STATE OF NEW YORK

S. 8006 A. 9006

SENATE - ASSEMBLY

January 19, 2022

IN SENATE -- A BUDGET BILL, submitted by the Governor pursuant to article seven of the Constitution -- read twice and ordered printed, and when printed to be committed to the Committee on Finance

IN ASSEMBLY -- A BUDGET BILL, submitted by the Governor pursuant to article seven of the Constitution -- read once and referred to the Committee on Ways and Means

AN ACT to amend the education law, in relation to school contracts for excellence; to amend the education law, in relation to foundation aid; to amend the education law, in relation to maintenance of equity aid; to amend the education law, in relation to building aid and the New York state energy research and development authority P-12 schools clean green schools initiative; to amend the education law, in relation to modifying the length of school sessions; to amend the education law, in relation to supplemental public excess cost aid; to amend the education law, in relation to academic enhancement aid; to amend the education law, in relation to high tax aid; to amend chapter 91 of the laws of 2002 amending the education law and other laws relating to reorganization of the New York city school construction authority, board of education and community boards, in relation to the effectiveness thereof; to amend chapter 345 of the laws of 2009 amending the education law and other laws relating to the New York city board of education, chancellor, community councils, and community superintendents, in relation to the effectiveness thereof; to amend the education law, in relation to extending the statewide universal full-day pre-kindergarten program; to amend the education law, in relation to state aid adjustments; to amend chapter 756 of the laws of 1992, relating to funding a program for work force education conducted by the consortium for worker education in New York city, in relation to reimbursement for the 2022-2023 school year, withholding a portion of employment preparation education aid and in relation to the effectiveness thereof; to amend chapter 169 of the laws of 1994, relating to certain provisions related to the 1994-95 state operations, aid to localities, capital projects and debt service budgets, in relation to the effectiveness thereof; to amend chapter 147 of the laws of 2001, amending the education law relating to conditional appointment of school district, charter school or BOCES employees, in relation to the

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

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effectiveness thereof; to amend chapter 425 of the laws of 2002, amending the education law relating to the provision of supplemental educational services, attendance at a safe public school and the suspension of pupils who bring a firearm to or possess a firearm at a school, in relation to making certain provisions thereof permanent; to amend the No Child Left Behind Act of 2001, in relation to making the provisions thereof permanent; to amend chapter 552 of the laws of 1995, amending the education law relating to contracts for the transportation of school children, in relation to the effectiveness thereof; providing for school bus driver training grants; providing for special apportionment for salary expenses; providing for special apportionment for public pension accruals; to amend the education law, in relation to permitting the city school district of the city of Rochester to make certain purchases from the board of cooperative educational services of the supervisory district serving its geographic region; providing for set-asides from the state funds which certain districts are receiving from the total foundation aid; providing for support of public libraries; and providing for the repeal of certain provisions upon expiration thereof (Part A); to amend the education law and the local finance law, in relation to zero-emission school buses (Part B); to amend the education law, in relation to creating a temporary professional permit for employment in a public school; and providing for the repeal of certain provisions upon expiration thereof (Part C); to amend the education law, in relation to state appropriations for reimbursement of tuition credits (Part D); to amend the education law, in relation to the expansion of the part-time tuition assistance program (Part E); to amend the education law, in relation to eligibility requirements and conditions for tuition assistance program awards; and to repeal certain provisions of the education law relating to the ban on incarcerated individuals to be eligible to receive state aid (Part F); to amend the education law, in relation to establishing the amount awarded for the excelsior scholarship (Part G); to amend the education law, in relation to including certain apprenticeships in the definition of "eligible educational institution" for the New York state college choice tuition savings program (Part H); to amend the education law, in relation to prohibiting certain practices in the collection of education debt (Part I); to amend the education law, in relation to registration of a new curriculum or program of study offered by a not-for-profit college or university (Part J); to amend the business corporation law, the partnership law and the limited liability company law, in relation to certified public accountants (Part K); to amend the social services law, in relation to child care assistance; and providing for the repeal of certain provisions upon expiration thereof (Part L); to amend part N of chapter 56 of the laws of 2020, amending the social services law relating to restructuring financing for residential school placements, in relation to the effectiveness thereof (Part M); to amend part C of chapter 83 of the laws of 2002, amending the executive law and other laws relating to funding for children and family services, in relation to extending the effectiveness thereof (Part N); to amend the social services law, in relation to reimbursement for a portion of the costs of social services districts for care provided to foster children in institutions, group residences, group homes, and agency operated boarding homes (Part O); to amend the public health law, in relation to consent for medical services (Part P); to amend the executive law and the criminal procedure law, in relation to the

detention of juveniles (Part Q); to amend the executive law, in relation to increasing the amount of reimbursement the division of veterans' affairs shall provide to local veterans' service agencies for the cost of maintenance of such agencies (Part R); to amend the social services law, in relation to increasing the standards of monthly need for aged, blind and disabled persons living in the community (Part S); to amend part W of chapter 54 of the laws of 2016 amending the social services law relating to the powers and duties of the commissioner of social services relating to the appointment of a temporary operator, in relation to the effectiveness thereof (Part T); to amend the social services law, in relation to the public benefits and requirements; and to repeal certain provisions of such law relating thereto (Part U); to amend the labor law and the general business law, in relation to restrictions on employment (Part V); to amend the labor law, in relation to increasing penalties for certain violations of the labor law (Part W); to amend the executive law, in relation to prohibiting discrimination based on status as a victim of domestic violence (Part X); to amend the executive law, in relation to prohibiting discrimination based on citizenship or immigration status (Part Y); to utilize reserves in the mortgage insurance fund for various housing purposes (Part Z); to amend the real property law, in relation to providing for the creation of accessory dwelling units (Part AA); to amend the executive law, in relation to making it unlawful for an individual who has been convicted of one or more criminal offenses to be discriminated against in housing (Part BB); to amend the multiple dwelling law, in relation to the floor area ratio (FAR) in the city of New York (Part CC); to amend the multiple dwelling law, in relation to hotel and commercial conversion (Part DD); to amend the general city law, the town law, and the village law, in relation to transit-oriented development (Part EE); to amend the real property law, in relation to tenant selection screening guidelines (Part FF); to amend the executive law, in relation to the state's language access policy (Part GG); to amend the retirement and social security law, in relation to waiving approval and income limitations on retirees employed in public schools; and providing for the repeal of such provisions upon expiration thereof (Part HH); and to amend the real property tax law, in relation to enacting the affordable neighborhoods for New Yorkers tax incentive (Part II)

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 education, labor, housing and family assistance budget for the 2022-2023 state fiscal year. Each component is wholly contained within a Part identified as Parts A through II. The effective date for each particular provision contained within such Part is set forth in the last section of such Part. Any provision in any section contained within a Part, including the effective date of the Part, which makes a reference to a section "of this act", when used in connection with that particular component, shall be deemed to mean and refer to the corresponding section of the Part in which it is found. Section three of this act sets forth the general effective date of this act.

PART A

Section 1. Paragraph e of subdivision 1 of section 211-d of the education law, as amended by section 1 of part A of chapter 56 of the laws of 2021, is amended to read as follows:

e. Notwithstanding paragraphs a and b of this subdivision, a school district that submitted a contract for excellence for the two thousand eight--two thousand nine school year shall submit a contract for excellence for the two thousand nine--two thousand ten school year in conformity with the requirements of subparagraph (vi) of paragraph a of subdivision two of this section unless all schools in the district are identified as in good standing and provided further that, a school district that submitted a contract for excellence for the two thousand nine--two thousand ten school year, unless all schools in the district are identified as in good standing, shall submit a contract for excellence for the two thousand eleven--two thousand twelve school year which shall, notwithstanding the requirements of subparagraph (vi) of paragraph a of subdivision two of this section, provide for the expenditure of an amount which shall be not less than the product of the amount approved by the commissioner in the contract for excellence for the two thousand nine--two thousand ten school year, multiplied by the district's gap elimination adjustment percentage and provided further that, a school district that submitted a contract for excellence for the two thousand eleven--two thousand twelve school year, unless all schools in the district are identified as in good standing, shall submit a contract for excellence for the two thousand twelve--two thousand thirteen school year which shall, notwithstanding the requirements of subparagraph (vi) of paragraph a of subdivision two of this section, provide for the expenditure of an amount which shall be not less than the amount approved by the commissioner in the contract for excellence for the two thousand eleven--two thousand twelve school year and provided further that, a school district that submitted a contract for excellence for the two thousand twelve--two thousand thirteen school year, unless all schools in the district are identified as in good standing, shall submit a contract for excellence for the two thousand thirteen--two thousand fourteen school year which shall, notwithstanding the requirements of subparagraph (vi) of paragraph a of subdivision two of this section, provide for the expenditure of an amount which shall be not less than the amount approved by the commissioner in the contract for excellence for the two thousand twelve--two thousand thirteen school year and provided further that, a school district that submitted a contract for excellence for the two thousand thirteen--two thousand fourteen school year, unless all schools in the district are identified as in good standing, shall submit a contract for excellence for the two thousand fourteen--two thousand fifteen school year which shall, notwithstanding the requirements of subparagraph (vi) of paragraph a of subdivision two of this section, provide for the expenditure of an amount which shall be not less than the amount approved by the commissioner in the contract for excellence for the two thousand thirteen--two thousand fourteen school year; and provided further that, a school district that submitted a contract for excellence for the two thousand fourteen--two thousand fifteen school year, unless all schools in the district are identified as in good standing, shall submit a contract for excellence for the two thousand fifteen--two thousand sixteen school year which shall, notwithstanding the requirements of subparagraph (vi) of paragraph a of subdivision two of this section, provide for the

expenditure of an amount which shall be not less than the amount approved by the commissioner in the contract for excellence for the two thousand fourteen--two thousand fifteen school year; and provided further that a school district that submitted a contract for excellence for the two thousand fifteen--two thousand sixteen school year, unless all schools in the district are identified as in good standing, shall submit a contract for excellence for the two thousand sixteen--two thousand seventeen school year which shall, notwithstanding the requirements of subparagraph (vi) of paragraph a of subdivision two of this section, provide for the expenditure of an amount which shall be not less than the amount approved by the commissioner in the contract for excellence for the two thousand fifteen--two thousand sixteen school year; and provided further that, a school district that submitted a contract for excellence for the two thousand sixteen--two thousand seventeen school year, unless all schools in the district are identified as in good standing, shall submit a contract for excellence for the two thousand seventeen--two thousand eighteen school year which shall, notwithstanding the requirements of subparagraph (vi) of paragraph a of subdivision two of this section, provide for the expenditure of an amount which shall be not less than the amount approved by the commissioner in the contract for excellence for the two thousand sixteen--two thousand seventeen school year; and provided further that a school district that submitted a contract for excellence for the two thousand seventeen--two thousand eighteen school year, unless all schools in the district are identified as in good standing, shall submit a contract for excellence for the two thousand eighteen--two thousand nineteen school year which shall, notwithstanding the requirements of subparagraph (vi) of paragraph a of subdivision two of this section, provide for the expenditure of an amount which shall be not less than the amount approved by the commissioner in the contract for excellence for the two thousand seventeen--two thousand eighteen school year; and provided further that, a school district that submitted a contract for excellence for the two thousand eighteen--two thousand nineteen school year, unless all schools in the district are identified as in good standing, shall submit a contract for excellence for the two thousand nineteen--two thousand twenty school year which shall, notwithstanding the requirements of subparagraph (vi) of paragraph a of subdivision two of this section, provide for the expenditure of an amount which shall be not less than the amount approved by the commissioner in the contract for excellence for the two thousand eighteen--two thousand nineteen school year; and provided further that, a school district that submitted a contract for excellence for the two thousand nineteen--two thousand twenty school year, unless all schools in the district are identified as in good standing, shall submit a contract for excellence for the two thousand twenty--two thousand twenty-one school year which shall, notwithstanding the requirements of subparagraph (vi) of paragraph a of subdivision two of this section, provide for the expenditure of an amount which shall be not less than the amount approved by the commissioner in the contract for excellence for the two thousand nineteen--two thousand twenty school year; and provided further that, a school district that submitted a contract for excellence for the two thousand twenty--two thousand twenty-one school year, unless all schools in the district are identified as in good standing, shall submit a contract for excellence for the two thousand twenty-one--two thousand twenty-two school year which shall, notwithstanding the requirements of subparagraph (vi) of paragraph a of subdivision two of this section, provide for the expenditure of an

amount which shall be not less than the amount approved by the commissioner in the contract for excellence for the two thousand twenty--two thousand twenty-one school year; and provided further that, a school district that submitted a contract for excellence for the two thousand twenty-one--two thousand twenty-two school year, unless all schools in the district are identified as in good standing, shall submit a contract for excellence for the two thousand twenty-two--two thousand twenty-three school year which shall, notwithstanding the requirements of subparagraph (vi) of paragraph a of subdivision two of this section, provide for the expenditure of an amount which shall be not less than the amount approved by the commissioner in the contract for excellence for the two thousand twenty-one--two thousand twenty-two school year. For purposes of this paragraph, the "gap elimination adjustment percentage" shall be calculated as the sum of one minus the quotient of the sum of the school district's net gap elimination adjustment for two thousand ten--two thousand eleven computed pursuant to chapter fifty-three of the laws of two thousand ten, making appropriations for the support of government, plus the school district's gap elimination adjustment for two thousand eleven--two thousand twelve as computed pursuant to chapter fifty-three of the laws of two thousand eleven, making appropriations for the support of the local assistance budget, including support for general support for public schools, divided by the total aid for adjustment computed pursuant to chapter fifty-three of the laws of two thousand eleven, making appropriations for the local assistance budget, including support for general support for public schools. Provided, further, that such amount shall be expended to support and maintain allowable programs and activities approved in the two thousand nine--two thousand ten school year or to support new or expanded allowable programs and activities in the current year.

§ 2. Subdivision 4 of section 3602 of education law is amended by adding a new paragraph j to read as follows:

j. Foundation aid payable in the two thousand twenty-two--two thousand twenty-three school year. Notwithstanding any provision of law to the contrary, foundation aid payable in the two thousand twenty-two--two thousand twenty-three school year shall be equal to the sum of the total foundation aid base computed pursuant to paragraph j of subdivision one of this section plus the greater of (a) the product of the phase-in foundation increase factor as computed pursuant to subparagraph (ii) of paragraph b of this subdivision multiplied by the positive difference, if any, of (i) total foundation aid computed pursuant to paragraph a of this subdivision less (ii) the total foundation aid base computed pursuant to paragraph j of subdivision one of this section, or (b) the product of three hundredths (0.03) multiplied by the total foundation aid base computed pursuant to paragraph j of subdivision one of this section.

§ 3. Section 3602 of the education law is amended by adding a new subdivision 4-a to read as follows:

4-a. Foundation Aid Maintenance of Equity Aid. 1. For purposes of this subdivision the following terms shall be defined as follows:

a. "High-need LEAs" shall mean local educational agencies with (1) the highest percentage of economically disadvantaged students as calculated based on the most recent small area income and poverty estimates provided by the United States census bureau and (2) the cumulative sum of local educational agency enrollment for the base year is greater than or equal to the product of five-tenths (0.5) and the statewide total of such enrollment.

b. "Highest-poverty LEAs" shall mean local educational agencies with (1) the highest percentage of economically disadvantaged students as calculated based on the most recent small area income and poverty estimates provided by the United States census bureau and (2) the cumulative sum of local educational agency enrollment for the base year is greater than or equal to the product of two-tenths (0.2) and the statewide total of such enrollment.

c. "Eligible districts" shall mean school districts defined as high-need LEAs or highest-poverty LEAs in the current year which are subject to the state level maintenance of equity requirement in the American Rescue Plan Act of 2021, Section 2004, Part 1, Subtitle A, Title II, (Public Law 117-2) for the current year.

d. "State funding" shall mean any apportionment provided pursuant to sections seven hundred one, seven hundred eleven, seven hundred fifty-one, and seven hundred fifty-three of this chapter plus apportionments pursuant to subdivisions four, five-a, ten, twelve, and sixteen of this section.

e. "Local Educational Agency Enrollment" shall mean the unduplicated count of all children registered to receive educational services in grades kindergarten through twelve, including children in ungraded programs, as registered on the date prior to November first that is specified by the commissioner as the enrollment reporting date, registered in a local educational agency as defined pursuant to section 7801 of title 20 of the United States Code.

2. Eligible districts shall receive an apportionment of foundation aid maintenance of equity aid in the current year if the commissioner, in consultation with the director of the budget, determines the district would otherwise receive a reduction in state funding on a per pupil basis inconsistent with the federal state level maintenance of equity requirement. This apportionment shall be equal to the amount necessary to ensure compliance with the federal state level maintenance of equity requirement. This apportionment shall be paid in the current year pursuant to section thirty-six hundred nine-a of this part.

§ 4. Clause (ii) of paragraph j of subdivision 1 of section 3602 of the education law, as amended by section 11 of part B of chapter 57 of the laws of 2007, is amended to read as follows:

(ii) For aid payable in the two thousand eight--two thousand nine school year and thereafter, the total foundation aid base shall equal the total amount a district was eligible to receive in the base year pursuant to subdivision four of this section plus foundation aid maintenance of equity aid pursuant to subdivision four-a of this section.

§ 5. Section 3602-b of the education law is amended by adding a new subdivision 3 to read as follows:

3. a. In addition to apportionments calculated pursuant to subdivisions one and two of this section, each school district employing fewer than eight teachers defined as eligible pursuant to paragraph one of subdivision four-a of section thirty-six hundred two of this part shall receive an additional apportionment of public money in the current year if the commissioner, in consultation with the director of the budget, determines the district would otherwise receive a reduction in state funding, as defined in subparagraph d of paragraph one of subdivision four-a of section thirty-six hundred two of this part, on a per pupil basis inconsistent with the federal state level maintenance of equity requirement.

b. The maintenance of equity aid shall be equal to the amount necessary to ensure compliance with the federal state level maintenance of

equity requirement in the American Rescue Plan Act of 2021, Section 2004, Part 1, Subtitle A, Title II, (Public Law 117-2) for the current year.

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

6-i. Building aid and the New York state energy research and development authority P-12 schools: clean green schools initiative. 1. For aid payable in the school years two thousand twenty-two--two thousand twenty-three and thereafter, notwithstanding any provision of law to the contrary, the apportionment to any district under subdivision six, six-a, six-b, six-c, six-e, six-f, or six-h of this section for capital outlays for school building projects for energy efficiency shall not exclude grants authorized pursuant to the New York state energy research and development authority P-12 schools: clean green schools initiative from aidable expenditures, provided that the sum of apportionments for these projects calculated pursuant to subdivision six, six-a, six-b, six-c, six-e, six-f, or six-h of this section and such grants shall not exceed the actual project expenditures.

2. The New York state energy research and development authority shall provide a list of energy efficiency grants awarded to each school district to the commissioner no later than one month prior to the end of each calendar year and each school year. This list shall include the capital construction project or projects funded by the grants, the award amounts of each individual project grant, the district receiving such grants, the schools receiving such grants, the date on which the grant was received, and any other information necessary for the calculation of aid pursuant to subdivision six, six-a, six-b, six-c, six-e, six-f, or six-h of this section.

§ 7. Paragraph a of subdivision 4 of section 3204 of the education law is amended to read as follows:

a. A full time day school or class, except as otherwise prescribed, shall be in session for not less than one hundred [~~ninety~~] eighty days each year, [~~inclusive~~] exclusive of legal holidays that occur during the term of said school and exclusive of Saturdays.

§ 8. Paragraph s of subdivision 1 of section 3602 of the education law, as amended by section 11 of part B of chapter 57 of the laws of 2007, is amended to read as follows:

s. "Extraordinary needs count" shall mean the sum of the product of the [~~limited English proficiency~~] English language learner count multiplied by fifty percent, plus, the poverty count and the sparsity count.

§ 9. Subdivision 6 of section 3602 of the education law is amended by adding a new paragraph k to read as follows:

k. Final cost report penalties. (1) All acts done and proceedings heretofore had and taken or caused to be had and taken by school districts and by all its officers or agents relating to or in connection with final building cost reports required to be filed with the department for approved building projects for which a certificate of substantial completion was and/or is issued on or after April first, nineteen hundred ninety-five, where a final cost report was not submitted by June thirtieth of the school year in which the certificate of substantial completion of the project was issued by the architect or engineer, or six months after issuance of such certificate, whichever was later, and all acts incidental thereto are hereby legalized, validated, ratified and confirmed, notwithstanding any failure to comply with the approval and filing provisions of the education law or any other law or any other statutory authority, rule or regulation, in relation to any omission,

error, defect, irregularity or illegality in such proceedings had and taken.

(2) The department is hereby directed to consider the approved costs of the aforementioned projects as valid and proper obligations of such school districts and shall not recover on or after July first, two thousand thirteen any penalty arising from the late filing of a final cost report, provided that any amounts already so recovered on or after July first, two thousand thirteen shall be deemed a payment of moneys due for prior years pursuant to paragraph c of subdivision five of section thirty-six hundred four of this part and shall be paid to the appropriate district pursuant to such provision, provided that:

(a) such school district submitted the late or missing final building cost report to the commissioner;

(b) such cost report is approved by the commissioner;

(c) all state funds expended by the school district, as documented in such cost report, were properly expended for such building project in accordance with the terms and conditions for such project as approved by the commissioner; and

(d) the failure to submit such report in a timely manner was an inadvertent administrative or ministerial oversight by the school district, and there is no evidence of any fraudulent or other improper intent by such district.

§ 10. Section 3625 of education law is amended by adding a new subdivision 5 to read as follows:

5. Transportation contract penalties. a. All acts done and proceedings heretofore had and taken or caused to be had and taken relating to or in connection with a transportation contract, and all acts incidental hereto are hereby legalized, validated, ratified and confirmed, notwithstanding any failure to comply with the contract award, approval and filing provisions of the education law, the general municipal law or any other law or any other statutory authority, rule or regulation, other than those filing provisions defined in paragraph a of subdivision five of section thirty-six hundred four of this article, in relation to any omission, error, defect, irregularity or illegality in such proceeding had and taken.

b. The department is hereby directed to consider the aforementioned contracts for transportation aid as valid and proper obligations and shall not recover from such school districts any penalty arising from the failure to submit a transportation contract in a timely manner, provided that any amounts already so recovered shall be deemed a payment of moneys due for prior years pursuant to paragraph c of subdivision five of section thirty-six hundred four of this article and shall be paid to the school district pursuant to such provision, provided that:

(1) such school district submitted the contract to the commissioner and such contract is for services in the two thousand twelve--two thousand thirteen school year or thereafter;

(2) such contract is approved by the commissioner;

(3) all state funds expended by the school district were properly expended for such transportation as approved by the commissioner; and

(4) the failure to execute or submit such contract in a timely manner was an inadvertent administrative or ministerial oversight by the school district, and there is no evidence of any fraudulent or other improper intent by such district.

§ 11. Subdivision 2 of section 3625 of education law, as amended by chapter 474 of the laws of 1996, is amended to read as follows:

2. Filing of transportation contracts. Every transportation contract shall be filed with the department within one hundred twenty days of the commencement of service under such contract. No transportation expense shall be allowed for a period greater than one hundred twenty days prior to the filing of any contract for the transportation of pupils with the education department. No contract shall be considered filed unless it bears an original signature**, in the case of a written document, or a certification, in the case of an approved electronic form,** of the superintendent of a school district or the designee of the superintendent and the sole trustee or president of the board of education of the school district. The final approval of any such contract by the commissioner shall not, however, obligate the state to allow transportation expense in an amount greater than the amount that would be allowed under the provisions of this part. The state, acting through the department of audit and control, may examine any and all accounts of the contractor in connection with a contract for the transportation of pupils, and every such contract shall contain the following provision: "The contractor hereby consents to an audit of any and all financial records relating to this contract by the department of audit and control."

§ 12. Section 34 of chapter 91 of the laws of 2002 amending the education law and other laws relating to reorganization of the New York city school construction authority, board of education and community boards, as amended by section 42 of part YYY of chapter 59 of the laws of 2019, is amended to read as follows:

§ 34. This act shall take effect July 1, 2002; provided, that sections one through twenty, twenty-four, and twenty-six through thirty of this act shall expire and be deemed repealed June 30, [~~2022~~] **2026** provided, further, that notwithstanding any provision of article 5 of the general construction law, on June 30, [~~2022~~] **2026** the provisions of subdivisions 3, 5, and 8, paragraph b of subdivision 13, subdivision 14, paragraphs b, d, and e of subdivision 15, and subdivisions 17 and 21 of section 2554 of the education law as repealed by section three of this act, subdivision 1 of section 2590-b of the education law as repealed by section six of this act, paragraph (a) of subdivision 2 of section 2590-b of the education law as repealed by section seven of this act, section 2590-c of the education law as repealed by section eight of this act, paragraph c of subdivision 2 of section 2590-d of the education law as repealed by section twenty-six of this act, subdivision 1 of section 2590-e of the education law as repealed by section twenty-seven of this act, subdivision 28 of section 2590-h of the education law as repealed by section twenty-eight of this act, subdivision 30 of section 2590-h of the education law as repealed by section twenty-nine of this act, subdivision 30-a of section 2590-h of the education law as repealed by section thirty of this act shall be revived and be read as such provisions existed in law on the date immediately preceding the effective date of this act; provided, however, that sections seven and eight of this act shall take effect on November 30, 2003; provided further that the amendments to subdivision 25 of section 2554 of the education law made by section two of this act shall be subject to the expiration and reversion of such subdivision pursuant to section 12 of chapter 147 of the laws of 2001, as amended, when upon such date the provisions of section four of this act shall take effect.

§ 13. Subdivision 12 of section 17 of chapter 345 of the laws of 2009 amending the education law and other laws relating to the New York city board of education, chancellor, community councils, and community super-

intendents, as amended by section 43 of part YYY of chapter 59 of the laws of 2019, is amended to read as follows:

12. any provision in sections one, two, three, four, five, six, seven, eight, nine, ten and eleven of this act not otherwise set to expire pursuant to section 34 of chapter 91 of the laws of 2002, as amended, or section 17 of chapter 123 of the laws of 2003, as amended, shall expire and be deemed repealed June 30, [~~2022~~] **2026**.

§ 14. The closing paragraph of subdivision 5-a of section 3602 of the education law, as amended by section 12-b of part A of chapter 56 of the laws of 2021, is amended to read as follows:

For the two thousand eight--two thousand nine school year, each school district shall be entitled to an apportionment equal to the product of fifteen percent and the additional apportionment computed pursuant to this subdivision for the two thousand seven--two thousand eight school year. For the two thousand nine--two thousand ten through two thousand [~~twenty-one~~] **twenty-two**--two thousand [~~twenty-two~~] **twenty-three** school years, each school district shall be entitled to an apportionment equal to the amount set forth for such school district as "SUPPLEMENTAL PUB EXCESS COST" under the heading "2008-09 BASE YEAR AIDS" in the school aid computer listing produced by the commissioner in support of the budget for the two thousand nine--two thousand ten school year and entitled "SA0910".

§ 15. Subdivision 12 of section 3602 of the education law, as amended by section 13-a of part A of chapter 56 of the laws of 2021, is amended to read as follows:

12. Academic enhancement aid. **a.** A school district that as of April first of the base year has been continuously identified as a district in need of improvement for at least five years shall, for the two thousand eight--two thousand nine school year, be entitled to an additional apportionment equal to the positive remainder, if any, of (a) the lesser of fifteen million dollars or the product of the total foundation aid base, as defined by paragraph j of subdivision one of this section, multiplied by ten percent (0.10), less (b) the positive remainder of (i) the sum of the total foundation aid apportioned pursuant to subdivision four of this section and the supplemental educational improvement grants apportioned pursuant to subdivision eight of section thirty-six hundred forty-one of this article, less (ii) the total foundation aid base.

b. For the two thousand nine--two thousand ten through two thousand fourteen--two thousand fifteen school years, each school district shall be entitled to an apportionment equal to the amount set forth for such school district as "EDUCATION GRANTS, ACADEMIC EN" under the heading "2008-09 BASE YEAR AIDS" in the school aid computer listing produced by the commissioner in support of the budget for the two thousand nine--two thousand ten school year and entitled "SA0910", and such apportionment shall be deemed to satisfy the state obligation to provide an apportionment pursuant to subdivision eight of section thirty-six hundred forty-one of this article.

c. For the two thousand fifteen--two thousand sixteen year, each school district shall be entitled to an apportionment equal to the amount set forth for such school district as "ACADEMIC ENHANCEMENT" under the heading "2014-15 ESTIMATED AIDS" in the school aid computer listing produced by the commissioner in support of the budget for the two thousand fourteen--two thousand fifteen school year and entitled "SA141-5", and such apportionment shall be deemed to satisfy the state obligation to provide an apportionment pursuant to subdivision eight of section thirty-six hundred forty-one of this article.

d. For the two thousand sixteen--two thousand seventeen school year, each school district shall be entitled to an apportionment equal to the amount set forth for such school district as "ACADEMIC ENHANCEMENT" under the heading "2015-16 ESTIMATED AIDS" in the school aid computer listing produced by the commissioner in support of the budget for the two thousand fifteen--two thousand sixteen school year and entitled "SA151-6", and such apportionment shall be deemed to satisfy the state obligation to provide an apportionment pursuant to subdivision eight of section thirty-six hundred forty-one of this article.

e. For the two thousand seventeen--two thousand eighteen school year, each school district shall be entitled to an apportionment equal to the amount set forth for such school district as "ACADEMIC ENHANCEMENT" under the heading "2016-17 ESTIMATED AIDS" in the school aid computer listing produced by the commissioner in support of the budget for the two thousand sixteen--two thousand seventeen school year and entitled "SA161-7", and such apportionment shall be deemed to satisfy the state obligation to provide an apportionment pursuant to subdivision eight of section thirty-six hundred forty-one of this article.

f. For the two thousand eighteen--two thousand nineteen school year, each school district shall be entitled to an apportionment equal to the amount set forth for such school district as "ACADEMIC ENHANCEMENT" under the heading "2017-18 ESTIMATED AIDS" in the school aid computer listing produced by the commissioner in support of the budget for the two thousand seventeen--two thousand eighteen school year and entitled "SA171-8", and such apportionment shall be deemed to satisfy the state obligation to provide an apportionment pursuant to subdivision eight of section thirty-six hundred forty-one of this article.

g. For the two thousand nineteen--two thousand twenty school year, each school district shall be entitled to an apportionment equal to the amount set forth for such school district as "ACADEMIC ENHANCEMENT" under the heading "2018-19 ESTIMATED AIDS" in the school aid computer listing produced by the commissioner in support of the budget for the two thousand eighteen--two thousand nineteen school year and entitled "SA181-9", and such apportionment shall be deemed to satisfy the state obligation to provide an apportionment pursuant to subdivision eight of section thirty-six hundred forty-one of this article.

h. For the two thousand twenty--two thousand twenty-one school year, each school district shall be entitled to an apportionment equal to the amount set forth for such school district as "ACADEMIC ENHANCEMENT" under the heading "2019-20 ESTIMATED AIDS" in the school aid computer listing produced by the commissioner in support of the budget for the two thousand nineteen--two thousand twenty school year and entitled "SA192-0", and such apportionment shall be deemed to satisfy the state obligation to provide an apportionment pursuant to subdivision eight of section thirty-six hundred forty-one of this article.

i. For the two thousand twenty-one--two thousand twenty-two school year **and the two thousand twenty-two--two thousand twenty-three school year**, each school district shall be entitled to an apportionment equal to the amount set forth for such school district as "ACADEMIC ENHANCEMENT" under the heading "2020-21 ESTIMATED AIDS" in the school aid computer listing produced by the commissioner in support of the budget for the two thousand twenty--two thousand twenty-one school year and entitled "SA202-1", and such apportionment shall be deemed to satisfy the state obligation to provide an apportionment pursuant to subdivision eight of section thirty-six hundred forty-one of this article.

