STATE OF NEW YORK

2506--B

IN SENATE

January 20, 2021

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

AN ACT to amend the education law, in relation to school contracts for excellence; to amend the education law, in relation to the apportionment of public moneys to school districts employing eight or more teachers; to amend the education law, in relation to pandemic adjustment payment reduction; to amend the education law, in relation to aidable transportation expense; to amend the education law, in relation to the statewide universal full-day pre-kindergarten program; to amend the education law, in relation to moneys apportioned; to amend chapter 756 of the laws of 1992, relating to funding a program for work force education conducted by the consortium for worker education in New York city, in relation to reimbursement for the 2021-2022 school year; to amend chapter 756 of the laws of 1992, relating to funding a program for work force education conducted by the consortium for worker education in New York city, in relation to withholding a portion of employment preparation education aid and in relation to the effectiveness thereof; to amend chapter 147 of the laws of 2001, amending the education law relating to conditional appointment of school district, charter school or BOCES employees, in relation to the effectiveness thereof; to amend chapter 425 of the laws of 2002, amending the education law relating to the provision of supplemental educational services, attendance at a safe public school and the suspension of pupils who bring a firearm to or possess a firearm at a school, in relation to the effectiveness thereof; to amend chapter 101 of the laws of 2003, amending the education law relating to implementation of the No Child Left Behind Act of 2001, in relation to the effectiveness thereof; to amend the education law, in relation to extending apportionments of public moneys to certain school districts employing eight or more teachers; to amend chapter 121 of the laws of 1996 relating to authorizing the Roosevelt union free school district to finance deficits by the issuance of serial bonds, in relation to extending certain provisions thereof; to amend part B of chapter 57 of

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

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the laws of 2008 amending the education law relating to the universal prekindergarten program, in relation to the effectiveness thereof; relates to school bus driver training; relates to special apportionment for salary expenses and public pension accruals; relates to authorizing the city school district of the city of Rochester to purchase certain services; relates to suballocations of appropriations; and relating to the support of public libraries (Part A); to amend the education law, in relation to foundation aid; creating a task force on education funding and property tax reform; to ratify and validate certain school district building projects; to legalize, validate, ratify and confirm certain acts relating to transportation contracts; to amend the education law, in relation to the payment of moneys due for prior years and the apportionment of moneys to school districts; providing for the increase of tuition rates; to amend the education law, in relation to special act school districts and special education; to amend the education law, in relation to the effectiveness of provisions relating to BOCES intermediate districts; to amend the education law, in relation to the salary of certain teachers providing instruction in career and technical education to school age students; to amend the real property tax law, in relation to school district unexpended surplus funds; to amend the education law, in relation to computation of resident weighted average daily attendance; to amend the education law, in relation to supplemental educational improvement grants; to amend chapter 157 of the laws of 2020 relating to authorizing the expenditure and temporary transfer of reserve funds for expenses related to COVID-19, in relation to reimbursement of such funds; to amend the education law, in relation to supplemental educational improvement grants; to amend the education law, in relation to financing charter schools; to amend the education law, in relation to culturally responsive-sustaining education; to amend chapter 507 of the laws of 1974, relating to providing for the apportionment of state monies to certain nonpublic schools, to reimburse them for their expenses in complying with certain state requirements for the administration of state testing and evaluation programs and for participation in state programs for the reporting of basic educational data, in relation to the calculation of nonpublic schools' eligibility to receive aid; to repeal section 3614 of the education law relating to statements of total funding allocations; and to provide for the repeal of certain provisions of this act and the real property tax law relating thereto (Part A-1); to amend the business corporation law, the partnership law and the limited liability company law, in relation to certified public accountants (Part B); intentionally omitted (Part C); to amend the education law, in relation to extending state university of New York procurement flexibility and authorizing the state university of New York to purchase services from a consortium; and to amend part D of chapter 58 of the laws of 2011 amending the education law relating to capital facilities in support of the state university and community colleges, procurement and the state university health care facilities, in relation to the effectiveness thereof (Part D); to amend the education law, in relation to tuition rates for SUNY and CUNY schools; and to amend chapter 260 of the laws of 2011, amending the education law and the New York state urban development corporation act relating to establishing components of the NY-SUNY 2020 challenge grant program, in relation to the effectiveness thereof (Part E); extending scholarship program eligibility for certain recipients affected by the COVID-19 pandemic (Part F); intentionally omitted

(Part G); intentionally omitted (Part H); intentionally omitted (Part I); to amend part G of chapter 57 of the laws of 2013, amending the executive law and the social services law relating to consolidating the youth development and delinquency prevention program and the special delinquency prevention program, in relation to making such provisions permanent (Part J); to amend part K of chapter 57 of the laws of 2012, amending the education law, relating to authorizing the board of cooperative educational services to enter into contracts with the commissioner of children and family services to provide certain services, in relation to the effectiveness thereof (Part K); to amend the social services law and the family court act, in relation to compliance with the Federal Family First Prevention Services Act (Part L); intentionally omitted (Part M); intentionally omitted (Part N); to utilize reserves in the mortgage insurance fund for various housing purposes (Part O); to amend the social services law, in relation to increasing the standards of monthly need for aged, blind and disabled persons living in the community (Part P); to amend the social services law, in relation to increasing the standards of monthly need for aged, blind and disabled persons living in the to amend the state finance law, in relation to authorizing a tax check-off for gifts to food banks (Part Q); intentionally omitted (Part R); intentionally omitted (Part S); intentionally omitted (Part T); to amend the private housing finance law, in relation to exempting certain projects from sales and compensating use taxes (Part U); to amend the social services law and the abandoned property law, in relation to the transfer of unclaimed support collections and unidentified payments; to repeal certain provisions of the social services law relating thereto; and to repeal paragraph (c) of subdivision 1 of section 600 and subdivision 3 of section 602 of the abandoned property law, relating to moneys paid to a support bureau of a family court (Part V); intentionally omitted (Part W); to amend the public authorities law, in relation to granting the state of New York mortgage agency authority to purchase mortgage loans from a broader pool of non-depository lenders, to purchase mortgages secured by new construction loans, and modify its mortgages to assist financially distressed homeowners (Part X); intentionally omitted (Part Y); to amend the social services law, in relation to making child care more affordable for low-income families (Subpart A); and to amend the social services law, in relation to easing administrative burdens on child care programs and providers (Subpart B) (Part Z); to amend the labor law and the public service law, in relation to requirements for certain renewable energy systems (Part AA); intentionally omitted (Part BB); to amend the labor law, in relation to prohibiting the inclusion of claims for unemployment insurance arising from the closure of an employer due to COVID-19 from being included in such employer's experience rating charges; and to amend chapter 21 of the laws of 2021, amending the labor law relating to prohibiting the inclusion of claims for unemployment insurance arising from the closure of an employer due to COVID-19 from being included in such employer's experience rating charges, in relation to the effectiveness thereof (Part CC); to amend the public housing law and the social services law, in relation to establishing a COVID-19 emergency rental assistance program; and providing for the repeal of such provisions upon expiration thereof (Part DD); to amend the public housing law, in relation to establishing the housing access voucher program (Part EE); to amend the state finance law, in relation to five-year capital plans for the state university of New York and the city university of New

York (Part FF); to amend the education law, in relation to state appropriations to the state university of New York and the city university of New York (Part GG); to amend the education law, in relation to providing a program fee option for graduate students (Part HH); to amend the education law, in relation to providing special programs for the screening, testing, counseling, and tutoring of, and assistance to residents of the state to assure diversity in medicine opportunity at schools of medicine of the state university of New York and the city university of New York (Part II); to amend the education law, in relation to enhancing supports and services for students with disabilities for postsecondary success (Part JJ); to amend the education law, in relation to the supervision of the manufacturing and repacking of certain medical gases or wholesaling of respiratory therapy agents (Part KK); to amend the education law, in relation to the tuition assistance program award, the tuition credit rate and in relation to state appropriations to the state university of New York and the city university of New York (Part LL); to amend the workers' compensation law, in relation to establishing the excluded workers fund to provide payments to workers who suffered a loss of work-related earnings or a major source of household income during a state of emergency declared by the governor and who are otherwise ineligible for unemployment insurance (Part MM); to amend the social services law, in relation to the powers of a social services official to receive and dispose of a deed, mortgage or lien (Part NN); to amend part A-4 of chapter 58 of the laws of 2006 enacting the "city of Syracuse and the board of education of the city school district of the city of Syracuse cooperative school reconstruction act", in relation to construction and design contracts entered into by the JSC Board; and to amend the education law, in relation to the computation of building aid for reconstruction or modernizing of no more than three projects for the third phase of the city of Syracuse cooperative school reconstruction act (Part OO); and to amend chapter 416 of the laws of 2007, establishing the city of Rochester and the board of education of the city school district of the city of Rochester school facilities modernization program act, in relation to granting further authority to the RJSCB to modernize educational facilities in the city of Rochester; and to amend the education law, in relation to building aid for certain educational facilities in the city of Rochester (Part PP)

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

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

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 2020, 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. 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. Intentionally omitted.

§ 3. Intentionally omitted.

§ 4. Intentionally omitted.

§ 5. Intentionally omitted.

§ 6. Intentionally omitted.

§ 7. Intentionally omitted.

§ 8. Intentionally omitted.

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

kk. The "federal COVID-19 supplemental stimulus" shall be equal to the sum of (1) ninety percent of the funds from the elementary and secondary school emergency relief made available to school districts pursuant to the Coronavirus Response and Relief Supplemental Appropriations Act, 2021 in the same proportion as such district's share of funds provided under Title I of the Elementary and Secondary Education Act of 1965 plus (2) the base federal allocation. For eligible districts, the base federal allocation shall be equal to the product of nine hundred fifty-two dollars and fifteen cents ($952.15) and public school district enrollment in the base year as computed pursuant to paragraph n of this subdivision less ninety percent of the funds from the elementary and secondary school emergency relief made available to school districts pursuant to the Coronavirus Response and Relief Supplemental Appropriations Act, 2021 in the same proportion as such district's share of funds provided under Title I of the Elementary and Secondary Education Act of 1965, but not less than zero. Districts shall be eligible for the base federal allocation if their combined wealth ratio for the current year computed pursuant to subparagraph one of paragraph c of subdivision three of this section is less than one and five tenths (1.5) and the district is not a central high school district.

§ 10. Intentionally omitted.

§ 11. Intentionally omitted.

§ 12. Intentionally omitted.

§ 12-a. Intentionally omitted.

§ 13. Intentionally omitted.

§ 14. Intentionally omitted.

§ 15. Intentionally omitted.

§ 16. Intentionally omitted.

§ 16-a. Intentionally omitted.

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

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

§ 18. Intentionally omitted.

§ 19. Intentionally omitted.

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

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

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

8. Notwithstanding any other provision of law to the contrary, transportation provided during the state disaster emergency declared pursuant to executive order 202 of 2020, including transportation provided during the time period of any school building closures ordered pursuant to executive order 202 of 2020 or otherwise necessitated by such state disaster emergency. Such transportation shall include, but not be limited to, transportation of meals, educational materials and supplies to students, and transportation to provide students with internet access.

§ 21. Intentionally omitted.

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

4. Notwithstanding the provisions of this section or any other provision of law to the contrary, for the computation of transportation aid pursuant to the requirements of subdivision seven of section thirty-six hundred two of this article, allowable transportation expenses shall also include transportation operating expenses described in subdivision one of this section and transportation capital, debt service and lease expenses, as described in subdivision two of this section incurred during the state disaster emergency declared pursuant to executive order 202 of 2020, including expenses incurred during the time period of any school building closures ordered pursuant to executive order 202 of 2020 or otherwise necessitated by such state disaster emergency. Such expenses shall be allowable transportation expenses even where aidable regular transportation, as defined in section thirty-six hundred twenty-two-a of this part, was not provided.

§ 22-a. Subdivision 8 of section 4410 of the education law, as amended by chapter 474 of the laws of 1996, is amended to read as follows:

8. Transportation. The municipality in which a preschool child resides shall, beginning with the first day of service, provide either directly or by contract for suitable transportation, as determined by the board, to and from special services or programs; provided, however, that if the municipality is a city with a population of one million or more persons the municipality may delegate the authority to provide such transportation to the board; and provided further, that prior to providing such transportation directly or contracting with another entity to provide such transportation, such municipality or board shall request and encourage the parents to transport their children at public expense, where cost-effective, at a rate per mile or a public service fare established by the municipality and approved by the commissioner. Except as otherwise provided in this section, the parents' inability or declination to transport their child shall in no way [~~effect~~] **affect** the municipality's or board's responsibility to provide recommended services. Such transportation shall be provided once daily from the child care location to the special service or program and once daily from the special service or program to the child care location up to fifty miles from the child care location. If the board determines that a child must receive special services and programs at a location greater than fifty miles from the child care location, it shall request approval of the commissioner. For the purposes of this subdivision, the term "child care location" shall mean a child's home or a place where care for less than twenty-four hours a day is provided on a regular basis and includes, but is not limited to, a variety of child care services such as day care centers, family day care homes and in-home care by persons other than parents. All transportation of such children shall be provided pursuant to the procedures set forth in section two hundred thirty-six of the family court act using the date called for in the written notice of determination of the board or the date of the written notice of determination of the board, whichever comes later, in lieu of the date the court order was issued. **Notwithstanding this subdivision or any other provision of law to the contrary, transportation expenses incurred by a municipality for operating and maintenance costs pursuant to this subdivision during the state disaster emergency declared pursuant to executive order 202 of 2020, including expenses incurred during the time period of any closures of special services or programs ordered pursuant to executive order 202 of 2020 or otherwise necessitated by such state disaster emergency, shall be reimbursable and considered approved costs in accordance with the provisions of this section and the regulations of the commissioner.**

§ 23. Subdivision 16 of section 3602-ee of the education law, as amended by section 22 of part A of chapter 56 of the laws of 2020, 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-one~~] **twenty-two**; provided that the program shall continue and remain in full effect.

§ 24. Intentionally omitted.

§ 25. Intentionally omitted.

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

For aid payable in the two thousand seven--two thousand eight school year through the two thousand [~~twenty~~] **twenty-one**--two thousand [~~twenty-one~~] **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~~] **subdivisions** 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 nine-ty-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 thir-ty-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~~] **twenty-one**--two thousand [~~twenty-one~~] **twenty-two** school year, reference to such "school aid computer listing for the current year" shall mean the printouts entitled "[~~SA202-1~~] **SA212-2**".

§ 27. Intentionally omitted.

§ 28. Intentionally omitted.

§ 29. Intentionally omitted.

§ 30. Intentionally omitted.

§ 31. Intentionally omitted.

§ 32. Intentionally omitted.

§ 33. Intentionally omitted.

§ 34. Intentionally omitted.

§ 35. Intentionally omitted.

§ 36. Intentionally omitted.

§ 36-a. Intentionally omitted.

§ 36-b. Intentionally omitted.

§ 37. Intentionally omitted.

§ 38. Intentionally omitted.

§ 39. 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 30 of part A of chapter 56 of the laws of 2020, 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, [~~and~~] 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 forty 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 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); [~~and~~] 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)**. 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.

§ 40. 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 z to read as follows:

z. The provisions of this subdivision shall not apply after the completion of payments for the 2021--2022 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).

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

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

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

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

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

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

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

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

§ 44-a. The closing paragraph of subdivision 5-a of section 3602 of the education law, as amended by section 14-c of part A of chapter 56 of the laws of 2020, 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--two thousand twenty-one~~] **two thousand twenty-one--two thousand twenty-two** 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".

§ 44-b. Paragraph a-1 of subdivision 11 of section 3602 of the education law, as amended by section 32-a of part A of chapter 56 of the laws of 2020, is amended to read as follows:

a-1. Notwithstanding the provisions of paragraph a of this subdivision, for aid payable in the school years two thousand--two thousand one through two thousand nine--two thousand ten, and two thousand eleven--two thousand twelve through [~~two thousand twenty--two thousand twenty-one~~] **two thousand twenty-one--two thousand twenty-two**, the commissioner may set aside an amount not to exceed two million five hundred thousand dollars from the funds appropriated for purposes of this subdivision for the purpose of serving persons twenty-one years of age or older who have not been enrolled in any school for the preceding school year, including persons who have received a high school diploma or high school equivalency diploma but fail to demonstrate basic educational competencies as defined in regulation by the commissioner, when measured by accepted standardized tests, and who shall be eligible to attend employment preparation education programs operated pursuant to this subdivision.

§ 44-c. Subdivision 12 of section 3602 of the education law, as amended by section 14-d of part A of chapter 56 of the laws of 2020, 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 **and two thousand twenty-one--two thousand twenty-two** school [~~year~~] **years**, 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.

§ 44-d. The opening paragraph of subdivision 16 of section 3602 of the education law, as amended by section 14-e of part A of chapter 56 of the laws of 2020, 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--two thousand twenty-one~~] **two thousand twenty-one--two thousand twenty-two** 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".

§ 44-e. Subparagraph (ii) of paragraph (c) of subdivision 8 of section 3602-ee of the education law, as amended by section 22-b of part A of chapter 56 of the laws of 2020, is amended to read as follows:

(ii) Provided that, notwithstanding any provisions of this paragraph to the contrary, for the two thousand seventeen-two thousand eighteen through the [~~two thousand twenty--two thousand twenty-one~~] **two thousand twenty-three--two thousand twenty-four** school years an exemption to the

certification requirement of subparagraph (i) of this paragraph may be made for a teacher without certification valid for service in the early childhood grades who possesses a written plan to obtain certification and who has registered in the ASPIRE workforce registry as required under regulations of the commissioner of the office of children and family services. Notwithstanding any exemption provided by this subparagraph, certification shall be required for employment no later than June thirtieth, two thousand [~~twenty-one~~] **twenty-four**; provided that for the two thousand twenty-two thousand twenty-one [~~school year~~] **through the two thousand twenty-three--two thousand twenty-four school years**, school districts with teachers seeking an exemption to the certification requirement of subparagraph (i) of this paragraph shall submit a report to the commissioner regarding (A) the barriers to certification, if any, (B) the number of uncertified teachers registered in the ASPIRE workforce registry teaching pre-kindergarten in the district, including those employed by a community-based organization, (C) the number of previously uncertified teachers who have completed certification as required by this subdivision, and (D) the expected certification completion date of such teachers.

§ 44-f. Subdivision a of section 5 of chapter 121 of the laws of 1996, relating to authorizing the Roosevelt union free school district to finance deficits by the issuance of serial bonds, as amended by section 42-a of part A of chapter 56 of the laws of 2020, is amended to read as follows:

a. Notwithstanding any other provisions of law, upon application to the commissioner of education submitted not sooner than April first and not later than June thirtieth of the applicable school year, the Roosevelt union free school district shall be eligible to receive an apportionment pursuant to this chapter for salary expenses, including related benefits, incurred between April first and June thirtieth of such school year. Such apportionment shall not exceed: for the 1996-97 school year through the [~~2020-21~~] **2021-22** school year, four million dollars ($4,000,000); for the [~~2021-22~~] **2022-23** school year, three million dollars ($3,000,000); for the [~~2022-23~~] **2023-24** school year, two million dollars ($2,000,000); for the [~~2023-24~~] **2024-25** school year, one million dollars ($1,000,000); and for the [~~2024-25~~] **2025-26** school year, zero dollars. Such annual application shall be made after the board of education has adopted a resolution to do so with the approval of the commissioner of education.

§ 44-g. Subdivision 4 of section 51 of part B of chapter 57 of the laws of 2008 amending the education law relating to the universal prekindergarten program, as amended by section 22-a of part A of chapter 56 of the laws of 2020, is amended to read as follows:

4. section twenty-three of this act shall take effect July 1, 2008 and shall expire and be deemed repealed June 30, [~~2021~~] **2024**;

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

§ 46. Special apportionment for salary expenses. a. Notwithstanding any other provision of law, upon application to the commissioner of

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

§ 47. 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, 2022, a school district eligible for an apportionment pursuant to section 3602 of the education law shall be eligible to receive an apportionment pursuant to this section, for the school year ending June 30, 2022 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.

§ 48. 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 for the 2021--2022 school year, as a non-component school district, services required by article 19 of the education law.

§ 49. 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 2021--2022 school year. For the city school district of the city of New York there shall be a setaside 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 setaside 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 2021--2022 school year, and for any city school district in a city having a population of more than one million, the setaside for attendance improvement and dropout prevention shall equal the amount set aside in the base year. For the 2021--2022 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 2021--2022 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.

§ 50. Support of public libraries. The moneys appropriated for the support of public libraries by a chapter of the laws of 2021 enacting the aid to localities budget shall be apportioned for the 2021--2022 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 2021--2022 by a chapter of the laws of 2021 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 assure that the total amount of aid payable does not exceed the total appropriations for such purpose.

§ 51. 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, 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.

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

1. Sections one, twenty-three, twenty-six, forty-one, forty-three, forty-four, forty-four-a, forty-four-b, forty-four-c, forty-four-d, forty-four-e, forty-four-f, forty-four-g, forty-five, forty-eight and forty-nine of this act shall take effect July 1, 2021; and

2. 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 thirty-nine and forty of this act shall not affect the repeal of such chapter and shall be deemed repealed therewith.

PART A-1

Section 1. Paragraph a of subdivision 4 of section 3602 of the education law is amended by adding a new subparagraph 5 to read as follows:

(5) "Total foundation aid" shall be equal to the product of the total aidable foundation pupil units multiplied by the district's selected foundation aid.

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

i. Foundation aid payable in the two thousand twenty-one--two thousand twenty-two school year. Notwithstanding any provision of law to the contrary, foundation aid payable in the two thousand twenty-one--two thousand twenty-two school year shall equal the sum of the total foundation aid base computed pursuant to subparagraph (iii) of paragraph j of subdivision one of this section plus the greater of tiers A through H. For the purposes of this paragraph:

(i) "Tier A" shall be equal to the product of total foundation aid base computed pursuant to paragraph j of subdivision one of this section and two hundredths (0.02).

(ii) "Tier B" shall be equal to the positive difference, if any, of (1) the product of six tenths (0.60) multiplied by the total foundation aid pursuant to paragraph a of this subdivision less (2) the total foundation aid base computed pursuant to paragraph j of subdivision one of this section.

(iii) "Tier C" shall be equal to the product of the RCI Percent Factor multiplied by the total foundation aid base computed pursuant to paragraph j of subdivision one of this section for eligible districts. Districts shall be eligible for Tier C if the Phase-in Remaining Factor is greater than the RCI Percent Factor. For purposes of this paragraph, the "RCI Percent Factor" shall be equal to the quotient of (1) the positive difference of a regional cost index produced in two thousand eighteen reflecting an analysis of labor market costs in the nine labor force regions based on median salaries in professional occupations that require similar credentials to those of positions in the education field, but not including those occupations in the education field, less the regional cost indices for the two thousand seven--two thousand eight school year pursuant to paragraph a of this subdivision divided by (2) the regional cost indices for the two thousand seven--two thousand eight school year pursuant to paragraph a of this subdivision. For purposes

of this paragraph, the "Phase-in Remaining Factor" shall be equal to the difference of the quotient of (1) the positive difference, if any, of the total foundation aid pursuant to paragraph a of this subdivision less the total foundation aid base computed pursuant to paragraph j of subdivision one of this section less divided by (2) the positive difference of "FOUNDATION AID" under the heading "2007-08 ESTIMATED AIDS" in the computer listing produced by the commissioner in support of the enacted budget for the two thousand seven--two thousand eight school year and entitled "SA070-8" less "2010-11 TOTAL FOUNDATION AID" in the computer listing produced by the commissioner in support of the enacted budget for the two thousand seven--two thousand eight school year entitled "SA070-8", less one (1.0).

(iv) "Tier D" shall be equal to the product of twenty-six hundredths (0.26) multiplied by the positive difference, if any, of (1) total foundation aid pursuant to paragraph a of this subdivision less (2) the total foundation aid base computed pursuant to paragraph j of subdivision one of this section for districts where the Phase-in Remaining Factor is greater than the RCI Percent Factor and the RCI Percent Factor is greater than zero.

(v) "Tier E" shall be equal to the product of a certain percentage multiplied by the positive difference, if any, of (1) total foundation aid pursuant to paragraph a of this subdivision less (2) the total foundation aid base computed pursuant to paragraph j of subdivision one of this section, provided that the certain percentage shall be fifty-seven hundredths (0.57) for city school districts of cities having populations of one million or more, forty-five hundredths (0.45) for a city school district in a city with a population of more than two hundred fifty thousand but less than one million as of the two thousand ten federal decennial census; fifty-seven hundredths (0.57) for a city school district in a city with a population of more than two hundred thousand but less than two hundred fifty thousand as of the two thousand ten federal decennial census; fifty-seven hundredths (0.57) for a city school district in a city with a population of more than one hundred fifty thousand but less than two hundred thousand as of the two thousand ten federal decennial census; forty-five hundredths (0.45) for a city school district in a city with a population of more than one hundred twenty-five thousand but less than one hundred fifty thousand as of the two thousand ten federal decennial census; and twelve hundredths (0.12) for all other districts.

(vi) "Tier F" shall be equal to the product of twenty hundredths (0.20) multiplied by the positive difference, if any, of (1) total foundation aid pursuant to paragraph a of this subdivision less (2) the total foundation aid base computed pursuant to paragraph j of subdivision one of this section for small city school districts pursuant to paragraph jj of subdivision one of this section.

(vii) "Tier G" shall be equal to the product of (1) twenty-seven hundredths (0.27) multiplied by (2) the positive difference, if any, of total foundation aid pursuant to paragraph a of this subdivision less the total foundation aid base computed pursuant to paragraph j of subdivision one of this section, multiplied by (3) the product of the three-year direct certification percentage calculated pursuant to paragraph ii of subdivision one of this section multiplied by eighty hundredths (0.80) but not less than zero nor greater than one.

(viii) "Tier H" shall be equal to the product of the (1) Direct Certification Index multiplied by (2) four hundred dollars ($400.00) multiplied by (3) public school district enrollment as computed pursuant

to paragraph n of subdivision one of this section for districts where the combined wealth ratio for total foundation aid computed pursuant to subparagraph two of paragraph c of subdivision three of this section is less than two and eight tenths (2.8). For purposes of this paragraph, the "Direct Certification Index" shall be equal to the three-year direct certification percentage calculated pursuant to paragraph ii of subdivision one of this section divided by the statewide average of such percentage, provided this statewide average for the two thousand twenty-one--two thousand twenty-two school year shall be equal to four hundred seventy-three thousandths (0.473).

