STATE OF NEW YORK

3008--B

IN ASSEMBLY

January 20, 2021

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

AN ACT intentionally omitted (Part A); intentionally omitted (Part B); intentionally omitted (Part C); intentionally omitted (Part D); intentionally omitted (Part E); intentionally omitted (Part F); intentionally omitted (Part G); intentionally omitted (Part H); intentionally omitted (Part I); to amend chapter 393 of the laws of 1994 amending the New York state urban development corporation act relating to the powers of the New York state urban development corporation to make loans, in relation to extending loan powers (Part J); to amend the urban development corporation act, in relation to extending the authority of the New York state urban development corporation to administer the empire state economic development fund (Part K); intentionally omitted (Part L); to amend section 3 of part S of chapter 58 of the laws of 2016, relating to transferring the statutory authority for the promulgation of marketing orders from the department of agriculture and markets to the New York state urban development corporation, in relation to the effectiveness thereof (Part M); to amend chapter 21 of the laws of 2003, amending the executive law relating to permitting the secretary of state to provide special handling for all documents filed or issued by the division of corporations and to permit additional levels of such expedited service, in relation to the effectiveness thereof (Part N); intentionally omitted (Part O); intentionally omitted (Part P); intentionally omitted (Part Q); intentionally omitted (Part R); intentionally omitted (Part S); intentionally omitted (Part T); intentionally omitted (Part U); intentionally omitted (Part V); to authorize the energy research and development authority to finance a portion of its research, development and demonstration, policy and planning, and Fuel NY program, as well as climate change related expenses of the department of environmental conservation and the department of agriculture and markets' Fuel NY program, from an assessment on gas and electric corporations (Part W); intentionally omitted (Part X); intentionally omitted (Part

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

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Y); intentionally omitted (Part Z); intentionally omitted (Part AA); intentionally omitted (Part BB); to amend chapter 58 of the laws of 2013 amending the environmental conservation law and the state finance law relating to the "Cleaner, Greener NY Act of 2013", in relation to the effectiveness thereof (Part CC); intentionally omitted (Part DD); intentionally omitted (Part EE); intentionally omitted (Part FF); intentionally omitted (Part GG); intentionally omitted (Part HH); to amend chapter 58 of the laws of 2012, amending the public health law, relating to authorizing the dormitory authority to enter into certain design and construction management agreements, in relation to the effectiveness thereof (Part II); intentionally omitted (Part JJ); intentionally omitted (Part KK); to amend the banking law, in relation to the forbearance of residential mortgage payments (Part LL); intentionally omitted (Part MM); to amend subpart H of part C of chapter 20 of the laws of 2015, appropriating money for certain municipal corporations and school districts, in relation to funding to local government entities from the urban development corporation (Part NN); intentionally omitted (Part OO); intentionally omitted (Part PP); intentionally omitted (Part QQ); intentionally omitted (Part RR); intentionally omitted (Part SS); to amend the economic development law and the tax law, in relation to establishing the small business return-to-work tax credit program (Subpart A); to amend the economic development law and the tax law, in relation to establishing the restaurant return-to-work tax credit program (Subpart B); and to amend the tax law and the state finance law, in relation to establishing the New York city musical and theatrical production tax credit (Subpart C) (Part TT); intentionally omitted (Part UU); intentionally omitted (Part VV); to authorize utility and cable television assessments that provide funds to the department of health from cable television assessment revenues and to the department of agriculture and markets, department of environmental conservation, department of state, and the office of parks, recreation and historic preservation from utility assessment revenues; and providing for the repeal of such provisions upon the expiration thereof (Part WW); to amend the transportation law, in relation to increasing the maximum amount of grants and loans under the airport improvement and revitalization grant and loan program (Part XX); to amend the public authorities law, in relation to the use of proceeds collected from the auction or sale of carbon dioxide emissions allowances for disadvantaged communities and job training programs for formerly incarcerated individuals (Part YY); to amend the environmental conservation law, in relation to clean vehicle projects (Part ZZ); to amend the education law, in relation to establishing the digital inclusion grant program (Part AAA); to amend the public service law, in relation to the public service commission reviewing broadband and fiber optic services within the state (Part BBB); and to amend the New York state urban development corporation act, in relation to establishing the small business reopening and relief grant program (Part CCC)

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

Section 1. This act enacts into law major components of legislation necessary to implement the state transportation, economic development and environmental conservation budget for the 2021-2022 state fiscal

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

PART A

Intentionally Omitted

PART B

Intentionally Omitted

PART C

Intentionally Omitted

PART D

Intentionally Omitted

PART E

Intentionally Omitted

PART F

Intentionally Omitted

PART G

Intentionally Omitted

PART H

Intentionally Omitted

PART I

Intentionally Omitted

PART J

Section 1. Section 2 of chapter 393 of the laws of 1994, amending the New York state urban development corporation act, relating to the powers of the New York state urban development corporation to make loans, as amended by section 1 of part FF of chapter 58 of the laws of 2020, is amended to read as follows:

§ 2. This act shall take effect immediately provided, however, that section one of this act shall expire on July 1, [~~2021~~] 2022, at which time the provisions of subdivision 26 of section 5 of the New York state

urban development corporation act shall be deemed repealed; provided, however, that neither the expiration nor the repeal of such subdivision as provided for herein shall be deemed to affect or impair in any manner any loan made pursuant to the authority of such subdivision prior to such expiration and repeal.

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

PART K

Section 1. Subdivision 3 of section 16-m of section 1 of chapter 174 of the laws of 1968 constituting the New York state urban development corporation act, as amended by section 1 of part EE of chapter 58 of the laws of 2020, is amended to read as follows:

3. The provisions of this section shall expire, notwithstanding any inconsistent provision of subdivision 4 of section 469 of chapter 309 of the laws of 1996 or of any other law, on July 1, [~~2021~~] **2022**.

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

PART L

Intentionally Omitted

PART M

Section 1. Section 3 of part S of chapter 58 of the laws of 2016, relating to transferring the statutory authority for the promulgation of marketing orders from the department of agriculture and markets to the New York state urban development corporation, as amended by section 1 of part Y of chapter 58 of the laws of 2018, is amended to read as follows:

§ 3. This act shall take effect on the ninetieth day after it shall have become a law and shall expire and be deemed repealed July 31, [~~2021~~] **2024**; provided, however, that any assessment due and payable under such marketing orders shall be remitted to the urban development corporation starting 30 days after such effective date.

§ 2. This act shall take effect immediately.

PART N

Section 1. Section 2 of chapter 21 of the laws of 2003, amending the executive law relating to permitting the secretary of state to provide special handling for all documents filed or issued by the division of corporations and to permit additional levels of such expedited service, as amended by section 1 of part R of chapter 58 of the laws of 2020, is amended to read as follows:

§ 2. This act shall take effect immediately, provided however, that section one of this act shall be deemed to have been in full force and effect on and after April 1, 2003 [~~and shall expire March 31, 2021~~].

§ 2. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after March 31, 2021.

PART O

Intentionally Omitted

PART P

Intentionally Omitted

PART Q

Intentionally Omitted

PART R

Intentionally Omitted

PART S

Intentionally Omitted

PART T

Intentionally Omitted

PART U

Intentionally Omitted

PART V

Intentionally Omitted

PART W

Section 1. Expenditures of moneys by the New York state energy research and development authority for services and expenses of the energy research, development and demonstration program, including grants, the energy policy and planning program, the zero emissions vehicle and electric vehicle rebate program, and the Fuel NY program shall be subject to the provisions of this section. Notwithstanding the provisions of subdivision 4-a of section 18-a of the public service law, all moneys committed or expended in an amount not to exceed $22,700,000 shall be reimbursed by assessment against gas corporations, as defined in subdivision 11 of section 2 of the public service law and electric corporations as defined in subdivision 13 of section 2 of the public service law, where such gas corporations and electric corporations have gross revenues from intrastate utility operations in excess of $500,000 in the preceding calendar year, and the total amount assessed shall be allocated to each electric corporation and gas corporation in proportion to its intrastate electricity and gas revenues in the calendar year 2019. Such amounts shall be excluded from the general assessment provisions of subdivision 2 of section 18-a of the public service law. The chair of the public service commission shall bill such gas and/or electric corporations for such amounts on or before August 10, 2021 and such amounts shall be paid to the New York state energy research and development authority on or before September 10, 2021. Upon receipt, the New York state energy research and development authority shall deposit such funds in the energy research and development operating fund established pursuant to section 1859 of the public authorities law. The New York state energy research and development authority is authorized and

directed to: (1) transfer up to $4 million to the state general fund for climate change related services and expenses of the department of environmental conservation, $150,000 to the state general fund for services and expenses of the department of agriculture and markets, and $825,000 to the University of Rochester laboratory for laser energetics from the funds received; and (2) commencing in 2016, provide to the chair of the public service commission and the director of the budget and the chairs and secretaries of the legislative fiscal committees, on or before August first of each year, an itemized record, certified by the president and chief executive officer of the authority, or his or her designee, detailing any and all expenditures and commitments ascribable to moneys received as a result of this assessment by the chair of the department of public service pursuant to section 18-a of the public service law. This itemized record shall include an itemized breakdown of the programs being funded by this section and the amount committed to each program. The authority shall not commit for any expenditure, any moneys derived from the assessment provided for in this section, until the chair of such authority shall have submitted, and the director of the budget shall have approved, a comprehensive financial plan encompassing all moneys available to and all anticipated commitments and expenditures by such authority from any source for the operations of such authority. Copies of the approved comprehensive financial plan shall be immediately submitted by the chair to the chairs and secretaries of the legislative fiscal committees. Any such amount not committed by such authority to contracts or contracts to be awarded or otherwise expended by the authority during the fiscal year shall be refunded by such authority on a pro-rata basis to such gas and/or electric corporations, in a manner to be determined by the department of public service, and any refund amounts must be explicitly lined out in the itemized record described above.