§ 16. The opening paragraph of subdivision 16 of section 3602 of the education law, as amended by section 14-a of part A of chapter 56 of the laws of 2021, is amended to read as follows:

Each school district shall be eligible to receive a high tax aid apportionment in the two thousand eight--two thousand nine school year, which shall equal the greater of (i) the sum of the tier 1 high tax aid apportionment, the tier 2 high tax aid apportionment and the tier 3 high tax aid apportionment or (ii) the product of the apportionment received by the school district pursuant to this subdivision in the two thousand seven--two thousand eight school year, multiplied by the due-minimum factor, which shall equal, for districts with an alternate pupil wealth ratio computed pursuant to paragraph b of subdivision three of this section that is less than two, seventy percent (0.70), and for all other districts, fifty percent (0.50). Each school district shall be eligible to receive a high tax aid apportionment in the two thousand nine--two thousand ten through two thousand twelve--two thousand thirteen school years in the amount set forth for such school district as "HIGH TAX AID" under the heading "2008-09 BASE YEAR AIDS" in the school aid computer listing produced by the commissioner in support of the budget for the two thousand nine--two thousand ten school year and entitled "SA0910". Each school district shall be eligible to receive a high tax aid apportionment in the two thousand thirteen--two thousand fourteen through two thousand [~~twenty-one~~] twenty-two--two thousand [~~twenty-two~~] twenty-three school years equal to the greater of (1) the amount set forth for such school district as "HIGH TAX AID" under the heading "2008-09 BASE YEAR AIDS" in the school aid computer listing produced by the commissioner in support of the budget for the two thousand nine--two thousand ten school year and entitled "SA0910" or (2) the amount set forth for such school district as "HIGH TAX AID" under the heading "2013-14 ESTIMATED AIDS" in the school aid computer listing produced by the commissioner in support of the executive budget for the 2013-14 fiscal year and entitled "BT131-4".

§ 17. Subdivision 16 of section 3602-ee of the education law, as amended by section 23 of part A of chapter 56 of the laws of 2021, is amended to read as follows:

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

§ 18. Paragraph a of subdivision 5 of section 3604 of the education law, as amended by chapter 161 of the laws of 2005, is amended to read as follows:

a. State aid adjustments. All errors or omissions in the apportionment shall be corrected by the commissioner. Whenever a school district has been apportioned less money than that to which it is entitled, the commissioner may allot to such district the balance to which it is entitled. Whenever a school district has been apportioned more money than that to which it is entitled, the commissioner may, by an order, direct such moneys to be paid back to the state to be credited to the general fund local assistance account for state aid to the schools, or may deduct such amount from the next apportionment to be made to said district, provided, however, that, upon notification of excess payments of aid for which a recovery must be made by the state through deduction of future aid payments, a school district may request that such excess payments be recovered by deducting such excess payments from the payments due to such school district and payable in the month of June in

(i) the school year in which such notification was received and (ii) the two succeeding school years, provided further that there shall be no interest penalty assessed against such district or collected by the state. Such request shall be made to the commissioner in such form as the commissioner shall prescribe, and shall be based on documentation that the total amount to be recovered is in excess of one percent of the district's total general fund expenditures for the preceding school year. The amount to be deducted in the first year shall be the greater of (i) the sum of the amount of such excess payments that is recognized as a liability due to other governments by the district for the preceding school year and the positive remainder of the district's unreserved fund balance at the close of the preceding school year less the product of the district's total general fund expenditures for the preceding school year multiplied by five percent, or (ii) one-third of such excess payments. The amount to be recovered in the second year shall equal the lesser of the remaining amount of such excess payments to be recovered or one-third of such excess payments, and the remaining amount of such excess payments shall be recovered in the third year. Provided further that, notwithstanding any other provisions of this subdivision, any pending payment of moneys due to such district as a prior year adjustment payable pursuant to paragraph c of this subdivision for aid claims that had been previously paid as current year aid payments in excess of the amount to which the district is entitled and for which recovery of excess payments is to be made pursuant to this paragraph, shall be reduced at the time of actual payment by any remaining unrecovered balance of such excess payments, and the remaining scheduled deductions of such excess payments pursuant to this paragraph shall be reduced by the commissioner to reflect the amount so recovered. [~~The commissioner shall certify no payment to a school district based on a claim submitted later than three years after the close of the school year in which such payment was first to be made. For claims for which payment is first to be made in the nineteen hundred ninety-six--ninety-seven school year, the commissioner shall certify no payment to a school district based on a claim submitted later than two years after the close of such school year.~~] For claims for which payment is first to be made [~~in the nineteen hundred ninety-seven--ninety-eight school year and thereafter~~] **prior to the two thousand twenty-one--two thousand twenty-two school year**, the commissioner shall certify no payment to a school district based on a claim submitted later than one year after the close of such school year. **For claims for which payment is first to be made in the two thousand twenty-one--two thousand twenty-two school year and thereafter, the commissioner shall certify no payment to a school district based on a claim submitted later than the first of November of such school year.** Provided, however, no payments shall be barred or reduced where such payment is required as a result of a final audit of the state. [~~It is further provided that, until June thirtieth, nineteen hundred ninety-six, the commissioner may grant a waiver from the provisions of this section for any school district if it is in the best educational interests of the district pursuant to guidelines developed by the commissioner and approved by the director of the budget.~~] **Further, provided, that, for any apportionments provided pursuant to sections seven hundred one, seven hundred eleven, seven hundred fifty-one, seven hundred fifty-three, nineteen hundred fifty, thirty-six hundred two, thirty-six hundred two-b, thirty-six hundred two-c, thirty-six hundred two-e and forty-four hundred five of this chapter for the two thousand twenty-one--two thousand twenty-two and two thousand twenty-two--two thousand twen-**

ty-three school years, the commissioner shall certify no payment to a school district, other than payments pursuant to subdivisions four, six-a, eleven, thirteen and fifteen of section thirty-six hundred two of this part, in excess of the payment computed based on an electronic data file used to produce the school aid computer listing produced by the commissioner in support of the executive budget request submitted for the two thousand twenty-two--two thousand twenty-three state fiscal year and entitled "BT222-3", and further provided that for any apportionments provided pursuant to sections seven hundred one, seven hundred eleven, seven hundred fifty-one, seven hundred fifty-three, nineteen hundred fifty, thirty-six hundred two, thirty-six hundred two-b, thirty-six hundred two-c, thirty-six hundred two-e and forty-four hundred five of this chapter for the two thousand twenty-three--two thousand twenty-four school year and thereafter, the commissioner shall certify no payment to a school district, other than payments pursuant to subdivisions four, six-a, eleven, thirteen and fifteen of section thirty-six hundred two of this part, in excess of the payment computed based on an electronic data file used to produce the school aid computer listing produced by the commissioner in support of the executive budget request submitted for the state fiscal year in which the school year commences.

§ 19. The opening paragraph of section 3609-a of the education law, as amended by section 26 of part A of chapter 56 of the laws of 2021, is amended to read as follows:

For aid payable in the two thousand seven--two thousand eight school year through the two thousand twenty-one--two thousand twenty-two school year, "moneys apportioned" shall mean the lesser of (i) the sum of one hundred percent of the respective amount set forth for each school district as payable pursuant to this section in the school aid computer listing for the current year produced by the commissioner in support of the budget which includes the appropriation for the general support for public schools for the prescribed payments and individualized payments due prior to April first for the current year plus the apportionment payable during the current school year pursuant to subdivision six-a and subdivision fifteen of section thirty-six hundred two of this part minus any reductions to current year aids pursuant to subdivision seven of section thirty-six hundred four of this part or any deduction from apportionment payable pursuant to this chapter for collection of a school district basic contribution as defined in subdivision eight of section forty-four hundred one of this chapter, less any grants provided pursuant to subparagraph two-a of paragraph b of subdivision four of section ninety-two-c of the state finance law, less any grants provided pursuant to subdivision five of section ninety-seven-nnnn of the state finance law, less any grants provided pursuant to subdivision twelve of section thirty-six hundred forty-one of this article, or (ii) the apportionment calculated by the commissioner based on data on file at the time the payment is processed; provided however, that for the purposes of any payments made pursuant to this section prior to the first business day of June of the current year, moneys apportioned shall not include any aids payable pursuant to subdivisions six and fourteen, if applicable, of section thirty-six hundred two of this part as current year aid for debt service on bond anticipation notes and/or bonds first issued in the current year or any aids payable for full-day kindergarten for the current year pursuant to subdivision nine of section thirty-six hundred two of this part. The definitions of "base year" and "current year" as set forth in subdivision one of section thirty-six hundred two of this part shall apply to this section. [~~For aid payable in the two~~

~~thousand twenty-one--two thousand twenty-two school year, reference to such "school aid computer listing for the current year" shall mean the printouts entitled "SA212-2".~~] For aid payable in the two thousand twenty-two--two thousand twenty-three school year and thereafter, "moneys apportioned" shall mean the sum of apportionments provided pursuant to subdivision four of section thirty-six hundred two of this article plus the lesser of: (1) the sum of one hundred percent of the respective amount set forth for each school district as payable pursuant to this section in the school aid computer listing for the current year produced by the commissioner in support of the executive budget request which includes the appropriation for the general support for public schools for the prescribed payments and individualized payments due prior to April first for the current year plus the apportionment payable during the current school year pursuant to subdivisions six-a and fifteen of section thirty-six hundred two of this part minus any reductions to current year aids pursuant to subdivision seven of section thirty-six hundred four of this part or any deduction from apportionment payable pursuant to this chapter for collection of a school district basic contribution as defined in subdivision eight of section forty-four hundred one of this chapter, less any grants provided pursuant to subparagraph two-a of paragraph b of subdivision four of section ninety-two-c of the state finance law, less any grants provided pursuant to subdivision six of section ninety-seven-nnnn of the state finance law, less any grants provided pursuant to subdivision twelve of section thirty-six hundred forty-one of this article, less apportionments provided pursuant to subdivision four of section thirty-six hundred two of this article, or (2) the apportionment calculated by the commissioner based on data on file at the time the payment is processed, excluding apportionments provided pursuant to subdivision four of section thirty-six hundred two of this article; provided however, that for the purposes of any payments made pursuant to this section prior to the first business day of June of the current year, moneys apportioned shall not include any aids payable pursuant to subdivisions six and fourteen, if applicable, of section thirty-six hundred two of this part as current year aid for debt service on bond anticipation notes and/or bonds first issued in the current year or any aids payable for full-day kindergarten for the current year pursuant to subdivision nine of section thirty-six hundred two of this part. For aid payable in the two thousand twenty-two--two thousand twenty-three school year, reference to such "school aid computer listing for the current year" shall mean the printouts entitled "BT222-3".

§ 20. Subdivision b of section 2 of chapter 756 of the laws of 1992, relating to funding a program for work force education conducted by the consortium for worker education in New York city, as amended by section 39 of part A of chapter 56 of the laws of 2021, is amended to read as follows:

b. Reimbursement for programs approved in accordance with subdivision a of this section for the reimbursement for the 2018--2019 school year shall not exceed 59.4 percent of the lesser of such approvable costs per contact hour or fourteen dollars and ninety-five cents per contact hour, reimbursement for the 2019--2020 school year shall not exceed 57.7 percent of the lesser of such approvable costs per contact hour or fifteen dollars sixty cents per contact hour, reimbursement for the 2020--2021 school year shall not exceed 56.9 percent of the lesser of such approvable costs per contact hour or sixteen dollars and twenty-five cents per contact hour, [~~and~~] reimbursement for the 2021--2022

school year shall not exceed 56.0 percent of the lesser of such approvable costs per contact hour or sixteen dollars and forty cents per contact hour, **and reimbursement for the 2022--2023 school year shall not exceed 55.7 percent of the lesser of such approvable costs per contact hour or seventeen dollars and five cents per contact hour,** and where a contact hour represents sixty minutes of instruction services provided to an eligible adult. Notwithstanding any other provision of law to the contrary, for the 2018--2019 school year such contact hours shall not exceed one million four hundred sixty-three thousand nine hundred sixty-three (1,463,963); for the 2019--2020 school year such contact hours shall not exceed one million four hundred forty-four thousand four hundred forty-four (1,444,444); for the 2020--2021 school year such contact hours shall not exceed one million four hundred six thousand nine hundred twenty-six (1,406,926); [~~and~~] for the 2021--2022 school year such contact hours shall not exceed one million four hundred sixteen thousand one hundred twenty-two (1,416,122) **; and for the 2022--2023 school year such contact hours shall not exceed one million three hundred sixty-nine thousand eight hundred sixty-three (1,369,863)**. Notwithstanding any other provision of law to the contrary, the apportionment calculated for the city school district of the city of New York pursuant to subdivision 11 of section 3602 of the education law shall be computed as if such contact hours provided by the consortium for worker education, not to exceed the contact hours set forth herein, were eligible for aid in accordance with the provisions of such subdivision 11 of section 3602 of the education law.

§ 21. Section 4 of chapter 756 of the laws of 1992, relating to funding a program for work force education conducted by the consortium for worker education in New York city, is amended by adding a new subdivision aa to read as follows:

aa. The provisions of this subdivision shall not apply after the completion of payments for the 2022-23 school year. Notwithstanding any inconsistent provisions of law, the commissioner of education shall withhold a portion of employment preparation education aid due to the city school district of the city of New York to support a portion of the costs of the work force education program. Such moneys shall be credited to the elementary and secondary education fund-local assistance account and shall not exceed thirteen million dollars ($13,000,000).

§ 22. Section 6 of chapter 756 of the laws of 1992, relating to funding a program for work force education conducted by the consortium for worker education in New York city, as amended by section 41 of part A of chapter 56 of the laws of 2021, is amended to read as follows:

§ 6. This act shall take effect July 1, 1992, and shall be deemed repealed on June 30, [~~2022~~] **2023**.

§ 23. Subdivision 1 of section 167 of chapter 169 of the laws of 1994, relating to certain provisions related to the 1994-95 state operations, aid to localities, capital projects and debt service budgets, as amended by section 33 of part A of chapter 56 of the laws of 2020, is amended to read as follows:

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

through fourteen, sixteen, and eighteen, nineteen and twenty-one through twenty-one-a of this act shall expire and be deemed repealed on March 31, 1997; and provided further that sections three, fifteen, seventeen, twenty, twenty-two and twenty-three of this act shall expire and be deemed repealed on March 31, [~~2022~~] **2024**.

§ 24. Section 12 of chapter 147 of the laws of 2001, amending the education law relating to conditional appointment of school district, charter school or BOCES employees, as amended by section 42 of part A of chapter 56 of the laws of 2021, is amended to read as follows:

§ 12. This act shall take effect on the same date as chapter 180 of the laws of 2000 takes effect, and shall expire July 1, [~~2022~~] **2023** when upon such date the provisions of this act shall be deemed repealed.

§ 25. Section 4 of chapter 425 of the laws of 2002, amending the education law relating to the provision of supplemental educational services, attendance at a safe public school and the suspension of pupils who bring a firearm to or possess a firearm at a school, as amended by section 43 of part A of chapter 56 of the laws of 2021, is amended to read as follows:

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

§ 26. Section 5 of chapter 101 of the laws of 2003, amending the education law relating to the implementation of the No Child Left Behind Act of 2001, as amended by section 44 of part A of chapter 56 of the laws of 2021, is amended to read as follows:

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

§ 27. Section 2 of chapter 552 of the laws of 1995, amending the education law relating to contracts for the transportation of school children, as amended by section 45 of part YYY of chapter 59 of the laws of 2019, is amended to read as follows:

§ 2. This act shall take effect on the first day of January next succeeding the date on which it shall have become a law and shall remain in full force and effect until January 1, [~~2023~~] **2028**, when upon such date the provisions of this act shall be deemed repealed.

§ 28. School bus driver training. In addition to apportionments otherwise provided by section 3602 of the education law, for aid payable in the 2022-2023 through the 2026-2027 school years, subject to available appropriation, the commissioner of education shall allocate school bus driver training grants to school districts and boards of cooperative educational services pursuant to sections 3650-a, 3650-b and 3650-c of the education law, or for contracts directly with not-for-profit educational organizations for the purposes of this section. Such payments shall not exceed four hundred thousand dollars ($400,000) per school year.

§ 29. Special apportionment for salary expenses. a. Notwithstanding any other provision of law, upon application to the commissioner of education, not sooner than the first day of the second full business week of June 2023 and not later than the last day of the third full business week of June 2023, a school district eligible for an apportionment pursuant to section 3602 of the education law shall be eligible to receive an apportionment pursuant to this section, for the school year ending June 30, 2023, for salary expenses incurred between April 1 and June 30, 2022 and such apportionment shall not exceed the sum of (i) the

deficit reduction assessment of 1990--1991 as determined by the commissioner of education, pursuant to paragraph f of subdivision 1 of section 3602 of the education law, as in effect through June 30, 1993, plus (ii) 186 percent of such amount for a city school district in a city with a population in excess of 1,000,000 inhabitants, plus (iii) 209 percent of such amount for a city school district in a city with a population of more than 195,000 inhabitants and less than 219,000 inhabitants according to the latest federal census, plus (iv) the net gap elimination adjustment for 2010--2011, as determined by the commissioner of education pursuant to chapter 53 of the laws of 2010, plus (v) the gap elimination adjustment for 2011--2012 as determined by the commissioner of education pursuant to subdivision 17 of section 3602 of the education law, and provided further that such apportionment shall not exceed such salary expenses. Such application shall be made by a school district, after the board of education or trustees have adopted a resolution to do so and in the case of a city school district in a city with a population in excess of 125,000 inhabitants, with the approval of the mayor of such city.

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

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

§ 30. Special apportionment for public pension accruals. a. Notwithstanding any other provision of law, upon application to the commissioner of education, not later than June 30, 2023, a school district eligible for an apportionment pursuant to section 3602 of the education law shall be eligible to receive an apportionment pursuant to this section, for the school year ending June 30, 2023 and such apportionment shall not exceed the additional accruals required to be made by school

districts in the 2004--2005 and 2005--2006 school years associated with changes for such public pension liabilities. The amount of such additional accrual shall be certified to the commissioner of education by the president of the board of education or the trustees or, in the case of a city school district in a city with a population in excess of 125,000 inhabitants, the mayor of such city. Such application shall be made by a school district, after the board of education or trustees have adopted a resolution to do so and in the case of a city school district in a city with a population in excess of 125,000 inhabitants, with the approval of the mayor of such city.

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

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

§ 31. Section 1950 of the education law is amended by adding a new subdivision 8-d to read as follows:

8-d. Notwithstanding the provision of any law, rule, or regulation to the contrary, the city school district of the city of Rochester, upon the consent of the board of cooperative educational services of the supervisory district serving its geographic region, may purchase from such board as a non-component school district, services required by article nineteen of the education law.

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

a. for the development, maintenance or expansion of magnet schools or magnet school programs for the 2022--2023 school year. For the city school district of the city of New York there shall be a set-aside of foundation aid equal to forty-eight million one hundred seventy-five

thousand dollars ($48,175,000) including five hundred thousand dollars ($500,000) for the Andrew Jackson High School; for the Buffalo city school district, twenty-one million twenty-five thousand dollars ($21,025,000); for the Rochester city school district, fifteen million dollars ($15,000,000); for the Syracuse city school district, thirteen million dollars ($13,000,000); for the Yonkers city school district, forty-nine million five hundred thousand dollars ($49,500,000); for the Newburgh city school district, four million six hundred forty-five thousand dollars ($4,645,000); for the Poughkeepsie city school district, two million four hundred seventy-five thousand dollars ($2,475,000); for the Mount Vernon city school district, two million dollars ($2,000,000); for the New Rochelle city school district, one million four hundred ten thousand dollars ($1,410,000); for the Schenectady city school district, one million eight hundred thousand dollars ($1,800,000); for the Port Chester city school district, one million one hundred fifty thousand dollars ($1,150,000); for the White Plains city school district, nine hundred thousand dollars ($900,000); for the Niagara Falls city school district, six hundred thousand dollars ($600,000); for the Albany city school district, three million five hundred fifty thousand dollars ($3,550,000); for the Utica city school district, two million dollars ($2,000,000); for the Beacon city school district, five hundred sixty-six thousand dollars ($566,000); for the Middletown city school district, four hundred thousand dollars ($400,000); for the Freeport union free school district, four hundred thousand dollars ($400,000); for the Greenburgh central school district, three hundred thousand dollars ($300,000); for the Amsterdam city school district, eight hundred thousand dollars ($800,000); for the Peekskill city school district, two hundred thousand dollars ($200,000); and for the Hudson city school district, four hundred thousand dollars ($400,000).

b. Notwithstanding any inconsistent provision of law to the contrary, a school district setting aside such foundation aid pursuant to this section may use such set-aside funds for: (i) any instructional or instructional support costs associated with the operation of a magnet school; or (ii) any instructional or instructional support costs associated with implementation of an alternative approach to promote diversity and/or enhancement of the instructional program and raising of standards in elementary and secondary schools of school districts having substantial concentrations of minority students.

c. The commissioner of education shall not be authorized to withhold foundation aid from a school district that used such funds in accordance with this paragraph, notwithstanding any inconsistency with a request for proposals issued by such commissioner for the purpose of attendance improvement and dropout prevention for the 2022--2023 school year, and for any city school district in a city having a population of more than one million, the set-aside for attendance improvement and dropout prevention shall equal the amount set aside in the base year. For the 2022--2023 school year, it is further provided that any city school district in a city having a population of more than one million shall allocate at least one-third of any increase from base year levels in funds set aside pursuant to the requirements of this section to community-based organizations. Any increase required pursuant to this section to community-based organizations must be in addition to allocations provided to community-based organizations in the base year.

d. For the purpose of teacher support for the 2022--2023 school year: for the city school district of the city of New York, sixty-two million seven hundred seven thousand dollars ($62,707,000); for the Buffalo city

school district, one million seven hundred forty-one thousand dollars ($1,741,000); for the Rochester city school district, one million seventy-six thousand dollars ($1,076,000); for the Yonkers city school district, one million one hundred forty-seven thousand dollars ($1,147,000); and for the Syracuse city school district, eight hundred nine thousand dollars ($809,000). All funds made available to a school district pursuant to this section shall be distributed among teachers including prekindergarten teachers and teachers of adult vocational and academic subjects in accordance with this section and shall be in addition to salaries heretofore or hereafter negotiated or made available; provided, however, that all funds distributed pursuant to this section for the current year shall be deemed to incorporate all funds distributed pursuant to former subdivision 27 of section 3602 of the education law for prior years. In school districts where the teachers are represented by certified or recognized employee organizations, all salary increases funded pursuant to this section shall be determined by separate collective negotiations conducted pursuant to the provisions and procedures of article 14 of the civil service law, notwithstanding the existence of a negotiated agreement between a school district and a certified or recognized employee organization.

§ 33. Support of public libraries. The moneys appropriated for the support of public libraries by a chapter of the laws of 2022 enacting the aid to localities budget shall be apportioned for the 2022--2023 state fiscal year in accordance with the provisions of sections 271, 272, 273, 282, 284, and 285 of the education law as amended by the provisions of this chapter and the provisions of this section, provided that library construction aid pursuant to section 273-a of the education law shall not be payable from the appropriations for the support of public libraries and provided further that no library, library system or program, as defined by the commissioner of education, shall receive less total system or program aid than it received for the year 2001--2002 except as a result of a reduction adjustment necessary to conform to the appropriations for support of public libraries.

Notwithstanding any other provision of law to the contrary the moneys appropriated for the support of public libraries for the year 2022--2023 by a chapter of the laws of 2022 enacting the education, labor and family assistance budget shall fulfill the state's obligation to provide such aid and, pursuant to a plan developed by the commissioner of education and approved by the director of the budget, the aid payable to libraries and library systems pursuant to such appropriations shall be reduced proportionately to ensure that the total amount of aid payable does not exceed the total appropriations for such purpose.

§ 34. Severability. The provisions of this act shall be severable, and if the application of any clause, sentence, paragraph, subdivision, section or part of this act to any person or circumstance shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not necessarily affect, impair or invalidate the application of any such clause, sentence, paragraph, subdivision, section or part of this act or remainder thereof, as the case may be, to any other person or circumstance, 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.

§ 35. This act shall take effect immediately, and shall be deemed to have been in full force and effect on and after April 1, 2022, provided, however, that:

1. Sections one, two, seven, eight, fourteen, fifteen, sixteen, seventeen, nineteen, twenty-two, twenty-five, twenty-six, twenty-eight, thirty-one, and thirty-two, of this act shall take effect July 1, 2022;

2. Sections three, four, and five shall take effect immediately and shall expire September 30, 2024 when upon such date the provisions of such sections shall be deemed repealed; and

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

PART B

Section 1. The education law is amended by adding a new section 3638 to read as follows:

§ 3638. Zero-emission school buses. 1. For the purposes of this section "zero-emission school bus" shall mean a school bus that: (a) is propelled by an electric motor and associated power electronics which provide acceleration torque to the drive wheels during normal vehicle operations; and (b) draws electricity from a hydrogen fuel cell or battery.

2. No later than July first, two thousand twenty-seven, every school district shall:

(a) only purchase or lease zero-emission school buses when purchasing or leasing new buses; and

(b) include requirements in any procurement for school transportation services that any contractors providing transportation services for the school district must only purchase or lease zero-emission school buses when purchasing or leasing new school buses.

3. No later than July first, two thousand thirty-five, every school district shall:

(a) only operate and maintain zero-emission school buses; and

(b) include requirements in any procurement for school transportation services that any contractors providing transportation services for the school district must only operate zero-emission school buses when providing such transportation services to the school district.

§ 2. Paragraphs c, d and e of subdivision 2 of section 3623-a of the education law, paragraph c as amended by chapter 453 of the laws of 2005, paragraph d as added by chapter 474 of the laws of 1996, and paragraph e as amended by section 66 of part A of chapter 436 of the laws of 1997, are amended and a new paragraph f is added to read as follows:

c. The purchase of equipment deemed a proper school district expense, including: (i) the purchase of two-way radios to be used on old and new school buses, (ii) the purchase of stop-arms, to be used on old and new school buses, (iii) the purchase and installation of seat safety belts on school buses in accordance with the provisions of section thirty-six hundred thirty-five-a of this article, (iv) the purchase of school bus back up beepers, (v) the purchase of school bus front crossing arms, (vi) the purchase of school bus safety sensor devices, (vii) the purchase and installation of exterior reflective marking on school buses, (viii) the purchase of automatic engine fire extinguishing systems for school buses used to transport students who use wheelchairs or other assistive mobility devices, and (ix) the purchase of other equipment as prescribed in the regulations of the commissioner; [~~and~~]

d. Other transportation capital, debt service and lease expense, as approved pursuant to regulations of the commissioner[~~.~~]~~;~~

e. Any approved cost of construction, reconstruction, lease or purchase of a transportation storage facility or site in the amount of ten thousand dollars or more shall be aidable in accordance with subdivision six of section thirty-six hundred two of this article and shall not be aidable as transportation expense[~~.~~]~~; and~~

f. Approved costs relating to the lease, purchase, construction, or installation of zero-emission school bus electric charging or hydrogen fueling stations. For the purposes of this section, a zero-emission school bus electric charging station is a station that delivers electricity from a source outside a zero-emission school bus into one or more zero-emission school buses. An electric school bus charging station may include several charge points simultaneously connecting several zero-emission school buses to the station and any related equipment needed to facilitate charging plug-in zero-emission school buses.

