the corresponding  
48 semester, quarter or term. Provided, further that the revenue resulting  
49 from an increase in the rate of tuition shall be allocated to each  
50 campus pursuant to a plan approved by the board of trustees to support  
51 investments in new classroom faculty, instruction, initiatives to  
52 improve student success and on-time completion and a tuition credit for  
53 each eligible student.

54 (iii) Commencing with the two thousand twenty-one--two thousand twen-  
55 ty-two academic year and ending in the two thousand twenty-four--two  
56 thousand twenty-five academic year, upon recommendation of the chancel-

lor of the state university of New York, the state university of New York board of trustees shall be empowered to approve an increase of the resident undergraduate rate of tuition by no more than two hundred dollars over the resident undergraduate rate of tuition adopted by the board of trustees in the prior academic year, provided, however that if the annual resident undergraduate rate of tuition would exceed five thousand dollars, then a tuition credit for each eligible student, as determined and calculated by the New York state higher education services corporation pursuant to section six hundred eighty-nine-a of this title, shall be applied toward the tuition charged for each semester, quarter or term of study. Tuition for each semester, quarter or term of study shall not be due for any student eligible to receive such tuition credit until the tuition credit is calculated and applied against the tuition charged for the corresponding semester, quarter or term. Provided further that the revenue resulting from an increase in the rate of tuition shall be allocated to each campus pursuant to a plan approved by the board of trustees to support investments in new classroom faculty, instruction, initiatives to improve student success and on-time completion and a tuition credit for each eligible student.

(iv) On or before November thirtieth, two thousand [~~seventeen~~] twenty-one, the trustees shall approve and submit to the chairs of the assembly ways and means committee and the senate finance committee and to the director of the budget a master tuition plan setting forth the tuition rates that the trustees propose for resident undergraduate students for the four year period commencing with the two thousand [~~seventeen~~] twenty-one--two thousand [~~eighteen~~] twenty-two academic year and ending in the two thousand [~~twenty~~] twenty-four--two thousand [~~twenty-one~~] twenty-five academic year, and shall submit any proposed amendments to such plan by November thirtieth of each subsequent year thereafter through November thirtieth, two thousand [~~twenty~~] twenty-four, and provided further, that with the approval of the board of trustees, each university center may increase non-resident undergraduate tuition rates each year by not more than ten percent over the tuition rates of the prior academic year for a six year period commencing with the two thousand eleven--two thousand twelve academic year and ending in the two thousand sixteen--two thousand seventeen academic year.

[~~(iv)~~] (v) Beginning in state fiscal year two thousand twelve--two thousand thirteen and ending in state fiscal year two thousand fifteen--two thousand sixteen, the state shall appropriate and make available general fund operating support, including fringe benefits, for the state university in an amount not less than the amount appropriated and made available in the prior state fiscal year; provided, however, that if the governor declares a fiscal emergency, and communicates such emergency to the temporary president of the senate and speaker of the assembly, state support for operating expenses at the state university and city university may be reduced in a manner proportionate to one another, and the aforementioned provisions shall not apply.

[~~(v)~~] (vi) Beginning in state fiscal year two thousand seventeen--two thousand eighteen and ending in state fiscal year two thousand twenty--two thousand twenty-one, the state shall appropriate and make available general fund operating support, including fringe benefits, for the state university in an amount not less than the amount appropriated and made available in the prior state fiscal year; provided, however, that if the governor declares a fiscal emergency, and communicates such emergency to the temporary president of the senate and speaker of the assembly, state support for operating expenses at the state university and city univer-

sity may be reduced in a manner proportionate to one another, and the aforementioned provisions shall not apply; provided further, the state shall appropriate and make available general fund support to fully fund the tuition credit pursuant to subdivision two of section six hundred sixty-nine-h of this title.

(vii) Beginning in state fiscal year two thousand twenty-one--two thousand twenty-two and ending in state fiscal year two thousand twenty-four--two thousand twenty-five, the state shall appropriate and make available general fund operating support, including fringe benefits, for the state university in an amount not less than the amount appropriated and made available in the prior state fiscal year; provided, however, that if the governor declares a fiscal emergency, and communicates such emergency to the temporary president of the senate and speaker of the assembly, state support for operating expenses at the state university and city university may be reduced in a manner proportionate to one another, and the aforementioned provisions shall not apply; provided further, the state shall appropriate and make available general fund support to fully fund the tuition credit pursuant to subdivision two of section six hundred sixty-nine-h of this title.

~~[(vi)]~~ (viii) For the state university fiscal years commencing two thousand eleven--two thousand twelve and ending two thousand fifteen--two thousand sixteen, each university center may set aside a portion of its tuition revenues derived from tuition increases to provide increased financial aid for New York state resident undergraduate students whose net taxable income is eighty thousand dollars or more subject to the approval of a NY-SUNY 2020 proposal by the governor and the chancellor of the state university of New York. Nothing in this paragraph shall be construed as to authorize that students whose net taxable income is eighty thousand dollars or more are eligible for tuition assistance program awards pursuant to section six hundred sixty-seven of this ~~chapter~~ title.

§ 2. Paragraph (a) of subdivision 7 of section 6206 of the education law, as amended by section 2 of part JJJ of chapter 59 of the laws of 2017, is amended to read as follows:

(a) The board of trustees shall establish positions, departments, divisions and faculties; appoint and in accordance with the provisions of law fix salaries of instructional and non-instructional employees therein; establish and conduct courses and curricula; prescribe conditions of student admission, attendance and discharge; and shall have the power to determine in its discretion whether tuition shall be charged and to regulate tuition charges, and other instructional and non-instructional fees and other fees and charges at the educational units of the city university. The trustees shall review any proposed community college tuition increase and the justification for such increase. The justification provided by the community college for such increase shall include a detailed analysis of ongoing operating costs, capital, debt service expenditures, and all revenues. The trustees shall not impose a differential tuition charge based upon need or income. All students enrolled in programs leading to like degrees at the senior colleges shall be charged a uniform rate of tuition, except for differential tuition rates based on state residency, and a flexible tuition rate category to increase research capacity for doctoral degree granting authorized institutions; provided, however, that a portion of revenue generated by such flexible tuition rate category shall be used to ensure that no student is unable to attend an institution of choice based on income. Such flexible tuition rate category must be recommended by the

1 chancellor of the city university of New York and approved by the trus-  
2 tees; provided, however, that such flexible tuition rate shall not vary  
3 by more than 1.5 times from the minimum rate within each type of tuition  
4 rate. Notwithstanding any other provision of this paragraph, the trus-  
5 tees may authorize the setting of [~~a~~] separate [~~eategory~~] categories of  
6 tuition [~~rate~~] rates as follows; "distance learning rate", that shall be  
7 greater than the tuition rate for resident students and less than the  
8 tuition rate for non-resident students, only for students enrolled in  
9 distance learning courses who are not residents of the state, and "high  
10 demand certificate program rate", that shall be set at a level deemed  
11 appropriate upon recommendation of the chancellor of the city university  
12 of New York and approved by the board of trustees which rate shall be  
13 lower than standard rates of tuition, for identified certification  
14 programs to be recommended by the chancellor of the city university of  
15 New York; provided, however, that:

16 (i) Commencing with the two thousand eleven--two thousand twelve  
17 academic year and ending in the two thousand fifteen--two thousand  
18 sixteen academic year, the city university of New York board of trustees  
19 shall be empowered to increase the resident undergraduate rate of  
20 tuition by not more than three hundred dollars over the resident under-  
21 graduate rate of tuition adopted by the board of trustees in the prior  
22 academic year, provided however that commencing with the two thousand  
23 eleven--two thousand twelve academic year and ending with the two thou-  
24 sand sixteen--two thousand seventeen academic year if the annual resi-  
25 dent undergraduate rate of tuition would exceed five thousand dollars,  
26 then a tuition credit for each eligible student, as determined and  
27 calculated by the New York state higher education services corporation  
28 pursuant to section six hundred eighty-nine-a of this chapter, shall be  
29 applied toward the tuition charged for each semester, quarter or term of  
30 study. Tuition for each semester, quarter or term of study shall not be  
31 due for any student eligible to receive such tuition credit until the  
32 tuition credit is calculated and applied against the tuition charged for  
33 the corresponding semester, quarter or term.

34 (ii) Commencing with the two thousand seventeen--two thousand eighteen  
35 academic year and ending in the two thousand twenty--two thousand twen-  
36 ty-one academic year the city university of New York board of trustees  
37 shall be empowered to increase the resident undergraduate rate of  
38 tuition by not more than two hundred dollars over the resident under-  
39 graduate rate of tuition adopted by the board of trustees in the prior  
40 academic year, provided however that if the annual resident undergradu-  
41 ate rate of tuition would exceed five thousand dollars, then a tuition  
42 credit for each eligible student, as determined and calculated by the  
43 New York state higher education services corporation pursuant to section  
44 six hundred eighty-nine-a of this [~~title~~] chapter, shall be applied  
45 toward the tuition charged for each semester, quarter or term of study.  
46 Tuition for each semester, quarter or term of study shall not be due for  
47 any student eligible to receive such tuition credit until the tuition  
48 credit is calculated and applied against the tuition charged for the  
49 corresponding semester, quarter or term. Provided, further that the  
50 revenue resulting from an increase in the rate of tuition shall be allo-  
51 cated to each campus pursuant to a plan approved by the board of trus-  
52 tees to support investments in new classroom faculty, instruction,  
53 initiatives to improve student success and on-time completion and a  
54 tuition credit for each eligible student.

55 (iii) Commencing with the two thousand twenty-one--two thousand twen-  
56 ty-two academic year and ending in the two thousand twenty-four--two

1 thousand twenty-five academic year, upon recommendation of the chancel-  
2 lor of the city university of New York, the city university of New York  
3 board of trustees shall be empowered to approve an increase of the resi-  
4 dent undergraduate rate of tuition by not more than two hundred dollars  
5 over the resident undergraduate rate of tuition adopted by the board of  
6 trustees in the prior academic year; provided, however, that if the  
7 annual resident undergraduate rate of tuition would exceed five thousand  
8 dollars, then a tuition credit for each eligible student, as determined  
9 and calculated by the New York state higher education services corpo-  
10 ration pursuant to section six hundred eighty-nine-a of this chapter,  
11 shall be applied toward the tuition charged for each semester, quarter  
12 or term of study. Tuition for each semester, quarter or term of study  
13 shall not be due for any student eligible to receive such tuition credit  
14 until the tuition credit is calculated and applied against the tuition  
15 charged for the corresponding semester, quarter or term. Provided,  
16 further that the revenue resulting from an increase in the rate of  
17 tuition shall be allocated to each campus pursuant to a plan approved by  
18 the board of trustees to support investments in new classroom faculty,  
19 instruction, initiatives to improve student success and on-time  
20 completion and a tuition credit for each eligible student.

21 (iv) On or before November thirtieth, two thousand [~~seventeen~~] twen-  
22 ty-one, the trustees shall approve and submit to the chairs of the  
23 assembly ways and means committee and the senate finance committee and  
24 to the director of the budget a master tuition plan setting forth the  
25 tuition rates that the trustees propose for resident undergraduate  
26 students for the four year period commencing with the two thousand  
27 [~~seventeen~~] twenty-one--two thousand [~~eighteen~~] twenty-two academic year  
28 and ending in the two thousand [~~twenty~~] twenty-four--two thousand [~~twen-~~  
29 ~~ty-one~~] twenty-five academic year, and shall submit any proposed amend-  
30 ments to such plan by November thirtieth of each subsequent year there-  
31 after through November thirtieth, two thousand [~~twenty~~] twenty-four.

32 [~~(iv)~~] (v) Beginning in state fiscal year two thousand twelve--two  
33 thousand thirteen and ending in state fiscal year two thousand fifteen--  
34 two thousand sixteen, the state shall appropriate and make available  
35 state support for operating expenses, including fringe benefits, for the  
36 city university in an amount not less than the amount appropriated and  
37 made available in the prior state fiscal year; provided, however, that  
38 if the governor declares a fiscal emergency, and communicates such emer-  
39 gency to the temporary president of the senate and speaker of the assem-  
40 bly, state support for operating expenses of the state university and  
41 city university may be reduced in a manner proportionate to one another,  
42 and the aforementioned provisions shall not apply.

43 [~~(v)~~] (vi) Beginning in state fiscal year two thousand seventeen--two  
44 thousand eighteen and ending in state fiscal year two thousand twenty--  
45 two thousand twenty-one, the state shall appropriate and make available  
46 general fund operating support, including fringe benefits, for the city  
47 university in an amount not less than the amount appropriated and made  
48 available in the prior state fiscal year; provided, however, that if the  
49 governor declares a fiscal emergency, and communicates such emergency to  
50 the temporary president of the senate and speaker of the assembly, state  
51 support for operating expenses at the state university and city univer-  
52 sity may be reduced in a manner proportionate to one another, and the  
53 aforementioned provisions shall not apply; provided further, the state  
54 shall appropriate and make available general fund support to fully fund  
55 the tuition credit pursuant to subdivision two of section six hundred  
56 sixty-nine-h of this chapter.



(vii) Beginning in state fiscal year two thousand twenty-one--two thousand twenty-two and ending in state fiscal year two thousand twenty-four--two thousand twenty-five, the state shall appropriate and make available general fund operating support, including fringe benefits, for the city university in an amount not less than the amount appropriated and made available in the prior state fiscal year; provided, however, that if the governor declares a fiscal emergency, and communicates such emergency to the temporary president of the senate and speaker of the assembly, state support for operating expenses at the state university and city university may be reduced in a manner proportionate to one another, and the aforementioned provisions shall not apply; provided further, the state shall appropriate and make available general fund support to fully fund the tuition credit pursuant to subdivision two of section six hundred sixty-nine-h of this chapter.

§ 3. Section 16 of chapter 260 of the laws of 2011, amending the education law and the New York state urban development corporation act relating to establishing components of the NY-SUNY 2020 challenge grant program, as amended by section 5 of part JJJ of chapter 59 of the laws of 2017, is amended to read as follows:

§ 16. This act shall take effect July 1, 2011; provided that sections one, two, three, four, five, six, eight, nine, ten, eleven, twelve and thirteen of this act shall expire ~~[10]~~ 14 years after such effective date when upon such date the provisions of this act shall be deemed repealed; and provided further that sections fourteen and fifteen of this act shall expire 5 years after such effective date when upon such date the provisions of this act shall be deemed repealed.

§ 4. This act shall take effect immediately; provided, however, that the amendments to subparagraph 4 of paragraph h of subdivision 2 of section 355 of the education law made by section one of this act and the amendments to paragraph (a) of subdivision 7 of section 6206 of the education law made by section two of this act shall not affect the expiration of such paragraph and subparagraph and shall be deemed to expire therewith.

#### PART F

Section 1. Notwithstanding any provision of law or regulation to the contrary, for purposes of an award made pursuant to subparts 2 through 4 of part 2 of article 14 of the education law in the 2019--2020 or 2020--2021 academic years, any semester, quarter or term that a recipient of such an award is unable to complete as a result of the COVID-19 pandemic state disaster emergency declared March 7, 2020, as certified by a college or university and approved by the New York state higher education services corporation, shall not be considered for purposes of determining the maximum duration of such award for that recipient, and provided further that no such recipient shall suffer a reduction in the original award amount granted pursuant to such subparts in such academic years solely due to inability to complete any semester, quarter or term as a result of the COVID-19 pandemic state disaster emergency declared March 7, 2020, as certified by a college or university and approved by the New York state higher education services corporation.

§ 2. This act shall take effect immediately.

#### PART G

1 Section 1. Subdivision 2 of section 669-h of the education law, as  
2 amended by section 1 of part T of chapter 56 of the laws of 2018, is  
3 amended to read as follows:

4 2. Amount. Within amounts appropriated therefor and based on avail-  
5 ability of funds, awards shall be granted beginning with the two thou-  
6 sand seventeen--two thousand eighteen academic year and thereafter to  
7 applicants that the corporation has determined are eligible to receive  
8 such awards. The corporation shall grant such awards in an amount up to  
9 five thousand five hundred dollars or actual tuition, whichever is less;  
10 provided, however, (a) a student who receives educational grants and/or  
11 scholarships that cover the student's full cost of attendance shall not  
12 be eligible for an award under this program; and (b) an award under this  
13 program shall be applied to tuition after the application of payments  
14 received under the tuition assistance program pursuant to section six  
15 hundred sixty-seven of this subpart, tuition credits pursuant to section  
16 six hundred eighty-nine-a of this article, federal Pell grant pursuant  
17 to section one thousand seventy of title twenty of the United States  
18 code, et seq., and any other program that covers the cost of attendance  
19 unless exclusively for non-tuition expenses, and the award under this  
20 program shall be reduced in the amount equal to such payments, provided  
21 that the combined benefits do not exceed five thousand five hundred  
22 dollars. Upon notification of an award under this program, the institu-  
23 tion shall defer the amount of tuition. Notwithstanding paragraph h of  
24 subdivision two of section three hundred fifty-five and paragraph (a) of  
25 subdivision seven of section six thousand two hundred six of this chap-  
26 ter, and any other law, rule or regulation to the contrary, the under-  
27 graduate tuition charged by the institution to recipients of an award  
28 shall not exceed the tuition rate established by the institution for the  
29 two thousand sixteen--two thousand seventeen academic year provided,  
30 however, that in the two thousand [~~twenty-one~~] twenty-three--two thou-  
31 sand [~~twenty-two~~] twenty-four academic year and every [~~four years~~] year  
32 thereafter, the undergraduate tuition charged by the institution to  
33 recipients of an award shall be reset to equal the tuition rate estab-  
34 lished by the institution for the forthcoming academic year, provided  
35 further that the tuition credit calculated pursuant to section six  
36 hundred eighty-nine-a of this article shall be applied toward the  
37 tuition rate charged for recipients of an award under this program.  
38 Provided further that the state university of New York and the city  
39 university of New York shall provide an additional tuition credit to  
40 students receiving an award to cover the remaining cost of tuition.

41 § 2. This act shall take effect immediately.

42 PART H

43 Section 1. Subdivision 1 of section 504 of the executive law, as added  
44 by chapter 465 of the laws of 1992, is amended to read as follows:

45 1. The [~~division~~] office of children and family services shall operate  
46 and maintain secure, and limited secure [~~and non-secure facilities~~] and  
47 may in its sole discretion operate a non-secure facility, for the care,  
48 custody, treatment, housing, education, rehabilitation and guidance of  
49 youth placed with or committed to the [~~division~~] office of children and  
50 family services.

51 § 2. Subdivision 5 of section 507-a of the executive law is REPEALED.

52 § 3. (a) Notwithstanding the time period required for notice pursuant  
53 to subdivision 15 of section 501 of the executive law, the office of  
54 children and family services is authorized to close the Brentwood Resi-

dential Center, Red Hook Residential Center, Columbia Girls Secure Center and Goshen Secure Center. At least six months prior to taking any such action, the commissioner of such office shall provide notice of such action to the speaker of the assembly and the temporary president of the senate and shall post such notice upon its public website.

(b) The commissioner of the office of children and family services shall be authorized to conduct any and all preparatory actions which may be required to effectuate such closures.

§ 4. This act shall take effect immediately.

#### PART I

Section 1. Section 3 of part N of chapter 56 of the laws of 2020 amending the social services law relating to restructuring financing for residential school placements, is amended to read as follows:

§ 3. This act shall take effect immediately [~~and shall expire and be deemed repealed April 1, 2021~~]; provided however that the amendments to subdivision 10 of section 153 of the social services law made by section one of this act, shall not affect the expiration of such subdivision and shall be deemed to expire therewith.

§ 2. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2021.

#### PART J

Section 1. Section 9 of part G of chapter 57 of the laws of 2013, amending the executive law and the social services law relating to consolidating the youth development and delinquency prevention program and the special delinquency prevention program, as amended by section 1 of part I of chapter 56 of the laws of 2018, is amended to read as follows:

§ 9. This act shall take effect January 1, 2014 [~~and shall expire and be deemed repealed on December 31, 2021~~].

§ 2. This act shall take effect immediately.

#### PART K

Section 1. Section 4 of part K of chapter 57 of the laws of 2012, amending the education law, relating to authorizing the board of cooperative educational services to enter into contracts with the commissioner of children and family services to provide certain services, as amended by section 1 of part J of chapter 56 of the laws of 2018, is amended to read as follows:

§ 4. This act shall take effect July 1, 2012 [~~and shall expire June 30, 2021 when upon such date the provisions of this act shall be deemed repealed~~].

§ 2. This act shall take effect immediately.

#### PART L

Section 1. The opening paragraph of paragraph (g) of subdivision 3 of section 358-a of the social services law is designated subparagraph (i) and new subparagraph (ii) is added to read as follows:

(ii) When a child whose legal custody was transferred to the commissioner of a local social services district in accordance with this section resides in a qualified residential treatment program, as defined

1 in section four hundred nine-h of this chapter, and where such child's  
2 initial placement or change in placement in such program commenced on or  
3 after September twenty-ninth, two thousand twenty-one, upon receipt of  
4 notice required pursuant to subparagraph (i) of this paragraph and  
5 motion of the local social services district, the court shall schedule a  
6 hearing in accordance with section three hundred ninety-three of this  
7 chapter. Notwithstanding any other provision of law to the contrary,  
8 such hearing shall occur no later than sixty days from the date the  
9 placement of the child in the qualified residential treatment program  
10 commenced.

11 § 1-a. Section 371 of the social services law is amended by adding a  
12 new subdivision 22 to read as follows:

13 22. "Supervised setting" shall mean a residential placement in the  
14 community approved and supervised by an authorized agency or the local  
15 social services district in accordance with the regulations of the  
16 office of children and family services to provide a transitional experi-  
17 ence for older youth in which such youth may live independently. A  
18 supervised setting includes, but is not limited to, placement in a  
19 supervised independent living program, as defined in subdivision twen-  
20 ty-one of this section.

21 § 1-b. Paragraph (c) of subdivision 2 of section 383-a of the social  
22 services law, as added by section 5 of part M of chapter 54 of the laws  
23 of 2016, is amended to read as follows:

24 (c) "Child care facility" shall mean an institution, group residence,  
25 group home, agency operated boarding home, or supervised setting,  
26 including a supervised independent living program.

27 § 2. The social services law is amended by adding a new section 393 to  
28 read as follows:

29 § 393. Court approval of placement in a qualified residential treat-  
30 ment program. 1. The provisions of this section shall apply when a child  
31 is placed on or after September twenty-ninth, two thousand twenty-one  
32 and resides in a qualified residential treatment program, as defined in  
33 section four hundred nine-h of this article, and whose care and custody  
34 were transferred to the commissioner of a local social services district  
35 in accordance with section three hundred fifty-eight-a of this chapter,  
36 or whose custody and guardianship were transferred to the commissioner  
37 of a local social services district in accordance with section three  
38 hundred eighty-three-c, or three hundred eighty-four-b of this title.