§ 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 X

Intentionally Omitted

PART Y

Intentionally Omitted

PART Z

Intentionally Omitted

PART AA

Intentionally Omitted

PART BB

Intentionally Omitted

PART CC

Section 1. Section 12 of part F of chapter 58 of the laws of 2013 amending the environmental conservation law and the state finance law relating to the "Cleaner, Greener NY Act of 2013", as amended by chapter 65 of the laws of 2019, is amended to read as follows:

§ 12. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2013; provided, however, that the amendments to subdivision 5-a of section 27-1015 of the environmental conservation law, as added by section nine of this act, shall expire and be deemed repealed on April 1, [~~2021~~] **2023**.

§ 2. This act shall take effect immediately.

PART DD

Intentionally Omitted

PART EE

Intentionally Omitted

PART FF

Intentionally omitted

PART GG

Intentionally Omitted

PART HH

Intentionally Omitted

PART II

Section 1. Section 2 of part BB of chapter 58 of the laws of 2012 amending the public authorities law, relating to authorizing the dormitory authority to enter into certain design and construction management agreements, as amended by section 1 of part B of chapter 58 of the laws of 2019, is amended to read as follows:

§ 2. This act shall take effect immediately and shall expire and be deemed repealed April 1, [~~2021~~] **2024**.

§ 2. The dormitory authority of the state of New York shall provide a report providing information regarding any project undertaken pursuant to a design and construction management agreement, as authorized by part BB of chapter 58 of the laws of 2012, between the dormitory authority of the state of New York and the department of environmental conservation and/or the office of parks, recreation and historic preservation to the governor, the temporary president of the senate and speaker of the assembly. Such report shall include but not be limited to a description of each such project, the project identification number of each such project, if applicable, the projected date of completion, the status of the project, the total cost or projected cost of each such project, and the location, including the names of any county, town, village or city, where each such project is located or proposed. In addition, such a report shall be provided to the aforementioned parties by the first day of March of each year that the authority to enter into such agreements pursuant to part BB of chapter 58 of the laws of 2012 is in effect.

§ 3. 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 JJ

Intentionally Omitted

PART KK

Intentionally Omitted

PART LL

Section 1. Paragraph (a) of subdivision 1 of section 9-x of the banking law, as amended by section 1 of part C of chapter 126 of the laws of 2020, is amended to read as follows:

(a) "Covered period" means March 7, 2020 until the **later of December 31, 2021 or the** date on which none of the provisions that closed or otherwise restricted public or private businesses or places of public accommodation, or required postponement or cancellation of all non-essential gatherings of individuals of any size for any reason in Executive Orders 202.3, 202.4, 202.5, 202.6, 202.7, 202.8, 202.10, 202.11, 202.13 or 202.14, as extended by Executive Orders 202.28 and 202.31 and as further extended by any future Executive Order, issued in response to the COVID-19 pandemic continue to apply in the county of the qualified mortgagor's residence;

§ 2. This act shall take effect immediately.

PART MM

Intentionally Omitted

PART NN

Section 1. Section 1 of subpart H of part C of chapter 20 of the laws of 2015, appropriating money for certain municipal corporations and school districts, as amended by section 1 of part AAA of chapter 59 of the laws of 2018, is amended to read as follows:

Section 1. Contingent upon available funding, and not to exceed [~~$69,000,000~~] **$140,000,000 from existing uncommitted funds from the New York state energy research and development authority legacy programs and** moneys from the urban development corporation shall be available for a local government entity, which for the purposes of this section shall mean a county, city, town, village, school district or special district, where (i) on or after June 25, 2015, an electric generating facility located within such local government entity has ceased operations, and (ii) the closing of such facility has caused a reduction in the real property tax collections or payments in lieu of taxes of at least twenty percent owed by such electric generating facility. Such moneys attributable to the cessation of operations, shall be paid annually on a first come, first served basis by the urban development corporation to such local government entity within a reasonable time upon confirmation from the state office of real property tax services or the local industrial development authority established pursuant to titles eleven and fifteen of article eight of the public authorities law, or the local industrial development agency established pursuant to article eighteen-A of the

general municipal law that such cessation has resulted in a reduction in the real property tax collections or payments in lieu of taxes, provided, however, that the urban development corporation shall not provide assistance to such local government entity for more than seven years, and shall award payments reflecting the loss of revenues due to the cessation of operations as follows:

Award Year	Maximum Potential Award
1	no more than eighty percent of loss of revenues
2	no more than seventy percent of loss of revenues
3	no more than sixty percent of loss of revenues
4	no more than fifty percent of loss of revenues
5	no more than forty percent of loss of revenues
6	no more than thirty percent of loss of revenues
7	no more than twenty percent of loss of revenues

A local government entity shall be eligible for only one payment of funds hereunder per year. A local government entity may seek assistance under the electric generation facility cessation mitigation fund once a generator has submitted its notice to the federally designated electric bulk system operator (BSO) serving the state of New York of its intent to retire the facility or of its intent to voluntarily remove the facility from service subject to any return-to-service provisions of any tariff, and that the facility also is ineligible to participate in the markets operated by the BSO. The date of submission of a local government entity's application for assistance shall establish the order in which assistance is paid to program applicants, except that in no event shall assistance be paid to a local government entity until such time that an electric generating facility has retired or become ineligible to participate in the markets operated by the BSO. For purposes of this section, any local government entity seeking assistance under the electric generation facility cessation mitigation fund must submit an attestation to the department of public service that a facility is no longer producing electricity and is no longer participating in markets operated by the BSO. After receipt of such attestation, the department of public service shall confirm such information with the BSO. In the case that the BSO confirms to the department of public service that the facility is no longer producing electricity and participating in markets operated by such BSO, it shall be deemed that the electric generating facility located within the local government entity has ceased operation. The department of public service shall provide such confirmation to the urban development corporation upon receipt. The determination of the amount of such annual payment shall be determined by the president of the urban development corporation based on the amount of the differential between the annual real property taxes and payments in lieu of taxes imposed upon the facility, exclusive of interest and penalties, during the last year of operations and the current real property taxes and payments in lieu of taxes imposed upon the facility, exclusive of interest and penalties. The total amount awarded from this program shall not exceed [~~$69,000,000~~] $140,000,000.

§ 2. Section 4 of subpart H of part C of chapter 20 of the laws of 2015, appropriating money for certain municipal corporations and school districts, is amended to read as follows:

§ 4. This act shall take effect immediately and shall expire and be deemed repealed by July 1, 2025; provided, however, a local government which has not completed its seven years of assistance prior to such date

may continue to receive funding until such seven year time frame is complete.

§ 3. Subpart H of part C of chapter 20 of the laws of 2015, appropriating money for certain municipal corporations and school districts, is amended by adding a new section 3-a to read as follows:

§ 3-a. Notwithstanding any provision of law to the contrary, the New York State energy research and development authority shall make available $20,000,000 from its existing uncommitted legacy program funds for a school district where an electric generating facility, which represented over 40% of the taxes levied by the school district pursuant to the 2003-2004 assessment roll, ceased to serve as a base load facility and, beginning with the taxes levied pursuant to the 2015-16 assessment roll, represented 1.4% of such school district's tax levy.

§ 4. This act shall take effect immediately; provided, however, that the amendments to subpart H of part C of chapter 20 of the laws of 2015 made by sections one and three of this act shall not affect the repeal of such subpart and shall be deemed repealed therewith.

PART OO

Intentionally Omitted

PART PP

Intentionally Omitted

PART QQ

Intentionally Omitted

PART RR

Intentionally Omitted

PART SS

Intentionally Omitted

PART TT

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

SUBPART A

Section 1. The economic development law is amended by adding a new article 24 to read as follows:

ARTICLE 24

SMALL BUSINESS RETURN-TO-WORK TAX CREDIT PROGRAM

Section 460. Short title.
461. Statement of legislative findings and declaration.
462. Definitions.
463. Eligibility criteria.
464. Application and approval process.
465. Small business return-to-work tax credit.
466. Powers and duties of the commissioner.
467. Maintenance of records.
468. Reporting.
469. Cap on tax credit.

§ 460. Short title. This article shall be known and may be cited as the "small business return-to-work tax credit program act".

§ 461. Statement of legislative findings and declaration. It is hereby found and declared that New York state needs, as a matter of public policy, to create financial incentives for small businesses in industries that have suffered economic harm as a result of the COVID-19 pandemic to expeditiously rehire workers and increase total small business employment. The small business return-to-work tax credit program is created to provide financial incentives to economically harmed small businesses to offer relief, expedite their hiring efforts, and reduce the duration and severity of the current economic difficulties.

§ 462. Definitions. For the purposes of this article:

1. "Accommodation sector" means establishments that provide lodging or short-term accommodations for travelers, vacationers, and others.

2. "Arts, entertainment, and recreation sector" means establishments that operate facilities or provide services to meet varied cultural, entertainment, and recreational interests of their patrons. This sector comprises: (a) establishments that are involved in producing, promoting, or participating in live performances, events, or exhibits intended for public viewing; (b) establishments that preserve and exhibit objects and sites of historical, cultural, or educational interest; and (c) establishments that operate facilities or provide services that enable patrons to participate in recreational activities or pursue amusement, hobby, and leisure-time interests.

3. "Average full-time employment" shall mean the average number of full-time equivalent positions employed by a business entity in an eligible industry during a given period.