§ 3. Paragraph e of subdivision 7 of section 3602 of the education law, as amended by section 4 of part L of chapter 57 of the laws of 2005, is amended to read as follows:

e. In determining approved transportation capital, debt service and lease expense for aid payable in the two thousand five--two thousand six school year and thereafter, the commissioner, after applying the provisions of paragraph c of this subdivision to such expense, shall establish an assumed amortization pursuant to this paragraph to determine the approved capital, debt service and lease expense of the school district that is aidable in the current year, whether or not the school district issues debt for such expenditures, subject to any deduction pursuant to paragraph d of this subdivision. Such assumed amortization shall be for a period of five years**, and for the two thousand twenty-two--two thousand twenty-three school year and thereafter such assumed amortization for zero-emission school buses as defined in section thirty-six hundred thirty-eight of this chapter and related costs pursuant to paragraph f of subdivision two of section thirty-six hundred twenty-three-a of this chapter shall be for a period of ten years,** and shall commence twelve months after the school district enters into a purchase contract[~~,~~] **or** lease of the school bus**, charging station, hydrogen refueling station,** or equipment**,** or a general contract for the construction, reconstruction, lease or purchase of a transportation storage facility or site in an amount less than ten thousand dollars[**~~; except that where expenses were incurred for the purchase or lease of a school bus or equipment or the construction, reconstruction, lease or purchase of a transportation storage facility or site prior to July first, two thousand five and debt service was still outstanding or the lease was still in effect as of such date, the assumed amortization shall commence as of July first, two thousand five and the period of the amortization shall be for a period equal to five years less the number of years, rounded to the nearest year, elapsed from the date upon which the school district first entered into such purchase contract or general contract and July first, two thousand five, as determined by the commissioner, or the remaining term of the lease as of such date~~**]. Such assumed amortization shall provide for equal semiannual payments of principal and interest based on an assumed interest rate established by the commissioner pursuant to this paragraph. By the first day of September of the current year commencing with the two thousand five--two thousand six school year, each school district shall provide to the commissioner in a format prescribed by the commissioner such information as the commissioner

shall require for all capital debt incurred by such school district during the preceding school year for expenses allowable pursuant to subdivision two of section thirty-six hundred twenty-three-a of this article. Based on such reported amortizations and a methodology prescribed by the commissioner in regulations, the commissioner shall compute an assumed interest rate that shall equal the average of the interest rates applied to all such debt issued during the preceding school year. The assumed interest rate shall be the interest rate of each such school district applicable to the current year for the purposes of this paragraph and shall be expressed as a decimal to five places rounded to the nearest eighth of one-one hundredth.

§ 4. Subparagraph 7 of paragraph e of subdivision 1 of section 3623-a of the education law, as added by chapter 474 of the laws of 1996, is amended to read as follows:

(7) fuel, oil, tires, chains, maintenance and repairs for school buses**, provided that for purposes of this article, fuel shall include electricity used to charge or hydrogen used to refuel zero-emission school buses for the aidable transportation of pupils, but shall not include electricity or hydrogen used for other purposes**;

§ 5. Clause (a) of subdivision 29 of paragraph a of section 11.00 of the local finance law, as amended by section 2 of chapter 300 of the laws of 1971, is amended to read as follows:

(a) a passenger vehicle, other than a **zero-emission** school bus, having a seating capacity of less than ten persons,

§ 6. Subdivision 21-a of section 1604 of the education law, as added by chapter 472 of the laws of 1998, is amended to read as follows:

21-a. To lease a motor vehicle or vehicles to be used for the transportation of the children of the district from a school district, board of cooperative educational services or county vocational education and extension board or from any other source, under the conditions specified in this subdivision. No such agreement for the lease of a motor vehicle or vehicles shall be for a term of more than one school year, provided that when authorized by a vote of the qualified voters of the district such lease may have a term of up to five years**, or ten years for the lease of zero-emission school buses as defined in section thirty-six hundred thirty-eight of this chapter**. Where the trustee or board of trustees enter into a lease of a motor vehicle or vehicles pursuant to this subdivision for a term of one school year or less, such trustee or board shall not be authorized to enter into another lease for the same or an equivalent replacement vehicle or vehicles, as determined by the commissioner, without obtaining approval of the qualified voters of the school district.

§ 7. Paragraph i of subdivision 25 of section 1709 of the education law, as added by chapter 472 of the laws of 1998, is amended to read as follows:

i. In addition to the authority granted in paragraph e of this subdivision, the board of education shall be authorized to lease a motor vehicle or vehicles to be used for the transportation of the children of the district from sources other than a school district, board of cooperative educational services or county vocational education and extension board under the conditions specified in this paragraph. No such agreement for the lease of a motor vehicle or vehicles shall be for a term of more than one school year, provided that when authorized by a vote of the qualified voters of the district such lease may have a term of up to five years**, or ten years for the lease of zero-emission school buses as defined in section thirty-six hundred thirty-eight of this chapter**.

Where the board of education enters a lease of a motor vehicle or vehicles pursuant to this paragraph for a term of one school year or less, such board shall not be authorized to enter into another lease of the same or an equivalent replacement vehicle or vehicles, as determined by the commissioner, without obtaining approval of the voters.

§ 8. Subdivision 29-a of paragraph a of section 11.00 of the local finance law, as added by section 1 of part BB of chapter 58 of the laws of 2015, is amended to read as follows:

29-a. Transit motor vehicles. The purchase of municipally owned omnibus or similar surface transit motor vehicles **or a zero-emission school bus owned by a school district defined pursuant to subdivision two of section two of this chapter, a city school district with a population of more than one hundred twenty-five thousand inhabitants, or board of cooperative educational services**, ten years.

§ 9. This act shall take effect immediately.

PART C

Section 1. Subdivision 2 of section 3001 of the education law, as amended by chapter 658 of the laws of 2002, is amended to read as follows:

2. Not in possession of a teacher's certificate **or temporary permit** issued under the authority of this chapter or a diploma issued on the completion of a course in state college for teachers or state teachers college of this state.

The provisions of this subdivision shall not prohibit a certified teacher from permitting a practice or cadet teacher enrolled in an approved teacher education program from teaching a class without the presence of the certified teacher in the classroom provided the classroom certified teacher is available at all times and retains supervision of the practice or cadet teacher. The number of certified teachers shall not be diminished by reason of the presence of cadet teachers.

§ 2. The education law is amended by adding a new section 3001-e to read as follows:

§ 3001-e. Temporary professional permit; applicant pending certificate. Upon submission to the department of a completed application and documentation necessary to demonstrate qualifications required to obtain a teacher's certificate or other school profession certificate issued under this article, and the applicant's written attestation under penalty of perjury that the applicant has met all requirements of obtaining such certificate, the commissioner shall issue to such applicant, within five business days of the application's submission, a temporary permit validating his or her employment in a teaching capacity or other professional capacity, as the case may be, in the public schools of the state. Such application shall be in a form required by the commissioner. A temporary permit shall expire one year from the date of issue, or upon issuance of a certificate by the commissioner, or upon notice to the applicant by the department that the application for a certificate has been denied, whichever shall occur first. The holder of a temporary permit shall be employed in a teaching capacity or other professional capacity, as the case may be, in a public school only under the supervision and mentorship of a professional holding a permanent or professional certificate in the same profession in New York state and employed in the same school building, and with the endorsement of the employing school district or board of cooperative educational services.

§ 3. The education law is amended by adding a new section 3001-f to read as follows:

§ 3001-f. Employment of individuals holding expired certificates. Notwithstanding any other provision of law, regulation, or rule to the contrary, an individual holding a certificate issued under this article which has expired, and who has remained otherwise qualified to hold such certificate, shall be authorized to be employed in a teaching capacity or other professional capacity, as the case may be and as allowed under their expired certificate, in the public schools of the state upon notification to the commissioner and payment of the applicable certificate fee. Such notification shall be in a form determined by the commissioner. Nothing in this section shall be construed to prohibit the commissioner from taking any investigatory or disciplinary action as authorized under law.

§ 4. Subdivision 1 of section 3006 of the education law is amended by adding a new paragraph f to read as follows:

f. A temporary professional permit as authorized under section three thousand one-e of this article.

§ 5. This act shall take effect on the sixtieth day after it shall have become a law; provided, however, that section three of this act shall expire and be deemed repealed June 30, 2024. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such date.

PART D

Section 1. Subparagraph 4-b of paragraph h of subdivision 2 of section 355 of the education law, as added by section 1 of part GG of chapter 56 of the laws of 2021, is amended to read as follows:

(4-b) [~~(i)~~] In state fiscal year two thousand twenty-two--two thousand twenty-three **and thereafter**, the state shall appropriate and make available general fund operating support in the amount of [~~thirty-three percent of~~] the tuition credit calculated pursuant to section six hundred eighty-nine-a of this chapter [~~for the two thousand twenty-two--two thousand twenty-three academic year.~~

~~(ii) In state fiscal year two thousand twenty-three--two thousand twenty-four, the state shall appropriate and make available general fund operating support in the amount of sixty-seven percent of the tuition credit calculated pursuant to section six hundred eighty-nine-a of this chapter for the two thousand twenty-three--two thousand twenty-four academic year.~~

~~(iii) Beginning in state fiscal year two thousand twenty-four--two thousand twenty-five and thereafter, the state shall appropriate and make available general fund operating support in the amount of the tuition credit calculated pursuant to section six hundred eighty-nine-a of this chapter~~] annually.

§ 2. Paragraph (f) of subdivision 7 of section 6206 of the education law, as added by section 2 of part GG of chapter 56 of the laws of 2021, is amended to read as follows:

(f) [~~(i)~~] In state fiscal year two thousand twenty-two--two thousand twenty-three **and thereafter**, the state shall appropriate and make available general fund operating support in the amount of [~~thirty-three percent of~~] the tuition credit calculated pursuant to section six hundred eighty-nine-a of this chapter [~~for the two thousand twenty-two--two thousand twenty-three academic year.~~

~~(ii) In state fiscal year two thousand twenty-three--two thousand twenty-four, the state shall appropriate and make available general fund operating support in the amount of sixty-seven percent of the tuition credit calculated pursuant to section six hundred eighty-nine-a of this chapter for the two thousand twenty-three--two thousand twenty-four academic year.~~

~~(iii) Beginning in state fiscal year two thousand twenty-four--two thousand twenty-five and thereafter, the state shall appropriate and make available general fund operating support in the amount of the tuition credit calculated pursuant to section six hundred eighty-nine-a of this chapter~~] annually.

§ 3. This act shall take effect immediately.

PART E

Section 1. Section 667-c of the education law, as added by section 1 of part N of chapter 58 of the laws of 2006, is amended to read as follows:

§ 667-c. Part-time tuition assistance program awards. 1. Notwithstanding any law, rule or regulation to the contrary, the president of the higher education services corporation is authorized to make tuition assistance program awards to**:**

a. part-time students enrolled at the state university, a community college, the city university of New York, and a non-profit college or university incorporated by the regents or by the legislature who meet all requirements for tuition assistance program awards except for the students' part-time attendance**; or**

b. students enrolled part-time at a community college in a non-degree workforce credential program approved by the New York state empire state development corporation and the New York state regional economic development councils based on an analysis of regional industry trends, workforce needs and existing program offerings.

2. For purposes of this section[~~, a part-time student is one who~~]:

a. **for students defined in paragraph a of subdivision one of this section, a part-time student is one who: (i)** enrolled as a first-time freshman during the two thousand six--two thousand seven academic year or thereafter at a college or university within the state university, including a statutory or contract college, a community college established pursuant to article one hundred twenty-six of this chapter, the city university of New York, or a non-profit college or university incorporated by the regents or by the legislature;

[~~b. has earned at least twelve credits in each of two consecutive semesters at one of the institutions named in paragraph a of this subdivision by the time of the awards;~~

~~c.~~] **(ii)** is enrolled for at least six but less than twelve semester hours, or the equivalent, per semester in an approved undergraduate degree program; and

[~~d.~~] **(iii)** has a cumulative grade-point average of at least 2.00.

b. for students defined in paragraph b of subdivision one of this section, a part-time student is one who: (i) meets all requirements for tuition assistance program awards except for the student's part-time attendance and any other requirements that are inconsistent with the student's enrollment in a non-degree program; and

(ii) is enrolled in an approved non-degree workforce credential program at a community college established pursuant to article one hundred twenty-six of this chapter.

3. a. For part-time students defined in this section, the award shall be calculated as provided in section six hundred sixty-seven of this article and shall be in an amount equal to the enrollment factor percent of the award the student would have been eligible for if the student were enrolled full-time. [~~The~~] **For part-time students defined in paragraph a of subdivision one of this section, the** enrollment factor percent is the percentage obtained by dividing the number of credits the student is enrolled in, as certified by the school, by the number of credits required for full-time study in the semester, quarter or term as defined by the commissioner. **For part-time students defined in paragraph b of subdivision one of this section, the enrollment factor shall be calculated pursuant to regulations established by the higher education services corporation.**

b. [~~Any~~] **(i) For part-time students defined in paragraph a of subdivision one of this section, any** semester, quarter or term of attendance during which a student receives an award pursuant to this section shall be counted as the enrollment factor percent of a semester, quarter or term toward the maximum term of eligibility for tuition assistance awards pursuant to section six hundred sixty-seven of this article. The total period of study for which payment may be made shall not exceed the equivalent of the maximum period authorized for that award.

(ii) For part-time students as defined in paragraph b of subdivision one of this section, the total period of study for which payment may be made shall not exceed the equivalent of the maximum period authorized for the non-degree workforce credential program.

§ 2. This act shall take effect immediately.

PART F

Section 1. Subparagraph (v) of paragraph b-1 of subdivision 4 of section 661 of the education law is REPEALED.

§ 2. Subparagraphs (iii) and (iv) of paragraph b-1 of subdivision 4 of section 661 of the education law, as added by section 1 of part Z of chapter 58 of the laws of 2011, are amended to read as follows:

(iii) does not maintain good academic standing pursuant to paragraph c of subdivision six of section six hundred sixty-five of this subpart, and if there is no applicable existing academic standards schedule pursuant to such subdivision, then such recipient shall be placed on the academic standards schedule applicable to students enrolled in a four-year or five-year undergraduate program; **or**

(iv) is in default in the repayment of any state or federal student loan, has failed to comply with the terms of any service condition imposed by an academic performance award made pursuant to this article, or has failed to make a refund of any award[~~; or~~]**.**

§ 3. Paragraph d of subdivision 6 of section 661 of the education law is REPEALED.

§ 4. This act shall take effect immediately.

PART G

Section 1. Subdivision 2 of section 669-h of the education law, as amended by section 1 of part G of chapter 56 of the laws of 2021, is amended to read as follows:

2. Amount. Within amounts appropriated therefor and based on availability of funds, awards shall be granted beginning with the two thousand seventeen--two thousand eighteen academic year and thereafter to

applicants that the corporation has determined are eligible to receive such awards. The corporation shall grant such awards in an amount up to five thousand five hundred dollars or actual tuition, whichever is less; provided, however, (a) a student who receives educational grants and/or scholarships that cover the student's full cost of attendance shall not be eligible for an award under this program; and (b) an award under this program shall be applied to tuition after the application of payments received under the tuition assistance program pursuant to section six hundred sixty-seven of this subpart, tuition credits pursuant to section six hundred eighty-nine-a of this article, federal Pell grant pursuant to section one thousand seventy of title twenty of the United States code, et seq., and any other program that covers the cost of attendance unless exclusively for non-tuition expenses, and the award under this program shall be reduced in the amount equal to such payments, provided that the combined benefits do not exceed five thousand five hundred dollars. Upon notification of an award under this program, the institution shall defer the amount of tuition. Notwithstanding paragraph h of subdivision two of section three hundred fifty-five and paragraph (a) of subdivision seven of section six thousand two hundred six of this chapter, and any other law, rule or regulation to the contrary, the undergraduate tuition charged by the institution to recipients of an award shall not exceed the tuition rate established by the institution for the two thousand sixteen--two thousand seventeen academic year provided, however, that in the two thousand [~~twenty-three~~] **twenty-two**--two thousand [~~twenty-four~~] **twenty-three** academic year and every year thereafter, the undergraduate tuition charged by the institution to recipients of an award shall be reset to equal the tuition rate established by the institution for the forthcoming academic year, provided further that the tuition credit calculated pursuant to section six hundred eighty-nine-a of this article shall be applied toward the tuition rate charged for recipients of an award under this program. Provided further that the state university of New York and the city university of New York shall provide an additional tuition credit to students receiving an award to cover the remaining cost of tuition.

§ 2. This act shall take effect immediately.

PART H

Section 1. Subdivision 5 of section 695-b of the education law, as amended by chapter 535 of the laws of 2000, is amended to read as follows:

5. "Eligible educational institution" shall mean **(a)** any institution of higher education defined as an eligible educational institution in section 529(e)(5) of the Internal Revenue Code of 1986, as amended**, or (b) any apprenticeship program described in section 529(c)(8) of the Internal Revenue Code of 1986, as amended**.

§ 2. This act shall take effect immediately.

PART I

Section 1. The education law is amended by adding a new article 13-C to read as follows:

ARTICLE 13-C
STUDENT DEBT; PROHIBITED PRACTICES

Section 640. Student debt; prohibited practices.

§ 640. Student debt; prohibited practices. 1. Notwithstanding any inconsistent provision of law, rule, or regulation, no institution of higher education, including colleges, universities, and organizations offering career education, as defined in section two of this chapter shall:

(a) withhold a student's transcript for failure to pay past or presently due tuition;

(b) condition the receipt of a transcript or of credit or other official recognition for work completed satisfactorily on the payment of a debt, other than the condition of a fee charged to provide the transcript;

(c) charge a higher fee for obtaining a transcript, or provide less favorable treatment of a transcript request because a student owes a debt; or

(d) use transcript issuance as a tool for debt collection.

2. The commissioner or the superintendent of financial services may, after notice and hearing, enjoin such transcript withholding practices and require any college found to be in violation of the provisions of this article or the rules or regulations promulgated hereunder to pay to the people of this state a penalty of five hundred dollars for each violation.

3. In addition to the right of action granted to the department or the superintendent of financial services pursuant to this section, any person who has been injured by reason of any violation of this section may bring an action in their own name to enjoin such unlawful act or practice. The court may, in its discretion, award reasonable attorney's fees to the prevailing plaintiff.

4. In addition to the penalties imposed under this section, a violation of this article shall be considered a violation of the laws and rules governing higher education award programs for the purpose of article fourteen of this chapter and the president of the higher education services corporation may suspend, limit or terminate an institution's participation in state higher education financial aid programs under such article.

5. Nothing in this article shall limit any statutory or common law right of any person to bring any action in any court for any act, or the right of the state to punish any person for any violation of law.

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

PART J

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

§ 210-d. Registration of curricula. Notwithstanding any law, rule or regulation to the contrary, any new curriculum or program of study offered by any not-for-profit college or university chartered by the regents or incorporated by special act of the legislature that does not require a master plan amendment pursuant to section two hundred thirty-seven of this part, or charter amendment pursuant to section two hundred sixteen of this part, or lead to professional licensure; and that is approved by the state university board of trustees, the city university board of trustees, or the trustees or governing body of any other not-for-profit college or university chartered by the regents which (1) has maintained a physical presence in New York state for the immediately

preceding ten years and has been operated continuously by the same governing body during the same immediately preceding ten year period and (2) is accredited and has continued in accreditation by the Middle States Commission on Higher Education ("MSCHE") or the department for the immediately preceding ten years, shall be deemed authorized for temporary operation pending program approval forty-five days after certification by the department of submission of a completed application for program approval. As used in this section, "authorized for temporary operation pending program approval" means a college or university may operate the curriculum or program of study on a contingent basis during the remainder of the department's program review process, including but not limited to accepting admission of students into the program, charging applicable tuition and fees, and providing the educational programming to students. Any college or university operating a program authorized for temporary operation pending program approval must disclose this status and its meaning to potential students in writing. If the academic program being operated on a temporary basis is ultimately disapproved by the department, the college or university operating such program shall immediately cease operation of the program and refund all monies paid by students to attend such programs. If the college or university is placed on probation or has its accreditation terminated by MSCHE, such college or university shall notify the regents in writing no later than thirty days after receiving notice of its probationary status or loss of accreditation by the MSCHE. Any college or university which has its accreditation placed on probation or terminated by the MSCHE or the department shall be subject to the commissioner's program approval and may not operate a curriculum or program of study under the authority of this section until it has been removed from probation or regained accreditation by MSCHE or the department, and shall further remain so restricted until it has continued without probation for a period of not less than six years. If a college or university subject to this section intends to offer or institute an additional degree or program which constitutes a substantive change, as defined and determined by MSCHE, then the college or university shall provide the commissioner with copies of any reports or other documents filed with MSCHE as part of MSCHE's substantive change review process and shall inform the commissioner when the substantive change is approved. Any such college or university that does not satisfy all of the provisions of this section shall comply with the procedures and criteria established by the regents and commissioner for academic program approval. Nothing in this section shall be deemed to limit the department's existing authority to investigate a complaint concerning the institution, or any program offered, including the authority to deregister the program.

§ 2. This act shall take effect July 1, 2022.

PART K

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

(h) Any firm established for the business purpose of incorporating as a professional service corporation formed to lawfully engage in the practice of public accountancy, as such practice is respectively defined under article one hundred forty-nine of the education law shall be required to show (1) that a simple majority of the ownership of the firm, in terms of financial interests, and voting rights held by the firm's owners, belongs to individuals licensed to practice public

accountancy in some state, and (2) that all shareholders of a professional service corporation whose principal place of business is in this state, and who are engaged in the practice of public accountancy in this state, hold a valid license issued under section seventy-four hundred four of the education law. For purposes of this paragraph, "financial interest" means capital stock, capital accounts, capital contributions, capital interest, or interest in undistributed earnings of a business entity. Although firms may include non-licensee owners, the firm and its owners must comply with rules promulgated by the state board of regents. Notwithstanding the foregoing, a firm incorporated under this section may not have non-licensee owners if the firm's name includes the words "certified public accountant," or "certified public accountants," or the abbreviations "CPA" or "CPAs". Each non-licensee owner of a firm that is incorporated under this section shall be a natural person who actively participates in the business of the firm or its affiliated entities. For purposes of this paragraph, "actively participate" means to provide services to clients or to otherwise individually take part in the day-to-day business or management of the firm. Such a firm shall have attached to its certificate of incorporation a certificate or certificates demonstrating the firm's compliance with this paragraph, in lieu of the certificate or certificates required by subparagraph (ii) of paragraph (b) of this section.

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

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

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

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

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

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

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

(c) The directors and officers of any firm established for the business purpose of incorporating as a professional service corporation pursuant to paragraph (h) of section fifteen hundred three of this article may include individuals who are not licensed to practice public

accountancy, provided however that at least fifty-one percent of the directors, at least fifty-one percent of the officers and the president, the chairperson of the board of directors and the chief executive officer or officers are authorized by law to practice in any state the profession which such corporation is authorized to practice, and are either shareholders of such corporation or engaged in the practice of their professions in such corporation.

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

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

If any shareholder, director, officer or employee of a professional service corporation, including a design professional service corporation, who has been rendering professional service to the public becomes legally disqualified to practice his **or her** profession within this state, he **or she** shall sever all employment with, and financial interests (other than interests as a creditor) in, such corporation forthwith or as otherwise provided in section 1510 of this article. All provisions of law regulating the rendering of professional services by a person elected or appointed to a public office shall be applicable to a shareholder, director, officer and employee of such corporation in the same manner and to the same extent as if fully set forth herein. Such legal disqualification to practice his **or her** profession within this state shall be deemed to constitute an irrevocable offer by the disqualified shareholder to sell his **or her** shares to the corporation, pursuant to the provisions of section 1510 of this article or of the certificate of incorporation, by-laws or agreement among the corporation and all shareholders, whichever is applicable. Compliance with the terms of such offer shall be specifically enforceable in the courts of this state. A professional service corporation's failure to enforce compliance with this provision shall constitute a ground for forfeiture of its certificate of incorporation and its dissolution.

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

(a) No shareholder of a professional service corporation [~~or~~]**, including** a design professional service corporation**,** may sell or transfer his **or her** shares in such corporation except to another individual who is eligible to have shares issued to him **or her** by such corporation or except in trust to another individual who would be eligible to receive shares if he **or she** were employed by the corporation. Nothing herein contained shall be construed to prohibit the transfer of shares by operation of law or by court decree. No transferee of shares by operation of law or court decree may vote the shares for any purpose whatsoever except with respect to corporate action under sections 909 and 1001 of this chapter. The restriction in the preceding sentence shall not apply, however, where such transferee would be eligible to have shares issued to him **or her** if he **or she** were an employee of the corporation and, if there are other shareholders, a majority of such other shareholders shall fail to redeem the shares so transferred, pursuant to section 1510 of this article, within sixty days of receiving written notice of such transfer. Any sale or transfer, except by operation of law or court decree or except for a corporation having only one shareholder, may be made only after the same shall have been approved by the board of directors, or at a shareholders' meeting specially called for such purpose by such proportion, not less than a majority, of the outstanding shares as

may be provided in the certificate of incorporation or in the by-laws of such professional service corporation. At such shareholders' meeting the shares held by the shareholder proposing to sell or transfer his **or her** shares may not be voted or counted for any purpose, unless all shareholders consent that such shares be voted or counted. The certificate of incorporation or the by-laws of the professional service corporation, or the professional service corporation and the shareholders by private agreement, may provide, in lieu of or in addition to the foregoing provisions, for the alienation of shares and may require the redemption or purchase of such shares by such corporation at prices and in a manner specifically set forth therein. The existence of the restrictions on the sale or transfer of shares, as contained in this article and, if applicable, in the certificate of incorporation, by-laws, stock purchase or stock redemption agreement, shall be noted conspicuously on the face or back of every certificate for shares issued by a professional service corporation. Any sale or transfer in violation of such restrictions shall be void.

(c) A firm established for the business purpose of incorporating as a professional service corporation pursuant to paragraph (h) of section fifteen hundred three of this article, shall purchase or redeem the shares of a non-licensed professional shareholder in the case of his or her termination of employment within thirty days after such termination. A firm established for the business purpose of incorporating as a professional service corporation pursuant to paragraph (h) of section fifteen hundred three of this article, shall not be required to purchase or redeem the shares of a terminated non-licensed professional shareholder if such shares, within thirty days after such termination, are sold or transferred to another employee of the corporation pursuant to this article.

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

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

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

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

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

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

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

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

(d) "Foreign professional service corporation" means a professional service corporation, whether or not denominated as such, organized under the laws of a jurisdiction other than this state, all of the sharehold-

ers, directors and officers of which are authorized and licensed to practice the profession for which such corporation is licensed to do business; except that all shareholders, directors and officers of a foreign professional service corporation which provides health services in this state shall be licensed in this state. **A foreign professional service corporation formed to lawfully engage in the practice of public accountancy, as such practice is defined under article one hundred forty-nine of the education law, or equivalent state law, shall be required to show (1) that a simple majority of the ownership of the firm, in terms of financial interests, and voting rights held by the firm's owners, belongs to individuals licensed to practice public accountancy in some state, and (2) that all shareholders of a foreign professional service corporation whose principal place of business is in this state, and who are engaged in the practice of public accountancy in this state, hold a valid license issued under section seventy-four hundred four of the education law. For purposes of this paragraph, "financial interest" means capital stock, capital accounts, capital contributions, capital interest, or interest in undistributed earnings of a business entity. Although firms may include non-licensee owners, the firm and its owners must comply with rules promulgated by the state board of regents. Notwithstanding the foregoing, a firm registered under this section may not have non-licensee owners if the firm's name includes the words "certified public accountant," or "certified public accountants," or the abbreviations "CPA" or "CPAs". Each non-licensee owner of a firm that is operating under this section shall be a natural person who actively participates in the business of the firm or its affiliated entities, provided each beneficial owner of an equity interest in such entity is a natural person who actively participates in the business conducted by the firm or its affiliated entities. For purposes of this paragraph, "actively participate" means to provide services to clients or to otherwise individually take part in the day-to-day business or management of the firm.**

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

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

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

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

(q) Each partner of a foreign limited liability partnership which provides medical services in this state must be licensed pursuant to article 131 of the education law to practice medicine in the state and each partner of a foreign limited liability partnership which provides dental services in the state must be licensed pursuant to article 133 of the education law to practice dentistry in this state. Each partner of a foreign limited liability partnership which provides veterinary service in the state shall be licensed pursuant to article 135 of the education

law to practice veterinary medicine in this state. Each partner of a foreign limited liability partnership which provides professional engineering, land surveying, geological services, architectural and/or landscape architectural services in this state must be licensed pursuant to article 145, article 147 and/or article 148 of the education law to practice one or more of such professions. **Each partner of a foreign registered limited liability partnership formed to provide public accountancy services, whose principal place of business is in this state and who provides public accountancy services, must be licensed pursuant to article 149 of the education law to practice public accountancy in this state.** Each partner of a foreign limited liability partnership which provides licensed clinical social work services in this state must be licensed pursuant to article 154 of the education law to practice licensed clinical social work in this state. Each partner of a foreign limited liability partnership which provides creative arts therapy services in this state must be licensed pursuant to article 163 of the education law to practice creative arts therapy in this state. Each partner of a foreign limited liability partnership which provides marriage and family therapy services in this state must be licensed pursuant to article 163 of the education law to practice marriage and family therapy in this state. Each partner of a foreign limited liability partnership which provides mental health counseling services in this state must be licensed pursuant to article 163 of the education law to practice mental health counseling in this state. Each partner of a foreign limited liability partnership which provides psychoanalysis services in this state must be licensed pursuant to article 163 of the education law to practice psychoanalysis in this state. Each partner of a foreign limited liability partnership which provides applied behavior analysis services in this state must be licensed or certified pursuant to article 167 of the education law to practice applied behavior analysis in this state. **A foreign limited liability partnership formed to lawfully engage in the practice of public accountancy, as such practice is respectively defined under article 149 of the education law, shall be required to show (1) that a simple majority of the ownership of the firm, in terms of financial interests, and voting rights held by the firm's owners, belongs to individuals licensed to practice public accountancy in some state, and (2) that all partners of a foreign limited liability partnership whose principal place of business is in this state, and who are engaged in the practice of public accountancy in this state, hold a valid license issued under section seventy-four hundred four of the education law. For purposes of this subdivision, "financial interest" means capital stock, capital accounts, capital contributions, capital interest, or interest in undistributed earnings of a business entity. Although firms may include non-licensee owners, the firm and its owners must comply with rules promulgated by the state board of regents. Notwithstanding the foregoing, a firm registered under this section may not have non-licensee owners if the firm's name includes the words "certified public accountant," or "certified public accountants," or the abbreviations "CPA" or "CPAs". Each non-licensee owner of a firm that is formed under this section shall be (1) a natural person who actively participates in the business of the firm or its affiliated entities, or (2) an entity, including, but not limited to, a partnership or professional corporation, provided each beneficial owner of an equity interest in such entity is a natural person who actively participates in the business conducted by the firm or its affiliated entities. For purposes of this subdivision, "actively participate" means to provide**

services to clients or to otherwise individually take part in the day-to-day business or management of the firm.