39 2. (a) Within sixty days of the start of a placement of a child refer-  
40 enced in subdivision one of this section in a qualified residential  
41 treatment program, the court shall:

42 (i) Consider the assessment, determination, and documentation made by  
43 the qualified individual pursuant to section four hundred nine-h of this  
44 article;

45 (ii) Determine whether the needs of the child can be met through  
46 placement in a foster family home and, if not, whether placement of the  
47 child in a qualified residential treatment program provides the most  
48 effective and appropriate level of care for the child in the least  
49 restrictive environment and whether that placement is consistent with  
50 the short-term and long-term goals for the child, as specified in the  
51 child's permanency plan; and

52 (iii) Approve or disapprove the placement of the child in a qualified  
53 residential treatment program. Provided that, notwithstanding any other  
54 provision of law to the contrary, where the qualified individual deter-  
55 mines that the placement of the child in a qualified residential treat-  
56 ment program is not appropriate under the standards set in accordance

1 with section four hundred nine-h of this article, the court may only  
2 approve the placement of the child in the qualified residential treat-  
3 ment program if:

4 (A) the court finds, and states in the written order that:

5 (1) extenuating circumstances exist that necessitate the continued  
6 placement of the child in the qualified residential treatment program  
7 despite the finding of the qualified individual;

8 (2) there is not an alternative setting available that can meet the  
9 child's needs in a less restrictive environment; and

10 (3) that continued placement in the qualified residential program is  
11 in the child's best interest despite the finding by the qualified indi-  
12 vidual that the child's placement in such setting is not appropriate;  
13 and

14 (B) the court's written order states the specific reasons why the  
15 court has made the findings required pursuant to clause (A) of this  
16 subparagraph.

17 (iv) If the court approves the placement of the child in a qualified  
18 residential treatment program where the qualified individual determines  
19 that such placement is not appropriate under the standards set in  
20 accordance with section four hundred nine-h of this article, the court  
21 shall hold a hearing to review whether the placement in a qualified  
22 residential treatment program continues to be in the child's best inter-  
23 est within thirty days of such approval.

24 (b) Notwithstanding any other provision of law to the contrary, if the  
25 existing governing placement order of the court regarding the child  
26 would not permit the local social services district to move the child  
27 from the qualified residential treatment program as required by section  
28 four hundred nine-h of this article, the court shall issue a new order  
29 which shall not preclude such child from being placed in a different  
30 setting. If the court issues a new placement order, there is a presump-  
31 tion that such order will be for the child to be placed in an available  
32 foster family home; however, if in the child's best interest, the court  
33 may also issue an order permitting the placement of the child in: (i) an  
34 available supervised setting, as such term is defined in section three  
35 hundred seventy-one of this title; (ii) if the child has been found to  
36 be, or is at risk of becoming, a sexually exploited child as defined in  
37 subdivision one of section four hundred forty-seven-a of this article, a  
38 setting providing residential care and supportive services for sexually  
39 exploited children; (iii) a setting specializing in providing prenatal,  
40 post-partum, or parenting supports for youth; or (iv) an available  
41 program licensed or certified by the office of children and family  
42 services other than a qualified residential treatment program setting  
43 deemed not appropriate for the child.

44 3. Documentation of the court's determination pursuant to this section  
45 shall be recorded in the child's case record.

46 4. To the extent federally allowable, nothing in this section shall  
47 prohibit the court's approval of a placement in a qualified residential  
48 treatment program from occurring at the same time as another hearing  
49 scheduled for such child, including but not limited to the child's  
50 dispositional or permanency hearing, provided such approval is completed  
51 within sixty days of the start of such placement.

52 § 2-a. Subparagraph 1 of paragraph (g) of subdivision 6 and subdivi-  
53 sion 10 of section 398 of the social services law, subparagraph 1 of  
54 paragraph (g) of subdivision 6 as amended by chapter 3 of the laws of  
55 2012 and subdivision 10 as amended by chapter 563 of the laws of 1986,  
56 are amended to read as follows:



(1) Place children in its care and custody or its custody and guardianship, in suitable instances, in supervised settings, family homes, agency boarding homes, group homes or institutions under the proper safeguards. Such placements can be made either directly, or through an authorized agency, except that, direct placements in agency boarding homes or group homes may be made by the social services district only if the office of children and family services has authorized the district to operate such homes in accordance with the provisions of section three hundred seventy-four-b of this ~~chapter~~ article and only if suitable care is not otherwise available through an authorized agency under the control of persons of the same religious faith as the child. Where such district places a child in ~~an~~ a supervised setting, agency boarding home, group home or institution, either directly, or through an authorized agency, the district shall certify in writing to the office of children and family services, that such placement was made because it offers the most appropriate and least restrictive level of care for the child, and, is more appropriate than a family foster home placement, or, that such placement is necessary because there are no qualified foster families available within the district who can care for the child. If placements in agency boarding homes, group homes or institutions are the result of a lack of foster parents within a particular district, the office of children and family services shall assist such district to recruit and train foster parents. Placements shall be made only in institutions visited, inspected and supervised in accordance with title three of article seven of this chapter and conducted in conformity with the applicable regulations of the supervising state agency in accordance with title three of article seven of this chapter. With the approval of the office of children and family services, a social services district may place a child in its care and custody or its custody and guardianship in a federally funded job corps program and may receive reimbursement for the approved costs of appropriate program administration and supervision pursuant to a plan developed by the department and approved by the director of the budget.

10. Any provision of this chapter or any other law notwithstanding, where a foster child for whom a social services official has been making foster care payments is in a supervised setting, including a foster child in attendance at a college or university away from his or her foster family boarding home, group home, agency boarding home or institution, a social services official may make foster payments, ~~[not to exceed the amount which would have been paid to a foster parent on behalf of said child had the child been cared for in a foster family boarding home]~~ at a rate to be developed by the office of children and family services, to such college or university, provider of room and board, or youth, as appropriate, in lieu of payment to the foster parents or authorized agency, for the purpose of room and board, if not otherwise provided.

§ 3. The social services law is amended by adding a new section 409-h to read as follows:

§ 409-h. Assessment of appropriateness of placement in a qualified residential treatment program. 1. Legislative intent. It is the intent of the legislature to promote policies to prevent foster care placements and keep children safely at home with their families and, when that is not possible, to utilize the most effective and appropriate level of care in the least restrictive environment to support the child, as determined through a comprehensive assessment of the child's particular strengths and needs. It is also the intent of the legislature to prior-

1 itize home-based foster care settings whenever possible through iden-  
2 tification and engagement of kinship resources and increased recruitment  
3 and retention of foster homes for children who do not have appropriate  
4 kinship resources.

5 2. (a) No later than thirty days of the start of a placement in a  
6 qualified residential treatment program of a child in the care and  
7 custody or the custody and guardianship of the commissioner of a local  
8 social services district or the office of children and family services  
9 that occurs on or after September twenty-ninth, two thousand twenty-one,  
10 a qualified individual shall assess the appropriateness of such place-  
11 ment utilizing an age-appropriate, evidence-based, validated, functional  
12 assessment tool approved by the federal government for such purpose.  
13 Such assessment shall be in accordance with 42 United States Code  
14 sections 672 and 675a and the state's approved title IV-E state plan and  
15 shall include, but not be limited to: (i) an assessment of the strengths  
16 and needs of the child; and (ii) a determination of the most effective  
17 and appropriate level of care for the child in the least restrictive  
18 setting, including whether the needs of the child can be met with family  
19 members or through placement in a foster family home, or in a setting  
20 specified in paragraph (c) of this subdivision, consistent with the  
21 short-term and long-term goals for the child as specified in the child's  
22 permanency plan. Such assessment shall be completed in conjunction with  
23 the family and permanency team established pursuant to paragraph (b) of  
24 this subdivision. To the extent federally allowable, the assessment may  
25 occur prior to the placement in the qualified residential treatment  
26 program.

27 (b) The family and permanency team shall consist of all appropriate  
28 biological family members, relatives, and fictive kin of the child, as  
29 well as, as appropriate, professionals who are a resource to the family  
30 of the child, including but not limited to, teachers, medical or mental  
31 health providers who have treated the child, or clergy. In the case of  
32 a child who has attained the age of fourteen, the family and permanency  
33 team shall include the members of the permanency planning team for the  
34 child in accordance with 42 United States Code section 675 and the  
35 state's approved title IV-E state plan.

36 (c) Where the qualified individual determines that the child may not  
37 be placed in a foster family home, the qualified individual must specify  
38 in writing the reasons why the needs of the child cannot be met by the  
39 child's family or in a foster family home and why such a placement is  
40 not the most effective and appropriate level of care for such child.  
41 Such determination shall include whether the needs of the child can be  
42 met through placement in:

43 (i) An available supervised setting, as such term is defined in  
44 section three hundred seventy-one of this article;

45 (ii) If the child has been found to be, or is at risk of becoming, a  
46 sexually exploited child as defined in subdivision one of section four  
47 hundred forty-seven-a of this article, a setting providing residential  
48 care and supportive services for sexually exploited children;

49 (iii) A setting specializing in providing prenatal, post-partum or  
50 parenting supports for youth; or

51 (iv) A qualified residential treatment program.

52 3. Where the qualified individual determines that the placement of the  
53 child in a qualified residential treatment program is not appropriate  
54 under the standards set pursuant to subdivision two of this section, the  
55 local social services district or the office of children and family  
56 services with legal custody of the child, to the extent practicable,

1 shall remove such child from a qualified residential treatment program  
2 within thirty days, and if placement of the child is to continue, place  
3 said child with family members or in an available foster family home;  
4 however, if in the child's best interest, the office of children and  
5 family services or social services district may also place the child in  
6 a setting specified in paragraph (c) of subdivision two of this section  
7 other than a qualified residential treatment program setting deemed not  
8 appropriate for the child.

9 4. As used in the section, "qualified residential treatment program"  
10 means a program that is a non-foster family residential program in  
11 accordance with 42 United State Code section 672 and the state's  
12 approved title IV-E state plan.

13 5. As used in this section, "qualified individual" shall mean a  
14 trained professional or licensed clinician acting within their scope of  
15 practice who shall have current or previous relevant experience in the  
16 child welfare field and who does not have a direct role in case manage-  
17 ment or case planning decision making authority for the child for whom  
18 such assessment is being conducted, in accordance with 42 United States  
19 Code section 672 and the state's approved title IV-E state plan.

20 § 4. The family court act is amended by adding a new section 353.7 to  
21 read as follows:

22 § 353.7. Placement in qualified residential treatment programs. 1. The  
23 provisions of this section shall apply when a respondent is placed on or  
24 after September twenty-ninth, two thousand twenty-one and resides in a  
25 qualified residential treatment program, as defined in section four  
26 hundred nine-h of the social services law, and whose care and custody  
27 were transferred to a local social services district or the office of  
28 children and family services in accordance with this article.

29 2. (a) When a respondent is in the care and custody of a local social  
30 services district or the office of children and family services pursuant  
31 to this article, such social services district or office shall report  
32 any anticipated placement of the respondent into a qualified residential  
33 treatment program as defined in section four hundred nine-h of the  
34 social services law to the court and the attorneys for the parties,  
35 including the attorney for the respondent, forthwith, but not later than  
36 one business day following either the decision to place the respondent  
37 in the qualified residential treatment program or the actual date the  
38 placement change occurred, whichever is sooner. Such notice shall indi-  
39 cate the date that the initial placement or change in placement is  
40 anticipated to occur or the date the placement change occurred, as  
41 applicable. Provided, however, if such notice lists an anticipated date  
42 for the placement change, the local social services district or office  
43 shall subsequently notify the court and the attorneys for the parties,  
44 including the attorney for the respondent, of the date the placement  
45 change occurred, such notice shall occur no later than one business day  
46 following the placement change.

47 (b) When a respondent whose legal custody was transferred to a local  
48 social services district or the office of children and family services  
49 in accordance with this article resides in a qualified residential  
50 treatment program as defined in section four hundred nine-h of the  
51 social services law, and where such respondent's initial placement or  
52 change in placement in such qualified residential treatment program  
53 commenced on or after September twenty-ninth, two thousand twenty-one,  
54 upon receipt of notice required pursuant to paragraph (a) of this subdi-  
55 vision and motion of the local social services district or the office of  
56 children and family services with legal custody of the respondent, the

1 court shall schedule a hearing in accordance with subdivision three of  
2 this section. Notwithstanding any other provision of law to the contra-  
3 ry, such hearing shall occur no later than sixty days from the date the  
4 placement of the respondent in the qualified residential treatment  
5 program commenced.

6 3. (a) Within sixty days of the start of a placement of a respondent  
7 referenced in subdivision one of this section in a qualified residential  
8 treatment program, the court shall:

9 (i) Consider the assessment, determination, and documentation made by  
10 the qualified individual pursuant to section four hundred nine-h of the  
11 social services law;

12 (ii) Determine whether the needs of the respondent can be met through  
13 placement in a foster family home and, if not, whether placement of the  
14 respondent in a qualified residential treatment program provides the  
15 most effective and appropriate level of care for the respondent in the  
16 least restrictive environment and whether that placement is consistent  
17 with the short-term and long-term goals for the respondent as specified  
18 in the respondent's permanency plan; and

19 (iii) Approve or disapprove the placement of the respondent in a qual-  
20 ified residential treatment program. Provided that, notwithstanding any  
21 other provision of law to the contrary, where a qualified individual  
22 determines that the placement of the respondent in a qualified residen-  
23 tial treatment program is not appropriate under the standards set in  
24 accordance with section four hundred nine-h of the social services law,  
25 the court may only approve the placement of the respondent in the quali-  
26 fied residential treatment program if:

27 (A) the court finds, and states in the written order that:

28 (1) extenuating circumstances exist that necessitate the continued  
29 placement of the respondent in the qualified residential treatment  
30 program despite the finding of the qualified individual;

31 (2) there is not an alternative setting available that can meet the  
32 respondent's needs in a less restrictive environment; and

33 (3) that continued placement in the qualified residential treatment  
34 program serves the respondent's needs and best interests or the need for  
35 protection of the community despite the finding by the qualified indi-  
36 vidual that the respondent's placement in such setting is not appropri-  
37 ate; and

38 (B) the court's written order states the specific reasons why the  
39 court has made the findings required pursuant to clause (A) of this  
40 subparagraph.

41 (iv) If the court approves the placement of the respondent in a quali-  
42 fied residential treatment program where the qualified individual deter-  
43 mines that such placement is not appropriate under the standards set in  
44 accordance with section four hundred nine-h of the social services law,  
45 the court shall hold a hearing to review whether the placement in a  
46 qualified residential treatment program continues to be in the respond-  
47 ent's best interest within thirty days of such approval.

48 (b) Notwithstanding any other provision of law to the contrary, if the  
49 existing governing placement order of the court regarding the respondent  
50 would not permit the local social services district or the office to  
51 move the respondent from the qualified residential treatment program as  
52 required by section four hundred nine-h of the social services law, the  
53 court shall issue a new order which shall not preclude such respondent  
54 from being placed in a different setting. If the court issues a new  
55 placement order, there is a presumption that such order will be for the  
56 respondent to be placed in an available foster family home; however, if

1 in the respondent's best interest, the court may also issue an order  
2 permitting the placement of the respondent in:

3 (i) An available supervised setting, as such term is defined in  
4 section three hundred seventy-one of the social services law;

5 (ii) If the respondent has been found to be, or is at risk of becom-  
6 ing, a sexually exploited child as defined in subdivision one of section  
7 four hundred forty-seven-a of the social services law, a setting provid-  
8 ing residential care and supportive services for sexually exploited  
9 children;

10 (iii) A setting specializing in providing prenatal, post-partum, or  
11 parenting supports for youth; or

12 (iv) An available program licensed or certified by the office of chil-  
13 dren and family services other than a qualified residential treatment  
14 program setting deemed not appropriate for the respondent.

15 4. Documentation of the court's determination pursuant to this section  
16 shall be recorded in the respondent's case record.

17 5. To the extent federally allowable, nothing in this section shall  
18 prohibit the court's approval of a placement in a qualified residential  
19 treatment program from occurring at the same time as another hearing  
20 scheduled for such respondent, including but not limited to the respond-  
21 ent's dispositional or permanency hearing, provided such approval is  
22 completed within sixty days of the start of such placement.

23 § 5. Section 355.5 of the family court act is amended by adding a new  
24 subdivision 10 to read as follows:

25 10. Where the respondent remains placed in a qualified residential  
26 treatment program, as defined in section four hundred nine-h of the  
27 social services law, the commissioner of the local social services  
28 district or the office of children and family services with legal custo-  
29 dy of the respondent shall submit evidence at the permanency hearing  
30 with respect to the respondent:

31 (a) demonstrating that ongoing assessment of the strengths and needs  
32 of the respondent cannot be met through placement in a foster family  
33 home, that the placement in a qualified residential treatment program  
34 provides the most effective and appropriate level of care for the  
35 respondent in the least restrictive environment, and that the placement  
36 is consistent with the short-term and long-term goals for the respond-  
37 ent, as specified in the respondent's permanency plan;

38 (b) documenting the specific treatment and service needs that will be  
39 met for the respondent in the placement and the length of time the  
40 respondent is expected to need the treatment or services; and

41 (c) documenting the efforts made by the local social services district  
42 or the office of children and family services with legal custody of the  
43 respondent to prepare the respondent to return home, or to be placed  
44 with a fit and willing relative, legal guardian or adoptive parent, or  
45 in a foster family home.

46 § 6. Section 756-a of the family court act is amended by adding a new  
47 subdivision (h) to read as follows:

48 (h) Where the respondent remains placed in a qualified residential  
49 treatment program, as defined in section four hundred nine-h of the  
50 social services law, the commissioner of the local social services  
51 district with legal custody of the respondent shall submit evidence at  
52 the permanency hearing with respect to the respondent:

53 (i) demonstrating that ongoing assessment of the strengths and needs  
54 of the respondent continues to support the determination that the needs  
55 of the respondent cannot be met through placement in a foster family  
56 home, that the placement in a qualified residential treatment program



1 provides the most effective and appropriate level of care for the  
2 respondent in the least restrictive environment, and that the placement  
3 is consistent with the short-term and long-term goals of the respondent,  
4 as specified in the respondent's permanency plan;

5 (ii) documenting the specific treatment or service needs that will be  
6 met for the respondent in the placement and the length of time the  
7 respondent is expected to need the treatment or services; and

8 (iii) documenting the efforts made by the local social services  
9 district with legal custody of the respondent to prepare the respondent  
10 to return home, or to be placed with a fit and willing relative, legal  
11 guardian or adoptive parent, or in a foster family home.

12 § 7. The family court act is amended by adding a new section 756-b to  
13 read as follows:

14 § 756-b. Court approval of placement in a qualified residential treat-  
15 ment program. 1. The provisions of this section shall apply when a  
16 respondent is placed on or after September twenty-ninth, two thousand  
17 twenty-one and resides in a qualified residential treatment program, as  
18 defined in section four hundred nine-h of the social services law, and  
19 whose care and custody were transferred to a local social services  
20 district in accordance with this part.

21 2. (a) When a respondent is in the care and custody of a local social  
22 services district pursuant to this part, such social services district  
23 shall report any anticipated placement of the respondent into a quali-  
24 fied residential treatment program, as defined in section four hundred  
25 nine-h of the social services law, to the court and the attorneys for  
26 the parties, including the attorney for the respondent, forthwith, but  
27 not later than one business day following either the decision to place  
28 the respondent in the qualified residential treatment program or the  
29 actual date the placement change occurred, whichever is sooner. Such  
30 notice shall indicate the date that the initial placement or change in  
31 placement is anticipated to occur or the date the placement change  
32 occurred, as applicable. Provided, however, if such notice lists an  
33 anticipated date for the placement change, the local social services  
34 district shall subsequently notify the court and the attorneys for the  
35 parties, including the attorney for the respondent, of the date the  
36 placement change occurred; such notice shall occur no later than one  
37 business day following the placement change.

38 (b) When a respondent whose legal custody was transferred to a local  
39 social services district in accordance with this part resides in a qual-  
40 ified residential treatment program, as defined in section four hundred  
41 nine-h of the social services law, and where such respondent's initial  
42 placement or change in placement in such qualified residential treatment  
43 program commenced on or after September twenty-ninth, two thousand twen-  
44 ty-one, upon receipt of notice required pursuant to paragraph (a) of  
45 this subdivision and motion of the local social services district, the  
46 court shall schedule a hearing in accordance with subdivision three of  
47 this section. Notwithstanding any other provision of law to the contra-  
48 ry, such hearing shall occur no later than sixty days from the date the  
49 placement of the respondent in the qualified residential treatment  
50 program commenced.

51 3. (a) Within sixty days of the start of a placement of a respondent  
52 referenced in subdivision one of this section in a qualified residential  
53 treatment program, the court shall:

54 (i) Consider the assessment, determination and documentation made by  
55 the qualified individual pursuant to section four hundred nine-h of the  
56 social services law;

(ii) Determine whether the needs of the respondent can be met through placement in a foster family home and, if not, whether placement of the respondent in a qualified residential treatment program provides the most effective and appropriate level of care for the respondent in the least restrictive environment and whether that placement is consistent with the short-term and long-term goals for the respondent as specified in the respondent's permanency plan; and

(iii) Approve or disapprove the placement of the respondent in a qualified residential treatment program. Provided that, notwithstanding any other provision of law to the contrary, where the qualified individual determines that the placement of the respondent in a qualified residential treatment program is not appropriate under the standards set in accordance with section four hundred nine-h of the social services law, the court may only approve the placement of the respondent in the qualified residential treatment program if:

(A) the court finds, and states in the written order that:

(1) extenuating circumstances exist that necessitate the continued placement of the respondent in the qualified residential treatment program despite the finding of the qualified individual;

(2) there is not an alternative setting available that can meet the respondent's needs in a less restrictive environment; and

(3) that it would be contrary to the welfare of the respondent to be placed in a less restrictive setting and that continued placement in the qualified residential program is in the respondent's best interest despite the finding by the qualified individual that the respondent's placement in such setting is not appropriate; and

(B) the court's written order states the specific reasons why the court has made the findings required pursuant to clause (A) of this subparagraph.

(iv) If the court approves the placement of the respondent in a qualified residential treatment program where the qualified individual determines that such placement is not appropriate under the standards set in accordance with section four hundred nine-h of the social services law, the court shall hold a hearing to review whether the placement in a qualified residential treatment program continues to be in the respondent's best interest within thirty days of such approval.

(b) Notwithstanding any other provision of law to the contrary, if the existing governing placement order of the court regarding the respondent would not permit the local social services district to move the respondent from the qualified residential treatment program as required by section four hundred nine-h of the social services law, the court shall issue a new order which shall not preclude such respondent from being placed in a different setting. If the court issues a new placement order, there is a presumption that such order will be for the respondent to be placed in an available foster family home; however, if in the respondent's best interest, the court may also issue an order permitting the placement of the respondent in:

(i) An available supervised setting, as such term is defined in section three hundred seventy-one of the social services law;

(ii) If the respondent has been found to be, or is at risk of becoming, a sexually exploited child as defined in subdivision one of section four hundred forty-seven-a of the social services law, a setting providing residential care and supportive services for sexually exploited children;

(iii) A setting specializing in providing prenatal, post-partum, or parenting supports for youth; or

1 (iv) An available program licensed or certified by the office of chil-  
2 dren and family services other than a qualified residential treatment  
3 program setting deemed not appropriate for the respondent.

4 4. Documentation of the court's determination pursuant to this section  
5 shall be recorded in the respondent's case record.

6 5. To the extent federally allowable, nothing in this section shall  
7 prohibit the court's approval of a placement in a qualified residential  
8 treatment program from occurring at the same time as another hearing  
9 scheduled for such respondent, including but not limited to the respond-  
10 ent's dispositional or permanency hearing, provided such approval is  
11 completed within sixty days of the start of such placement.