§ 2-a. Clause (ii) of subparagraph 2 of paragraph b of subdivision 4 of section 3602 of the education law, as amended by section 5-c of part YYY of chapter 59 of the laws of 2019, is amended to read as follows:

(ii) Phase-in foundation increase factor. For the two thousand eleven--two thousand twelve school year, the phase-in foundation increase factor shall equal thirty-seven and one-half percent (0.375) and the phase-in due minimum percent shall equal nineteen and forty-one hundredths percent (0.1941), for the two thousand twelve--two thousand thirteen school year the phase-in foundation increase factor shall equal one and seven-tenths percent (0.017), for the two thousand thirteen--two thousand fourteen school year the phase-in foundation increase factor shall equal (1) for a city school district in a city having a population of one million or more, five and twenty-three hundredths percent (0.0523) or (2) for all other school districts zero percent, for the two thousand fourteen--two thousand fifteen school year the phase-in foundation increase factor shall equal (1) for a city school district of a city having a population of one million or more, four and thirty-two hundredths percent (0.0432) or (2) for a school district other than a city school district having a population of one million or more for which (A) the quotient of the positive difference of the foundation formula aid minus the foundation aid base computed pursuant to paragraph j of subdivision one of this section divided by the foundation formula aid is greater than twenty-two percent (0.22) and (B) a combined wealth ratio less than thirty-five hundredths (0.35), seven percent (0.07) or (3) for all other school districts, four and thirty-one hundredths percent (0.0431), and for the two thousand fifteen--two thousand sixteen school year the phase-in foundation increase factor shall equal: (1) for a city school district of a city having a population of one million or more, thirteen and two hundred seventy-four thousandths percent (0.13274); or (2) for districts where the quotient arrived at when dividing (A) the product of the total aidable foundation pupil units multiplied by the district's selected foundation aid less the total foundation aid base computed pursuant to paragraph j of subdivision one of this section divided by (B) the product of the total aidable foundation pupil units multiplied by the district's selected foundation aid is greater than nineteen percent (0.19), and where the district's combined wealth ratio is less than thirty-three hundredths (0.33), seven and seventy-five hundredths percent (0.0775); or (3) for any other district designated as high need pursuant to clause (c) of subparagraph two of paragraph c of subdivision six of this section for the school aid computer listing produced by the commissioner in support of the enacted budget for the two thousand seven--two thousand eight school year and entitled "SA0708", four percent (0.04); or (4) for a city school district in a city having a population of one hundred twenty-five thousand or more but less than one million, fourteen percent (0.14); or (5) for school districts that were designated as small city school districts

or central school districts whose boundaries include a portion of a small city for the school aid computer listing produced by the commissioner in support of the enacted budget for the two thousand fourteen--two thousand fifteen school year and entitled "SA1415", four and seven hundred fifty-one thousandths percent (0.04751); or (6) for all other districts one percent (0.01), and for the two thousand sixteen--two thousand seventeen school year the foundation aid phase-in increase factor shall equal for an eligible school district the greater of: (1) for a city school district in a city with a population of one million or more, seven and seven hundred eighty four thousandths percent (0.07784); or (2) for a city school district in a city with a population of more than two hundred fifty thousand but less than one million as of the most recent federal decennial census, seven and three hundredths percent (0.0703); or (3) for a city school district in a city with a population of more than two hundred thousand but less than two hundred fifty thousand as of the most recent federal decennial census, six and seventy-two hundredths percent (0.0672); or (4) for a city school district in a city with a population of more than one hundred fifty thousand but less than two hundred thousand as of the most recent federal decennial census, six and seventy-four hundredths percent (0.0674); or (5) for a city school district in a city with a population of more than one hundred twenty-five thousand but less than one hundred fifty thousand as of the most recent federal decennial census, nine and fifty-five hundredths percent (0.0955); or (6) for school districts that were designated as small city school districts or central school districts whose boundaries include a portion of a small city for the school aid computer listing produced by the commissioner in support of the enacted budget for the two thousand fourteen--two thousand fifteen school year and entitled "SA141-5" with a combined wealth ratio less than one and four tenths (1.4), nine percent (0.09), provided, however, that for such districts that are also districts designated as high need urban-suburban pursuant to clause (c) of subparagraph two of paragraph c of subdivision six of this section for the school aid computer listing produced by the commissioner in support of the enacted budget for the two thousand seven--two thousand eight school year and entitled "SA0708", nine and seven hundred and nineteen thousandths percent (0.09719); or (7) for school districts designated as high need rural pursuant to clause (c) of subparagraph two of paragraph c of subdivision six of this section for the school aid computer listing produced by the commissioner in support of the enacted budget for the two thousand seven--two thousand eight school year and entitled "SA0708", thirteen and six tenths percent (0.136); or (8) for school districts designated as high need urban-suburban pursuant to clause (c) of subparagraph two of paragraph c of subdivision six of this section for the school aid computer listing produced by the commissioner in support of the enacted budget for the two thousand seven--two thousand eight school year and entitled "SA0708", seven hundred nineteen thousandths percent (0.00719); or (9) for all other eligible school districts, forty-seven hundredths percent (0.0047), provided further that for the two thousand seventeen--two thousand eighteen school year the foundation aid increase phase-in factor shall equal (1) for school districts with a census 2000 poverty rate computed pursuant to paragraph q of subdivision one of this section equal to or greater than twenty-six percent (0.26), ten and three-tenths percent (0.103), or (2) for a school district in a city with a population in excess of one million or more, seventeen and seventy-seven one-hundredths percent (0.1777), or (3) for a city school district in a city with a population of more than

two hundred fifty thousand but less than one million, as of the most recent decennial census, twelve and sixty-nine hundredths percent (0.1269) or (4) for a city school district in a city with a population of more than one hundred fifty thousand but less than two hundred thousand, as of the most recent federal decennial census, ten and seventy-eight one hundredths percent (0.1078), or (5) for a city school district in a city with a population of more than one hundred twenty-five thousand but less than one hundred fifty thousand as of the most recent federal decennial census, nineteen and one hundred eight one-thousandths percent (0.19108), or (6) for a city school district in a city with a population of more than two hundred thousand but less than two hundred fifty thousand as of the most recent federal decennial census, ten and six-tenths percent (0.106), or (7) for all other districts, four and eighty-seven one-hundredths percent (0.0487), and for the two thousand [~~twenty~~] **twenty-two**--two thousand [~~twenty-one~~] **twenty-three** school year [~~and thereafter the commissioner shall annually determine the phase-in foundation increase factor subject to allocation pursuant to the provisions of subdivision eighteen of this section and any provisions of a chapter of the laws of New York as described therein~~] **the foundation aid phase-in increase factor shall be fifty percent (0.5) and for the two thousand twenty-three--two thousand twenty-four school year and thereafter the foundation aid phase-in increase factor shall be one hundred percent (1.0)**.

§ 3. Task force on education funding and property tax reform. 1. There is hereby established a task force on education funding and property tax reform in New York state within the state education department. The purpose of the task force shall be to conduct a comprehensive study and provide recommendations on education funding and the role of property taxes in funding New York's education system to ensure an effective, efficient, and equitable system of funding public education. The task force shall review and offer recommendations on the following:

(a) the current reliance on property taxes to fund New York's education system, including its impact on taxpayers and high-need school districts;

(b) district-specific factors, such as the impact of regional costs and student need in education funding;

(c) federal changes which impact property taxes, including but not limited to, the federal cap on the state and local tax deduction;

(d) community and school district income and wealth as it relates to local property taxes;

(e) the use of property taxes to fund education in other states;

(f) spending disparities among neighboring school districts; and

(g) additional relevant factors that the task force deems necessary.

2. (a) The task force shall consist of seventeen members as follows:

(i) the commissioner of education or his or her designee, who shall serve as chair of the task force;

(ii) four people appointed by the governor;

(iii) four people appointed by the temporary president of the senate;

(iv) four people appointed by the speaker of the assembly; and

(v) four people appointed by the commissioner of education.

(b) All appointments of members of the task force shall be made no later than thirty days after the effective date of this act. The task force may begin its duties when a majority of the total number of positions have been appointed. Any vacancy shall be filled by the appointing authority. The members of the task force shall receive no compensation for their services.

3. The task force shall make a report to the governor and legislature of its findings, conclusions and recommendations on or before December 31, 2022.

§ 4. Section 3614 of the education law is REPEALED.

§ 5. a. Notwithstanding any other provision of law to the contrary, the actions or omissions of any school district which failed to submit a final building project cost report by June thirtieth of the school year following June thirtieth of the school year in which the certificate of substantial completion of the project is issued by the architect or engineer, or six months after issuance of such certificate, whichever is later, are hereby ratified and validated, provided that such building project was eligible for aid in a year for which the commissioner of the department of education is required to prepare an estimate of apportionments due and owing pursuant to paragraph c of subdivision 21 of section 305 of the education law, provided further that such school district submits a final cost report on or before December 31, 2021 and such report is approved by the commissioner of education, and provided further that any amount due and payable for school years prior to the 2021-2022 school year as a result of this act shall be paid pursuant to the provisions of paragraph c of subdivision 5 of section 3604 of the education law.

b. The education department is hereby directed to consider the approved costs of the aforementioned projects as valid and proper obligations of such school districts.

§ 6. a. All the acts done and proceedings heretofore had and taken or caused to be had and taken by a school district and by all officers, employees or agents of each such school district relating to or in connection with transportation contracts (1) identified by the state education department as having been filed or executed late on or before July 1, 2021, and (2) for which an aid adjustment or recovery has not been initiated by the state education department as of the effective date of this act are hereby legalized, validated, ratified and confirmed, notwithstanding any failure to comply with the contract filing provisions of the education law, other than those filing provisions defined in paragraph a of subdivision 5 of section 3604 of the education law, in relation to any omission, error, defect, irregularity or illegality in such proceeding had and taken.

b. The education department is hereby directed to consider the aforementioned contracts for transportation aid as valid and proper obligations of such school district.

§ 7. Paragraph c of subdivision 5 of section 3604 of the education law, as added by chapter 82 of the laws of 1995, is amended to read as follows:

c. Payment of moneys due for prior years. State aid payments due for prior years in accordance with the provisions of this subdivision shall be paid **either: (i) from funds available in the general support for public school appropriation as a result of the deduction of excess payments of aid pursuant to paragraph a of this subdivision; or (ii)** within the limit of the appropriation designated therefor provided, however, that each eligible claim shall be payable in the order that it has been approved for payment by the commissioner, but in no case shall a single claim draw down more than forty percent of the appropriation so designated for a single year, and provided further that no claim shall be set aside for insufficiency of funds to make a complete payment, but shall be eligible for a partial payment in one year and shall retain its

priority date status for appropriations designated for such purposes in future years.

§ 8. Tuition rates approved for the 2021-2022 school year for special services or programs provided to school-age students by special act school districts; approved private residential or non-residential schools for the education of students with disabilities that are located within the state; and providers of education to preschool children with disabilities pursuant to section 4410 of the education law shall provide for an increase commensurate with the total school aid increase provided to public school districts.

§ 9. a. Notwithstanding any provision of law or regulation to the contrary, if as a result of the state of emergency that was executed in Executive Order No. 202 on March 7, 2020, approved private schools serving students with disabilities subject to articles 81 and 89 of the education law, special act school districts, state supported schools pursuant to article 85 of the education law, and approved preschool special class and special class in an integrated setting programs pursuant to section 4410 of the education law experienced a reduction in enrollment during the 2020-2021 school year, the per diem and/or tuition rate shall be administratively adjusted by the state education department, with no approval required by the division of the budget, so that such schools experience no financial harm for reduced enrollment.

b. Notwithstanding any provision of law or regulation to the contrary, approved private schools serving students with disabilities subject to articles 81 and 89 of the education law, special act school districts, state supported schools pursuant to article 85 of the education law, and approved preschool special class and special class in an integrated setting programs pursuant to section 4410 of the education law shall experience no financial penalty or decrease in tuition rate as a result of federal aid provided to these schools or school districts in the Coronavirus Aid, Relief, and Economic Security Act of 2020, the Coronavirus Response and Relief Supplemental Appropriations Act, 2021 or other federal aid provided in 2021.

§ 10. Section 4004 of the education law is amended by adding a new subdivision 5 to read as follows:

5. The board of education of a special act school district shall be authorized to establish a fiscal stabilization reserve fund. There may be paid into such fund an amount as may be provided pursuant to the requirements of paragraph k of subdivision four of section forty-four hundred five of this title.

§ 10-a. Subdivision 4 of section 4405 of the education law is amended by adding a new paragraph k to read as follows:

k. (i) The tuition methodology established pursuant to this subdivision for the two thousand twenty-one--two thousand twenty-two school year and annually thereafter shall authorize approved private residential or non-residential schools for the education of students with disabilities that are located within the state, and special act school districts to retain funds in excess of their allowable and reimbursable costs incurred for services and programs provided to school-age students. The amount of funds that may be annually retained shall not exceed one percent of the school's or school district's total allowable and reimbursable costs for services and programs provided to school-age students for the school year from which the funds are to be retained; provided that the total accumulated balance that may be retained shall not exceed four percent of such total costs for such school year. Funds may be expended only pursuant to an authorization of the governing board

of the school or school district, for a purpose expressly authorized as part of the approved tuition methodology for the year in which the funds are to be expended. The director of the budget, in consultation with the commissioner, shall establish the authorized uses for the expenditures of such funds as part of the approved tuition methodology. Any school or school district that retains funds pursuant to this paragraph shall be required to annually report a statement of the total balance of any such retained funds, the amount, if any, retained in the prior school year, the amount, if any, dispersed in the prior school year, and any additional information requested by the department as part of the financial reports that are required to be annually submitted to the department.

§ 11. Paragraph b of subdivision 5 of section 1950 of the education law, as amended by chapter 296 of the laws of 2016, is amended to read as follows:

b. The cost of services herein referred to shall be the amount allocated to each component school district by the board of cooperative educational services to defray expenses of such board, including approved expenses from the testing of potable water systems of occupied school buildings under the board's jurisdiction as required pursuant to section eleven hundred ten of the public health law, except that that part of the salary paid any teacher, supervisor or other employee of the board of cooperative educational services which is in excess of thirty thousand dollars shall not be such an approved expense, and except also that administrative and clerical expenses shall not exceed ten percent of the total expenses for purposes of this computation. Provided however, that for teachers providing instruction in career and technical education to school age students, the salary, to be considered as an approved expense, shall not exceed thirty-four thousand dollars for the two thousand twenty-two--two thousand twenty-three school year; thirty-eight thousand dollars for the two thousand twenty-three--two thousand twenty-four school year; forty-two thousand dollars for the two thousand twenty-four--two thousand twenty-five school year; forty-six thousand dollars for the two thousand twenty-five--two thousand twenty-six school year; and fifty thousand dollars for the two thousand twenty-six--two thousand twenty-seven school year, and thereafter. Any gifts, donations or interest earned by the board of cooperative educational services or on behalf of the board of cooperative educational services by the dormitory authority or any other source shall not be deducted in determining the cost of services allocated to each component school district. Any payments made to a component school district by the board of cooperative educational services pursuant to subdivision eleven of section six-p of the general municipal law attributable to an approved cost of service computed pursuant to this subdivision shall be deducted from the cost of services allocated to such component school district. The expense of transportation provided by the board of cooperative educational services pursuant to paragraph q of subdivision four of this section shall be eligible for aid apportioned pursuant to subdivision seven of section thirty-six hundred two of this chapter and no board of cooperative educational services transportation expense shall be an approved cost of services for the computation of aid under this subdivision. Transportation expense pursuant to paragraph q of subdivision four of this section shall be included in the computation of the ten percent limitation on administrative and clerical expenses.

§ 12. Paragraph b of subdivision 10 of section 3602 of the education law, as amended by section 16 of part B of chapter 57 of the laws of 2007, is amended to read as follows:

b. Aid for career education. There shall be apportioned to such city school districts and other school districts which were not components of a board of cooperative educational services in the base year for pupils in grades [~~ten~~] **nine** through twelve in attendance in career education programs as such programs are defined by the commissioner, subject for the purposes of this paragraph to the approval of the director of the budget, an amount for each such pupil to be computed by multiplying the career education aid ratio by three thousand nine hundred dollars. Such aid will be payable for weighted pupils attending career education programs operated by the school district and for weighted pupils for whom such school district contracts with boards of cooperative educational services to attend career education programs operated by a board of cooperative educational services. Weighted pupils for the purposes of this paragraph shall mean the sum of the attendance of students in grades [~~ten~~] **nine** through twelve in career education sequences in trade, industrial, technical, agricultural or health programs plus the product of sixteen hundredths multiplied by the attendance of students in grades [~~ten~~] **nine** through twelve in career education sequences in business and marketing as defined by the commissioner in regulations. The career education aid ratio shall be computed by subtracting from one the product obtained by multiplying fifty-nine percent by the combined wealth ratio. This aid ratio shall be expressed as a decimal carried to three places without rounding, but not less than thirty-six percent.

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

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

§ 13. Subdivision 1 of section 1318 of the real property tax law, as amended by chapter 238 of the laws of 2007, is amended to read as follows:

1. The warrant of the collecting officer shall be signed by the trustee, or the trustees, or a majority of them, or the board of education or a majority thereof. Such warrant shall state the amount of unexpended surplus funds in the custody of the board and shall further state that except as authorized or required by law, such unexpended surplus funds have been applied in determining the amount of the school tax levy. For the two thousand seven--two thousand eight school year, surplus funds as used in this subdivision shall mean any operating funds in excess of three percent of the current school year budget, and shall not include funds properly retained under other sections of law. For the two thousand eight--two thousand nine school year, and thereafter, surplus funds as used in this subdivision shall mean any operating funds in excess of four percent of the current school year budget, and shall not include funds properly retained under other sections of law. **For the two thousand twenty--two thousand twenty-one school year through the two thousand twenty-four--two thousand twenty-five school year, surplus funds as used in this subdivision shall mean any operating funds in excess of eight percent of the current school year budget, and shall not include**

funds properly retained under other sections of law. Such warrant shall have the same force and effect as a warrant issued by a board of supervisors to a collecting officer in a town. The collecting officer to whom it may be delivered for collection shall be thereby authorized and required to collect from every person named on such school tax roll the sum set opposite his name, or the amount due from any person specified therein, in the same manner and with the same powers that collecting officers in towns are authorized to collect taxes levied by the board of supervisors.

§ 14. Paragraph a of subdivision 2 of section 3602 of the education law is amended by adding a new subparagraph 1-a to read as follows:

(1-a) Notwithstanding any contrary provisions of subparagraph one of this paragraph, commencing with the two thousand twenty-one--two thousand twenty-two school year and thereafter, when a school district has (i) a three year average free and reduced price lunch percent for the current year computed pursuant to paragraph p of subdivision one of this section is greater than fifty percent, (ii) the aid ratio calculated pursuant to clause a of subparagraph two of paragraph c of subdivision six of this section equal to less than twenty percent, and (iii) the aid ratio calculated pursuant to clause c of subparagraph two of paragraph c of subdivision six of this section is less than fifty percent, for all school building projects approved by the voters of the school district or by the board of education of a city school district in a city with more than one hundred twenty-five thousand inhabitants, and/or the chancellor in a city school district in a city having a population of one million or more, on or after July first, two thousand for any school district, the commissioner, in computing any aid ratio of such district, shall permit the use of an adjusted resident weighted average daily attendance for aid ratio purposes, where an amount equal to the product of the resident weighted average daily attendance multiplied by the three year average free and reduced price lunch percent for the current year computed pursuant to paragraph p of this subdivision one of this section multiplied by one and twenty-five one-hundredths (1.25) shall be added to the units of attendance used in computing the weighted average daily attendance pursuant to subparagraph one of this paragraph for purposes of calculating aid pursuant to subdivisions six and fourteen of this section, provided that such adjusted resident weighted average daily attendance shall not affect the statewide average.

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

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

b. To the Yonkers city school district, for the two thousand seven--two thousand eight through two thousand twenty-one--two thousand twenty-two school years, there shall be paid seventeen million five hundred thousand dollars ($17,500,000) on an annual basis, and for the two thou-

sand twenty-two--two thousand twenty-three school year and thereafter there shall be paid twenty-nine million five hundred thousand dollars ($29,500,000) on an annual basis. Such grant shall be payable from funds appropriated for such purpose and shall be apportioned to the Yonkers city school district in accordance with the payment schedules contained in section thirty-six hundred nine-a of this article, notwithstanding any provision of law to the contrary.

§ 16. Section 3 of chapter 157 of the laws of 2020 relating to authorizing the expenditure and temporary transfer of reserve funds for expenses related to COVID-19, as amended by section 3 of part A of chapter 126 of the laws of 2020, is amended to read as follows:

§ 3. Notwithstanding any provision of the general municipal law, the town law or the education law to the contrary, the governing board of a town, village, county, city, water improvement district, sewer improvement district, fire district or school district, by resolution which shall not be subject to referendum requirements, if any, may authorize the temporary transfer of moneys from reserve funds to pay for operating costs attributable to the state disaster emergency declared pursuant to executive order 202 of 2020 or other costs attributable to the state disaster emergency declared pursuant to executive order 202 of 2020, provided, that: (a) for the governing board of a town, village, county, city, water improvement district, sewer improvement district, or fire district, (1) the reserve fund from which the funds were temporarily transferred shall be reimbursed from the fund to which the transfer was made over a period of not more than five fiscal years, starting with the fiscal year following the transfer[~~. At~~], (2) least twenty percent of the moneys temporarily transferred shall be reimbursed each fiscal year[~~. Such~~], and (3) such reimbursement shall include an additional amount reasonably estimated to be the amount that would have been earned on the investment of the transferred moneys had they been retained in the capital reserve fund; and (b) for the governing board of a school district, (1) the reserve fund from which the funds were temporarily transferred shall be reimbursed from the fund to which the transfer was made over a period of not more than ten fiscal years, starting with two years after the fiscal year following the transfer, and (2) any such temporary transfer shall be noted in the school district's annual audit report prescribed in paragraph (a) of subdivision three of section twenty-one hundred sixteen-a of the education law.

§ 17. Paragraph (d) of subdivision 1 of section 2856 of the education law, as amended by section 4 of part YYY of chapter 59 of the laws of 2017, is amended to read as follows:

(d) School districts shall be eligible for an annual apportionment equal to the amount of the supplemental basic tuition for the charter school in the base year for the expenses incurred in the two thousand fourteen--two thousand fifteen, two thousand fifteen--two thousand sixteen, two thousand sixteen--two thousand seventeen school years and thereafter, provided however, that such payment shall be made in the current year for expenses incurred in the two thousand twenty-one--two thousand twenty-two school year and thereafter.

§ 18. Paragraph (c) of subdivision 1 of section 2856 of the education law, as amended by section 4-a of part YYY of chapter 59 of the laws of 2017, is amended to read as follows:

(c) School districts shall be eligible for an annual apportionment equal to the amount of the supplemental basic tuition for the charter school in the base year for the expenses incurred in the two thousand fourteen--two thousand fifteen, two thousand fifteen--two thousand

sixteen, two thousand sixteen--two thousand seventeen school years and **thereafter, provided however, that such payment shall be made in the current year of expenses incurred in the two thousand twenty-one--two thousand twenty-two school year and** thereafter.

§ 19. The education law is amended by adding a new section 817 to read as follows:

§ 817. Culturally responsive-sustaining education. 1. Subject to appropriation and within the amounts appropriated therefore, the department shall, by July first, two thousand twenty-two, develop racially and culturally inclusive curriculum, curricular tools, educational materials and resources, and professional development and training in accordance with subdivision two of this section to support the implementation of culturally responsive-sustaining education in all schools.

2. a. There is hereby established a task force within the department charged with proposing, reviewing, critiquing, and recommending education curriculum, curricular tools, educational materials and resources, and professional development and training that can be used in grades K-twelve to support the implementation of culturally responsive-sustaining education in all schools. The task force shall consist of twenty members to be appointed as follows: (i) five people appointed by the governor; (ii) five people appointed by the temporary president of the senate; (iii) five people appointed by the speaker of the assembly; and (iv) five people appointed by the commissioner.

b. The members of the task force shall designate one of the appointees as the chair of the task force. All appointments of members of the task force shall be made no later than thirty days after the effective date of this section. The task force may begin its duties when a majority of the total number of positions have been appointed. Any vacancy shall be filled by the appointing authority. The members of the task force shall receive no compensation for their services.

c. The task force shall make a public report to the commissioner of its findings, conclusions and recommendations on or before December thirty-first, two thousand twenty-one. This report shall be used in the development of racially and culturally inclusive curriculum, curricular tools, educational materials and resources, and professional development and training pursuant to subdivision one of this section.

3. For purposes of this section, the term "culturally responsive-sustaining education" shall include, but shall not be limited to, education for the purposes of affirming cultural identities, fostering positive academic outcomes, developing students' abilities to connect across lines of difference, elevating historically marginalized voices, empowering students as agents of social change, addressing racial and cultural inclusion, and contributing to individual student engagement, learning, growth, and achievement through the cultivation of critical thinking.

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

§ 3. Apportionment. a. The commissioner shall annually apportion to each qualifying school, for school years beginning on and after July first, nineteen hundred seventy-four, an amount equal to the actual cost incurred by each such school during the preceding school year for

providing services required by law to be rendered to the state in compliance with the requirements of the state's pupil evaluation program, the basic educational data system, regents examinations, the statewide evaluation plan, the uniform procedure for pupil attendance reporting, the state's immunization program and other similar state prepared examinations and reporting procedures.

b. [~~Such~~] **For expenses for the two thousand twenty-one--two thousand twenty-two school year and thereafter such** nonpublic schools shall be eligible to receive aid based on **an hourly rate calculated using** the number of days or portion of days attendance is taken and either a 5.0/5.5 hour standard **student** instructional day, or another work day as certified by the nonpublic school officials[~~, in accordance with the methodology for computing salary and benefits applied by the department in paying aid for the two thousand twelve--two thousand thirteen and prior school years~~]**. The average hourly rate shall be computed using the following methodology: the total salary and benefits of the individual divided by the total number of hours worked, with the total number of hours worked being the total number of days claimed multiplied by the total number of hours claimed pursuant to this subdivision**.

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

§ 21. This act shall take effect immediately; provided that: (a) section three of this act shall expire and be deemed repealed January 1, 2023; (b) section thirteen of this act shall expire and be deemed repealed July 1, 2025; and (c) the amendments to subdivision 1 of section 2856 of the education law made by section seventeen of this act shall be subject to the expiration and reversion of such subdivision pursuant to subdivision d of section 27 of chapter 378 of the laws of 2007, as amended, when upon such date the provisions of section eighteen of this act shall take effect.

PART B

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 shareholders, 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 prac-**

tice 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 C

Intentionally Omitted

PART D

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

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

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

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

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

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

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

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

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

PART E

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

(4) The trustees shall not impose a differential tuition charge based upon need or income. Except as hereinafter provided, all students enrolled in programs leading to like degrees at state-operated institutions of the state university shall be charged a uniform rate of tuition except for differential tuition rates based on state residency. Provided, however, that the trustees may authorize the presidents of the colleges of technology and the colleges of agriculture and technology to set differing rates of tuition for each of the colleges for students enrolled in degree-granting programs leading to an associate degree and non-degree granting programs so long as such tuition rate does not exceed the tuition rate charged to students who are enrolled in like degree programs or degree-granting undergraduate programs leading to a baccalaureate degree at other state-operated institutions of the state university of New York. Notwithstanding any other provision of this subparagraph, the trustees may authorize the setting of [~~a~~] separate [~~category~~] **categories** of tuition [~~rate~~] **rates as follows; "distance learning rate"**, that shall be greater than the tuition rate for resident students and less than the tuition rate for non-resident students, only for students enrolled in distance learning courses who are not residents of the state**, and "high demand certificate program rate", that shall be set at a level deemed appropriate upon recommendation of the chancellor of the state university of New York and approved by the board of trustees which rate shall be lower than standard rates of tuition, for identified certification programs to be recommended by the chancellor of the state university of New York**. Except as otherwise authorized in this subparagraph, the trustees shall not adopt changes affecting tuition charges prior to the enactment of the annual budget, provided however that:

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

(ii) Commencing with the two thousand seventeen--two thousand eighteen academic year and ending in the two thousand twenty--two thousand twenty-one academic year the state university of New York board of trustees shall be empowered to increase the resident undergraduate rate of tuition by not more than two hundred dollars over the resident undergraduate rate of tuition adopted by the board of trustees in the prior academic year, provided, however that if the annual resident undergraduate rate of tuition would exceed five thousand dollars, then a tuition credit for each eligible student, as determined and calculated by the New York state higher education services corporation pursuant to section

six hundred eighty-nine-a of this title, shall be applied toward the tuition charged for each semester, quarter or term of study. Tuition for each semester, quarter or term of study shall not be due for any student eligible to receive such tuition credit until the tuition credit is calculated and applied against the tuition charged for the corresponding semester, quarter or term. Provided, further that the revenue resulting from an increase in the rate of tuition shall be allocated to each campus pursuant to a plan approved by the board of trustees to support investments in new classroom faculty, instruction, initiatives to improve student success and on-time completion and a tuition credit for each eligible student.