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

(h) "Limited partnership" and "domestic limited partnership" mean, unless the context otherwise requires, a partnership (i) formed by two or more persons pursuant to this article or which complies with subdivision (a) of section 121-1202 of this article and (ii) having one or more general partners and one or more limited partners. Notwithstanding any other provisions of law a limited partnership or domestic limited partnership formed to lawfully engage in the practice of public accountancy, as such practice is respectively defined under article 149 of the education law shall be required to show (1) that a simple majority of the ownership of the firm, in terms of financial interests, including ownership-based compensation, and voting rights held by the firm's owners, belongs to individuals licensed to practice public accountancy in some state, and (2) that all partners of a limited partnership or domestic limited partnership, whose principal place of business is in this state, and who are engaged in the practice of public accountancy in this state, hold a valid license issued under section seventy-four hundred four of the education law or are public accountants licensed under section seventy-four hundred five of the education law. Although firms may include non-licensee owners, the firm and its owners must comply with rules promulgated by the state board of regents. Notwithstanding the foregoing, a firm registered under this section may not have non-licensee owners if the firm's name includes the words "certified public accountant," or "certified public accountants," or the abbreviations "CPA" or "CPAs". Each non-licensee owner of a firm that is registered under this section shall be (1) a natural person who actively participates in the business of the firm or its affiliated entities, or (2) an entity, including, but not limited to, a partnership or professional corporation, provided each beneficial owner of an equity interest in such entity is a natural person who actively participates in the business conducted by the firm or its affiliated entities. For purposes of this subdivision, "actively participate" means to provide services to clients or to otherwise individually take part in the day-to-day business or management of the firm.

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

(b) With respect to a professional service limited liability company formed to provide medical services as such services are defined in article 131 of the education law, each member of such limited liability company must be licensed pursuant to article 131 of the education law to practice medicine in this state. With respect to a professional service limited liability company formed to provide dental services as such services are defined in article 133 of the education law, each member of such limited liability company must be licensed pursuant to article 133 of the education law to practice dentistry in this state. With respect to a professional service limited liability company formed to provide veterinary services as such services are defined in article 135 of the education law, each member of such limited liability company must be licensed pursuant to article 135 of the education law to practice veterinary medicine in this state. With respect to a professional service limited liability company formed to provide professional engineering, land surveying, architectural, landscape architectural and/or geological

services as such services are defined in article 145, article 147 and article 148 of the education law, each member of such limited liability company must be licensed pursuant to article 145, article 147 and/or article 148 of the education law to practice one or more of such professions in this state. **With respect to a professional service limited liability company formed to provide public accountancy services as such services are defined in article 149 of the education law each member of such limited liability company whose principal place of business is in this state and who provides public accountancy services, must be licensed pursuant to article 149 of the education law to practice public accountancy in this state.** With respect to a professional service limited liability company formed to provide licensed clinical social work services as such services are defined in article 154 of the education law, each member of such limited liability company shall be licensed pursuant to article 154 of the education law to practice licensed clinical social work in this state. With respect to a professional service limited liability company formed to provide creative arts therapy services as such services are defined in article 163 of the education law, each member of such limited liability company must be licensed pursuant to article 163 of the education law to practice creative arts therapy in this state. With respect to a professional service limited liability company formed to provide marriage and family therapy services as such services are defined in article 163 of the education law, each member of such limited liability company must be licensed pursuant to article 163 of the education law to practice marriage and family therapy in this state. With respect to a professional service limited liability company formed to provide mental health counseling services as such services are defined in article 163 of the education law, each member of such limited liability company must be licensed pursuant to article 163 of the education law to practice mental health counseling in this state. With respect to a professional service limited liability company formed to provide psychoanalysis services as such services are defined in article 163 of the education law, each member of such limited liability company must be licensed pursuant to article 163 of the education law to practice psychoanalysis in this state. With respect to a professional service limited liability company formed to provide applied behavior analysis services as such services are defined in article 167 of the education law, each member of such limited liability company must be licensed or certified pursuant to article 167 of the education law to practice applied behavior analysis in this state. **A professional service limited liability company formed to lawfully engage in the practice of public accountancy, as such practice is respectively defined under article 149 of the education law shall be required to show (1) that a simple majority of the ownership of the firm, in terms of financial interests, and voting rights held by the firm's owners, belongs to individuals licensed to practice public accountancy in some state, and (2) that all members of a limited professional service limited liability company, whose principal place of business is in this state, and who are engaged in the practice of public accountancy in this state, hold a valid license issued under section seventy-four hundred four of the education law. For purposes of this subdivision, "financial interest" means capital stock, capital accounts, capital contributions, capital interest, or interest in undistributed earnings of a business entity. Although firms may include non-licensee owners, the firm and its owners must comply with rules promulgated by the state board of regents. Notwithstanding the foregoing, a firm registered under this**

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

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

(a) "Foreign professional service limited liability company" means a professional service limited liability company, whether or not denominated as such, organized under the laws of a jurisdiction other than this state, (i) each of whose members and managers, if any, is a professional authorized by law to render a professional service within this state and who is or has been engaged in the practice of such profession in such professional service limited liability company or a predecessor entity, or will engage in the practice of such profession in the professional service limited liability company within thirty days of the date such professional becomes a member, or each of whose members and managers, if any, is a professional at least one of such members is authorized by law to render a professional service within this state and who is or has been engaged in the practice of such profession in such professional service limited liability company or a predecessor entity, or will engage in the practice of such profession in the professional service limited liability company within thirty days of the date such professional becomes a member, or (ii) authorized by, or holding a license, certificate, registration or permit issued by the licensing authority pursuant to, the education law to render a professional service within this state; except that all members and managers, if any, of a foreign professional service limited liability company that provides health services in this state shall be licensed in this state. With respect to a foreign professional service limited liability company which provides veterinary services as such services are defined in article 135 of the education law, each member of such foreign professional service limited liability company shall be licensed pursuant to article 135 of the education law to practice veterinary medicine. With respect to a foreign professional service limited liability company which provides medical services as such services are defined in article 131 of the education law, each member of such foreign professional service limited liability company must be licensed pursuant to article 131 of the education law to practice medicine in this state. With respect to a foreign professional service limited liability company which provides dental services as such services are defined in article 133 of the education law, each member of such foreign professional service limited liability company must be licensed pursuant to article 133 of the education law to practice dentistry in this state. With respect to a foreign professional service limited liability company which provides professional engineering, land surveying, geologic, architectural and/or landscape architectural services as such services are defined in article 145, article 147 and article 148 of the education law, each member of

such foreign professional service limited liability company must be licensed pursuant to article 145, article 147 and/or article 148 of the education law to practice one or more of such professions in this state. **With respect to a foreign professional service limited liability company which provides public accountancy services as such services are defined in article 149 of the education law, each member of such foreign professional service limited liability company whose principal place of business is in this state and who provides public accountancy services, shall be licensed pursuant to article 149 of the education law to practice public accountancy in this state.** With respect to a foreign professional service limited liability company which provides licensed clinical social work services as such services are defined in article 154 of the education law, each member of such foreign professional service limited liability company shall be licensed pursuant to article 154 of the education law to practice clinical social work in this state. With respect to a foreign professional service limited liability company which provides creative arts therapy services as such services are defined in article 163 of the education law, each member of such foreign professional service limited liability company must be licensed pursuant to article 163 of the education law to practice creative arts therapy in this state. With respect to a foreign professional service limited liability company which provides marriage and family therapy services as such services are defined in article 163 of the education law, each member of such foreign professional service limited liability company must be licensed pursuant to article 163 of the education law to practice marriage and family therapy in this state. With respect to a foreign professional service limited liability company which provides mental health counseling services as such services are defined in article 163 of the education law, each member of such foreign professional service limited liability company must be licensed pursuant to article 163 of the education law to practice mental health counseling in this state. With respect to a foreign professional service limited liability company which provides psychoanalysis services as such services are defined in article 163 of the education law, each member of such foreign professional service limited liability company must be licensed pursuant to article 163 of the education law to practice psychoanalysis in this state. With respect to a foreign professional service limited liability company which provides applied behavior analysis services as such services are defined in article 167 of the education law, each member of such foreign professional service limited liability company must be licensed or certified pursuant to article 167 of the education law to practice applied behavior analysis in this state. **A foreign professional service limited liability company formed to lawfully engage in the practice of public accountancy, as such practice is respectively defined under article 149 of the education law shall be required to show (1) that a simple majority of the ownership of the firm, in terms of financial interests, and voting rights held by the firm's owners, belongs to individuals licensed to practice public accountancy in some state, and (2) that all members of a foreign limited professional service limited liability company, whose principal place of business is in this state, and who are engaged in the practice of public accountancy in this state, hold a valid license issued under section seventy-four hundred four of the education law. For purposes of this subdivision, "financial interest" means capital stock, capital accounts, capital contributions, capital interest, or interest in undistributed earnings of a business entity. Although firms may include non-licensee owners, the firm and its**

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

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

§ 14. This act shall take effect immediately.

PART L

Section 1. Subdivision 2 of section 410-u of the social services law, as added by section 52 of part B of chapter 436 of the laws of 1997, is amended to read as follows:

2. The state block grant for child care shall be divided into two parts pursuant to a plan developed by the department and approved by the director of the budget. One part shall be retained by the state to provide child care on a statewide basis to special groups and for activities to increase the availability and/or quality of child care programs, including, but not limited to, the start-up of child care programs, the operation of child care resource and referral programs, training activities, the regulation and monitoring of child care programs, the development of computerized data systems, and consumer education, provided however, that child care resource and referral programs funded under title five-B of article six of this chapter shall meet additional performance standards developed by the department of social services including but not limited to: increasing the number of child care placements for persons who are at or below two hundred twenty-five percent of the state income standard effective October sixteen, two thousand twenty-two, two hundred sixty percent of the state income standard effective April first, two thousand twenty-three, or three hundred percent of the state income standard effective April first, two thousand twenty-four, provided such persons are at or below eighty-five percent of the state median income, with emphasis on placements supporting local efforts in meeting federal and state work participation requirements, increasing technical assistance to all modalities of legal child care to persons who are at or below two hundred twenty-five percent of the state income standard[~~,~~] effective October sixteen, two thousand twenty-two, two hundred sixty percent of the state income standard effective April first, two thousand twenty-three, or three hundred percent of the state income standard effective April first, two thousand twenty-four, provided such persons are at or below eighty-five percent of the state median income, including the provision of training to

assist providers in meeting child care standards or regulatory requirements, and creating new child care opportunities, and assisting social services districts in assessing and responding to child care needs for persons at or below two hundred **twenty-five** percent of the state income standard **effective October sixteen, two thousand twenty-two, two hundred sixty percent of the state income standard effective April first, two thousand twenty-three, or three hundred percent of the state income standard effective April first, two thousand twenty-four, provided such persons are at or below eighty-five percent of the state median income**. The department shall have the authority to withhold funds from those agencies which do not meet performance standards. Agencies whose funds are withheld may have funds restored upon achieving performance standards. The other part shall be allocated to social services districts to provide child care assistance to families receiving family assistance and to other low income families.

§ 2. Subdivision 3 of section 410-v of the social services law, as added by section 52 of part B of chapter 436 of the laws of 1997, is amended to read as follows:

3. Any portion of a social services district's block grant allocation for a particular federal fiscal year that is not claimed by such district during that federal fiscal year [~~shall~~] **may** be added to that social services district's block grant allocation for the next federal fiscal year.

§ 3. Subdivisions 1, 3 and 4 of section 410-w of the social services law, as amended by chapter 569 of the laws of 2001 and paragraph (a) of subdivision 4 as amended by chapter 135 of the laws of 2007, are amended and two new subdivisions 2-a and 10 are added to read as follows:

1. A social services district may use the funds allocated to it from the block grant to provide child care assistance to:

(a) families receiving public assistance when such child care assistance is necessary: to enable a parent or caretaker relative to engage in work, participate in work activities or perform a community service pursuant to title nine-B of article five of this chapter; to enable a teenage parent to attend high school or other equivalent training program; because the parent or caretaker relative is physically or mentally incapacitated; or because family duties away from home necessitate the parent or caretaker relative's absence; child day care shall be provided during breaks in activities, for a period of up to two weeks. Such child day care may be authorized for a period of up to one month if child care arrangements shall be lost if not continued, and the program or employment is scheduled to begin within such period;

(b) families with incomes up to two hundred **twenty-five** percent of the state income standard **effective October sixteen, two thousand twenty-two, two hundred sixty percent of the state income standard effective April first, two thousand twenty-three, or three hundred percent of the state income standard effective April first, two thousand twenty-four** who are attempting through work activities to transition off of public assistance when such child care is necessary in order to enable a parent or caretaker relative to engage in work provided such families' public assistance has been terminated as a result of increased hours of or income from employment or increased income from child support payments or the family voluntarily ended assistance; [~~and~~,] provided that the family received public assistance at least three of the six months preceding the month in which eligibility for such assistance terminated or ended or provided that such family has received child care assistance

under subdivision four of this section; and provided, the family income does not exceed eighty-five percent of the state median income;

(c) families with incomes up to two hundred twenty-five percent of the state income standard effective October sixteen, two thousand twenty-two, two hundred sixty percent of the state income standard effective April first, two thousand twenty-three, or three hundred percent of the state income standard effective April first, two thousand twenty-four, which are determined in accordance with the regulations of the department to be at risk of becoming dependent on family assistance; provided, the family income does not exceed eighty-five percent of the state median income;

(d) families with incomes up to two hundred twenty-five percent of the state income standard effective October sixteen, two thousand twenty-two, two hundred sixty percent of the state income standard effective April first, two thousand twenty-three, or three hundred percent of the state income standard effective April first, two thousand twenty-four who are attending a post secondary educational program and working at least seventeen and one-half hours per week; provided, the family income does not exceed eighty-five percent of the state median income; and

(e) other families with incomes up to two hundred twenty-five percent of the state income standard effective October sixteen, two thousand twenty-two, two hundred sixty percent of the state income standard effective April first, two thousand twenty-three, or three hundred percent of the state income standard effective April first, two thousand twenty-four which the social services district designates in its consolidated services plan as eligible for child care assistance in accordance with criteria established by the department; provided, the family income does not exceed eighty-five percent of the state median income.

2-a. A social services district may, upon approval by the office of children and family services and in accordance with criteria established by the office, use the funds allocated to it from the block grant to provide child care assistance to families with incomes up to three hundred percent of the state income standard, provided such families income does not exceed eighty-five percent of the state median income standard.

3. A social services district shall guarantee child care assistance to families in receipt of public assistance with children under thirteen years of age when such child care assistance is necessary for a parent or caretaker relative to engage in work or participate in work activities pursuant to the provisions of title nine-B of article five of this chapter. Child care assistance shall continue to be guaranteed for such a family for a period of twelve months after the month in which the family's eligibility for public assistance has terminated or ended when such child care is necessary in order to enable the parent or caretaker relative to engage in work, provided that the family's public assistance has been terminated as a result of an increase in the hours of or income from employment or increased income from child support payments or because the family voluntarily ended assistance; that the family received public assistance in at least three of the six months preceding the month in which eligibility for such assistance terminated or ended or provided that such family has received child care assistance under subdivision four of this section; [~~and~~] that the family's income does not exceed two hundred twenty-five percent of the state income standard effective October sixteen, two thousand twenty-two, two hundred sixty percent of the state income standard effective April first, two thousand twenty-three, or three hundred percent of the state income standard

effective April first, two thousand twenty-four; and that the family income does not exceed eighty-five percent of the state median income. Such child day care shall recognize the need for continuity of care for the child and a district shall not move a child from an existing provider unless the participant consents to such move.

4. (a) Local social services districts shall guarantee applicants who would otherwise be eligible for, or are recipients of, public assistance benefits and who are employed, the option to choose to receive continuing child day care subsidies in lieu of public assistance benefits, for such period of time as the recipient continues to be eligible for public assistance. For the purposes of this subdivision, an eligible applicant for, or recipient of, public assistance benefits and who is employed includes a person whose gross earnings equal, or are greater than, the required number of work hours times the state minimum wage. Recipients of child care subsidies under this subdivision who are no longer eligible for public assistance benefits, shall be eligible for transitional child care described in paragraph (b) of subdivision one of this section as if they had been recipients of public assistance.

(b) Nothing herein shall be construed to waive the right of an applicant who chooses to receive continuing child day care subsidies pursuant to this section from applying for ongoing public assistance.

10. For the purposes of this section, the term "state median income" means the most recent state median income data published by the bureau of the census, for a family of the same size, updated by the department for a family size of four and adjusted by the department for family size.

§ 4. This act shall take effect October 16, 2022; provided, however, that subdivision 2-a of section 410-w of the social services law, as added by section three of this act, shall expire and be deemed repealed April 1, 2024.

PART M

Section 1. Section 3 of part N of chapter 56 of the laws of 2020, amending the social services law relating to restructuring financing for residential school placements, as amended by section 1 of part I of chapter 56 of the laws of 2021, is amended to read as follows:

§ 3. This act shall take effect immediately [~~and shall expire and be deemed repealed April 1, 2022~~]; provided however that the amendments to subdivision 10 of section 153 of the social services law made by section one of this act, shall not affect the expiration of such subdivision and shall be deemed to expire therewith.

§ 2. This act shall take effect immediately.

PART N

Section 1. Section 28 of part C of chapter 83 of the laws of 2002, amending the executive law and other laws relating to funding for children and family services, as amended by section 1 of subpart A of part K of chapter 56 of the laws of 2017, is amended to read as follows:

§ 28. This act shall take effect immediately; provided that sections nine through eighteen and twenty through twenty-seven of this act shall be deemed to have been in full force and effect on and after April 1, 2002; provided, however, that section fifteen of this act shall apply to claims that are otherwise reimbursable by the state on or after April 1, 2002 except as provided in subdivision 9 of section 153-k of the social

services law as added by section fifteen of this act; provided further however, that nothing in this act shall authorize the office of children and family services to deny state reimbursement to a social services district for violations of the provisions of section 153-d of the social services law for services provided from January 1, 1994 through March 31, 2002; provided that section nineteen of this act shall take effect September 13, 2002 and shall expire and be deemed repealed June 30, 2012; and, provided further, however, that notwithstanding any law to the contrary, the office of children and family services shall have the authority to promulgate, on an emergency basis, any rules and regulations necessary to implement the requirements established pursuant to this act; provided further, however, that the regulations to be developed pursuant to section one of this act shall not be adopted by emergency rule; and provided further that the provisions of sections nine through eighteen and twenty through twenty-seven of this act shall expire and be deemed repealed on June 30, [~~2022~~] 2027.

§ 2. This act shall take effect immediately.

PART O

Section 1. Section 398-a of the social services law is amended by adding a new subdivision 2-c to read as follows:

(2-c) Those social services districts that as of July first, two thousand twenty-two were paying at least one hundred percent of the applicable rates published by the office of children and family services for the two thousand twenty-two--two thousand twenty-three rate year for care provided to foster children in regular, therapeutic, special needs, and emergency foster boarding homes shall pay for the two thousand twenty-two--two thousand twenty-three rate year and for each subsequent rate year thereafter at least one hundred percent of the applicable rates published by the office of children and family services for that rate year. Those social services districts that as of July first, two thousand twenty-two were paying less than the applicable rates published by the office of children and family services for the two thousand twenty-two--two thousand twenty-three rate year for care provided to foster children in regular, therapeutic, special needs and emergency foster boarding homes shall increase their rates of payment so that: effective July first, two thousand twenty-two the difference between the percentage of the applicable rates published by the office of children and family services for the two thousand twenty-two--two thousand twenty-three rate year and the rates such districts are paying is at least one-half less than the difference between the percentage of the applicable rates published by the office of children and family services for the two thousand twenty-two--two thousand twenty-three rate year and the rates that such districts were paying for such programs on July first, two thousand twenty-two; and effective July first, two thousand twenty-three for the two thousand twenty-three--two thousand twenty-four rate year and for each subsequent year thereafter all social services districts shall pay at least one hundred percent of the applicable rates published by the office of children and family services for the applicable rate year.

§ 2. This act shall take effect immediately.

PART P

Section 1. Subdivision 1 of section 2504 of the public health law, as added by chapter 769 of the laws of 1972, is amended to read as follows:

1. Any person who is eighteen years of age or older, or is the parent of a child or has married, **or is a homeless youth as defined by subdivision two of section five hundred thirty-two-a of the executive law,** may give effective consent for medical, dental, health and hospital services for himself or herself, and the consent of no other person shall be necessary.

§ 2. This act shall take effect on the ninetieth day after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.

PART Q

Section 1. Paragraph (a) of subdivision 3 of section 259-i of the executive law is amended by adding a new subparagraph (ix) to read as follows:

(ix) Notwithstanding any other provisions of this paragraph, an officer who takes into custody pursuant to a warrant authorized by this section a juvenile offender or adolescent offender under the age of twenty-one, or any other defendant under the age of eighteen, shall take such person and have them detained in a place certified by the office of children and family services as a secure or specialized secure detention facility, as appropriate, except that a person paroled, conditionally released, or released to post-release supervision from a secure facility operated by the office of children and family services may also be held in such a facility. If a person sixteen years of age or older and under the age of eighteen who is charged with a class A felony, a violent felony offense, or a felony involving the use or possession of a firearm taken into custody pursuant to this section is unable to be lodged in such a facility, the officer having custody of such person or other appropriate official must petition the sentencing court for approval to lodge the person in a local correctional facility. The court shall hold a hearing at which it determines whether it would be in the interest of justice for the violator to be held in such a facility, considering (A) the age of the alleged violator, (B) the physical and mental maturity of the alleged violator, (C) the present mental state of the alleged violator, including whether the alleged violator presents an imminent risk of harm to self or others, (D) the nature and circumstances of the alleged offense, (E) the alleged violator's history of prior delinquent or criminal acts, (F) the relative ability of the available local correctional and detention facilities to not only meet the specific needs of the alleged violator but also to protect the safety of the public as well as other detained youth, and (G) any other relevant factor. If the court finds that it would be in the interest of justice for the alleged violator to be lodged in a local correctional facility, the court must issue a written order so indicating, and shall hold a hearing at least once every thirty days to determine if such lodging continues to be in the interest of justice. No alleged violator to whom the provisions of this subparagraph apply may be detained in a local correctional facility for longer than one hundred eighty days unless the violator waives such limitation or the court finds good cause for such continued detention. No alleged violator under the age of eighteen to whom the provisions of this section apply may have sight or sound contact with adults incarcer-

ated in the local correctional facility. No alleged violator over the age of eighteen shall be permitted to have sight or sound contact with an incarcerated adult without a hearing as set forth in this subparagraph. Nothing in this subparagraph shall be construed to permit the solitary confinement, disciplinary isolation, or punitive segregation of such alleged violator. The hearing provided for by this subdivision is not required for youth to be detained in an adult jail or lockup, with sight and sound separation from adult inmates, when the youth is detained in an adult jail or lockup for a period not to exceed six hours for processing or release, while awaiting transfer to a juvenile facility, or while awaiting a court appearance; or the youth is awaiting an initial court appearance that will occur within forty-eight hours of being taken into custody (excluding Saturdays, Sundays, and legal holidays) and either conditions of distance to be traveled or the lack of highway, road, or transportation do not allow for court appearances within forty-eight hours (excluding Saturdays, Sundays, and legal holidays) so that a delay, not to exceed an additional forty-eight hours, is excusable, or conditions of safety exist (such as severe, adverse, life-threatening weather) that do not allow for reasonably safe travel, in which case the time for an appearance may be delayed until twenty-four hours after the time that such conditions allow for reasonably safe travel.

§ 2. Subdivisions 3, 4 and 5 of section 508 of the executive law, subdivision 3 as amended by section 82 of part WWW of chapter 59 of the laws of 2017 and subdivisions 4 and 5 as amended by section 97 of subpart B of part C of chapter 62 of the laws of 2011, are amended to read as follows:

3. The office of children and family services shall report in writing to the sentencing court and district attorney, not less than once every six months during the period of confinement, on the status, adjustment, programs and progress of the offender.

[~~The office of children and family services may transfer an offender not less than eighteen years of age to the department of corrections and community supervision if the commissioner of the office certifies to the commissioner of corrections and community supervision that there is no substantial likelihood that the youth will benefit from the programs offered by office facilities.~~]

4. The office of children and family services may apply to the sentencing court for permission to transfer a youth not less than [~~sixteen nor more than~~] eighteen years of age to the department of corrections and community supervision. Such application shall be made upon notice to the youth, who shall be entitled to be heard upon the application and to be represented by counsel. [~~The court shall grant the application if it is satisfied that there is no substantial likelihood that the youth will benefit from the programs offered by the office facilities.~~]

5. [~~The office of children and family services may transfer an offender not less than eighteen nor more than twenty-one years of age to the department of corrections and community supervision if the commissioner of the office certifies to the commissioner of corrections and community supervision that there is no substantial likelihood that the youth will benefit from the programs offered by office facilities.~~] (a) Upon receiving an application pursuant to subdivision four of this section, the court shall hold a hearing to determine whether it would be in the interest of justice for the youth to be transferred to the custody of the department of corrections and community supervision.

(b) If the court finds that it would be in the interest of justice for the youth to be transferred to the custody of the department of corrections and community supervision, the court shall issue a written order so stating and transferring the youth.

§ 3. Section 210.10 of the criminal procedure law is amended by adding a new subdivision 7 to read as follows:

7. Notwithstanding the provisions of subdivisions two, three, or six of this section, when a police officer takes into custody pursuant to a warrant issued by the superior court a defendant alleged to be a juvenile offender or adolescent offender under the age of twenty-one, or any other defendant under the age of eighteen, if a court in which the warrant is returnable is not available, the executing or delegating officer shall not bring the defendant to the local correctional facility of the county in which such court sits and shall bring the defendant before the accessible magistrate, if any, designated by the appellate division of the supreme court in the applicable department. If such accessible magistrate is not available, the officer shall take to and lodge the defendant in a place certified by the office of children and family services as a secure or specialized secure detention facility.

§ 4. Subdivision 1 of section 510.15 of the criminal procedure law, as amended by chapter 813 of the laws of 2021, is amended and a new subdivision 3 is added to read as follows:

1. When a principal who is under the age of sixteen is committed to the custody of the sheriff the court must direct that the principal be taken to and lodged in a place certified by the office of children and family services as a juvenile detention facility for the reception of children. When a principal who (a) commencing October first, two thousand eighteen, is sixteen years of age; or (b) commencing October first, two thousand nineteen, is sixteen or seventeen years of age, is committed to the custody of the sheriff, the court must direct that the principal be taken to and lodged in a place certified by the office of children and family services in conjunction with the state commission of correction as a specialized secure juvenile detention facility for older youth. Where such a direction is made the sheriff shall deliver the principal in accordance therewith and such person shall although lodged and cared for in a juvenile detention facility continue to be deemed to be in the custody of the sheriff. No principal [~~under the age specified~~] to whom the provisions of this section may apply shall be detained in any prison, jail, lockup, or other place used for adults convicted of a crime or under arrest and charged with the commission of a crime [~~without the approval of the office of children and family services which shall consult with the commission of correction if the principal is sixteen years of age or older in the case of each principal and the statement of its reasons therefor~~] **except as provided in subdivision three of this section**; nor shall a principal under the age specified who is charged solely with a violation as defined in subdivision three of section 10.00 of the penal law be subject to detention. The sheriff shall not be liable for any acts done to or by such principal resulting from negligence in the detention of and care for such principal, when the principal is not in the actual custody of the sheriff.

3. (a) When a principal sixteen years of age or older charged with a class A felony, a violent felony offense, or a felony involving the use or possession of a firearm who is committed to the custody of the sheriff pursuant to this section is unable to be lodged in a detention facility because (1) the principal has committed violent acts while lodged in a detention facility that make continued lodging in the facil-

ity a threat to the safety of the principal or others or to the security of the facility, or (2) a lack of available and accessible detention bed capacity, the district attorney, sheriff or detention administering agency may petition the court for approval to temporarily lodge the principal in a local correctional facility, subject to the limitations set forth in section five hundred-p of the correction law.

(i) If the basis for the request is that the youth committed violent acts while lodged in a detention facility that make their continued lodging in a detention facility an imminent threat to others, or that there are no available detention beds statewide, such an application may be made by order to show cause and the court shall conduct a hearing immediately, subject to continuance where necessary, prior to issuing a securing order.

(ii) In all other instances, a motion for approval of a transfer of a youth to a local correctional facility must be made in writing and served at least eight days before the time at which the motion is noticed to be heard. If the motion is based upon the existence or occurrence of facts, the motion papers must contain sworn allegations thereof. Such sworn allegations may be based upon personal knowledge of the affiant or upon information and belief, provided that in the latter event the affiant must state the sources of such information and the grounds of such belief. The people may further submit documentary evidence supporting or tending to support the allegations of the moving papers. At least two days before the time the motion is noticed to be heard, the youth may file with the court, and in such case must serve a copy thereof upon the people, an answering affidavit denying or admitting any or all of the allegations of the moving papers, and may further submit documentary evidence refuting or tending to refute such allegations.