4. "Average starting full-time employment" shall be calculated as the average number of full-time equivalent positions employed by a business entity in an eligible industry between January first, two thousand twenty-one, and March thirty-first, two thousand twenty-one.

5. "Average ending full-time employment" shall be calculated as the average number of full-time equivalent positions employed by a business entity in an eligible industry between April first, two thousand twenty-one, and either August thirty-first, two thousand twenty-one, or December thirty-first, two thousand twenty-one, whichever date the business entity chooses to use.

6. "Certificate of tax credit" means the document issued to a business entity by the department after the department has verified that the business entity has met all applicable eligibility criteria in this article. The certificate shall specify the exact amount of the tax credit under this article that a business entity may claim, pursuant to section four hundred sixty-five of this article.

7. "Commissioner" shall mean the commissioner of the department of economic development.

8. "Department" shall mean the department of economic development.

9. "Eligible industry" means a business entity operating predominantly in one of the following business sectors:

(a) accommodations; or

(b) arts, entertainment, and recreation.

10. "Net employee increase" means an increase of at least one full-time equivalent employee between the average starting full-time employment and the average ending full-time employment of a business entity.

§ 463. Eligibility criteria. 1. To be eligible for a tax credit under the small business return-to-work tax credit program, a business entity must:

(a) be a small business as defined in section one hundred thirty-one of this chapter and have fewer than one hundred full-time job equivalents in New York state as of April first, two thousand twenty-one;

(b) operate a business location in New York state that charges admission and/or accepts payment for goods and/or services from in-person customers;

(c) operate predominantly in an eligible industry as defined in subdivision nine of section four hundred sixty-two of this article; provided, however, that the department, in its regulations promulgated pursuant to this article, shall have the authority to list certain sectors of those industries as ineligible;

(d) have experienced economic harm as a result of the COVID-19 emergency as evidenced by a year-to-year decrease of at least forty percent in New York state between the second quarter of two thousand nineteen and the second quarter of two thousand twenty or the third quarter of two thousand nineteen and the third quarter of two thousand twenty for one or both of: (i) gross receipts or (ii) average full-time employment; and

(e) have demonstrated a net employee increase.

2. A business entity must be in substantial compliance with any emergency restrictions or public health orders impacting the industry sector or other laws and regulations as determined by the commissioner. In addition, a business entity may not owe past due state taxes or local property taxes unless the business entity is making payments and complying with an approved binding payment agreement entered into with the taxing authority.

§ 464. Application and approval process. 1. A business entity must submit a complete application as prescribed by the commissioner.

2. The commissioner shall establish procedures and a timeframe for business entities to submit applications. As part of the application, each business entity must:

(a) provide evidence in a form and manner prescribed by the commissioner of their business eligibility;

(b) agree to allow the department of taxation and finance to share the business entity's tax information with the department. However, any information shared as a result of this program shall not be available for disclosure or inspection under the state freedom of information law;

(c) agree to allow the department of labor to share its tax and employer information with the department. However, any information shared as a result of this program shall not be available for disclosure or inspection under the state freedom of information law;

(d) allow the department and its agents access to any and all books and records the department may require to monitor compliance;

(e) certify, under penalty of perjury, that it is in substantial compliance with all emergency orders or public health regulations currently required of such entity, and local, and state tax laws; and

(f) agree to provide any additional information required by the department relevant to this article.

3. After reviewing a business entity's completed final application and determining that the business entity meets the eligibility criteria as set forth in this article, the department may issue to that business entity a certificate of tax credit. A business entity may claim the tax credit in the taxable year that includes December thirty-first, two thousand twenty-one.

§ 465. Small business return-to-work tax credit. 1. A business entity in the small business return-to-work tax credit program that meets the eligibility requirements of section four hundred sixty-three of this article may be eligible to claim a credit equal to five thousand dollars per each full-time equivalent net employee increase as defined in subdivision ten of section four hundred sixty-two of this article.

2. A business entity, including a partnership, limited liability company and subchapter S corporation, may not receive in excess of fifty thousand dollars in tax credits under this program.

3. The credit shall be allowed as provided in section forty-five, subdivision fifty-five of section two hundred ten-B and subsection (kkk) of section six hundred six of the tax law.

§ 466. Powers and duties of the commissioner. 1. The commissioner may promulgate regulations establishing an application process and eligibility criteria, that will be applied consistent with the purposes of this article, so as not to exceed the annual cap on tax credits set forth in section four hundred sixty-nine of this article which, notwithstanding any provisions to the contrary in the state administrative procedure act, may be adopted on an emergency basis.

2. The commissioner shall, in consultation with the department of taxation and finance, develop a certificate of tax credit that shall be issued by the commissioner to eligible businesses. Such certificate shall contain such information as required by the department of taxation and finance.

3. The commissioner shall solely determine the eligibility of any applicant applying for entry into the program and shall remove any business entity from the program for failing to meet any of the requirements set forth in section four hundred sixty-three of this article, or for failing to meet the requirements set forth in subdivision one of section four hundred sixty-four of this article.

§ 467. Maintenance of records. Each business entity participating in the program shall keep all relevant records for their duration of program participation for at least three years.

§ 468. Reporting. Each business entity participating in this program must submit a performance report to the department at a time prescribed in regulations by the commissioner. The commissioner shall on or before the first day of each month starting on May first, two thousand twenty-one or the first day of the month after the program is launched, and on every first day of the month thereafter, a report to the governor, the temporary president of the senate, the speaker of the assembly, the chair of the senate finance committee, and the chair of the assembly ways and means committee, setting forth the activities undertaken by the program. Such report shall include, but not be limited to, the following in each reporting period: total amount of advance payments dispersed and tax credit claimed; total number of participants approved and their

regional location; total amount of advance payments dispersed and credits claimed, and average amount of advance payment dispersed and tax credits claimed; name of advance payment recipients and tax credit claimed; total number of net new, retained, or rehired jobs created; and such other information as the commissioner determines necessary and appropriate to effectuate the purpose of the program. Such reports shall be included on the department's website and any publicly accessible database that list economic development programs.

§ 469. Cap on tax credit. The total amount of tax credits listed on certificates of tax credit issued by the commissioner pursuant to this article may not exceed fifty million dollars.

§ 2. The tax law is amended by adding a new section 45 to read as follows:

§ 45. Small business return-to-work tax credit. (a) Allowance of credit. A taxpayer subject to tax under article nine-A or twenty-two of this chapter shall be allowed a credit against such tax, pursuant to the provisions referenced in subdivision (f) of this section. The amount of the credit is equal to the amount determined pursuant to section four hundred sixty-five of the economic development law. No cost or expense paid or incurred by the taxpayer which is included as part of the calculation of this credit shall be the basis of any other tax credit allowed under this chapter.

(b) Eligibility. To be eligible for the small business return-to-work tax credit, the taxpayer shall have been issued a certificate of tax credit by the department of economic development pursuant to subdivision two of section four hundred sixty-four of the economic development law, which certificate shall set forth the amount of the credit that may be claimed for the taxable year. The taxpayer shall be allowed to claim only the amount listed on the certificate of tax credit for that taxable year. A taxpayer that is a partner in a partnership, member of a limited liability company or shareholder in a subchapter S corporation that has received a certificate of tax credit shall be allowed its pro rata share of the credit earned by the partnership, limited liability company or subchapter S corporation.

(c) Tax return requirement and advance payment option. (1) The taxpayer shall be required to attach to its tax return in the form prescribed by the commissioner, proof of receipt of its certificate of tax credit issued by the commissioner of the department of economic development. (2) Taxpayers who choose to use August thirty-first, two thousand twenty-one as the last date to calculate their average ending full-time employment and have received their certificate of tax credit by November fifteenth, two thousand twenty-one shall have the option to request an advance payment of the amount of tax credit they are allowed under this section. A taxpayer shall submit such request to the department in the manner prescribed by the commissioner after it has been issued a certificate of tax credit by the department of economic development pursuant to subdivision two of section four hundred sixty-four of the economic development law, or such certificate has been issued to a partnership, limited liability company or subchapter S corporation in which it is a partner, member or shareholder, respectively, but such request shall be submitted no later than November fifteenth, two thousand twenty-one. For those taxpayers who have requested an advance payment and for whom the commissioner has determined eligible for this credit, the commissioner shall advance a payment of the tax credit allowed to the taxpayer. However, in the case of a taxpayer subject to article nine-A of this chapter, such payment shall be equal to the amount of credit allowed to

the taxpayer less twenty-five dollars. Such twenty-five dollars shall represent a partial payment of tax owed by the taxpayer under article nine-A, including any fixed dollar minimum owed under paragraph (d) of subdivision one of section two hundred ten of this chapter. When a taxpayer files its return for the taxable year, such taxpayer shall properly reconcile the advance payment and any partial payment of fixed dollar minimum tax, if applicable, on the taxpayer's return.

(d) Information sharing. Notwithstanding any provision of this chapter, employees of the department of economic development and the department shall be allowed and are directed to share and exchange:

(1) information derived from tax returns or reports that is relevant to a taxpayer's eligibility to participate in the small business return-to-work tax credit program;

(2) information regarding the credit applied for, allowed or claimed pursuant to this section and taxpayers that are applying for the credit or that are claiming the credit; and

(3) information contained in or derived from credit claim forms submitted to the department and applications for admission into the small business return-to-work tax credit program. Except as provided in paragraph two of this subdivision, all information exchanged between the department of economic development and the department shall not be subject to disclosure or inspection under the state's freedom of information law.

(e) Credit recapture. If a certificate of tax credit issued by the department of economic development under article twenty-four of the economic development law is revoked by such department, the amount of credit described in this section and claimed by the taxpayer prior to that revocation shall be added back to tax in the taxable year in which any such revocation becomes final.