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

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

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

(vi) **Beginning in state fiscal year two thousand twenty-one--two thousand twenty-two and ending in state fiscal year two thousand twenty-four--two thousand twenty-five, the state shall appropriate and make available general fund operating support, including fringe benefits, for**

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

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

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

(a) The board of trustees shall establish positions, departments, divisions and faculties; appoint and in accordance with the provisions of law fix salaries of instructional and non-instructional employees therein; establish and conduct courses and curricula; prescribe conditions of student admission, attendance and discharge; and shall have the power to determine in its discretion whether tuition shall be charged and to regulate tuition charges, and other instructional and non-instructional fees and other fees and charges at the educational units of the city university. The trustees shall review any proposed community college tuition increase and the justification for such increase. The justification provided by the community college for such increase shall include a detailed analysis of ongoing operating costs, capital, debt service expenditures, and all revenues. The trustees shall not impose a differential tuition charge based upon need or income. All students enrolled in programs leading to like degrees at the senior colleges shall be charged a uniform rate of tuition, except for differential tuition rates based on state residency. Notwithstanding any other provision of this paragraph, the trustees may authorize the setting of [~~a~~] separate [~~category~~] **categories** of tuition [~~rate~~] **rates as follows; "distance learning rate"**, that shall be greater than the tuition rate for resident students and less than the tuition rate for non-resident students, only for students enrolled in distance learning courses who are not residents of the state**, and "high demand certificate program rate", that shall be set at a level deemed appropriate upon recommendation of the chancellor of the city university of New York and approved by the board of trustees which rate shall be lower than standard rates of tuition, for identified certification programs to be recommended by the chancellor of the city university of New York**; provided, however, that:

(i) Commencing with the two thousand eleven--two thousand twelve academic year and ending in the two thousand fifteen--two thousand

sixteen academic year, the city university of New York board of trustees shall be empowered to increase the resident undergraduate rate of tuition by not more than three hundred dollars over the resident undergraduate rate of tuition adopted by the board of trustees in the prior academic year, provided however that commencing with the two thousand eleven--two thousand twelve academic year and ending with the two thousand sixteen--two thousand seventeen academic year if the annual resident undergraduate rate of tuition would exceed five thousand dollars, then a tuition credit for each eligible student, as determined and calculated by the New York state higher education services corporation pursuant to section six hundred eighty-nine-a of this chapter, shall be applied toward the tuition charged for each semester, quarter or term of study. Tuition for each semester, quarter or term of study shall not be due for any student eligible to receive such tuition credit until the tuition credit is calculated and applied against the tuition charged for the corresponding semester, quarter or term.

(ii) Commencing with the two thousand seventeen--two thousand eighteen academic year and ending in the two thousand twenty--two thousand twenty-one academic year the city university of New York board of trustees shall be empowered to increase the resident undergraduate rate of tuition by not more than two hundred dollars over the resident undergraduate rate of tuition adopted by the board of trustees in the prior academic year, provided however that if the annual resident undergraduate rate of tuition would exceed five thousand dollars, then a tuition credit for each eligible student, as determined and calculated by the New York state higher education services corporation pursuant to section six hundred eighty-nine-a of this [~~title~~] **chapter**, shall be applied toward the tuition charged for each semester, quarter or term of study. Tuition for each semester, quarter or term of study shall not be due for any student eligible to receive such tuition credit until the tuition credit is calculated and applied against the tuition charged for the corresponding semester, quarter or term. Provided, further that the revenue resulting from an increase in the rate of tuition shall be allocated to each campus pursuant to a plan approved by the board of trustees to support investments in new classroom faculty, instruction, initiatives to improve student success and on-time completion and a tuition credit for each eligible student.

(iii) On or before November thirtieth, two thousand seventeen, the trustees shall approve and submit to the chairs of the assembly ways and means committee and the senate finance committee and to the director of the budget a master tuition plan setting forth the tuition rates that the trustees propose for resident undergraduate students for the four year period commencing with the two thousand seventeen--two thousand eighteen academic year and ending in the two thousand twenty--two thousand twenty-one academic year, and shall submit any proposed amendments to such plan by November thirtieth of each subsequent year thereafter through November thirtieth, two thousand twenty.

(iv) Beginning in state fiscal year two thousand twelve--two thousand thirteen and ending in state fiscal year two thousand fifteen--two thousand sixteen, the state shall appropriate and make available state support for operating expenses, including fringe benefits, for the city university in an amount not less than the amount appropriated and made available in the prior state fiscal year; provided, however, that if the governor declares a fiscal emergency, and communicates such emergency to the temporary president of the senate and speaker of the assembly, state support for operating expenses of the state university and city univer-

sity may be reduced in a manner proportionate to one another, and the aforementioned provisions shall not apply.

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

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

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

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

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

PART F

Section 1. Notwithstanding any provision of law or regulation to the contrary, for purposes of an award made pursuant to subparts 2 through 4 of part 2 of article 14 of the education law in the 2019--2020 or 2020--2021 academic years, any semester, quarter or term that a recipient of

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

§ 2. This act shall take effect immediately.

PART G

Intentionally Omitted

PART H

Intentionally Omitted

PART I

Intentionally Omitted

PART J

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

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

§ 2. This act shall take effect immediately.

PART K

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

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

§ 2. This act shall take effect immediately.

PART L

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

(ii) When a child whose legal custody was transferred to the commissioner of a local social services district in accordance with this section resides in a qualified residential treatment program, as defined in section four hundred nine-h of this chapter, and where such child's initial placement or change in placement in such program commenced on or after September twenty-ninth, two thousand twenty-one, upon receipt of notice required pursuant to subparagraph (i) of this paragraph and motion of the local social services district, the court shall schedule a hearing in accordance with section three hundred ninety-three of this chapter. Such motion of the local social services district to the court shall be made contemporaneously upon provision of such notice. Notwithstanding any other provision of law to the contrary, such hearing shall be scheduled and completed within sixty days from the date the placement of the child in the qualified residential treatment program commenced.

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

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

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

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

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

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

2. (a) Upon completion of the assessment by the qualified individual, the local social services district shall submit the completed assessment conducted by the qualified individual to the court, and counsel for all parties, including the attorney for the child, and the child's family and permanency team forthwith or within one business day. The petitioner shall schedule the hearing and notify the parties, including the attorney for the child. Within sixty days of the start of a placement of a child referenced in subdivision one of this section in a qualified residential treatment program, the court shall:

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

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

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

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

(1) extenuating circumstances exist that necessitate the continued placement of the child in the qualified residential treatment program despite the finding of the qualified individual, except that a shortage or lack of foster family homes shall not constitute extenuating circumstances warranting a determination that the needs of the child cannot be met in a foster family home;

(2) that continued placement in the qualified residential program is in the child's best interest despite the finding by the qualified individual that the child's placement in such setting is not appropriate; and

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

(iv) If the court approves the placement of the child in a qualified residential treatment program where the qualified individual determines that such placement is not appropriate under the standards set in accordance with section four hundred nine-h of this article, the local social services district, parent of the child, or the attorney for the child may request a hearing with the court to be held within thirty days, to review whether the placement in a qualified residential treatment program continues to be in the child's best interest.

(b) If the court issues a new placement order, there is a presumption that such order will be for the child to be placed in an available foster family home; however, if in the child's best interest, the court may also issue an order permitting the placement of the child in: (i) an available supervised setting, as such term is defined in section three hundred seventy-one of this title; (ii) if the child has been found to be, or is at risk of becoming, a sexually exploited child as defined in subdivision one of section four hundred forty-seven-a of this article, a setting providing residential care and supportive services for sexually exploited children; (iii) a setting specializing in providing prenatal, post-partum, or parenting supports for youth; or (iv) an available program licensed or certified by the office of children and family services other than a qualified residential treatment program setting deemed not appropriate for the child.

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

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

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

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

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

otherwise provided. Such rate shall be no lower than the rate paid for a child's care in a foster family boarding home.

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

§ 409-h. Assessment of appropriateness of placement in a qualified residential treatment program. 1. Legislative intent. It is the intent of the legislature to promote policies to prevent foster care placements and keep children safely at home with their families and, when that is not possible, to utilize the most effective and appropriate level of care in the least restrictive environment to support the child, as determined through a comprehensive assessment of the child's particular strengths and needs. It is also the intent of the legislature to prioritize home-based foster care settings whenever possible through identification and engagement of kinship resources and increased recruitment and retention of foster homes for children who do not have appropriate kinship resources.

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

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

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

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

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

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

(iv) A qualified residential treatment program.

3. Where the qualified individual determines that the placement of the child in the qualified residential treatment program is not appropriate under the standards set pursuant to subdivision two of this section, the local social services district or the office of children and family services with legal custody of the child, to the extent practicable, shall remove such child from the qualified residential treatment program within thirty days of the completion of the assessment, and if placement of the child is to continue, place said child with family members or in an available foster family home; however, if in the child's best interest, the office of children and family services or social services district may also place the child in a setting specified in paragraph (c) of subdivision two of this section other than a qualified residential treatment program setting deemed not appropriate for the child.

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

5. As used in this section, "qualified individual" shall mean a trained professional or licensed clinician acting within their scope of practice who shall have current or previous relevant experience in the child welfare field. Such individual shall not be an employee of the state, county or municipal agency providing, overseeing or contracting for placements of children or an employee or contractor for an authorized agency providing placements for children, in accordance with 42 United States Code section 672 and the state's approved title IV-E state plan.

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

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

2. (a) When a respondent is in the care and custody of a local social services district or the office of children and family services pursuant to this article, such social services district or office shall report any anticipated placement of the respondent into a qualified residential treatment program as defined in section four hundred nine-h of the social services law to the court and the attorneys for the parties, including the attorney for the respondent, forthwith, but not later than one business day following either the decision to place the respondent in the qualified residential treatment program or the actual date the placement change occurred, whichever is sooner. Such notice shall indicate the date that the initial placement or change in placement is anticipated to occur or the date the placement change occurred, as applicable. Provided, however, if such notice lists an anticipated date for the placement change, the local social services district or office

shall subsequently notify the court and the attorneys for the parties, including the attorney for the respondent, of the date the placement change occurred, such notice shall occur no later than one business day following the placement change.

(b) When a respondent whose legal custody was transferred to a local social services district or the office of children and family services in accordance with this article resides in a qualified residential treatment program as defined in section four hundred nine-h of the social services law, and where such respondent's initial placement or change in placement in such qualified residential treatment program commenced on or after September twenty-ninth, two thousand twenty-one, upon receipt of notice required pursuant to paragraph (a) of this subdivision and motion of the local social services district or the office of children and family services with legal custody of the respondent, the court shall schedule a hearing in accordance with subdivision three of this section. Notwithstanding any other provision of law to the contrary, such hearing shall than be scheduled and completed within sixty days from the date the placement of the respondent in the qualified residential treatment program commenced.

3. (a) Upon completion of the assessment by the qualified individual, the local social services district shall submit the completed assessment conducted by the qualified individual to the court, and counsel for all parties, including the attorney for the child, and the child's family and permanency team forthwith or within one business day. The presentment agency, or designee, shall schedule the hearing and notify the parties, including the attorney for the child. Within sixty days of the start of a placement of a respondent referenced in subdivision one of this section in a qualified residential treatment program, the court shall:

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

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

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

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

(1) extenuating circumstances exist that necessitate the continued placement of the respondent in the qualified residential treatment program despite the finding of the qualified individual, except that a shortage or lack of foster family homes shall not constitute extenuating circumstances warranting a determination that the needs of the child cannot be met in a foster family home;

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

(3) that continued placement in the qualified residential treatment program serves the respondent's needs and best interests or the need for protection of the community despite the finding by the qualified individual that the respondent's placement in such setting is not appropriate; and

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

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

(b) If the court issues a new placement order, there is a presumption that such order will be for the respondent to be placed in an available foster family home; however, if in the respondent's best interest, the court may also issue an order permitting the placement of the respondent in:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) When a respondent whose legal custody was transferred to a local social services district in accordance with this part resides in a qualified residential treatment program, as defined in section four hundred nine-h of the social services law, and where such respondent's initial placement or change in placement in such qualified residential treatment program commenced on or after September twenty-ninth, two thousand twenty-one, upon receipt of notice required pursuant to paragraph (a) of this subdivision and motion of the local social services district, the court shall schedule a hearing in accordance with subdivision three of this section. Notwithstanding any other provision of law to the contrary, such hearing shall be scheduled and completed within sixty days from the date the placement of the respondent in the qualified residential treatment program commenced.

3. (a) Upon completion of the assessment by the qualified individual, the local social services district shall submit the completed assessment conducted by the qualified individual to the court, and counsel for all parties, including the attorney for the child, and the child's family and permanency team forthwith or within one business day. The petitioner shall schedule the hearing and notify the parties, including the attorney for the child. Within sixty days of the start of a placement of a respondent referenced in subdivision one of this section in a qualified residential treatment program, the court shall:

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

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

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

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

(1) extenuating circumstances exist that necessitate the continued placement of the respondent in the qualified residential treatment program despite the finding of the qualified individual, except that a shortage or lack of foster family homes shall not constitute extenuating circumstances warranting a determination that the needs of the child cannot be met in a foster family home;

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

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

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

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

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

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

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

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

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

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

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

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

(b) When a child whose legal custody was transferred to the commissioner of a local social services district in accordance with this section resides in a qualified residential treatment program, as defined in section four hundred nine-h of the social services law, and where such child's initial placement or change in placement in such program commenced on or after September twenty-ninth, two thousand twenty-one, upon receipt of notice required pursuant to paragraph (a) of this subdivision and motion of the local social services district, the court shall schedule a hearing in accordance with section one thousand fifty-five-c of this article. Notwithstanding any other provision of law to the contrary, such hearing shall be scheduled and completed within sixty

days from the date the placement of the child in the qualified residential treatment program commenced.

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

(ii) When a child whose legal custody was transferred to the commissioner of a local social services district in accordance with this section resides in a qualified residential treatment program, as defined in section four hundred nine-h of the social services law, and where such child's initial placement or change in placement in such program commenced on or after September twenty-ninth, two thousand twenty-one, upon receipt of notice required pursuant to paragraph (i) of this subdivision and motion of the local social services district, the court shall schedule a hearing in accordance with section one thousand fifty-five-c of this part. Notwithstanding any other provision of law to the contrary, such hearing shall be scheduled and completed within sixty days from the date the placement of the child in the qualified residential treatment program commenced.

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

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

2. Upon completion of the assessment by the qualified individual, the local social services district shall submit the completed assessment conducted by the qualified individual to the court, and counsel for all parties, including the attorney for the child, and the child's family and permanency team forthwith or within one business day. The petitioner shall schedule the hearing and notify the parties, including the attorney for the child. Within sixty days of the start of a placement of a child referenced in subdivision one of this section in a qualified residential treatment program, the court shall:

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

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

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

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

(A) extenuating circumstances exist that necessitate the continued placement of the child in the qualified residential treatment program despite the finding of the qualified individual, except that a shortage or lack of foster family homes shall not constitute extenuating circumstances warranting a determination that the needs of the child cannot be met in a foster family home;

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

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

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

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

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

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

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

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

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

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

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

§ 11. Clause (C) of subparagraph (ix) of paragraph 5 of subdivision (c) of section 1089 of the family court act, as added by section 27 of

part A of chapter 3 of the laws of 2005, is amended, and a new paragraph 6 is added to read as follows:

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

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

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

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

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

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

(II) When a child whose legal custody was transferred to the commissioner of a local social services district in accordance with this section resides in a qualified residential treatment program as defined in section four hundred nine-h of the social services law and where such child's initial placement or change in placement in such program commenced on or after September twenty-ninth, two thousand twenty-one, upon receipt of notice required pursuant to item (I) of this clause and motion of the local social services district, the court shall schedule a hearing in accordance with section three hundred ninety-three of the social services law or section one thousand fifty-five-c, one thousand ninety-one-a or one thousand ninety-seven of this chapter. Notwithstanding any other provision of law to the contrary, such hearing shall be scheduled and completed within sixty days from the date the placement of the child in the qualified residential treatment program commenced.

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

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

2. (a) When a former foster care youth is in the care and custody of a local social services district or the office of children and family services pursuant to this article, such social services district or office shall report any anticipated placement of the former foster care

youth into a qualified residential treatment program, as defined in section four hundred nine-h of the social services law, to the court and the attorneys for the parties, including the attorney for the former foster care youth, forthwith, but not later than one business day following either the decision to place the former foster care youth in the qualified residential treatment program or the actual date the placement change occurred, whichever is sooner. Such notice shall indicate the date that the initial placement or change in placement is anticipated to occur or the date the placement change occurred, as applicable. Provided, however, if such notice lists an anticipated date for the placement change, the local social services district or office shall subsequently notify the court and attorneys for the parties, including the attorney for the former foster care youth, of the date the placement change occurred; such notice shall occur no later than one business day following the placement change.

(b) When a former foster care youth whose legal custody was transferred to a local social services district or the office of children and family services in accordance with this article resides in a qualified residential treatment program, as defined in section four hundred nine-h of the social services law, and where such former foster care youth's initial placement or change in placement in such qualified residential treatment program commenced on or after September twenty-ninth, two thousand twenty-one, upon receipt of notice required pursuant to paragraph (a) of this subdivision and motion of the local social services district, the court shall schedule a hearing in accordance with subdivision three of this section. Notwithstanding any other provision of law to the contrary, such hearing shall be scheduled and completed within sixty days from the date the placement of the former foster care youth in the qualified residential treatment program commenced.

3. Upon completion of the assessment by the qualified individual, the local social services district shall submit the completed assessment conducted by the qualified individual to the court, and counsel for all parties, including the attorney for the child, and the child's family and permanency team forthwith or within one business day. The petitioner shall schedule the hearing and notify the parties, including the attorney for the child. Within sixty days of the start of a placement of a former foster care youth referenced in subdivision one of this section in a qualified residential treatment program, the court shall:

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

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

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

ment of the former foster care youth in the qualified residential treatment program if:

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

(A) extenuating circumstances exist that necessitate the continued placement of the former foster care youth in the qualified residential treatment program despite the finding of the qualified individual, except that a shortage or lack of foster family homes shall not constitute extenuating circumstances warranting a determination that the needs of the child cannot be met in a foster family home;

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

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

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

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

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

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

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

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

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

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

6. To the extent federally allowable, nothing in this section shall prohibit the court's approval of a placement in a qualified residential treatment program from occurring at the same time as another hearing scheduled for such former foster care youth, including but not limited

to the former foster care youth's dispositional or permanency hearing, provided such approval is completed within sixty days of the start of such placement.

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

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

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

(b) When a child whose legal custody was transferred to a local social services district in accordance with this article resides in a qualified residential treatment program, as defined in section four hundred nine-h of the social services law, and where such child's initial placement or change in placement in such qualified residential treatment program commenced on or after September twenty-ninth, two thousand twenty-one, upon receipt of notice required pursuant to paragraph (a) of this subdivision and motion of the local social services district, the court shall schedule a hearing in accordance with subdivision three of this section. Notwithstanding any other provision of law to the contrary, such hearing shall be scheduled and completed within sixty days from the date the placement of the child in the qualified residential treatment program commenced.

3. Upon completion of the assessment by the qualified individual, the local social services district shall submit the completed assessment conducted by the qualified individual to the court, and counsel for all parties, including the attorney for the child, and the child's family and permanency team forthwith or within one business day. The petitioner shall schedule the hearing and notify the parties, including the attorney for the child. Within sixty days of the start of a placement of a child referenced in subdivision one of this section in a qualified residential treatment program, the court shall:

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

(b) Determine whether the needs of the child can be met through placement in a foster family home and, if not, whether placement of the child

in the qualified residential treatment program provides the most effective and appropriate level of care for the child in the least restrictive environment and whether that placement is consistent with the short-term and long-term goals for the child, as specified in the child's permanency plan; and

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

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

(A) extenuating circumstances exist that necessitate the continued placement of the child in the qualified residential treatment program despite the finding of the qualified individual, except that a shortage or lack of foster family homes shall not constitute extenuating circumstances warranting a determination that the needs of the child cannot be met in a foster family home;

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

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

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

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

4. If the court issues a new placement order, there is a presumption that such order will be for the child to be placed in an available foster family home; however, if in the child's best interest, the court may also issue an order permitting the placement of the child in:

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

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

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

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

6. To the extent practicable, nothing in this section shall prohibit the court's approval of a placement in a qualified residential treatment program from occurring at the same time as another hearing scheduled for such child, including but not limited to the child's dispositional or

permanency hearing, provided such approval is completed within sixty days of the start of such placement.

§ 15. On or before April 1, 2023, the office of children and family services shall submit a report to the governor, temporary president of the senate, speaker of the assembly, chairs of the senate and assembly standing committees on children and families, and the chairs of the senate and assembly standing committees on social services regarding the placement of children pursuant to proceedings held under section 393 of the social services law or sections 353.7, 756-b, 1055-c, 1091-a, and 1097 of the family court act. Such report will identify trends and address any disparities between placement orders issued by the courts and the legislative intent outlined in subdivision one of section 409-h of the social services law. Such analysis shall include, but not be limited to, a review of the number of times a judge approves the continuation of placement in a qualified residential treatment program where the qualified individual determines that the placement of the child in such qualified residential treatment program is not appropriate in accordance with section 409-h of the social services law and the specified reasons for the determinations as required by: clause (B) of subparagraph (iii) of paragraph (a) of subdivision 2 of section 393 of the social services law; or the following provisions of the family court act: clause (B) of subparagraph (iii) of paragraph (a) of subdivision 3 of section 353.7; clause (B) of subparagraph (iii) of paragraph (a) of subdivision 3 of section 756-b; subparagraph (ii) of paragraph (c) of subdivision two of section 1055-c; subparagraph (ii) of paragraph (c) of subdivision 3 of section 1091-a; and subparagraph (ii) of paragraph (c) of subdivision 3 of section 1097. The office of court administration shall provide aggregrate data to the office of children and families for placement orders issued by the court on or after September 29, 2021, as it pertains to the appropriateness of a child's placement in a qualified residential treatment program. The office is authorized to contract with a consultant or independent research organization to prepare and submit such report.

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

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

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

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

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

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

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

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

PART M

Intentionally Omitted

PART N

Intentionally Omitted

PART O

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 $14,700,000 for the fiscal year ending March 31, 2022. Within this amount, $200,000 shall be used for the purpose of entering into a contract with the neighborhood preservation coalition to provide technical assistance and services to companies funded pursuant to article 16 of the private housing finance law. Notwithstanding any other provision of law, and subject to the approval of the New York state director of the budget, the board of directors of the state of New York mortgage agency shall authorize the transfer to the housing trust fund corporation, for the purposes of reimbursing any costs associated with neighborhood preservation program contracts authorized by this section, a total sum not to exceed $14,700,000, such transfer to be made from (i) the special account of the mortgage insurance fund created pursuant to section 2429-b of the public authorities law, in an amount not to exceed the actual excess balance in the special account of the mortgage insurance fund, as determined and certified by the state of New York mortgage agency for the fiscal year 2020-2021 in accordance with section 2429-b of the public authorities law, if any, and/or (ii) provided that the reserves in the

project pool insurance account of the mortgage insurance fund created pursuant to section 2429-b of the public authorities law are sufficient to attain and maintain the credit rating (as determined by the state of New York mortgage agency) required to accomplish the purposes of such account, the project pool insurance account of the mortgage insurance fund, such transfer to be made as soon as practicable but no later than June 30, 2021.

§ 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 $6,300,000 for the fiscal year ending March 31, 2022. Within this total amount, $200,000 shall be used for the purpose of entering into a contract with the rural housing coalition to provide technical assistance and services to companies funded pursuant to article 16 of the private housing finance law. Notwithstanding any other provision of law, and subject to the approval of the New York state director of the budget, the board of directors of the state of New York mortgage agency shall authorize the transfer to the housing trust fund corporation, for the purposes of reimbursing any costs associated with rural preservation program contracts authorized by this section, a total sum not to exceed $6,300,000, such transfer to be made from (i) the special account of the mortgage insurance fund created pursuant to section 2429-b of the public authorities law, in an amount not to exceed the actual excess balance in the special account of the mortgage insurance fund, as determined and certified by the state of New York mortgage agency for the fiscal year 2020-2021 in accordance with section 2429-b of the public authorities law, if any, and/or (ii) provided that the reserves in the project pool insurance account of the mortgage insurance fund created pursuant to section 2429-b of the public authorities law are sufficient to attain and maintain the credit rating (as determined by the state of New York mortgage agency) required to accomplish the purposes of such account, the project pool insurance account of the mortgage insurance fund, such transfer to be made as soon as practicable but no later than June 30, 2021.

§ 3. Notwithstanding any other provision of law, the homeless housing and assistance corporation may provide, for services and expenses related to homeless housing and preventative services programs including but not limited to the New York state supportive housing program, the solutions to end homelessness program or the operational support for AIDS housing program, or to qualified grantees under such programs, in accordance with the requirements of such programs, a sum not to exceed $45,181,000 for the fiscal year ending March 31, 2022. The homeless housing and assistance corporation may enter into an agreement with the office of temporary and disability assistance to administer such sum in accordance with the requirements of such programs. Notwithstanding any other provision of law, and subject to the approval of the New York state director of the budget, the board of directors of the state of New York mortgage agency shall authorize the transfer to the homeless housing and assistance corporation, a total sum not to exceed $45,181,000, such transfer to be made from (i) the special account of the mortgage insurance fund created pursuant to section 2429-b of the public authorities law, in an amount not to exceed the actual excess balance in the special account of the mortgage insurance fund, as determined and certified by the state of New York mortgage agency for the fiscal year 2020-2021 in accordance with section 2429-b of the public authorities law, if any, and/or (ii) provided that the reserves in the project pool insurance account of the mortgage insurance fund created pursuant to section

2429-b of the public authorities law are sufficient to attain and maintain the credit rating as determined by the state of New York mortgage agency, required to accomplish the purposes of such account, the project pool insurance account of the mortgage insurance fund, such transfer shall be made as soon as practicable but no later than March 31, 2022.

§ 4. Notwithstanding any other provision of law, the homeless housing and assistance corporation may provide, for purposes of reimbursing New York city expenditures for adult shelters, a sum not to exceed $65,568,000 for the fiscal year ending March 31, 2022. Notwithstanding any other inconsistent provision of law, such funds shall be available for eligible costs incurred on or after January 1, 2021, and before January 1, 2022, that are otherwise reimbursable by the state on or after April 1, 2021, and that are claimed by March 31, 2022. Such reimbursement shall constitute total state reimbursement for activities funded herein in state fiscal year 2021-2022, and shall include reimbursement for costs associated with a court mandated plan to improve shelter conditions for medically frail persons and additional costs incurred as part of a plan to reduce over-crowding in congregate shelters. The homeless housing and assistance corporation may enter into an agreement with the office of temporary and disability assistance to administer such sum in accordance with the laws, rules or regulations relating to public assistance and care or the administration thereof. Notwithstanding any other provision of law, and subject to the approval of the New York state director of the budget, and the authorization by the members of the state of New York housing finance agency, the state of New York housing finance agency shall transfer to the homeless housing and assistance corporation, a total sum not to exceed $65,568,000, such transfer to be made from excess funds of the housing finance agency, not pledged to the payment of the agency's outstanding bonds. Such transfer shall be made as soon as practicable but no later than March 31, 2022.

§ 5. This act shall take effect immediately.

PART P

Section 1. Paragraphs (a), (b), (c), and (d) of subdivision 1 of section 131-o of the social services law, as amended by section 1 of part K of chapter 56 of the laws of 2020, are amended to read as follows:

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

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

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

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

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

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

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

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

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

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

(c) On and after January first, two thousand [~~twenty~~] twenty-one, (i) for an eligible individual receiving family care, [~~$1,049.48~~] $1,060.48 if he or she is receiving such care in the city of New York or the county of Nassau, Suffolk, Westchester or Rockland; and (ii) for an eligible couple receiving family care in the city of New York or the county of Nassau, Suffolk, Westchester or Rockland, two times the amount set forth in subparagraph (i) of this paragraph; or (iii) for an eligible individual receiving such care in any other county in the state, [~~$1,011.48~~] $1,022.48; and (iv) for an eligible couple receiving such care in any other county in the state, two times the amount set forth in subparagraph (iii) of this paragraph.

(d) On and after January first, two thousand [~~twenty~~] twenty-one, (i) for an eligible individual receiving residential care, [~~$1,218.00~~] $1,229.00 if he or she is receiving such care in the city of New York or the county of Nassau, Suffolk, Westchester or Rockland; and (ii) for an eligible couple receiving residential care in the city of New York or the county of Nassau, Suffolk, Westchester or Rockland, two times the amount set forth in subparagraph (i) of this paragraph; or (iii) for an eligible individual receiving such care in any other county in the state, [~~$1,188.00~~] $1,199.00; and (iv) for an eligible couple receiving such care in any other county in the state, two times the amount set forth in subparagraph (iii) of this paragraph.

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

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

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

PART Q

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

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

2. Such fund shall consist of all revenues received by the department of taxation and finance pursuant to the provisions of section six hundred twenty-five-a of the tax law and all other money appropriated, credited, or transferred thereto from any other fund or source pursuant to law. Nothing in this section shall prevent the state from receiving grants, gifts or bequests for the purposes of the fund as defined in this section and depositing them into the fund according to law.