(iii) The parties shall have the right to present evidence, call witnesses, and request to continue the hearing to complete presentation of evidence.

(iv) The youth has a right to be present in person at such hearing.

(b) Notwithstanding any other provision of law to the contrary, the office of children and family services may, in its sole discretion, make available, upon such terms and conditions as it may deem appropriate, any part of a secure facility operated by the office for the care and maintenance of a principal defined in paragraph (a) of this subdivision, upon request by the sheriff or detention administering agency.

(c) The court shall hold a hearing at which it determines whether it would be in the interest of justice for the principal to be held in the local correctional facility, considering (i) the age of the principal, (ii) the physical and mental maturity of the principal, (iii) the present mental state of the principal, including whether the principal presents an imminent risk of harm to self or others, (iv) the nature and circumstances of the alleged offense, (v) the principal's history of prior delinquent or criminal acts, (vi) the relative ability of the available local correctional and juvenile detention facilities to not only meet the specific needs of the principal but also to protect the safety of the public as well as other detained youth, and (vii) any other relevant factor. The people shall have the burden of establishing that such transfer is in the interest of justice by a preponderance of the evidence.

(d) If the court finds that it would be in the interest of justice for the principal to be lodged in the local correctional facility pursuant to paragraph (c) of this subdivision, the court must issue a written

order to that effect, and shall direct the sheriff to deliver the principal to such location.

(e) The court shall hold a hearing at least once every thirty days to determine if the principal's lodging in the local correctional facility continues to be in the interest of justice. No principal to whom the provisions of this section apply shall be detained in a local correctional facility for longer than one hundred eighty days unless the principal waives such limitation or the court finds good cause for such continued detention. No principal under the age of eighteen to whom the provisions of this section apply shall have sight or sound contact with adults incarcerated in the local correctional facility. No principal over the age of eighteen shall be permitted to have sight or sound contact with an incarcerated adult without a hearing as set forth in this subdivision. Nothing in this paragraph shall be construed to permit the solitary confinement, disciplinary isolation, or punitive segregation of such principal. During any period in which a principal to whom the provisions of this section applies is lodged in a local correctional facility, the detention administering agency shall remain responsible for assessing the health and wellbeing of the principal, consistent with regulations promulgated by the office of children and family services.

(f) For any principal for whom a temporary jail placement has been approved under this subdivision, the detention-administering agency shall actively seek appropriate and available detention options. If the request was based on a lack of detention bed capacity, the detention administering agency or the office of children and family services shall inform the court upon bed capacity becoming available. Upon such notice, the court shall rescind the order approving transfer of the principal to the jail and issue an order directing the sheriff to transport the principal to a juvenile facility forthwith.

(g) The hearing provided for by this subdivision is not required for youth to be detained in an adult jail or lockup, with sight and sound separation from incarcerated adults, when:

(i) The youth is detained in an adult jail or lockup for a period not to exceed six hours for: processing or release, while awaiting transfer to a juvenile facility, or while awaiting a court appearance; or

(ii) The youth is awaiting an initial court appearance that will occur within forty-eight hours after being taken into custody (excluding Saturdays, Sundays, and legal holidays) and either: conditions of distance to be traveled or the lack of highway, road, or transportation do not allow for court appearances within forty-eight hours (excluding Saturdays, Sundays, and legal holidays) so that a brief (not to exceed an additional forty-eight hours) delay is excusable; or conditions of safety exist (such as severe, adverse, life threatening weather conditions) that do not allow for reasonably safe travel, in which case the time for an appearance may be delayed until twenty-four hours after the time that such conditions allow for reasonably safe travel.

§ 5. This act shall take effect immediately.

PART R

Section 1. Subdivision 1 of section 359 of the executive law, as amended by section 42 of part AA of chapter 56 of the laws of 2019, is amended to read as follows:

1. A local director shall designate the location of the local and branch offices of the local veterans' service agency within his or her jurisdiction, which offices shall be open during convenient hours. The

cost of maintenance and operation of a county veterans' service agency shall be a county charge and the cost of maintenance and operation of a city veterans' service agency shall be a city charge, excepting that the state director with the approval of the veterans' services commission shall allot and pay, from state moneys made available to him or her for such purposes, to each county veterans' service agency and each city veterans' service agency, an amount equal to fifty per centum of its expenditures for maintenance and operation approved by the state director, provided that in no event shall the amount allotted and paid for such approved expenditures incurred in any given year exceed (1) in the case of any county veterans' service agency in a county having a population of not more than one hundred thousand or in the case of any city veterans' service agency in a city having a population of not more than one hundred thousand, the sum of [~~ten~~] twenty-five thousand dollars, nor (2) in the case of any county veterans' service agency in a county having a population in excess of one hundred thousand excluding the population of any city therein which has a city veterans' service agency, the sum of [~~ten~~] twenty-five thousand dollars, and, in addition thereto, the sum of five thousand dollars for each one hundred thousand, or major portion thereof, of the population of the county in excess of one hundred thousand excluding the population of any city therein which has a city veterans' service agency, nor (3) in the case of any city veterans' service agency in a city having a population in excess of one hundred thousand, the sum of [~~ten~~] twenty-five thousand dollars, and, in addition thereto, the sum of five thousand dollars for each one hundred thousand, or major portion thereof, of the population of the city in excess of one hundred thousand. Such population shall be certified in the same manner as provided by section fifty-four of the state finance law.

§ 2. This act shall take effect immediately and shall apply to all expenditures made on and after April 1, 2022.

PART S

Section 1. Paragraphs (a), (b), (c) and (d) of subdivision 1 of section 131-o of the social services law, as amended by section 1 of part P of chapter 56 of the laws of 2021, are amended to read as follows:

(a) in the case of each individual receiving family care, an amount equal to at least [~~$152.00~~] $161.00 for each month beginning on or after January first, two thousand [~~twenty-one~~] twenty-two.

(b) in the case of each individual receiving residential care, an amount equal to at least [~~$176.00~~] $186.00 for each month beginning on or after January first, two thousand [~~twenty-one~~] twenty-two.

(c) in the case of each individual receiving enhanced residential care, an amount equal to at least [~~$210.00~~] $222.00 for each month beginning on or after January first, two thousand [~~twenty-one~~] twenty-two.

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

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

(2) the amount in subparagraph one of this paragraph, multiplied by the percentage of any federal supplemental security income cost of

living adjustment which becomes effective on or after January first, two thousand [~~twenty-two~~] twenty-three, but prior to June thirtieth, two thousand [~~twenty-two~~] twenty-three, rounded to the nearest whole dollar.

§ 2. Paragraphs (a), (b), (c), (d), (e) and (f) of subdivision 2 of section 209 of the social services law, as amended by section 2 of part P of chapter 56 of the laws of 2021, are amended to read as follows:

(a) On and after January first, two thousand [~~twenty-one~~] twenty-two, for an eligible individual living alone, [~~$881.00~~] $928.00; and for an eligible couple living alone, [~~$1,295.00~~] $1,365.00.

(b) On and after January first, two thousand [~~twenty-one~~] twenty-two, for an eligible individual living with others with or without in-kind income, [~~$817.00~~] $864.00; and for an eligible couple living with others with or without in-kind income, [~~$1,237.00~~] $1,307.00.

(c) On and after January first, two thousand [~~twenty-one~~] twenty-two, (i) for an eligible individual receiving family care, [~~$1,060.48~~] $1,107.48 if he or she is receiving such care in the city of New York or the county of Nassau, Suffolk, Westchester or Rockland; and (ii) for an eligible couple receiving family care in the city of New York or the county of Nassau, Suffolk, Westchester or Rockland, two times the amount set forth in subparagraph (i) of this paragraph; or (iii) for an eligible individual receiving such care in any other county in the state, [~~$1,022.48~~] $1,069.48; and (iv) for an eligible couple receiving such care in any other county in the state, two times the amount set forth in subparagraph (iii) of this paragraph.

(d) On and after January first, two thousand [~~twenty-one~~] twenty-two, (i) for an eligible individual receiving residential care, [~~$1,229.00~~] $1,276.00 if he or she is receiving such care in the city of New York or the county of Nassau, Suffolk, Westchester or Rockland; and (ii) for an eligible couple receiving residential care in the city of New York or the county of Nassau, Suffolk, Westchester or Rockland, two times the amount set forth in subparagraph (i) of this paragraph; or (iii) for an eligible individual receiving such care in any other county in the state, [~~$1,199.00~~] $1,246.00; and (iv) for an eligible couple receiving such care in any other county in the state, two times the amount set forth in subparagraph (iii) of this paragraph.

(e) On and after January first, two thousand [~~twenty-one~~] twenty-two, (i) for an eligible individual receiving enhanced residential care, [~~$1,488.00~~] $1,535.00; and (ii) for an eligible couple receiving enhanced residential care, two times the amount set forth in subparagraph (i) of this paragraph.

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

§ 3. This act shall take effect December 31, 2022.

PART T

Section 1. Section 4 of part W of chapter 54 of the laws of 2016, as amended by section 1 of part M of chapter 56 of the laws of 2019, amending the social services law relating to the powers and duties of the commissioner of social services relating to the appointment of a temporary operator, is amended to read as follows:

§ 4. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2016, provided further that this act shall expire and be deemed repealed March 31, [~~2022~~] **2025**.

§ 2. This act shall take effect immediately.

PART U

Section 1. Subdivision 4 of section 158 of the social services law, as amended by section 44 of part B of chapter 436 of the laws of 1997, is amended to read as follows:

4. Social services officials shall determine eligibility for safety net assistance within [~~forty-five~~] **thirty** days of receiving an application for safety net assistance. Such officials shall notify applicants of safety net assistance about the availability of assistance to meet emergency circumstances or to prevent eviction.

§ 2. Subdivision 8 of section 153 of the social services law, as amended by chapter 41 of the laws of 1992, is amended to read as follows:

8. Any inconsistent provision of the law or regulation of the department notwithstanding, state reimbursement shall not be made for any expenditure made for the duplication of any grant and allowance for any period, except as authorized by subdivision eleven of section one hundred thirty-one of this chapter[~~, or for any home relief payment made for periods prior to forty-five days after the filing of an application unless the district determines pursuant to department regulations that such assistance is required to meet emergency circumstances or prevent eviction~~]. Notwithstanding any other provision of law, social services districts are not required to provide [~~home relief~~] **safety net assistance** to any person, otherwise eligible, if state reimbursement is not available in accordance with this subdivision.

§ 3. Subparagraphs (ii) and (iii) of paragraph (a) of subdivision 8 of section 131-a of the social services law, subparagraph (ii) as amended by section 12 of part B of chapter 436 of the laws of 1997 and subparagraph (iii) as amended by chapter 246 of the laws of 2002, are amended to read as follows:

(ii) **fifty percent of the earned income for such month of any recipient;**

(iii) from the earned income of any [~~child or relative applying for or receiving aid pursuant to such program, or of any other individual living in the same household as such relative and child whose needs are taken into account in making such determination, the first ninety~~] **applicant or recipient, one hundred fifty** dollars of the [~~total of such~~] earned income for such month **that remains after application of subparagraph (ii) of this paragraph**;

[~~(iii) forty-two percent of the earned income for such month of any recipient in a household containing a dependent child which remains after application of all other subparagraphs of this paragraph; provided, however, that such percentage amount shall be adjusted in June of each year, commencing in nineteen hundred ninety-eight, to reflect changes in the most recently issued poverty guidelines of the United States Bureau of the Census, such that a household of three without special needs, living in a heated apartment in New York city and without unearned income would become ineligible for assistance with gross earnings equal to the poverty level in such guidelines; provided, however, that no assistance shall be given to any household with gross earned and~~

~~unearned income, exclusive of income described in subparagraphs (i) and (vi) of this paragraph, in excess of such poverty level;~~]

§ 4. Subdivision 10 of section 131-a of the social services law is REPEALED.

§ 5. Subdivision 1 of section 131-n of the social services law, as separately amended by chapters 323 and 329 of the laws of 2019, is amended to read as follows:

1. The following resources shall be exempt and disregarded in calculating the amount of benefits of any household under any public assistance program: (a) cash and liquid or nonliquid resources up to two thousand **five hundred** dollars for applicants, [~~or~~] three thousand **seven hundred fifty** dollars **for applicants** in [~~the case of~~] households in which any member is sixty years of age or older **or is disabled or ten thousand dollars for recipients**, (b) an amount up to four thousand six hundred fifty dollars in a separate bank account established by an individual while currently in receipt of assistance for the sole purpose of enabling the individual to purchase a first or replacement vehicle for the recipient to seek, obtain or maintain employment, so long as the funds are not used for any other purpose, (c) an amount up to one thousand four hundred dollars in a separate bank account established by an individual while currently in receipt of assistance for the purpose of paying tuition at a two-year or four-year accredited post-secondary educational institution, so long as the funds are not used for any other purpose, (d) the home which is the usual residence of the household, (e) one automobile, up to ten thousand dollars fair market value, through March thirty-first, two thousand seventeen; one automobile, up to eleven thousand dollars fair market value, from April first, two thousand seventeen through March thirty-first, two thousand eighteen; and one automobile, up to twelve thousand dollars fair market value, beginning April first, two thousand eighteen and thereafter, or such other higher dollar value as the local social services district may elect to adopt, (f) one burial plot per household member as defined in department regulations, (g) bona fide funeral agreements up to a total of one thousand five hundred dollars in equity value per household member, (h) funds in an individual development account established in accordance with subdivision five of section three hundred fifty-eight of this chapter and section four hundred three of the social security act, (i) for a period of six months, real property which the household is making a good faith effort to sell, in accordance with department regulations and tangible personal property necessary for business or for employment purposes in accordance with department regulations, and (j) funds in a qualified tuition program that satisfies the requirement of section 529 of the Internal Revenue Code of 1986, as amended, and [~~(j)~~] **(k)** funds in a New York achieving a better life experience savings account established in accordance with article eighty-four of the mental hygiene law.

If federal law or regulations require the exemption or disregard of additional income and resources in determining need for family assistance, or medical assistance not exempted or disregarded pursuant to any other provision of this chapter, the department may, by regulations subject to the approval of the director of the budget, require social services officials to exempt or disregard such income and resources. Refunds resulting from earned income tax credits shall be disregarded in public assistance programs.

§ 6. This act shall take effect October 1, 2022; provided, however, that the amendments to subdivision 1 of section 131-n of the social

services law made by section five of this act shall not affect the expiration of such section and shall be deemed to expire therewith.

PART V

Section 1. The labor law is amended by adding a new section 202-m to read as follows:

§ 202-m. Restrictions on employment. 1. Definitions. For the purposes of this section:

(a) "Covered employee" shall mean an employee earning less than the median wage in New York state as determined and published on the department's website by the commissioner on or before the first of June of each year.

(b) "Prospective covered employee" shall mean an applicant or job candidate for employment for a job earning less than the median wage in New York state as determined and published by the commissioner.

(c) "Non-compete agreement" shall mean an agreement or contract that prohibits, discourages, or otherwise restricts an employee from obtaining employment in any specified geographic area, for a specific period of time, or with any particular employer or in any particular industry.

(d) "Employee" means any person employed for hire by an employer in any employment.

(e) "Employer" includes any person, corporation, limited liability company, or association employing any individual in any occupation, industry, trade, business or service. The term "employer" shall not include a governmental agency.

2. Prohibited non-compete agreements. No employer shall seek, demand, require, or accept a non-compete agreement with a covered employee or a prospective covered employee.

3. Limitations on permissible non-compete agreements. For all employees other than covered employees, no employer shall seek, require, demand or accept a non-compete agreement from any employee unless the non-compete agreement meets the following requirements:

(a) be strictly limited to be no more expansive than as required for the protection of the legitimate interest of the employer;

(b) not impose undue hardship on the employee;

(c) not be injurious to the public;

(d) be disclosed in a written offer of employment or in a written offer of a promotion at least ten days before the effective date of such employment or promotion;

(e) be written in the primary language identified by the employee;

(f) be written at a reading comprehension level not exceeding that of the employee;

(g) not contain a term of more than one year after the employment has ended;

(h) not require that an employee adjudicate, including litigation or arbitration, outside of the state of New York a claim arising in the state of New York;

(i) be maintained by the employer for a period of not less than six years from the end of the agreement;

(j) be voidable, at the option of the employee, if the employer cannot demonstrate a continued willingness to employ the employee; and

(k) not deprive an employee of the substantive protection of New York law with respect to a controversy arising in the state of New York.

4. This section shall not apply to:

(a) the enforcement of covenants not to disclose trade secrets;

(b) employees covered under section two hundred two-k of this article; and

(c) agreements between bona fide owners or partners of a business.

5. Upon the request of the commissioner or his or her designee, any contract or agreement described in this section shall be open for inspection and copies of which shall be provided by the employer to the commissioner promptly upon such request.

6. Any person who violates this section shall be civilly liable to a covered employee for damages, attorney's fees, and costs. Any provision of a contract that violates subdivision one, two, or three of this section shall be voidable by the employee, and if a provision is rendered void at the request of the employee, any matters arising therefrom shall be adjudicated in the state of New York and New York law shall govern the dispute.

§ 2. The opening paragraph of subdivision 1 of section 218 of the labor law, as amended by chapter 2 of the laws of 2015, is amended to read as follows:

If the commissioner determines that an employer has violated a provision of article six (payment of wages), article nineteen (minimum wage act), article nineteen-A (minimum wage standards and protective labor practices for farm workers), section two hundred two-m (restrictions on employment), section two hundred twelve-a, section two hundred twelve-b, section one hundred sixty-one (day of rest) or section one hundred sixty-two (meal periods) of this chapter, or a rule or regulation promulgated thereunder, the commissioner shall issue to the employer an order directing compliance therewith, which shall describe particularly the nature of the alleged violation. A copy of such order shall be provided to any employee who has filed a complaint and any authorized representative of him or her. In addition to directing payment of wages, benefits or wage supplements found to be due, and liquidated damages in the amount of one hundred percent of unpaid wages, such order, if issued to an employer who previously has been found in violation of those provisions, rules or regulations, or to an employer whose violation is willful or egregious, shall direct payment to the commissioner of an additional sum as a civil penalty in an amount not to exceed double the total amount of wages, benefits, or wage supplements found to be due. In no case shall the order direct payment of an amount less than the total wages, benefits or wage supplements found by the commissioner to be due, plus the liquidated damages in the amount of one hundred percent of unpaid wages, the appropriate civil penalty, and interest at the rate of interest then in effect, as prescribed by the superintendent of financial services pursuant to section fourteen-a of the banking law per annum from the date of the underpayment to the date of the payment. Where the violation is for a reason other than the employer's failure to pay wages, benefits or wage supplements found to be due, the order shall direct payment to the commissioner of a civil penalty in an amount not to exceed one thousand dollars for a first violation, two thousand dollars for a second violation or three thousand dollars for a third or subsequent violation. In assessing the amount of the penalty, the commissioner shall give due consideration to the size of the employer's business, the good faith basis of the employer to believe that its conduct was in compliance with the law, the gravity of the violation, the history of previous violations and, in the case of wages, benefits or supplements violations, the failure to comply with recordkeeping or other non-wage requirements.

§ 3. Subdivision 1 of section 219 of the labor law, as amended by chapter 564 of the laws of 2010, the opening paragraph as further amended by part A of section 104 of chapter 62 of the laws of 2011, is amended to read as follows:

1. If the commissioner determines that an employer has failed to pay wages, benefits or wage supplements required pursuant to article six (payment of wages), **section two hundred two-m (restrictions on employment),** article nineteen (minimum wage act) or article nineteen-A (minimum wage standards and protective labor practices for farm workers) of this chapter, or a rule or regulation promulgated thereunder, the commissioner shall issue to the employer an order directing compliance therewith, which shall describe particularly the nature of the alleged violation. A copy of such order shall be provided to any employee who has filed a complaint and to his or her authorized representative. Such order shall direct payment of wages or supplements found to be due, liquidated damages in the amount of one hundred percent of unpaid wages, and interest at the rate of interest then in effect as prescribed by the superintendent of financial services pursuant to section fourteen-a of the banking law per annum from the date of the underpayment to the date of the payment.

At the discretion of the commissioner, the commissioner shall have full authority to provide for inclusion of an automatic fifteen percent additional amount of damages to come due and owing upon expiration of ninety days from an order to comply becoming final. The commissioner shall provide written notice to the employer in the order to comply of this additional damage.

§ 4. Section 340 of the general business law is amended by adding a new subdivision 7 to read as follows:

7. No employer shall enter into a restrictive employment agreement that prohibits or restricts any employer's ability to solicit or hire another employer's current or former employees. It shall be unlawful for any entity to enter into such a restrictive employment agreement or to enforce or threaten to enforce such a restrictive employment agreement. For purposes of this subdivision, the terms "employer" and "employee" shall have the same meanings as defined pursuant to section two of the labor law.

§ 5. 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.

§ 6. This act shall take effect on the one hundred eightieth day after it shall have become a law.

PART W

Section 1. Subdivision 1 of section 198-a of the labor law, as amended by chapter 564 of the laws of 2010, is amended to read as follows:

1. Every employer who does not pay the wages of all of his employees in accordance with the provisions of this chapter, and the officers and agents of any corporation, partnership, or limited liability company who knowingly permit the corporation, partnership, or limited liability

company to violate this chapter by failing to pay the wages of any of its employees in accordance with the provisions thereof, shall be guilty [~~of a misdemeanor for the first offense and upon conviction therefor shall be fined not less than five hundred nor more than twenty thousand dollars or imprisoned for not more than one year, and, in the event that any second or subsequent offense occurs within six years of the date of conviction for a prior offense, shall be guilty of a felony for the second or subsequent offense, and upon conviction therefor, shall be fined not less than five hundred nor more than twenty thousand dollars or imprisoned for not more than one year plus one day, or punished by both such fine and imprisonment, for each such offense. An indictment of a person or corporation operating a steam surface railroad for an offense specified in this section may be found and tried in any county within the state in which such railroad ran at the time of such offense~~], **except as otherwise provided in this chapter or in the penal law, of a class A misdemeanor for failure to pay a single employee less than one thousand dollars or less than twenty-five thousand dollars to more than one employee; of a class E felony for failure to pay a single employee greater than one thousand dollars or greater than twenty-five thousand dollars to more than one employee; of a class D felony for failure to pay a single employee greater than three thousand dollars or one hundred thousand dollars to more than one employee; and a class C felony for failure to pay a single employee greater than fifty thousand dollars or greater than five hundred thousand dollars to more than one employee. Further, a court may order restitution of wages in the amount of the underpayment and together with such amounts provided for by section two hundred eighteen of this chapter**.

§ 2. Section 213 of the labor law, as amended by chapter 729 of the laws of 1980, is amended to read as follows:

§ 213. Violations of provisions of labor law; the rules, regulations or orders of the [~~industrial~~] commissioner and the [~~industrial~~] board [~~of appeals~~]. Any person who violates or does not comply with any provision of the labor law, any rule, regulation or lawful order of the [~~industrial~~] commissioner or the [~~industrial~~] board [~~of appeals~~], and the officers and agents of any corporation who knowingly permit the corporation to violate such provisions, are guilty of a **class A** misdemeanor and upon conviction shall be punished, [~~except as in this chapter or in the penal law otherwise provided, for a first offense by a fine of not more than one hundred dollars, provided, however, that if the first offense is a violation of a rule or provision for the protection of the safety or health of employees or persons lawfully frequenting a place to which this chapter applies, the punishment shall be a fine of not more than one hundred dollars or by imprisonment for not more than fifteen days or by both such fine and imprisonment;~~] **in accordance with the penal law and,** for a second [~~offense by a fine of not less than one hundred nor more than five hundred dollars, or by imprisonment for not more than thirty days or by both such fine and imprisonment; for a second offense by a fine of not less than three hundred dollars, or by imprisonment for not more than sixty days, or by both such fine and imprisonment~~] **or subsequent offense committed within six years of the date of conviction of prior offense, are guilty of a class E felony and upon conviction shall be punished in accordance with the penal law**. This section shall not apply to any person covered by section twenty-seven-a of this chapter.

§ 3. This act shall take effect immediately.

PART X

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

1. It shall be an unlawful discriminatory practice:

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

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

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

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

(e) For any employer, labor organization or employment agency to discharge, expel or otherwise discriminate against any person because he

or she has opposed any practices forbidden under this article or because he or she has filed a complaint, testified or assisted in any proceeding under this article.

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

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

(h) For an employer, licensing agency, employment agency or labor organization to subject any individual to harassment because of an individual's age, race, creed, color, national origin, sexual orientation, gender identity or expression, military status, sex, disability, predisposing genetic characteristics, familial status, marital status, **status as a victim of** domestic violence [~~**victim status**~~], or because the individual has opposed any practices forbidden under this article or because the individual has filed a complaint, testified or assisted in any proceeding under this article, regardless of whether such harassment would be considered severe or pervasive under precedent applied to harassment claims. Such harassment is an unlawful discriminatory practice when it subjects an individual to inferior terms, conditions or privileges of employment because of the individual's membership in one or more of these protected categories. The fact that such individual did not make a complaint about the harassment to such employer, licensing agency, employment agency or labor organization shall not be determinative of whether such employer, licensing agency, employment agency or labor organization shall be liable. Nothing in this section shall imply that an employee must demonstrate the existence of an individual to whom the employee's treatment must be compared. It shall be an affirmative defense to liability under this subdivision that the harassing conduct does not rise above the level of what a reasonable victim of discrimination with the same protected characteristic or characteristics would consider petty slights or trivial inconveniences.

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

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

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

(b) To deny to or withhold from any person because of race, creed, color, national origin, sexual orientation, gender identity or expression, military status, sex, age, disability, familial status, [~~**or**~~] marital status, **or status as a victim of domestic violence,** the right to be admitted to or participate in a guidance program, an apprenticeship training program, on-the-job training program, executive training program, or other occupational training or retraining program;

(c) To discriminate against any person in his or her pursuit of such programs or to discriminate against such a person in the terms, conditions or privileges of such programs because of race, creed, color, national origin, sexual orientation, gender identity or expression, military status, sex, age, disability, familial status [~~**or**~~], marital status**, or status as a victim of domestic violence**;

(d) To print or circulate or cause to be printed or circulated any statement, advertisement or publication, or to use any form of application for such programs or to make any inquiry in connection with such program which expresses, directly or indirectly, any limitation, specification or discrimination as to race, creed, color, national origin, sexual orientation, gender identity or expression, military status, sex, age, disability, familial status [~~or~~], marital status**, or status as a victim of domestic violence**, or any intention to make any such limitation, specification or discrimination, unless based on a bona fide occupational qualification.

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

(a) It shall be an unlawful discriminatory practice for any person, being the owner, lessee, proprietor, manager, superintendent, agent or employee of any place of public accommodation, resort or amusement, because of the race, creed, color, national origin, sexual orientation, gender identity or expression, military status, sex, disability [~~or~~], marital status**, or status as a victim of domestic violence,** of any person, directly or indirectly, to refuse, withhold from or deny to such person any of the accommodations, advantages, facilities or privileges thereof, including the extension of credit, or, directly or indirectly, to publish, circulate, issue, display, post or mail any written or printed communication, notice or advertisement, to the effect that any of the accommodations, advantages, facilities and privileges of any such place shall be refused, withheld from or denied to any person on account of race, creed, color, national origin, sexual orientation, gender identity or expression, military status, sex, disability or marital status, or that the patronage or custom thereat of any person of or purporting to be of any particular race, creed, color, national origin, sexual orientation, gender identity or expression, military status, sex or marital status, or having a disability is unwelcome, objectionable or not acceptable, desired or solicited.

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

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

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

(c) To cause to be made any written or oral inquiry or record concerning the race, creed, color, disability, national origin, sexual orientation, gender identity or expression, membership in the reserve armed forces of the United States or in the organized militia of the state, age, sex, marital status, **status as a victim of domestic violence,**

lawful source of income or familial status of a person seeking to rent or lease any publicly-assisted housing accommodation; provided, however, that nothing in this subdivision shall prohibit a member of the reserve armed forces of the United States or in the organized militia of the state from voluntarily disclosing such membership.

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

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

3-b. It shall be an unlawful discriminatory practice for any real estate broker, real estate salesperson or employee or agent thereof or any other individual, corporation, partnership or organization for the purpose of inducing a real estate transaction from which any such person or any of its stockholders or members may benefit financially, to represent that a change has occurred or will or may occur in the composition with respect to race, creed, color, national origin, sexual orientation, gender identity or expression, military status, sex, disability, marital status, **status as a victim of domestic violence,** or familial status of the owners or occupants in the block, neighborhood or area in which the real property is located, and to represent, directly or indirectly, that this change will or may result in undesirable consequences in the block, neighborhood or area in which the real property is located, including but not limited to the lowering of property values, an increase in criminal or anti-social behavior, or a decline in the quality of schools or other facilities.

4. It shall be an unlawful discriminatory practice for an educational institution to deny the use of its facilities to any person otherwise qualified, or to permit the harassment of any student or applicant, by reason of his race, color, religion, disability, national origin, sexual orientation, gender identity or expression, military status, sex, age [~~or~~]**,** marital status, **or status as a victim of domestic violence,** except that any such institution which establishes or maintains a policy of educating persons of one sex exclusively may admit students of only one sex.

§ 6. Subdivision 5 of section 296 of the executive law, as amended by chapter 8 of the laws of 2019, paragraph (a) as amended by chapter 300 of the laws of 2021, subparagraphs 1 and 2 of paragraph (c) as amended by section 5 and paragraph (d) as amended by section 6 of part T of chapter 56 of the laws of 2019, is amended to read as follows:

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

(1) To refuse to sell, rent, lease or otherwise to deny to or withhold from any person or group of persons such a housing accommodation because

of the race, creed, color, national origin, sexual orientation, gender identity or expression, military status, sex, age, disability, marital status, **status as a victim of domestic violence,** lawful source of income or familial status of such person or persons, or to represent that any housing accommodation or land is not available for inspection, sale, rental or lease when in fact it is so available.