(f) Cross references. For application of the credit provided for in this section, see the following provisions of this chapter:

(1) article 9-A: section 210-B, subdivision 55;

(2) article 22: section 606, subsection (kkk).

§ 3. Section 210-B of the tax law is amended by adding a new subdivision 55 to read as follows:

55. Small business return-to-work tax credit. (a) Allowance of credit. A taxpayer shall be allowed a credit, to be computed as provided in section forty-five of this chapter, against the taxes imposed by this article.

(b) Application of credit. The credit allowed under this subdivision for the taxable year shall not reduce the tax due for such year to less than the amount prescribed in paragraph (d) of subdivision one of section two hundred ten of this article. However, if the amount of credit allowed under this subdivision for the taxable year reduces the tax to such amount or if the taxpayer otherwise pays tax based on the fixed dollar minimum amount, any amount of credit thus not deductible in such taxable year shall be treated as an overpayment of tax to be credited or refunded in accordance with the provisions of section one thousand eighty-six of this chapter. Provided, however, the provisions of subsection (c) of section one thousand eighty-eight of this chapter notwithstanding, no interest will be paid thereon.

§ 4. Section 606 of the tax law is amended by adding a new subsection (kkk) to read as follows:

(kkk) Small business return-to-work tax credit. (1) Allowance of credit. A taxpayer shall be allowed a credit, to be computed as provided in

section forty-five of this chapter, against the tax imposed by this article.

(2) Application of credit. If the amount of the credit allowed under this subsection for the taxable year exceeds the taxpayer's tax for such year, the excess shall be treated as an overpayment of tax to be credited or refunded in accordance with the provisions of section six hundred eighty-six of this article, provided, however, that no interest will be paid thereon.

§ 5. Subparagraph (B) of paragraph 1 of subsection (i) of section 606 of the tax law is amended by adding a new clause (xlvi) to read as follows:

(xlvi) Small business return-to-work tax credit under subsection (kkk)	Amount of credit under subdivision fifty-five of section two hundred ten-B

§ 6. This act shall take effect immediately.

SUBPART B

Section 1. The economic development law is amended by adding a new article 25 to read as follows:

ARTICLE 25

RESTAURANT RETURN-TO-WORK TAX CREDIT PROGRAM

Section 470. Short title.

471. Statement of legislative findings and declaration.

472. Definitions.

473. Eligibility criteria.

474. Application and approval process.

475. Restaurant return-to-work tax credit.

476. Powers and duties of the commissioner.

477. Maintenance of records.

478. Reporting.

479. Cap on tax credit.

§ 470. Short title. This article shall be known and may be cited as the "restaurant return-to-work tax credit program act".

§ 471. Statement of legislative findings and declaration. It is hereby found and declared that New York state needs, as a matter of public policy, to create financial incentives for restaurants that have suffered economic harm as a result of the COVID-19 pandemic to expeditiously rehire workers and increase total employment. The restaurant return-to-work tax credit program is created to provide financial incentives to economically harmed restaurants to offer relief, expedite their hiring efforts, and reduce the duration and severity of the current economic difficulties.

§ 472. Definitions. For the purposes of this article:

1. "Average full-time employment" shall mean the average number of full-time equivalent positions employed by a business entity in an eligible industry during a given period.

2. "Average starting full-time employment" shall be calculated as the average number of full-time equivalent positions employed by a business entity in an eligible industry between January first, two thousand twenty-one, and March thirty-first, two thousand twenty-one.

3. "Average ending full-time employment" shall be calculated as the average number of full-time equivalent positions employed by a business entity in an eligible industry between April first, two thousand twenty-one, and either August thirty-first, two thousand twenty-one, or

December thirty-first, two thousand twenty-one, whichever date the business entity chooses to use.

4. "Certificate of tax credit" means the document issued to a business entity by the department after the department has verified that the business entity has met all applicable eligibility criteria in this article. The certificate shall specify the exact amount of the tax credit under this article that a business entity may claim, pursuant to section four hundred seventy-five of this article.

5. "Commissioner" shall mean commissioner of the department of economic development.

6. "Department" shall mean the department of economic development.

7. "Eligible industry" means a business entity operating predominantly in the COVID-19 impacted food services sector.

8. "Net employee increase" means an increase of at least one full-time equivalent employee between the average starting full-time employment and the average ending full-time employment of a business entity.

9. "COVID-19 impacted food services sector" means:

(a) independently owned establishments that are located inside the city of New York and have been subjected to a ban on indoor dining for over six months and are primarily organized to prepare and provide meals, and/or beverages to customers for consumption, including for immediate indoor on-premises consumption, as further defined in regulations pursuant to this article; and

(b) independently owned establishments that are located outside of the city of New York in an area which has been and/or remains designated by the department of health as either an orange zone or red zone pursuant to Executive Order 202.68 as amended, and for which such designation was or has been in effect and resulted in additional restrictions on indoor dining for at least thirty consecutive days, and are primarily organized to prepare and provide meals, and/or beverages to customers for consumption, including for immediate indoor on-premises consumption, as further defined in regulations pursuant to this article.

§ 473. Eligibility criteria. 1. To be eligible for a tax credit under the restaurant return-to-work tax credit program, a business entity must:

(a) be a small business as defined in section one hundred thirty-one of this chapter and have fewer than one hundred full-time job equivalents in New York state as of April first, two thousand twenty-one;

(b) operate a business location in New York state that is primarily organized to accept payment for meals and/or beverages including from in-person customers;

(c) operate predominantly in the COVID-19 impacted food services sector; provided, however, that the department, in its regulations promulgated pursuant to this article, shall have the authority to list certain types of establishments as ineligible;

(d) have experienced economic harm as a result of the COVID-19 emergency as evidenced by a year-to-year decrease of at least forty percent in New York state between the second quarter of two thousand nineteen and the second quarter of two thousand twenty or the third quarter of two thousand nineteen and the third quarter of two thousand twenty for one or both of: (i) gross receipts or (ii) average full-time employment; and

(e) have demonstrated a net employee increase.

2. A business entity must be in substantial compliance with any public health or other emergency orders or regulations related to the entity's sector or other laws and regulations as determined by the commissioner.

In addition, a business entity may not owe past due state taxes or local property taxes unless the business entity is making payments and complying with an approved binding payment agreement entered into with the taxing authority.

§ 474. Application and approval process. 1. A business entity must submit a complete application as prescribed by the commissioner.

2. The commissioner shall establish procedures and a timeframe for business entities to submit applications. As part of the application, each business entity must:

(a) provide evidence in a form and manner prescribed by the commissioner of their business eligibility;

(b) agree to allow the department of taxation and finance to share the business entity's tax information with the department. However, any information shared as a result of this program shall not be available for disclosure or inspection under the state freedom of information law;

(c) agree to allow the department of labor to share its tax and employer information with the department. However, any information shared as a result of this program shall not be available for disclosure or inspection under the state freedom of information law;

(d) allow the department and its agents access to any and all books and records the department may require to monitor compliance;

(e) certify, under penalty of perjury, that it is in substantial compliance with all emergency orders or public health regulations currently required of such entity, and local, and state tax laws; and

(f) agree to provide any additional information required by the department relevant to this article.

3. After reviewing a business entity's completed final application and determining that the business entity meets the eligibility criteria as set forth in this article, the department may issue to that business entity a certificate of tax credit. A business entity may claim the tax credit in the taxable year that includes December thirty-first, two thousand twenty-one.

§ 475. Restaurant return-to-work tax credit. 1. A business entity in the restaurant return-to-work tax credit program that meets the eligibility requirements of section four hundred seventy-three of this article may be eligible to claim a credit equal to five thousand dollars per each full-time equivalent net employee increase as defined in subdivision eight of section four hundred seventy-two of this article.

2. A business entity, including a partnership, limited liability company and subchapter S corporation, may not receive in excess of fifty thousand dollars in tax credits under this program.

3. The credit shall be allowed as provided in sections forty-six, subdivision fifty-six of section two hundred ten-B and subsection (lll) of section six hundred six of the tax law.

§ 476. Powers and duties of the commissioner. 1. The commissioner may promulgate regulations establishing an application process and eligibility criteria, that will be applied consistent with the purposes of this article, so as not to exceed the annual cap on tax credits set forth in section four hundred seventy-nine of this article which, notwithstanding any provisions to the contrary in the state administrative procedure act, may be adopted on an emergency basis.

2. The commissioner shall, in consultation with the department of taxation and finance, develop a certificate of tax credit that shall be issued by the commissioner to eligible businesses. Such certificate shall contain such information as required by the department of taxation and finance.

3. The commissioner shall solely determine the eligibility of any applicant applying for entry into the program and shall remove any business entity from the program for failing to meet any of the requirements set forth in section four hundred seventy-three of this article, or for failing to meet the requirements set forth in subdivision one of section four hundred seventy-four of this article.

§ 477. Maintenance of records. Each business entity participating in the program shall keep all relevant records for their duration of program participation for at least three years.

§ 478. Reporting. Each business entity participating in this program shall submit a performance report to the department at a time prescribed in regulations by the commissioner. The commissioner shall on or before the first day of each month starting on May first, two thousand twenty-one or the first day of the month after the program is launched, and on every first day of the month thereafter, a report to the governor, the temporary president of the senate, the speaker of the assembly, the chair of the senate finance committee, and the chair of the assembly ways and means committee, setting forth the activities undertaken by the program. Such report shall include, but not be limited to, the following in each reporting period: total amount of advance payments dispersed; total number of participants approved and their regional location; total amount of advance payments dispersed and tax credits claimed, and average amount of advance payments dispersed and tax credit claimed; name of advance payment recipients and tax credit claimed; total number of net new, retained, or rehired jobs created; and such other information as the commissioner determines necessary and appropriate to effectuate the purpose of the program. Such reports shall be included on the department's website and any publicly accessible database that list economic development programs.