12 § 8. The opening paragraph of subdivision 5 of section 1017 of the  
13 family court act is designated paragraph (a) and a new paragraph (b) is  
14 added to read as follows:

15 (b) When a child whose legal custody was transferred to the commis-  
16 sioner of a local social services district in accordance with this  
17 section resides in a qualified residential treatment program, as defined  
18 in section four hundred nine-h of the social services law, and where  
19 such child's initial placement or change in placement in such program  
20 commenced on or after September twenty-ninth, two thousand twenty-one,  
21 upon receipt of notice required pursuant to paragraph (a) of this subdi-  
22 vision and motion of the local social services district, the court shall  
23 schedule a hearing in accordance with section one thousand fifty-five-c  
24 of this article. Notwithstanding any other provision of law to the  
25 contrary, such hearing shall occur no later than sixty days from the  
26 date the placement of the child in the qualified residential treatment  
27 program commenced.

28 § 9. The opening paragraph of subdivision (j) of section 1055 of the  
29 family court act is designated paragraph (i) and a new paragraph (ii) is  
30 added to read as follows:

31 (ii) When a child whose legal custody was transferred to the commis-  
32 sioner of a local social services district in accordance with this  
33 section resides in a qualified residential treatment program, as defined  
34 in section four hundred nine-h of the social services law, and where  
35 such child's initial placement or change in placement in such program  
36 commenced on or after September twenty-ninth, two thousand twenty-one,  
37 upon receipt of notice required pursuant to paragraph (i) of this subdi-  
38 vision and motion of the local social services district, the court shall  
39 schedule a hearing in accordance with section one thousand fifty-five-c  
40 of this part. Notwithstanding any other provision of law to the contra-  
41 ry, such hearing shall occur no later than sixty days from the date the  
42 placement of the child in the qualified residential treatment program  
43 commenced.

44 § 10. The family court act is amended by adding a new section 1055-c  
45 to read as follows:

46 § 1055-c. Court approval of placement in a qualified residential  
47 treatment program. 1. The provisions of this section shall apply when a  
48 child is placed on or after September twenty-ninth, two thousand twen-  
49 ty-one and resides in a qualified residential treatment program, as  
50 defined in section four hundred nine-h of the social services law, and  
51 whose care and custody were transferred to the commissioner of a local  
52 social services district in accordance with this article.

53 2. Within sixty days of the start of a placement of a child referenced  
54 in subdivision one of this section in a qualified residential treatment  
55 program, the court shall:

1 (a) Consider the assessment, determination, and documentation made by  
2 the qualified individual pursuant to section four hundred nine-h of the  
3 social services law;

4 (b) Determine whether the needs of the child can be met through place-  
5 ment in a foster family home and, if not, whether placement of the child  
6 in a qualified residential treatment program provides the most effective  
7 and appropriate level of care for the child in the least restrictive  
8 environment and whether that placement is consistent with the short-term  
9 and long-term goals for the child, as specified in the child's permanen-  
10 cy plan; and

11 (c) Approve or disapprove the placement of the child in a qualified  
12 residential treatment program. Provided that, notwithstanding any other  
13 provision of law to the contrary, where the qualified individual deter-  
14 mines that the placement of the child in a qualified residential treat-  
15 ment program is not appropriate under the standards set in accordance  
16 with section four hundred nine-h of the social service law, the court  
17 may only approve the placement of the child in the qualified residential  
18 treatment program if:

19 (i) the court finds, and states in the written order that:

20 (A) extenuating circumstances exist that necessitate the continued  
21 placement of the child in the qualified residential treatment program  
22 despite the finding of the qualified individual;

23 (B) there is not an alternative setting available that can meet the  
24 child's needs in a less restrictive environment; and

25 (C) that continued placement in the qualified residential treatment  
26 program is in the child's best interest despite the finding by the qual-  
27 ified individual that the child's placement in such setting is not  
28 appropriate; and

29 (ii) the court's written order states the specific reasons why the  
30 court has made the findings required pursuant to subparagraph (i) of  
31 this paragraph.

32 (d) If the court approves the placement of the child in a qualified  
33 residential treatment program where the qualified individual determines  
34 that such placement is not appropriate under the standards set in  
35 accordance with section four hundred nine-h of the social services law,  
36 the court shall hold a hearing to review whether the placement in a  
37 qualified residential treatment program continues to be in the child's  
38 best interest within thirty days of such approval.

39 3. Notwithstanding any other provision of law to the contrary, if the  
40 existing governing placement order of the court regarding the child  
41 would not permit the local social services district to move the child  
42 from the qualified residential treatment program as required by section  
43 four hundred nine-h of the social services law, the court shall issue a  
44 new order which shall not preclude such child from being placed in a  
45 different setting. If the court issues a new placement order, there is  
46 a presumption that such order will be for the child to be placed in an  
47 available foster family home; however, if in the child's best interest,  
48 the court may also issue an order permitting the placement of the child  
49 in:

50 (i) An available supervised setting, as such term is defined in  
51 section three hundred seventy-one of the social services law;

52 (ii) If the child has been found to be, or is at risk of becoming, a  
53 sexually exploited child as defined in subdivision one of section four  
54 hundred forty-seven-a of the social services law, a setting providing  
55 residential care and supportive services for sexually exploited chil-  
56 dren;

1 (iii) A setting specializing in providing prenatal, post-partum, or  
2 parenting supports for youth; or

3 (iv) An available program licensed or certified by the office of chil-  
4 dren and family services other than a qualified residential treatment  
5 program setting deemed not appropriate for the child.

6 4. Documentation of the court's determination pursuant to this section  
7 shall be recorded in the child's case record.

8 5. To the extent federally allowable, nothing in this section shall  
9 prohibit the court's approval of a placement in a qualified residential  
10 treatment program from occurring at the same time as another hearing  
11 scheduled for such child, including but not limited to the child's  
12 dispositional or permanency hearing, provided such approval is completed  
13 within sixty days of the start of such placement.

14 § 11. Clause (C) of subparagraph (ix) of paragraph 5 of subdivision  
15 (c) of section 1089 of the family court act, as added by section 27 of  
16 part A of chapter 3 of the laws of 2005, is amended, and a new paragraph  
17 6 is added to read as follows:

18 (C) if the child is over age fourteen and has voluntarily withheld his  
19 or her consent to an adoption, the facts and circumstances regarding the  
20 child's decision to withhold consent and the reasons therefor[~~redacted~~]; and

21 (6) Where the child remains placed in a qualified residential treat-  
22 ment program, as defined in section four hundred nine-h of the social  
23 services law, the commissioner of the social services district with  
24 legal custody of the child shall submit evidence at the permanency hear-  
25 ing with respect to the child:

26 (i) demonstrating that ongoing assessment of the strengths and needs  
27 of the child continues to support the determination that the needs of  
28 the child cannot be met through placement in a foster family home, that  
29 the placement in a qualified residential treatment program provides the  
30 most effective and appropriate level of care for the child in the least  
31 restrictive environment, and that the placement is consistent with the  
32 short-term and long-term goals for the child, as specified in the  
33 child's permanency plan;

34 (ii) documenting the specific treatment or service needs that will be  
35 met for the child in the placement and the length of time the child is  
36 expected to need the treatment or services; and

37 (iii) documenting the efforts made by the local social services  
38 district to prepare the child to return home, or to be placed with a fit  
39 and willing relative, legal guardian or adoptive parent, or in a foster  
40 family home.

41 § 12. The opening paragraph of clause (H) of subparagraph (vii) of  
42 paragraph 2 of subdivision (d) of section 1089 of the family court act  
43 is designated item (I) and a new item (II) is added to read as follows:

44 (II) When a child whose legal custody was transferred to the commis-  
45 sioner of a local social services district in accordance with this  
46 section resides in a qualified residential treatment program as defined  
47 in section four hundred nine-h of the social services law and where such  
48 child's initial placement or change in placement in such program  
49 commenced on or after September twenty-ninth, two thousand twenty-one,  
50 upon receipt of notice required pursuant to item (I) of this clause and  
51 motion of the local social services district, the court shall schedule a  
52 hearing in accordance with section three hundred ninety-three of the  
53 social services law or section one thousand fifty-five-c, one thousand  
54 ninety-one-a or one thousand ninety-seven of this chapter. Notwithstand-  
55 ing any other provision of law to the contrary, such hearing shall occur



1 no later than sixty days from the date the placement of the child in the  
2 qualified residential treatment program commenced.

3 § 13. The family court act is amended by adding a new section 1091-a  
4 to read as follows:

5 § 1091-a. Court approval of placement in a qualified residential  
6 treatment program. 1. The provisions of this section shall apply when a  
7 former foster care youth is placed on or after September twenty-ninth,  
8 two thousand twenty-one, and resides in a qualified residential treat-  
9 ment program, as defined in section four hundred nine-h of the social  
10 services law, and whose care and custody were transferred to a local  
11 social services district or the office of children and family services  
12 in accordance with this article.

13 2. (a) When a former foster care youth is in the care and custody of a  
14 local social services district or the office of children and family  
15 services pursuant to this article, such social services district or  
16 office shall report any anticipated placement of the former foster care  
17 youth into a qualified residential treatment program, as defined in  
18 section four hundred nine-h of the social services law, to the court and  
19 the attorneys for the parties, including the attorney for the former  
20 foster care youth, forthwith, but not later than one business day  
21 following either the decision to place the former foster care youth in  
22 the qualified residential treatment program or the actual date the  
23 placement change occurred, whichever is sooner. Such notice shall indi-  
24 cate the date that the initial placement or change in placement is  
25 anticipated to occur or the date the placement change occurred, as  
26 applicable. Provided, however, if such notice lists an anticipated date  
27 for the placement change, the local social services district or office  
28 shall subsequently notify the court and attorneys for the parties,  
29 including the attorney for the former foster care youth, of the date the  
30 placement change occurred; such notice shall occur no later than one  
31 business day following the placement change.

32 (b) When a former foster care youth whose legal custody was trans-  
33 ferred to a local social services district or the office of children and  
34 family services in accordance with this article resides in a qualified  
35 residential treatment program, as defined in section four hundred nine-h  
36 of the social services law, and where such former foster care youth's  
37 initial placement or change in placement in such qualified residential  
38 treatment program commenced on or after September twenty-ninth, two  
39 thousand twenty-one, upon receipt of notice required pursuant to para-  
40 graph (a) of this subdivision and motion of the local social services  
41 district, the court shall schedule a hearing in accordance with subdivi-  
42 sion three of this section. Notwithstanding any other provision of law  
43 to the contrary, such hearing shall occur no later than sixty days from  
44 the date the placement of the former foster care youth in the qualified  
45 residential treatment program commenced.

46 3. Within sixty days of the start of a placement of a former foster  
47 care youth referenced in subdivision one of this section in a qualified  
48 residential treatment program, the court shall:

49 (a) Consider the assessment, determination, and documentation made by  
50 the qualified individual pursuant to section four hundred nine-h of the  
51 social services law;

52 (b) Determine whether the needs of the former foster care youth can be  
53 met through placement in a foster family home and, if not, whether  
54 placement of the former foster care youth in a qualified residential  
55 treatment program provides the most effective and appropriate level of  
56 care for the former foster care youth in the least restrictive environ-

1 ment and whether that placement is consistent with the short-term and  
2 long-term goals for the former foster care youth, as specified in the  
3 former foster care youth's permanency plan; and

4 (c) Approve or disapprove the placement of the former foster care  
5 youth in qualified residential treatment program. Provided that,  
6 notwithstanding any other provision of law to the contrary, where the  
7 qualified individual determines that the placement of the former foster  
8 care youth in a qualified residential treatment program is not appropri-  
9 ate under the standards set in accordance with section four hundred  
10 nine-h of the social services law, the court may only approve the place-  
11 ment of the former foster care youth in the qualified residential treat-  
12 ment program if:

13 (i) the court finds, and states in the written order that:

14 (A) extenuating circumstances exist that necessitate the continued  
15 placement of the former foster care youth in the qualified residential  
16 treatment program despite the finding of the qualified individual;

17 (B) there is not an alternative setting available that can meet the  
18 former foster care youth's needs in a less restrictive environment; and

19 (C) that continued placement in the qualified residential treatment  
20 program is in the former foster care youth's best interest despite the  
21 finding by the qualified individual that the former foster care youth's  
22 placement in such setting is not appropriate; and

23 (ii) the court's written order states the specific reasons why the  
24 court has made the findings required pursuant to subparagraph (i) of  
25 this paragraph.

26 (d) If the court approves the placement of the former foster care  
27 youth in a qualified residential treatment program where the qualified  
28 individual determines that such placement is not appropriate under the  
29 standards set in accordance with section four hundred nine-h of the  
30 social services law, the court shall hold a hearing to review whether  
31 the placement in a qualified residential treatment program continues to  
32 be in the former foster care youth's best interest within thirty days of  
33 such approval.

34 4. Notwithstanding any other provision of law to the contrary, if the  
35 existing governing placement order of the court regarding the former  
36 foster care youth would not permit the local social services district or  
37 the office to move the former foster care youth from the qualified resi-  
38 dential treatment program as required by section four hundred nine-h of  
39 the social services law, the court shall issue a new order which shall  
40 not preclude such former foster care youth from being placed in a  
41 different setting. If the court issues a new placement order, there is  
42 a presumption that such order will be for the former foster care youth  
43 to be placed in an available foster family home; however, if in the  
44 former foster care youth's best interest, the court may also issue an  
45 order permitting the placement of the former foster care youth in:

46 (a) An available supervised setting, as such term is defined in  
47 section three hundred seventy-one of the social services law;

48 (b) If the former foster care youth has been found to be, or is at  
49 risk of becoming, a sexually exploited child as defined in subdivision  
50 one of section four hundred forty-seven-a of the social services law, a  
51 setting providing residential care and supportive services for sexually  
52 exploited children;

53 (c) A setting specializing in providing prenatal, post-partum, or  
54 parenting supports for youth; or

1 (d) An available program licensed or certified by the office of chil-  
2 dren and family services other than a qualified residential treatment  
3 program setting deemed not appropriate for the former foster care youth.

4 5. Documentation of the court's determination pursuant to this section  
5 shall be recorded in the former foster care youth's case record.

6 6. To the extent federally allowable, nothing in this section shall  
7 prohibit the court's approval of a placement in a qualified residential  
8 treatment program from occurring at the same time as another hearing  
9 scheduled for such former foster care youth, including but not limited  
10 to the former foster care youth's dispositional or permanency hearing,  
11 provided such approval is completed within sixty days of the start of  
12 such placement.

13 § 14. The family court act is amended by adding a new section 1097 to  
14 read as follows:

15 § 1097. Court approval of placement in a qualified residential treat-  
16 ment program. 1. The provisions of this section shall apply when a child  
17 is placed on or after September twenty-ninth, two thousand twenty-one,  
18 and resides in a qualified residential treatment program, as defined in  
19 section four hundred nine-h of the social services law, and whose care  
20 and custody were transferred to a local social services district in  
21 accordance with this article.

22 2. (a) When a child is in the care and custody of a local social  
23 services district pursuant to this article, such social services  
24 district shall report any anticipated placement of the child into a  
25 qualified residential treatment program, as defined in section four  
26 hundred nine-h of the social services law, to the court and the attor-  
27 neys for the parties, including the attorney for the child, forthwith,  
28 but not later than one business day following either the decision to  
29 place the child in the qualified residential treatment program or the  
30 actual date the placement change occurred, whichever is sooner. Such  
31 notice shall indicate the date that the initial placement or change in  
32 placement is anticipated to occur or the date the placement change  
33 occurred, as applicable. Provided, however, if such notice lists an  
34 anticipated date for the placement change, the local social services  
35 district shall subsequently notify the court and attorneys for the  
36 parties, including the attorney for the child, of the date the placement  
37 change occurred, such notice shall occur no later than one business day  
38 following the placement change.

39 (b) When a child whose legal custody was transferred to a local social  
40 services district in accordance with this article resides in a qualified  
41 residential treatment program, as defined in section four hundred nine-h  
42 of the social services law, and where such child's initial placement or  
43 change in placement in such qualified residential treatment program  
44 commenced on or after September twenty-ninth, two thousand twenty-one,  
45 upon receipt of notice required pursuant to paragraph (a) of this subdi-  
46 vision and motion of the local social services district, the court shall  
47 schedule a hearing in accordance with subdivision three of this section.  
48 Notwithstanding any other provision of law to the contrary, such hearing  
49 shall occur no later than sixty days from the date the placement of the  
50 child in the qualified residential treatment program commenced.

51 3. Within sixty days of the start of a placement of a child referenced  
52 in subdivision one of this section in a qualified residential treatment  
53 program, the court shall:

54 (a) Consider the assessment, determination, and documentation made by  
55 the qualified individual pursuant to section four hundred nine-h of the  
56 social services law;

1 (b) Determine whether the needs of the child can be met through place-  
2 ment in a foster family home and, if not, whether placement of the child  
3 in a qualified residential treatment program provides the most effective  
4 and appropriate level of care for the child in the least restrictive  
5 environment and whether that placement is consistent with the short-term  
6 and long-term goals for the child, as specified in the child's permanen-  
7 cy plan; and

8 (c) Approve or disapprove the placement of the child in the qualified  
9 residential treatment program. Provided that, notwithstanding any other  
10 provision of law to the contrary, where the qualified individual deter-  
11 mines that the placement of the child in a qualified residential treat-  
12 ment program is not appropriate under the standards set in accordance  
13 with section four hundred nine-h of the social services law, the court  
14 may only approve the placement of the child in the qualified residential  
15 treatment program if:

16 (i) the court finds, and states in the written order that:

17 (A) extenuating circumstances exist that necessitate the continued  
18 placement of the child in the qualified residential treatment program  
19 despite the finding of the qualified individual;

20 (B) there is not an alternative setting available that can meet the  
21 child's needs in a less restrictive environment; and

22 (C) that continued placement in the qualified residential treatment  
23 program is in the child's best interest despite the finding by the qual-  
24 ified individual that the child's placement in such setting is not  
25 appropriate; and

26 (ii) the court's written order states the specific reasons why the  
27 court has made the findings required pursuant to subparagraph (i) of  
28 this paragraph.

29 (d) If the court approves the placement of the child in a qualified  
30 residential treatment program where the qualified individual determines  
31 that such placement is not appropriate under the standards set in  
32 accordance with section four hundred nine-h of the social services law,  
33 the court shall hold a hearing to review whether the placement in a  
34 qualified residential treatment program continues to be in the child's  
35 best interest within thirty days of such approval.

36 4. Notwithstanding any other provision of law to the contrary, if the  
37 existing governing placement order of the court regarding the child  
38 would not permit the local social services district to move the child  
39 from the qualified residential treatment program as required by section  
40 four hundred nine-h of the social services law, the court shall issue a  
41 new order which shall not preclude such child from being placed in a  
42 different setting. If the court issues a new placement order, there is  
43 a presumption that such order will be for the child to be placed in an  
44 available foster family home; however, if in the child's best interest,  
45 the court may also issue an order permitting the placement of the child  
46 in:

47 (a) An available supervised setting, as such term is defined in  
48 section three hundred seventy-one of the social services law;

49 (b) If the child has been found to be, or is at risk of becoming, a  
50 sexually exploited child as defined in subdivision one of section four  
51 hundred forty-seven-a of the social services law, a setting providing  
52 residential care and supportive services for sexually exploited chil-  
53 dren;

54 (c) A setting specializing in providing prenatal, post-partum, or  
55 parenting supports for youth; or

(d) An available program licensed or certified by the office of children and family services other than a qualified residential treatment program setting deemed not appropriate for the child.

5. Documentation of the court's determination pursuant to this section shall be recorded in the child's case record.

6. To the extent federally allowable, nothing in this section shall prohibit the court's approval of a placement in a qualified residential treatment program from occurring at the same time as another hearing scheduled for such child, including but not limited to the child's dispositional or permanency hearing, provided such approval is completed within sixty days of the start of such placement.

§ 15. The office of court administration and the office of children and family services shall work collaboratively to analyze data regarding the placement of children pursuant to proceedings held under section 393 of the social services law or sections 353.7, 756-b, 1055-c, 1091-a, and 1097 of the family court act in order to identify trends and address any disparities between placement orders issued by the courts and the legislative intent outlined in subdivision one of section 409-h of the social services law. Such analysis shall include, but not be limited to, a review of the number of times a judge approves the continuation of placement in a qualified residential treatment program where the qualified individual determines that the placement of the child in such qualified residential treatment program is not appropriate in accordance with section 409-h of the social services law and the specified reasons for the determinations as required by: clause (B) of subparagraph (iii) of paragraph (a) of subdivision 2 of section 393 of the social services law; or the following provisions of the family court act: clause (B) of subparagraph (iii) of paragraph (a) of subdivision 3 of section 353.7; clause (B) of subparagraph (iii) of paragraph (a) of subdivision 3 of section 756-b; subparagraph (ii) of paragraph (c) of subdivision two of section 1055-c; subparagraph (ii) of paragraph (c) of subdivision 3 of section 1091-a; and subparagraph (ii) of paragraph (c) of subdivision 3 of section 1097.

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

§ 17. This act shall take effect September 29, 2021; provided, however, that:

(a) (i) notwithstanding any other provision of law, provisions in this act shall not take effect unless and until the state title IV-E agency submits to the United States Department of Health and Human Services, Administration for Children, Youth and Families, an amendment to the title IV-E state plan and the United States Department of Health and Human Services, Administration for Children, Youth and Families approves said title IV-E state plan amendment regarding when a child is placed in a qualified residential treatment program in relation to the following components: (1) the qualified individual and the establishment of the assessment by the qualified individual to be completed prior to or within 30-days of the child's placement as established by section three of this act; (2) the 60 day court reviews, including the ability to conduct at the same time as another hearing scheduled for the child, as established by sections one, two, four, seven, eight, nine, ten, twelve,



thirteen and fourteen of this act; and (3) permanency hearing requirements as established by sections five, six and eleven of this act;

(ii) provided however, that if the United States Department of Health and Human Services, Administration for Children, Youth and Families fails to approve or disapproves any of the components listed in paragraph (i) of this subdivision, such action shall not impact the effective date for the remaining components listed therein;

(b) the office of children and family services shall inform the legislative bill drafting commission upon the occurrence of the submission set forth in subdivision (a) of this section and any approval related thereto in order that the commission may maintain an effective and timely database of the official texts of the state of laws of New York in furtherance of effectuating the provisions of section 44 of the legislative law and section 70-b of the public officers law;

(c) for the purposes of this act, the term "placement" shall refer only to placements made on or after the effective date of the Title IV-E state plan to establish the 30-day assessment, 60-day court review and permanency hearing requirements set forth in this act that occur on or after its effective date; and

(d) the office of children and family services and the office of court administration are hereby authorized to promulgate such rules and regulations on an emergency basis as may be necessary to implement the provisions of this act on or before such effective date.