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

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

(4) (i) The provisions of subparagraphs one and two of this paragraph shall not apply (1) to the rental of a housing accommodation in a building which contains housing accommodations for not more than two families living independently of each other, if the owner resides in one of such housing accommodations, (2) to the restriction of the rental of all rooms in a housing accommodation to individuals of the same sex or (3) to the rental of a room or rooms in a housing accommodation, if such rental is by the occupant of the housing accommodation or by the owner of the housing accommodation and the owner resides in such housing accommodation or (4) solely with respect to age and familial status to the restriction of the sale, rental or lease of housing accommodations exclusively to persons sixty-two years of age or older and the spouse of any such person, or for housing intended and operated for occupancy by at least one person fifty-five years of age or older per unit. In determining whether housing is intended and operated for occupancy by persons fifty-five years of age or older, Sec. 807(b) (2) (c) (42 U.S.C. 3607 (b) (2) (c)) of the federal Fair Housing Act of 1988, as amended, shall apply. However, such rental property shall no longer be exempt from the provisions of subparagraphs one and two of this paragraph if there is unlawful discriminatory conduct pursuant to subparagraph three of this paragraph.

(ii) The provisions of subparagraphs one, two, and three of this paragraph shall not apply (1) to the restriction of the rental of all rooms in a housing accommodation to individuals of the same sex, (2) to the rental of a room or rooms in a housing accommodation, if such rental is by the occupant of the housing accommodation or by the owner of the housing accommodation and the owner resides in such housing accommodation, or (3) solely with respect to age and familial status to the restriction of the sale, rental or lease of housing accommodations exclusively to persons sixty-two years of age or older and the spouse of any such person, or for housing intended and operated for occupancy by at least one person fifty-five years of age or older per unit. In deter-

mining whether housing is intended and operated for occupancy by persons fifty-five years of age or older, Sec. 807(b) (2) (c) (42 U.S.C. 3607 (b) (2) (c)) of the federal Fair Housing Act of 1988, as amended, shall apply.

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

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

(2) To discriminate against any person because of race, creed, color, national origin, sexual orientation, gender identity or expression, military status, sex, age, disability, marital status, **status as a victim of domestic violence,** or familial status in the terms, conditions or privileges of the sale, rental or lease of any such land or commercial space; or in the furnishing of facilities or services in connection therewith;

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

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

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

(1) To refuse to sell, rent or lease any housing accommodation, land or commercial space to any person or group of persons or to refuse to negotiate for the sale, rental or lease, of any housing accommodation, land or commercial space to any person or group of persons because of the race, creed, color, national origin, sexual orientation, gender identity or expression, military status, sex, age, disability, marital status, **status as a victim of domestic violence,** lawful source of income or familial status of such person or persons, or to represent that any

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

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

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

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

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

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

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

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

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

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

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

(a) Boycotts connected with labor disputes; or

(b) Boycotts to protest unlawful discriminatory practices.

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

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

a. In the case of applications for credit with respect to the purchase, acquisition, construction, rehabilitation, repair or maintenance of any housing accommodation, land or commercial space to discriminate against any such applicant because of the race, creed, color, national origin, sexual orientation, gender identity or expression, military status, age, sex, marital status, **status as a victim of domestic violence,** disability, or familial status of such applicant or applicants or any member, stockholder, director, officer or employee of such applicant or applicants, or of the prospective occupants or tenants of such housing accommodation, land or commercial space, in the granting,

withholding, extending or renewing, or in the fixing of the rates, terms or conditions of, any such credit;

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

c. To use any form of application for credit or use or make any record or inquiry which expresses, directly or indirectly, any limitation, specification, or discrimination as to race, creed, color, national origin, sexual orientation, gender identity or expression, military status, age, sex, marital status, **status as a victim of domestic violence,** disability, or familial status;

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

e. To refuse to consider sources of an applicant's income or to subject an applicant's income to discounting, in whole or in part, because of an applicant's race, creed, color, national origin, sexual orientation, gender identity or expression, military status, age, sex, marital status, **status as a victim of domestic violence,** childbearing potential, disability, or familial status;

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

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

2. Without limiting the generality of subdivision one of this section, it shall be considered discriminatory if, because of an applicant's or class of applicants' race, creed, color, national origin, sexual orientation, gender identity or expression, military status, age, sex, marital status [~~or~~] **, status as a victim of domestic violence,** disability, or familial status, (i) an applicant or class of applicants is denied credit in circumstances where other applicants of like overall credit worthiness are granted credit, or (ii) special requirements or conditions, such as requiring co-obligors or reapplication upon marriage, are imposed upon an applicant or class of applicants in circumstances where similar requirements or conditions are not imposed upon other applicants of like overall credit worthiness.

3. It shall not be considered discriminatory if credit differentiations or decisions are based upon factually supportable, objective differences in applicants' overall credit worthiness, which may include reference to such factors as current income, assets and prior credit history of such applicants, as well as reference to any other relevant factually supportable data; provided, however, that no creditor shall consider, in evaluating the credit worthiness of an applicant, aggregate statistics or assumptions relating to race, creed, color, national origin, sexual orientation, gender identity or expression, military status, sex, marital status**, status as a victim of domestic violence** or disability, or to the likelihood of any group of persons bearing or rearing children, or for that reason receiving diminished or interrupted income in the future.

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

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

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

b. discriminate against an intern in receiving, classifying, disposing or otherwise acting upon applications for internships because of the intern's age, race, creed, color, national origin, sexual orientation, military status, sex, disability, predisposing genetic characteristics, marital status, or **status as a victim of** domestic violence [~~**victim status**~~];

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

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

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

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

b. subject an intern to unwelcome harassment based on age, sex, race, creed, color, sexual orientation, military status, disability, predisposing genetic characteristics, marital status, **status as a victim of** domestic violence [~~**victim status**~~], [~~**or**~~] national origin, **or** where such harassment has the purpose or effect of unreasonably interfering with the intern's work performance by creating an intimidating, hostile, or offensive working environment.

§ 12. This act shall take effect immediately.

PART Y

Section 1. Subdivision 37 of section 292 of the executive law, as added by chapter 160 of the laws of 2019, is renumbered subdivision 40 and a new subdivision 41 is added to read as follows:

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

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

1. It shall be an unlawful discriminatory practice:

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

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

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

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

the fairest possible and equal opportunities for employment in the civil service for all persons, regardless of age, race, creed, color, national origin, **citizenship or immigration status,** sexual orientation or gender identity or expression, military status, sex, disability, predisposing genetic characteristics, familial status, or marital status.

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

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

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

(h) For an employer, licensing agency, employment agency or labor organization to subject any individual to harassment because of an individual's age, race, creed, color, national origin, **citizenship or immigration status,** sexual orientation, gender identity or expression, military status, sex, disability, predisposing genetic characteristics, familial status, marital status, domestic violence victim status, or because the individual has opposed any practices forbidden under this article or because the individual has filed a complaint, testified or assisted in any proceeding under this article, regardless of whether such harassment would be considered severe or pervasive under precedent applied to harassment claims. Such harassment is an unlawful discriminatory practice when it subjects an individual to inferior terms, conditions or privileges of employment because of the individual's membership in one or more of these protected categories. The fact that such individual did not make a complaint about the harassment to such employer, licensing agency, employment agency or labor organization shall not be determinative of whether such employer, licensing agency, employment agency or labor organization shall be liable. Nothing in this section shall imply that an employee must demonstrate the existence of an individual to whom the employee's treatment must be compared. It shall be an affirmative defense to liability under this subdivision that the harassing conduct does not rise above the level of what a reasonable victim of discrimination with the same protected characteristic or characteristics would consider petty slights or trivial inconveniences.

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

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

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

(b) To deny to or withhold from any person because of race, creed, color, national origin, **citizenship or immigration status,** sexual orientation, gender identity or expression, military status, sex, age, disability, familial status, or marital status, the right to be admitted to or participate in a guidance program, an apprenticeship training

program, on-the-job training program, executive training program, or other occupational training or retraining program;

(c) To discriminate against any person in his or her pursuit of such programs or to discriminate against such a person in the terms, conditions or privileges of such programs because of race, creed, color, national origin, **citizenship or immigration status,** sexual orientation, gender identity or expression, military status, sex, age, disability, familial status or marital status;

(d) To print or circulate or cause to be printed or circulated any statement, advertisement or publication, or to use any form of application for such programs or to make any inquiry in connection with such program which expresses, directly or indirectly, any limitation, specification or discrimination as to race, creed, color, national origin, **citizenship or immigration status,** sexual orientation, gender identity or expression, military status, sex, age, disability, familial status or marital status, or any intention to make any such limitation, specification or discrimination, unless based on a bona fide occupational qualification.

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

(a) It shall be an unlawful discriminatory practice for any person, being the owner, lessee, proprietor, manager, superintendent, agent or employee of any place of public accommodation, resort or amusement, because of the race, creed, color, national origin, **citizenship or immigration status,** sexual orientation, gender identity or expression, military status, sex, disability or marital status of any person, directly or indirectly, to refuse, withhold from or deny to such person any of the accommodations, advantages, facilities or privileges thereof, including the extension of credit, or, directly or indirectly, to publish, circulate, issue, display, post or mail any written or printed communication, notice or advertisement, to the effect that any of the accommodations, advantages, facilities and privileges of any such place shall be refused, withheld from or denied to any person on account of race, creed, color, national origin, **citizenship or immigration status,** sexual orientation, gender identity or expression, military status, sex, disability or marital status, or that the patronage or custom thereat of any person of or purporting to be of any particular race, creed, color, national origin, **citizenship or immigration status,** sexual orientation, gender identity or expression, military status, sex or marital status, or having a disability is unwelcome, objectionable or not acceptable, desired or solicited.

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

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

(b) To discriminate against any person because of his or her race, creed, color, disability, national origin, **citizenship or immigration status,** sexual orientation, gender identity or expression, military

status, age, sex, marital status, lawful source of income or familial status in the terms, conditions or privileges of any publicly-assisted housing accommodations or in the furnishing of facilities or services in connection therewith.

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

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

§ 6. Paragraph (c) of subdivision 3 of section 296 of the executive law, as added by chapter 369 of the laws of 2015, is relettered paragraph (d).

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

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

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

§ 8. Subdivision 5 of section 296 of the executive law, as amended by chapter 8 of the laws of 2019, paragraph (a) as amended by chapter 300 of the laws of 2021, subparagraphs 1 and 2 of paragraph (c) as amended by section 5, and paragraph (d) as amended by section 6 of part T of chapter 56 of the laws of 2019, is amended to read as follows:

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

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

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

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

(4) (i) The provisions of subparagraphs one and two of this paragraph shall not apply (1) to the rental of a housing accommodation in a building which contains housing accommodations for not more than two families living independently of each other, if the owner resides in one of such housing accommodations, (2) to the restriction of the rental of all rooms in a housing accommodation to individuals of the same sex or (3) to the rental of a room or rooms in a housing accommodation, if such rental is by the occupant of the housing accommodation or by the owner of the housing accommodation and the owner resides in such housing accommodation or (4) solely with respect to age and familial status to the restriction of the sale, rental or lease of housing accommodations exclusively to persons sixty-two years of age or older and the spouse of any such person, or for housing intended and operated for occupancy by at least one person fifty-five years of age or older per unit. In determining whether housing is intended and operated for occupancy by persons fifty-five years of age or older, Sec. 807(b) (2) (c) (42 U.S.C. 3607 (b) (2) (c)) of the federal Fair Housing Act of 1988, as amended, shall apply. However, such rental property shall no longer be exempt from the provisions of subparagraphs one and two of this paragraph if there is unlawful discriminatory conduct pursuant to subparagraph three of this paragraph.

(ii) The provisions of subparagraphs one, two, and three of this paragraph shall not apply (1) to the restriction of the rental of all rooms in a housing accommodation to individuals of the same sex, (2) to the rental of a room or rooms in a housing accommodation, if such rental is by the occupant of the housing accommodation or by the owner of the housing accommodation and the owner resides in such housing accommodation, or (3) solely with respect to age and familial status to the restriction of the sale, rental or lease of housing accommodations exclusively to persons sixty-two years of age or older and the spouse of any such person, or for housing intended and operated for occupancy by at least one person fifty-five years of age or older per unit. In determining whether housing is intended and operated for occupancy by persons fifty-five years of age or older, Sec. 807(b) (2) (c) (42 U.S.C. 3607 (b) (2) (c)) of the federal Fair Housing Act of 1988, as amended, shall apply.

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

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

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

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

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

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

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

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

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

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

(e) It shall be an unlawful discriminatory practice for the owner, proprietor or managing agent of, or other person having the right to provide care and services in, a private proprietary nursing home, convalescent home, or home for adults, or an intermediate care facility, as defined in section two of the social services law, heretofore constructed, or to be constructed, or any agent or employee thereof, to

refuse to provide services and care in such home or facility to any individual or to discriminate against any individual in the terms, conditions, and privileges of such services and care solely because such individual is a blind person. For purposes of this paragraph, a "blind person" shall mean a person who is registered as a blind person with the commission for the visually handicapped and who meets the definition of a "blind person" pursuant to section three of chapter four hundred fifteen of the laws of nineteen hundred thirteen entitled "An act to establish a state commission for improving the condition of the blind of the state of New York, and making an appropriation therefor".

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

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

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

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

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

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

(a) Boycotts connected with labor disputes; or

(b) Boycotts to protest unlawful discriminatory practices.

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

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

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

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

c. To use any form of application for credit or use or make any record or inquiry which expresses, directly or indirectly, any limitation, specification, or discrimination as to race, creed, color, national origin, **citizenship or immigration status,** sexual orientation, gender identity or expression, military status, age, sex, marital status, disability, or familial status;

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

e. To refuse to consider sources of an applicant's income or to subject an applicant's income to discounting, in whole or in part, because of an applicant's race, creed, color, national origin, **citizenship or immigration status,** sexual orientation, gender identity or expression, military status, age, sex, marital status, childbearing potential, disability, or familial status;

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

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

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

3. It shall not be considered discriminatory if credit differentiations or decisions are based upon factually supportable, objective differences in applicants' overall credit worthiness, which may include reference to such factors as current income, assets and prior credit history of such applicants, as well as reference to any other relevant factually supportable data; provided, however, that no creditor shall consider, in evaluating the credit worthiness of an applicant, aggregate

statistics or assumptions relating to race, creed, color, national origin, **citizenship or immigration status,** sexual orientation, gender identity or expression, military status, sex, marital status or disability, or to the likelihood of any group of persons bearing or rearing children, or for that reason receiving diminished or interrupted income in the future.

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

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

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

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

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

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

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

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

b. subject an intern to unwelcome harassment based on age, sex, race, creed, color, sexual orientation, military status, disability, predis-

posing genetic characteristics, marital status, domestic violence victim status, [~~or~~] national origin, **or citizenship or immigration status,** where such harassment has the purpose or effect of unreasonably interfering with the intern's work performance by creating an intimidating, hostile, or offensive working environment.

§ 14. This act shall take effect immediately.

PART Z

Section 1. Notwithstanding any other provision of law, the housing trust fund corporation may provide, for purposes of the neighborhood preservation program, a sum not to exceed $12,830,000 for the fiscal year ending March 31, 2023. Notwithstanding any other provision of law, and subject to the approval of the New York state director of the budget, the board of directors of the state of New York mortgage agency shall authorize the transfer to the housing trust fund corporation, for the purposes of reimbursing any costs associated with neighborhood preservation program contracts authorized by this section, a total sum not to exceed $12,830,000, such transfer to be made from (i) the special account of the mortgage insurance fund created pursuant to section 2429-b of the public authorities law, in an amount not to exceed the actual excess balance in the special account of the mortgage insurance fund, as determined and certified by the state of New York mortgage agency for the fiscal year 2021-2022 in accordance with section 2429-b of the public authorities law, if any, and/or (ii) provided that the reserves in the project pool insurance account of the mortgage insurance fund created pursuant to section 2429-b of the public authorities law are sufficient to attain and maintain the credit rating (as determined by the state of New York mortgage agency) required to accomplish the purposes of such account, the project pool insurance account of the mortgage insurance fund, such transfer to be made as soon as practicable but no later than June 30, 2022.

§ 2. Notwithstanding any other provision of law, the housing trust fund corporation may provide, for purposes of the rural preservation program, a sum not to exceed $5,360,000 for the fiscal year ending March 31, 2023. Notwithstanding any other provision of law, and subject to the approval of the New York state director of the budget, the board of directors of the state of New York mortgage agency shall authorize the transfer to the housing trust fund corporation, for the purposes of reimbursing any costs associated with rural preservation program contracts authorized by this section, a total sum not to exceed $5,360,000, such transfer to be made from (i) the special account of the mortgage insurance fund created pursuant to section 2429-b of the public authorities law, in an amount not to exceed the actual excess balance in the special account of the mortgage insurance fund, as determined and certified by the state of New York mortgage agency for the fiscal year 2021-2022 in accordance with section 2429-b of the public authorities law, if any, and/or (ii) provided that the reserves in the project pool insurance account of the mortgage insurance fund created pursuant to section 2429-b of the public authorities law are sufficient to attain and maintain the credit rating (as determined by the state of New York mortgage agency) required to accomplish the purposes of such account, the project pool insurance account of the mortgage insurance fund, such transfer to be made as soon as practicable but no later than June 30, 2022.

§ 3. Notwithstanding any other provision of law, the housing trust fund corporation may provide, for purposes of the rural rental assistance program pursuant to article 17-A of the private housing finance law, a sum not to exceed $21,630,000 for the fiscal year ending March 31, 2023. Notwithstanding any other provision of law, and subject to the approval of the New York state director of the budget, the board of directors of the state of New York mortgage agency shall authorize the transfer to the housing trust fund corporation, for the purposes of reimbursing any costs associated with rural rental assistance program contracts authorized by this section, a total sum not to exceed $21,630,000, such transfer to be made from (i) the special account of the mortgage insurance fund created pursuant to section 2429-b of the public authorities law, in an amount not to exceed the actual excess balance in the special account of the mortgage insurance fund, as determined and certified by the state of New York mortgage agency for the fiscal year 2021-2022 in accordance with section 2429-b of the public authorities law, if any, and/or (ii) provided that the reserves in the project pool insurance account of the mortgage insurance fund created pursuant to section 2429-b of the public authorities law are sufficient to attain and maintain the credit rating, as determined by the state of New York mortgage agency, required to accomplish the purposes of such account, the project pool insurance account of the mortgage insurance fund, such transfer shall be made as soon as practicable but no later than June 30, 2022.

§ 4. This act shall take effect immediately.

PART AA

Section 1. Short title. This act shall be known and may be cited as the "accessory dwelling unit act of 2022".

§ 2. The real property law is amended by adding a new article 16 to read as follows:

ARTICLE 16

ACCESSORY DWELLING UNITS

Section 480. Definitions.
481. Accessory dwelling unit regulations and local laws.
482. Low and moderate-income homeowners program.
483. Tenant protections.

§ 480. Definitions. As used in this article, unless the context otherwise requires, the following terms shall have the following meanings:

1. "Accessory dwelling unit" shall mean an attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons, which is located on the same lot as a single-family or multi-family dwelling proposed or existing as a primary residence, and such unit shall include permanent provisions for living, sleeping, eating, cooking, bathing and washing, and sanitation on the same lot as such primary residence.

2. "Local government" shall mean a city, town or village.

3. "Low-income homeowners" shall mean homeowners with an income, adjusted for family size, not exceeding eighty percent of the area median income.

4. "Moderate-income homeowners" shall mean homeowners with an income, adjusted for family size, not exceeding one hundred twenty percent of the area median income as defined by the division.

5. "Nonconforming zoning condition" shall mean a physical improvement on a property that does not conform with current zoning standards.

6. "Proposed dwelling" shall mean a dwelling that is the subject of a permit application and that meets the requirements for permitting.

7. "Division" shall mean the New York state division of homes and community renewal.

8. "Regulation" shall mean any ordinance, local law, resolution, rule, policy, or regulation adopted or enacted pursuant to the authority of a general, special, charter or other law unless the context suggests a different meaning.

9. "Rented" shall mean to lease, let, or hire out an accessory dwelling unit, a residence, or any portion of such unit or residence, to be occupied or that is occupied for living purposes.

§ 481. Accessory dwelling unit regulations and local laws. 1. Notwithstanding any general, special, charter, local or other law, rule, policy, or regulation to the contrary, including any law authorizing the adoption of planning, zoning, or other land use regulation, a local government shall, by local law, provide for the creation of accessory dwelling units. Such local law shall:

(a) Designate areas within the jurisdiction of the local government where accessory dwelling units shall be permitted. Designated areas shall include all areas zoned for single-family or multifamily residential use, and all lots with an existing residential use.

(b) Authorize the creation of at least one accessory dwelling unit per lot.

(c) Provide reasonable standards for accessory dwelling units that may include, but are not limited to, height, landscape, architectural review and maximum size of a unit. In no case shall such standards unreasonably restrict the creation of accessory dwelling units.

(d) Require accessory dwelling units to comply with the following:

(i) Such unit may be rented separate from the primary residence, but shall not be sold or otherwise conveyed separate from the primary residence;

(ii) Such unit shall be located on a lot that includes a proposed or existing residential dwelling;

(iii) Such unit shall not be rented for a term less than thirty days; and

(iv) If there is an existing primary residence, the total floor area of an accessory dwelling unit shall not exceed fifty percent of the existing primary residence, unless such limit would prevent the creation of an accessory dwelling unit that is no greater than six hundred square feet.

2. A local government shall not establish by any regulation any of the following:

(a) In a local government having a population of one million or more, a minimum square footage requirement for an accessory dwelling unit greater than two hundred square feet, or in a local government having a population of less than one million, a minimum square footage requirement for an accessory dwelling unit that is greater than five hundred fifty square feet;

(b) A maximum square footage requirement for an accessory dwelling unit that is less than fifteen hundred square feet;

(c) Any other minimum or maximum size for an accessory dwelling unit, including those based upon a percentage of the proposed or existing primary residence, or limits on lot coverage, floor area ratio, open space, and minimum lot size, for a dwelling that does not permit at least an eight hundred square foot accessory dwelling unit with four-foot side and rear yard setbacks to be constructed in compliance with

other local standards. Notwithstanding any other provision of this section to the contrary, a local government may provide, where a lot contains an existing residence, that an accessory dwelling unit located within and/or attached to the primary residence shall not exceed the buildable envelope for the existing residence, and that an accessory dwelling unit that is detached from an existing residence shall be constructed in the same location and to the same dimensions as an existing structure, if such structure exists.

(d) A ceiling height requirement greater than seven feet, unless the local government can demonstrate that such a requirement is necessary for the preservation of health and safety;

(e) If an accessory dwelling unit or a portion thereof is below curb level, a requirement that more than two feet of such unit's height be above curb level, unless the local government can demonstrate that such a requirement is necessary for the preservation of health and safety;

(f) Any requirement that a pathway exist or be constructed in conjunction with the creation of an accessory dwelling unit, unless the local government can demonstrate that such requirement is necessary for the preservation of health and safety;

(g) Any setback for an existing dwelling or accessory structure or a structure constructed in the same location and to the same dimensions as an existing structure that is converted to an accessory dwelling unit or to a portion of an accessory dwelling unit, or any setback of more than four feet from the side and rear lot lines for an accessory dwelling unit that is not converted from an existing structure or a new structure constructed in the same location and to the same dimensions as an existing structure; or

(h) Any health or safety requirements on accessory dwelling units that are not necessary to protect the health and safety of the occupants of such a dwelling. Nothing in this provision shall be construed to prevent a local government from requiring that accessory dwelling units are, where applicable, supported by septic capacity necessary to meet state health, safety, and sanitary standards, that the creation of such units comports with flood resiliency policies or efforts, and that such units are consistent with the protection of wetlands and watersheds.

3. No local law for the creation of accessory dwelling units pursuant to subdivision one of this section shall be considered in the application of any local regulation policy, or program to limit residential growth.

4. No parking requirement shall be imposed on an accessory dwelling unit; except where no immediately adjacent public street permits year-round on-street parking and the accessory dwelling unit is greater than one-half mile from access to public transportation a local government may require up to one off-street parking space per accessory unit.

5. A local government shall not require that off-street parking spaces be replaced if a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit or converted to an accessory dwelling unit.

6. Notwithstanding any regulation to the contrary, a permit application to create an accessory dwelling unit in conformance with the local law enacted under this section shall be considered ministerial without discretionary review or a hearing. If there is an existing single-family or multi-family dwelling on the lot, the local agency with reviewing authority under this section shall issue a determination on the completed application to create an accessory dwelling unit within ninety days from the date the local agency receives such completed application

or, in a local government having a population of one million or more, within sixty days. If the permit application to create an accessory dwelling unit is submitted with a permit application to create a new residential dwelling on the lot, the permitting local government may delay acting on the permit application for the accessory dwelling unit until the permitting local government acts on the permit application to create the new dwelling, but the application to create the accessory dwelling unit shall be considered without discretionary review or hearing. If the applicant requests a delay, the time period for review shall be tolled for the period of the delay. Such review shall include all necessary permits and approvals including, without limitation, those related to health and safety. A local government shall not require an additional or amended certificate of occupancy in connection with an accessory dwelling unit. A local government may charge a fee not to exceed one thousand dollars per application for the reimbursement of the actual costs such local agency incurs pursuant to this subdivision.

7. Local governments shall establish an administrative appeal process for an applicant to appeal the denial of a permit for accessory dwelling units. When a permit to create an accessory dwelling unit pursuant to a local law adopted pursuant to this section is denied, the local government agency that denied the permit shall issue a notice of denial which shall contain the reason or reasons such permit application was denied and instructions on how the applicant may appeal such denial.

8. No policy or regulation other than the local law authorized under this section shall be the basis for the denial of a building permit or other permission to develop in accordance with this section except to the extent necessary to protect the health and safety of the occupants of an accessory dwelling unit the primary residence to such dwelling unit, and provided such policy or regulation is consistent with the requirements of this section.

9. If a local government has an existing accessory dwelling unit regulation that fails to meet the requirements of this section, the sections of such regulation that conflicts with this section shall be null and void. Such local government shall thereafter apply the standards established in this section for the approval of an accessory dwelling unit until such local government adopts a local law that complies with this section.

10. The local government shall ensure that accessory dwelling units are not counted toward the allowable residential density, or any requirement respecting lot coverage or open space, for the lot upon which the accessory dwelling unit is located under the existing zoning designation for such lot. The accessory dwelling unit shall not be considered in the application of any regulation, policy, or program to limit residential growth.

11. In a city with a population greater than one million, the local government shall create a program to address accessory dwelling units that were created prior to the effective date of this article. Such program may provide amnesty to owners of buildings that contain such accessory dwelling units. Such city shall waive portions of the multiple dwelling law and relevant regulations, other than the local law adopted pursuant to this section, as necessary to administer such program. Such waiver or waivers shall not require additional regulations or zoning or other land use amendments.

12. A local government shall not require, as a condition for ministerial approval of a permit application for the creation of an accessory

dwelling unit, the correction of nonconforming zoning conditions or minor violations of local law.

13. Where an accessory dwelling unit requires a new or separate utility connection directly between the accessory dwelling unit and the utility, and such connection is provided by a governmental or public authority, the connection may be subject to a connection fee or capacity charge by such governmental or public authority that shall be proportionate to the burden of the proposed accessory dwelling unit, based upon either its size or the number of its plumbing fixtures upon the water or sewer system. Such fee or charge shall not exceed the reasonable cost of providing such utility connection. A local government shall not impose any other fee in connection with an accessory dwelling unit.

14. A local government may require that a unit in the primary residence be owner-occupied for an accessory dwelling unit to be lawfully rented. In addition, any such local government may require such owner-occupation must continue for at least one year following the first legal occupancy of the accessory dwelling unit.

15. A local government shall not issue a certificate of occupancy or its equivalent for an accessory dwelling unit before the local government issues a certificate of occupancy or its equivalent for the primary residence.

16. A local government shall adopt a local law pursuant to this article within one year of the effective date of this article.

17. A property owner who has been denied a permit by a local government in violation of this article or who lives within the local government that fails to adopt a local law pursuant to this article may apply to the supreme court for review of the local government action by a proceeding under article seventy-eight of the civil practice law and rules. Costs shall not be allowed against a local government or any of its officers unless it shall appear to the court that the local government or the officer or officers acted with gross negligence or in bad faith or with malice.

§ 482. Low and moderate-income homeowners program. 1. Within one hundred eighty days of the effective date of this article, the division or affiliated authority shall establish a lending program to assist low-income homeowners and moderate-income homeowners in securing financing for the creation of accessory dwelling units, including, without limitation, financing for design and construction, flood prevention, permitting, and septic enhancement.

2. The division or affiliated authority shall promulgate program criteria and guidelines necessary to carry out such program.

3. Such program shall be funded within amounts appropriated or otherwise available therefor.

4. The division shall issue an annual report, on or before July first of each year, that includes an aggregated list of projects financed through the program, including the counties where such projects were financed.

5. Within one hundred eighty days of the effective date of this article, the division or affiliated authorities shall establish a program to provide technical assistance to low-income and moderate-income homeowners seeking to create an accessory dwelling unit. Such program may be contracted out to approved non-governmental entities. Technical assistance shall include, without limitation, guidance on design and construction, flood prevention, permitting, financing, and septic enhancement.

§ 483. Tenant protections. 1. As used in this section, the following terms shall have the following meanings:

(a) "Landlord" shall mean any owner, lessor, sublessor, assignor, or other person receiving or entitled to receive rent for the occupancy of any accessory dwelling unit or an agent of the foregoing.

(b) "Tenant" shall mean a tenant, sub-tenant, lessee, sublessee, or assignee of an accessory dwelling unit.