3. Monies of the fund shall, after appropriation by the legislature, be made available to the [~~office of temporary and disability assistance~~] **department of health** for grants to regional food banks, organized to serve specific regions of the state, that generally collect and redistribute food donations to organizations serving persons in need. Monies shall be payable from the fund by the commissioner of taxation and finance on vouchers approved by the commissioner of [~~temporary and disability assistance~~] **health**. The commissioner of [~~temporary and disability assistance~~] **health** shall promulgate rules and regulations necessary for the distribution of such grants.

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

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

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

(a) the amount of money [~~dispersed~~] **disbursed** from the fund;

(b) the recipients of awards from the fund;

(c) the amount awarded to each recipient;

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

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

§ 2. This act shall take effect immediately.

PART R

Intentionally Omitted

PART S

Intentionally Omitted

PART T

Intentionally Omitted

PART U

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

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

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

PART V

Section 1. Subdivisions 5, 6 and 7 of section 111-h of the social services law are REPEALED, and three new subdivisions 5, 6 and 7 are added to read as follows:

5. Except as provided in subdivision six of this section, with respect to any funds paid to the support collection unit established by a social services district pursuant to an order of support under the provisions of article four, five, five-A or five-B of the family court act and which have remained for no less than one year after diligent efforts to locate the person entitled to such funds, the family court may enter an order decreeing: (a) that the funds be returned to the person who paid the funds pursuant to the order of support; or (b) that the funds be paid to the state comptroller, in accordance with subdivision six of this section.

6. Any funds paid to a support collection unit established by a social services district for which the remitter of such funds has not provided sufficient identifying information to associate the funds with an existing or previously existing child support account, and such information cannot be determined after diligent efforts, including a review by the family court to assess the diligent efforts of the support collection unit of the local social services district, shall be paid to the state comptroller in accordance with subdivision seven of this section.

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

(a) the names and last known addresses, if any, of the persons entitled to receive such abandoned property;

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

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

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

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

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

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

§ 5. Intentionally omitted.

§ 6. Intentionally omitted.

§ 7. Intentionally omitted.

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

PART W

Intentionally Omitted

PART X

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

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

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

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

corporations that are certified by the United States department of treasury as community development financial institutions or licensed by the New York state department of financial services.

(5) "Mortgage". A loan owed to a bank secured by a first lien on a fee simple or leasehold estate in real property located in the state and improved by a residential structure **or on which a residential structure shall be constructed using the proceeds of such loan**, whether or not insured or guaranteed by the United States of America or any agency thereof. The term "mortgage" shall also include a loan owed to a bank secured by a second lien on a fee simple or leasehold estate in real property located in the state and improved by a residential structure **or on which a residential structure shall be constructed using the proceeds of the related loan described in paragraph (a) or (b) of this subdivision**, whether or not insured or guaranteed by the United States of America or any agency thereof, provided, however, that such second lien: (a) secures a loan purchased by the agency, and (b) is made at the same time as a first lien securing a loan purchased by the agency pursuant to its programs or by a government sponsored enterprise or is made at the same time as a new housing loan purchased by the agency pursuant to section twenty-four hundred five-c of this part. The term "mortgage" shall also include loans made by the agency and secured by a second lien on a fee simple or leasehold estate in real property located in the state and improved by a residential structure **or on which a residential structure shall be constructed using the proceeds of such loan**, whether or not insured or guaranteed by the United States of America or any agency thereof, provided however, that the loan made by the agency and secured by such second lien is made at the same time as a first lien securing a mortgage loan purchased by the agency pursuant to its programs or by a government sponsored enterprise. In the case of any second lien purchased or made hereunder, the mortgagor shall be obligated to contribute from his or her own verifiable funds an amount not less than such percentage as the agency shall determine, of the lower of the purchase price or appraised value of the property subject to the first lien. "Real property" as used in this subdivision shall include air rights.

For the purposes of this title and of [~~section one hundred ninety and subsection (a) of section one thousand four hundred fifty-six~~] **subdivision ten of section two hundred ten-B** of the tax law, "mortgage" shall include housing loans as defined below. Except for the purposes of subdivision seven of section [~~two thousand four~~] **twenty-four** hundred five and subdivision eight of section two thousand four hundred five-b of this part, "mortgage" shall also include a loan owed to a bank by an individual borrower incurred for the purpose of financing the purchase of certificates of stock or other evidence of ownership of an interest in, and a proprietary lease from, a cooperative housing corporation formed for the purpose of the cooperative ownership of residential real estate in the state, secured by an assignment or transfer of the benefits of such cooperative ownership, and containing such terms and conditions as the agency may approve.

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

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

(7) To (a) acquire, and contract to acquire, existing mortgages owned by banks and to enter into advance commitments to banks for the purchase of said mortgages, all subject to the provisions of section [~~two thousand four~~] **twenty-four** hundred five of this [~~title~~] **part**, (b) acquire, and contract to acquire, forward commitment mortgages made by banks and to enter into advance commitments to banks for the purchase of said mortgages, all subject to the provisions of section [~~two thousand four~~] **twenty-four** hundred five-b of this [~~title~~] **part**, (c) acquire, and contract to acquire, new housing loans made by banks and to enter into advance commitments to banks for the purchase of said housing loans, all subject to the provisions of section [~~two thousand four~~] **twenty-four** hundred five-c of this [~~title~~] **part**, [~~and~~] (d) to acquire and contract to acquire mortgages pursuant to section twenty-four hundred five-d of this title**, and (e) acquire, and contract to acquire, new construction mortgage loans owned by banks and to enter into advance commitments to banks for the purchase of such mortgages, all subject to the provisions of section twenty-four hundred five-b of this part**;

(14) To renegotiate, refinance or foreclose, or contract for the foreclosure of, any mortgage in default; to waive any default or consent to the modification of the terms of any mortgage; to commence any action to protect or enforce any right conferred upon it by any law, mortgage, contract or other agreement, and to bid for and purchase such property at any foreclosure or at any other sale, or acquire or take possession of any such property; to operate, manage, lease, dispose of, and otherwise deal with such property, in such manner as [~~may be necessary to protect the interests of the agency and the holders of its bonds and notes~~] **would further the purposes of the agency, subject to any agreement with its bondholders or noteholders**;

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

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

(5) Notwithstanding the maximum interest rate, if any, fixed by section 5-501 of the general obligations law or any other law not specifically amending or applicable to this section, the agency may set the interest rate to be borne by forward commitment mortgages purchased by the agency from banks at a rate or rates which the agency from time to time shall determine [~~to~~]**, provided however, that if such mortgages are financed through the issuance of the agency's bonds or notes, the interest rate shall** be at least sufficient, together with any other available monies, to provide for the payment of its bonds and notes, and forward commitment mortgages bearing such interest rate shall not be

deemed to violate any such law or to be unenforceable if originated by a bank in good faith pursuant to an undertaking with the agency with respect to the sale thereof notwithstanding any subsequent failure of the agency to purchase the mortgage or any subsequent sale or disposition of the mortgage by the agency to such bank or any other person.

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

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

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

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

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

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

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

PART Y

Intentionally Omitted

PART Z

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

Part. Section three of this act sets forth the general effective date of this Part.

SUBPART A

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

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

§ 2. Subdivision 6 of section 410-x 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:

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

§ 3. This act shall take effect immediately.

SUBPART B

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

(a) review and evaluate the backgrounds of and information supplied by any person applying to be a child day care center or school-age child care program employee or volunteer or group family day care assistant, a provider of family day care or group family day care, or a director of a child day care center, head start day care center or school-age child care program. Such procedures shall include but not be limited to the following requirements: that the applicant set forth his or her employment history[~~, provide personal and employment references~~]; submit such information as is required for screening with the statewide central register of child abuse and maltreatment in accordance with the provisions of section four hundred twenty-four-a of this article; [~~sign a sworn statement indicating whether, to the best of his or her knowledge, he or she has ever been convicted of a crime in this state or any other jurisdiction;~~] and provide his or her fingerprints for submission to the division of criminal justice services in accordance with the provisions of section three hundred ninety-b of this title;

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

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

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

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

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

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

(ii) A licensing agency shall inquire of the office whether an applicant for a certificate, license or permit to operate a child care program including a family day care home, group family day care home, child care center, school age child care program, or enrolled legally exempt provider or an employee, volunteer or applicant to be an employee or volunteer in such program who has potential for regular and substantial contact with children in the program, is the confirmed subject of an indicated child abuse report maintained by the statewide central register of child abuse and maltreatment**; provided, however, that a licensing agency may, but is not required to, submit an inquiry pursuant to this subparagraph if such individual has been the subject of an inquiry pursuant to this subparagraph within the last five years and has maintained a role in one or more child care programs during such five-year period without a break in time where such individual ceased to play a role in any child care program of not more than one hundred eighty consecutive days**. The office shall promulgate regulations related to the process by which providers and applicants will be informed whether the

applicant is authorized or unauthorized to care for children based on the outcome of such inquiry.

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

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

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

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

PART AA

Section 1. Legislative findings and intent. The legislature finds that the transition to the green economy and creating good paying jobs are not mutually exclusive priorities for New York State. In order to make this transition and achieve the ambitious goals set forth in the Climate Leadership and Community Protection Act, a clear focus on prioritizing renewable energy sources is necessary. However, the workers who will build the infrastructure of the green economy must not be left behind. Setting clear standards for job quality will ensure the creation of good jobs, protect workers in the ongoing transition of our energy sector, and result in positive economic impacts. In addition to workers engaged directly in the renewable energy sector, New Yorkers have experienced widespread unemployment as a result of the pandemic. According to the New York State Department of Labor, as of January 2021 New York has paid over $61 billion in unemployment benefits to 4 million workers. New manufacturing and supply chain jobs are a necessary element of any

pandemic recovery. Due to such findings, the legislature hereby declares that the mandate of prevailing wage or project labor agreements for construction work performed in connection with the installation of renewable energy systems and its Buy American preference provided in this bill will ensure that workers are central to New York State's transition to the green economy and its pandemic recovery plan.

§ 2. The labor law is amended by adding a new section 224-d to read as follows:

§ 224-d. Wage requirements for certain renewable energy systems. 1. For purposes of this section, a "covered renewable energy system" means a renewable energy system, as such term is defined in section sixty-six-p of the public service law, with a capacity of at least five megawatts alternating current and which involves the procurement of renewable energy credits by a public entity, or a third party acting on behalf and for the benefit of a public entity.

2. Notwithstanding the provisions of section two hundred twenty-four-a of this article, a covered renewable energy system shall be subject to prevailing wage requirements in accordance with sections two hundred twenty and two hundred twenty-b of this article. Provided that a renewable energy system defined in section sixty-six-p of the public service law which is not considered to be covered by this section, may still otherwise be considered a "covered project" pursuant to section two hundred twenty-four-a of this article if it meets such definition.

3. For purposes of this section, a covered renewable energy system shall exclude construction work performed under a pre-hire collective bargaining agreement between an owner or contractor and a bona fide building and construction trade labor organization which has established itself, and/or its affiliates, as the collective bargaining representative for all persons who will perform work on such a project, and which provides that only contractors and subcontractors who sign a pre-negotiated agreement with the labor organization can perform work on such a project, or construction work performed under a labor peace agreement, project labor agreement, or any other construction work performed under an enforceable agreement between an owner or contractor and a bona fide building and construction trade labor organization.

4. For purposes of this section, the "fiscal officer" shall be deemed to be the commissioner. The enforcement of any covered renewable energy system pursuant to this section shall be subject to the requirements of sections two hundred twenty, two hundred twenty-a, two hundred twenty-b, two hundred twenty-three, two hundred twenty-four-b, and two hundred twenty-seven of this chapter and within the jurisdiction of the fiscal officer; provided, however, nothing contained in this section shall be deemed to construe any covered renewable energy system as otherwise being considered public work pursuant to this article.

5. The fiscal officer may issue rules and regulations governing the provisions of this section. Violations of this section shall be grounds for determinations and orders pursuant to section two hundred twenty-b of this article.

§ 2-a. The public service law is amended by adding a new section 66-r to read as follows:

§ 66-r. Requirements for certain renewable energy systems. 1. For the purposes of this section, a "covered renewable energy system" means a renewable energy system, as such term is defined in section sixty-six-p of this article, with a capacity of at least five megawatts alternating current and which involves the procurement of renewable

energy credits by a public entity, or a third party acting on behalf and for the benefit of a public entity.

2. For purposes of this section, "public entity" shall include, but shall not be limited to, the state, a local development corporation as defined in subdivision eight of section eighteen hundred one of the public authorities law or section fourteen hundred eleven of the not-for-profit corporation law, a municipal corporation as defined in section one hundred nineteen-n of the general municipal law, an industrial development agency formed pursuant to article eighteen-A of the general municipal law or industrial development authorities formed pursuant to article eight of the public authorities law, and any state, local or interstate or international authorities as defined in section two of the public authorities law; and shall include any trust created by any such entities.

3. The commission shall ensure that the owner of the covered renewable energy system, or a third party acting on the owner's behalf, as a condition of any renewable energy credits agreement with a public entity, shall stipulate to the fiscal officer that it will enter into a labor peace agreement with at least one bona fide labor organization that is actively engaged in representing or attempting to represent employees who will provide necessary operations and maintenance services for the renewable energy system, provided however that necessary operations and maintenance services shall not include seasonal and temporary employment performed in a manner not otherwise necessary for the actual maintenance of such system. The maintenance of such a labor peace agreement shall be an ongoing material condition of any continuation of payments under a renewable energy credits agreement. For purposes of this section "labor peace agreement" means an agreement between an entity and labor organization that, at a minimum, protects the state's proprietary interests by prohibiting labor organizations and members from engaging in picketing, work stoppages, boycotts, and any other economic interference with the relevant renewable energy system. "Renewable energy credits agreement" shall mean any public entity contract that provides production-based payments to a renewable energy project as defined in this section.

4.(a) Any public entity, in each contract for construction, reconstruction, alteration, repair, improvement or maintenance of a covered renewable energy system which involves the procurement of a renewable energy credits agreement by a public entity, or a third party acting on behalf and for the benefit of a public entity, the "public work" for the purposes of this subdivision, shall ensure that such contract shall contain a provision that the iron and structural steel used or supplied in the performance of the contract, or that is permanently incorporated into the public work, shall be produced or made in whole or substantial part in the United States, its territories or possessions. In the case of a structural iron or structural steel product all manufacturing must take place in the United States, from the initial melting stage through the application of coatings, except metallurgical processes involving the refinement of steel additives. For the purposes of this subdivision, "permanently incorporated" shall mean an iron or steel product that is required to remain in place at the end of the project contract, in a fixed location, affixed to the public work to which it was incorporated. Iron and steel products that are capable of being moved from one location to another are not permanently incorporated into a public work.

(b) The provisions of paragraph (a) of this subdivision shall not apply if the head of the department or agency constructing the public works, in his or her sole discretion, determines that the provisions would not be in the public interest, would result in unreasonable costs, or that obtaining such steel or iron in the United States would increase the cost of the contract by an unreasonable amount, or such iron or steel, including without limitation structural iron and structural steel cannot be produced or made in the United States in sufficient and reasonably available quantities and of satisfactory quality. The head of the department or agency constructing the public works shall include this determination in an advertisement or solicitation of a request for proposal, invitation for bid, or solicitation of proposal, or any other method provided for by law or regulation for soliciting a response from offerors intending to result in a contract pursuant to this subdivision.

(c) If the public entity finds it feasible and in the best interests of the people of the state in ensuring reliable operations and supply chain efficiency and consistent with all applicable laws to which the state is bound, it may require the owner of the renewable energy system to use certain components and parts manufactured in the state.

5. Whenever changes are proposed to any public procurement process involving the program described in subdivision two of this section, the commission shall make simultaneous recommendations to the temporary president of the senate and speaker of the assembly, regarding necessary changes to this section, if any, in meeting the goals outlined in the legislative findings and intent of the chapter by which this section was enacted.

§ 2-b. Section 66-p of the public service law, as added by chapter 705 of the laws of 2019, is renumbered section 66-q.

§ 3. Severability clause. If any clause, sentence, paragraph, subdivision, or section of this act shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or section 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.

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

PART BB

Intentionally Omitted

PART CC

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

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

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

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

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

§ 2. This act shall take effect immediately and shall expire and be deemed repealed on December 31, 2021, [~~when upon such date the provisions of this act shall be deemed repealed~~] or upon the expiration of the state of emergency declared by executive order 202 of 2020, whichever is later; provided that the commissioner of labor shall notify the legislative bill drafting commission upon the occurrence of the expiration of the state of emergency declared by executive order 202 of 2020 in order that the commission may maintain an accurate and timely effective data base of the official text of the laws of the state of New York in furtherance of effectuating the provisions of section 44 of the legislative law and section 70-b of the public officers law.

§ 3. This act shall take effect immediately.

PART DD

Section 1. Short title. This act shall be known and may be cited as the "COVID-19 emergency rental assistance program of 2021".

§ 2. The public housing law is amended by adding a new article 14 to read as follows:

ARTICLE XIV

COVID-19 EMERGENCY RENTAL ASSISTANCE PROGRAM

Section 600. Legislative findings.
601. Definitions.
602. Authority to implement emergency rental and utility assistance.
603. Allocation among the city of New York and the respective counties of the state.
604. Eligibility.
605. Application.
606. Documentation.
607. Restrictions on eviction.
608. Payments.
609. No repayment and assistance not considered income.
610. Notice to tenants in eviction proceedings.

611. Notice to tenants receiving rent demands.
612. Notice to applicants for assistance under the emergency rent relief act of 2020.
613. Outreach.
614. Fair housing obligations.
615. Reports by the commissioner.

§ 600. Legislative findings. The legislature finds that it is in the public interest to ensure that New Yorkers are not rendered homeless or severely financially burdened because of an inability to pay the cost of housing and other necessities due to loss of income, increased necessary out-of-pocket expenses, or difficulty in securing alternative housing related to the widespread outbreak of the coronavirus commonly known as COVID-19. The legislature further finds that providing funding for households to pay rent and utility costs that they would otherwise have difficulty paying will promote the stability and proper maintenance of the rental housing stock and assist communities in recovering from the adverse social and economic effects of the COVID-19 outbreak.

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

1. "Commissioner" shall mean the state commissioner of social services as defined in section two of the social services law.

2. "E-payment application transaction" shall mean a financial transaction conducted on an online payment application. Such applications include but are not limited to: Zelle, Cash App, Paypal, Venmo, Xoom, Circle Pay, Google Pay, Facebook Messenger, Apple Pay, WeChat Pay, AliPay, and KakaoPay.

3. "Fair market rent" shall mean the fair market rent for each rental area as promulgated annually by the United States department of housing and urban development's office of policy development and research pursuant to 42 USC 1437f.

4. "Federal emergency rental assistance program" shall mean the emergency rental assistance funding issued pursuant to section 501 of the Consolidated Appropriations Act of 2021, Pub L. No. 116-260 §501, 888-97 (2021).

5. "Income" shall mean income from all sources of each member of the household, including all wages, tips, overtime, salary, recurring gifts, returns on investments, welfare assistance, social security payments, child support payments, unemployment benefits, any benefit, payment or cash grant whose purpose is to assist with rental payments, any payments whose purpose is to replace lost income, and any other government benefit or cash grant. The term "income" shall not include: employment income from children under eighteen years of age, employment income from individuals eighteen years of age or older who are full-time students and are eligible to be claimed as dependents pursuant to Internal Revenue Service regulations, foster care payments, sporadic gifts, groceries provided by persons not living in the household, supplemental nutrition assistance program benefits, or the earned income tax credit.

6. "Manufactured home tenant" shall have the same meaning as defined by section two hundred thirty-three of the real property law.

7. "Occupant" shall have the same meaning as defined in section two hundred thirty-five-f of the real property law.

8. "Rent" shall mean rent as defined by section seven hundred two of the real property actions and proceedings law and subject to proceedings under article seven of the real property actions and proceedings law, including statutory rents and maintenance fees paid pursuant to a proprietary lease on a co-operative dwelling unit.

9. "Rental arrears" shall mean unpaid rent owed to the landlord that accrued on or after March thirteenth, two thousand twenty, the date of the emergency declaration pursuant to section 501(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5191(b).

10. "Small area fair market rent" shall mean the fair market rent for each zip code within a large metropolitan area as promulgated annually by the United States department of housing and urban development's office of policy development and research.

11. "Utility arrears" shall mean unpaid payments to providers of utility services accrued on or after March thirteenth, two thousand twenty, the date of the emergency declaration pursuant to section 501(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5191(b), for separately-stated electricity, gas, water, sewer, trash removal and energy costs, such as fuel oil.

§ 602. Authority to implement emergency rental and utility assistance. 1. The commissioner is hereby authorized and directed to implement, as soon as practicable, a program of rental and utility assistance for those eligible pursuant to section six hundred four of this article.

2. Such program shall be funded with: (a) all funds received by the state from the federal Emergency Assistance Program; (b) any funds remaining that were allocated from the federal Coronavirus Aid, Relief, and Economic Security (CARES) Act of 2020 (P.L. 116-136) for the Emergency Rent Relief Act of 2020, pursuant to chapter one hundred twenty-five of the laws of two thousand twenty, such that the sum of such funds actually expended pursuant to such chapter and that such funds reallocated and expended pursuant to this article shall equal one hundred million dollars; (c) any additional funds received from the federal government by the state of New York for assistance with rent or utilities related to the COVID-19 pandemic, including any funds for such purposes received by the state pursuant to the federal American Rescue Plan Act; and (d) any state funds appropriated for such program.

3. The commissioner shall work with localities throughout the state that have received funds directly from the federal Emergency Rental Assistance Program so that one central point of application shall be made available for any and all federal Emergency Rental Assistance Program funds and any such additional funds in the state of New York.

4. The commissioner shall adopt, on an emergency basis pursuant to subdivision six of section two hundred two of the state administrative procedure act, any rules necessary to carry out the provisions of this article.

5. The commissioner may delegate the administration of any portions of this program to any state agency, city, county, town, public housing authority, or non-profit organization in accordance with the provisions of this article.

§ 603. Allocation among the city of New York and the respective counties of the state. The commissioner and each locality in receipt of funds from the federal Emergency Rental Assistance Program shall work jointly to ensure that, in total, the allocation of funds from this program for households within the city of New York or within each county outside the city of New York, whether granted to the state or directly to such localities is no less than ninety percent of the proportional share of all renter households in the state that reside in such city or county, as promulgated by the American Community Survey (ACS) from the United States census bureau, and no more than one hundred ten percent of such proportional share.

§ 604. Eligibility. The commissioner shall promulgate standards for determining eligibility for this program.

1. All households, regardless of immigration status, shall be eligible for rental assistance, utility assistance, or both if the household:

(a) is a tenant or occupant in their primary residence in the state of New York, including both tenants and occupants of dwelling units and manufactured home tenants;

(b) includes an individual who qualifies for unemployment or experienced a reduction in household income, incurred significant costs, or experienced other financial hardship due, directly or indirectly, to the COVID-19 outbreak;

(c) demonstrate a risk of experiencing homelessness or housing instability; and

(d) has a household income at or below eighty percent of the area median income, adjusted for household size.

2. Households who would otherwise be eligible for this program pursuant to subdivision one of this section but for a household income that exceeds eighty percent of the area median income adjusted for household size shall be eligible pursuant to this subdivision if they have a household income at or below one hundred twenty percent of the area median income adjusted for household size, provided that assistance for those eligible pursuant to this subdivision shall be paid for only with state funds allocated for this purpose.

3. For the purposes of this program, income may be considered:

(a) the household's total income for calendar year two thousand twenty; or

(b) the household's current monthly income at the time of application for such assistance. If a household is applying for assistance using current monthly income, the household shall only be eligible for assistance for the months during which they meet the criteria in subdivision one of this section.

4. In addition to the eligibility criteria in subdivision one of this section, the commissioner may promulgate limits on assets as part of any determination of eligibility for this program. The commissioner shall exclude from any calculation of assets made pursuant to this section assets held in a tax-deferred or comparable retirement savings account or any vehicle used regularly by a member of the household.

5. The commissioner shall establish preferences in processing applications and allocating funds under this program. Such preferences shall at a minimum prioritize each of the following:

(a) households whose income does not exceed fifty percent of the area median income adjusted for household size; and

(b) households within which one or more individuals are unemployed as of the date of the application for assistance and have not been employed for the ninety days preceding such date.

6. The commissioner may also grant preferences for households who:

(a) are tenants of mobile homes or mobile home parks whose arrears have accrued for the land on which the mobile home is located;

(b) include one or more individuals who are victims of domestic violence;

(c) apply jointly with their landlord; or

(d) have eviction cases that are pending on or before February first, two thousand twenty-one; provided that among households granted a preference because they apply jointly with their landlord, the commissioner may grant an additional preference for households whose landlord is a non-profit provider of affordable housing; provided further that any

preference granted pursuant to this subdivision shall not supersede either of the preferences granted pursuant to subdivision five of this section.

7. A household may apply for utility assistance, rental assistance, or both.

8. Nothing in this article shall be construed to disqualify applications from tenants of state-funded public housing agencies.

9. No rental assistance provided pursuant to this article shall be duplicative of assistance for rent or rental arrears previously received by the household.

10. Any ambiguity in eligibility criteria promulgated by the commissioner shall be resolved in favor of the applicant when determining eligibility.

11. Any information collected about a household in the process of determining eligibility shall solely be used for the purposes of determining eligibility and shall not be shared with any other governmental agency.

12. An individual full-time college student or a household consisting exclusively of full-time college students is ineligible for this program unless each individual in the household satisfies the following conditions:

(a) the individual shall have established a household separate from his or her parents or legal guardians for at least one year prior to application for admission or shall meet the United States department of education's definition of independent student; and

(b) the individual shall not be claimed as a dependent by his or her parents or legal guardians pursuant to internal revenue service (IRS) regulations.

§ 605. Application. 1. As soon as practicable and no later than fourteen days after the effective date of this article, the commissioner shall make an application for the program available on its website. The application shall be available online in English, Spanish, Chinese, Russian, Yiddish, Haitian (French Creole), Bengali, and Italian. The commissioner shall enable applications to be accepted via telephone. The application period shall remain open for a minimum of one hundred eighty days unless all available funding has been allocated prior to the expiration of one hundred eighty days.

2. The commissioner shall designate non-for-profit organizations that shall be permitted to assist households in applying for assistance and such organizations shall be permitted to file applications on behalf of such households.

3. The commissioner shall provide for procedures under which a landlord or owner of a residential dwelling shall be permitted to submit an application for assistance on behalf of a tenant or occupant of such dwelling. Such landlord or owner shall be required to:

(a) obtain the signature of the tenant on such application, which may be documented electronically;

(b) provide the tenant with documentation of such application;

(c) use any payments received pursuant to this article solely to satisfy the tenant's rental obligations to the landlord or owner; and

(d) keep confidential any information or documentation from or about the tenant acquired pursuant to this application process.

4. Upon receipt of an application, the commissioner shall make available a tracking number by which both the applicant household and landlord of the applicant household may track the status of the application.

§ 606. Documentation. The commissioner shall establish procedures that are appropriate and necessary to assure that information necessary to determine eligibility provided by households applying for or receiving assistance under this article is complete and accurate. Documentation may include but is not limited to: a signed lease, rent demand notice, paycheck stubs, earning statements, bank statements, tax records, W-2 or 1099 forms, e-payment application transaction history, written statements from a former or current employer, telephone or in-person contact with a former or current employer, self-attestation by the applicant, or other methods approved by the commissioner. When self-attestation is used as documentation, the applicant shall also attest that the applicant has no other documentation available. When self-attestation is used to certify rent owed, the applicant shall also attest that the household has not received, and does not anticipate receiving, another source of public or private subsidy or assistance for the rental costs that are the subject of the attestation, and such assistance may only be provided for three months at a time. All payments for utilities and home energy costs shall be supported by a bill, invoice, or evidence of payment to the provider of the utility or home energy service.

§ 607. Restrictions on eviction. Eviction proceedings for non-payment of rent that would be eligible for coverage under this program shall not be commenced against a household who has applied for this program unless or until a determination of ineligibility is made. If eviction proceedings are commenced against a household who subsequently applies for benefits under this program, all proceedings for missed rent payments during the covered period shall be stayed until a determination of ineligibility has been made.