#### PART M

Section 1. Subdivision 1 of section 427-a of the social services law, as amended by chapter 45 of the laws of 2011, is amended to read as follows:

1. ~~[Any]~~ Each social services district ~~[may]~~ shall, upon the authorization of the office of children and family services, establish a program that implements differential responses to reports of child abuse and maltreatment. Such programs shall create a family assessment and services track as an alternative means of addressing certain matters otherwise investigated as allegations of child abuse or maltreatment pursuant to this title. Notwithstanding any other provision of law to the contrary, the provisions of this section shall apply only to those cases involving allegations of ~~[abuse or]~~ maltreatment in family settings expressly included in the family assessment and services track of the authorized differential response program~~[, and only in those social services districts authorized by the office of children and family services to implement a differential response program]~~. Such cases shall not be subject to the requirements otherwise applicable to cases reported to the statewide central register of child abuse and maltreatment pursuant to this title, except as set forth in this section.

§ 2. The opening paragraph and paragraph (a) of subdivision 2 of section 427-a of the social services law, as added by chapter 452 of the laws of 2007, are amended to read as follows:

~~[Any]~~ Each social services district ~~[interested in implementing a differential response program]~~ shall ~~[apply]~~ submit a plan to the office of children and family services on or before January first, two thousand twenty-three for ~~[permission to participate]~~ authorization to operate a program pursuant to subdivision one of this section prior to January first, two thousand twenty-four. The criteria for ~~[a social services district to participate]~~ authorization will be determined by the office of children and family services after consultation with the office for

1 the prevention of domestic violence[7]; however the social services  
2 district's [~~application must include a~~] plan [~~setting~~] shall set forth  
3 the following:

4 (a) in conjunction with any additional requirements imposed by the  
5 office of children and family services and the provisions of this subdivi-  
6 sion, the factors to be considered by the social services district in  
7 determining which cases will be addressed through the family assessment  
8 and services track and the size of the population to be the subject of  
9 the differential response program and the protocols that will be in  
10 place to remove implicit bias from the decision-making process in deter-  
11 mining which cases will be subject to the differential response;

12 § 3. The opening paragraph of subdivision 3 of section 427-a of the  
13 social services law, as added by chapter 452 of the laws of 2007, is  
14 amended to read as follows:

15 The criteria for determining which cases may be placed in the assess-  
16 ment track shall be determined by the local department of social  
17 services, in conjunction with and in accordance with requirements set  
18 forth by the office of children and family services and after consulta-  
19 tion with the office for the prevention of domestic violence. Provided,  
20 however, that such criteria shall include protocols to remove implicit  
21 bias in the decision-making process. Provided further, however, that  
22 reports including any of the following allegations shall not be included  
23 in the assessment track of a differential response program:

24 § 4. Subdivision 7 of section 427-a of the social services law, as  
25 added by chapter 452 of the laws of 2007, is amended to read as follows:

26 7. The office of children and family services shall post [~~the~~] each  
27 plan [~~contained in any application approved~~] for implementation of a  
28 differential response program on the office of children and family  
29 services website within sixty days of such approval.

30 § 5. This act shall take effect on the one hundred eightieth day  
31 after it shall have become a law. Effective immediately, the office of  
32 children and family services is authorized to adopt regulations neces-  
33 sary for the implementation of this act on or before its effective date.

34 PART N

35 Section 1. Subdivision 2 of section 212 of the judiciary law is  
36 amended by adding a new paragraph (bb) to read as follows:

37 (bb) To the extent practicable, establish such number of veterans  
38 treatment courts as may be necessary to fulfill the purposes of subdivi-  
39 sion four of section 170.15 and subdivision three of section 180.20 of  
40 the criminal procedure law.

41 § 2. Subdivision 5 of section 170.15 of the criminal procedure law, as  
42 added by chapter 191 of the laws of 2018, is amended to read as follows:

43 5. (a) Notwithstanding any provision of this section to the contrary,  
44 in any county outside a city having a population of one million or more,  
45 upon or after arraignment of a defendant on an information, a simplified  
46 information, a prosecutor's information or a misdemeanor complaint pend-  
47 ing in a local criminal court, such court may, upon defendant's motion  
48 [~~of the defendant and after giving the district attorney an opportunity~~  
49 ~~to be heard, order that the action be removed from the court in which~~  
50 ~~the matter is pending to another local criminal court in the same coun-~~  
51 ~~ty, or with consent of the district attorney to another court in an~~  
52 ~~adjoining county, that has been designated as a human trafficking court~~  
53 ~~by the chief administrator of the courts, and such human trafficking~~  
54 ~~court]~~ to remove the action to a court in an adjoining county that has

1 been designated as a human trafficking court or veterans treatment court  
2 by the chief administrator of the courts, and after giving the district  
3 attorney an opportunity to be heard and with the consent of the district  
4 attorney of the adjoining county, order that the action be removed from  
5 the court in which the matter is pending to such human trafficking court  
6 or veterans treatment court, whereupon such court may then conduct such  
7 action to [~~judgement~~] judgment or other final deposition; provided,  
8 however, that matters where the accused and the person alleged to be the  
9 victim of an offense charged are members of the same family or household  
10 as defined in subdivision one of section 530.11 of this chapter shall  
11 not be removed to a veterans treatment court; and provided further that  
12 an order of removal issued under this subdivision shall not take effect  
13 until five days after the date the order is issued unless, prior to such  
14 effective date, the human trafficking court or veterans treatment court  
15 notifies the court that issued the order that:

16 i. it will not accept the action, in which event the order shall not  
17 take effect; or

18 ii. it will accept the action on a date prior to such effective date,  
19 in which event the order shall take effect upon such prior date.

20 (b) Upon providing notification pursuant to subparagraph i or ii of  
21 paragraph (a) of this subdivision, the human trafficking court or veter-  
22 ans treatment court shall promptly give notice to the defendant, his or  
23 her counsel, and the district attorney.

24 § 3. Subdivision 4 of section 180.20 of the criminal procedure law, as  
25 added by chapter 191 of the laws of 2018, is amended to read as follows:

26 4. (a) Notwithstanding any provision of this section to the contrary,  
27 in any county outside a city having a population of one million or more,  
28 upon or after arraignment of a defendant on a felony complaint pending  
29 in a local criminal court having preliminary jurisdiction thereof, such  
30 court may, upon motion of the defendant and after giving the district  
31 attorney an opportunity to be heard, order that the action be removed  
32 from the court in which the matter is pending to another local criminal  
33 court in the same county, or with consent of the district attorney [~~to~~  
34 ~~another court in~~] of an adjoining county, to a court in such adjoining  
35 county that has been designated as a human trafficking court or veterans  
36 treatment court by the chief administrator of the courts, and such human  
37 trafficking court or veterans treatment court may then conduct such  
38 action to judgment or other final disposition; provided, however, that  
39 matters where the accused and the person alleged to be the victim of an  
40 offense charged are members of the same family or household as defined  
41 in subdivision one of section 530.11 of this chapter shall not be  
42 removed to a veterans treatment court; and provided further an order of  
43 removal issued under this subdivision shall not take effect until five  
44 days after the date the order is issued unless, prior to such effective  
45 date, the human trafficking court or veterans treatment court notifies  
46 the court that issued the order that:

47 i. it will not accept the action, in which event the order shall not  
48 take effect; or

49 ii. it will accept the action on a date prior to such effective date,  
50 in which event the order shall take effect upon such prior date.

51 (b) Upon providing notification pursuant to subparagraph i or ii of  
52 paragraph (a) of this subdivision, the human trafficking court or veter-  
53 ans treatment court shall promptly give notice to the defendant, his or  
54 her counsel and the district attorney.

55 § 4. The criminal procedure law is amended by adding a new section  
56 230.21 to read as follows:

1 § 230.21 Removal of action to an adjoining county.

2 1. In any county outside a city having a population of one million or  
3 more, the court may, upon motion of the defendant and after giving the  
4 district attorney an opportunity to be heard, and with consent of the  
5 district attorney of an adjoining county that has a superior court  
6 designated a human trafficking court or veterans treatment court by the  
7 chief administrator of the courts, order that the indictment and action  
8 be removed from the court in which the matter is pending to such human  
9 trafficking court or veterans treatment court, whereupon such court may  
10 then conduct such action to judgment or other final disposition;  
11 provided, however, that matters where the accused and the person alleged  
12 to be the victim of an offense charged are members of the same family or  
13 household as defined in subdivision one of section 530.11 of this chap-  
14 ter shall not be removed to a veterans treatment court; and provided  
15 further that an order of removal issued under this subdivision shall not  
16 take effect until five days after the date the order is issued unless,  
17 prior to such effective date, the human trafficking court or veterans  
18 treatment court notifies the court that issued the order that:

19 (a) it will not accept the action, in which event the order shall not  
20 take effect, or

21 (b) it will accept the action on a date prior to such effective date,  
22 in which event the order shall take effect upon such prior date.

23 2. Upon providing notification pursuant to paragraph (a) or (b) of  
24 subdivision one of this section, the human trafficking court or veterans  
25 treatment court shall promptly give notice to the defendant, his or her  
26 counsel and the district attorney of both counties.

27 § 5. This act shall take effect immediately.

28 PART O

29 Section 1. Notwithstanding any other provision of law, the housing  
30 trust fund corporation may provide, for purposes of the neighborhood  
31 preservation program, a sum not to exceed \$12,830,000 for the fiscal  
32 year ending March 31, 2022. Notwithstanding any other provision of law,  
33 and subject to the approval of the New York state director of the budg-  
34 et, the board of directors of the state of New York mortgage agency  
35 shall authorize the transfer to the housing trust fund corporation, for  
36 the purposes of reimbursing any costs associated with neighborhood pres-  
37 ervation program contracts authorized by this section, a total sum not  
38 to exceed \$12,830,000, such transfer to be made from (i) the special  
39 account of the mortgage insurance fund created pursuant to section  
40 2429-b of the public authorities law, in an amount not to exceed the  
41 actual excess balance in the special account of the mortgage insurance  
42 fund, as determined and certified by the state of New York mortgage  
43 agency for the fiscal year 2020-2021 in accordance with section 2429-b  
44 of the public authorities law, if any, and/or (ii) provided that the  
45 reserves in the project pool insurance account of the mortgage insurance  
46 fund created pursuant to section 2429-b of the public authorities law  
47 are sufficient to attain and maintain the credit rating (as determined  
48 by the state of New York mortgage agency) required to accomplish the  
49 purposes of such account, the project pool insurance account of the  
50 mortgage insurance fund, such transfer to be made as soon as practicable  
51 but no later than June 30, 2021.

52 § 2. Notwithstanding any other provision of law, the housing trust  
53 fund corporation may provide, for purposes of the rural preservation  
54 program, a sum not to exceed \$5,360,000 for the fiscal year ending March

31, 2022. 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 \$5,360,000, 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 2020-2021 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, 2021.

§ 3. Notwithstanding any other provision of law, the homeless housing and assistance corporation may provide, for services and expenses related to homeless housing and preventative services programs including but not limited to the New York state supportive housing program, the solutions to end homelessness program or the operational support for AIDS housing program, or to qualified grantees under such programs, in accordance with the requirements of such programs, a sum not to exceed \$45,181,000 for the fiscal year ending March 31, 2022. The homeless housing and assistance corporation may enter into an agreement with the office of temporary and disability assistance to administer such sum in accordance with the requirements of such programs. 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 homeless housing and assistance corporation, a total sum not to exceed \$45,181,000, 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 2020-2021 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 shall be made as soon as practicable but no later than March 31, 2022.

§ 4. Notwithstanding any other provision of law, the homeless housing and assistance corporation may provide, for purposes of reimbursing New York city expenditures for adult shelters, a sum not to exceed \$65,568,000 for the fiscal year ending March 31, 2022. Notwithstanding any other inconsistent provision of law, such funds shall be available for eligible costs incurred on or after January 1, 2021, and before January 1, 2022, that are otherwise reimbursable by the state on or after April 1, 2021, and that are claimed by March 31, 2022. Such



reimbursement shall constitute total state reimbursement for activities funded herein in state fiscal year 2021-2022, and shall include reimbursement for costs associated with a court mandated plan to improve shelter conditions for medically frail persons and additional costs incurred as part of a plan to reduce over-crowding in congregate shelters. The homeless housing and assistance corporation may enter into an agreement with the office of temporary and disability assistance to administer such sum in accordance with the laws, rules or regulations relating to public assistance and care or the administration thereof. Notwithstanding any other provision of law, and subject to the approval of the New York state director of the budget, and the authorization by the members of the state of New York housing finance agency, the state of New York housing finance agency shall transfer to the homeless housing and assistance corporation, a total sum not to exceed \$65,568,000, such transfer to be made from excess funds of the housing finance agency, not pledged to the payment of the agency's outstanding bonds. Such transfer shall be made as soon as practicable but no later than March 31, 2022.

§ 5. This act shall take effect immediately.

#### PART P

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 K of chapter 56 of the laws of 2020, are amended to read as follows:

(a) in the case of each individual receiving family care, an amount equal to at least [~~\$150.00~~] \$152.00 for each month beginning on or after January first, two thousand [~~twenty~~] twenty-one.

(b) in the case of each individual receiving residential care, an amount equal to at least [~~\$174.00~~] \$176.00 for each month beginning on or after January first, two thousand [~~twenty~~] twenty-one.

(c) in the case of each individual receiving enhanced residential care, an amount equal to at least [~~\$207.00~~] \$210.00 for each month beginning on or after January first, two thousand [~~twenty~~] twenty-one.

(d) for the period commencing January first, two thousand [~~twenty-one~~] twenty-two, 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 [~~twenty-one~~] twenty-two, but prior to June thirtieth, two thousand [~~twenty-one~~] twenty-two, rounded to the nearest whole dollar.

§ 2. Paragraphs (a), (b), (c), (d), (e), and (f) of subdivision 2 of section 209 of the social services law, as amended by section 2 of part K of chapter 56 of the laws of 2020, are amended to read as follows:

(a) On and after January first, two thousand [~~twenty~~] twenty-one, for an eligible individual living alone, [~~\$870.00~~] \$881.00; and for an eligible couple living alone, [~~\$1,279.00~~] \$1,295.00.

(b) On and after January first, two thousand [~~twenty~~] twenty-one, for an eligible individual living with others with or without in-kind income, [~~\$806.00~~] \$817.00; and for an eligible couple living with others with or without in-kind income, [~~\$1,221.00~~] \$1,237.00.

(c) On and after January first, two thousand ~~[twenty]~~ twenty-one, (i) for an eligible individual receiving family care, ~~[\$1,049.48]~~ \$1,060.48 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, ~~[\$1,011.48]~~ \$1,022.48; 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 ~~[twenty]~~ twenty-one, (i) for an eligible individual receiving residential care, ~~[\$1,218.00]~~ \$1,229.00 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, ~~[\$1,188.00]~~ \$1,199.00; and (iv) for an eligible couple receiving such care in any other county in the state, two times the amount set forth in subparagraph (iii) of this paragraph.

(e) On and after January first, two thousand ~~[twenty]~~ twenty-one, (i) for an eligible individual receiving enhanced residential care, ~~[\$1,477.00]~~ \$1,488.00; and (ii) for an eligible couple receiving enhanced residential care, two times the amount set forth in subparagraph (i) of this paragraph.

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

§ 3. This act shall take effect December 31, 2021.

## PART Q

Section 1. Section 82 of the state finance law, as added by chapter 375 of the laws of 2018, is amended to read as follows:

§ 82. Gifts to food banks fund. 1. There is hereby established in the sole custody of the commissioner of taxation and finance a special fund to be known as the "gifts to food banks fund". Monies in the fund shall be kept separate from and not commingled with other funds held in the sole custody of the commissioner of taxation and finance.

2. Such fund shall consist of all revenues received by the department of taxation and finance pursuant to the provisions of section six hundred twenty-five-a of the tax law and all other money appropriated, credited, or transferred thereto from any other fund or source pursuant to law. Nothing in this section shall prevent the state 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 shall, after appropriation by the legislature, be made available to the ~~[office of temporary and disability assistance]~~ department of health for grants to regional food banks, organized to serve specific regions of the state, that generally collect and redistribute food donations to organizations serving persons in need. Monies shall be payable from the fund by the commissioner of taxation and

1 finance on vouchers approved by the commissioner of [~~temporary and disa-~~  
2 ~~bility assistance~~] health. The commissioner of [~~temporary and disability~~  
3 ~~assistance~~] health shall promulgate rules and regulations necessary for  
4 the distribution of such grants.

5 4. To the extent practicable, the commissioner of [~~the office of~~  
6 ~~temporary and disability assistance~~] health shall ensure that all monies  
7 received during a fiscal year are expended prior to the end of that  
8 fiscal year.

9 5. On or before the first day of February each year, the comptroller  
10 shall certify to the governor, temporary president of the senate, speak-  
11 er of the assembly, chair of the senate finance committee and chair of  
12 the assembly ways and means committee, the amount of money deposited in  
13 the gifts to food banks fund during the preceding calendar year as the  
14 result of revenue derived pursuant to section six hundred twenty-five-a  
15 of the tax law.

16 6. On or before the first day of February each year, the commissioner  
17 of [~~the office of temporary and disability assistance~~] health shall  
18 provide a written report to the temporary president of the senate,  
19 speaker of the assembly, chair of the senate finance committee, chair of  
20 the assembly ways and means committee, chair of the senate committee on  
21 social services, chair of the assembly social services committee, and  
22 the public. Such report shall include how the monies of the fund were  
23 utilized during the preceding calendar year and shall include:

- 24 (a) the amount of money [~~dispersed~~] disbursed from the fund;  
25 (b) the recipients of awards from the fund;  
26 (c) the amount awarded to each recipient;  
27 (d) the purposes for which such awards were granted; and  
28 (e) a summary financial plan for such monies which shall include esti-  
29 mates of all receipts and all disbursements for the current and succeed-  
30 ing fiscal years, along with the actual results from the prior fiscal  
31 year.

32 § 2. This act shall take effect immediately.

33 PART R

34 Section 1. Subdivision 37 of section 292 of the executive law, as  
35 amended by chapter 118 of the laws of 2019, is renumbered subdivision 39  
36 and amended to read as follows:

37 39. The term "educational institution" shall mean:

38 (a) any education corporation or association which holds itself out to  
39 the public to be non-sectarian and exempt from taxation pursuant to the  
40 provisions of article four of the real property tax law; or

41 (b) any education corporation or association which holds itself out to  
42 the public to be non-sectarian and which is under the supervision of the  
43 regents of the state of New York and which is not exempt from taxation  
44 pursuant to the provisions of article four of the real property tax law;  
45 or

46 (c) any public school, including any school district, board of cooper-  
47 ative educational services, public college or public university.

48 § 2. This act shall take effect immediately.

49 PART S

50 Section 1. Subdivisions 37 and 38 of section 292 of the executive law,  
51 subdivision 37 as amended by chapter 118, subdivision 37 as added by

chapter 160 of the laws of 2019, are renumbered subdivisions 38, 39 and 40 and a new subdivision 41 is added to read as follows:

41. The term "citizenship or immigration status" means the citizenship of any person or the immigration status of any person who is not a citizen of the United States. Nothing in this article shall preclude verification of citizenship or immigration status where required by law, nor shall an adverse action based on verification of citizenship or immigration status be prohibited where such adverse action is required by law.

§ 2. Subdivision 1 of section 296 of the executive law, as amended by chapter 365 of the laws of 2015, paragraph (a) as separately amended by chapters 8 and 176 of the laws of 2019, paragraphs (b), (c) and (d) as amended by chapter 8 of the laws of 2019 and paragraph (h) as amended by chapter 161 of the laws of 2019, is amended to read as follows:

1. It shall be an unlawful discriminatory practice:

(a) For an employer or licensing agency, because of an individual's age, race, creed, color, national origin, citizenship or immigration status, sexual orientation, gender identity or expression, military status, sex, disability, predisposing genetic characteristics, familial status, marital status, or status as a victim of domestic violence, to refuse to hire or employ or to bar or to discharge from employment such individual or to discriminate against such individual in compensation or in terms, conditions or privileges of employment.

(b) For an employment agency to discriminate against any individual because of age, race, creed, color, national origin, citizenship or immigration status, sexual orientation, gender identity or expression, military status, sex, disability, predisposing genetic characteristics, familial status, or marital status, in receiving, classifying, disposing or otherwise acting upon applications for its services or in referring an applicant or applicants to an employer or employers.

(c) For a labor organization, because of the age, race, creed, color, national origin, citizenship or immigration status, sexual orientation, gender identity or expression, military status, sex, disability, predisposing genetic characteristics, familial status, or marital status of any individual, to exclude or to expel from its membership such individual or to discriminate in any way against any of its members or against any employer or any individual employed by an employer.

(d) For any employer or employment agency to print or circulate or cause to be printed or circulated any statement, advertisement or publication, or to use any form of application for employment or to make any inquiry in connection with prospective employment, which expresses directly or indirectly, any limitation, specification or discrimination as to age, race, creed, color, national origin, citizenship or immigration status, sexual orientation, gender identity or expression, military status, sex, disability, predisposing genetic characteristics, familial status, or marital status, or any intent to make any such limitation, specification or discrimination, unless based upon a bona fide occupational qualification; provided, however, that neither this paragraph nor any provision of this chapter or other law shall be construed to prohibit the department of civil service or the department of personnel of any city containing more than one county from requesting information from applicants for civil service examinations concerning any of the aforementioned characteristics, other than sexual orientation, for the purpose of conducting studies to identify and resolve possible problems in recruitment and testing of members of minority groups to insure the fairest possible and equal opportunities for employment in the civil

1 service for all persons, regardless of age, race, creed, color, national  
2 origin, citizenship or immigration status, sexual orientation or gender  
3 identity or expression, military status, sex, disability, predisposing  
4 genetic characteristics, familial status, or marital status.

5 (e) For any employer, labor organization or employment agency to  
6 discharge, expel or otherwise discriminate against any person because he  
7 or she has opposed any practices forbidden under this article or because  
8 he or she has filed a complaint, testified or assisted in any proceeding  
9 under this article.

10 (f) Nothing in this subdivision shall affect any restrictions upon the  
11 activities of persons licensed by the state liquor authority with  
12 respect to persons under twenty-one years of age.

13 (g) For an employer to compel an employee who is pregnant to take a  
14 leave of absence, unless the employee is prevented by such pregnancy  
15 from performing the activities involved in the job or occupation in a  
16 reasonable manner.

17 (h) For an employer, licensing agency, employment agency or labor  
18 organization to subject any individual to harassment because of an indi-  
19 vidual's age, race, creed, color, national origin, citizenship or immi-  
20 gration status, sexual orientation, gender identity or expression, mili-  
21 tary status, sex, disability, predisposing genetic characteristics,  
22 familial status, marital status, domestic violence victim status, or  
23 because the individual has opposed any practices forbidden under this  
24 article or because the individual has filed a complaint, testified or  
25 assisted in any proceeding under this article, regardless of whether  
26 such harassment would be considered severe or pervasive under precedent  
27 applied to harassment claims. Such harassment is an unlawful discrimina-  
28 tory practice when it subjects an individual to inferior terms, condi-  
29 tions or privileges of employment because of the individual's membership  
30 in one or more of these protected categories. The fact that such indi-  
31 vidual did not make a complaint about the harassment to such employer,  
32 licensing agency, employment agency or labor organization shall not be  
33 determinative of whether such employer, licensing agency, employment  
34 agency or labor organization shall be liable. Nothing in this section  
35 shall imply that an employee must demonstrate the existence of an indi-  
36 vidual to whom the employee's treatment must be compared. It shall be an  
37 affirmative defense to liability under this subdivision that the harass-  
38 ing conduct does not rise above the level of what a reasonable victim of  
39 discrimination with the same protected characteristic or characteristics  
40 would consider petty slights or trivial inconveniences.