(c) "Rent" shall mean any consideration, including any bonus, benefit or gratuity demanded or received for or in connection with the possession, use or occupancy of an accessory dwelling unit or the execution or transfer of a lease for such unit.

2. A permit application to create an accessory dwelling unit in conformance with a local law adopted under this article shall be accompanied by a certification identifying whether the unit was rented to a tenant as of the effective date of this article and the rent charged for the unit as of such date, notwithstanding whether the occupancy of such unit was authorized by law. A local government may not use such certification as the basis for an enforcement action against an applicant concerning the unauthorized habitation of a unit. Where a tenant is evicted or otherwise removed from a unit prior to approval of a permit application to create an accessory dwelling unit under this article, such tenant shall have a right of first refusal to return to the unit as a tenant upon its first lawful occupancy as an accessory dwelling unit, notwithstanding whether such prior occupancy was authorized by law.

3. A tenant unlawfully denied a right of first refusal under this article shall have a cause of action in any court of competent jurisdiction for compensatory and punitive damages and declaratory and injunctive relief and such other relief as the court deems necessary in the interests of justice.

§ 3. This act shall take effect on the one hundred eightieth day after it shall have become a law.

PART BB

Section 1. Short title. This act shall be known and may be cited as the "Housing Non-Discrimination for Justice-Involved Individuals Act of 2022".

§ 2. Section 296 of the executive law is amended by adding a new subdivision 23 to read as follows:

23. It shall be an unlawful discriminatory practice, unless specifically required or permitted by federal or state statute or regulation for any owner, lessee, sub-lessee, assignee, or managing agent of, or other person having the right to sell, rent or lease a housing accommodation, constructed or to be constructed, or any agent or employee thereof, or any real estate broker, real estate salesperson or employee or agent thereof to refuse to sell, rent, lease or negotiate for the sale, rental, or lease of, or otherwise to deny to or withhold from any individual such a housing accommodation, or to discriminate against such individual in the terms, conditions or privileges of the sale, rental or lease, or to take any adverse action against such individual, because such individual has been previously convicted of one or more criminal offenses in this state or in any other jurisdiction, unless:

(a) the conviction resulted from one or more offenses that involved physical danger or violence to persons or property; or

(b) the conviction had an adverse effect on the health, safety and welfare of other people or property.

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

PART CC

Section 1. Subdivision 3 of section 26 of the multiple dwelling law, as amended by chapter 748 of the laws of 1961, is amended to read as follows:

3. Floor area ratio (FAR). [~~The~~] **Except as otherwise provided in the zoning law, ordinance or resolution of a city with a population of one million or more, the** floor area ratio (FAR) of any dwelling or dwellings on a lot shall not exceed 12.0, except that a fireproof class B dwelling in which six or more passenger elevators are maintained and operated in any city having a local zoning law, ordinance or resolution restricting districts in such city to residential use, may be erected in accordance with the provisions of such zoning law, ordinance or resolution, if such class B dwelling is erected in a district no part of which is restricted by such zoning law, ordinance or resolution to residential uses.

§ 2. This act shall take effect immediately.

PART DD

Section 1. Short title. This act shall be known as and may be cited as "Creating Housing Opportunities through Building Conversion Act."

§ 2. Section 301 of the multiple dwelling law is amended by adding a new subdivision 7 to read as follows:

7. Any certificate by the department authorizing occupancy of a dwelling as a Class B hotel, when such dwelling is located in a city with a population of one million or more, shall also authorize occupancy of units in such dwelling for permanent residence purposes, where: (a) such units are subject to a regulatory agreement with the Division of Housing and Community Renewal, affiliated authorities, or a local government housing agency that is entered into on or before December thirty-first, two thousand twenty-seven; and (b) any portion of such a dwelling is located within a district that under the local zoning regulations or ordinances permits residential uses, or within eight hundred feet of such a district, and not located within an industrial business zone as defined in the administrative code of the city of New York, notwithstanding any provision of this chapter or of any state law, local law, ordinance, resolution or regulation that would have: (i) prohibited such occupancy; (ii) required a change or alteration to the dwelling; or (iii) required a new or amended certificate. Notwithstanding any other provision of law or regulation, all dwelling units within such buildings shall be subject to the rent stabilization law of nineteen hundred sixty-nine and the emergency tenant protection act of nineteen seventy-four for as long as the municipality has declared a public emergency requiring the regulation of residential rents pursuant to these laws. Any alterations to any such dwelling such as the creation of multi-room suites or the addition of cooking facilities or accessory spaces shall comply with any applicable requirements of any state law, local law, ordinance, resolution or regulation relating to Class B hotels. Provided further that in the case of a property at which any hotel workers are represented by a collective bargaining representative, prior to any agency or authority entering into a regulatory agreement with the property owner as a prerequisite to conversion, the collective bargaining representative shall be notified in writing of the proposed conver-

sion, and the property owner shall certify to any agency or authority entering into such regulatory agreement that the collective bargaining representative has mutually agreed in a separate writing with the property owner to undertake the conversion set forth in this section.

§ 3. The multiple dwelling law is amended by adding a new section 277-a to read as follows:

§ 277-a. Temporary rules upon legislative findings of special state interest. 1. The provisions of this section shall apply to any eligible conversion, as set forth in subdivision two of this section, for which an application for a permit, containing complete plans and specifications, is filed with the relevant local agency in accordance with applicable local law on or before December thirty-first, two thousand twenty-seven.

2. (a) Any building or portion of a building in a city with a population of one million or more and as described in this subdivision may be converted to a class A multiple dwelling, without regard to any other provision of this chapter or other state law to the contrary or any provision of the zoning resolution of the city of New York, but provided that where the conversion results in a class A multiple dwelling, the converted building shall be subject to a regulatory agreement for affordable or supportive housing with the division of housing and community renewal, affiliated authorities, or a local government housing agency.

(b) The provisions of this subdivision shall apply to the following: (i) any building or portion thereof existing on January first, nineteen hundred eighty, that, as of the effective date of this section, was lawfully operated as commercial offices; or (ii) any building or portion thereof where construction was completed on or after January second, nineteen hundred eighty, pursuant to a valid temporary or permanent certificate of occupancy, was allowed to be operated as commercial offices and such building is located in the area beginning at a point at the intersection of the extension of the south line of West 60th Street with the U.S. Pierhead Line on beginning at a point at the intersection of the extension of the south line of West 60th Street with the U.S. Pierhead Line on the east side of the Hudson River and runs thence along the extension of the south line of the east side of the Hudson River and runs thence along the extension of the south line of West 60th Street and along the south line of West 60th Street and along the south line of East 60th Street and along the extension of the south line of East 60th Street to the U.S. Pierhead Line on the west side of the East River, thence along the U.S. Pierhead Line on the west side of the East River southerly to its intersection with the U.S. Pierhead Line on the east side of the Hudson River, thence in a northerly direction along the U.S. Pierhead Line on the east side of the Hudson River to the point of beginning.

3. (a) Notwithstanding any other provision of law to the contrary, any conversion pursuant to this section shall be subject to the provisions of section two hundred seventy-seven of this article, except that subparagraph D of subparagraph (i) of paragraph (b) of subdivision seven of such section shall be modified to not require a dwelling unit to be a minimum of twelve hundred square feet, and except that subparagraph F of subparagraph (i) of paragraph (b) of subdivision seven of such section shall be modified to provide that any yards or courts onto which a window opens pursuant to such subparagraph (i) may be existing or new in buildings of any height, and except that the restrictions on enlargements in paragraph (d) of subdivision seven of such section shall be

understood to apply to any increase in volume or floor area of a building or portion thereof that is converted pursuant to this section.

(b) Any local laws, ordinances, resolutions or regulations promulgated after the effective date of this section, including for purposes of extending or modifying the application of building codes, construction codes or other local laws to any conversions allowed pursuant to this section, shall be consonant with the mandate and intentions of this section.

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

PART EE

Section 1. Short title. This act shall be known and may be cited as the "Transit Oriented Development act of 2022".

§ 2. The general city law is amended by adding a new section 20-h to read as follows:

§ 20-h. Transit oriented development. 1. (a) Notwithstanding the provisions of any general, special, charter, local, or other law, including the common law, to the contrary, all cities shall permit the construction and occupation of dwelling units with a density of at least twenty-five dwelling units per acre, on any land wherein residential construction and occupation is otherwise permitted if such land is within one-half mile of any covered transportation facility.

(b) For the purposes of this subdivision, a "covered transportation center" shall be defined as:

(i) any rail station owned, operated or otherwise served by the New Jersey transit corporation, or the metropolitan transportation authority and its affiliated or subsidiary authorities, including, but not limited to, the Metro-North railroad and the port authority of New York and New Jersey, but not including the Long Island Railroad, where such station is not operated on a seasonal basis and such station is located between one-half mile and sixty miles from the nearest border of a city with a population of greater than one million people, as measured on a straight line from such city's nearest border to such rail station; or

(ii) any bus stop or station with designated parking for riders located between one-half mile and sixty miles from the nearest border of a city with a population greater than one million people as measured on a straight line from such city's nearest border to such bus stop or station; or

(iii) any rail station owned, operated or otherwise served by the Long Island Railroad that is not located within a city with a population greater than one million people.

2. No city shall impose restrictions that effectively prevent the construction or occupation of such dwellings, including, but not limited to height, setbacks, floor area ratios, or parking. Nothing in this section shall be interpreted to override the New York State Environmental Quality Review Act or the New York State Uniform Fire Prevention and Building Code Act, or regulations promulgated in accordance with any such act, nor require the alteration or demolition of buildings designated as historical sites as of the date the act that created this section was enacted pursuant to the New York State Historic Preservation Act of 1980, as amended, or the National Historic Preservation Act of 1966, as amended.

3. A city's written or other comprehensive plan, zoning regulations, special use permit regulations, subdivision regulations, site plan review regulations, or any planning, zoning, or other land use tools enacted under this title, the municipal home rule law, or any general, special or other law, as applicable, shall conform to the requirements set forth in this section.

4. (a) Upon a failure of a local government to act upon an application to construct or occupy residences in accordance with this act, or denial of such application in violation of this section, any party aggrieved by any such failure or denial may commence a special proceeding against the subject local government and the officer pursuant to article seventy-eight of the civil practice law and rules, in the supreme court within the judicial district in which the local government or the greater portion of the territory is located, to compel compliance with the provisions of this section.

(b) If, upon commencement of such proceeding, it shall appear to the court that testimony is necessary for the proper disposition of the matter, the court may take evidence and determine the matter. Alternatively, the court may appoint a hearing officer pursuant to article forty-three of the civil practice law and rules to take such evidence as it may direct and report the same to the court with the hearing officer's findings of fact and conclusions of law, which shall constitute a part of the proceedings upon which the determination of the court shall be made. The court may reverse or affirm, wholly or partly, or may modify any decision brought to the court for review.

(c) Costs shall not be allowed against the local government and the officer whose failure or refusal gave rise to the special proceeding, unless it shall appear to the court that the local government and its officer acted with gross negligence or in bad faith or with malice.

§ 3. The town law is amended by adding a new section 261-d to read as follows:

§ 261-d. Transit oriented development. 1. (a) Notwithstanding the provisions of any general, special, charter, local, or other law, including the common law, to the contrary, all towns shall permit the construction and occupation of dwelling units with a density of twenty-five dwelling units per acre or more, on any land wherein residential construction and occupation is otherwise permitted if such land is within one-half mile of any covered transportation facility.

(b) For the purposes of this subdivision, a "covered transportation center" shall be defined as:

(i) any rail station owned, operated or otherwise served by the New Jersey transit corporation, or the metropolitan transportation authority and its affiliated or subsidiary authorities, including, but not limited to, the Metro-North railroad and the port authority of New York and New Jersey, but not including the Long Island Railroad, where such station is not operated on a seasonal basis and such station is located between one-half mile and sixty miles from the nearest border of a city with a population of greater than one million people, as measured on a straight line from such city's nearest border to such rail station; or

(ii) any bus stop or station with designated parking for riders located between one-half mile and sixty miles from the nearest border of a city with a population greater than one million people as measured on a straight line from such city's nearest border to such bus stop or station; or

(iii) any rail station owned, operated or otherwise served by the Long Island Railroad that is not located within a city with a population greater than one million people.

2. No town shall impose restrictions that effectively prevent the construction or occupation of such dwellings, including, but not limited to height, setbacks, floor area ratios, or parking. Nothing in this section shall be interpreted to override the New York State Environmental Quality Review Act or the New York State Uniform Fire Prevention and Building Code Act, or regulations promulgated in accordance with any such act, nor require the alteration or demolition of buildings designated as historical sites as of the date the act that created this section was enacted pursuant to the New York State Historic Preservation Act of 1980, as amended, or the National Historic Preservation Act of 1966, as amended.

3. A town's written comprehensive plan, zoning regulations, special use permit regulations, subdivision regulations, site plan review regulations, or any planning, zoning, or other land use tools enacted under this title, the municipal home rule law, or any general, special or other law, as applicable, shall conform to the requirements set forth in this section.

4. (a) Upon a failure of a local government to act upon an application to construct or occupy residences in accordance with this act, or denial of such application in violation of this section, any party aggrieved by any such failure or denial may commence a special proceeding against the subject local government and the officer pursuant to article seventy-eight of the civil practice law and rules, in the supreme court within the judicial district in which the local government or the greater portion of the territory is located, to compel compliance with the provisions of this section.

(b) If, upon commencement of such proceeding, it shall appear to the court that testimony is necessary for the proper disposition of the matter, the court may take evidence and determine the matter. Alternatively, the court may appoint a hearing officer pursuant to article forty-three of the civil practice law and rules to take such evidence as it may direct and report the same to the court with the hearing officer's findings of fact and conclusions of law, which shall constitute a part of the proceedings upon which the determination of the court shall be made. The court may reverse or affirm, wholly or partly, or may modify any decision brought to the court for review.

(c) Costs shall not be allowed against the local government and the officer whose failure or refusal gave rise to the special proceeding, unless it shall appear to the court that the local government and its officer acted with gross negligence or in bad faith or with malice.

§ 4. The village law is amended by adding a new section 7-700-a to read as follows:

§ 7-700-a Transit oriented development. 1. (a) Notwithstanding the provisions of any general, special, charter, local, or other law, including the common law, to the contrary, all villages shall permit the construction and occupation of dwelling units with a density of at least twenty-five dwelling units per acre, on any land wherein residential construction and occupation is otherwise permitted if such land is within one-half mile of any covered transportation facility.

(b) For the purposes of this subdivision, a "covered transportation center" shall be defined as:

(i) any rail station owned, operated or otherwise served by the New Jersey transit corporation, or the metropolitan transportation author-

ity and its affiliated or subsidiary authorities, including, but not limited to, the Metro-North railroad and the port authority of New York and New Jersey, but not including the Long Island Railroad, where such station is not operated on a seasonal basis and such station is located between one-half mile and sixty miles from the nearest border of a city with a population of greater than one million people, as measured on a straight line from such city's nearest border to such rail station; or

(ii) any bus stop or station with designated parking for riders located between one-half mile and sixty miles from the nearest border of a city with a population greater than one million people as measured on a straight line from such city's nearest border to such bus stop or station; or

(iii) any rail station owned, operated or otherwise served by the Long Island Railroad that is not located within a city with a population greater than one million people.

2. No village shall impose restrictions that effectively prevent the construction or occupation of such dwellings, including, but not limited to height, setbacks, floor area ratios, or parking. Nothing in this section shall be interpreted to override the New York State Environmental Quality Review Act or the New York State Uniform Fire Prevention and Building Code Act, or regulations promulgated in accordance with any such act, nor require the alteration or demolition of buildings designated as historical sites as of the date the act that created this section was enacted pursuant to the New York State Historic Preservation Act of 1980, as amended, or the National Historic Preservation Act of 1966, as amended.

3. A village's written or other comprehensive plan, zoning regulations, special use permit regulations, subdivision regulations, site plan review regulations, or any other planning, zoning, or other land use tools enacted under this article, the municipal home rule law, or any general, special or other law, as applicable, shall conform to the requirements set forth in this section.

4. (a) Upon a failure of a local government to act upon an application to construct or occupy residences in accordance with this act, or denial of such application in violation of this section, any party aggrieved by any such failure or denial may commence a special proceeding against the subject local government and the officer pursuant to article seventy-eight of the civil practice law and rules, in the supreme court within the judicial district in which the local government or the greater portion of the territory is located, to compel compliance with the provisions of this section.

(b) If, upon commencement of such proceeding, it shall appear to the court that testimony is necessary for the proper disposition of the matter, the court may take evidence and determine the matter. Alternatively, the court may appoint a hearing officer pursuant to article forty-three of the civil practice law and rules to take such evidence as it may direct and report the same to the court with the hearing officer's findings of fact and conclusions of law, which shall constitute a part of the proceedings upon which the determination of the court shall be made. The court may reverse or affirm, wholly or partly, or may modify any decision brought to the court for review.

(c) Costs shall not be allowed against the local government and the officer whose failure or refusal gave rise to the special proceeding, unless it shall appear to the court that the local government and its officer acted with gross negligence or in bad faith or with malice.

§ 5. This act shall take effect two years after the date on which it shall have become a law.

PART FF

Section 1. Short title. This act shall be known and may be cited as the "Fair Chance: Reforming the Use of Credit Checks in Tenant Screening Act".

§ 2. The real property law is amended by adding a new section 227-g to read as follows:

§ 227-g. Credit checks in tenant screening. 1. No landlord of a residential premises shall refuse to rent or offer a lease to a potential tenant due to a potential tenant's consumer credit history or score, or lack thereof, if the potential tenant:

(a) made full rent payments within five days of the date the rent was due for each of the twelve months immediately preceding the submission of the potential tenant's rental application; provided, however, that for rental applications submitted during or prior to June, two thousand twenty-two, missed or late rental payments that accrued between March, two thousand twenty and June, two thousand twenty-one shall not be considered cause to deny an application. In lieu of payments during such exempted time period, a potential tenant may use payments made immediately prior to March of two thousand twenty to demonstrate twelve months of consecutive timely rental payments;

(b) is the recipient of or a beneficiary of government provided subsidy or program that is paid directly to the landlord and pays the monthly rent in its entirety;

(c) has a credit history or report wherein any delinquencies, collections, money judgments, liens or other detrimental information are solely due to medical or student loan debt; or

(d) has a credit history or report wherein any delinquencies, collections, money judgments, liens or other detrimental information are the direct result of domestic violence, dating violence, sexual assault, or stalking.

2. If a potential lessor intends to deny a potential lessee's rental application due to credit history or score, such lessor must inform the potential lessee of the reasons for the denied application in writing and provide the potential lessee with an opportunity to demonstrate that any of the conditions set forth in subdivision one of this section apply to them within five days of receiving such written application denial.

3. There shall be a rebuttable presumption that a person is in violation of this section if it is established that the lessor refused to rent or offer a lease to a potential tenant after such lessor requested credit report information and the potential tenant demonstrated that any of the conditions set forth in subdivision one of this section applied to them.

4. Whenever the attorney general shall believe from evidence satisfactory to him or her that any person, firm, corporation or association or agent or employee thereof has violated this section, he or she may bring an action or special proceeding in the supreme court for a judgment enjoining the continuance of such violation and for a civil penalty of not less than five hundred dollars, but not more than one thousand dollars for each violation.

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

PART GG

Section 1. The executive law is amended by adding a new section 202-a to read as follows:

§ 202-a. Language translation services. 1. Each state agency that provides direct public services in New York state shall translate all vital documents relevant to services offered by the agency into the ten most common non-English languages spoken by limited-English proficient individuals in the state, based on the data in the most recent American Community Survey published by United States Census Bureau. Agencies subject to this section, in their discretion, shall offer at least two additional languages beyond the ten most common languages. Such languages shall be decided by the state agency and approved by the office of general services based on the population of limited-English proficient individuals served by the agency, feedback from impacted community or advocacy groups, the geographic region within which the services are offered, any other relevant data published by the United States Census Bureau.

2. Each agency subject to the provisions of this section shall designate a language access coordinator who will work with the office of general services to ensure compliance with the requirements of this section.

3. Each agency subject to the provisions of this section shall develop a language access plan and submit such plan to the office of general services.

(a) An agency's initial language access plan shall be issued by the agency within ninety days of the effective date of this section.

(b) Language access plans shall be updated and reissued every two years on or before January first.

(c) Language access plans shall set forth, at a minimum:

(i) when and by what means the agency will provide or is already providing language assistance services;

(ii) the titles of all available translated documents and the languages into which they have been translated;

(iii) the number of public contact positions in the agency and the number of bilingual employees in public contact positions, and the languages such employees speak;

(iv) a training plan for agency employees which includes, at minimum, annual training on the language access policies of the agency and training in how to provide language assistance services;

(v) a plan for annual internal monitoring of the agency's compliance with this section;

(vi) a description of how the agency intends to notify the public of the agency's offered language assistant services;

(vii) an assessment of the agency's service populations to determine whether additional languages of translation should be added beyond the top ten languages;

(viii) an explanation as to how the agency determined it would provide any additional language beyond the top ten languages required by this section; and

(ix) the identity of the agency's language access coordinator.

4. Each agency subject to the provisions of this section shall:

(a) provide interpretation services between the agency and an individual in each individual's primary language with respect to the provision of services or benefits by the agency; and

(b) publish the agency's language access plan on the agency's website.

5. For purposes of this section, "vital document" means any paper or digital document that contains information that is critical for obtaining agency services or benefits or is otherwise required to be completed by law.

6. The office of general services will ensure agency compliance with this section and shall prepare an annual report, which shall be made public on the office of general services website, detailing each agency's progress and compliance with this section.

§ 2. This act shall take effect July 1, 2022.

PART HH

Section 1. Section 211 of the retirement and social security law is amended by adding a new subdivision 9 to read as follows:

9. Notwithstanding the provisions of this section, sections two hundred twelve and four hundred one of this chapter and section five hundred three of the education law and any other law, regulation, rule, local law, or charter to the contrary, a retired person may be employed and earn compensation in a position or positions in a public school in the state without any effect on his or her status as retired and without suspension or diminution of his or her retirement allowance and without prior approval pursuant to subdivision two of this section. Earnings received as a result of employment in a public school in the state shall not be applied to a retired person's earnings when calculating the earnings limitations imposed by subdivisions one and two of section two hundred twelve of this article.

§ 2. This act shall take effect immediately and shall expire and be deemed repealed June 30, 2024.

PART II

Section 1. The real property tax law is amended by adding a new section 485-w to read as follows:

§ 485-w. Affordable neighborhoods for New Yorkers tax incentive. 1. Definitions. For purposes of this section:

(a) "Affordable neighborhoods for New Yorkers tax incentive benefits (hereinafter referred to as "ANNY Program benefits")" shall mean the exemption from real property taxation pursuant to this section.

(b) "Affordability option A" shall mean that, within any eligible multiple dwelling: (i) not less than ten percent of the dwelling units are affordable housing forty percent units; (ii) not less than an additional ten percent of the dwelling units are affordable housing sixty percent units; and (iii) not less than an additional five percent of the dwelling units are affordable housing eighty percent units.

(c) "Affordability option B" shall mean that, within any eligible multiple dwelling, not less than twenty percent of the dwelling units are affordable housing ninety percent units.

(d) "Affordability option C" shall only apply to a homeownership project, of which one hundred percent of the units shall, upon initial sale immediately subsequent to the completion date and upon each subsequent sale for forty years immediately subsequent to the completion date, be affordable to individuals or families whose household income does not exceed one hundred thirty percent of the area median income, adjusted for family size, and where each owner of any such unit shall agree, in writing, to maintain such unit as their primary residence for no less than five years from the acquisition of such unit, and such

project is subject to a regulatory agreement with a city or state agency.

(e) "Affordability percentage" shall mean a fraction, the numerator of which is the number of affordable housing units in an eligible multiple dwelling and the denominator of which is the total number of dwelling units in such eligible multiple dwelling.

(f) "Affordable housing forty percent unit" shall mean a dwelling unit that: (i) is situated within the eligible multiple dwelling for which ANNY Program benefits are granted; and (ii) upon initial rental and upon each subsequent rental following a vacancy during the restriction period is affordable to and restricted to occupancy by individuals or families whose household income does not exceed forty percent of the area median income, adjusted for family size, at the time that such household initially occupies such dwelling unit.

(g) "Affordable housing sixty percent unit" shall mean a dwelling unit that: (i) is situated within the eligible multiple dwelling for which ANNY Program benefits are granted; and (ii) upon initial rental and upon each subsequent rental following a vacancy during the restriction period or extended restriction period, as applicable, is affordable to and restricted to occupancy by individuals or families whose household income does not exceed sixty percent of the area median income, adjusted for family size, at the time that such household initially occupies such dwelling unit.

(h) "Affordable housing eighty percent unit" shall mean a dwelling unit that: (i) is situated within the eligible multiple dwelling for which ANNY Program benefits are granted; and (ii) upon initial rental and upon each subsequent rental following a vacancy during the restriction period or extended restriction period, as applicable, is affordable to and restricted to occupancy by individuals or families whose household income does not exceed eighty percent of the area median income, adjusted for family size, at the time that such household initially occupies such dwelling unit.

(i) "Affordable housing ninety percent unit" shall mean a dwelling unit that: (i) is situated within the eligible multiple dwelling for which ANNY Program benefits are granted; and (ii) upon initial rental and upon each subsequent rental following a vacancy during the restriction period or extended restriction period, as applicable, is affordable to and restricted to occupancy by individuals or families whose household income does not exceed ninety percent of the area median income, adjusted for family size, at the time that such household initially occupies such dwelling unit.

(j) "Affordable housing unit" shall mean, collectively and individually, affordable housing forty percent units, affordable housing sixty percent units, affordable housing eighty percent units, and affordable housing ninety percent units.

(k) "Agency" shall mean the department of housing preservation and development.

(l) "Alternative construction wage standard" shall be defined as a wage standard for construction workers doing construction work that may, at the discretion of the commissioner of labor, be determined by the commissioner of labor. In publishing such standard, the commissioner of labor, in consultation with the commissioner of housing and community renewal, shall consider economic indicators the commissioner of labor deems relevant to ensuring the economic feasibility of affordable housing development.

(m) "Application" shall mean an application for ANNY Program benefits.

(n) "Average hourly wage" shall mean the amount equal to the aggregate amount of all wages and all employee benefits paid to, or on behalf of, construction workers for construction work divided by the aggregate number of hours of construction work.

(o) "Brooklyn prime development area" shall mean any tax lots now existing or hereafter created which are located entirely within community boards one or two of the borough of Brooklyn bounded and described as follows: All that piece or parcel of land situate and being in the boroughs of Queens and Brooklyn, New York. Beginning at the point of intersection of the centerline of Newtown Creek and the westerly bounds of the East River; Thence southeasterly along the centerline of Newtown Creek, said centerline also being the boundary between Queens County to the northeast and Kings County to the southwest, to the point of intersection with Greenpoint Avenue; Thence southwesterly along Greenpoint Avenue, to the intersection with Kings Land Avenue; Thence southerly along Kingsland Avenue to the intersection with Meeker Avenue; Thence southwesterly along Meeker Avenue to the intersection with Leonard Street; Thence southerly along Leonard Street to the intersection with Metropolitan Avenue; Thence westerly along Metropolitan Avenue to the intersection with Lorimer Street; Thence southerly along Lorimer Street to the intersection with Montrose Avenue; Thence westerly along Montrose Avenue to the intersection with Union Avenue; Thence southerly along Union Avenue to the intersection with Johnson Avenue; Thence westerly along Johnson Avenue to the intersection with Broadway; Thence northwesterly along Broadway to the intersection with Rutledge Street; Thence southwesterly along Rutledge Street to the intersection with Kent Avenue and Classon Avenue; Thence southwesterly and southerly along Classon Avenue to the intersection with Dekalb Avenue; Thence westerly along Dekalb Avenue to the intersection with Bond Street; Thence southwesterly along Bond Street to the intersection with Wyckoff Street; Thence northwesterly along Wyckoff Street to the intersection with Hoyt Street; Thence southwesterly along Hoyt Street to the intersection with Warren Street; Thence northwesterly along Warren Street to the intersection with Court Street; Thence northeasterly along Court Street to the intersection with Atlantic Avenue; Thence northwesterly along Atlantic Avenue, crossing under The Brooklyn Queens Expressway, to the terminus of Atlantic Avenue at the Brooklyn Bridge Park/Pier 6; Thence northwesterly passing through the Brooklyn Bridge Park to the bulkhead of the East River at Pier 6; Thence in a general northeasterly direction along the easterly bulkhead or shoreline of the East River to the intersection with the centerline of Newtown Creek, and the point or place of Beginning.

(p) "Building service employee" shall mean any person who is regularly employed at, and performs work in connection with the care or maintenance of, an eligible site, including, but not limited to, a watchman, guard, doorman, building cleaner, porter, handyman, janitor, gardener, groundskeeper, elevator operator and starter, and window cleaner, but not including persons regularly scheduled to work fewer than eight hours per week at the eligible site.

(q) "Commencement date" shall mean, with respect to any eligible multiple dwelling, the date upon which excavation and construction of initial footings and foundations lawfully begins in good faith or, for an eligible conversion, the date upon which the actual construction of the conversion, alteration or improvement of the pre-existing building or structure lawfully begins in good faith.

(r) "Completion date" shall mean, with respect to any eligible multiple dwelling, the date upon which the local department of buildings issues the first temporary or permanent certificate of occupancy covering all residential areas of an eligible multiple dwelling.

(s) "Construction period" shall mean, with respect to any eligible multiple dwelling, a period: (i) beginning on the later of the commencement date of such eligible multiple dwelling or three years before the completion date of such eligible multiple dwelling; and (ii) ending on the day preceding the completion date of such eligible multiple dwelling.

(t) "Construction wage" shall mean, collectively, the alternative construction wage standard and the average hourly wage.