§ 608. Payments. 1. Payments shall be made for rental and/or utility arrears accrued on or after March thirteenth, two thousand twenty. No more than twelve months of rental and/or utility assistance, both arrears or prospective, may be paid on behalf of or to any household within the first sixty days after the start of the application period. No prospective rent may be paid unless or until all rental arrears payments have been made to or on behalf of households who are eligible for this program pursuant to section six hundred four of this article.

2. If all eligible households whose applications are received within sixty days of the start of the application period receive assistance, the commissioner may pay an additional three months of rental and/or utility assistance for rental or utility arrears accrued after the date of application or prospective rent. No household may receive more than fifteen months of total rental and/or utility assistance. Eligibility for assistance shall be reassessed for each household before rental assistance is issued pursuant to this subdivision.

3. Payments for rental arrears or prospective rent shall be the lesser of the monthly rent for the applicant or one hundred fifty percent of the fair market rent for the dwelling unit, except when rental assistance amounts are documented via self-attestation, in which case the maximum payment allowable shall be the greater of one hundred percent of fair market rent or one hundred percent of the small area fair market rent, though no payment certified by self-attestation shall be greater than the monthly rent. The rental assistance shall be paid directly to the landlord of the dwelling unit or manufactured home park occupied by the household for the total amount of qualified rental arrears and prospective rental assistance pursuant to subdivision one of this section. Utility assistance shall be paid directly to the utility. The commissioner shall require reasonable efforts to be made to obtain the

cooperation of landlords and utility providers to accept payments from this program. Such outreach may be considered complete if (a) a request for participation has been sent in writing, by mail, to the landlord or utility provider and the addressee has not responded to the request within fourteen calendar days after mailing; (b) at least three attempts by phone, text, or e-mail have been made over a ten calendar day period to request the landlord or utility provider's participation; or (c) a landlord or utility provider confirms in writing that the landlord or utility provider does not wish to participate. The outreach attempts or notices to the landlord or utility provider shall be documented.

4. If the landlord or utility provider is uncooperative or unresponsive after outreach efforts are made pursuant to subdivision three of this section, the commissioner may make payments directly to the eligible household for the purpose of enabling the household to make payments to the landlord or utility provider. The commissioner may require documentation from any households receiving such payments that monies received were used in compliance with this program.

5. Acceptance of payment for rental arrears from this program shall constitute agreement by the recipient landlord or property owner:

(a) to waive any late fees due on any rental arrears;

(b) to keep constant the monthly rent due for the dwelling unit such that it shall remain the same as the amount that was due at the time of payment for one year after the first rental assistance payment is received; provided that any rent increase that would otherwise be due pursuant to the rent stabilization law of 1969 or the emergency tenant protection act of 1974 shall go into effect at the end of the one-year period provided for in this paragraph and the rent held constant during the one-year period shall not be considered a preferential rent; and

(c) not to evict for reason of expired lease or holdover tenancy any household on behalf of whom rental assistance is received for one year after the first rental assistance payment is received. Where the dwelling unit that is the subject of the lease or rental agreement is located in a building that contains four or fewer units, the landlord may decline to extend the lease or tenancy if the landlord intends to immediately occupy the unit for the landlord's personal use as a primary residence or the use of an immediate family member as a primary residence.

§ 609. No repayment and assistance not considered income. Eligible households shall not be expected or required to repay any assistance granted through this program. Assistance granted through this program shall not be considered income for purposes of eligibility for public benefits or other public assistance, but shall be considered a "source of income" for purposes of the protections against housing discrimination provided under section two hundred ninety-six of the human rights law. There shall be no requirement for applicants to seek assistance from other sources, including charitable contributions, in order to be eligible for assistance under this program.

§ 610. Notice to tenants in eviction proceedings. In any eviction proceeding pending as of the effective date of this article and any eviction proceeding filed while applications are being accepted for assistance pursuant to this article, the court shall promptly mail the respondent information regarding how the respondent may apply for such assistance in English, and, to the extent practicable, in the respondent's primary language, if other than English.

§ 611. Notice to tenants receiving rent demands. With every written demand for rent made pursuant to subdivision two of section seven

hundred eleven of the real property actions and proceedings law, with any other written notice required by the lease or tenancy agreement, law or rule to be provided prior to the commencement of an eviction proceeding, and with every notice of petition served on a tenant after the effective date of this article and while applications are being accepted for assistance pursuant to this article, the landlord shall provide information regarding how a tenant may apply for such assistance, in a form promulgated and published by the commissioner in consultation with the office of court administration, in English, and, to the extent practicable, in the tenant's primary language, if other than English.

§ 612. Notice to applicants for assistance under the emergency rent relief act of 2020. The commissioner, in consultation with the commissioner of the division of housing and community development, shall provide notice of how to apply for assistance pursuant to this article to each tenant or occupant who applied for assistance under the emergency rent relief act of 2020, pursuant to chapter one hundred twenty-five of the laws of two thousand twenty. Such notice shall be provided in English, and, to the extent practicable, in the tenant's primary language, if other than English.

§ 613. Outreach. The commissioner shall ensure that extensive outreach is conducted to increase awareness of this program among tenants and landlords. The commissioner shall prioritize for outreach communities where the median income of residents is less than eighty percent of the area median income for the region, communities with the highest unemployment rates, and communities that experienced the highest rates of COVID-19 infections during the pandemic, and to the extent practicable, communities with high rates of ownership of rental housing by small landlords. The commissioner shall ensure that such outreach is conducted with materials written in the languages listed in subdivision one of section six hundred five of this article, and to the extent practicable in other languages commonly spoken by residents of those communities required to be prioritized pursuant to this section, as per the most recent American Community Survey from the United States Census Bureau.

§ 614. Fair housing obligations. Nothing in this article shall lessen or abridge any fair housing obligations promulgated by the federal government, state, municipalities, localities, or any other applicable jurisdiction.

§ 615. Reports by the commissioner. The commissioner shall, on or before the twentieth day of each month for the duration of the program, submit and make publicly available on its website a report to the governor, the temporary president of the senate, and the speaker of the assembly, indicating: the number of applicants that have applied for rental assistance only; the number of applicants that have applied for utility assistance only; the number of applicants that have applied for each combination of rental assistance, utility assistance, and assistance with other expenses related to housing; the number of such applicants of each of the three foregoing types, with incomes between zero to twenty-five percent, twenty-five to fifty percent, and fifty-one to eighty percent of the area median income; the average and median rental arrears of the applicants with incomes between zero to twenty-five percent, twenty-five to fifty percent, and fifty-one to eighty percent of the area median income; the number of applications of each type of assistance approved, the number of applications of each type of assistance rejected, the average and median amount of rental assistance granted, the average and median utility assistance granted, the status of any pending applications, the monthly expenditures made pursuant to this

article for each type of assistance. Each number required to be included in the report shall be reported as a statewide total from the start of the program through the end of the preceding calendar month and as a subtotal for each county, based on the location of the premises for which the applicant has sought assistance.

§ 3. The social services law is amended by adding a new section 131-bb to read as follows:

§ 131-bb. Proof of eligibility for rental assistance. Under no circumstances shall a local social services district require proof that a court proceeding has been initiated against a tenant as a condition of eligibility for a rent arrears grant or ongoing rental assistance including rental assistance provided pursuant to this article.

§ 4. Section 131-w of the social services law, as added by chapter 41 of the laws of 1992, is amended to read as follows:

§ 131-w. Limitations in the payment of rent arrears. 1. Districts shall not provide assistance to pay rent arrears, property taxes or mortgage arrears for persons not eligible for home relief, aid to dependent children, emergency assistance to needy families with children or emergency assistance for aged, blind and disabled persons, except to persons who are without income or resources immediately available to meet the emergency need, whose gross household income does not exceed one hundred twenty-five percent of the federal income official poverty line and who sign a repayment agreement agreeing to repay the assistance in a period not to exceed twelve months. The districts shall enforce the repayment agreements by any legal method available to a creditor, in addition to any rights it has pursuant to this chapter. The department shall promulgate regulations to implement this section which shall, among other things, establish standards for the contents of repayment agreements and establish standards to ensure that assistance is provided only in emergency circumstances.

2. Notwithstanding the provisions of subdivision one of this section, no repayment agreement shall be required for assistance provided between March seventh, two thousand twenty until the later of December thirty-first, two thousand twenty-one or the date on which none of the provisions that closed or otherwise restricted public or private businesses or places of public accommodation, or required postponement or cancellation of all non-essential gatherings of individuals of any size for any reason in executive order numbers 202.3, 202.4, 202.5, 202.6, 202.7, 202.8, 202.10, 202.11, 202.13 or 202.14 of two thousand twenty, as extended by executive order numbers 202.28 and 202.31 of two thousand twenty and as further extended by any future executive order, issued in response to the COVID-19 pandemic continue to apply in the service district. Any payment due and owing under this section shall be suspended until the later of December thirty-first, two thousand twenty-one or the date on which none of the provisions that closed or otherwise restricted public or private businesses or places of public accommodation, or required postponement or cancellation of all non-essential gatherings of individuals of any size for any reason in executive order numbers 202.3, 202.4, 202.5, 202.6, 202.7, 202.8, 202.10, 202.11, 202.13 or 202.14 of two thousand twenty, as extended by executive order numbers 202.28 and 202.31 of two thousand twenty and as further extended by any future executive order, issued in response to the COVID-19 pandemic continue to apply to the service district.

§ 5. Subdivision 1 of section 131-s of the social services law, as amended by chapter 318 of the laws of 2009, is amended to read as follows:

1. **(a)** In the case of a person applying for public assistance, supplemental security income benefits or additional state payments pursuant to this chapter, the social services official of the social services district in which such person resides shall, unless alternative payment or living arrangements can be made, make a payment to a gas corporation, electric corporation or municipality for services provided to such person during a period of up to, but not exceeding, four months immediately preceding the month of application for such assistance or benefits if such payment is needed to prevent shut-off or to restore service. Persons whose gross household income exceeds the public assistance standard of need for the same size household must sign a repayment agreement to repay the assistance within two years of the date of payment as a condition of receiving assistance, in accordance with regulations established by the department. Such repayment agreement may be enforced in any manner available to a creditor, in addition to any rights the district may have pursuant to this chapter.

(b) Notwithstanding the provisions of paragraph (a) of this subdivision, no repayment agreement shall be required for assistance provided between March seventh, two thousand twenty until the later of December thirty-first, two thousand twenty-one or the date on which none of the provisions that closed or otherwise restricted public or private businesses or places of public accommodation, or required postponement or cancellation of all non-essential gatherings of individuals of any size for any reason in executive order numbers 202.3, 202.4, 202.5, 202.6, 202.7, 202.8, 202.10, 202.11, 202.13 or 202.14 of two thousand twenty, as extended by executive order numbers 202.28 and 202.31 of two thousand twenty and as further extended by any future executive order, issued in response to the COVID-19 pandemic continue to apply in the service district.

§ 6. Section 106-b of the social services law, as amended by chapter 81 of the laws of 1995, is amended to read as follows:

§ 106-b. Adjustment for incorrect payments. **1.** Any inconsistent provision of law notwithstanding, a social services official shall, in accordance with the regulations of the department and consistent with federal law and regulations, take all necessary steps to correct any overpayment or underpayment to a public assistance recipient; provided, however, that a social services official may waive recovery of a past overpayment, in the case of an individual who is not currently a recipient of public assistance, where the cost of recovery is greater than the cost of collections as determined in accordance with department regulations consistent with federal law and regulations. For purposes of this section, overpayment shall include payments made to an eligible person in excess of his needs as defined in this chapter and payments made to ineligible persons (including payments made to such persons pending a fair hearings decision). The commissioner shall promulgate regulations to implement procedures for correcting overpayments and underpayments. The procedures for correcting overpayments shall be designed to minimize adverse impact on the recipient, and to the extent possible avoid undue hardship. Notwithstanding any other provision of law to the contrary, no underpayment shall be corrected with respect to a person who is currently not eligible for or in receipt of home relief or aid to dependent children, except that corrective payments may be made with respect to persons formerly eligible for or in receipt of aid to dependent children to the extent that federal law and regulations require.

2. Notwithstanding the provisions of subdivision one of this section, no collection of overpayments shall be conducted, regardless of when the overpayment accrued, until the later of December thirty-first, two thousand twenty-one or the date on which none of the provisions that closed or otherwise restricted public or private businesses or places of public accommodation, or required postponement or cancellation of all non-essential gatherings of individuals of any size for any reason in executive order numbers 202.3, 202.4, 202.5, 202.6, 202.7, 202.8, 202.10, 202.11, 202.13 or 202.14 of two thousand twenty, as extended by executive order numbers 202.28 and 202.31 of two thousand twenty-one and as further extended by any future executive order, issued in response to the COVID-19 pandemic continue to apply in the service district.

§ 7. 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 of this act, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this act 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 clause, sentence, paragraph, subdivision, section or part had not been included herein.

§ 8. This act shall take effect immediately and shall expire on the later of December 31, 2021 or the date on which none of the provisions that closed or otherwise restricted public or private businesses or places of public accommodation, or required postponement or cancellation of all non-essential gatherings of individuals of any size for any reason in executive order numbers 202.3, 202.4, 202.5, 202.6, 202.7, 202.8, 202.10, 202.11, 202.13 or 202.14 of two thousand twenty, as extended by executive order numbers 202.28 and 202.31 of two thousand twenty and as further extended by any future executive order, issued in response to the COVID-19 pandemic continue to apply anywhere in the state, when upon such date the provisions of this act shall be deemed repealed; provided that the state commissioner of social services shall notify the legislative bill drafting commission upon the date on which none of the provisions that closed or otherwise restricted public or private businesses or places of public accommodation, or required postponement or cancellation of all non-essential gatherings of individuals of any size for any reason in executive order numbers 202.3, 202.4, 202.5, 202.6, 202.7, 202.8, 202.10, 202.11, 202.13 or 202.14 of two thousand twenty, as extended by executive order numbers 202.28 and 202.31 of two thousand twenty and as further extended by any future executive order, issued in response to the COVID-19 pandemic continue to apply anywhere in the state, in order that the commission may maintain an accurate and timely effective data base of the official text of the laws of the state of New York in furtherance of effectuating the provisions of section 44 of the legislative law and section 70-b of the public officers law.

PART EE

Section 1. The public housing law is amended by adding a new article 14 to read as follows:

ARTICLE 14

HOUSING ACCESS VOUCHER PROGRAM

Section 600. Legislative findings.

601. Definitions.
602. Housing access voucher program.
603. Eligibility.
604. Funding allocation and distribution.
605. Payment of housing vouchers.
606. Leases and tenancy.
607. Rental obligation.
608. Monthly assistance payment.
609. Inspection of units by public housing agencies.
610. Rent.
611. Vacated units.
612. Leasing of units owned by a public housing agency.
613. Verification of income.
614. Division of an assisted family.
615. Maintenance of effort.
616. Vouchers statewide.
617. Applicable codes.
618. Housing choice.

§ 600. Legislative findings. The legislature finds that it is in the public interest and an obligation of the state to ensure that individuals and families are not rendered homeless because of an inability to pay the cost of housing, and that the state should aid individuals and families who are homeless or face an imminent loss of housing in obtaining and maintaining suitable permanent housing in accordance with the provisions of this article.

§ 601. Definitions. For the purposes of this article, the following terms shall have the following meanings:

1. "homeless" means lacking a fixed, regular, and adequate nighttime residence; having a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings, including a car, park, abandoned building, bus or train station, airport, campground, or other place not meant for human habitation; living in a supervised publicly or privately operated shelter designated to provide temporary living arrangements (including hotels and motels paid for by federal, state or local government programs for low-income individuals or by charitable organizations, congregate shelters, or transitional housing); exiting an institution where an individual or family has resided and lacking a regular fixed and adequate nighttime residence upon release or discharge; being a homeless family with children or unaccompanied youth defined as homeless under federal statute; having experienced a long-term period without living independently in permanent housing or having experienced persistent instability as measured by frequent moves and being reasonably expected to continue in such status for an extended period of time because of chronic disabilities, chronic physical health or mental health conditions, substance addiction, histories of domestic violence or childhood abuse, the presence of a child or youth with a disability, multiple barriers to employment, or other dangerous or life-threatening conditions, including conditions that relate to violence against an individual or a family member.

2. "imminent loss of housing" means having received a verified rent demand or a petition for eviction; having received a court order resulting from an eviction action that notifies the individual or family that they must leave their housing; facing loss of housing due to hazardous conditions, including but not limited to asbestos, lead exposure, mold, and radon; having a primary nighttime residence that is a room in a

hotel or motel and lacking the resources necessary to stay; facing loss of the primary nighttime residence, which may include living in the home of another household, where the owner or renter of the housing will not allow the individual or family to stay, provided further, that an assertion from an individual or family member alleging such loss of housing or homelessness shall be sufficient to establish eligibility; or fleeing or attempting to flee domestic violence, dating violence, sexual assault, stalking, human trafficking or other dangerous or life-threatening conditions that relate to violence against the individual or a family member, provided further that an assertion from an individual or family member alleging such abuse and loss of housing shall be sufficient to establish eligibility.

3. "public housing agency" means any county, municipality, or other governmental entity or public body that is authorized to administer any public housing program (or an agency or instrumentality of such an entity), and any other public or private non-profit entity that administers any other public housing program or assistance.

4. "family" means a group of persons residing together. Such group includes, but is not limited to a family with or without children (a child who is temporarily away from the home because of placement in foster care is considered a member of the family) or the remaining member of a tenant family. The commissioner shall have the discretion to determine if any other group of persons qualifies as a family.

5. "individual" means a single person.

6. "owner" means any private person or any entity, including a cooperative, an agency of the federal government, or a public housing agency, having the legal right to lease or sublease dwelling units.

7. "dwelling unit" means a single-family dwelling, including attached structures such as porches and stoops; or a single-family dwelling unit in a structure that contains more than one separate residential dwelling unit, and in which each such unit is used or occupied, or intended to be used or occupied, in whole or in part, as the residence of one or more persons.

8. "income" means income from all sources of each member of the household, including all wages, tips, over-time, salary, welfare assistance, social security payments, child support payments, returns on investments, and recurring gifts. The term "income" shall not include: employment income from children under eighteen years of age, employment income from children eighteen years of age or older who are full-time students, foster care payments, sporadic gifts, groceries provided by persons not living in the household, supplemental nutrition assistance program (food stamp) benefits, earned income disregard (EID), or the earned income tax credit.

9. "adjusted income" means income minus any deductions allowable by the rules promulgated by the commissioner pursuant to this article. Mandatory deductions shall include:

(a) four hundred eighty dollars for each dependent;

(b) four hundred dollars for any elderly family member and/or a family member with a disability;

(c) any reasonable child care expenses necessary to enable a member of the family to be employed or to further his or her education; and

(d) The sum total of unreimbursed medical expenses for each elderly family member and/or family member with a disability plus unreimbursed attendant care and/or medical apparatus expenses for each member of the family with a disability which are necessary for any member of the fami-

ly (including the member who is a person with a disability) to be employed greater than three percent of the annual income.

10. "reasonable rent" means rent not more than the rent charged on comparable units in the private unassisted market and rent charged for comparable unassisted units in the premises.

11. "fair market rent" means the fair market rent for each rental area as promulgated annually by the United States department of housing and urban development's office of policy development and research pursuant to 42 U.S.C. 1437f.

12. "voucher" means a document issued by the housing trust fund corporation pursuant to this article to an individual or family selected for admission to the housing access voucher program, which describes such program and the procedures for approval of a unit selected by the family and states the obligations of the individual or family under the program.

13. "lease" means a written agreement between an owner and a tenant for the leasing of a dwelling unit to the tenant. The lease establishes the conditions for occupancy of the dwelling unit by an individual or family with housing assistance payments under a contract between the owner and the public housing agency.

14. "dependent" means any member of the family who is neither the head of household, nor the head of the household's spouse, and who is:

(a) under the age of eighteen;

(b) a person with a disability; or

(c) a full-time student.

15. "elderly" means a person sixty-two years of age or older.

16. "child care expenses" means expenses relating to the care of children under the age of thirteen.

17. "severely rent burdened" means those individuals and families who pay more than fifty percent of their income in rent as defined by the United States census bureau.

18. "disability" means:

(a) the inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than twelve months; or

(b) in the case of an individual who has attained the age of fifty-five and is blind, the inability by reason of such blindness to engage in substantial gainful activity requiring skills or abilities comparable to those of any gainful activity in which they have previously engaged with some regularity and over a substantial period of time; or

(c) a physical, mental, or emotional impairment which:

(i) is expected to be of long-continued and indefinite duration;

(ii) substantially impedes his or her ability to live independently; and

(iii) is of such a nature that such ability could be improved by more suitable housing conditions; or

(d) a developmental disability that is a severe, chronic disability of an individual that:

(i) is attributable to a mental or physical impairment or combination of mental and physical impairments;

(ii) is manifested before the individual attains age twenty-two;

(iii) is likely to continue indefinitely;

(iv) results in substantial functional limitations in three or more of the following areas of major life activity:

(A) self-care;
(B) receptive and expressive language;
(C) learning;
(D) mobility;
(E) self-direction;
(F) capacity for independent living; or
(G) economic self-sufficiency; and
(v) reflects the individual's need for a combination and sequence of special, interdisciplinary, or generic services, individualized supports, or other forms of assistance that are of lifelong or extended duration and are individually planned and coordinated.

§ 602. Housing access voucher program. The commissioner, subject to the appropriation of funds for this purpose, shall implement a program of rental assistance in the form of housing vouchers for eligible individuals and families who are homeless or who face an imminent loss of housing in accordance with the provisions of this article. The housing trust fund corporation shall issue vouchers pursuant to this article, subject to appropriation of funds for this purpose, and may contract with the division of housing and community renewal to administer any aspect of this program in accordance with the provisions of this article. The commissioner shall designate public housing agencies in the state to make vouchers available to such individuals and families and to administer other aspects of the program in accordance with the provisions of this article.

§ 603. Eligibility. Eligibility for the housing access voucher program shall be limited to individuals and families who are homeless or facing imminent loss of housing. The commissioner shall promulgate standards for determining eligibility for this program.

1. An individual or family shall be eligible for this program if they are homeless or facing imminent loss of housing and have an income of no more than fifty percent of the area median income.

2. An individual or family in receipt of rental assistance under this program shall be no longer financially eligible for assistance under this program when thirty percent of the individual or family's adjusted income is greater than or equal to the total rent for the dwelling unit.

3. When an individual or family becomes financially ineligible for rental assistance under this program pursuant to subdivision two of this section, the individual or family shall retain rental assistance for a period no shorter than one year.

4. Income eligibility shall be verified no less frequently than annually.

§ 604. Funding allocation and distribution. 1. Funding shall be allocated by the commissioner in each county and the city of New York in proportion to the number of households in each county or the city of New York who are severely rent burdened.

2. The commissioner shall be responsible for distributing the funds allocated in each county or the city of New York among public housing agencies operating in each county or in the city of New York.

3. At least fifty percent of funds distributed in each county or in the city of New York shall be allocated to individuals or families who are homeless.

4. At least eighty-seven and one-half percent of funds distributed in each county or in the city of New York for individuals or families who are homeless pursuant to subdivision three of this section shall be allocated to individuals and families whose income does not exceed thirty percent of the area median income.

5. Of the funds allocated to individuals and families who face an imminent loss of housing, priority shall be given to individuals and families who have formerly experienced homelessness, including those who have previously received a temporary rental voucher from the state, a locality, or a non-profit organization or who currently have a rental assistance voucher that is due to expire within six months of application.

§ 605. Payment of housing vouchers. The housing voucher shall be paid directly to any owner under a contract between the owner of the dwelling unit to be occupied by the voucher recipient and the appropriate public housing agency. A housing assistance payment contract entered into pursuant to this section shall establish the maximum monthly rent (including utilities and all maintenance and management charges) which the owner is entitled to receive for each dwelling unit with respect to which such assistance payments are to be made. The maximum monthly rent shall not exceed one hundred ten percent nor be less than ninety percent of the fair market rent for the rental area in which it is located. Fair market rent for a rental area shall be published not less than annually by the commissioner and shall be made available on the website of New York state homes and community renewal.

§ 606. Leases and tenancy. Each housing assistance payment contract entered into by a public housing agency and the owner of a dwelling unit shall provide:

1. that the lease between the tenant and the owner shall be for a term of not less than one year, except that the public housing agency may approve a shorter term for an initial lease between the tenant and the dwelling unit owner if the public housing agency determines that such shorter term would improve housing opportunities for the tenant and if such shorter term is considered to be a prevailing local market practice;

2. that the dwelling unit owner shall offer leases to tenants assisted under this article that:

(a) are in a standard form used in the locality by the dwelling unit owner; and

(b) contain terms and conditions that:

(i) are consistent with state and local law; and

(ii) apply generally to tenants in the property who are not assisted under this article;

(c) shall provide that during the term of the lease, the owner shall not terminate the tenancy except for serious or repeated violation of the terms and conditions of the lease, for violation of applicable state or local law, or for other good cause, and in the case of an owner who is an immediate successor in interest pursuant to foreclosure during the term of the lease vacating the property prior to sale shall not constitute other good cause, except that the owner may terminate the tenancy effective on the date of transfer of the unit to the owner if the owner:

(i) will occupy the unit as a primary residence; and

(ii) has provided the tenant a notice to vacate at least ninety days before the effective date of such notice;

(d) shall provide that any termination of tenancy under this section shall be preceded by the provision of written notice by the owner to the tenant specifying the grounds for that action, and any relief shall be consistent with applicable state and local law;

3. that any unit under an assistance contract originated under this article shall only be occupied by the individual or family designated in said contract and shall be the designated individual or family's primary

residence. Contracts shall not be transferable between units and shall not be transferable between recipients. A family or individual may transfer their voucher to a different unit under a new contract pursuant to this article;

4. that an owner shall not charge more than a reasonable rent as defined in section six hundred one of this article.

§ 607. Rental obligation. 1. Each recipient of housing assistance under the housing access voucher program's monthly rental obligation shall be the greater of:

(a) thirty percent of the monthly adjusted income of the family or individual; or

(b) If the family or individual is receiving payments for welfare assistance from a public agency and a part of those payments, adjusted in accordance with the actual housing costs of the family, is specifically designated by that agency to meet the housing costs of the family, the portion of those payments that is so designated. These payments include, but are not limited to any shelter assistance or housing assistance administered by any federal, state or local agency.

2. If the rent for the individual or family (including the amount allowed for tenant-paid utilities) exceeds the applicable payment standard established under subdivision one of this section, the monthly assistance payment for the family shall be equal to the amount by which the applicable payment standard exceeds the greater of amounts under paragraphs (a) and (b) of subdivision one of this section.

§ 608. Monthly assistance payment. 1. The amount of the monthly assistance payment with respect to any dwelling unit shall be the difference between the maximum monthly rent which the contract provides that the owner is to receive for the unit and the rent the individual or family is required to pay under section six hundred seven of this article. Reviews of income shall be made no less frequently than annually.

2. The commissioner shall establish maximum rent levels for different sized rentals in each rental area in a manner that promotes the use of the program in all localities based on the fair market rental of the rental area. Rental areas shall be delineated by county, excepting that the city of New York shall be considered one rental area. The commissioner may rely on data or other information promulgated by any other state or federal agency in determining the rental areas and fair market rent.

3. The payment standard for each size of dwelling unit in a rental area shall not be less than ninety percent and shall not exceed one hundred ten percent of the fair market rent established in section six hundred one of this article for the same size of dwelling unit in the same rental area, except that the commissioner shall not be required as a result of a reduction in the fair market rent to reduce the payment standard applied to a family continuing to reside in a unit for which the family was receiving assistance under this article at the time the fair market rent was reduced.

§ 609. Inspection of units by public housing agencies. 1. Initial inspection.

(a) For each dwelling unit for which a housing assistance payment contract is established under this article, the public housing agency (or other entity pursuant to section six hundred twelve of this article) shall inspect the unit before any assistance payment is made to determine whether the dwelling unit meets the housing quality standards under subdivision two of this section, except as provided in paragraph (b) or (c) of this subdivision.