§ 479. Cap on tax credit. The total amount of tax credits listed on certificates of tax credit issued by the commissioner pursuant to this article may not exceed fifty million dollars.

§ 2. The tax law is amended by adding a new section 46 to read as follows:

§ 46. Restaurant return-to-work tax credit. (a) Allowance of credit. A taxpayer subject to tax under article nine-A or twenty-two of this chapter shall be allowed a credit against such tax, pursuant to the provisions referenced in subdivision (f) of this section. The amount of the credit is equal to the amount determined pursuant to section four hundred seventy-five of the economic development law. No cost or expense paid or incurred by the taxpayer which is included as part of the calculation of this credit shall be the basis of any other tax credit allowed under this chapter.

(b) Eligibility. To be eligible for the restaurant return-to-work tax credit, the taxpayer shall have been issued a certificate of tax credit by the department of economic development pursuant to subdivision two of section four hundred seventy-four of the economic development law, which certificate shall set forth the amount of the credit that may be claimed for the taxable year. The taxpayer shall be allowed to claim only the amount listed on the certificate of tax credit for that taxable year. A taxpayer that is a partner in a partnership, member of a limited liability company or shareholder in a subchapter S corporation that has received a certificate of tax credit shall be allowed its pro rata share of the credit earned by the partnership, limited liability company or subchapter S corporation.

(c) Tax return requirement and advance payment option. (1) The taxpayer shall be required to attach to its tax return in the form prescribed by the commissioner, proof of receipt of its certificate of tax credit issued by the commissioner of the department of economic development.

(2) Taxpayers who choose to use August thirty-first, two thousand twenty-one as the last date to calculate their average ending full-time employment and have received their certificate of tax credit by November fifteenth, two thousand twenty-one shall have the option to request an advance payment of the amount of tax credit they are allowed under this section. A taxpayer must submit such request to the department in the manner prescribed by the commissioner after it has been issued a certificate of tax credit by the department of economic development pursuant to subdivision two of section four hundred seventy-four of the economic development law (or such certificate has been issued to a partnership, limited liability company or subchapter S corporation in which it is a partner, member or shareholder, respectively), but such request must be submitted no later than November fifteenth, two thousand twenty-one. For those taxpayers who have requested an advance payment and for whom the commissioner has determined eligible for this credit, the commissioner shall advance a payment of the tax credit allowed to the taxpayer. However, in the case of a taxpayer subject to article nine-A of this chapter, such payment shall be equal to the amount of credit allowed to the taxpayer less twenty-five dollars. Such twenty-five dollars shall represent a partial payment of tax owed by the taxpayer under article nine-A, including any fixed dollar minimum owed under paragraph (d) of subdivision one of section two hundred ten of this chapter. When a taxpayer files its return for the taxable year, such taxpayer shall properly reconcile the advance payment and any partial payment of fixed dollar minimum tax, if applicable, on the taxpayer's return.

(d) Information sharing. Notwithstanding any provision of this chapter, employees of the department of economic development and the department shall be allowed and are directed to share and exchange:

(1) information derived from tax returns or reports that is relevant to a taxpayer's eligibility to participate in the restaurant return-to-work tax credit program;

(2) information regarding the credit applied for, allowed or claimed pursuant to this section and taxpayers that are applying for the credit or that are claiming the credit; and

(3) information contained in or derived from credit claim forms submitted to the department and applications for admission into the restaurant return-to-work tax credit program. Except as provided in paragraph two of this subdivision, all information exchanged between the department of economic development and the department shall not be subject to disclosure or inspection under the state's freedom of information law.

(e) Credit recapture. If a certificate of tax credit issued by the department of economic development under article twenty-five of the economic development law is revoked by such department, the amount of credit described in this section and claimed by the taxpayer prior to that revocation shall be added back to tax in the taxable year in which any such revocation becomes final.

(f) Cross references. For application of the credit provided for in this section, see the following provisions of this chapter:

(1) article 9-A: section 210-B, subdivision 56;

(2) article 22: section 606, subsection (lll).

§ 3. Section 210-B of the tax law is amended by adding a new subdivision 56 to read as follows:

56. Restaurant return-to-work tax credit. (a) Allowance of credit. A taxpayer shall be allowed a credit, to be computed as provided in section forty-six of this chapter, against the taxes imposed by this article.

(b) Application of credit. The credit allowed under this subdivision for the taxable year shall not reduce the tax due for such year to less than the amount prescribed in paragraph (d) of subdivision one of section two hundred ten of this article. However, if the amount of credit allowed under this subdivision for the taxable year reduces the tax to such amount or if the taxpayer otherwise pays tax based on the fixed dollar minimum amount, any amount of credit thus not deductible in such taxable year shall be treated as an overpayment of tax to be credited or refunded in accordance with the provisions of section one thousand eighty-six of this chapter. Provided, however, the provisions of subsection (c) of section one thousand eighty-eight of this chapter notwithstanding, no interest will be paid thereon.

§ 4. Section 606 of the tax law is amended by adding a new subsection (lll) to read as follows:

(lll) Restaurant return-to-work tax credit. (1) Allowance of credit. A taxpayer shall be allowed a credit, to be computed as provided in section forty-six of this chapter, against the tax imposed by this article.

(2) Application of credit. If the amount of the credit allowed under this subsection for the taxable year exceeds the taxpayer's tax for such year, the excess shall be treated as an overpayment of tax to be credited or refunded in accordance with the provisions of section six hundred eighty-six of this article, provided, however, that no interest will be paid thereon.

§ 5. Subparagraph (B) of paragraph 1 of subsection (i) of section 606 of the tax law is amended by adding a new clause (xlvii) to read as follows:

(xlvii) Restaurant return-to-work tax credit under subsection (lll)	**Amount of credit under subdivision fifty-six of section two hundred ten-B**

§ 6. This act shall take effect immediately.

SUBPART C

Section 1. The tax law is amended by adding a new section 24-c to read as follows:

§ 24-c. New York city musical and theatrical production tax credit. (a) (1) Allowance of credit. A taxpayer that is a qualified New York city musical and theatrical production company, or is a sole proprietor of or a member of a partnership that is a qualified New York city musical and theatrical production company, and that is subject to tax under article nine-A or twenty-two of this chapter, shall be allowed a credit against such tax, pursuant to the provisions referred to in subdivision (d) of this section, and to be computed as provided in this section.

(2) The amount of the credit shall be the product (or pro rata share of the product, in the case of a member of a partnership) of twenty-five percent and the sum of the qualified production expenditures paid for during the qualified New York city musical and theatrical production's credit period. Provided however that the amount of the credit cannot

exceed five hundred thousand dollars per qualified New York city musical and theatrical production company.

(3) No qualified production expenditures used by a taxpayer either as the basis for the allowance of the credit provided pursuant to this section or used in the calculation of the credit provided pursuant to this section shall be used by such taxpayer to claim any other credit allowed pursuant to this chapter.

(b) Definitions. As used in this section, the following terms shall have the following meanings:

(1) "Qualified musical and theatrical production" means a for-profit live, dramatic stage presentation that, in its original or adaptive version, is performed in a qualified New York city production facility, whether or not such production was performed in a qualified New York city production facility prior to March twelfth, two thousand twenty.

(2) "Qualified production expenditure" means any costs for tangible property used and services performed directly and predominantly in the production of a qualified musical and theatrical production within the city of New York, including: (i) expenditures for design, construction and operation, including sets, special and visual effects, costumes, wardrobes, make-up, accessories and costs associated with sound, lighting, and staging; (ii) all salaries, wages, fees, and other compensation including related benefits for services performed of which the total allowable expense shall not exceed two hundred thousand dollars per week; and (iii) technical and crew production costs, such as expenditures for a qualified New York city production facility, or any part thereof, props, make-up, wardrobe, costumes, equipment used for special and visual effects, sound recording, set construction, and lighting. Qualified production expenditure does not include any costs incurred prior to March thirteenth, two thousand twenty.

(3) "Qualified New York city production facility" means a facility located within the city of New York (i) in which live theatrical productions are or are intended to be primarily presented, (ii) that contains at least one stage, a seating capacity of five hundred or more seats, and dressing rooms, storage areas, and other ancillary amenities necessary for the qualified musical and theatrical production, and (iii) for which receipts attributable to ticket sales constitute seventy-five percent or more of gross receipts of the facility.

(4) "Qualified New York city musical and theatrical production company" is a corporation, partnership, limited partnership, or other entity or individual which or who (i) is principally engaged in the production of a qualified musical or theatrical production that is to be performed in a qualified New York city production facility, and (ii) has expended at least one million dollars in qualified production expenditures on the qualified musical and theatrical production at the time of its application to the department of economic development for a tax credit certificate authorized under this section.

(5) (i) "The credit period of a qualified New York city musical and theatrical production company" is the period starting on the production start date and ending on the earlier of December thirty-first, two thousand twenty-one or the date the qualified musical and theatrical production closes.

(ii) "The production start date" is the date that is six weeks prior to the first performance of the qualified musical and theatrical production.

(c) The credit shall be allowed for the taxable year beginning on or after January first, two thousand twenty-one but before January first, two thousand twenty-two.

(d) Cross-references. For application of the credit provided for in this section, see the following provisions of this chapter:

(1) article 9-A: section 210-B: subdivision 57;

(2) article 22: section 606: subsection (mmm).