(u) "Construction work" shall mean the provision of labor performed on an eligible site between the commencement date and the completion date, whereby materials and constituent parts are combined to initially form, make or build an eligible multiple dwelling, including without limitation, painting, or providing of material, articles, supplies or equipment in the eligible multiple dwelling, but excluding security personnel and work related to the fit-out of commercial spaces.

(v) "Construction workers" shall mean all persons performing construction work who (i) are paid on an hourly basis and (ii) are not in a management or executive role or position.

(w) "Contractor certified payroll report" shall mean an original payroll report submitted by a contractor or sub-contractor to the independent monitor setting forth to the best of the contractor's or sub-contractor's knowledge, the total number of hours of construction work performed by construction workers, the amount of wages and employee benefits paid to construction workers for construction work.

(x) "Eligible conversion" shall mean the conversion, alteration or improvement of a pre-existing building or structure resulting in a multiple dwelling in which no more than forty-nine percent of the floor area consists of such pre-existing building or structure.

(y) "Eligible multiple dwelling" shall mean a multiple dwelling or homeownership project containing six or more dwelling units created through new construction or eligible conversion for which the commencement date is after June fifteenth, two thousand twenty-two and on or before June fifteenth, two thousand twenty-seven, and for which the completion date is on or before June fifteenth, two thousand thirty-one.

(z) "Eligible site" shall mean either: (i) a tax lot containing an eligible multiple dwelling; or (ii) a zoning lot containing two or more eligible multiple dwellings that are part of a single application.

(aa) "Employee benefits" shall mean all supplemental compensation paid by the employer, on behalf of construction workers, other than wages, including, without limitation, any premiums or contributions made into plans or funds that provide health, welfare, non-occupational disability coverage, retirement, vacation benefits, holiday pay, life insurance and apprenticeship training. The value of any employee benefits received shall be determined based on the prorated hourly cost to the employer of the employee benefits received by construction workers.

(bb) "Prime development area" shall mean the Manhattan prime development area, the Brooklyn prime development area and the Queens prime development area.

(cc) "Fiscal officer" shall mean the comptroller or other analogous officer in a city having a population of one million or more.

(dd) "Floor area" shall mean the horizontal areas of the several floors, or any portion thereof, of a dwelling or dwellings, and accesso-

ry structures on a lot measured from the exterior faces of exterior walls, or from the center line of party walls.

(ee) "Four percent tax credits" shall mean federal low-income housing tax credits computed in accordance with clause (ii) of subparagraph (B) of paragraph (1) of subsection (b) of section forty-two of the internal revenue code of nineteen hundred eighty-six, as amended.

(ff) "Forty-year benefit" shall mean: (i) for the construction period, a one hundred percent exemption from real property taxation, other than assessments for local improvements; and (ii) for the first forty years of the restriction period, a one hundred percent exemption from real property taxation, other than assessments for local improvements.

(gg) "Homeownership project" shall mean a multiple dwelling operated as condominium or cooperative housing.

(hh) "Homeownership project restriction period" shall mean a period commencing on the completion date and expiring on the fortieth anniversary of the completion date, notwithstanding any earlier termination or revocation of ANNY Program benefits.

(ii) "Independent monitor" shall mean an accountant licensed and in good standing pursuant to article one hundred forty-nine of the education law.

(jj) "Job action" shall mean any delay, interruption or interference with the construction work caused by the actions of any labor organization or concerted action of any employees at the eligible site, including without limitation, strikes, sympathy strikes, work stoppages, walk outs, slowdowns, picketing, bannering, hand billing, demonstrations, sickouts, refusals to cross a picket line, refusals to handle struck business, and use of the rat or other inflatable balloons or similar displays.

(kk) "Large rental project" shall mean an eligible multiple dwelling consisting of thirty or more residential dwelling units in which all dwelling units included in any application are operated as rental housing.

(ll) "Large rental project restriction period" shall mean a period commencing on the completion date and extending in perpetuity, notwithstanding any earlier termination or revocation of ANNY Program benefits.

(mm) "Manhattan prime development area" shall mean any tax lots, now existing or hereafter created, located entirely south of 96th street in the borough of Manhattan.

(nn) "Market unit" shall mean a dwelling unit in an eligible multiple dwelling other than an affordable housing unit.

(oo) "Multiple dwelling" shall have the same meaning set forth in subdivision seven of section four of the multiple dwelling law.

(pp) "Non-residential tax lot" shall mean a tax lot that does not contain any dwelling units.

(qq) "Project labor agreement" shall mean a pre-hire collective bargaining agreement setting forth the terms and conditions of employment for the construction workers on an eligible site.

(rr) "Project-wide certified payroll report" shall mean a certified payroll report submitted by the independent monitor to the fiscal officer based on each contractor certified payroll report which sets forth the total number of hours of construction work performed by construction workers, the amount of wages and employee benefits paid to construction workers for construction work and the construction wage.

(ss) "Queens prime development area" shall mean any tax lots now existing or hereafter created which are located entirely within community boards one or two of the borough of Queens bounded and described as

follows: All that piece or parcel of land situate and being in the boroughs of Queens and Brooklyn, New York. Beginning at the point being the intersection of the easterly shore of the East River with a line of prolongation of 20th Avenue projected northwesterly; Thence southeasterly on the line of prolongation of 20th Avenue and along 20th Avenue to the intersection with 31st Street; Thence southwesterly along 31st Street to the intersection with Northern Boulevard; Thence southwesterly along Northern Boulevard to the intersection with Queens Boulevard; Thence southeasterly along Queens Boulevard to the intersection with Van Dam Street; Thence southerly along Van Dam Street to the intersection with Borden Avenue; Thence southwesterly along Van Dam Street to the intersection with Greenpoint Avenue and Review Avenue; Thence southwesterly along Greenpoint Avenue to the point of intersection with the centerline of Newtown Creek, said centerline of Newtown Creek also being the boundary between Queens County to the north and Kings County to the south; Thence northwesterly along the centerline of Newtown Creek, also being the boundary between Queens County and Kings County to its intersection with the easterly bounds of the East River; Thence in a general northeasterly direction along the easterly bulkhead or shoreline of the East River to the point or place of Beginning.

(tt) "Rent stabilization" shall mean, collectively, the rent stabilization law of nineteen hundred sixty-nine, the rent stabilization code, and the emergency tenant protection act of nineteen seventy-four, all as in effect as of the effective date of the chapter of the laws of two thousand twenty-two that added this section or as amended thereafter, together with any successor statutes or regulations addressing substantially the same subject matter.

(uu) "Rental project" shall mean, collectively, large rental project and small rental project.

(vv) "Residential tax lot" shall mean a tax lot that contains dwelling units.

(ww) "Small rental project" shall mean an eligible multiple dwelling consisting of less than thirty residential dwelling units in which all dwelling units included in any application are operated as rental housing.

(xx) "Small rental project restriction period" shall mean a period commencing on the completion date and expiring on the thirty-fifth anniversary of the completion date, notwithstanding any earlier termination or revocation of ANNY Project benefits.

(yy) "Tax exempt bond proceeds" shall mean the proceeds of an exempt facility bond, as defined in paragraph seven of subsection (a) of section one hundred forty-two of the internal revenue code of nineteen hundred eighty-six, as amended, the interest upon which is exempt from taxation under section one hundred three of the internal revenue code of nineteen hundred eighty-six, as amended.

(zz) "Third-party fund administrator" shall be a person or entity that receives funds pursuant to subdivision three of this section and oversees and manages the disbursal of such funds to construction workers. The third-party fund administrator shall be a person or entity approved by the fiscal officer and recommended by one, or more, representative or representatives of the largest trade association of residential real estate developers, either for profit or not-for-profit, in New York city and one, or more, representative or representatives of the largest trade labor association representing building and construction workers, with membership in New York city. The third-party fund administrator shall be appointed for a term of three years, provided, however, that the

administrator in place at the end of a three-year term shall continue to serve beyond the end of the term until a replacement administrator is appointed. The fiscal officer after providing notice and after meeting with the third-party fund administrator, may remove such administrator for cause upon a fiscal officer determination that the administrator has been ineffective at overseeing or managing the disbursal of funds to the construction workers. The third-party fund administrator shall, at the request of the fiscal officer, submit reports to the fiscal officer.

(aaa) "Thirty-five year benefit" shall mean: (i) for the construction period, a one hundred percent exemption from real property taxation, other than assessments for local improvements; (ii) for the first twenty-five years of the restriction period, a one hundred percent exemption from real property taxation, other than assessments for local improvements; and (iii) for the final ten years of the restriction period, an exemption from real property taxation, other than assessments for local improvements, equal to the affordability percentage.

(bbb) "Wages" shall mean all compensation, remuneration or payments of any kind paid to, or on behalf of, construction workers, including, without limitation, any hourly compensation paid directly to the construction worker, together with employee benefits, such as health, welfare, non-occupational disability coverage, retirement, vacation benefits, holiday pay, life insurance and apprenticeship training, and payroll taxes, including, to the extent permissible by law, all amounts paid for New York state unemployment insurance, New York state disability insurance, metropolitan commuter transportation mobility tax, federal unemployment insurance and pursuant to the federal insurance contributions act or any other payroll tax that is paid by the employer.

2. Benefit. In cities having a population of one million or more, notwithstanding the provisions of any other subdivision of this section or of any general, special or local law to the contrary, new eligible multiple dwellings, except hotels, that comply with the provisions of this section shall be exempt from real property taxation, other than assessments for local improvements, in the amounts and for the periods specified in this section. A rental project that meets all of the requirements of this section shall receive a thirty-five year benefit and a homeownership project that meets all of the requirements of this section shall receive a forty-year benefit.

3. Rental projects. In addition to all other requirements set forth in this section, rental projects containing three hundred or more rental dwelling units located within the prime development area shall comply with the requirements set forth in this subdivision. For purposes of this subdivision, "contractor" shall mean any entity which by agreement with another party, including sub-contractors, undertakes to perform construction work at an eligible site and "applicant" shall mean an applicant for ANNY Program benefits and any successor thereto.

(a) Such rental project shall comply with affordability option A.

(b) Construction workers on an eligible site within the Manhattan prime development area shall be paid according to the alternative construction wage standard, which may, at the discretion of the commissioner of labor, be determined by the commissioner of labor. Until such time as such standard is determined by the commissioner of labor, the minimum average hourly wage paid to construction workers on an eligible site within the Manhattan prime development area shall be no less than sixty-three dollars per hour. One year from the effective date of the chapter of the laws of two thousand twenty-two that added this section and every three years thereafter, the minimum average hourly wage shall

be increased by five percent; provided, however, that any building with a commencement date prior to the date of such increase shall be required to pay the minimum average hourly wage as required on its commencement date.

(c) Construction workers on an eligible site within the Brooklyn prime development area or the Queens prime development area shall be paid according to the alternative construction wage standard, which may, at the discretion of the commissioner of labor, be determined by the commissioner of labor. Until such time as such standard is determined by the commissioner of labor, the minimum average hourly wage paid to construction workers on an eligible site within the Brooklyn prime development area or the Queens prime development area shall be no less than forty-seven dollars and twenty-five cents per hour. One year from the effective date of the chapter of the laws of two thousand twenty-two that added this section and every three years thereafter, the minimum average hourly wage shall be increased by five percent; provided, however, that any building with a commencement date prior to the date of such increase shall be required to pay the minimum average hourly wage as required on its commencement date.

(d) The requirements of paragraphs (b) and (c) of this subdivision shall not be applicable to:

(i) an eligible multiple dwelling in which at least fifty percent of the dwelling units upon initial rental and upon each subsequent rental following a vacancy during the extended restriction period, are affordable to and restricted to occupancy by individuals or families whose household income does not exceed eighty percent of the area median income, adjusted for family size, at the time that such household initially occupies such dwelling unit;

(ii) any portion of an eligible multiple dwelling which is owned and operated as a condominium or cooperative; or

(iii) at the option of the applicant, to an eligible site subject to a project labor agreement.

(e) The applicant shall contract with an independent monitor. Such independent monitor shall submit to the fiscal officer within one year of the completion date, a project-wide certified payroll report. In the event such project-wide certified payroll report is not submitted to the fiscal officer within the requisite time, the applicant shall be subject to a fine of one thousand dollars per week, or any portion thereof; provided that the maximum fine shall be seventy-five thousand dollars. In the event that the wage paid is less than the construction wage set forth in paragraph (b) or (c) of this subdivision as applicable, the project-wide certified payroll report shall also set forth the amount of such deficiency.

(f) The contractor certified payroll report shall be submitted by each contractor and sub-contractor no later than ninety days after the completion of construction work by such contractor or sub-contractor. In the event that a contractor or sub-contractor fails or refuses to submit the contractor certified payroll report within the time prescribed in this paragraph, the independent monitor shall notify the fiscal officer and the fiscal officer shall be authorized to fine such contractor or sub-contractor in the amount of one thousand dollars per week, or any portion thereof, provided that the maximum fine shall be seventy-five thousand dollars.

(g) In the event that the project-wide certified payroll report shows that the wage paid as required by paragraph (b) or (c) of this subdivision, as applicable, was not paid, if the wage paid is within fifteen

percent of the construction wage required by paragraph (b) or (c) of this subdivision, as applicable, then no later than one hundred twenty days from the date of submission of such project-wide certified payroll report, the applicant shall pay to the third-party fund administrator an amount equal to the amount of the deficiency set forth in the project-wide certified payroll report. The third-party fund administrator shall distribute such payment to the construction workers who performed construction work on such eligible site. Prior to making such repayment, the third-party fund administrator shall submit to the fiscal officer a plan subject to the fiscal officer's approval setting forth the manner in which the third-party fund administrator will reach the required construction wage within one hundred fifty days of receiving the payment from the applicant and how any remaining funds will be disbursed in the event that the third-party fund administrator cannot distribute the funds to the construction workers within one year of receiving fiscal officer approval. In the event that the applicant fails to make such payment within the time period prescribed in this paragraph, the applicant shall be subject to a fine of one thousand dollars per week provided that the maximum fine shall be seventy-five thousand dollars. If the wage paid is more than fifteen percent below the construction wage required by paragraph (b) or (c) of this subdivision, as applicable, then no later than one hundred twenty days from the date of submission of such project-wide certified payroll report, the applicant shall pay to the third-party fund administrator an amount equal to the amount of the deficiency set forth in the project-wide payroll report. The third-party fund administrator shall distribute such payment to the construction workers who performed construction work on such eligible site. Prior to making such repayment, the third-party fund administrator shall submit to the fiscal officer a plan subject to the fiscal officer's approval setting forth the manner in which the third-party fund administrator will reach the required construction wage within one hundred fifty days of receiving the payment from the applicant and how any remaining funds will be disbursed in the event that the third-party fund administrator cannot distribute the funds to the construction workers within one year of receiving fiscal officer approval. In addition, the fiscal officer shall impose a penalty on the applicant in an amount equal to twenty-five percent of the amount of the deficiency, provided, however, that the fiscal officer shall not impose such penalty where the eligible multiple dwelling has been the subject of a job action which results in a work delay. In the event that the applicant fails to make such payment within the time period prescribed in this paragraph, the applicant shall be subject to a fine of one thousand dollars per week, provided that the maximum fine shall be seventy-five thousand dollars. Notwithstanding any provision of this subdivision, the applicant shall not be liable in any respect whatsoever for any payments, fines or penalties related to or resulting from contractor fraud, mistake, or negligence or for fraudulent or inaccurate contractor certified payroll reports or for fraudulent or inaccurate project-wide certified payroll reports, provided, however, that payment to the third-party fund administrator in the amount set forth in the project-wide certified payroll report as described in this paragraph shall still be made by the contractor or sub-contractor in the event of underpayment resulting from or caused by the contractor or sub-contractor, and that the applicant will be liable for underpayment to the third-party fund administrator unless the fiscal officer determines, in its sole discretion, that the underpayment was the result of, or caused by, contractor fraud, mistake

or negligence and/or for fraudulent or inaccurate contractor certified payroll reports and/or project-wide certified payroll reports. The applicant shall otherwise not be liable in any way whatsoever once the payment to the third-party fund administrator has been made in the amount set forth in the project-wide certified payroll report. Other than the underpayment, which must be paid to the third-party fund administrator, all fines and penalties set forth in this subdivision imposed by the fiscal officer shall be paid to the agency and used by the agency to provide affordable housing.

(h) Nothing in this subdivision shall be construed to confer a private right of action to enforce the provisions of this subdivision, provided, however, that this sentence shall not be construed as a waiver of any existing rights of construction workers or their representatives related to wage and benefit collection, wage theft or other labor protections or rights and provided, further, that nothing in this subdivision relieves any obligations pursuant to a collective bargaining agreement.

(i) The fiscal officer shall have the sole authority to determine and enforce any liability for underpayment owing to the third-party fund administrator from the applicant and/or the contractor, as a result of contractor fraud, mistake or negligence and/or for fraudulent or inaccurate contractor certified payroll reports and/or project-wide certified payroll reports, as set forth in paragraph (f) of this subdivision. The fiscal officer shall expeditiously conduct an investigation and hearing at the New York city office of administrative trials and hearings, shall determine the issues raised thereon and shall make and file an order in his or her office stating such determination and forthwith serve a copy of such order, either personally or by mail, together with notice of filing, upon the parties to such proceedings. The fiscal officer in such an investigation shall be deemed to be acting in a judicial capacity and shall have the right to issue subpoenas, administer oaths and examine witnesses. The enforcement of a subpoena issued under this paragraph shall be regulated by the civil practice law and rules. The filing of such order shall have the full force and effect of a judgment duly docketed in the office of the county clerk. The order may be enforced by and in the name of the fiscal officer in the same manner, and with like effect, as that prescribed by the civil practice law and rules for the enforcement of a money judgment.

4. Tax payments. In addition to any other amounts payable pursuant to this section, the owner of any eligible site receiving ANNY Program benefits shall pay, in each tax year in which such ANNY Program benefits are in effect, real property taxes and assessments as follows:

(a) with respect to each eligible multiple dwelling constructed on such eligible site, real property taxes on the assessed valuation of such land and any improvements thereon in effect during the tax year prior to the commencement date of such eligible multiple dwelling, without regard to any exemption from or abatement of real property taxation in effect during such tax year, which real property taxes shall be calculated using the tax rate in effect at the time such taxes are due; and

(b) all assessments for local improvements.

5. Limitation on benefits for non-residential space. If the aggregate floor area of commercial, community facility and accessory use space in an eligible site, other than parking which is located not more than twenty-three feet above the curb level, exceeds twelve percent of the aggregate floor area in such eligible site, any ANNY Program benefits shall be reduced by a percentage equal to such excess. If an eligible

site contains multiple tax lots, the tax arising out of such reduction in ANNY Program benefits shall first be apportioned pro rata among any non-residential tax lots. After any such non-residential tax lots are fully taxable, the remainder of the tax arising out of such reduction in ANNY Program benefits, if any, shall be apportioned pro rata among the remaining residential tax lots.

6. Calculation of benefit. Based on the certification of the agency certifying the applicant's eligibility for ANNY Program benefits, the assessors shall certify to the collecting officer the amount of taxes to be exempted.

7. Affordability requirements. A large rental project shall comply with affordability option A for the duration of the large rental project restriction period. A small rental project shall comply with affordability option B for the duration of the small rental project restriction period. A homeownership project shall comply with affordability option C for the duration of the homeownership project restriction period. Such election shall be made in the application and shall not thereafter be changed.

(a) All rental dwelling units in an eligible multiple dwelling shall share the same common entrances and common areas as market rate units in such eligible multiple dwelling and shall not be isolated to a specific floor or area of an eligible multiple dwelling. Common entrances shall mean any area regularly used by any resident of a rental dwelling unit in the eligible multiple dwelling for ingress and egress from such eligible multiple dwelling.

(b) Unless preempted by the requirements of a federal, state or local housing program, either (i) the affordable housing units in an eligible multiple dwelling shall have a unit mix proportional to the market units, or (ii) at least fifty percent of the affordable housing units in an eligible multiple dwelling shall have two or more bedrooms and no more than twenty-five percent of the affordable housing units shall have less than one bedroom.

(c) Notwithstanding any provision of rent stabilization to the contrary, all affordable housing units shall remain fully subject to rent stabilization both during and subsequent to the small building restriction period or the large building restriction period, as applicable.

(d) All rent stabilization registrations required to be filed shall contain a designation that specifically identifies affordable housing units created pursuant to this section as "ANNY Program affordable housing units" and shall contain an explanation of the requirements that apply to all such affordable housing units.

(e) Failure to comply with the provisions of this subdivision that require the creation, maintenance, rent stabilization compliance and occupancy of affordable housing units or for purposes of a homeownership project the failure to comply with affordability option C shall result in revocation of any ANNY Program benefits for the period of such non-compliance.

(f) Nothing in this section shall (i) prohibit the occupancy of an affordable housing unit by individuals or families whose income at any time is less than the maximum percentage of the area median income, adjusted for family size, specified for such affordable housing unit pursuant to this section, or (ii) prohibit the owner of an eligible site from requiring, upon initial rental or upon any rental following a vacancy, the occupancy of any affordable housing unit by such lower income individuals or families.

(g) Following issuance of a temporary certificate of occupancy and upon each vacancy thereafter, an affordable housing unit shall promptly be offered for rental by individuals or families whose income does not exceed the maximum percentage of the area median income, adjusted for family size, specified for such affordable housing unit pursuant to this section and who intend to occupy such affordable housing unit as their primary residence. An affordable housing unit shall not be (i) rented to a corporation, partnership or other entity, or (ii) held off the market for a period longer than is reasonably necessary to perform repairs needed to make such affordable housing unit available for occupancy.

(h) An affordable housing unit shall not be rented on a temporary, transient or short-term basis. Every lease and renewal thereof for an affordable housing unit shall be for a term of one or two years, at the option of the tenant.

(i) An affordable housing rental unit shall not be converted to cooperative or condominium ownership.

(j) The agency may establish by rule such requirements as the agency deems necessary or appropriate for (i) the marketing of affordable housing units, both upon initial occupancy and upon any vacancy, (ii) monitoring compliance with the provisions of this subdivision, and (iii) the marketing and monitoring of any homeownership project that is granted an exemption pursuant to this subdivision. Such requirements may include, but need not be limited to, retaining a monitor approved by the agency and paid for by the owner.

(k) Notwithstanding any provision of this section to the contrary, a market unit shall not be subject to rent stabilization unless, in the absence of ANNY Program benefits, the unit would be subject to rent stabilization.

8. Building service employees. (a) For the purposes of this subdivision, "applicant" shall mean an applicant for ANNY Program benefits, any successor to such applicant, or any employer of building service employees for such applicant, including, but not limited to, a property management company or contractor.

(b) All building service employees employed by the applicant at the eligible site shall receive the applicable prevailing wage.

(c) The fiscal officer shall have the power to enforce the provisions of this subdivision. In enforcing such provisions, the fiscal officer shall have the power:

(i) to investigate or cause an investigation to be made to determine the prevailing wages for building service employees; in making such investigation, the fiscal officer may utilize wage and fringe benefit data from various sources, including, but not limited to, data and determinations of federal, state or other governmental agencies, provided, however, that the provision of a dwelling unit shall not be considered wages or a fringe benefit;

(ii) to institute and conduct inspections at the site of the work or elsewhere;

(iii) to examine the books, documents and records pertaining to the wages paid to, and the hours of work performed by, building service employees;

(iv) to hold hearings and, in connection therewith, to issue subpoenas, administer oaths and examine witnesses; the enforcement of a subpoena issued under this subdivision shall be regulated by the civil practice law and rules;

(v) to make a classification by craft, trade or other generally recognized occupational category of the building service employees and to

determine whether such work has been performed by the building service employees in such classification;

(vi) to require the applicant to file with the fiscal officer a record of the wages actually paid by such applicant to the building service employees and of their hours of work;

(vii) to delegate any of the foregoing powers to his or her deputy or other authorized representative;

(viii) to promulgate rules as he or she shall consider necessary for the proper execution of the duties, responsibilities and powers conferred upon him or her by the provisions of this paragraph; and

(ix) to prescribe appropriate sanctions for failure to comply with the provisions of this subdivision. For each violation of paragraph (b) of this subdivision, the fiscal officer may require the payment of: (A) back wages and fringe benefits; (B) liquidated damages up to three times the amount of the back wages and fringe benefits for willful violations; and/or (C) reasonable attorney's fees. If the fiscal officer finds that the applicant has failed to comply with the provisions of this subparagraph, he or she shall present evidence of such non-compliance to the agency.

(d) Paragraph (b) of this subdivision shall not be applicable to:

(i) an eligible multiple dwelling outside of the prime development area;

(ii) an eligible multiple dwelling containing less than three hundred dwelling units; or

(iii) an eligible multiple dwelling in which all of the dwelling units are affordable housing units and not less than fifty percent of such affordable housing units, upon initial rental and upon each subsequent rental following a vacancy are affordable to and restricted to occupancy by individuals or families whose household income does not exceed ninety percent of the area median income, adjusted for family size, at the time that such household initially occupies such dwelling unit.

(e) The applicant shall submit a sworn affidavit with its application, and annually thereafter, certifying that it shall comply with the requirements of this subdivision.

(f) The agency shall annually publish a list of all eligible sites subject to the requirements of this paragraph and the affidavits required pursuant to paragraph (e) of this subdivision.

9. Replacement ratio. If the land on which an eligible site is located contained any dwelling units three years prior to the commencement date of the first eligible multiple dwelling thereon, then such eligible multiple dwelling or dwellings built thereon shall contain at least one affordable housing unit for each dwelling unit that existed on such date and was thereafter demolished, removed or reconfigured.

10. Concurrent exemptions or abatements. An eligible multiple dwelling receiving ANNY Program benefits shall not receive any exemption from or abatement of real property taxation under any other law.

11. Voluntary renunciation or termination. Notwithstanding the provisions of any general, special or local law to the contrary, an owner shall not be entitled to voluntarily renounce or terminate ANNY Program benefits unless the agency authorizes such renunciation or termination in connection with the commencement of a new tax exemption pursuant to either the private housing finance law or section four hundred twenty-c of this title.

12. Termination or revocation. The agency may terminate or revoke ANNY program benefits for noncompliance with this section: provided, however, that the agency shall not terminate or revoke ANNY Program benefits for

a failure to comply with paragraph (c) of subdivision fifteen of this section. If ANNY Program benefits are terminated or revoked for noncompliance with this section: (a) all of the affordable housing units shall remain subject to rent stabilization and all other requirements of this section for the restriction period or extended restriction period, as applicable, and any additional period expressly provided in this section, as if the ANNY Program benefits had not been terminated or revoked; (b) all of the market rate housing units shall remain subject to rent stabilization and all other requirements of this section for the restriction period or extended restriction period, as applicable, and any additional period expressly provided in this section, as if the ANNY Program benefits had not been terminated or revoked, provided, however, that the owner shall still be entitled to remove such market unit from rent stabilization upon vacancy by reason of the monthly rent exceeding any limit established thereunder; or (c) for a homeownership project, such project shall continue to comply with affordability option D of this section and all other requirements of this section for the restriction period and any additional period expressly provided in this section, as if the ANNY Program benefits had not been terminated or revoked.

13. Powers cumulative. The enforcement provisions of this section shall not be exclusive, and are in addition to any other rights, remedies, or enforcement powers set forth in any other law or available at law or in equity.

14. Multiple tax lots. If an eligible site contains multiple tax lots, an application may be submitted with respect to one or more of such tax lots. The agency shall determine eligibility for ANNY Program benefits based upon the tax lots included in such application and benefits for each multiple dwelling shall be based upon the completion date of such multiple dwelling.

15. Applications. (a) The application with respect to any eligible multiple dwelling shall be filed with the agency not later than one year after the completion date of such eligible multiple dwelling.

(b) Notwithstanding the provisions of any general, special or local law to the contrary, the agency may require by rule that applications be filed electronically.

(c) The agency may rely on certification by an architect or engineer submitted by an applicant in connection with the filing of an application. A false certification by such architect or engineer shall be deemed to be professional misconduct pursuant to section sixty-five hundred nine of the education law. Any licensee found guilty of such misconduct under the procedures prescribed in section sixty-five hundred ten of the education law shall be subject to the penalties prescribed in section sixty-five hundred eleven of the education law and shall thereafter be ineligible to submit a certification pursuant to this section.

(d) The agency shall not require that the applicant demonstrate compliance with the requirements of paragraph (c) of this subdivision as a condition to approval of the application.

16. Filing fee. The agency may require a filing fee of three thousand dollars per dwelling unit in connection with any application. However, the agency may promulgate rules imposing a lesser fee for eligible sites containing eligible multiple dwellings constructed with the substantial assistance of grants, loans or subsidies provided by a federal, state or local governmental agency or instrumentality pursuant to a program for the development of affordable housing.

17. Rules. Except as provided in subdivisions three and eight of this section, the agency shall have the sole authority to enforce the provisions of this section and may promulgate rules to carry out the provisions of this section.

18. Election. Notwithstanding anything in this section to the contrary, a small rental project, large rental project or homeownership project with a commencement date on or before June fifteenth, two thousand twenty-two that has not received benefits pursuant to section four hundred twenty-one-a of this title prior to the effective date of the chapter of the laws of two thousand twenty-two that added this section may elect to comply with this section and receive ANNY Program benefits pursuant to this section.

19. Reporting. On or before June thirtieth of each year, the commissioner of the New York city department of housing preservation and development shall issue a report to the governor, the temporary president of the senate and the speaker of the assembly setting forth the number of total projects and units created by this section by year, level of affordability, and community board, the cost of the ANNY Program, and other such factors as the commissioner of the New York city department of housing preservation and development deems appropriate. The New York city department of housing preservation and development may request and shall receive cooperation and assistance from all departments, divisions, boards, bureaus, commissions, public benefit corporations or agencies of the state of New York, the city of New York or any other political subdivisions thereof, or any entity receiving benefits pursuant to this section.

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