(b) In the case of any dwelling unit that is determined, pursuant to an inspection under paragraph (a) of this subdivision, not to meet the housing quality standards under subdivision two of this section, assistance payments may be made for the unit notwithstanding subdivision three of this section if failure to meet such standards is a result only of non-life-threatening conditions, as such conditions are established by the commissioner. A public housing agency making assistance payments pursuant to this paragraph for a dwelling unit shall, thirty days after the beginning of the period for which such payments are made, withhold any assistance payments for the unit if any deficiency resulting in noncompliance with the housing quality standards has not been corrected by such time. The public housing agency shall recommence assistance payments when such deficiency has been corrected, and may use any payments withheld to make assistance payments relating to the period during which payments were withheld.

(c) In the case of any property that within the previous twenty-four months has met the requirements of an inspection that qualifies as an alternative inspection method pursuant to subdivision five of this section, a public housing agency may authorize occupancy before the inspection under paragraph (a) of this subdivision has been completed, and may make assistance payments retroactive to the beginning of the lease term after the unit has been determined pursuant to an inspection under paragraph (a) of this subdivision to meet the housing quality standards under subdivision two of this section. This paragraph may not be construed to exempt any dwelling unit from compliance with the requirements of subdivision four of this section.

2. The housing quality standards under this subdivision shall be standards for safe and habitable housing established:

(a) by the commissioner for purposes of this subdivision; or

(b) by local housing codes or by codes adopted by public housing agencies that:

(i) meet or exceed housing quality standards, except that the commissioner may waive the requirement under this subparagraph to significantly increase access to affordable housing and to expand housing opportunities for families assisted under this article, except where such waiver could adversely affect the health or safety of families assisted under this article; and

(ii) do not severely restrict housing choice.

3. The determination required under subdivision one of this section shall be made by the public housing agency (or other entity, as provided in section six hundred twelve of this article) pursuant to an inspection of the dwelling unit conducted before any assistance payment is made for the unit. Inspections of dwelling units under this subdivision shall be made before the expiration of the fifteen day period beginning upon a request by the resident or landlord to the public housing agency or, in the case of any public housing agency that provides assistance under this article on behalf of more than one thousand two hundred fifty families, before the expiration of a reasonable period beginning upon such request. The performance of the agency in meeting the fifteen day inspection deadline shall be taken into consideration in assessing the performance of the agency.

4. (a) Each public housing agency providing assistance under this article (or other entity, as provided in section six hundred twelve of this article) shall, for each assisted dwelling unit, make inspections not less often than annually during the term of the housing assistance payments contract for the unit to determine whether the unit is main-

tained in accordance with the requirements under subdivision one of this section.

(b) The requirements under paragraph (a) of this subdivision may be complied with by use of inspections that qualify as an alternative inspection method pursuant to subdivision five of this section.

(c) The public housing agency (or other entity) shall retain the records of the inspection for a reasonable time, as determined by the commissioner.

5. An inspection of a property shall qualify as an alternative inspection method for purposes of this subdivision if:

(a) the inspection was conducted pursuant to requirements under a federal, state, or local housing program; and

(b) pursuant to such inspection, the property was determined to meet the standards or requirements regarding housing quality or safety applicable to properties assisted under such program, and, if a non-state standard or requirement was used, the public housing agency has certified to the commissioner that such standard or requirement provides the same (or greater) protection to occupants of dwelling units meeting such standard or requirement as would the housing quality standards under subdivision two of this section.

6. Upon notification to the public housing agency, by an individual or family (on whose behalf tenant-based rental assistance is provided under this article) or by a government official, that the dwelling unit for which such assistance is provided does not comply with the housing quality standards under subdivision two of this section, the public housing agency shall inspect the dwelling unit:

(a) in the case of any condition that is life-threatening, within twenty-four hours after the agency's receipt of such notification, unless waived by the commissioner in extraordinary circumstances; and

(b) in the case of any condition that is not life-threatening, within a reasonable time frame, as determined by the commissioner.

7. The commissioner shall establish procedural guidelines and performance standards to facilitate inspections of dwelling units and conform such inspections with practices utilized in the private housing market. Such guidelines and standards shall take into consideration variations in local laws and practices of public housing agencies and shall provide flexibility to agencies appropriate to facilitate efficient provision of assistance under this section.

§ 610. Rent. 1. The rent for dwelling units for which a housing assistance payment contract is established under this article shall be reasonable in comparison with rents charged for comparable dwelling units in the private, unassisted local market.

2. A public housing agency (or other entity, as provided in section six hundred twelve of this article) shall, at the request of an individual or family receiving tenant-based assistance under this article, assist that individual or family in negotiating a reasonable rent with a dwelling unit owner. A public housing agency (or other such entity) shall review the rent for a unit under consideration by the individual or family (and all rent increases for units under lease by the individual or family) to determine whether the rent (or rent increase) requested by the owner is reasonable. If a public housing agency (or other such entity) determines that the rent (or rent increase) for a dwelling unit is not reasonable, the public housing agency (or other such entity) shall not make housing assistance payments to the owner under this subdivision with respect to that unit.

3. If a dwelling unit for which a housing assistance payment contract is established under this article is exempt from local rent control provisions during the term of that contract, the rent for that unit shall be reasonable in comparison with other units in the rental area that are exempt from local rent control provisions.

4. Each public housing agency shall make timely payment of any amounts due to a dwelling unit owner under this section. The housing assistance payment contract between the owner and the public housing agency may provide for penalties for the late payment of amounts due under the contract, which shall be imposed on the public housing agency in accordance with generally accepted practices in the local housing market.

5. Unless otherwise authorized by the commissioner, each public housing agency shall pay any penalties from administrative fees collected by the public housing agency, except that no penalty shall be imposed if the late payment is due to factors that the commissioner determines are beyond the control of the public housing agency.

§ 611. Vacated units. If an assisted family vacates a dwelling unit for which rental assistance is provided under a housing assistance payment contract before the expiration of the term of the lease for the unit, rental assistance pursuant to such contract may not be provided for the unit after the month during which the unit was vacated.

§ 612. Leasing of units owned by a public housing agency. 1. If an eligible individual or family assisted under this article leases a dwelling unit (other than a public housing dwelling unit) that is owned by a public housing agency administering assistance to that individual or family under this section, the commissioner shall require the unit of general local government or another entity approved by the commissioner, to make inspections required under section six hundred nine of this article and rent determinations required under section six hundred ten of this article. The agency shall be responsible for any expenses of such inspections and determinations.

2. For purposes of this section, the term "owned by a public housing agency" means, with respect to a dwelling unit, that the dwelling unit is in a project that is owned by such agency, by an entity wholly controlled by such agency, or by a limited liability company or limited partnership in which such agency (or an entity wholly controlled by such agency) holds a controlling interest in the managing member or general partner. A dwelling unit shall not be deemed to be owned by a public housing agency for purposes of this section because the agency holds a fee interest as ground lessor in the property on which the unit is situated, holds a security interest under a mortgage or deed of trust on the unit, or holds a non-controlling interest in an entity which owns the unit or in the managing member or general partner of an entity which owns the unit.

§ 613. Verification of income. The commissioner shall establish procedures which are appropriate and necessary to assure that income data provided to the public housing agency and owners by individuals and families applying for or receiving assistance under this article is complete and accurate. In establishing such procedures, the commissioner shall randomly, regularly, and periodically select a sample of families to authorize the commissioner to obtain information on these families for the purpose of income verification, or to allow those families to provide such information themselves. Such information may include, but is not limited to, data concerning unemployment compensation and federal income taxation and data relating to benefits made available under the social security act, 42 U.S.C. 301 et seq., the food and nutrition act

of 2008, 7 U.S.C. 2011 et seq., or title 38 of the United State Code. Any such information received pursuant to this section shall remain confidential and shall be used only for the purpose of verifying incomes in order to determine eligibility of individuals and families for benefits (and the amount of such benefits, if any) under this article.

§ 614. Division of an assisted family. 1. In those instances where a family assisted under this article becomes divided into two otherwise eligible individuals or families due to divorce, legal separation or the division of the family, where the new units cannot agree as to which new unit should continue to receive the assistance, and where there is no determination by a court, the public housing authority shall consider the following factors to determine which of the individuals or families will continue to be assisted:

(a) which of the new units has custody of dependent children;

(b) which family member was the head of household when the voucher was initially issued (listed on the initial application);

(c) the composition of the new units and which unit includes elderly or disabled members;

(d) whether domestic violence was involved in the breakup of the family unit;

(e) which family members remain in the unit; and

(f) recommendations of social service professionals.

2. Documentation of these factors will be the responsibility of the requesting parties. If documentation is not provided, the public housing agency will terminate assistance on the basis of failure to provide information necessary for a recertification.

§ 615. Maintenance of effort. Any funds made available pursuant to this article shall not be used to offset or reduce the amount of funds previously expended for the same or similar programs in a prior year in any county or in the city of New York, but shall be used to supplement any prior year's expenditures. The commissioner may grant an exception to this requirement if any county, municipality, or other governmental entity or public body can affirmatively show that such amount of funds previously expended is in excess of the amount necessary to provide assistance to all individuals and families within the area in which the funds were previously expended who are homeless or facing an imminent loss of housing.

§ 616. Vouchers statewide. Notwithstanding section six hundred six of this article, any voucher issued pursuant to this article may be used for housing anywhere in the state. The commissioner shall inform voucher holders that a voucher may be used anywhere in the state and, to the extent practicable, the commissioner shall assist voucher holders in finding housing in the area of their choice.

§ 617. Applicable codes. Housing eligible for participation in the homeless access voucher program shall comply with applicable state and local health, housing, building and safety codes.

§ 618. Housing choice. 1. The commissioner shall administer the homeless access voucher program under this article to promote housing choice for voucher holders. The commissioner shall affirmatively promote fair housing to the extent possible under this program.

2. Nothing in this article shall lessen or abridge any fair housing obligations promulgated by municipalities, localities, or any other applicable jurisdiction.

§ 2. This act shall take effect on the first of October next succeeding the date on which it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation neces-

sary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.

PART FF

Section 1. Section 22-c of the state finance law is amended by adding a new subdivision 7 to read as follows:

7. For the fiscal year beginning on April first, two thousand twenty-two and every fifth fiscal year thereafter, the governor shall submit to the legislature as part of the annual executive budget, five-year capital plans for the state university of New York state-operated campuses and city university of New York senior colleges. Such plans shall provide for the annual appropriation of capital funds to cover one hundred percent of the annual critical maintenance needs identified by each university system, and may include funds for new infrastructure or other major capital initiatives, provided that such funding for new infrastructure or other major capital initiatives shall not count towards meeting the overall critical maintenance requirement. In the event that such plan is unable to fund one hundred percent of the critical maintenance needs due to the limitation imposed by article five-B of this chapter, the director of the budget shall develop five-year capital plans whereby the implementation of each capital plan would annually reduce the overall facility condition index (FCI) for each university system. For the purposes of this subdivision, "facility condition index" shall mean an industry benchmark that measures the ratio of deferred maintenance dollars to replacement dollars for the purposes of analyzing the effect of investing in facility improvements. The apportionment of capital appropriations to each state-operated campus or senior college shall be based on a methodology to be developed by the director of the budget, in consultation with the state university of New York and city university of New York.

§ 2. This act shall take effect immediately.

PART GG

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

(vi) **Beginning 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 and fringe benefits, for the state university and the state university health science centers in an amount not less than the amounts separately appropriated and made available in the prior state fiscal year; provided, further, the state shall appropriate and make available general fund operating support to cover all mandatory costs of the state university and the state university health science centers, which shall include, but not be limited to, collective bargaining costs including salary increments, fringe benefits, and other non-personal service costs such as utility costs, building rentals and other inflationary expenses incurred by the state university and the state university health science centers, and any increase in the tuition credit pursuant to section six hundred eighty-nine-a of this title as tuition increases are enacted by the board of trustees of the state university; provided, however, that if the governor declares a fiscal emergency, and communicates such emergency to the temporary president of the senate and the speaker of the assembly, state**

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

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

§ 2. Paragraph (a) of subdivision 7 of section 6206 of the education law is amended by adding a new subparagraph (vi) to read as follows:

(vi) Beginning 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 and fringe benefits, for the city university in an amount not less than the amounts separately appropriated and made available in the prior state fiscal year; provided, further, the state shall appropriate and make available general fund operating support to cover all mandatory costs of the city university, which shall include, but not be limited to, collective bargaining costs including salary increments, fringe benefits, and other non-personal service costs such as utility costs, building rentals and other inflationary expenses incurred by the city university, and any increase in the tuition credit pursuant to section six hundred eighty-nine-a of this chapter as tuition increases are enacted by the board of trustees of the state university; provided, however, that if the governor declares a fiscal emergency, and communicates such emergency to the temporary president of the senate and the speaker of the assembly, state support for operating expenses at the state university and city university may be reduced in a manner proportionate to one another, and the aforementioned provisions shall not apply; provided further, the state shall appropriate and make available general fund support to fully fund the tuition credit pursuant to subdivision two of section six hundred sixty-nine-h of this chapter.

§ 3. This act shall take effect immediately provided that:

(a) the amendments to subparagraph 4 of paragraph h of subdivision 2 of section 355 of the education law made by section one of this act shall not affect the expiration and reversion of such subparagraph pursuant to chapter 260 of the laws of 2011, as amended, and shall expire therewith; and

(b) the amendments to paragraph (a) of subdivision 7 of section 6206 of the education law made by section two of this act shall not affect the expiration and reversion of such paragraph pursuant to chapter 260 of the laws of 2011, as amended, and shall expire therewith.

PART HH

Section 1. Paragraph h of subdivision 2 of section 355 of the education law is amended by adding a new subparagraph 11 to read as follows:

(11) Beginning in the two thousand twenty-one--two thousand twenty-two academic year all current and future mandatory university fees, with the exclusion of the graduate student association student activity fee, shall be charged to a state university of New York graduate student serving a full-time or half-time appointment as a graduate teaching assistant, graduate assistant, graduate research assistant, graduate research associate, or graduate teaching associate at the following rates:

(i) in the two thousand twenty-one--two thousand twenty-two academic year seventy-five percent of all mandatory university fees, with the exclusion of the graduate student association student activity fee;

(ii) in the two thousand twenty-two--two thousand twenty-three academic year fifty percent of all mandatory university fees, with the exclusion of the graduate student association student activity fee;

(iii) in the two thousand twenty-three--two thousand twenty-four academic year twenty-five percent of all mandatory university fees, with the exclusion of the graduate student association student activity fee; and

(iv) beginning in the two thousand twenty-four--two thousand twenty-five academic year and thereafter, no mandatory university fees shall be charged, with the exclusion of the graduate student association student activity fee.

§ 2. Section 6206 of the education law is amended by adding a new subdivision 21 to read as follows:

21. Beginning in the two thousand twenty-one--two thousand twenty-two academic year all current and future mandatory university fees, with the exclusion of the graduate student association student activity fee, shall be charged to a city university of New York graduate student serving as a graduate assistant, adjunct instructor, adjunct lecturer, adjunct college laboratory technician or a non-teaching adjunct staff member at the following rates:

a. in the two thousand twenty-one--two thousand twenty-two academic year seventy-five percent of all mandatory university fees, with the exclusion of the graduate student association student activity fee;

b. in the two thousand twenty-two--two thousand twenty-three academic year fifty percent of all mandatory university fees, with the exclusion of the graduate student association student activity fee;

c. in the two thousand twenty-three--two thousand twenty-four academic year twenty-five percent of all mandatory university fees, with the exclusion of the graduate student association student activity fee; and

d. beginning in the two thousand twenty-four--two thousand twenty-five academic year and thereafter, no mandatory university fees shall be charged, with the exclusion of the graduate student association student activity fee.

§ 3. This act shall take effect immediately.

PART II

Section 1. The education law is amended by adding a new section 6452-a to read as follows:

§ 6452-a. Diversity in medicine educational opportunity program; state university of New York and the city university of New York. 1. To provide additional educational opportunity at the state university of New York and the city university of New York, such institutions shall

provide special programs for the screening, testing, counseling, and tutoring of, and assistance to, residents of the state who are, (i) enrolled at an institution of the state university of New York or the city university of New York, (ii) who have the potential for the successful completion of a doctorate level degree program in the field of medicine, and (iii) are eligible for an opportunity program established by section six thousand four hundred fifty-two of this article.

2. Such schools shall each formulate a general plan for the organization, development, co-ordination and operation of such a program within the amounts made available therefor by law. Such a plan shall include:

a. a definition of eligibility, provided, however, except for requiring residence in the state or in the city of New York in the case of those programs provided by the city university of New York, no such definition shall include either by its terms or in its application, any criteria or standard which determines eligibility based in whole or in part upon the geographical locality in which a student or prospective student resides;

b. procedures for the selection of students from among the eligible;

c. description of the contents of such proposed program including counseling, tutoring and skill development;

d. estimated costs;

e. objectives including co-ordination with the institution's long range plan;

f. the extent of other funds and resources to be utilized in support of the program;

g. procedures for the evaluation of student progress; and

h. periodic reports.

3. The general plan shall be transmitted to the board of regents at such time as the regents shall by rule require. Such plan shall be reviewed by the regents and shall guide and determine the operation of such programs at such universities.

4. a. Moneys made available to such pursuant to this section shall be spent only for the following purposes:

(i) special testing, counseling and guidance services in the course of screening potential students;

(ii) supplemental tutoring for courses considered necessary for entrance into a school of medicine, developmental workshops and compensatory courses and summer classes for such students;

(iii) special tutoring, counseling and guidance services for students upon enrollment in a school of medicine;

(iv) preparation courses and materials for the Medical College Admission Test (MCAT) or subsequent testing created that may be required for medical school admission;

(v) internships and research experiences;

(vi) summer enrichment, bridge programs, and experiences;

(vii) central services including evaluation and administrative costs; and

(viii) any necessary supplemental financial assistance, which may include the cost of books and necessary maintenance for such students, including students without lawful immigration status provided that the student meets the requirements set forth in subparagraph (ii) of paragraph a or subparagraph (ii) of paragraph b of subdivision five of section six hundred sixty-one of this chapter, as applicable; provided, however, that such supplemental financial assistance shall be furnished pursuant to criteria promulgated by such institutions and approved by the regents and the director of the budget.

b. No funds pursuant to this section shall be made available to support the regular academic programs of any institution participating in this program, nor shall funds be provided for programs which are incompatible with the regents' plan for the expansion and development of higher education in the state.

5. a. The trustees of the state university and board of higher education in the city of New York shall each furnish to the regents, the director of the budget, the chairman of the senate finance committee and the chairman of the assembly ways and means committee, at least annually, a report in such form, at such time and containing such information as the regents and the director of the budget may require, of the operations of such programs. The report shall include:

(i) a statement of the objectives of the program at the institution;

(ii) a description of the program;

(iii) the budgetary expenditures for such program, separately stating academic credit instructional costs, other instructional costs, tutoring costs, remediation, counseling, supplemental financial assistance and central services, including evaluation and administrative costs;

(iv) the extent of other funds and resources used in support of such program and their sources;

(v) the progress of students;

(vi) the extent and nature of the responsibility exercised over such program by such trustees and such board;

(vii) the extent and nature of supervision and control exercised over such program by the administrative officials of the constituent institutions in such universities; and

(viii) a certification by such trustees and such board that the academic committees of the constituent institutions of such universities and their faculty committees have reviewed and approved the academic content of the courses offered for academic credit in such program and the amount of academic credit granted therefor and that the registration requirements of the regents and the commissioner have been met where applicable.

b. The regents shall review such report and forward the same, together with their comments and recommendations to the governor and the legislature, on or before December first next following the close of the state's fiscal year.

§ 2. This act shall take effect immediately.

PART JJ

Section 1. The education law is amended by adding a new section 6457 to read as follows:

§ 6457. Enhancing supports and services for students with disabilities for postsecondary success. 1. For the purposes of this section, "students with disabilities" shall mean individuals with a disability who have a physical or mental impairment that substantially limits one or more major life activity or activities, a record of such impairment, or being regarded as having such impairment and who are enrolled in a degree-granting institution in New York.

2. Subject to an appropriation, the commissioner shall allocate funds available for enhancing supports and services for students with disabilities in New York State degree granting colleges and universities so they can succeed in their education. Such funds shall be awarded through grants to institutions of the state university and institutions of the city university of New York, and the commissioner shall enter into

contracts with degree-granting institutions in New York that are currently funded under the tuition assistance program under article fourteen of this chapter for the purpose of providing additional services and supports to expand opportunities for students with disabilities.

3. (a) Funds appropriated in the two thousand twenty-one--two thousand twenty-two academic year and thereafter for the purpose of this initiative shall be allocated proportionally for each student with a disability enrolled in an institution of higher education that successfully applies for funding pursuant to subdivision six of this section based upon the total number of students with disabilities that are enrolled in all institutions of higher education that successfully apply for funding pursuant to subdivision six of this section. The number of students with disabilities used for this calculation shall be based on data submitted annually by the institution to the commissioner through a process required for this purpose by the commissioner.

(b) Funds shall be awarded to each institution of higher education that successfully applies for funding pursuant to subdivision six of this section directly and not through entities who do not directly enroll students.

4. Funds shall be awarded through a formula in equal amounts per identified student with a disability to each institution of higher education that successfully applies for funding pursuant to subdivision six of this section. The number of students with disabilities at each institution shall be determined based upon the data submitted annually by the institution to the commissioner through a process required for this purpose by the commissioner.

5. Moneys made available to institutions under this section shall be spent for the following purposes:

(a) to supplement funding for supports and accommodations of students with disabilities to expand supports and services provided at the state university, the city university of New York, and other degree-granting higher education institutions;

(b) to support college preparation programs to assist students with disabilities in transitioning to college, and prepare them to navigate campus facilities and systems;

(c) to provide full and part-time faculty and staff at the state university, the city university of New York, and other degree-granting higher education institutions with disability training; and

(d) to improve the identification process of students with disabilities and enhance data collection capabilities at the state university, the city university of New York, and other degree-granting higher education institutions.

6. Eligible institutions shall file an application for approval by the commissioner no later than the first of May each year demonstrating a need for such funding, including how the funding would be used and how many students with disabilities would be assisted with such funding. The commissioner shall review all applications for compliance with all eligibility criteria and other requirements set forth in regulations of the commissioner. Successful applicants will be funded as provided in subdivision four of this section.

7. No funds pursuant to this section shall be made available to support the regular academic programs of any institution participating in this program.

§ 2. This act shall take effect immediately.

PART KK

Section 1. Section 6808 of the education law is amended by adding a new subdivision 9 to read as follows:

9. Supervision. Wholesalers who do not repack may designate as the supervisor a person who presents evidence of the completion of a minimum of two years of education beyond high school and who has at least two years of experience in the manufacturing, repacking and/or wholesaling of drugs satisfactory to the state board of pharmacy. Establishments which limit their operation to manufacturing and repacking of compressed medical gases and/or wholesaling of related respiratory therapy agents shall have each person responsible for supervising the manufacturing, processing, packing, or holding of a drug product have the education, training, and experience, or any combination thereof to perform assigned functions in such a manner as to provide assurance that the drug product has the safety, identity, strength, and purity that it purports to possess.

§ 2. This act shall take effect immediately.

PART LL

Section 1. Clause (A) of subparagraph (i) of paragraph a of subdivision 3 of section 667 of the education law, as amended by section 1 of part B of chapter 60 of the laws of 2000, item 1 as amended by section 1 and item 2 as amended by section 2 of part H of chapter 58 of the laws of 2011, the opening paragraph of item 1 as amended by section 2 of part X of chapter 56 of the laws of 2014, subitem (a) of item 1 as amended by section 2, subitem (b) of item 1 as amended by section 3 and subitem (c) of item 1 as amended by section 1 of part U of chapter 56 of the laws of 2014 and subitem (d) of item 1 as added by section 1 of part E of chapter 58 of the laws of 2011, is amended to read as follows:

(A) (1) In the case of students who have not been granted an exclusion of parental income, who have qualified as an orphan, foster child, or ward of the court for the purposes of federal student financial aid programs authorized by Title IV of the Higher Education Act of 1965, as amended, or had a dependent for income tax purposes during the tax year next preceding the academic year for which application is made, except for those students who have been granted exclusion of parental income who have a spouse but no other dependent:

(a) For students first receiving aid after nineteen hundred ninety-three--nineteen hundred ninety-four and before two thousand--two thousand one, [~~four thousand two hundred ninety dollars~~] **the same amount as in subitem (c) of this item**; or

(b) For students first receiving aid in nineteen hundred ninety-three--nineteen hundred ninety-four or earlier, [~~three thousand seven hundred forty dollars~~] **the same amount as in subitem (c) of this item**; or

(c) For students first receiving aid in two thousand--two thousand one and thereafter, [~~five~~] **six** thousand [~~dollars, except starting in two thousand fourteen-two thousand fifteen and thereafter such students shall receive five thousand~~] one hundred sixty-five dollars; or

(d) For undergraduate students enrolled in a program of study at a non-public degree-granting institution that does not offer a program of study that leads to a baccalaureate degree, or at a registered not-for-profit business school qualified for tax exemption under section 501(c)(3) of the internal revenue code for federal income tax purposes that does not offer a program of study that leads to a baccalaureate

degree, [~~four~~] **five** thousand dollars. Provided, however, that this subitem shall not apply to students enrolled in a program of study leading to a certificate or degree in nursing.

(2) In the case of students receiving awards pursuant to subparagraph (iii) of this paragraph and those students who have been granted exclusion of parental income who have a spouse but no other dependent.

(a) For students first receiving aid in nineteen hundred ninety-four--nineteen hundred ninety-five and nineteen hundred ninety-five--nineteen hundred ninety-six and thereafter, [~~three~~] **four** thousand twenty-five dollars, or

(b) For students first receiving aid in nineteen hundred ninety-two--nineteen hundred ninety-three and nineteen hundred ninety-three--nineteen hundred ninety-four, [~~two thousand five hundred seventy-five dollars~~] **the same amount as in subitem (a) of this item**, or

(c) For students first receiving aid in nineteen hundred ninety-one--nineteen hundred ninety-two or earlier, [~~two thousand four hundred fifty dollars~~] **the same amount as in subitem (a) of this item**; or

§ 2. Section 689-a of the education law, as added by chapter 260 of the laws of 2011, is amended to read as follows:

§ 689-a. Tuition credits. 1. The New York state higher education services corporation shall calculate a tuition credit for each resident undergraduate student who has filed an application with such corporation for a tuition assistance program award pursuant to section six hundred sixty-seven of this article, and is determined to be eligible to receive such award, and is also enrolled in a program of undergraduate study at a state operated or senior college of the state university of New York or the city university of New York where the annual resident undergraduate tuition rate will exceed [~~five~~] **six** thousand **one hundred sixty-five** dollars. Such tuition credit shall be calculated for each semester, quarter or term of study that tuition is charged and tuition for the corresponding semester, quarter or term shall not be due for any student eligible to receive such tuition credit until such credit is calculated, the student and school where the student is enrolled is notified of the tuition credit amount, and such tuition credit is applied toward the tuition charged.

2. Each tuition credit pursuant to this section shall be an amount equal to the product of the total annual resident undergraduate tuition rate minus [~~five~~] **six** thousand **one hundred sixty-five** dollars then multiplied by an amount equal to the product of the total annual award for the student pursuant to section six hundred sixty-seven of this article divided by an amount equal to the maximum amount the student qualifies to receive pursuant to clause (A) of subparagraph (i) of paragraph a of subdivision three of section six hundred sixty-seven of this article.

§ 3. Clause (vi) of subparagraph 4 of paragraph h of subdivision 2 of section 355 of the education law, as amended by section 1 of part JJJ of chapter 59 of the laws of 2017, is amended to read as follows:

(vi) **Beginning in state fiscal year two thousand twenty-one--two thousand twenty-two and thereafter, the state shall appropriate and make available general fund operating support and fringe benefits, for the state university in an amount not less than the amounts separately appropriated and made available in the prior state fiscal year; provided, further, the state shall appropriate and make available general fund operating support to cover all mandatory costs of the state university, which shall include, but not be limited to, collective bargaining costs including salary increments, fringe benefits, and other**

non-personal service costs such as utility costs, building rentals and other inflationary expenses incurred by the state university, provided, however, that if the governor declares a fiscal emergency, and communicates such emergency to the temporary president of the senate and the speaker of the assembly, state support for operating expenses at the state university and city university may be reduced in a manner proportionate to one another, and the aforementioned provisions shall not apply; provided further, the state shall appropriate and make available general fund support to fully fund the tuition credit pursuant to subdivision two of section six hundred sixty-nine-h of this title.