(e) Notwithstanding any provision of this chapter, (i) employees and officers of the department of economic development and the department shall be allowed and are directed to share and exchange information regarding the credits applied for, allowed, or claimed pursuant to this section and taxpayers who are applying for credits or who are claiming credits, including information contained in or derived from credit claim forms submitted to the department and applications for certification submitted to the department of economic development, and (ii) the commissioner and the commissioner of the department of economic development may release the names and addresses of any qualified New York city musical and theatrical production company entitled to claim this credit and the amount of the credit earned by such company.

(f) Maximum amount of credits. (1) The aggregate amount of tax credits allowed under this section, subdivision fifty-seven of section two hundred ten-B and subsection (mmm) of section six hundred six of this chapter shall be twenty-five million dollars. Such aggregate amount of credits shall be allocated by the department of economic development among taxpayers in order of priority based upon the date of filing an application for allocation of the New York city musical and theatrical production tax credit with such department.

(2) The commissioner of economic development, after consulting with the commissioner, shall promulgate regulations to establish procedures for the allocation of tax credits as required by this section. Such rules and regulations shall include provisions describing the application process, the due dates for such applications, the standards that will be used to evaluate the applications, the documentation that will be provided by applicants to substantiate to the department the amount of qualified production expenditures of such applicants, and such other provisions as deemed necessary and appropriate. Notwithstanding any other provisions to the contrary in the state administrative procedure act, such rules and regulations may be adopted on an emergency basis.

(g) Any qualified New York city musical and theatrical production company that performs in a qualified New York city production facility and applies to receive a credit under this section shall be required to: (1) participate in a New York state diversity and arts job training program; (2) create and implement a plan to ensure that their production is available and accessible for low-or no-cost to low income New Yorkers; and (3) contribute to the New York state council on the arts, cultural program fund an amount up to fifty percent of the total credits received if such production company earns revenue prospectively after receipt of the credit that is at least equal to two hundred percent of its production costs, with such amount payable from twenty-five percent of net operating profits, such amounts payable on a monthly basis, up until such fifty percent of the total credit amount is reached. Any funds deposited pursuant to this subdivision shall be used for arts and cultural educational and workforce development programs in-school and community-based organizations.

§ 2. Section 210-B of the tax law is amended by adding a new subdivision 57 to read as follows:

57. New York city musical and theatrical production tax credit. (a) Allowance of credit. A taxpayer shall be allowed a credit, to be computed as provided in section twenty-four-c of this chapter, against the taxes imposed by this article.

(b) Application of credit. The credit allowed under this subdivision for the taxable year shall not reduce the tax due for such year to less than the amount prescribed in paragraph (d) of subdivision one of section two hundred ten of this article. However, if the amount of credit allowed under this subdivision for the taxable year reduces the tax to such amount or if the taxpayer otherwise pays tax based on the fixed dollar minimum amount, any amount of credit thus not deductible in such taxable year shall be treated as an overpayment of tax to be credited or refunded in accordance with the provisions of section one thousand eighty-six of this chapter. Provided, however, the provisions of subsection (c) of section one thousand eighty-eight of this chapter notwithstanding, no interest shall be paid thereon.

§ 3. Section 606 of the tax law is amended by adding a new subsection (mmm) to read as follows:

(mmm) New York city musical and theatrical production tax credit. (1) Allowance of credit. A taxpayer shall be allowed a credit, to be computed as provided in section twenty-four-c of this chapter, against the tax imposed by this article.

(2) Application of credit. If the amount of the credit allowed under this subsection for the taxable year exceeds the taxpayer's tax for such year, the excess shall be treated as an overpayment of tax to be credited or refunded in accordance with the provisions of section six hundred eighty-six of this article, provided, however, that no interest shall be paid thereon.

§ 4. Subparagraph (B) of paragraph 1 of subsection (i) of section 606 of the tax law is amended by adding a new clause (xlviii) to read as follows:

(xlviii) New York city musical and theatrical production tax credit under subsection (mmm)	Amount of credit under subdivision fifty-seven of section two hundred ten-B

§ 5. The state finance law is amended by adding a new section 99-ii to read as follows:

§ 99-ii. New York state arts and cultural programs fund. 1. There is hereby established in the joint custody of the state comptroller and commissioner of taxation and finance a special fund to be known as the "New York state arts and cultural program fund".

2. Such fund shall consist of all revenues received by the state, pursuant to the provisions of section twenty-four-c of the tax law and all other moneys appropriated thereto from any other fund or source pursuant to law. Nothing contained 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. On or before the first day of February two thousand twenty-four, the commissioner of education shall provide a written report to the temporary president of the senate, the speaker of the assembly, the chair of the senate finance committee, the chair of the assembly ways and means committee, the chair of the senate committee on health, the chair of the assembly health committee, the state comptroller and the public. Such report shall include how the monies of the fund were utilized during the preceding calendar year, and shall include:

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

(b) recipients of awards from the fund;

(c) the amount awarded to each;

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

(e) a summary financial plan for such monies which shall include estimates of all receipts and all disbursements for the current and succeeding fiscal years, along with the actual results from the prior fiscal year.

4. Moneys shall be payable from the fund on the audit and warrant of the comptroller on vouchers approved and certified by the commissioner of education.

5. The moneys in such fund shall be expended for the purpose of supplementing art and cultural programs for secondary and elementary children, including programs that increase access to art and cultural programs and events for children in underserved communities.

§ 6. 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 Subparts A through C of this act shall be as specifically set forth in the last section of such Subparts.

PART UU

Intentionally Omitted

PART VV

Intentionally Omitted

PART WW

Section 1. Expenditures of moneys appropriated in a chapter of the laws of 2021 to the department of agriculture and markets from the special revenue funds-other/state operations, miscellaneous special revenue fund-339, public service account shall be subject to the provisions of this section. Notwithstanding any other provision of law to the contrary, direct and indirect expenses relating to the department of agriculture and markets' participation in general ratemaking proceedings pursuant to section 65 of the public service law or certification proceedings pursuant to article 7 or 10 of the public service law, shall be deemed expenses of the department of public service within the meaning of section 18-a of the public service law. No later than August 15, 2022, the commissioner of the department of agriculture and markets shall submit an accounting of such expenses, including, but not limited to, expenses in the 2021--2022 state fiscal year for personal and non-personal services and fringe benefits, to the chair of the

public service commission for the chair's review pursuant to the provisions of section 18-a of the public service law.

§ 2. Expenditures of moneys appropriated in a chapter of the laws of 2021 to the department of state from the special revenue funds-other/state operations, miscellaneous special revenue fund-339, public service account shall be subject to the provisions of this section. Notwithstanding any other provision of law to the contrary, direct and indirect expenses relating to the activities of the department of state's utility intervention unit pursuant to subdivision 4 of section 94-a of the executive law, including, but not limited to participation in general ratemaking proceedings pursuant to section 65 of the public service law or certification proceedings pursuant to article 7 or 10 of the public service law, and expenses related to the activities of the major renewable energy development program established by section 94-c of the executive law, shall be deemed expenses of the department of public service within the meaning of section 18-a of the public service law. No later than August 15, 2022, the secretary of state shall submit an accounting of such expenses, including, but not limited to, expenses in the 2021--2022 state fiscal year for personal and non-personal services and fringe benefits, to the chair of the public service commission for the chair's review pursuant to the provisions of section 18-a of the public service law.

§ 3. Expenditures of moneys appropriated in a chapter of the laws of 2021 to the office of parks, recreation and historic preservation from the special revenue funds-other/state operations, miscellaneous special revenue fund-339, public service account shall be subject to the provisions of this section. Notwithstanding any other provision of law to the contrary, direct and indirect expenses relating to the office of parks, recreation and historic preservation's participation in general ratemaking proceedings pursuant to section 65 of the public service law or certification proceedings pursuant to article 7 or 10 of the public service law, shall be deemed expenses of the department of public service within the meaning of section 18-a of the public service law. No later than August 15, 2022, the commissioner of the office of parks, recreation and historic preservation shall submit an accounting of such expenses, including, but not limited to, expenses in the 2021--2022 state fiscal year for personal and non-personal services and fringe benefits, to the chair of the public service commission for the chair's review pursuant to the provisions of section 18-a of the public service law.

§ 4. Expenditures of moneys appropriated in a chapter of the laws of 2021 to the department of environmental conservation from the special revenue funds-other/state operations, environmental conservation special revenue fund-301, utility environmental regulation account shall be subject to the provisions of this section. Notwithstanding any other provision of law to the contrary, direct and indirect expenses relating to the department of environmental conservation's participation in state energy policy proceedings, or certification proceedings pursuant to article 7 or 10 of the public service law, shall be deemed expenses of the department of public service within the meaning of section 18-a of the public service law. No later than August 15, 2022, the commissioner of the department of environmental conservation shall submit an accounting of such expenses, including, but not limited to, expenses in the 2021--2022 state fiscal year for personal and non-personal services and fringe benefits, to the chair of the public service commission for the

chair's review pursuant to the provisions of section 18-a of the public service law.

§ 5. Notwithstanding any other law, rule or regulation to the contrary, expenses of the department of health public service education program incurred pursuant to appropriations from the cable television account of the state miscellaneous special revenue funds shall be deemed expenses of the department of public service. No later than August 15, 2022, the commissioner of the department of health shall submit an accounting of expenses in the 2021--2022 state fiscal year to the chair of the public service commission for the chair's review pursuant to the provisions of section 217 of the public service law.

§ 6. Any expense deemed to be expenses of the department of public service pursuant to sections one through four of this act shall not be recovered through assessments imposed upon telephone corporations as defined in subdivision 17 of section 2 of the public service law.

§ 7. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2021 and shall expire and be deemed repealed April 1, 2022.