41 § 3. Subdivision 1-a of section 296 of the executive law, as amended  
42 by chapter 365 of the laws of 2015 and paragraphs (b), (c) and (d) as  
43 amended by chapter 8 of the laws of 2019, is amended to read as follows:

44 1-a. It shall be an unlawful discriminatory practice for an employer,  
45 labor organization, employment agency or any joint labor-management  
46 committee controlling apprentice training programs:

47 (a) To select persons for an apprentice training program registered  
48 with the state of New York on any basis other than their qualifications,  
49 as determined by objective criteria which permit review;

50 (b) To deny to or withhold from any person because of race, creed,  
51 color, national origin, citizenship or immigration status, sexual orien-  
52 tation, gender identity or expression, military status, sex, age, disa-  
53 bility, familial status, or marital status, the right to be admitted to  
54 or participate in a guidance program, an apprenticeship training  
55 program, on-the-job training program, executive training program, or  
56 other occupational training or retraining program;



1 (c) To discriminate against any person in his or her pursuit of such  
2 programs or to discriminate against such a person in the terms, condi-  
3 tions or privileges of such programs because of race, creed, color,  
4 national origin, citizenship or immigration status, sexual orientation,  
5 gender identity or expression, military status, sex, age, disability,  
6 familial status or marital status;

7 (d) To print or circulate or cause to be printed or circulated any  
8 statement, advertisement or publication, or to use any form of applica-  
9 tion for such programs or to make any inquiry in connection with such  
10 program which expresses, directly or indirectly, any limitation, spec-  
11 ification or discrimination as to race, creed, color, national origin,  
12 citizenship or immigration status, sexual orientation, gender identity  
13 or expression, military status, sex, age, disability, familial status or  
14 marital status, or any intention to make any such limitation, specifica-  
15 tion or discrimination, unless based on a bona fide occupational quali-  
16 fication.

17 § 4. Paragraph (a) of subdivision 2 of section 296 of the executive  
18 law, as amended by chapter 8 of the laws of 2019, is amended to read as  
19 follows:

20 (a) It shall be an unlawful discriminatory practice for any person,  
21 being the owner, lessee, proprietor, manager, superintendent, agent or  
22 employee of any place of public accommodation, resort or amusement,  
23 because of the race, creed, color, national origin, citizenship or immi-  
24 gration status, sexual orientation, gender identity or expression, mili-  
25 tary status, sex, disability or marital status of any person, directly  
26 or indirectly, to refuse, withhold from or deny to such person any of  
27 the accommodations, advantages, facilities or privileges thereof,  
28 including the extension of credit, or, directly or indirectly, to  
29 publish, circulate, issue, display, post or mail any written or printed  
30 communication, notice or advertisement, to the effect that any of the  
31 accommodations, advantages, facilities and privileges of any such place  
32 shall be refused, withheld from or denied to any person on account of  
33 race, creed, color, national origin, citizenship or immigration status,  
34 sexual orientation, gender identity or expression, military status, sex,  
35 disability or marital status, or that the patronage or custom thereof of  
36 any person of or purporting to be of any particular race, creed, color,  
37 national origin, citizenship or immigration status, sexual orientation,  
38 gender identity or expression, military status, sex or marital status,  
39 or having a disability is unwelcome, objectionable or not acceptable,  
40 desired or solicited.

41 § 5. Paragraphs (a), (b), (c) and (c-1) of subdivision 2-a of section  
42 296 of the executive law, as amended by section 3 of part T of chapter  
43 56 of the laws of 2019, are amended to read as follows:

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

52 (b) To discriminate against any person because of his or her race,  
53 creed, color, disability, national origin, citizenship or immigration  
54 status, sexual orientation, gender identity or expression, military  
55 status, age, sex, marital status, lawful source of income or familial  
56 status in the terms, conditions or privileges of any publicly-assisted

1 housing accommodations or in the furnishing of facilities or services in  
2 connection therewith.

3 (c) To cause to be made any written or oral inquiry or record concern-  
4 ing the race, creed, color, disability, national origin, citizenship or  
5 immigration status, sexual orientation, gender identity or expression,  
6 membership in the reserve armed forces of the United States or in the  
7 organized militia of the state, age, sex, marital status, lawful source  
8 of income or familial status of a person seeking to rent or lease any  
9 publicly-assisted housing accommodation; provided, however, that nothing  
10 in this subdivision shall prohibit a member of the reserve armed forces  
11 of the United States or in the organized militia of the state from  
12 voluntarily disclosing such membership.

13 (c-1) To print or circulate or cause to be printed or circulated any  
14 statement, advertisement or publication, or to use any form of applica-  
15 tion for the purchase, rental or lease of such housing accommodation or  
16 to make any record or inquiry in connection with the prospective  
17 purchase, rental or lease of such a housing accommodation which  
18 expresses, directly or indirectly, any limitation, specification or  
19 discrimination as to race, creed, color, national origin, citizenship or  
20 immigration status, sexual orientation, gender identity or expression,  
21 military status, sex, age, disability, marital status, lawful source of  
22 income or familial status, or any intent to make any such limitation,  
23 specification or discrimination.

24 § 6. Paragraph (c) of subdivision 3 of section 296 of the executive  
25 law, as added by chapter 369 of the laws of 2015, is relettered para-  
26 graph (d).

27 § 7. Subdivisions 3-b and 4 of section 296 of the executive law, as  
28 amended by chapter 8 and subdivision 4 as separately amended by chapter  
29 116 of the laws of 2019, are amended to read as follows:

30 3-b. It shall be an unlawful discriminatory practice for any real  
31 estate broker, real estate salesperson or employee or agent thereof or  
32 any other individual, corporation, partnership or organization for the  
33 purpose of inducing a real estate transaction from which any such person  
34 or any of its stockholders or members may benefit financially, to repre-  
35 sent that a change has occurred or will or may occur in the composition  
36 with respect to race, creed, color, national origin, citizenship or  
37 immigration status, sexual orientation, gender identity or expression,  
38 military status, sex, disability, marital status, or familial status of  
39 the owners or occupants in the block, neighborhood or area in which the  
40 real property is located, and to represent, directly or indirectly, that  
41 this change will or may result in undesirable consequences in the block,  
42 neighborhood or area in which the real property is located, including  
43 but not limited to the lowering of property values, an increase in crim-  
44 inal or anti-social behavior, or a decline in the quality of schools or  
45 other facilities.

46 4. It shall be an unlawful discriminatory practice for an educational  
47 institution to deny the use of its facilities to any person otherwise  
48 qualified, or to permit the harassment of any student or applicant, by  
49 reason of his race, color, religion, disability, national origin, citi-  
50 zenship or immigration status, sexual orientation, gender identity or  
51 expression, military status, sex, age or marital status, except that any  
52 such institution which establishes or maintains a policy of educating  
53 persons of one sex exclusively may admit students of only one sex.

54 § 8. Subdivision 5 of section 296 of the executive law, as amended by  
55 chapter 8 of the laws of 2019, subparagraphs 1, 2 and 3 of paragraph (a)  
56 as amended by section 4, subparagraphs 1 and 2 of paragraph (c) as

1 amended by section 5, and paragraph (d) as amended by section 6 of part  
2 T of chapter 56 of the laws of 2019, is amended to read as follows:

3 5. (a) It shall be an unlawful discriminatory practice for the owner,  
4 lessee, sub-lessee, assignee, or managing agent of, or other person  
5 having the right to sell, rent or lease a housing accommodation,  
6 constructed or to be constructed, or any agent or employee thereof:

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

15 (2) To discriminate against any person because of race, creed, color,  
16 national origin, citizenship or immigration status, sexual orientation,  
17 gender identity or expression, military status, sex, age, disability,  
18 marital status, lawful source of income or familial status in the terms,  
19 conditions or privileges of the sale, rental or lease of any such hous-  
20 ing accommodation or in the furnishing of facilities or services in  
21 connection therewith.

22 (3) To print or circulate or cause to be printed or circulated any  
23 statement, advertisement or publication, or to use any form of applica-  
24 tion for the purchase, rental or lease of such housing accommodation or  
25 to make any record or inquiry in connection with the prospective  
26 purchase, rental or lease of such a housing accommodation which  
27 expresses, directly or indirectly, any limitation, specification or  
28 discrimination as to race, creed, color, national origin, citizenship or  
29 immigration status, sexual orientation, gender identity or expression,  
30 military status, sex, age, disability, marital status, lawful source of  
31 income or familial status, or any intent to make any such limitation,  
32 specification or discrimination.

33 The provisions of this paragraph (a) shall not apply (1) to the rental  
34 of a housing accommodation in a building which contains housing accommo-  
35 dations for not more than two families living independently of each  
36 other, if the owner resides in one of such housing accommodations, (2)  
37 to the restriction of the rental of all rooms in a housing accommodation  
38 to individuals of the same sex or (3) to the rental of a room or rooms  
39 in a housing accommodation, if such rental is by the occupant of the  
40 housing accommodation or by the owner of the housing accommodation and  
41 the owner resides in such housing accommodation or (4) solely with  
42 respect to age and familial status to the restriction of the sale,  
43 rental or lease of housing accommodations exclusively to persons sixty-  
44 two years of age or older and the spouse of any such person, or for  
45 housing intended and operated for occupancy by at least one person  
46 fifty-five years of age or older per unit. In determining whether hous-  
47 ing is intended and operated for occupancy by persons fifty-five years  
48 of age or older, Sec. 807(b) (2) (c) (42 U.S.C. 3607 (b) (2) (c)) of the  
49 federal Fair Housing Act of 1988, as amended, shall apply.

50 (b) It shall be an unlawful discriminatory practice for the owner,  
51 lessee, sub-lessee, or managing agent of, or other person having the  
52 right of ownership or possession of or the right to sell, rent or lease,  
53 land or commercial space:

54 (1) To refuse to sell, rent, lease or otherwise deny to or withhold  
55 from any person or group of persons land or commercial space because of  
56 the race, creed, color, national origin, citizenship or immigration

1 status, sexual orientation, gender identity or expression, military  
2 status, sex, age, disability, marital status, or familial status of such  
3 person or persons, or to represent that any housing accommodation or  
4 land is not available for inspection, sale, rental or lease when in fact  
5 it is so available;

6 (2) To discriminate against any person because of race, creed, color,  
7 national origin, citizenship or immigration status, sexual orientation,  
8 gender identity or expression, military status, sex, age, disability,  
9 marital status, or familial status in the terms, conditions or privi-  
10 leges of the sale, rental or lease of any such land or commercial space;  
11 or in the furnishing of facilities or services in connection therewith;

12 (3) To print or circulate or cause to be printed or circulated any  
13 statement, advertisement or publication, or to use any form of applica-  
14 tion for the purchase, rental or lease of such land or commercial space  
15 or to make any record or inquiry in connection with the prospective  
16 purchase, rental or lease of such land or commercial space which  
17 expresses, directly or indirectly, any limitation, specification or  
18 discrimination as to race, creed, color, national origin, citizenship or  
19 immigration status, sexual orientation, gender identity or expression,  
20 military status, sex, age, disability, marital status, or familial  
21 status; or any intent to make any such limitation, specification or  
22 discrimination.

23 (4) With respect to age and familial status, the provisions of this  
24 paragraph shall not apply to the restriction of the sale, rental or  
25 lease of land or commercial space exclusively to persons fifty-five  
26 years of age or older and the spouse of any such person, or to the  
27 restriction of the sale, rental or lease of land to be used for the  
28 construction, or location of housing accommodations exclusively for  
29 persons sixty-two years of age or older, or intended and operated for  
30 occupancy by at least one person fifty-five years of age or older per  
31 unit. In determining whether housing is intended and operated for occu-  
32 pancy by persons fifty-five years of age or older, Sec. 807(b) (2) (c)  
33 (42 U.S.C. 3607(b) (2) (c)) of the federal Fair Housing Act of 1988, as  
34 amended, shall apply.

35 (c) It shall be an unlawful discriminatory practice for any real  
36 estate broker, real estate salesperson or employee or agent thereof:

37 (1) To refuse to sell, rent or lease any housing accommodation, land  
38 or commercial space to any person or group of persons or to refuse to  
39 negotiate for the sale, rental or lease, of any housing accommodation,  
40 land or commercial space to any person or group of persons because of  
41 the race, creed, color, national origin, citizenship or immigration  
42 status, sexual orientation, gender identity or expression, military  
43 status, sex, age, disability, marital status, lawful source of income or  
44 familial status of such person or persons, or to represent that any  
45 housing accommodation, land or commercial space is not available for  
46 inspection, sale, rental or lease when in fact it is so available, or  
47 otherwise to deny or withhold any housing accommodation, land or commer-  
48 cial space or any facilities of any housing accommodation, land or  
49 commercial space from any person or group of persons because of the  
50 race, creed, color, national origin, citizenship or immigration status,  
51 sexual orientation, gender identity or expression, military status, sex,  
52 age, disability, marital status, lawful source of income or familial  
53 status of such person or persons.

54 (2) To print or circulate or cause to be printed or circulated any  
55 statement, advertisement or publication, or to use any form of applica-  
56 tion for the purchase, rental or lease of any housing accommodation,

1 land or commercial space or to make any record or inquiry in connection  
2 with the prospective purchase, rental or lease of any housing accommo-  
3 dation, land or commercial space which expresses, directly or indirect-  
4 ly, any limitation, specification, or discrimination as to race, creed,  
5 color, national origin, citizenship or immigration status, sexual orien-  
6 tation, gender identity or expression, military status, sex, age, disa-  
7 bility, marital status, lawful source of income or familial status; or  
8 any intent to make any such limitation, specification or discrimination.

9 (3) With respect to age and familial status, the provisions of this  
10 paragraph shall not apply to the restriction of the sale, rental or  
11 lease of any housing accommodation, land or commercial space exclusively  
12 to persons fifty-five years of age or older and the spouse of any such  
13 person, or to the restriction of the sale, rental or lease of any hous-  
14 ing accommodation or land to be used for the construction or location of  
15 housing accommodations for persons sixty-two years of age or older, or  
16 intended and operated for occupancy by at least one person fifty-five  
17 years of age or older per unit. In determining whether housing is  
18 intended and operated for occupancy by persons fifty-five years of age  
19 or older, Sec. 807 (b) (2) (c) (42 U.S.C. 3607 (b) (2) (c)) of the  
20 federal Fair Housing Act of 1988, as amended, shall apply.

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

29 (e) It shall be an unlawful discriminatory practice for the owner,  
30 proprietor or managing agent of, or other person having the right to  
31 provide care and services in, a private proprietary nursing home, conva-  
32 lescent home, or home for adults, or an intermediate care facility, as  
33 defined in section two of the social services law, heretofore  
34 constructed, or to be constructed, or any agent or employee thereof, to  
35 refuse to provide services and care in such home or facility to any  
36 individual or to discriminate against any individual in the terms,  
37 conditions, and privileges of such services and care solely because such  
38 individual is a blind person. For purposes of this paragraph, a "blind  
39 person" shall mean a person who is registered as a blind person with the  
40 commission for the visually handicapped and who meets the definition of  
41 a "blind person" pursuant to section three of chapter four hundred  
42 fifteen of the laws of nineteen hundred thirteen entitled "An act to  
43 establish a state commission for improving the condition of the blind of  
44 the state of New York, and making an appropriation therefor".

45 (f) The provisions of this subdivision, as they relate to age, shall  
46 not apply to persons under the age of eighteen years.

47 (g) It shall be an unlawful discriminatory practice for any person  
48 offering or providing housing accommodations, land or commercial space  
49 as described in paragraphs (a), (b), and (c) of this subdivision to make  
50 or cause to be made any written or oral inquiry or record concerning  
51 membership of any person in the state organized militia in relation to  
52 the purchase, rental or lease of such housing accommodation, land, or  
53 commercial space, provided, however, that nothing in this subdivision  
54 shall prohibit a member of the state organized militia from voluntarily  
55 disclosing such membership.



§ 9. Paragraph (a) of subdivision 9 of section 296 of the executive law, as amended by chapter 8 of the laws of 2019, is amended to read as follows:

(a) It shall be an unlawful discriminatory practice for any fire department or fire company therein, through any member or members thereof, officers, board of fire commissioners or other body or office having power of appointment of volunteer firefighters, directly or indirectly, by ritualistic practice, constitutional or by-law prescription, by tacit agreement among its members, or otherwise, to deny to any individual membership in any volunteer fire department or fire company therein, or to expel or discriminate against any volunteer member of a fire department or fire company therein, because of the race, creed, color, national origin, citizenship or immigrations status, sexual orientation, gender identity or expression, military status, sex, marital status, or familial status, of such individual.

§ 10. Subdivision 13 of section 296 of the executive law, as amended by chapter 8 of the laws of 2019, is amended to read as follows:

13. It shall be an unlawful discriminatory practice (i) for any person to boycott or blacklist, or to refuse to buy from, sell to or trade with, or otherwise discriminate against any person, because of the race, creed, color, national origin, citizenship or immigration status, sexual orientation, gender identity or expression, military status, sex, disability, or familial status, of such person, or of such person's partners, members, stockholders, directors, officers, managers, superintendents, agents, employees, business associates, suppliers or customers, or (ii) for any person wilfully to do any act or refrain from doing any act which enables any such person to take such action. This subdivision shall not apply to:

(a) Boycotts connected with labor disputes; or

(b) Boycotts to protest unlawful discriminatory practices.

§ 11. Subdivisions 1, 2 and 3 of section 296-a of the executive law, as amended by chapter 8 of the laws of 2019, are amended to read as follows:

1. It shall be an unlawful discriminatory practice for any creditor or any officer, agent or employee thereof:

a. In the case of applications for credit with respect to the purchase, acquisition, construction, rehabilitation, repair or maintenance of any housing accommodation, land or commercial space to discriminate against any such applicant because of the race, creed, color, national origin, citizenship or immigration status, sexual orientation, gender identity or expression, military status, age, sex, marital status, disability, or familial status of such applicant or applicants or any member, stockholder, director, officer or employee of such applicant or applicants, or of the prospective occupants or tenants of such housing accommodation, land or commercial space, in the granting, withholding, extending or renewing, or in the fixing of the rates, terms or conditions of, any such credit;

b. To discriminate in the granting, withholding, extending or renewing, or in the fixing of the rates, terms or conditions of, any form of credit, on the basis of race, creed, color, national origin, citizenship or immigration status, sexual orientation, gender identity or expression, military status, age, sex, marital status, disability, or familial status;

c. To use any form of application for credit or use or make any record or inquiry which expresses, directly or indirectly, any limitation, specification, or discrimination as to race, creed, color, national

1 origin, citizenship or immigration status, sexual orientation, gender  
2 identity or expression, military status, age, sex, marital status, disa-  
3 bility, or familial status;

4 d. To make any inquiry of an applicant concerning his or her capacity  
5 to reproduce, or his or her use or advocacy of any form of birth control  
6 or family planning;

7 e. To refuse to consider sources of an applicant's income or to  
8 subject an applicant's income to discounting, in whole or in part,  
9 because of an applicant's race, creed, color, national origin, citizen-  
10 ship or immigration status, sexual orientation, gender identity or  
11 expression, military status, age, sex, marital status, childbearing  
12 potential, disability, or familial status;

13 f. To discriminate against a married person because such person  
14 neither uses nor is known by the surname of his or her spouse.

15 This paragraph shall not apply to any situation where the use of a  
16 surname would constitute or result in a criminal act.

17 2. Without limiting the generality of subdivision one of this section,  
18 it shall be considered discriminatory if, because of an applicant's or  
19 class of applicants' race, creed, color, national origin, citizenship or  
20 immigration status, sexual orientation, gender identity or expression,  
21 military status, age, sex, marital status or disability, or familial  
22 status, (i) an applicant or class of applicants is denied credit in  
23 circumstances where other applicants of like overall credit worthiness  
24 are granted credit, or (ii) special requirements or conditions, such as  
25 requiring co-obligors or reapplication upon marriage, are imposed upon  
26 an applicant or class of applicants in circumstances where similar  
27 requirements or conditions are not imposed upon other applicants of like  
28 overall credit worthiness.

29 3. It shall not be considered discriminatory if credit differen-  
30 tiations or decisions are based upon factually supportable, objective  
31 differences in applicants' overall credit worthiness, which may include  
32 reference to such factors as current income, assets and prior credit  
33 history of such applicants, as well as reference to any other relevant  
34 factually supportable data; provided, however, that no creditor shall  
35 consider, in evaluating the credit worthiness of an applicant, aggregate  
36 statistics or assumptions relating to race, creed, color, national  
37 origin, citizenship or immigration status, sexual orientation, gender  
38 identity or expression, military status, sex, marital status or disabil-  
39 ity, or to the likelihood of any group of persons bearing or rearing  
40 children, or for that reason receiving diminished or interrupted income  
41 in the future.

42 § 12. Subdivision 2 of section 296-c of the executive law, as added by  
43 chapter 97 of the laws of 2014, is amended to read as follows:

44 2. It shall be an unlawful discriminatory practice for an employer to:

45 a. refuse to hire or employ or to bar or to discharge from internship  
46 an intern or to discriminate against such intern in terms, conditions or  
47 privileges of employment as an intern because of the intern's age, race,  
48 creed, color, national origin, citizenship or immigration status, sexual  
49 orientation, military status, sex, disability, predisposing genetic  
50 characteristics, marital status, or domestic violence victim status;

51 b. discriminate against an intern in receiving, classifying, disposing  
52 or otherwise acting upon applications for internships because of the  
53 intern's age, race, creed, color, national origin, citizenship or immi-  
54 gration status, sexual orientation, military status, sex, disability,  
55 predisposing genetic characteristics, marital status, or domestic  
56 violence victim status;

1 c. print or circulate or cause to be printed or circulated any state-  
2 ment, advertisement or publication, or to use any form of application  
3 for employment as an intern or to make any inquiry in connection with  
4 prospective employment, which expresses directly or indirectly, any  
5 limitation, specification or discrimination as to age, race, creed,  
6 color, national origin, citizenship or immigration status, sexual orien-  
7 tation, military status, sex, disability, predisposing genetic charac-  
8 teristics, marital status or domestic violence victim status, or any  
9 intent to make any such limitation, specification or discrimination,  
10 unless based upon a bona fide occupational qualification; provided,  
11 however, that neither this paragraph nor any provision of this chapter  
12 or other law shall be construed to prohibit the department of civil  
13 service or the department of personnel of any city containing more than  
14 one county from requesting information from applicants for civil service  
15 internships or examinations concerning any of the aforementioned charac-  
16 teristics, other than sexual orientation, for the purpose of conducting  
17 studies to identify and resolve possible problems in recruitment and  
18 testing of members of minority groups to insure the fairest possible and  
19 equal opportunities for employment in the civil service for all persons,  
20 regardless of age, race, creed, color, national origin, citizenship or  
21 immigration status, sexual orientation, military status, sex, disabili-  
22 ty, predisposing genetic characteristics, marital status or domestic  
23 violence victim status;

24 d. to discharge, expel or otherwise discriminate against any person  
25 because he or she has opposed any practices forbidden under this article  
26 or because he or she has filed a complaint, testified or assisted in any  
27 proceeding under this article; or

28 e. to compel an intern who is pregnant to take a leave of absence,  
29 unless the intern is prevented by such pregnancy from performing the  
30 activities involved in the job or occupation in a reasonable manner.