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

§ 4. Paragraph (a) of subdivision 7 of section 6206 of the education law is amended by adding a new subparagraph (vi) to read as follows:

(vi) Beginning in state fiscal year two thousand twenty-one--two thousand twenty-two and thereafter, the state shall appropriate and make available general fund operating support and fringe benefits, for the city university in an amount not less than the amounts separately appropriated and made available in the prior state fiscal year; provided, further, the state shall appropriate and make available general fund operating support to cover all mandatory costs of the city university, which shall include, but not be limited to, collective bargaining costs including salary increments, fringe benefits, and other non-personal service costs such as utility costs, building rentals and other inflationary expenses incurred by the city university, provided, however, that if the governor declares a fiscal emergency, and communicates such emergency to the temporary president of the senate and the speaker of the assembly, state support for operating expenses at the state university and city university may be reduced in a manner proportionate to one another, and the aforementioned provisions shall not apply; provided further, the state shall appropriate and make available general fund support to fully fund the tuition credit pursuant to subdivision two of section six hundred sixty-nine-h of this chapter.

§ 5. This act shall take effect immediately provided that:

(a) the amendments to section 689-a of the education law made by section two of this act shall not affect the repeal of such section and shall be deemed repealed therewith;

(b) the amendments to subparagraph 4 of paragraph h of subdivision 2 of section 355 of the education law made by section three of this act shall not affect the expiration of such subparagraph pursuant to chapter 260 of the laws of 2011, as amended, and shall expire therewith;

(c) the amendments to paragraph (a) of subdivision 7 of section 6206 of the education law made by section four of this act shall not affect the expiration of such paragraph pursuant to chapter 260 of the laws of 2011, as amended, and shall expire therewith; and

(d) section one of this act shall take effect June 1, 2021.

PART MM

Section 1. Section 201 of the workers' compensation law is amended by adding a new subdivision 24 to read as follows:

24. "Excluded worker" means an individual whose principal place of residence is in New York state, and, who:

(a) does not meet the eligibility requirements:

(i) for unemployment insurance benefits under article eighteen of the labor law, including benefits payable to federal civilian employees and to ex-servicemen and servicewomen pursuant to chapter 85 of the United States Code, and benefits authorized to be used for the self-employment assistance program pursuant to the Federal-State Extended Unemployment Compensation Act of 1970, provided that such individual is also not eligible to receive unemployment insurance benefits under comparable laws in any other state and further provided that such ineligibility for unemployment insurance benefits is not pursuant to disqualification for benefits under section five hundred ninety-three of the labor law;

(ii) for insurance or assistance payments under any programs provided for by Title II of the federal CARES Act; or

(iii) payments under the Presidential Memorandum Authorizing the Other Needs Assistance Program for Major Disaster Declarations Related to Coronavirus Disease 2019, issued on August eighth, two thousand twenty;

(b) has not actually received payments from any of the sources listed in paragraph (a) of this subdivision, unless such received payments were made in error by the administering agency and such payments were or are to be recovered by the administering agency; and

(c) either:

(i) suffered a loss of work-related earnings or household income due to:

(A) becoming or continuing status as unemployed, partially unemployed, unable to work, or unavailable to work during the state of emergency declared by executive order two hundred two of two thousand twenty, provided that for the purposes of this section, "partially unemployed" shall mean worked three days a week or fewer prior to January eighteenth, two thousand twenty-one, or thirty hours a week or fewer on or after January eighteenth, two thousand twenty-one; or

(B) the individual has become the breadwinner or major source of income for a household because the head of the household has died or become disabled during the state of emergency declared by executive order two hundred two of two thousand twenty, provided that no other individual in the same household is receiving benefits under this article for the same reason; or

(ii) the individual was unable to obtain employment during the state of emergency declared by executive order two hundred two of two thousand twenty despite being ready, willing, and able to work, and is ineligible for the benefits listed in paragraph (a) of this subdivision due to inability to form an attachment to the labor market due to being released from post arraignment incarceration or detention or immigration detention on or after October first, two thousand nineteen.

§ 2. The workers' compensation law is amended by adding a new section 207-a to read as follows:

§ 207-a. Workers excluded from unemployment insurance benefits. 1. Eligibility. Excluded workers as defined in this article shall be eligible for benefits under this section upon the first full date of meeting such definition and during the continuance of meeting such definition during the benefit period, subject to the limitations as to maximum and

minimum amounts and duration and other conditions and limitations in this section. The "benefit period" shall be retroactive from on or after March twenty-seventh, two thousand twenty but no later than September sixth, two thousand twenty-one.

2. Benefit computation. The weekly benefit of the excluded worker shall be computed as follows:

(a) The weekly benefit which the excluded worker is entitled to receive between March twenty-seventh, two thousand twenty and July thirty-first, two thousand twenty shall be six hundred dollars, before the remittance of applicable income taxes.

(b) The weekly benefit which the excluded worker is entitled to receive between August first, two thousand twenty and September sixth, two thousand twenty-one shall be three hundred dollars, before the remittance of applicable income taxes.

3. Payment of benefits. (a) Benefits shall not be available to any excluded worker if such excluded worker's gross work-related earnings received in the previous calendar month exceeded two thousand one hundred eighty-two dollars.

(b) Any beneficiary receiving benefits for any retroactive period of eligibility pursuant to the provisions of this section shall receive payment in the following manner: (i) as soon as possible upon certification of eligibility, receipt of payment worth no more than fifty percent of total benefits or five thousand dollars, whichever is less; (ii) on a weekly basis following lump payment of payments pursuant to subparagraph (i) of this paragraph, twenty percent of the total benefits. The chair shall ensure that all total benefits are paid pursuant to the provisions of this subdivision provided that such beneficiary continues to certify his or her ongoing residential eligibility on a weekly basis during the pendency of payment of such benefits.

(c) The chair may also by regulation establish reasonable procedures for determining pro rata benefits payable with respect to periods of eligibility of less than one week.

(d) The chair, in consultation with the department of taxation and finance, shall ensure that all applicable federal, state, and local income taxes are remitted prior to the distributions of benefits to the excluded worker.

4. Application for benefits. Notwithstanding anything in this chapter to the contrary, each individual eligible for benefits pursuant to subdivision one of this section shall make application to the chair in such form and at such time as the chairperson may prescribe, which application shall establish proof of identity and proof of residency within New York state as follows:

(a) In order to establish identity, an applicant shall be required to produce one or more of the following documents:

(i) a United States or foreign passport;

(ii) a United States state driver's license;

(iii) a United States state identification card;

(iv) a United States permanent resident card;

(v) a New York identification card;

(vi) an IDNYC or other New York municipal or county identification card;

(vii) a student identification card;

(viii) an employee identification card;

(ix) a consular identification card;

(x) a photo identification card with name, address, date of birth, and expiration date issued by another country to its citizens or nationals as an alternative to a passport for re-entry to the issuing country;

(xi) a certified copy of United States or foreign birth certificate;

(xii) a social security card;

(xiii) a national identification card with photo, name, address, date of birth, and expiration date;

(xiv) a foreign driver's license;

(xv) a United States or foreign military identification card;

(xvi) a current visa issued by a government agency;

(xvii) a United States individual taxpayer identification number authorization letter;

(xviii) an electronic benefit transfer card; or

(xix) any other documentation that the chair deems acceptable.

(b) In order to establish residency, an applicant shall be required to produce one more of the following items each of which must show the applicant's name and residential address located within the state of New York and must be dated no more than sixty days prior to the date such document is presented, except as otherwise indicated in this paragraph:

(i) a utility bill;

(ii) a current residential property lease;

(iii) a local property tax statement dated within one year of the date it is submitted;

(iv) a local real property mortgage payment receipt;

(v) a bank account statement;

(vi) proof that the applicant has a minor child currently enrolled in a school located within the state;

(vii) an employment pay stub;

(viii) a jury summons or court order issued by a federal or state court;

(ix) a federal or state income tax or refund statement dated within one year of the date it is submitted;

(x) a homeowner, renter, health, life or automobile insurance bill;

(xi) written verification issued by a homeless shelter that receives state or municipal funding confirming at least fifteen days residency;

(xii) written verification issued by a hospital, health clinic, or social services agency located within the state of New York confirming at least fifteen days residency; or

(xiii) any other documentation that the chair deems acceptable.

(c) Application forms prescribed by the chair shall not state (i) the documents an applicant used to prove identity; (ii) an applicant's ineligibility for a social security number, where applicable; or (iii) an applicant's citizenship or immigration status.

(d) Proof of eligibility may be established by documentation or, in the absence of documentation, by self-attestation in a form and manner the chairperson shall prescribe, provided that such self-attestation shall be a written sworn statement made under penalty of perjury.

(e) Applicants shall not be required to prove that they are lawfully present in the United States.

(f) Applicants shall be required to provide identification for the purposes of tax remittance including a United States individual taxpayer identification number (ITIN) or any other form of verification authorized by the department of taxation and finance. Applicants shall further be required to self-certify in a form and manner the chair shall prescribe:

(i) that the applicant meets the definition of excluded worker under this article;

(ii) the period of time within the benefit period that they were an excluded worker as defined by this article; and

(iii) that the applicant was otherwise able to work and available for work during the benefit period except that the individual was unemployed, partially unemployed, unable to work, or unavailable to work during such period of time within the benefit period.

5. Records of unemployment payments. Pursuant to this section, the commissioner of labor shall ensure that the department of labor provide all necessary access to the records of unemployment payments and benefits provided to any individual applying for benefits under this section for purposes of determining whether such individual is otherwise ineligible due to receipt of unemployment benefits. All information shall be provided to the chair in a manner otherwise consistent with article eighteen of the labor law.

6. Review of denied application. Any individual claiming benefits under this section whose claim is rejected in whole or in part by the chair shall be entitled to request a review of such claim. The review shall be conducted by a single arbitrator process, pursuant to rules promulgated by the chair, and a decision on review of the rejected claim shall be decided pursuant to such single arbitrator process. Decisions rendered under the single arbitrator process shall be conclusive upon the parties.

7. Penalties for fraudulent practices. Any applicant or claimant who, knowingly and with intent to defraud presents, causes to be presented, or prepares with knowledge or belief that it will be presented to or by the chair, or any agent thereof, any written statement as part of, or in support of, an application for the issuance of or claim for payment for excluded worker benefits, which the applicant or claimant knows to: (i) contain a false statement or representation concerning any fact material thereto; or (ii) omits any fact material thereto, shall be guilty of a class E felony. Upon conviction, the court in addition to any other authorized sentence, may order forfeiture of all rights to compensation or payments of any benefit, and may also require restitution of any amount received as a result of a violation of this subdivision. Consistent with the provisions of the criminal procedure law, in any prosecution alleging a violation of this subdivision in which the act or acts alleged may also constitute a violation of the penal or other law, the prosecuting official may charge a person pursuant to the provisions of this section and in the same accusatory instrument with a violation of such other law. Any penalty moneys shall be deposited to the credit of the general fund of the state. The attorney general may prosecute every person charged with the commission of a criminal offense in violation of this section pursuant to section one hundred thirty-two of this chapter.

§ 3. The workers' compensation law is amended by adding a new section 214-a to read as follows:

§ 214-a. Special fund for excluded workers. There is hereby created a fund which shall be known as the special fund for excluded workers, to provide for the payment of benefits under section two hundred seven-a of this article.

1. An amount up to but not to exceed two billion and one hundred million dollars shall be made available by appropriation and shall be deposited into the special fund for excluded workers.

2. All funds provided under the provisions of this section shall be credited to the fund herein established and deposited by the chair for the benefit of the fund. The superintendent of financial services may examine into the condition of the fund at any time on his own initiative or upon the request of the chair.

3. Moneys of the fund shall not be used in whole or in part for any purpose or in any manner which (a) would permit its substitution for, or a corresponding reduction in, federal funds that would be available in its absence to finance expenditures for the administration of this article; or (b) would cause the appropriate agency of the United States government to withhold any part of an administrative grant which would otherwise be made.

§ 4. Subdivisions 1, 2 and 3 of section 151 of the workers' compensation law, subdivisions 1 and 2 as added by section 22 of part GG of chapter 57 of the laws of 2013, subdivision 3 as amended by section 1 of subpart J of part NNN of chapter 59 of the laws of 2017, are amended to read as follows:

1. The annual expenses necessary for the board to administer the provisions of this chapter, the volunteer ambulance workers' benefit law, the volunteer firefighters' benefit law, the disability benefits law, and the workmen's compensation act for civil defense volunteers shall be borne by affected employers securing compensation for their employees pursuant to section fifty of this chapter. The board shall collect such annual expenses from affected employers through assessments as provided by the provisions of this section, including for purposes of this subdivision: (a) the aggregate assessment amount described in subparagraph four of paragraph (h) of subdivision eight of section fifteen of this chapter for the special disability fund in accordance with each financing agreement described in such subparagraph, (b) the aggregate assessment amount described in section fifty-c of this chapter for the self-insurer offset fund in accordance with each financing agreement described in such section, (c) the assessment amount described in subdivision three of section twenty-five-a of this chapter for the fund for reopened cases [~~and~~]**,** (d) the assessment amount described in section two hundred fourteen of this chapter for the special fund for disability benefits**, and (e) the assessment amount described in section two hundred fourteen-a of this chapter for the special fund for excluded workers**; provided, that the foregoing and any other provision of this chapter to the contrary notwithstanding, assessment receipts shall be applied first to fully fund the amount described in subparagraph four of paragraph (h) of subdivision eight of section fifteen of this chapter and then to fully fund the amount described in section fifty-c of this chapter in accordance with each then applicable financing agreement pursuant to such provisions prior to application to any other purpose other than to pay any actual costs of collecting such assessment that are not otherwise funded. For purposes of this section, affected employer means all employers required to obtain workers' compensation coverage pursuant to this chapter.

2. [~~On the first day of November, two thousand thirteen, and annually thereafter, the chair shall establish an assessment rate for all affected employers in the state of New York in an amount expected to be sufficient to produce assessment receipts at least sufficient to fund all estimated annual expenses pursuant to subdivision one of this section except those expenses for which an assessment is authorized for self-insurance pursuant to subdivision five of section fifty of this chapter. Such rate shall be assessed effective the first of January of~~

~~the succeeding year and shall be based upon a single methodology determined by the chair; provided, however, that for assessments for the special fund for excluded workers under section two hundred fourteen-a of this chapter the chair shall establish assessment rates as follows: The chair may also establish an additional assessment rate, not to exceed thirty percent of annual premiums, for those affected employers who are in default in the payment of their compensation pursuant to subparagraph (b) of paragraph seven of subdivision three-a of section 50 of this chapter. Such additional assessment shall be collected and remitted to the chair consistent with subdivisions four and five of this section. The chair shall make available for public inspection an itemized statement of the estimated annual expenses in the office of the board for thirty days immediately after the rate is established.~~

~~3.~~] The chair and department of audit and control annually as soon as practicable after the first of April of each year shall ascertain the actual total amount of expenses, including in addition to the direct costs of personal service, the cost of maintenance and operation, the cost of retirement contributions made and workers' compensation premiums paid by the state for or on account of personnel, rentals for space occupied in state owned or state leased buildings, such additional sum as may be certified to the chair and the department of audit and control as a reasonable compensation for services rendered by the department of law and expenses incurred by such department, for transfer into the training and educational program on occupational safety and health fund created pursuant to chapter eight hundred eighty-six of the laws of nineteen hundred eighty-five and section ninety-seven-c of the state finance law, for the New York state occupational health clinics network, for the department of labor occupational safety and health program and for transfer into the uninsured employers' fund pursuant to subdivision two of section twenty-six-a of this chapter, and all other direct or indirect costs, incurred by the board in connection with the administration of this chapter, except those expenses for which an assessment is authorized for self-insurance pursuant to subdivision five of section fifty of this chapter. Assessments pursuant to subparagraph four of paragraph (h) of subdivision eight of section fifteen of this chapter for the special disability fund, pursuant to section fifty-c of this chapter for the self insurer offset fund, pursuant to subdivision three of section twenty-five-a of this chapter for the fund for reopened cases, [~~and~~] pursuant to section two hundred fourteen of this chapter for the special fund for disability benefits**, and pursuant to section two hundred fourteen-a of this chapter for the special fund for excluded workers,** shall be included in the total amount of expenses for the purposes of this subdivision. Any overpayment of annual assessments resulting from the requirements of this subdivision shall be applied as a credit against the future assessment rate provided the fund balance shall not be reduced below five percent of the total amount assessed.

§ 5. The workers' compensation law is amended by adding a new section 110-aa to read as follows:

§ 110-aa. Confidentiality of excluded workers' records. 1. Restrictions on disclosure. (a) Except where necessary to comply with a lawful court order, judicial warrant signed by a judge appointed pursuant to article III of the United States constitution, or subpoena for individual records issued pursuant to the criminal procedure law or the civil practice law and rules, or in accordance with subdivision two or three of this section, no record or portion thereof relating to a claimant or worker who has filed a claim for benefits pursuant to section two

hundred seven-a of this chapter is a public record and no such record shall be disclosed, redisclosed, released, disseminated or otherwise published or made available.

(b) For purposes of this section:

(i) "record" means a claim file, a file regarding a complaint or circumstances for which no claim has been made, and/or any records maintained by the board in electronic databases in which individual claimants or workers are identifiable, or any other information relating to any person who has heretofore or hereafter filed a claim for benefits pursuant to section two hundred seven-a of this chapter, including a copy or oral description of a record which is or was in the possession or custody of the board, its officers, members, employees or agents.

(ii) "person" means any natural person, corporation, association, partnership, or other public or private entity.

(iii) "individually identifiable information" means any data concerning any claim or potential claim that is linked to an identifiable worker or other natural person, including but not limited to a photo image, social security number or tax identification number, telephone number, place of birth, country of origin, place of employment, school or educational institution attended, source of income, status as a recipient of public benefits, a customer identification number associated with a public utilities account, or medical or disability information.

2. Authorized disclosure. Records which contain individually identifiable information may, unless otherwise prohibited by law, be disclosed to:

(a) those officers, members and employees of the board if such disclosure is necessary to the performance of their official duties pursuant to a purpose of the board required to be accomplished by statute or executive order or otherwise necessary to act upon an application for benefits submitted by the person who is the subject of the particular record;

(b) officers or employees of another governmental unit, or agents and/or contractors of the governmental unit at the request and/or direction of the governmental unit, if the information sought to be disclosed is necessary to act upon an application for benefits submitted by the person who is the subject of the particular record;

(c) a judicial or administrative officer or employee in connection with an administrative or judicial proceeding if the information sought to be disclosed is necessary to act upon an application for benefits submitted by the person who is the subject of the particular record; and

(d) a person engaged in bona fide statistical research, including but not limited to actuarial studies and health and safety investigations, which are authorized by statute or regulation of the board or other governmental agency. Individually identifiable information shall not be disclosed unless the researcher has entered into an agreement not to disclose any individually identifiable information which contains restrictions no less restrictive than the restrictions set forth in this section and which includes an agreement that any research findings will not disclose individually identifiable information.

3. Individual authorization. Notwithstanding the restrictions on disclosure set forth under subdivision one of this section, a person who is the subject of a workers' compensation record may authorize the release, re-release or publication of his or her record to a specific person not otherwise authorized to receive such record, by submitting written authorization for such release to the board on a form prescribed by the chair or by a notarized original authorization specifically

directing the board to release workers' compensation records to such person. However, in accordance with section one hundred twenty-five of this article, no such authorization directing disclosure of records to a prospective employer shall be valid; nor shall an authorization permitting disclosure of records in connection with assessing fitness or capability for employment be valid, and no disclosure of records shall be made pursuant thereto. It shall be unlawful for any person to consider for the purpose of assessing eligibility for a benefit, or as the basis for an employment-related action, an individual's failure to provide authorization under this subdivision.

4. For the purposes of this section, whenever disclosure of records is sought pursuant to a lawful court order, judicial warrant, or subpoena for individual records properly issued pursuant to the criminal procedure law or the civil practice law and rules or pursuant to subdivision two or three of this section, only those records, documents, and information specifically sought may be disclosed, and any such disclosure shall be limited to such records as are necessary to fulfill the purpose of such disclosure.

5. The chair shall require any person or entity that receives or has access to records to certify to the chair that, before such receipt or access, such person or entity shall not:

(a) use such records or information for civil immigration purposes; or

(b) disclose such records or information to any agency that primarily enforces immigration law or to any employee or agent of any such agency unless such disclosure is pursuant to a cooperative arrangement between city, state and federal agencies which arrangement does not enforce immigration law and which disclosure is limited to the specific records or information being sought pursuant to such arrangement. Violation of such certification shall be a class A misdemeanor. In addition to any records required to be kept pursuant to subdivision (c) of section 2721 of title 18 of the United States code, any person or entity certifying pursuant to this paragraph shall keep for a period of five years records of all uses and identifying each person or entity that primarily enforces immigration law that received department records or information from such certifying person or entity. Such records shall be maintained in a manner and form prescribed by the chair and shall be available for inspection by the chair or his or her designee upon his or her request.

(c) For purposes of this subdivision, the term "agency that primarily enforces immigration law" shall include, but not be limited to, United States immigration and customs enforcement and United States customs and border protection, and any successor agencies having similar duties.

(d) Failure to maintain records as required by this subdivision shall be a class A misdemeanor.

6. Except as otherwise provided by this section, any person who knowingly and willfully obtains records which contain individually identifiable information under false pretenses or otherwise violates this section shall be guilty of a class E felony.

7. In addition to or in lieu of any criminal proceeding available under this section, whenever there shall be a violation of this section, application may be made by the attorney general in the name of the people of the state of New York to a court or justice having jurisdiction by a special proceeding to issue an injunction, and upon notice to the defendant of not less than five days, to enjoin and restrain the continuance of such violations; and if it shall appear to the satisfaction of the court or justice that the defendant has, in fact, violated this section, an injunction may be issued by such court or justice,

enjoining and restraining any further violation, without requiring proof that any person has, in fact, been injured or damaged thereby. In any such proceeding, the court may make allowances to the attorney general as provided in paragraph six of subdivision (a) of section eighty-three hundred three of the civil practice law and rules, and direct restitution. Whenever the court shall determine that a violation of this section has occurred, the court may impose a civil penalty of not more than five hundred dollars for the first violation, and not more than one thousand dollars for the second or subsequent violation within a three year period. In connection with any such proposed application, the attorney general is authorized to take proof and make a determination of the relevant facts and to issue subpoenas in accordance with the civil practice law and rules.

§ 6. This act shall take effect immediately.

PART NN

Section 1. Section 106 of the social services law, as amended by section 1 of part S of chapter 56 of the laws of 2014, is amended to read as follows:

§ 106. Powers of social services official to receive and dispose of a deed, mortgage, or lien. 1. A social services official responsible, by or pursuant to any provision of this chapter, for the administration of assistance [~~or care~~] granted or applied for [~~may~~] shall not accept a deed of real property and/or a mortgage thereon on behalf of the social services district for the assistance [~~and care~~] of a person at public expense [~~but such property shall not be considered as public property and shall remain on the tax rolls and such deed or mortgage shall be subject to redemption as provided in paragraph (a) of subdivision six hereof~~].

2. [~~A social services official may not assert any claim under any provision of this section to recover~~] (a) Notwithstanding subdivision one of this section, if, prior to the effective date of the chapter of the laws of two thousand twenty-one that amended this section, a social services official accepted a deed of real property and/or a mortgage on behalf of the social services district for the assistance of a person at public expense, such social services official shall not assert any claim under any provision of this section to recover:

(1) payments made as part of Supplemental Nutrition Assistance Program (SNAP), child care services, Emergency Assistance to Adults or the Home Energy Assistance Program (HEAP)[~~.~~

~~3. A social services official may not assert any claim under any provision of this section to recover~~];

(2) payments of public assistance if such payments were reimbursed by child support collections[~~.~~

~~4. A social services official may not assert any claim under any provision of this section to recover~~];

(3) payments of public assistance unless, before [~~it has accepted~~] a deed or mortgage was accepted from an applicant or recipient, [~~it has~~] the official first received a signed acknowledgment from the applicant or recipient acknowledging that:

[~~(a)~~] A. benefits provided as part of Supplemental Nutrition Assistance Program (SNAP), child care services, Emergency Assistance to Adults or the Home Energy Assistance Program (HEAP) may not be included as part of the recovery to be made under the mortgage or lien; and

[~~(b)~~] **B.** if the applicant or recipient declines to provide the lien or mortgage the children in the household **shall** remain eligible for public assistance.

[~~5. (a)~~] **(b) Such property shall not be considered public property and shall remain on the tax rolls and such deed or mortgage shall be subject to redemption as provided in subparagraph one of paragraph (d) of this subdivision.**

(c) (1) Until a deed, mortgage, or lien, accepted prior to [~~or after~~] the effective date of this [~~act,~~] **section** is satisfied or otherwise disposed of, the social services district shall issue and mail to the last known address of the person [~~giving~~] **who gave** such deed or mortgage, or his or her estate or those entitled thereto, a biennial accounting of the public assistance incurred and repairs and taxes paid on property. The social services district shall provide such accounting no later than February first, two thousand sixteen and biennially thereafter.

[~~(b)~~] **(2)** Such accounting shall include information regarding the debt owed as of the end of the district's most recent fiscal year including, but not limited to:

[~~(1)~~] **A.** an enumeration of all public assistance incurred by the person [~~giving~~] **who gave** such deed or mortgage or his or her household to date;

[~~(2)~~] **B.** the current amount of recoverable public assistance under the deed or mortgage;

[~~(3)~~] **C.** the amount of any credits against public assistance including but not limited to:

[~~A.~~] **(i)** the amount of child support collected and retained by the social services district as reimbursement for public assistance;

[~~B.~~] **(ii)** recoveries made under section one hundred four of this title;

[~~C.~~] **(iii)** recoveries made under section one hundred thirty-one-r of this chapter.

[~~(4)~~] **D.** Said accounting shall also provide information regarding the manner in which payments may be made to the social services district to reduce the amount of the mortgage or lien.

[~~(c)~~] **(3)** In the event that a biennial accounting is not issued and mailed to the last known address of the person [~~giving~~] **who gave** such deed or mortgage or his or her estate or those entitled thereto, within the time period required in [~~paragraph (a) of this subdivision~~] **subparagraph one of this paragraph**, no public assistance shall be recoverable under this section for the previous two fiscal years. In the event that a biennial accounting is not issued and mailed to the last known address of the person [~~giving~~] **who gave** such deed or mortgage or his or her estate or those entitled thereto, within the time period required in [~~paragraph (a) of this subdivision~~] **subparagraph one of this paragraph**, and such person has received no recoverable public assistance in the district's most recent fiscal year, no public assistance shall be recoverable under this section for the most recent two fiscal years where public assistance remains recoverable.

[~~6. (a) (1)~~] **(d) (1) A.** Until such property or mortgage is sold, assigned or foreclosed pursuant to law by the social services official, the person [~~giving~~] **who gave** such deed or mortgage, or his **or her** estate or those entitled thereto, may redeem the same by the payment of all expenses incurred for the support of the person, and for repairs and taxes paid on such property, provided, however, that a social services official may enter into a contract for such redemption, subject to the

provisions of this [~~paragraph~~] **subparagraph**, and containing such terms and conditions, including provisions for periodic payments, without interest, for an amount less than the full expenses incurred for the support of the person and for repairs and taxes paid on such property (hereinafter called a "lesser sum"), which lesser sum shall in no event be less than the difference between the appraised value of such property and the total of the then unpaid principal balance of any recorded mortgages and the unpaid balance of sums secured by other liens against such property.

[~~(2)~~] **B.** In the case of a redemption for a lesser sum, the social services official shall obtain (i) an appraisal of the current market value of such property, by an appraiser acceptable to both parties, and (ii) a statement of the principal balance of any recorded mortgages or other liens against such property (excluding the debt secured by the deed, mortgage or lien of the social services official). Any expenses incurred pursuant to this [~~paragraph~~] **subparagraph** shall be audited and allowed in the same manner as other official expenses.

[~~(3)~~] **C.** Every redemption contract for any lesser sum shall be approved by the department upon an application by the social services official containing the appraisal and statement required by [~~subparagraph two~~] **clause B of this subparagraph**, a statement by the social services official of his **or her** reasons for entering into the contract for such lesser sum and any other information required by regulations of the department.

[~~(4)~~] **D.** So long as the terms of the approved redemption contract are performed, no public sale of such property shall be held.