PART XX

Section 1. Paragraph (f) of subdivision 2 of section 14-1 of the transportation law, as amended by section 1 of part HH of chapter 54 of the laws of 2016, is amended to read as follows:

(f) No grant or loan to any eligible applicant shall exceed the sum of [~~one~~] two million five hundred thousand dollars, and no part of any such grant or loan shall be used for salaries or for services regularly provided by the applicant for administrative costs in connection with such grant or loan.

§ 2. This act shall take effect immediately.

PART YY

Section 1. Section 1854 of the public authorities law is amended by adding a new subdivision 22 to read as follows:

22. To utilize twenty three million dollars from proceeds collected by the authority from the auction or sale of carbon dioxide emission allowances allocated by the department of environmental conservation on or before March thirty-first, two thousand twenty-two, for energy efficiency, weatherization, and renewable energy projects as defined in section sixty-six-p of the public service law, in disadvantaged communities as defined in section 75-0101 of the environmental conservation law, including training programs and wage subsidies for formerly incarcerated individuals. Such job training programs shall be conducted in consultation with the department of labor.

§ 2. This act shall take effect April 1, 2021.

PART ZZ

Section 1. Section 54-1521 of the environmental conservation law, as added by section 5 of part U of chapter 58 of the laws of 2016, is amended to read as follows:

§ 54-1521. Clean vehicle projects.

1. As used in this section, the following terms shall have the following meanings:

a. "eligible infrastructure project" shall mean any facility (not including a building and its structural components) that is **publicly available and** used primarily for the public charging and/or fueling of vehicles **including but not limited to fast chargers** which meet the eligible vehicle definition that has received required federal, state and local permits and authorizations **and** complies with zoning.

b. "eligible purchase" shall mean the purchase by a municipality to own or lease for a period of not less than thirty-six months of an eligible vehicle placed into service on or after April first, two thousand sixteen at a dealer located within New York.

c. "eligible vehicle" means and includes a new motor vehicle that:

(i) has four wheels;

(ii) was manufactured for use primarily on public streets, roads and highways;

(iii) the powertrain of which has not been modified from the original manufacturer's specifications;

(iv) is rated at not more than eight thousand five hundred pounds gross vehicle weight;

(v) has a maximum speed capability of at least fifty-five miles per hour; and

(vi) is propelled at least in part by an electric motor and associated power electronics which provide acceleration torque to the drive wheels sometime during normal vehicle operation, and that draws electricity from a hydrogen fuel cell or from a battery that:

(A) has a capacity of not less than four kilowatt hours; and

(B) is capable of being recharged from an external source of electricity.

2. a. Until April 1, [~~2023~~] **2025**, the commissioner, in consultation with the New York state energy research development authority, is authorized to issue rebates until the annual allocation is exhausted to municipalities toward the cost of any eligible infrastructure projects which support the development of clean vehicles.

b. The department, in consultation with the New York state energy research and development authority, shall determine the amount of the rebate for eligible infrastructure projects, provided that an applicant for such eligible infrastructure project rebate may receive a maximum rebate of two hundred fifty thousand dollars per facility. **Priority shall be provided to eligible infrastructure projects that will maximize access by multiple public users who might otherwise not have access.**

3. a. Until April 1, [~~2023~~] **2025**, the commissioner, in consultation with the New York state energy research and development authority, is authorized to issue rebates until the annual allocation is exhausted to municipalities toward the cost of eligible purchases of clean vehicles.

b. The department, in consultation with the New York state energy research and development authority, shall determine the amount of the rebate taking into consideration the electric range of the vehicle, provided that a rebate of an eligible purchase shall be not less than seven hundred fifty dollars per vehicle and not more than five thousand dollars per vehicle.

4. The department, in consultation with the New York state energy research and development authority, shall promulgate rules to implement and administer this title including rules relating to the forms required to claim a rebate, the required documentation for establishing eligibility for a rebate, procedures and guidelines for claiming a rebate, and the collection of economic impact data from applicants and any other requirements the department and New York state energy research and

development authority deem necessary. The department shall determine and publish on its website on an ongoing basis the amount of available funding for rebates remaining in each fiscal year.

5. No later than April first, two thousand eighteen and annually thereafter, the department shall issue a report to the temporary president of the senate and the speaker of the assembly detailing the status of its program to encourage the deployment of clean vehicles. Such report shall include:

a. the amount of funding dedicated by the department for the program in the preceding year;

b. the amount of eligible purchases and eligible infrastructure projects for which a rebate was awarded;

c. the amount and geographic distribution of rebates; and

d. any other information the department deems necessary.

§ 2. This act shall take effect April 1, 2021.

PART AAA

Section 1. The education law is amended by adding a new section 3641-c to read as follows:

§ 3641-c. Digital inclusion grant program. 1. The commissioner, in collaboration with the commissioner of the department of labor and the director of the office for the aging, shall establish and administer a digital inclusion grant program to award grants to eligible entities to establish and/or support digital inclusion programs.

2. For the purposes of this section:

(a) "Digital inclusion programs" shall mean programs designed to promote digital inclusion and digital literacy through in-person or remote support to individuals and households regarding issues related to digital inclusion and digital literacy including, but not limited to, home connectivity, technical support, and device access.

(b) "Digital inclusion" shall mean the support needed to ensure that all individuals, households, and communities have access to affordable and robust broadband service, internet-enabled devices, training, and technical support.

(c) "Digital literacy" shall mean the ability to use information and communication technologies to find, evaluate, create, and communicate information, requiring both cognitive and technical skills.

(d) "Eligible entities" shall include:

(i) local governments including counties, cities, towns, and villages;

(ii) not-for-profit organizations including not-for-profit organizations that support individuals living in public housing;

(iii) municipal housing authorities;

(iv) school districts;

(v) libraries and library systems; and

(vi) other community based organizations.

3. The commissioner shall prioritize eligible entities that will provide digital inclusion programs to economically disadvantaged individuals and households.

4. Grants shall only be awarded based upon the availability of funds, as appropriated by the legislature or any other funds received by the state for the purposes of this section.

5. The commissioner, in collaboration with the commissioner of the department of labor and the director of the office for the aging, shall promulgate rules and regulations necessary for the implementation of

this section, including the application, eligibility requirements, and distribution of funds pursuant to this section.

6. Commencing on November first, two thousand twenty-one and annually thereafter, the commissioner shall report to the governor and the legislature the eligible entities receiving funding from this program, the amount of funding awarded to each eligible entity, and a brief summary of each eligible entity's initiative.

§ 2. This act shall take effect immediately.

PART BBB

Section 1. Short title. This act shall be known and may be cited as the "comprehensive broadband connectivity act".

§ 2. Legislative findings. The legislature hereby finds and declares that access to high-speed internet is a fundamental right and it is incumbent upon the State to ensure provision of this right to every New Yorker. Yet many areas of the state do not have access to adequate broadband services. The lack of competition in the telecommunications marketplace has been a cause of deteriorated service for customers and users of regulated telephonic and telecommunications services. The lack of access to adequate internet services for schools, businesses, families, and healthcare facilities has had substantial negative economic and social impact particularly in rural and other underserved and unserved communities.

§ 3. The public service law is amended by adding a new section 224-c to read as follows:

§ 224-c. Broadband and fiber optic services. 1. For the purposes of this section:

(a) The term "served" means any location with at least two internet service providers and at least one such provider offers high-speed internet service.

(b) The term "underserved" means any location which has fewer than two internet service providers, or has internet speeds of at least 25 megabits per second (mbps) download but less than 100 mbps download available.

(c) The term "unserved" means any location which has no fixed wireless service or wired service with speeds of 25 mbps download or less available.

(d) The term "high-speed internet service" means internet service of at least 100 mbps download and at least 10 mbps upload.

(e) The term "broadband service" shall mean a mass-market retail service that provides the capability to transmit data to and receive data from all or substantially all internet endpoints, including any capabilities that are incidental to and enable the operation of the communications service, but shall not include dial-up service.

(f) The term "location" shall mean a geographic area smaller than a census tract.

(g) The term "internet service provider" shall mean any person, business or organization qualified to do business in this state that provides individuals, corporations, or other entities with the ability to connect to the internet.

2. The commission shall study the availability, affordability and reliability of high-speed internet and broadband services in New York state. The commission shall:

(a) assess the efficacy and make recommendations regarding levels of competition among providers, as well as any regulatory and statutory

barriers, in order to deliver comprehensive statewide access to high-speed internet;

(b) review available technology to identify solutions that best support high-speed internet service in underserved or unserved areas, and make recommendations on ensuring deployment of such technology in underserved and unserved areas;

(c) identify instances where local franchise agreements and legal settlements related to internet access have not been complied with;

(d) identify locations where insufficient access to high-speed internet and/or broadband service, and/or persistent digital divide, is causing negative social or economic impact on the community;

(e) identify locations where the commission believes fiber optic service is necessary for the successful implementation of commission's policies on competition, affordability, and adequate service;

(f) examine any other telecommunications deficiencies affecting broadband service it deems necessary to further the economic and social goals of the state; and

(g) produce, maintain and publish on its website, a detailed internet access map of the state, indicating access to internet service by location. Such map shall include, but not be limited to, the following information for each location:

(i) download and upload speeds advertised and experienced;

(ii) the consistency and reliability of download and upload speeds including latency;

(iii) the types of internet service and technologies available including but not limited to dial-up, broadband, wireless, fiber, coax, or satellite;

(iv) the number of internet service providers available, the price of internet service available; and

(v) any other factors the commission may deem relevant.