31 § 13. Paragraph (b) of subdivision 3 of section 296-c of the executive  
32 law, as added by chapter 97 of the laws of 2014, is amended to read as  
33 follows:

34 b. subject an intern to unwelcome harassment based on age, sex, race,  
35 creed, color, sexual orientation, military status, disability, predis-  
36 posing genetic characteristics, marital status, domestic violence victim  
37 status, ~~[or]~~ national origin, or citizenship or immigration status,  
38 where such harassment has the purpose or effect of unreasonably inter-  
39 fering with the intern's work performance by creating an intimidating,  
40 hostile, or offensive working environment.

41 § 14. This act shall take effect immediately.

42 PART T

43 Section 1. Section 522 of the labor law, as amended by chapter 720 of  
44 the laws of 1953, is amended to read as follows:

45 § 522. Total unemployment. "Total unemployment" or "totally unem-  
46 ployed" means the total lack of any employment on any day. The term  
47 "employment" as used in this section means any employment including that  
48 not defined in this title.

49 § 2. Section 523 of the labor law, as amended by chapter 675 of the  
50 laws of 1977, is amended to read as follows:

51 § 523. ~~["Effective day"]~~ Partial unemployment. ~~["Effective day" means a~~  
52 ~~full day of total unemployment provided such day falls within a week in~~  
53 ~~which a claimant had four or more days of total unemployment and~~  
54 ~~provided further that only those days of total unemployment in excess of~~

~~three days within such week are deemed "effective days". No effective day is deemed to occur in a week in which the claimant has days of employment for which he is paid compensation exceeding the highest benefit rate which is applicable to any claimant in such week. A claimant who is employed on a shift continuing through midnight is deemed to have been employed on the day beginning before midnight with respect to such shift, except where night shift employees are regularly scheduled to start their work week at seven post meridiem or thereafter on Sunday night, their regularly scheduled starting time on Sunday shall be considered as starting on Monday.]~~

"Partial unemployment" or "partially unemployed" means any week in which the claimant works less than full-time if the wages payable to such individual for such week do not equal or exceed the individual's weekly benefit amount plus one hundred dollars or forty percent of the claimant's weekly benefit amount, whichever is greater. For purposes of this section, remuneration shall also include any holiday or vacation pay payable with respect to any such week, whether or not any service was performed during such week or was in any other way required for receipt of such holiday or vacation pay.

§ 3. The labor law is amended by adding a new section 523-a to read as follows:

§ 523-a. Week of unemployment. For purposes of this article, "week of unemployment" shall mean a week in which a claimant is totally unemployed or partially unemployed. A claimant who is employed on a shift continuing through midnight is deemed to have been employed on the day beginning before midnight with respect to such shift, except where night shift employees are regularly scheduled to start their work week at seven post meridiem or thereafter on Sunday night, their regularly scheduled starting time on Sunday shall be considered as starting on Monday.

§ 4. Section 524 of the labor law, as added by chapter 5 of the laws of 2000, is amended to read as follows:

§ 524. Week of employment. For purposes of this article, "week of employment" shall mean a Monday through Sunday period during which a claimant was paid remuneration for employment for an employer or employers liable for contributions or for payments in lieu of contributions under this article. A claimant who is employed on a shift continuing through midnight is deemed to have been employed on the day beginning before midnight with respect to such shift, except where night shift employees are regularly scheduled to start their work week at seven post meridiem or thereafter on Sunday night, their regularly scheduled starting time on Sunday shall be considered as starting on Monday.

§ 5. Subdivision 4 of section 527 of the labor law, as amended by chapter 832 of the laws of 1968 and as renumbered by chapter 381 of the laws of 1984, is amended to read as follows:

4. General condition. A valid original claim may be filed only in a week ~~[in which the claimant has at least one effective day of unemployment]~~ of unemployment, as defined in this article.

§ 6. Clauses (i), (ii), (iii) and (iv) of subparagraph 2 of paragraph (e) of subdivision 1 of section 581 of the labor law, as amended by chapter 282 of the laws of 2002, are amended to read as follows:

(i) In those instances where the claimant may not utilize wages paid to establish entitlement based upon subdivision ten of section five hundred ninety of this article and an educational institution is the claimant's last employer prior to the filing of the claim for benefits, or the claimant performed services in such educational institution in such capacity while employed by an educational service agency which is the claimant's last employer prior to the filing of the claim for bene-

fits, such employer shall not be liable for benefit charges [~~for the first twenty-eight effective days of benefits paid~~] in an amount equal to the benefits paid for seven weeks of total unemployment as otherwise provided by this section. Under such circumstances, benefits paid shall be charged to the general account. In addition, wages paid during the base period by such educational institutions, or for services in such educational institutions for claimants employed by an educational service agency shall not be considered base period wages during periods that such wages may not be used to gain entitlement to benefits pursuant to subdivision ten of section five hundred ninety of this article.

(ii) In those instances where the claimant may not utilize wages paid to establish entitlement based upon subdivision eleven of section five hundred ninety of this article and an educational institution is the claimant's last employer prior to the filing of the claim for benefits, or the claimant performed services in such educational institution in such capacity while employed by an educational service agency which is the claimant's last employer prior to the filing of the claim for benefits, such employer shall not be liable for benefit charges [~~for the first twenty-eight effective days of benefits paid~~] in an amount equal to the benefits paid for seven weeks of total unemployment as otherwise provided by this section. Under such circumstances, benefits paid will be charged to the general account. In addition, wages paid during the base period by such educational institutions, or for services in such educational institutions for claimants employed by an educational service agency shall not be considered base period wages during periods that such wages may not be used to gain entitlement to benefits pursuant to subdivision eleven of section five hundred ninety of this article. However, in those instances where a claimant was not afforded an opportunity to perform services for the educational institution for the next academic year or term after reasonable assurance was provided, such employer shall be liable for benefit charges as provided for in this paragraph for any retroactive payments made to the claimant.

(iii) In those instances where the federal government is the claimant's last employer prior to the filing of the claim for benefits and such employer is not a base-period employer, payments [~~equaling the first twenty-eight effective days of benefits~~] in an amount equal to the benefits paid for seven weeks of total unemployment as otherwise prescribed by this section shall be charged to the general account. In those instances where the federal government is the claimant's last employer prior to the filing of the claim for benefits and a base-period employer, such employer shall be liable for charges for all benefits paid on such claim in the same proportion that the remuneration paid by such employer during the base period bears to the remuneration paid by all employers during the base period. In addition, benefit payment charges [~~for the first twenty-eight effective days of benefits~~] in an amount equal to the benefits paid for seven weeks of total unemployment other than those chargeable to the federal government as prescribed above shall be made to the general account.

(iv) In those instances where a combined wage claim is filed pursuant to interstate reciprocal agreements and the claimant's last employer prior to the filing of the claim is an out-of-state employer and such employer is not a base-period employer, benefit payments [~~equaling the first twenty-eight effective days of benefits~~] in an amount equal to the benefits paid for seven weeks of total unemployment as otherwise prescribed by this section shall be charged to the general account. In those instances where the out-of-state employer is the last employer



1 prior to the filing of the claim for benefits and a base-period employer  
2 such employer shall be liable for charges for all benefits paid on such  
3 claim in the same proportion that the remuneration paid by such employer  
4 during the base period bears to the remuneration paid by all employers  
5 during the base period. In addition, benefit payment charges [~~for the~~  
6 ~~twenty-eight effective days of benefits~~] in an amount equal to the bene-  
7 fits paid for seven weeks of total unemployment other than those charge-  
8 able to the out-of-state employer as prescribed above shall be made to  
9 the general account.

10 § 7. Subdivisions 1, 3, 4, paragraph (a) of subdivision 5 and subdivi-  
11 sions 6 and 7 of section 590 of the labor law, subdivisions 1 and 3 as  
12 amended by chapter 645 of the laws of 1951, subdivision 4 as amended by  
13 chapter 457 of the laws of 1987, paragraph (a) of subdivision 5 as  
14 amended by section 8 of part 0 of chapter 57 of the laws of 2013, subdivi-  
15 sion 6 as added by chapter 720 of the laws of 1953 and as renumbered  
16 by chapter 675 of the laws of 1977, and subdivision 7 as amended by  
17 chapter 415 of the laws of 1983, are amended and a new paragraph (c) is  
18 added to subdivision 5 to read as follows:

19 1. Entitlement to benefits. A claimant shall be entitled to [~~accumu-~~  
20 ~~late effective days for the purpose of benefit rights~~] the payment of  
21 benefits only if [~~he~~] said claimant has complied with the provisions of  
22 this article regarding the filing of [~~his~~] a claim, including the filing  
23 of a valid original claim, registered as totally unemployed or partially  
24 unemployed, reported [~~his~~] subsequent employment and unemployment, and  
25 reported for work or otherwise given notice of the continuance of [~~his~~]  
26 unemployment.

27 3. Compensable periods. Benefits shall be paid for each [~~accumulation~~  
28 ~~of effective days within a~~] week of unemployment.

29 4. Duration. Benefits shall not be paid for more than [~~one hundred and~~  
30 ~~four effective days~~] an amount exceeding twenty-six times the claimant's  
31 weekly benefit rate in any benefit year, except as provided in section  
32 six hundred one and subdivision two of section five hundred ninety-nine  
33 of this [~~chapter~~] title.

34 (a) A claimant's weekly benefit amount shall be one twenty-sixth of  
35 the remuneration paid during the highest calendar quarter of the base  
36 period by employers, liable for contributions or payments in lieu of  
37 contributions under this article, provided the claimant has remuneration  
38 paid in all four calendar quarters during his or her base period or  
39 alternate base period. However, for any claimant who has remuneration  
40 paid in all four calendar quarters during his or her base period or  
41 alternate base period and whose high calendar quarter remuneration  
42 during the base period is three thousand five hundred seventy-five  
43 dollars or less, the benefit amount shall be one twenty-fifth of the  
44 remuneration paid during the highest calendar quarter of the base period  
45 by employers liable for contributions or payments in lieu of contribu-  
46 tions under this article. A claimant's weekly benefit shall be one  
47 twenty-sixth of the average remuneration paid in the two highest quar-  
48 ters paid during the base period or alternate base period by employers  
49 liable for contributions or payments in lieu of contributions under this  
50 article when the claimant has remuneration paid in two or three calendar  
51 quarters provided however, that a claimant whose high calendar quarter  
52 is four thousand dollars or less but greater than three thousand five  
53 hundred seventy-five dollars shall have a weekly benefit amount of one  
54 twenty-sixth of such high calendar quarter. However, for any claimant  
55 who has remuneration paid in two or three calendar quarters during his  
56 or her base period or alternate base period and whose high calendar

1 quarter remuneration during the base period is three thousand five  
2 hundred seventy-five dollars or less, the benefit amount shall be one  
3 twenty-fifth of the remuneration paid during the highest calendar quar-  
4 ter of the base period by employers liable for contributions or payments  
5 in lieu of contributions under this article. Any claimant whose high  
6 calendar quarter remuneration during the base period is more than three  
7 thousand five hundred seventy-five dollars shall not have a weekly bene-  
8 fit amount less than one hundred forty-three dollars. The weekly benefit  
9 amount, so computed, that is not a multiple of one dollar shall be  
10 lowered to the next multiple of one dollar. On the first Monday of  
11 September, nineteen hundred ninety-eight the weekly benefit amount shall  
12 not exceed three hundred sixty-five dollars nor be less than forty  
13 dollars, until the first Monday of September, two thousand, at which  
14 time the maximum benefit payable pursuant to this subdivision shall  
15 equal one-half of the state average weekly wage for covered employment  
16 as calculated by the department no sooner than July first, two thousand  
17 and no later than August first, two thousand, rounded down to the lowest  
18 dollar. On and after the first Monday of October, two thousand fourteen,  
19 the weekly benefit shall not be less than one hundred dollars, nor shall  
20 it exceed four hundred twenty dollars until the first Monday of October,  
21 two thousand fifteen when the maximum benefit amount shall be four  
22 hundred twenty-five dollars, until the first Monday of October, two  
23 thousand sixteen when the maximum benefit amount shall be four hundred  
24 thirty dollars, until the first Monday of October, two thousand seven-  
25 teen when the maximum benefit amount shall be four hundred thirty-five  
26 dollars, until the first Monday of October, two thousand eighteen when  
27 the maximum benefit amount shall be four hundred fifty dollars, until  
28 the first Monday of October, two thousand nineteen when the maximum  
29 benefit amount shall be thirty-six percent of the average weekly wage  
30 until the first Monday of October, two thousand twenty when the maximum  
31 benefit amount shall be thirty-eight percent of the average weekly wage,  
32 until the first Monday of October two thousand twenty-one when the maxi-  
33 mum benefit amount shall be forty percent of the average weekly wage,  
34 until the first Monday of October, two thousand twenty-two when the  
35 maximum benefit amount shall be forty-two percent of the average weekly  
36 wage, until the first Monday of October, two thousand twenty-three when  
37 the maximum benefit amount shall be forty-four percent of the average  
38 weekly wage, until the first Monday of October, two thousand twenty-four  
39 when the maximum benefit amount shall be forty-six percent of the aver-  
40 age weekly wage, until the first Monday of October, two thousand twen-  
41 ty-five when the maximum benefit amount shall be forty-eight percent of  
42 the average weekly wage, until the first Monday of October, two thousand  
43 twenty-six and each year thereafter on the first Monday of October when  
44 the maximum benefit amount shall be fifty percent of the average weekly  
45 wage provided, however, that in no event shall the maximum benefit  
46 amount be reduced from the previous year. A claimant shall receive his  
47 or her full benefit rate for each week of total unemployment.

48 (c) For a week of partial unemployment, a claimant shall be eligible  
49 for an amount equal to the difference between the claimant's weekly  
50 benefit amount, as calculated pursuant to paragraph (a) of this subdivi-  
51 sion, and any wages for such week in excess of one hundred dollars or  
52 forty percent of the weekly benefit amount, whichever is greater. If  
53 such partial benefit amount is not a multiple of one dollar, such amount  
54 shall be reduced to the nearest lower full dollar amount.

55 6. Notification requirement. ~~[No effective day shall be counted for~~  
56 ~~any purposes except effective days as to]~~ Benefits shall be payable only

1 for a week of unemployment for which notification has been given in a  
2 manner prescribed by the commissioner.

3 7. Waiting period. A claimant shall not be entitled to [~~accumulate~~  
4 ~~effective days for the purpose of~~] receive benefit payments until [~~he~~  
5 the claimant has [~~accumulated~~] completed a waiting period of [~~four~~  
6 ~~effective days either wholly within the~~] one week [~~in which he estab-~~  
7 ~~lished his valid original claim or partly within such week and partly~~  
8 ~~within his benefit year initiated by such claim~~] of unemployment.

9 § 8. Subdivisions 1 and 2, paragraph (a) of subdivision 3 and para-  
10 graph (a) of subdivision 6 of section 591 of the labor law, subdivisions  
11 1 and 2 as amended by chapter 413 of the laws of 2003, paragraph (a) of  
12 subdivision 3 as amended by chapter 794 of the laws of 1963 and para-  
13 graph (a) of subdivision 6 as added by section 13 of part 0 of chapter  
14 57 of laws of 2013, are amended to read as follows:

15 1. Unemployment. Benefits, except as provided in section five hundred  
16 ninety-one-a of this title, shall be paid only to a claimant who is  
17 totally unemployed or partially unemployed [~~and who is unable to engage~~  
18 ~~in his usual employment or in any other for which he is reasonably~~  
19 ~~fitted by training and experience~~]. A claimant who is receiving benefits  
20 under this article shall not be denied such benefits pursuant to this  
21 subdivision or to subdivision two of this section because of such claim-  
22 ant's service on a grand or petit jury of any state or of the United  
23 States.

24 2. Availability and capability. Except as provided in section five  
25 hundred ninety-one-a of this title, no benefits shall be payable to any  
26 claimant who is not capable of work or who is not ready, willing and  
27 able to work in his or her usual employment or in any other for which he  
28 or she is reasonably fitted by training and experience. The commission-  
29 er shall promulgate regulations defining a claimant's eligibility for  
30 benefits when such claimant is not capable of work or not ready, willing  
31 and able to work in his or her usual employment or in any other which he  
32 or she is reasonably fitted by training and experience.

33 (a) [~~No benefits shall be~~] Benefits payable to a claimant for any day  
34 during a paid vacation period, or for a paid holiday, [~~nor shall any~~  
35 ~~such day be considered a day of total unemployment under section five~~  
36 ~~hundred twenty-two~~] shall be calculated as provided in section five  
37 hundred twenty-three and subdivision five of section five hundred ninety  
38 of this article.

39 (a) No benefits shall be payable to a claimant for any week during a  
40 dismissal period for which a claimant receives dismissal pay[~~, nor shall~~  
41 ~~any day within such week be considered a day of total unemployment under~~  
42 ~~section five hundred twenty-two of this article,~~] if such weekly  
43 dismissal pay exceeds the maximum weekly benefit rate plus one hundred  
44 dollars or fifty percent of the claimant's weekly benefit amount, which-  
45 ever is greater.

46 § 9. Subdivisions 1 and 2 of section 591 of the labor law, subdivision  
47 1 as amended by chapter 446 of the laws of 1981 and subdivision 2 as  
48 amended by chapter 252 of the laws of 2020, are amended to read as  
49 follows:

50 1. Unemployment. Benefits shall be paid only to a claimant who is  
51 totally unemployed or partially unemployed [~~and who is unable to engage~~  
52 ~~in his usual employment or in any other for which he is reasonably~~  
53 ~~fitted by training and experience~~]. A claimant who is receiving benefits  
54 under this article shall not be denied such benefits pursuant to this  
55 subdivision or to subdivision two of this section because of such claim-

1 ant's service on a grand or petit jury of any state or of the United  
2 States.

3 2. Availability, capability, and work search. No benefits shall be  
4 payable to any claimant who is not capable of work or who is not ready,  
5 willing and able to work in his or her usual employment or in any other  
6 for which he or she is reasonably fitted by training and experience and  
7 who is not actively seeking work. In order to be actively seeking work a  
8 claimant must be engaged in systematic and sustained efforts to find  
9 work. The commissioner shall promulgate regulations defining systematic  
10 and sustained efforts to find work and setting standards for the proof  
11 of work search efforts. Such regulations shall take into account the  
12 need for claimants to provide child care for their child or children,  
13 and the regulations shall ensure that such claimants are able to satisfy  
14 the standards for proof of work search efforts. The commissioner shall  
15 promulgate regulations defining a claimant's eligibility for benefits  
16 when such claimant is not capable of work or not ready, willing and able  
17 to work in his or her usual employment or in any other which he or she  
18 is reasonably fitted by training and experience.

19 § 10. Subdivision 2 of section 592 of the labor law, as amended by  
20 chapter 415 of the laws of 1983, is amended to read as follows:

21 2. Concurrent payments prohibited. No [~~days of total unemployment~~  
22 ~~shall be deemed to occur~~] benefits shall be payable in any week [~~with~~  
23 ~~respect to which~~] or [~~a~~] part [~~of~~] thereof, in which a claimant has  
24 received or is seeking unemployment benefits under an unemployment  
25 compensation law of any other state or of the United States, provided  
26 that this provision shall not apply if the appropriate agency of such  
27 other state or of the United States finally determines that [~~he~~] the  
28 claimant is not entitled to such unemployment benefits.

29 § 11. Paragraph (a) of subdivision 1, the opening paragraph of subdivi-  
30 sion 2 and subdivisions 3 and 4 of section 593 of the labor law, para-  
31 graph (a) of subdivision 1, the opening paragraph of subdivision 2 and  
32 subdivision 3 as amended by section 15 of part 0 of chapter 57 of the  
33 laws of 2013 and subdivision 4 as amended by chapter 589 of the laws of  
34 1998, are amended to read as follows:

35 (a) No [~~days of total unemployment shall be deemed to occur~~] benefits  
36 shall be payable for any week of unemployment that occurs after a claim-  
37 ant's voluntary separation without good cause from employment until he  
38 or she has subsequently worked in employment and earned remuneration at  
39 least equal to ten times his or her weekly benefit rate. In addition to  
40 other circumstances that may be found to constitute good cause, includ-  
41 ing a compelling family reason as set forth in paragraph (b) of this  
42 subdivision, voluntary separation from employment shall not in itself  
43 disqualify a claimant if circumstances have developed in the course of  
44 such employment that would have justified the claimant in refusing such  
45 employment in the first instance under the terms of subdivision two of  
46 this section or if the claimant, pursuant to an option provided under a  
47 collective bargaining agreement or written employer plan which permits  
48 waiver of his or her right to retain the employment when there is a  
49 temporary layoff because of lack of work, has elected to be separated  
50 for a temporary period and the employer has consented thereto.

51 No [~~days of total unemployment shall be deemed to occur~~] benefits  
52 shall be payable for any week of unemployment beginning with the day on  
53 which a claimant, without good cause, refuses to accept an offer of  
54 employment for which he or she is reasonably fitted by training and  
55 experience, including employment not subject to this article, until he  
56 or she has subsequently worked in employment and earned remuneration at

1 least equal to ten times his or her weekly benefit rate. Except that  
2 claimants who are not subject to a recall date or who do not obtain  
3 employment through a union hiring hall and who are still unemployed  
4 after receiving ten weeks of benefits shall be required to accept any  
5 employment proffered that such claimants are capable of performing,  
6 provided that such employment would result in a wage not less than  
7 eighty percent of such claimant's high calendar quarter wages received  
8 in the base period and not substantially less than the prevailing wage  
9 for similar work in the locality as provided for in paragraph (d) of  
10 this subdivision. No refusal to accept employment shall be deemed with-  
11 out good cause nor shall it disqualify any claimant otherwise eligible  
12 to receive benefits if:

13 3. Misconduct. No [~~days of total unemployment shall be deemed to~~  
14 ~~occur~~] benefits shall be payable for any week of unemployment that  
15 occurs after a claimant lost employment through misconduct in connection  
16 with his or her employment until he or she has subsequently worked in  
17 employment and earned remuneration at least equal to ten times his or  
18 her weekly benefit rate.

19 4. Criminal acts. No [~~days of total unemployment shall be deemed to~~  
20 ~~occur during~~] benefits shall be payable for any week of unemployment for  
21 a period of twelve months after a claimant loses employment as a result  
22 of an act constituting a felony in connection with such employment,  
23 provided the claimant is duly convicted thereof or has signed a state-  
24 ment admitting that he or she has committed such an act. Determinations  
25 regarding a benefit claim may be reviewed at any time. Any benefits  
26 paid to a claimant prior to a determination that the claimant has lost  
27 employment as a result of such act shall not be considered to have been  
28 accepted by the claimant in good faith. In addition, remuneration paid  
29 to the claimant by the affected employer prior to the claimant's loss of  
30 employment due to such criminal act may not be utilized for the purpose  
31 of establishing entitlement to a subsequent, valid original claim. The  
32 provisions of this subdivision shall apply even if the employment lost  
33 as a result of such act is not the claimant's last employment prior to  
34 the filing of his or her claim.

35 § 12. Subdivisions 1 and 2 of section 594 of the labor law, as amended  
36 by section 16 of part 0 of chapter 57 of the laws of 2013, are amended  
37 to read as follows:

38 (1) A claimant who has wilfully made a false statement or represen-  
39 tation to obtain any benefit under the provisions of this article shall  
40 forfeit benefits for at least the first [~~four~~] week of unemployment but  
41 not more than the first [~~eighty effective days~~] twenty weeks of unem-  
42 ployment following discovery of such offense for which he or she other-  
43 wise would have been entitled to receive benefits. Such penalty shall  
44 apply only once with respect to each such offense.

45 (2) For the purpose of subdivision four of section five hundred ninety  
46 of this article, the claimant shall be deemed to have received benefits  
47 for such forfeited [~~effective days~~] weeks of unemployment.

48 § 13. Subdivisions 1 and 4 of section 596 of the labor law, subdivi-  
49 sion 1 as amended by chapter 204 of the laws of 1982 and subdivision 4  
50 as added by chapter 705 of the laws of 1944 and as renumbered by section  
51 148-a of part B of chapter 436 of the laws of 1997, are amended to read  
52 as follows:

53 1. Claim filing and certification to unemployment. A claimant shall  
54 file a claim for benefits [~~at~~] with the [~~local state employment office~~  
55 ~~serving the area in which he was last employed or in which he resides~~]  
56 department within such time and in such manner as the commissioner shall



1 prescribe. ~~[He]~~ The claimant shall disclose whether he or she owes child  
2 support obligations, as hereafter defined. If a claimant making such  
3 disclosure is eligible for benefits, the commissioner shall notify the  
4 state or local child support enforcement agency, as hereafter defined,  
5 that the claimant is eligible.

6 A claimant shall correctly report any ~~[days of]~~ employment and any  
7 compensation ~~[he]~~ received for such employment, including ~~[employments]~~  
8 employment not subject to this article, and the days on which he or she  
9 was totally unemployed or partially unemployed and shall make such  
10 reports in accordance with such regulations as the commissioner shall  
11 prescribe.

12 4. Registration and reporting for work. A claimant shall register as  
13 totally unemployed or partially unemployed ~~[at a local state employment~~  
14 ~~office serving the area in which he was last employed or in which he~~  
15 ~~resides]~~ with the department in accordance with such regulations as the  
16 commissioner shall prescribe. After so registering, such claimant shall  
17 ~~[report for work at the same local state employment office or otherwise]~~  
18 give notice of ~~[the continuance of his]~~ continued total or partial unem-  
19 ployment as often and in such manner as the commissioner shall  
20 prescribe.

21 § 14. Paragraph (a) of subdivision 2 of section 599 of the labor law,  
22 as amended by chapter 593 of the laws of 1991, is amended to read as  
23 follows:

24 (a) Notwithstanding any other provision of this chapter, a claimant  
25 attending an approved training course or program under this section may  
26 receive additional benefits of up to ~~[one hundred four effective days]~~  
27 twenty-six times his or her weekly benefit amount following exhaustion  
28 of regular and, if in effect, any other extended benefits, provided that  
29 entitlement to a new benefit claim cannot be established. Certification  
30 of continued satisfactory participation and progress in such training  
31 course or program must be submitted to the commissioner prior to the  
32 payment of any such benefits. The ~~[duration]~~ amount of such additional  
33 benefits shall in no case exceed twice the ~~[number of effective days]~~  
34 amount of regular benefits to which the claimant is entitled at the time  
35 the claimant is accepted in, or demonstrates application for appropriate  
36 training.

37 § 15. The opening paragraph and paragraph (e) of subdivision 2 of  
38 section 601 of the labor law, as amended by chapter 35 of the laws of  
39 2009, are amended to read as follows:

40 Extended benefits shall be payable to a claimant for ~~[effective days~~  
41 ~~occurring in]~~ any week of total unemployment or partial unemployment  
42 within an eligibility period, provided the claimant

43 (e) is not claiming benefits pursuant to an interstate claim filed  
44 under the interstate benefit payment plan in a state where an extended  
45 benefit period is not in effect, except that this condition shall not  
46 apply with respect to the first ~~[eight effective days]~~ two weeks of  
47 total unemployment or partial unemployment for which extended benefits  
48 shall otherwise be payable pursuant to an interstate claim filed under  
49 the interstate benefit payment plan; and

50 § 16. Subdivisions 3, 4 and paragraphs (b) and (e) of subdivision 5 of  
51 section 601 of the labor law, as amended by chapter 35 of the laws of  
52 2009, are amended to read as follows:

53 3. Extended benefit amounts; rate and duration. Extended benefits  
54 shall be paid to a claimant

55 (a) at a rate equal to his or her rate for regular benefits during his  
56 or her applicable benefit year but

(b) for not more than [~~fifty two effective days with respect to his or her applicable benefit year, with a total maximum amount equal to~~] fifty percentum of the total maximum amount of regular benefits payable in such benefit year, and

(c) if a claimant's benefit year ends within an extended benefit period, the remaining balance of extended benefits to which he or she would be entitled, if any, shall be reduced by the [~~number of effective days~~] amount of benefits for which he or she was entitled to receive trade readjustment allowances under the federal trade act of nineteen hundred seventy-four during such benefit year, and

(d) for periods of high unemployment for not more than [~~eighty effective days with respect to the applicable benefit year with a total maximum amount equal to~~] eighty percent of the total maximum amount of regular benefits payable in such benefit year.

4. Charging of extended benefits. The provisions of paragraph (e) of subdivision one of section five hundred eighty-one of this article shall apply to benefits paid pursuant to the provisions of this section, and if they were paid for [~~effective days~~] weeks of unemployment occurring in weeks following the end of a benefit year, they shall be deemed paid with respect to that benefit year. However, except for governmental entities as defined in section five hundred sixty-five and Indian tribes as defined in section five hundred sixty-six of this article, only one-half of the amount of such benefits shall be debited to the employers' account; the remainder thereof shall be debited to the general account, and such account shall be credited with the amount of payments received in the fund pursuant to the provisions of the federal-state extended unemployment compensation act. Notwithstanding the foregoing, where the state has entered an extended benefit period triggered pursuant to subparagraph one of paragraph (a) of subdivision one of this section for which federal law provides for one hundred percent federal sharing of the costs of benefits, all charges shall be debited to the general account and such account shall be credited with the amount of payments received in the fund pursuant to the provisions of the federal-state extended unemployment compensation act or other federal law providing for one hundred percent federal sharing for the cost of such benefits.

(b) No [~~days of total unemployment shall be deemed to occur in~~] benefits shall be payable for any week within an eligibility period during which a claimant fails to accept any offer of suitable work or fails to apply for suitable work to which he or she was referred by the commissioner, who shall make such referral if such work is available, or during which he or she fails to engage actively in seeking work by making a systematic and sustained effort to obtain work and providing tangible evidence of such effort, and until he or she has worked in employment during at least four subsequent weeks and earned remuneration of at least four times his or her benefit rate.

(e) No [~~days of total unemployment~~] benefits shall be [~~deemed to occur in~~] payable for any week within an eligibility period under section five hundred ninety-three of this [~~article~~] title, until he or she has subsequently worked in employment in accordance with the requirements set forth in section five hundred ninety-three of this [~~article~~] title.

§ 17. Section 603 of the labor law, as amended by section 21 of part 0 of chapter 57 of the laws of 2013, is amended to read as follows:

§ 603. Definitions. For purposes of this title: "Total unemployment" and "partial unemployment" shall [~~mean the total lack of any employment on any day,~~] have the same meanings as defined in this article, other than with an employer applying for a shared work program. "Work force"

1 shall mean the total work force, a clearly identifiable unit or units  
2 thereof, or a particular shift or shifts. The work force subject to  
3 reduction shall consist of no less than two employees.

4 § 18. Severability. If any amendment contained in a clause, sentence,  
5 paragraph, section or part of this act shall be adjudged by the United  
6 States Department of Labor to violate requirements for maintaining bene-  
7 fit standards required of the state in order to be eligible for any  
8 financial benefit offered through federal law or regulation, such amend-  
9 ments shall be severed from this act and shall not affect, impair or  
10 invalidate the remainder thereof.

11 § 19. This act shall take effect one year after the date on which it  
12 shall have become a law; provided that the amendments to subdivisions 1  
13 and 2 of section 591 of the labor law made by section eight of this act  
14 shall be subject to the expiration and reversion of such subdivisions  
15 pursuant to section 10 of chapter 413 of the laws of 2003, as amended,  
16 when upon such date the provisions of section nine of this act shall  
17 take effect.

18 PART U

19 Section 1. Section 577 of the private housing finance law is amended  
20 by adding a new subdivision 2-a to read as follows:

21 2-a. Notwithstanding any inconsistent provision of law to the contra-  
22 ry, a project of a housing development fund company managed or operated  
23 by a company incorporated pursuant to the not-for-profit corporation law  
24 and this article, that has entered into a regulatory agreement with the  
25 commissioner or supervisory agency pursuant to section five hundred  
26 seventy-six of this article shall be exempt from the sales and compen-  
27 sating use taxes imposed pursuant to article twenty-eight or twenty-nine  
28 of the tax law, and such tax exemption shall continue only so long as  
29 such agreement is in force and effect.

30 § 2. This act shall take effect immediately and shall apply to  
31 projects that entered into regulatory agreements pursuant to section 576  
32 of the private housing finance law on or after January 1, 2020.

33 PART V

34 Section 1. Subdivisions 5, 6, 7, 12, 13, 14, 15, 16, and 17 of section  
35 111-h of the social services law are REPEALED, subdivisions 18, 19, and  
36 20 are renumbered subdivisions 12, 13, and 14 and three new subdivisions  
37 5, 6, and 7 are added to read as follows:

38 5. Except as provided in subdivision six of this section, any funds  
39 paid to a support collection unit established by a social services  
40 district which have not been disbursed after two years of diligent  
41 efforts to locate the person entitled to such funds shall be paid to the  
42 state comptroller in accordance with subdivision seven of this section  
43 unless information has been received that is likely to lead to the  
44 location of the person who is entitled to such funds; provided, however,  
45 where the support collection unit determines that the person entitled to  
46 the funds is deceased and cannot locate an estate for the person enti-  
47 tled to the funds, or the estate does not claim the funds, such funds  
48 may be paid to the state comptroller in accordance with subdivision  
49 seven of this section without two years of diligent efforts.

50 6. Any funds paid to a support collection unit established by a social  
51 services district for which the remitter of such funds has not provided  
52 sufficient identifying information to associate the funds with an exist-

1 ing or previously existing child support account, and such information  
2 cannot be determined after diligent efforts, shall be paid to the state  
3 comptroller in accordance with subdivision seven of this section.

4 7. In the month of April, on or before the tenth day thereof, such  
5 payment shall be delivered to the state comptroller pursuant to section  
6 thirteen hundred eighteen of the abandoned property law, and shall be  
7 accompanied by a written report, affirmed as true and accurate under the  
8 penalty of perjury, classified as the state comptroller shall prescribe,  
9 setting forth:

10 (a) the names and last known addresses, if any, of the persons enti-  
11 tled to receive such abandoned property;

12 (b) the title of any proceeding relating to such abandoned property;  
13 and

14 (c) such other identifying information as the state comptroller may  
15 require.

16 § 2. Paragraph (c) of subdivision 1 of section 600 of the abandoned  
17 property law is REPEALED.

18 § 3. Subdivision 3 of section 602 of the abandoned property law is  
19 REPEALED.

20 § 4. The abandoned property law is amended by adding a new section  
21 1318 to read as follows:

22 § 1318. Unclaimed spousal and child support. Any amount representing  
23 child support or child and spousal support paid to a support collection  
24 unit established by a social services district which has been delivered  
25 to the state comptroller pursuant to subdivision seven of section one  
26 hundred eleven-h of the social services law shall be deemed abandoned  
27 property. On or before the tenth day of April in each year, such aban-  
28 doned property shall be paid to the state comptroller. Such payment  
29 shall be accompanied by a verified written report in such form as the  
30 state comptroller may prescribe.

31 § 5. Subparagraph (b) of paragraph 1 of subdivision 4 of section 240  
32 of the domestic relations law, as added by chapter 398 of the laws of  
33 1997, is amended to read as follows:

34 (b) The party filing the specific written objections shall bear the  
35 burden of going forward and the burden of proof; provided, however, that  
36 if the support collection unit has failed to provide the documentation  
37 and information required by former subdivision fourteen of section one  
38 hundred eleven-h of the social services law, the court shall first  
39 require the support collection unit to furnish such documents and infor-  
40 mation to the parties and the court.

41 § 6. Subparagraph 2 of paragraph b of subdivision 3 of section 413 of  
42 the family court act, as added by chapter 398 of the laws of 1997, is  
43 amended to read as follows:

44 (2) The party filing the specific written objections shall bear the  
45 burden of going forward and the burden of proof; provided, however, that  
46 if the support collection unit has failed to provide the documentation  
47 and information required by former subdivision fourteen of section one  
48 hundred eleven-h of the social services law, the court shall first  
49 require the support collection unit to furnish such documents and infor-  
50 mation to the parties and the court.

51 § 7. Paragraph (a) of subdivision 13, subdivisions 16 and 17 of  
52 section 111-b of the social services law, paragraph (a) of subdivision  
53 13 as added by chapter 59 of the laws of 1993, subdivision 16 as added  
54 by chapter 706 of the laws of 1996, paragraph (a) of subdivision 16 as  
55 amended by chapter 139 of the laws of 1999 and subdivision 17 as added  
56 by chapter 398 of the laws of 1997, are amended to read as follows:

1 (a) The commissioner shall enter into the agreement provided for in  
2 section one hundred seventy-one-g of the tax law and is authorized to  
3 furnish to the commissioner of taxation and finance any information, and  
4 to take such other actions, as may be necessary to carry out the agree-  
5 ment provided for in such section, for the purpose of reviewing support  
6 orders pursuant to former subdivision twelve of section one hundred  
7 eleven-h of this title.

8 16. Bureaus of special hearings; child support unit. (a) The depart-  
9 ment is authorized to establish a bureau of special hearings; child  
10 support unit solely for the purposes of providing administrative law  
11 judges to decide objections to the determination of a support collection  
12 unit to refer an obligor's arrears to the department of taxation and  
13 finance for collection pursuant to subdivision [~~nineteen~~] thirteen of  
14 section one hundred eleven-h of this title. The administrative law judg-  
15 es employed by the unit shall serve exclusively within the unit and  
16 shall not be utilized for any purpose other than those described in this  
17 subdivision and shall be salaried employees of the department and shall  
18 not be removed from such unit except for cause.

19 (b) The unit shall review a support collection unit's denial of a  
20 challenge made by a support obligor pursuant to paragraph two of subdi-  
21 vision [~~nineteen~~] thirteen of section one hundred eleven-h of this title  
22 if objections thereto are filed by a support obligor who has received  
23 notice that the department intends to notify the department of taxation  
24 and finance to collect such support obligor's support arrears. Specific  
25 written objections to a support collection unit's denial must be submit-  
26 ted by the support obligor to the unit within thirty days of the date of  
27 the notice of the support collection unit's denial. A support obligor  
28 who files such objections shall serve a copy of the objections upon the  
29 support collection unit, which shall have ten days from such service to  
30 file a written rebuttal to such objections and a copy of the record upon  
31 which the support collection unit's denial was made, including all  
32 documentation submitted by the support obligor. Proof of service shall  
33 be filed with the unit at the time of filing of objections and any  
34 rebuttal. The unit's review shall be based solely upon the record and  
35 submissions of the support obligor and the support collection unit upon  
36 which the support collection unit's denial was made. Within fifteen days  
37 after the rebuttal, if any, is filed, an administrative law judge of the  
38 unit shall (i) deny the objections and remand to the support collection  
39 unit or (ii) affirm the objections if the administrative law judge finds  
40 the determination of the support collection unit is based upon an erro-  
41 neous determination of fact by the support collection unit. Such deci-  
42 sion shall pertain solely to the mistaken identity of the obligor, a  
43 prejudicial error in the calculation of the obligor's arrears, the  
44 obligor's financial exemption from collection of support arrears by the  
45 department of taxation and finance or the absence of an underlying court  
46 order establishing arrears to support eligibility for such enforcement.  
47 Upon an affirmation of the objections the administrative law judge shall  
48 direct the support collection unit not to notify the department of taxa-  
49 tion and finance of their authority to collect the support obligor's  
50 arrears. Provisions set forth in this subdivision relating to procedures  
51 for hearing objections by the unit shall apply solely to such cases and  
52 not affect or modify any other procedure for review or appeal of admin-  
53 istrative enforcement of child support requirements. The decision of the  
54 administrative law judge pursuant to this section shall be final and not  
55 reviewable by the commissioner, and shall be reviewable only pursuant to  
56 article seventy-eight of the civil practice law and rules.



17. Special services for review and adjustment. The department shall develop procedures for and require local social services districts to dedicate special staff to the review and adjustment of child support orders entered prior to September fifteenth, nineteen hundred eighty-nine on behalf of children in receipt of public assistance or child support services pursuant to section one hundred eleven-g of this title. Such review and adjustment shall be performed pursuant to former subdivisions twelve, thirteen, fourteen, fifteen and sixteen of section one hundred eleven-h of this title. All such cases shall be reviewed and if necessary adjusted no later than December thirty-first, two thousand.

§ 8. This act shall take effect immediately; provided, however, that any funds which were deposited with the county treasurer or the commissioner of finance of the city of New York in accordance with section 111-h of the social services law prior to the effective date of this act shall be delivered to the state comptroller on or before April 1, 2022 in accordance with subdivision 7 of section 111-h of the social services law, as added by section one of this act.

PART W

Section 1. 1. Upon the oral or written request of an employee, each employer shall provide each employee up to four hours of leave to be used for each of up to two COVID-19 vaccine injections, provided however that an employer that provides or arranges to provide a COVID-19 vaccination at the employee's workplace shall provide sufficient time to the employee for such vaccine injections.

2. For purposes of this act, the term "employer" has the same meaning as the term "employer" in section 190 of the labor law except that it also includes government agencies.

3. Except where prohibited by law, an employer may request documentation from an employee confirming the employee's eligibility to take leave under this act before authorizing such leave.

4. Each employee shall be compensated at his or her regular rate of pay for those regular work hours during which the employee is absent from work due to leave provided by this act.

5. The leave provided by this act shall be provided without loss or reduction of an employee's accrued leave under section 196-b of the labor law or earned benefits or wage supplements subject to section 198-c of the labor law.

6. No employer or any other person, shall discharge, threaten, penalize, or in any other manner discriminate or retaliate against any employee because such employee has exercised his or her rights afforded under this act, consistent with and subject to the provisions of section 215 of the labor law.

7. The commissioner of labor shall have authority to adopt regulations, including emergency regulations, and issue guidance to effectuate any of the provisions of this act. Employers shall comply with regulations promulgated by the commissioner of labor for this purpose which may include, but is not limited to, standards for the use, payment, and employee eligibility of leave pursuant to this act.

8. The provisions of this act and any regulations adopted thereunder may be enforced by the commissioner of labor through the remedies and protections provided in, and applied to, article 6 of the labor law.

9. Nothing in this act shall be deemed to impede, infringe, diminish or impair the rights of an employee or employer under any law, rule, regulation or collectively negotiated agreement, or the rights and bene-

fits which accrue to employees through collective bargaining agreements, or otherwise diminish the integrity of the existing collective bargaining relationship, or to prohibit any personnel action which otherwise would have been taken regardless of any request to use, or utilization of, any leave provided by this act.

§ 2. This act shall take effect immediately.

#### PART X

Section 1. Section 2401 of the public authorities law is amended by adding a new undesignated paragraph to read as follows:

It is further found and determined that there is a shortage of adequate funds to assist in the new construction of housing, including modular and manufactured housing.

§ 2. Subdivisions 2, 5, and 12 of section 2402 of the public authorities law, subdivision 2 as amended by chapter 806 of the laws of 1990, subdivision 5 as amended by chapter 151 of the laws of 2013, and subdivision 12 as added by chapter 915 of the laws of 1982, are amended to read as follows:

(2) "Bank". Any bank or trust company, savings bank, savings and loan association, industrial bank, credit union, national banking association, federal savings and loan association, federal savings bank or federal credit union which is located in the state. The term "bank" shall also include a New York state licensed mortgage banker, or a domestic not-for-profit corporation whose public purposes include combatting community deterioration and which is an exempt organization as defined in paragraph (e) of subdivision one of section five hundred ninety of the banking law, or an entity exempt from licensing provisions in accordance with paragraph (a) of subdivision two of ~~such~~ section ~~[five hundred ninety of such law]~~, which in any such case is approved as a mortgage lender by the Federal National Mortgage Association or by the Federal Home Loan Mortgage Corporation, or domestic not-for-profit corporations that are certified by the United States department of treasury as community development financial institutions or licensed by the New York state department of financial services.

(5) "Mortgage". A loan owed to a bank secured by a first lien on a fee simple or leasehold estate in real property located in the state and improved by a residential structure or on which a residential structure shall be constructed using the proceeds of such loan, whether or not insured or guaranteed by the United States of America or any agency thereof. The term "mortgage" shall also include a loan owed to a bank secured by a second lien on a fee simple or leasehold estate in real property located in the state and improved by a residential structure or on which a residential structure shall be constructed using the proceeds of the related loan described in paragraph (a) or (b) of this subdivision, whether or not insured or guaranteed by the United States of America or any agency thereof, provided, however, that such second lien: (a) secures a loan purchased by the agency, and (b) is made at the same time as a first lien securing a loan purchased by the agency pursuant to its programs or by a government sponsored enterprise or is made at the same time as a new housing loan purchased by the agency pursuant to section twenty-four hundred five-c of this part. The term "mortgage" shall also include loans made by the agency and secured by a second lien on a fee simple or leasehold estate in real property located in the state and improved by a residential structure or on which a residential structure shall be constructed using the proceeds of such loan, whether or not

1 insured or guaranteed by the United States of America or any agency  
2 thereof, provided however, that the loan made by the agency and secured  
3 by such second lien is made at the same time as a first lien securing a  
4 mortgage loan purchased by the agency pursuant to its programs or by a  
5 government sponsored enterprise. In the case of any second lien  
6 purchased or made hereunder, the mortgagor shall be obligated to  
7 contribute from his or her own verifiable funds an amount not less than  
8 such percentage as the agency shall determine, of the lower of the  
9 purchase price or appraised value of the property subject to the first  
10 lien. "Real property" as used in this subdivision shall include air  
11 rights.

12 For the purposes of this title and of [~~section one hundred ninety and~~  
13 ~~subsection (a) of section one thousand four hundred fifty-six~~] subdivi-  
14 sion ten of section two hundred ten-B of the tax law, "mortgage" shall  
15 include housing loans as defined below. Except for the purposes of  
16 subdivision seven of section [~~two thousand four~~] twenty-four hundred  
17 five and subdivision eight of section two thousand four hundred five-b  
18 of this part, "mortgage" shall also include a loan owed to a bank by an  
19 individual borrower incurred for the purpose of financing the purchase  
20 of certificates of stock or other evidence of ownership of an interest  
21 in, and a proprietary lease from, a cooperative housing corporation  
22 formed for the purpose of the cooperative ownership of residential real  
23 estate in the state, secured by an assignment or transfer of the bene-  
24 fits of such cooperative ownership, and containing such terms and condi-  
25 tions as the agency may approve.