3. The commission shall submit a report of its findings and recommendations from the study required in subdivision two of this section, to the governor, the temporary president of the senate and the speaker of the assembly no later than one year after the effective date of this section, and an updated report annually thereafter. Such report shall include, but not be limited to, the following:

(a) the overall number of residences with access to high-speed internet identifying which areas are served, unserved and underserved;

(b) a regional survey of internet service prices in comparison to county-level median income;

(c) an analysis of the affordability of high-speed internet service in New York state;

(d) any relevant usage statistics;

(e) any other metrics or analyses the commission deems necessary in order to assess the availability, affordability and reliability of internet service in New York state; and

(f) the map maintained pursuant to paragraph (g) of subdivision two of this section.

4. The commission shall hold at least four regional public hearings within one year of the effective date of this section, to solicit input from the public and other stakeholders including but not limited to internet service providers, telecommunications concerns, labor organizations, public safety organizations, healthcare, education, agricultural and other businesses or organizations.

5. The commission shall work with internet service providers in the state to prioritize access to broadband and fiber optic services for the

communities determined to have experienced negative economic and social impacts due to absent, insufficient, or inadequate broadband or fiber optic service pursuant to subdivision one of this section.

6. To effectuate the purposes of this section, the commission may request and shall receive from any department, division, board, bureau, commission or other agency of the state or any state public authority such assistance, information and data as will enable the commission to carry out its powers and duties under this section.

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

PART CCC

Section 1. Short title. This act shall be known and may be cited as the "small business reopening and relief grant program".

§ 2. Section 1 of chapter 174 of the laws of 1968, constituting the New York state urban development corporation act, is amended by adding a new section 16-ee to read as follows:

§ 16-ee. Small business reopening and relief grant program. 1. Definitions. As used in this section, the following terms shall have the following meanings:

(a) "Small business" means a business which is resident in this state, independently owned and operated, not dominant in its field and employs one hundred or less persons.

(b) "Micro-business" means a business which is a resident in this state, independently owned and operated, not dominant in its field and employs ten or less persons;

(c) "The program" means the small business reopening and relief grant program established pursuant to subdivision two of this section.

(d) "Applicant" shall mean a small business submitting an application for a grant award to the program.

(e) "COVID-19 health and safety restrictions" means any restrictions imposed on the operation of businesses by executive order 202 of 2020 issued by the governor, or any extension or subsequent executive order issued in response to the novel coronavirus (COVID-19) pandemic, or any other statute, rule, or regulation imposing restrictions on the operation of businesses in response to the novel coronavirus (COVID-19) pandemic.

2. Small business reopening and relief grant program established. The small business reopening and relief grant program is hereby created to aid small businesses in reopening and COVID-19 pandemic relief assistance.

3. Authorization. The corporation is hereby authorized, using available funds, to issue grants for the program to small businesses for the purpose of reopening and COVID-19 pandemic relief.

4. Selection criteria and application process. (a) In order to be eligible for a grant under the program, an eligible small business shall:

(i) Hold a current lease or mortgage for the location of the business's operation; or in the event that such small business does not conduct business operations out of a physical location, they lease or hold title to essential equipment that is used for such business operations primarily in New York state;

(ii) Be a currently viable small business with the intent to remain open that has been negatively impacted by its compliance with COVID-19 health and safety restrictions which resulted in business modifications,

interruptions or closures incurred as a result of such restrictions. Such small businesses shall be able to demonstrate a significant loss in revenue year to date as of December 31, 2020, compared with the same period in 2019 because of such COVID-19 health and safety restrictions;

(iii) Must be in substantial compliance with applicable federal, state and local laws, regulations, codes and requirements; and

(iv) Not owe any federal, state or local taxes prior to April 15, 2020, or shall have an approved repayment or deferral plan or agreement with appropriate federal, state and local taxing authorities.

(b) Preferences. The corporation, when evaluating applications submitted to the program, shall establish preferences for the following eligible small businesses:

(i) minority- and women-owned business enterprises that are certified as such by the appropriate state entity or have received an equivalent certification from a federal or local government entity;

(ii) micro-businesses;

(iii) businesses that are veteran owned and operated as certified by the vets first verification program;

(iv) certified service-disabled veteran-owned business enterprises, so certified by the office of general services;

(v) small businesses located in communities that were economically distressed prior to March 1, 2020, as determined by the most recent census data;

(vi) small businesses in an industry sector significantly negatively impacted by the COVID-19 health and safety restrictions, as determined by the corporation, in consultation with the department of labor; and

(vii) small businesses that have maintained employee staff levels throughout the duration of COVID-19 health and safety restrictions during the period March 1, 2020 through April 1, 2021 or have submitted plans with the application submitted to the program to rehire any workers laid off due to COVID-19 health and safety restrictions that wish to return to their previous position.

5. Eligible costs. (a) Eligible costs shall be considered for small businesses negatively impacted by the COVID-19 pandemic and by their compliance with COVID-19 health and safety restrictions which resulted in business modifications, interruptions or closures incurred as a result of such restrictions. Such eligible costs shall be incurred during the period of March 1, 2020 through April 1, 2021.

(b) The following costs incurred by a small business shall be considered eligible under the program: payroll costs; costs of rent or mortgage as provided for in subparagraph (i) of this paragraph; costs of repayment of local property or school taxes associated with such small business's location as provided for in subparagraph (ii) of this paragraph; insurance costs; utility costs; costs of personal protection equipment (PPE) necessary to protect worker and consumer health and safety; heating, ventilation, and air conditioning (HVAC) costs, or other machinery and/or equipment costs necessary for compliance with COVID-19 health and safety restrictions; full or pro-rated state required fees for professional licenses; full or pro-rated refund of license or permit fees paid to the state liquor authority; and other documented COVID-19 costs as approved by the corporation.

(i) Repayment of mortgage payments or commercial rent in arrears shall be considered eligible costs; provided however, that the corporation shall pay any grant awards for such purposes directly to the mortgage holder or commercial landlord. If such commercial landlord has entered into a documented modified lease agreement to address arrears that have

occurred due to a pandemic response, such grant amount shall take such adjustment into consideration. The applicant shall provide a copy of past due mortgage statements or lease arrears and remittance information of the mortgage holder or commercial landlord to the corporation when submitting an application. Prior to March 1, 2020, the small business applicant shall have been up-to-date on mortgage or commercial lease payments. If a commercial landlord or mortgagee accepts remittance of funds under the program, they shall agree to: (1) not evict or foreclose on an eligible business that receives a grant for arrears for at least six months from date of fund release; (2) waive any late fees or interest accrued between March 1, 2020, and the date of fund release; and (3) extend the applicant's lease for six months from the date of fund release, if applicable.

(ii) Repayment of past due local property taxes and school taxes incurred due to COVID-19 health and safety restrictions shall be considered eligible costs; provided, however, that the corporation shall make any grant awards payable directly to the appropriate local taxing entity. The applicant shall provide a copy of local property or school tax bill or bills and remittance information to the corporation with its application. Prior to March 1, 2020, such applicant shall have paid all applicable local property and school taxes.

(c) Grants awarded under the program shall not be used to re-pay or paydown any portion of a loan obtained through a federal coronavirus relief package for business assistance.

6. Application and approval process. (a) An eligible small business shall submit a complete application in the form and manner prescribed by the corporation.

(b) The corporation shall establish the procedures and time period for small businesses to submit applications to the program. As part of the application each small business shall provide the following information:

(i) Documentation or information of such small business's eligibility as provided for in this section, including tax and employment documentation and information as necessary and appropriate; (ii) A reopening plan, if deemed necessary and appropriate by the corporation, provided, however, that a small business may request financial and legal assistance as provided in this section;

(iii) If requesting that an award be granted for commercial rental arrears or mortgage repayment incurred due to COVID-19 health and safety restrictions, any documentation and/or remittance information deemed appropriate by the corporation;

(iv) If requesting repayment of past due local property taxes and school taxes incurred due to COVID-19 health and safety restrictions, then a copy of local property or school tax bill or bills and/or remittance information; and

(v) Documentation of loss of income due to compliance with COVID-19 pandemic health and safety restrictions in the form of past income tax filings, certified by a certified public accountant, and/or other documentation deemed necessary and appropriate by the corporation.

(c) After reviewing a complete application and determining such an applicant's eligibility, the corporation shall make a determination within forty-five days and notify the applicant of the award amount or denial of such applicant's request. All applications shall be reviewed, and awards disbursed, on a rolling basis with the goal of streamlining the administrative process and making prompt and timely grant payments to eligible small business recipients who have been negatively impacted

by the COVID-19 pandemic and compliance with COVID-19 health and safety restrictions.

(d) For the first ninety days after the program begins accepting applications, no more than fifty percent of the available funds shall be awarded to small businesses that do not receive a preference under paragraph (b) of subdivision four of this section. Once acceptance of applications has been open for ninety days, all funds shall be awarded as prescribed by this section.

7. Reporting. The corporation, on or before the first day of each month beginning May 1, 2021, or the first day of the month after the program is launched, and on the first day of each month thereafter, shall submit a separate and distinct report to the governor, the temporary president of the senate, and the speaker of the assembly setting forth the activities undertaken by the program. Such monthly report shall include, but not be limited to: the number of applicants and their county locations; the number of applicants approved by the program and their county location; the total amount of grants awarded, and the average amount of such grants awarded; the total number of net new, retained, or rehired jobs created; and such other information as the corporation determines necessary and appropriate. Such reports shall be included on the corporation's website and any publicly accessible state database that lists economic development programs.

8. Financial and legal planning. The corporation shall offer to all applicants, regardless of approval status, direct or indirect access to financial and business planning, legal consultation, mentoring services for post-pandemic planning, and reopening planning assistance.

§ 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 CCC of this act shall be as specifically set forth in the last section of such Parts.