26 (12) "Forward commitment mortgage". A mortgage, which includes new  
27 construction loans, for which a commitment to advance funds is made not  
28 earlier than the date the agency issues an invitation to purchase mort-  
29 gages or such later date as specified in the invitation. A mortgage made  
30 in satisfaction of the obligation of a bank under section twenty-four  
31 hundred five of this [~~title~~] part is not a forward commitment mortgage.

32 § 3. Subdivisions 7 and 14 of section 2404 of the public authorities  
33 law, subdivision 7 as amended by chapter 782 of the laws of 1992, and  
34 subdivision 14 as added by chapter 612 of the laws of 1970, are amended  
35 to read as follows:

36 (7) To (a) acquire, and contract to acquire, existing mortgages owned  
37 by banks and to enter into advance commitments to banks for the purchase  
38 of said mortgages, all subject to the provisions of section [~~two thou-~~  
39 ~~sand four~~] twenty-four hundred five of this [~~title~~] part, (b) acquire,  
40 and contract to acquire, forward commitment mortgages made by banks and  
41 to enter into advance commitments to banks for the purchase of said  
42 mortgages, all subject to the provisions of section [~~two thousand four~~]  
43 twenty-four hundred five-b of this [~~title~~] part, (c) acquire, and  
44 contract to acquire, new housing loans made by banks and to enter into  
45 advance commitments to banks for the purchase of said housing loans, all  
46 subject to the provisions of section [~~two thousand four~~] twenty-four  
47 hundred five-c of this [~~title~~] part, [~~and~~] (d) to acquire and contract  
48 to acquire mortgages pursuant to section twenty-four hundred five-d of  
49 this title, and (e) acquire, and contract to acquire, new construction  
50 mortgage loans owned by banks and to enter into advance commitments to  
51 banks for the purchase of such mortgages, all subject to the provisions  
52 of section twenty-four hundred five-b of this part;

53 (14) To renegotiate, refinance or foreclose, or contract for the fore-  
54 closure of, any mortgage in default; to waive any default or consent to  
55 the modification of the terms of any mortgage; to commence any action to  
56 protect or enforce any right conferred upon it by any law, mortgage,

1 contract or other agreement, and to bid for and purchase such property  
2 at any foreclosure or at any other sale, or acquire or take possession  
3 of any such property; to operate, manage, lease, dispose of, and other-  
4 wise deal with such property, in such manner as ~~[may be necessary to~~  
5 ~~protect the interests of the agency and the holders of its bonds and~~  
6 ~~notes]~~ would further the purposes of the agency, subject to any agree-  
7 ment with its bondholders or noteholders;

8 § 4. Subdivisions 3 and 5 and paragraphs (a), (f), and (h) of subdivi-  
9 sion 8 of section 2405-b of the public authorities law, subdivisions 3  
10 and 5 and paragraphs (a) and (h) of subdivision 8 as added by chapter  
11 915 of the laws of 1982, paragraph (h) of subdivision 8 as further  
12 amended by section 104 of part A of chapter 62 of the laws of 2011 and  
13 paragraph (f) of subdivision 8 as amended by chapter 432 of the laws of  
14 2009, are amended to read as follows:

15 (3) In conducting its program of purchasing forward commitment mort-  
16 gages, the agency shall be governed by the provisions of paragraph (b)  
17 of subdivision three of section twenty-four hundred five of this ~~[title]~~  
18 part; however, with respect to new construction loans, the agency shall  
19 be governed by the provisions of only subparagraph (iii) of paragraph  
20 (b) of subdivision three of section twenty-four hundred five of this  
21 part.

22 (5) Notwithstanding the maximum interest rate, if any, fixed by  
23 section 5-501 of the general obligations law or any other law not  
24 specifically amending or applicable to this section, the agency may set  
25 the interest rate to be borne by forward commitment mortgages purchased  
26 by the agency from banks at a rate or rates which the agency from time  
27 to time shall determine ~~[to]~~, provided however, that if such mortgages  
28 are financed through the issuance of the agency's bonds or notes, the  
29 interest rate shall be at least sufficient, together with any other  
30 available monies, to provide for the payment of its bonds and notes, and  
31 forward commitment mortgages bearing such interest rate shall not be  
32 deemed to violate any such law or to be unenforceable if originated by a  
33 bank in good faith pursuant to an undertaking with the agency with  
34 respect to the sale thereof notwithstanding any subsequent failure of  
35 the agency to purchase the mortgage or any subsequent sale or disposi-  
36 tion of the mortgage by the agency to such bank or any other person.

37 (a) other than with respect to new construction loans, the mortgage  
38 was not made in satisfaction of an obligation of the bank under section  
39 twenty-four hundred five of this ~~[title]~~ part;

40 (f) the mortgage constitutes a valid first lien, or second lien with  
41 respect to mortgages other than new construction loans, on the real  
42 property described to the agency in accordance with subdivision five of  
43 section twenty-four hundred two of this part subject only to real prop-  
44 erty taxes not yet due, installments of assessments not yet due, and  
45 easements and restrictions of record which do not adversely affect, to a  
46 material degree, the use or value of the real property or improvements  
47 thereon;

48 (h) the improvements to, or new construction of, the mortgaged real  
49 property are covered by a valid and subsisting policy of insurance  
50 issued by a company authorized by the superintendent of financial  
51 services to issue such policies in the state of New York and providing  
52 fire and extended coverage to an amount not less than eighty percent of  
53 the insurable value of the improvements to, or new construction of, the  
54 mortgaged real property.

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

1 a. the amendments to subdivisions 2, 5 and 12 of section 2402 of the  
2 public authorities law made by section two of this act shall not affect  
3 the expiration of such subdivisions and shall be deemed to expire there-  
4 with;

5 b. the amendments to subdivision 7 of section 2404 of the public  
6 authorities law made by section three of this act shall not affect the  
7 expiration of such subdivision and shall be deemed to expire therewith;  
8 and

9 c. the amendments to section 2405-b of the public authorities law made  
10 by section four of this act shall not affect the repeal of such section  
11 and shall be deemed repealed therewith.

12 PART Y

13 Section 1. Prohibited fees or charges. Notwithstanding any other  
14 provision of law, no landlord, lessor, sub-lessor or grantor of a resi-  
15 dential dwelling shall demand or be entitled to any payment, fee or  
16 charge for late payment of rent from the period of March 20, 2020 until  
17 May 1, 2021.

18 § 2. Security deposits. Notwithstanding any other provision of law,  
19 landlords and tenants or licensees of residential properties may, upon  
20 the consent of the tenant or licensee, enter into a written agreement by  
21 which the security deposit and any interest which accrued or should have  
22 accrued thereof, shall be used to pay rent that is in arrears or will  
23 become due.

24 a. If the amount of the deposit represents less than a full month rent  
25 payment, then such agreement shall not constitute a waiver of the  
26 remaining rent due and owing for that month.

27 b. Execution in counterpart by email will constitute sufficient  
28 execution for consent.

29 c. Landlords shall provide such relief to tenants or licensees who so  
30 request it on or before May 1, 2021, provided that such tenants or  
31 licensees complete a "Hardship Declaration" as defined by Part A of  
32 chapter 381 of the laws of 2020 also known as the "COVID-19 Emergency  
33 Eviction and Foreclosure Prevention Act of 2020." Landlords shall  
34 provide the hardship declaration, in English and the tenant's primary  
35 language if such translation is made available by the Office of Court  
36 Administration, to tenants and licensees who request relief pursuant to  
37 this act.

38 d. Utilization of such security deposit shall be at the tenant or  
39 licensee's sole option and landlords shall not harass, threaten or  
40 engage in any harmful act to compel such agreement.

41 e. Any security deposit used as a payment of rent shall be replenished  
42 by the tenant or licensee, to be paid at the rate of 1/12 the amount  
43 used as rent per month. The payments to replenish the security deposit  
44 shall commence no earlier than June 1, 2021, but which may be extended  
45 upon agreement by the parties. No landlord shall require interest  
46 payments to be made as part of or in addition to the repayment schedule  
47 as set forth in this paragraph.

48 f. The tenant or licensee may, at their sole option, retain insurance  
49 that provides relief for the landlord in lieu of the monthly security  
50 deposit replenishment. The landlord, must, if offered, accept such  
51 insurance as replenishment.

52 § 3. This act shall take effect immediately, and shall be deemed to  
53 have been in full force and effect on and after May 7, 2020.



1

## PART Z

2 Section 1. This part enacts into law major components of legislation  
3 which are related to making child care more affordable for low-income  
4 families and easing administrative burdens for the child care workforce.  
5 Each component is wholly contained within a Subpart identified as  
6 Subparts A and B. The effective date for each particular provision  
7 contained within such Subpart is set forth in the last section of such  
8 Subpart. Any provision in any section contained within a Subpart,  
9 including the effective date of the Subpart, which makes reference to a  
10 section of "this act", when used in connection with that particular  
11 component, shall be deemed to mean and refer to the corresponding  
12 section of the Subpart in which it is found. Section two contains a  
13 severability clause for all provisions contained in each subpart of this  
14 Part. Section three of this act sets forth the general effective date of  
15 this Part.

16

## SUBPART A

17 Section 1. Subdivision 8 of section 410-w of the social services law,  
18 as added by chapter 144 of the laws of 2015, is amended to read as  
19 follows:

20 8. Notwithstanding any other provision of law, rule or regulations to  
21 the contrary, a social services district that implements a plan amend-  
22 ment to the child care portion of its child and family services plan,  
23 either as part of an annual plan update, or through a separate plan  
24 amendment process, where such amendment reduces eligibility for, or  
25 increases the family share percentage of, families receiving child care  
26 services, or that implements the process for closing child care cases as  
27 set forth in the district's approved child and family services plan, due  
28 to the district determining that it cannot maintain its current caseload  
29 because all of the available funds are projected to be needed for open  
30 cases, shall provide all families whose eligibility for child care  
31 assistance or family share percentage will be impacted by such action  
32 with at least thirty days prior written notice of the action. Provided,  
33 however, that a family receiving assistance pursuant to this title shall  
34 not be required to contribute more than twenty percent of their income  
35 exceeding the state income standard.

36 § 2. Subdivision 6 of section 410-x of the social services law, as  
37 added by section 52 of part B of chapter 436 of the laws of 1997, is  
38 amended to read as follows:

39 6. Pursuant to department regulations, child care assistance shall be  
40 provided on a sliding fee basis based upon the family's ability to pay;  
41 provided, however, that a family receiving assistance pursuant to this  
42 title shall not be required to contribute more than twenty percent of  
43 their income exceeding the state income standard.

44 § 3. This act shall take effect immediately.

45

## SUBPART B

46 Section 1. Paragraph (a) of subdivision 2 of section 390-a of the  
47 social services law, as amended by chapter 416 of the laws of 2000, is  
48 amended to read as follows:

49 (a) review and evaluate the backgrounds of and information supplied by  
50 any person applying to be a child day care center or school-age child  
51 care program employee or volunteer or group family day care assistant, a

1 provider of family day care or group family day care, or a director of a  
2 child day care center, head start day care center or school-age child  
3 care program. Such procedures shall include but not be limited to the  
4 following requirements: that the applicant set forth his or her employ-  
5 ment history[~~, provide personal and employment references~~]; submit such  
6 information as is required for screening with the statewide central  
7 register of child abuse and maltreatment in accordance with the  
8 provisions of section four hundred twenty-four-a of this article; [~~sign~~  
9 ~~a sworn statement indicating whether, to the best of his or her know-~~  
10 ~~ledge, he or she has ever been convicted of a crime in this state or any~~  
11 ~~other jurisdiction,~~] and provide his or her fingerprints for submission  
12 to the division of criminal justice services in accordance with the  
13 provisions of section three hundred ninety-b of this title;

14 § 2. The opening paragraph of paragraph (b) of subdivision 2 of  
15 section 390-b of the social services law, as added by section 9 of part  
16 H of chapter 56 of the laws of 2019, is amended to read as follows:

17 notwithstanding any other provision of law to the contrary, [~~prior to~~  
18 ~~October first, two thousand twenty,~~] all clearances listed in subdivi-  
19 sion one of this section that have not previously been conducted pursu-  
20 ant to paragraph (a) of this subdivision and for which on-going criminal  
21 history results are not already provided, shall be conducted in accord-  
22 ance with a schedule developed by the office of children and family  
23 services, for all:

24 § 3. Subparagraphs (i) and (iv) of paragraph (d) of subdivision 3-a of  
25 section 390-b of the social services law, as added by section 9 of part  
26 H of chapter 56 of the laws of 2019, are amended to read as follows:

27 (i) Where a clearance conducted pursuant to this section reveals that  
28 an applicant to be the operator or director of a child day care program,  
29 or applicant to be a caregiver, or anyone who is not related in any way  
30 to all children for whom child care services will be provided, resides  
31 in the home over the age of eighteen where child day care is proposed to  
32 be provided to children in a home-based setting has been charged with a  
33 crime, the office of children and family services shall hold the appli-  
34 cation in abeyance until the charge is finally resolved; provided,  
35 however, that the office of children and family services may approve the  
36 application prior to resolution of the charge if a conviction on the  
37 charge would not result in the individual, program, or provider being  
38 deemed ineligible pursuant to subdivision three of this section.

39 (iv) Where a clearance conducted pursuant to this section reveals that  
40 an applicant to be an employee or volunteer with the potential for unsu-  
41 pervised contact with children of a child day care program or enrolled  
42 legally-exempt provider has been charged with a crime, the office shall  
43 hold the application in abeyance until the charge is finally resolved;  
44 provided, however, that the office of children and family services may  
45 approve the application prior to resolution of the charge if a  
46 conviction on the charge would not result in the employee or volunteer  
47 being deemed ineligible pursuant to subdivision three of this section.

48 § 4. Subparagraphs (ii) and (iii) of paragraph (a) of subdivision 1  
49 of section 424-a of the social services law, as amended by section 14 of  
50 part H of chapter 56 of the laws of 2019, are amended to read as  
51 follows:

52 (ii) A licensing agency shall inquire of the office whether an appli-  
53 cant for a certificate, license or permit to operate a child care  
54 program including a family day care home, group family day care home,  
55 child care center, school age child care program, or enrolled legally  
56 exempt provider or an employee, volunteer or applicant to be an employee

1 or volunteer in such program who has potential for regular and substan-  
2 tial contact with children in the program, is the confirmed subject of  
3 an indicated child abuse report maintained by the statewide central  
4 register of child abuse and maltreatment; provided, however, that a  
5 licensing agency may, but is not required to, submit an inquiry pursuant  
6 to this subparagraph if such individual has been the subject of an  
7 inquiry pursuant to this subparagraph within the last five years and has  
8 maintained a role in one or more child care programs during such five-  
9 year period without a break in time where such individual ceased to play  
10 a role in any child care program of not more than one hundred eighty  
11 consecutive days. The office shall promulgate regulations related to the  
12 process by which providers and applicants will be informed whether the  
13 applicant is authorized or unauthorized to care for children based on  
14 the outcome of such inquiry.

15 (iii) A licensing agency shall inquire of the office whether any  
16 person age eighteen or older who is not related in any way to all chil-  
17 dren for whom care is provided that resides on the premises of where  
18 child care is provided in a setting that is not the child's own home by  
19 an enrolled legally-exempt provider as such term is defined in subdivi-  
20 sion one-a of section three hundred ninety-b of this [chapter] article  
21 is the confirmed subject of an indicated child abuse report maintained  
22 by the statewide central register of child abuse and maltreatment;  
23 provided, however, that a licensing agency may, but is not required to  
24 submit an inquiry pursuant to this subparagraph if such individual has  
25 been the subject of an inquiry pursuant to this subparagraph within the  
26 last five years and has maintained a role in one or more child care  
27 programs during such five-year period without a break in time where such  
28 individual ceased to play a role in any child care program of not more  
29 than one hundred eighty consecutive days. The office shall promulgate  
30 regulations related to the process by which providers and applicants  
31 will be informed whether the applicant is authorized or unauthorized to  
32 care for children based on the outcome of such inquiry.

33 § 5. This act shall take effect on the ninetieth day after it shall  
34 have become a law. Effective immediately, the office of children and  
35 family services is hereby authorized to promulgate such rules and regu-  
36 lations as may be necessary to implement the provisions of this act on  
37 or before such effective date.

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

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

51 PART AA

52 Section 1. Legislative findings and intent. The legislature finds that  
53 the transition to the green economy and creating good paying jobs are  
54 not mutually exclusive priorities for New York State. In order to make

1 this transition and achieve the ambitious goals set forth in the Climate  
2 Leadership and Community Protection Act, a clear focus on prioritizing  
3 renewable energy sources is necessary. However, the workers who will  
4 build the infrastructure of the green economy must not be left behind.  
5 Setting clear standards for job quality will ensure the creation of good  
6 jobs, protect workers in the ongoing transition of our energy sector,  
7 and result in positive economic impacts. Due to such findings, the  
8 legislature hereby declares that the mandate of prevailing wage or  
9 project labor agreements for construction work and engineering and  
10 consulting services performed in connection with the installation of  
11 renewable energy systems provided in this bill will ensure that workers  
12 are central to New York State's transition to the green economy.

13 § 2. 1. (a) For purposes of this act, a "covered renewable energy  
14 project" means construction work and engineering and consulting services  
15 performed under contract which is paid for in whole or in part out of  
16 public funds as such term is defined in this section where the amount of  
17 all such public funds, when aggregated, is at least thirty percent of  
18 the total construction project costs, in connection with either:

19 (i) the installation of a renewable energy system, as such term is  
20 defined in section 66-p of the public service law, with a capacity over  
21 twenty-five megawatts alternating current and with a total project cost  
22 of over ten million dollars; or

23 (ii) the installation of a solar energy system with a capacity over  
24 five megawatts alternating current and with a total project cost of over  
25 five million dollars.

26 (b) For purposes of this act, a covered renewable energy project shall  
27 exclude construction work performed under a pre-hire collective bargain-  
28 ing agreement between an owner or contractor and a bona fide building  
29 and construction trade labor organization which has established itself  
30 as the collective bargaining representative for all persons who will  
31 perform work on such a project, and which provides that only contractors  
32 and subcontractors who sign a pre-negotiated agreement with the labor  
33 organization can perform work on such a project, or construction work  
34 performed under a labor peace agreement, project labor agreement, or any  
35 other construction work performed under an enforceable agreement between  
36 an owner or contractor and a bona fide building and construction trade  
37 labor organization.

38 (c) For purposes of this act, "paid for in whole or in part out of  
39 public funds" shall mean (i) the payment of money, by a public entity,  
40 or a third party acting on behalf of and for the benefit of a public  
41 entity, directly to or on behalf of the contractor, subcontractor,  
42 developer or owner that is not subject to repayment, including, without  
43 limitation, grants, incentives, the procurement of renewable energy  
44 credits, or loans to be repaid only on a contingent basis; or (ii)  
45 savings achieved from fees, rents, interest rates, or other loan costs,  
46 or insurance costs that are lower than market rate costs by virtue of  
47 the involvement of a public entity.

48 2. Notwithstanding part FFF of chapter 58 of the laws of 2020 that  
49 established prevailing wage for construction work done under contract  
50 which is paid for in whole or in part out of public funds, a covered  
51 renewable energy project shall be subject to prevailing wage require-  
52 ments in accordance with sections 220 and 220-b of the labor law. Noth-  
53 ing herein shall be construed to require the payment of prevailing wage  
54 or require a project labor agreement for a renewable energy project  
55 which is paid for with solely private funds, by private entities.

1 3. For purposes of this act, the "fiscal officer" shall be deemed to  
2 be the commissioner of labor.

3 4. The enforcement of any covered renewable energy project pursuant to  
4 this act shall be subject only to the requirement of sections 220,  
5 220-b, and 224-b of the labor law and within the jurisdiction of the  
6 fiscal officer; provided, however, nothing contained in this act shall  
7 be deemed to construe any covered renewable energy project as otherwise  
8 being considered public work pursuant to article 8 of the labor law.

9 5. The fiscal officer may issue rules and regulations governing the  
10 provisions of this act. Violations of this act shall be grounds for  
11 determinations and orders pursuant to section 220-b of the labor law.

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

21 § 4. This act shall take effect on January 1, 2022 and shall apply to  
22 covered renewable energy projects that begin on or after that date.

23 PART BB

24 Section 1. The state finance law is amended by adding a new section  
25 99-ii to read as follows:

26 § 99-ii. Emergency rental assistance local government allocation fund.  
27 1. There is hereby established in the joint custody of the state comp-  
28 troller and the commissioner of taxation and finance a trust and agency  
29 fund known as the "emergency rental assistance local government allo-  
30 cation fund".

31 2. Such fund shall consist of monies received in trust from units of  
32 local government from the allocations that such units of local govern-  
33 ment received from the United States treasury for emergency rental  
34 assistance funding enacted in public law 116-260 and any amendments  
35 thereto.

36 3. The monies of the fund shall be paid, without appropriation, to  
37 provide rental assistance for residents of the respective local govern-  
38 ment unit from which the monies were received in accordance with public  
39 law 116-260 and any amendments thereto and pursuant to a plan approved  
40 by the director of the budget.

41 § 2. This act shall take effect immediately and shall be deemed to  
42 have been in full force and effect on and after April 1, 2021.

43 PART CC

44 Section 1. Subdivisions 3 and 4 of section 581-a of the labor law, as  
45 amended by chapter 21 of the laws of 2021, are amended to read as  
46 follows:

47 3. Notwithstanding the provisions of section five hundred eighty-one  
48 of this title to the contrary, and for the purpose of responding to the  
49 COVID-19 pandemic, any employer whose employees receive payments under  
50 this article [~~and whose claims for unemployment insurance arise due to~~  
51 ~~the closure of the employer or a reduction in the workforce of the~~  
52 ~~employer for reasons related to the COVID-19 pandemic, or due to a~~



~~mandatory order of a government entity duly authorized to issue such order to close such employer due to the COVID-19 pandemic,~~ for unemployment claims made on or after March ~~twelfth~~ ninth, two thousand twenty and through the duration of the state disaster emergency declared by executive order number two hundred two of two thousand twenty and any further amendments or modifications thereto, shall not have included in their experience rating charges the amounts so paid to the employees from the fund. Such charges, if not reimbursed, in whole or in part by the federal government, shall be made to the general account for the fund created by section five hundred fifty of this article.

4. The provisions of this section shall apply to an employer liable for contributions or payments in lieu of contributions, but if the secretary of labor of the United States finds that their application to such employer does not meet the requirements of the Federal Unemployment Tax Act, such provisions shall be inoperative with respect to such employer, unless and until such finding has been set aside pursuant to a final decision issued in accordance with such judicial review proceedings as may be instituted and completed under the provisions of section thirty-three hundred ten of the Federal Unemployment Tax Act.

§ 2. Section 2 of chapter 21 of the laws of 2021, amending the labor law relating to prohibiting the inclusion of claims for unemployment insurance arising from the closure of an employer due to COVID-19 from being included in such employer's experience rating charges, is amended to read as follows:

§ 2. This act shall take effect immediately ~~and shall expire December 31, 2021, when upon such date the provisions of this act shall be deemed repealed~~.

§ 3. This act shall take effect immediately.

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

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