[~~(5)~~] **E.** The redemption for a lesser sum shall reduce the claim of the social services official against the recipient on the implied contract under section one hundred four of this [~~chapter~~] **title** or under any other law, to the extent of all sums paid in redemption.

[~~(b)~~] **(2)** In order to allow a minimum period for redemption, the social services official shall not sell the property or mortgage until after the expiration of one year from the date he **or she** received the deed or mortgage, but if unoccupied property has not been redeemed within six months from the date of death of the person who conveyed it to him **or her** by deed the social services official may thereafter, and before the expiration of such year, sell the property.

[~~(c)~~] **(3)** Except as otherwise provided in this chapter, upon the death of the person or his **or her** receiving institutional care, if the mortgage has not been redeemed, sold or assigned, the social services official may enforce collection of the mortgage debt in the manner provided for the foreclosure of mortgages by action.

[~~(d)~~]**(4)** Provided the department shall have given its approval in writing, the social services official may, when in his **or her** judgment it is advisable and in the public interest, release a part of the property from the lien of the mortgage to permit, and in consideration of, the sale of such part by the owner and the application of the proceeds to reduce said mortgage or to satisfy and discharge or reduce a prior or superior mortgage.

[~~(e)~~]**(5)** While real property covered by a deed or mortgage is occupied, in whole or in part, by an aged, blind or disabled person who executed such deed or mortgage to the social services official for old age assistance, assistance to the blind or aid to the disabled granted to such person before January first, nineteen hundred seventy-four, the social services official shall not sell the property or assign or enforce the mortgage unless it appears reasonably certain that the sale

or other disposition of the property will not materially adversely affect the welfare of such person. After the death of such person no claim for assistance granted him **or her** shall be enforced against any real property while it is occupied by the surviving spouse.

[~~(f)~~]**(6)** Except as otherwise provided, upon the death of a person who executed a lien to the social services official in return for old age assistance, assistance to the blind or aid to the disabled granted prior to January first, nineteen hundred seventy-four, or before the death of such person if it appears reasonably certain that the sale or other disposition of the property will not materially adversely affect the welfare of such person, the social services official may enforce such lien in the manner provided by article three of the lien law. After the death of such person the lien may not be enforced against real property while it is occupied by the surviving spouse.

[~~7.~~]**(e)** The sale of any parcel of real property or mortgage on real property by the social services official, under the provisions of this section, shall be made at a public sale, held at least two weeks after notice thereof shall have been published in a newspaper having a general circulation in that section of the county in which the real property is located. Such notice shall specify the time and place of such public sale and shall contain a brief description of the premises to be sold, or upon which the mortgage is a lien, as the case may be. Unless in the judgment of the social services official, it shall be in the public interest to reject all bids, such parcel or mortgage shall be sold to the highest responsible bidder.

[~~8.~~]**(f)** It is permissible for social services officials to subordinate a mortgage taken on behalf of the social services district pursuant to this section. In the event that a social services official determines to subordinate a mortgage, or lien, he or she shall do so within thirty days of receipt of written notice that the mortgagor is attempting to modify their mortgage that is held by a mortgagee with superior lien rights and subordination of the social services district's mortgage is required by such mortgagee in order for it to approve or complete the modification.

§ 2. Section 360 of the social services law, as added by chapter 722 of the laws of 1951, subdivisions 1 and 3 as amended by section 92 of part B of chapter 436 of the laws of 1997, subdivision 2 as amended by chapter 909 of the laws of 1974, and subdivision 4 as amended by chapter 803 of the laws of 1959, is amended to read as follows:

§ 360. Real property of legally responsible relatives[~~; deeds and mortgages may be required~~]. [~~1.~~] The ownership of real property by an applicant or applicants, recipient or recipients who is or are legally responsible relatives of the child or children for whose benefit the application is made or the aid is granted, whether such ownership be individual or joint as tenants in common, tenants by the entirety or joint tenants, shall not preclude the granting of family assistance or the continuance thereof if he or they are without the necessary funds to maintain himself, herself or themselves and such child or children. [~~The social services official may, however, require, as a condition to the granting of aid or the continuance thereof, that he or she be given a deed of or a mortgage on such property in accordance with the provisions of section one hundred six.~~

~~2. However, while the property covered by the deed or mortgage is occupied, in whole or in part, by the responsible relative who gave such deed or mortgage to the social services official or, by a child for whose benefit the aid was granted the social services official shall not~~

~~sell the property or assign or enforce the mortgage without the written consent of the department; and, when the property is occupied by such child, such consent shall not be given unless it appears reasonably certain that the sale or other disposition of the property will not materially adversely affect the welfare of such child.~~

~~3. The net amount recovered by the social services department from such property, less any expenditures approved by the department for the burial of the relative or the child who dies while in receipt of aid under this title, shall be used to repay the social services district, the state and the federal government their proportionate share of the cost of family assistance granted. The state and federal share shall be paid by the social services district to the state and the manner and amount of such payment shall be determined in accordance with the regulations of the department.~~

~~4. If any balance remains it shall belong to the estate of the legally responsible relative or relatives and the public welfare district shall forthwith credit the same accordingly, and, provided they claim it within four years thereafter, pay it to the persons entitled thereto. If not so claimed within four years it shall be deemed abandoned property and be paid to the state comptroller pursuant to section thirteen hundred five of the abandoned property law.~~

~~5. The proceeds or moneys due the United States shall be paid or reported in such manner and at such times as the federal security agency or other authorized federal agency may direct.~~]

§ 3. This act shall take effect on the first of April next succeeding the date on which it shall have become a law.

PART OO

Section 1. Subdivision (h) of section 4 of part A-4 of chapter 58 of the laws of 2006 enacting the "city of Syracuse and the board of education of the city school district of the city of Syracuse cooperative school reconstruction act", as amended by chapter 459 of the laws of 2013, is amended to read as follows:

(h) "Project" shall mean work at an existing school building site that involves the design, reconstruction, or rehabilitation of an existing school building for its continued use as a school of the city school district, which may include an addition to an existing school building for such continued use at a cost, for such addition, of, for projects identified in subdivision (a) of section five of this act, no more than nine million dollars, and, for projects identified in subdivision (b) **and (c)** of section five of this act, no more than twenty million dollars, and which also may include (1) the construction or reconstruction of athletic fields, playgrounds, and other recreational facilities for such existing school building, and/or (2) the acquisition and installation of all equipment necessary and attendant to and for the use of such existing school building and/or the acquisition of additional real property necessary for the project.

§ 2. Section 5 of part A-4 of chapter 58 of the laws of 2006 enacting the "city of Syracuse and the board of education of the city school district of the city of Syracuse cooperative school reconstruction act", as amended by chapter 9 of the laws of 2014, is amended to read as follows:

§ 5. (a) No more than seven projects, one each at the Central High School, the Blodgett School, the Shea Middle School, the H.W. Smith Elementary School, the Clary Middle School, the Dr. Weeks Elementary

School and the Fowler High School, up to a total cost of two hundred twenty-five million dollars; and (b) no more than twenty projects which shall be located at the Bellevue Elementary School, the Clary Middle School, the Corcoran High School, the Danforth Middle School, the Edward Smith K-8 School, the Expeditionary Learning Middle School, the Fowler High School, the Frazer K-8 School, the Grant Middle School, the Greystone Building, the Henninger High School, the Huntington K-8 School, the Nottingham High School, the Shea Middle School and the Westside Academy at Blodgett, up to a total cost of three hundred million dollars**; and (c) no more than 10 projects, which shall be located at the STEM at Blodgett Middle School, the Corcoran High School, the Delaware Primary School, the Henninger High School, the Syracuse Latin School, the Lincoln Middle School, the Nottingham High School, the Roberts PreK-8 School, the Seymour Dual Language Academy and the Webster Elementary School, up to a total cost of three hundred million dollars**, shall be authorized and undertaken pursuant to this act, unless otherwise authorized by law.

§ 3. Sections 6 and 7 of part A-4 of chapter 58 of the laws of 2006 enacting the "city of Syracuse and the board of education of the city school district of the city of Syracuse cooperative school reconstruction act", as amended by chapter 459 of the laws of 2013, are amended to read as follows:

§ 6. (1) Before formal selection of the projects identified in subdivision (a) of section five of this act occurs, the JSC board shall develop a comprehensive plan recommending and outlining the projects it proposes to be potentially undertaken pursuant to this act. Such plan shall include: (a) an estimate of total costs to be financed, proposed financing plan, proposed method of financing, terms and conditions of the financing, estimated financing costs, and, if city general obligation bonds or notes are not proposed as the method of financing, a comparison of financing costs between such bonds or notes and the proposed method of financing. The plan should also address what specific options would be used to ensure that sufficient resources exist to cover the local share of any such project cost on an annual basis; (b) information concerning the potential persons to be involved in the financing and such person's role and responsibilities; (c) estimates on the design, reconstruction and rehabilitation costs by project, any administrative costs for potential projects, and an outline of the time-frame expected for completion of each potential project; (d) a detailed description of the request for proposals process and an outline of the criteria to be used for selection of the program manager and all contractors; (e) any proposed amendments to the city school district's five year capital facilities plan submitted in accordance with subdivision 6 of section 3602 of the education law and the regulations of the commissioner; and (f) a diversity plan, in compliance with subdivision (b) of section eight of this act, to develop diversity goals, including appropriate community input and public discussion, and develop strategies that would create and coordinate any efforts to ensure a more diverse workforce for the projects. The diversity plan should address accountability for attainment of the diversity goals, what forms of monitoring would be used, and how such information would be publicly communicated.

Prior to the development of the comprehensive plan, the JSC board shall hold as many public hearings as may be necessary to ensure sufficient public input and allow for significant public discussion on the

school building needs in such city, with at least one hearing to be held in each neighborhood potentially impacted by a proposed project.

The JSC board shall submit the components of such comprehensive plan outlined in paragraph (a) of subdivision one of this section to the comptroller, along with any other information requested by the comptroller, for his or her review and approval.

(2) Before formal selection of the projects pursuant to subdivision (b) **and (c)** of section five of this act occurs, the city school district shall provide to the JSC board a comprehensive draft plan recommending and outlining the projects it proposes to be potentially undertaken pursuant to this act. Such plan will be subject to the review and approval of the JSC board and shall include: (a) an estimate of total costs to be financed, proposed financing plan, proposed method of financing, terms and conditions of the financing, estimated financing costs, and, if city general obligation bonds or notes are not proposed as the method of financing, a comparison of financing costs between such bonds or notes and the proposed method of financing. The plan should also address what specific options would be used to ensure that sufficient resources exist to cover the local share of any such project cost on an annual basis; (b) information concerning the potential persons to be involved in the financing and such person's role and responsibilities; (c) estimates on the design, reconstruction and rehabilitation costs by project, any administrative costs for potential projects, and an outline of the time-frame expected for completion of each potential project; (d) a detailed description of the request for proposals process and an outline of the criteria to be used for selection of the program manager and all contractors; (e) any proposed amendments to the city school district's five year capital facilities plan submitted in accordance with subdivision 6 of section 3602 of the education law and the regulations of the commissioner; and (f) a diversity plan, in compliance with subdivision (b) of section eight of this act, to develop diversity goals, including appropriate community input and public discussion, and develop strategies that would create and coordinate any efforts to ensure a more diverse workforce for the projects. The diversity plan should address accountability for attainment of the diversity goals, what forms of monitoring would be used, and how such information would be publicly communicated.

As part of the development of the comprehensive plan, the school district shall hold as many public hearings as may be necessary to ensure sufficient public input and allow for significant public discussion on the school building needs in such city, with at least one hearing to be held in each neighborhood potentially impacted by a proposed project.

The JSC board shall submit the components of such comprehensive plan outlined in paragraph (a) of subdivision two of this section to the comptroller, along with any other information requested by the comptroller, for his or her review and approval.

§ 7. (a) Notwithstanding any general, special or local law to the contrary and upon approval by the comptroller pursuant to section six of this act, the city school district may select projects, pursuant to subdivision (a) of section five of this act to be undertaken pursuant to this act, as provided for in such approved comprehensive plan. After the city school district has selected a new project and plans and specifications for such project have been prepared and approved by the city school district, which are consistent with the approved comprehensive plan, the city school district shall deliver such plans and specifica-

tions to the city, for approval by such city, acting through the common council, and after the common council has approved such plans and specifications, the city shall deliver them to the commissioner for his or her approval. After approval by the commissioner, the plans and specifications shall be returned to the city school district and such district shall then deliver them to the JSC board. All such specifications shall detail the number of students the completed project is intended to serve, the site description, the types of subjects to be taught, the types of activities for school, recreational, social, safety, or other purposes intended to be incorporated in the school building or on its site and such other information as the city school district, the city, the common council, and the commissioner shall deem necessary or advisable.

(b) Notwithstanding any general, special or local law to the contrary and upon approval by the comptroller pursuant to section six of this act, the city school district may select projects, pursuant to subdivision (b) **and (c)** of section five of this act to be undertaken pursuant to this act, as provided for in such approved comprehensive plan. After the city school district has selected a new project and plans and specifications for such project have been prepared and approved by the city school district in consultation with the city engineer, which are consistent with the approved comprehensive plan, the city school district shall deliver such plans and specifications to the commissioner for his or her approval. After approval by the commissioner, the plans and specifications shall be delivered to the JSC board. All such specifications shall detail the number of students the completed project is intended to serve, the site description, the types of subjects to be taught, the types of activities for school, recreational, social, safety, or other purposes intended to be incorporated in the school building or on its site and such other information as the city school district, the city engineer, and the commissioner shall deem necessary or advisable.

(c) Notwithstanding any other provision of law to the contrary, if the total project cost associated with the projects authorized pursuant to subdivision (b) **and (c)** of section five of this act exceeds the estimated total project cost of 300 million dollars, then the JSC board shall report such information, along with explanatory documentation regarding the increase in cost, to the governor, the New York state comptroller, the commissioner, the temporary president of the senate and the speaker of the assembly.

(d) Notwithstanding any other provision of law to the contrary, the JSC board shall submit estimated project costs for the projects authorized pursuant to subdivision (b) **and (c)** of section five of this act after the completion of schematic plans and specifications for review by the commissioner. If the total project costs associated with such projects exceed the sum of the estimated individual approved cost allowance of each building project by more than the lesser of 30 million dollars or ten percent of the approved costs, and the city school district has not otherwise demonstrated to the satisfaction of the New York state education department the availability of additional local shares for such excess costs, then the JSC board shall not proceed with the preparation of final plans and specifications for such projects until the projects have been redesigned or value-engineered to reduce estimated project costs so as not to exceed the above cost limits.

(e) Notwithstanding any other provision of law to the contrary, the JSC board shall submit estimated project costs for the projects author-

ized pursuant to subdivision (b) **and (c)** of section five of this act after the completion of fifty percent of the final plans and specifications for review by the commissioner. If the total project costs associated with such projects exceed the sum of the estimated individual approved cost allowance of each building project by more than the lesser of 30 million dollars or ten percent of the approved costs, and the city school district has not otherwise demonstrated to the satisfaction of the New York state education department the availability of additional local share for such excess costs, then the JSC board shall not proceed with the completion of the remaining fifty percent of the plans and specifications for such projects until the projects have been redesigned or value-engineered to reduce estimated project costs so as not to exceed the above cost limits.

§ 4. Subdivision (a) of section 10 of part A-4 of chapter 58 of the laws of 2006 enacting the "city of Syracuse and the board of education of the city school district of the city of Syracuse cooperative school reconstruction act", as amended by chapter 459 of the laws of 2013, are amended to read as follows:

(a) The JSC board may require a contractor awarded a public contract, subcontract or other agreement for a project to enter into a project labor agreement during and for the work involved with such project when such requirement is part of the JSC board's specifications for the project and when the JSC board determines that the record supporting the decision to enter into such an agreement establishes that it is justified by the interests underlying the competitive bidding laws. In addition, the JSC board may choose to extend the project labor agreement entered into for the first **or second** phase of the JSC construction projects to the projects authorized herein, contingent upon the completion of a supplemental project labor agreement benefits analysis.

§ 5. Section 11 of part A-4 of chapter 58 of the laws of 2006 enacting the "city of Syracuse and the board of education of the city school district of the city of Syracuse cooperative school reconstruction act", as amended by chapter 459 of the laws of 2013, is amended to read as follows:

§ 11. (a) All contracts entered into by the JSC board for projects pursuant to subdivision (a) of section five of this act shall be managed by an independent program manager. Selection of the program manager shall be pursuant to the competitive process established in section seven of this act. The program manager shall have experience in planning, designing, and constructing new and/or reconstructing existing school buildings, public facilities, commercial facilities, and/or infrastructure facilities, and in the negotiation and management of labor contracts and agreements, training programs, educational programs, and physical technological requirements for educational programs. The program manager shall manage all projects undertaken pursuant to subdivision (a) of section five of this act, review project schedules, review payment schedules, prepare cost estimates and assess the safety programs of contractors and all training programs, if required. The program manager shall implement procedures for verification by it that all work for which payment has been requested has been satisfactorily completed.

(b) All construction and design contracts entered into by the JSC board for projects pursuant to subdivision (b) of section five of this act shall be managed by the city engineer in agreement with the school district or, at the discretion of the JSC board, an independent program manager or construction managers selected for one or more projects. Selection of the program manager and/or the construction manager or

managers shall be pursuant to a competitive process established in accordance with the city's standard request for proposals process using the JSC board as the approving governing body instead of the common council for such contract awards. The program manager shall have experience in planning, designing, and constructing new and/or reconstructing existing school buildings in New York state, public facilities, commercial facilities, and/or infrastructure facilities, and in the negotiation and management of labor contracts and agreements, training programs, educational programs, and physical technological requirements for educational programs. The program manager shall manage all projects assigned by the JSC board to the program manager and undertaken pursuant to subdivision (b) of section five of this act, review project schedules, review payment schedules, prepare cost estimates and assess the safety programs of contractors and all training programs, if required. The program manager shall implement procedures for verification by it that all work for which payment has been requested has been satisfactorily completed. Provided, however, that the JSC board may choose to utilize the services of an independent construction manager at one or more of the projects to be authorized herein with said construction manager managing the project within the management plan set forth by the independent program manager and the JSC board.

(c) **All construction and design contracts entered into by the JSC board for projects pursuant to subdivision (c) of section five of this act shall be managed by the city engineer in agreement with the school district or, at the discretion of the JSC board, an independent program manager or construction managers selected for one or more projects. Selection of the program manager and/or the construction manager or managers shall be pursuant to a competitive process established in accordance with the city's standard request for proposals process using the JSC board as the approving governing body instead of the common council for such contract awards. The program manager shall have experience in planning, designing, and constructing new and/or reconstructing existing school buildings in New York state, public facilities, commercial facilities, and/or infrastructure facilities, and in the negotiation and management of labor contracts and agreements, training programs, educational programs, physical technological requirements for educational programs and knowledge of state education department facilities planning and building aid requirements. The program manager shall manage all projects assigned by the JSC board to the program manager and undertaken pursuant to subdivision (b) of section five of this act, review project schedules, review payment schedules, prepare cost estimates and assess the safety programs of contractors and all training programs, if required. The program manager shall implement procedures for verification by it that all work for which payment has been requested has been satisfactorily completed. Provided, however, that the JSC board may choose to utilize the services of an independent construction manager at one or more of the projects to be authorized herein with said construction manager managing the project within the management plan set forth by the independent program manager and the JSC board.**

(d) The program manager, and its affiliates or subsidiaries, if any, shall be prohibited from awarding contracts or being awarded contracts for or performing any work on projects undertaken pursuant to this act.

§ 6. Section 19 of part A-4 of chapter 58 of the laws of 2006 enacting the "city of Syracuse and the board of education of the city school district of the city of Syracuse cooperative school reconstruction act",

as amended by chapter 459 of the laws of 2013, is amended to read as follows:

§ 19. (a) On January 15, 2007 and annually thereafter, until completion of the projects authorized pursuant to this act, the JSC board shall issue a report to the governor, the comptroller, the commissioner, the temporary president of the senate, the speaker of the assembly, the city, the common council and the city school district on the progress and status of the projects undertaken by the JSC board. Provided further, that if any such entities request information on the progress and status of the projects prior to such report, it shall be provided to such entities by the JSC board.

(b) On or before June 30, 2014 or upon the completion of the projects authorized pursuant to subdivision (a) of section five of this act, whichever shall first occur, the JSC board shall issue a report to the city, the city school district, the governor, the commissioner, the comptroller, the temporary president of the senate, the minority leader of the senate, the speaker of the assembly, the minority leader of the assembly, the state board of regents, and the chairs and ranking minority members of the New York state senate and assembly committees on education, the finance committee of the New York state senate, and the ways and means committee of the New York state assembly. Such report shall identify the fiscal and pedagogical results of the projects undertaken pursuant to this act, along with recommendations for its continuance, amendments, or discontinuance.

(c) On or before June 30, 2020 or upon the completion of the projects authorized pursuant to subdivision (b) of section five of this act, whichever shall first occur, the JSC board shall issue a report to the city, the city school district, the governor, the commissioner, the comptroller, the temporary president of the senate, the minority leader of the senate, the speaker of the assembly, the minority leader of the assembly, the state board of regents, and the chairs and ranking minority members of the New York state senate and assembly committees on education, the finance committee of the New York state senate, and the ways and means committee of the New York state assembly. Such report shall identify the fiscal and pedagogical results of the projects undertaken pursuant to this act, along with recommendations for its continuance, amendments, or discontinuance.

(d) On or before June 30, 2027 or upon the completion of the projects authorized pursuant to subdivision (c) of section five of this act, whichever shall first occur, the JSC board shall issue a report to the city, the city school district, the governor, the commissioner, the comptroller, the temporary president of the senate, the minority leader of the senate, the speaker of the assembly, the minority leader of the assembly, the state board of regents, and the chairs and ranking minority members of the New York state senate and assembly committees on education, the finance committee of the New York state senate, and the ways and means committee of the New York state assembly. Such report shall identify the fiscal and pedagogical results of the projects undertaken pursuant to this act, along with recommendations for its continuance, amendments, or discontinuance.

§ 7. Paragraph a of subdivision 6 of section 3602 of the education law is amended by adding a new subparagraph 9 to read as follows:

(9) Notwithstanding any other provision of law to the contrary, for the purpose of computation of building aid for reconstruction or modernizing of no more than three projects pursuant to a chapter of the laws of two thousand twenty-one enacting the third phase of the city of Syra-

cuse cooperative school reconstruction act, multi-year cost allowances for each project shall be established and utilized two times in the first five-year period. Subsequent multi-year cost allowances shall be established no sooner than ten years after establishment of the first maximum cost allowance authorized pursuant to this subparagraph.

§ 8. This act shall take effect immediately.

PART PP

Section 1. Subdivisions (g), (i) and (j) of section 2 of chapter 416 of the laws of 2007, establishing the city of Rochester and the board of education of the city school district of the city of Rochester school facilities modernization program act, as amended by chapter 533 of the laws of 2014, are amended to read as follows:

(g) "Project" shall mean work at an existing school building site that involves the design, reconstruction, or rehabilitation of an existing school building for its continued use as a school of the city school district, which may include an addition to existing school buildings for such continued use and which also may include (1) the construction or reconstruction of athletic fields, playgrounds, and other recreational facilities for such existing school buildings; and/or (2) the acquisition and installation of all equipment necessary and attendant to and for the use of such existing school [~~building~~] buildings, including but not limited to items located at sites not within a project that will allow the RJSCB to conduct district-wide technology improvements to benefit existing school buildings; and/or (3) the acquisition of additional real property by the city to facilitate the project.

(i) "Program manager" shall mean an independent program management firm hired by the RJSCB to assist it in: (i) developing and implementing procedures for the projects undertaken and contracted for by the RJSCB; (ii) reviewing plans and specifications for projects; (iii) developing and implementing policies and procedures to utilize employment resources to provide sufficient skilled employees for such projects including developing and implementing training programs, if required; (iv) managing such projects; and (v) providing such planning, design, financing, and other services as may be appropriate to implement one or more construction or reconstruction projects pursuant to this act.

(j) "Independent compliance officer" shall mean an independent firm hired by the RJSCB with an in-depth knowledge base and breadth of experience conducting minority and women-owned business enterprise (MWBE) and disadvantaged business enterprise (DBE) utilization compliance monitoring for public contracts within New York state, including school districts and auditing contractors and subcontractors in construction and reconstruction projects like those to be undertaken and contracted for by the RJSCB pursuant to this act. Such firm shall develop and implement an MWBE/DBE outreach and utilization plan for the governance of all contracts to ensure compliance with all federal, state, and local laws, rules, and regulations.

§ 2. Subdivision (b) of section 3 of chapter 416 of the laws of 2007, establishing the city of Rochester and the board of education of the city school district of the city of Rochester school facilities modernization program act, as amended by chapter 533 of the laws of 2014, is amended to read as follow:

(b) Such board shall be composed of seven voting members: three of whom shall be appointed by, and serve at the pleasure of the mayor of the city; three of whom shall be appointed by, and serve at the pleasure

of the superintendent of the board of education of the city school district; and one of whom shall be independent from both the city school district and the city but who shall have been agreed upon by the mayor and the superintendent; and one non-voting member who shall be the independent compliance officer, or the representative of the independent compliance officer. One of the voting members shall be chosen, by such voting members, to serve as chair of the board. Members of the board shall not receive a salary or other compensation for such board duties, but shall be entitled to reimbursement for actual and necessary expenses incurred in the performance of his or her board duties. Members of the board shall not be disqualified from holding public office or employment, nor shall they forfeit any office or employment by reason of their appointment, notwithstanding the provisions of any general, special, or local law, ordinance or city charter to the contrary. The board will be reconstituted on the effective date of the chapter of the laws of 2014 that amended this subdivision and the term of each prior board member shall automatically expire on such date provided however that nothing shall preclude the reappointment of an existing board member.

§ 3. Sections 4, 5, 6, 9, 10, 11 and 21 of chapter 416 of the laws of 2007, establishing the city of Rochester and the board of education of the city school district of the city of Rochester school facilities modernization program act, as amended by chapter 533 of the laws of 2014, are amended to read as follow:

§ 4. Project authorization. No more than: (a) 13 projects, up to a total cost of three hundred twenty-five million dollars in phase one, and (b) 26 projects, up to a total cost of four hundred thirty-five million dollars in phase two, **and (c) 13 projects, including a district-wide technology project, up to a total cost of four hundred seventy-five million dollars in phase three** shall be authorized and undertaken pursuant to this act, unless otherwise authorized by law.

§ 5. Comprehensive school facilities modernization plan. The superintendent shall submit to the RJSCB [~~a~~] comprehensive draft [~~plan~~] **plans** recommending and outlining the projects for phase two **and phase three** it proposes to be undertaken pursuant to this act. The RJSCB shall consider the plan in developing a comprehensive school facilities modernization plan recommending and outlining the projects it proposes to be potentially undertaken pursuant to this act. Such plan shall include: (a) an estimate of total costs to be financed, proposed financing plan, proposed method of financing, terms and conditions of the financing, estimated financing costs, and, if city general obligation bonds or notes are not proposed as the method of financing, a comparison of financing costs between such bonds or notes and the proposed method of financing. Payment of debt service on bonds, notes or other obligations issued to secure financing of not more than $325,000,000 in phase one [~~and~~]**,** $435,000,000 in phase two**, and $475,000,000 in phase three** for projects undertaken pursuant to this act shall not be considered when determining the "city amount" required pursuant to subparagraph (ii) of paragraph a of subdivision 5-b of section 2576 of the education law; provided, however, that this provision shall not otherwise affect the determination of said "city amount" with respect to funding unrelated to projects undertaken pursuant to this act. The plan should also address what specific options would be used to ensure that sufficient resources exist to cover the local share of any such project cost on an annual basis; (b) information concerning the potential persons to be involved in the financing and such person's role and responsibilities; (c) estimates on the design, reconstruction and rehabilitation costs by project,

any administrative costs for potential projects, and an outline of the timeframe expected for completion of each potential project; (d) a detailed description of the request for proposals process and an outline of the criteria to be used for selection of the program manager, the independent compliance officer and all contractors; provided that the RJSCB may extend the contracts of the providers of professional services for phase one **or two** upon the adoption of findings that doing so would be in the public interest; the contracts of the program manager and the independent compliance officer for phase two will be rebid, and provided further that the program manager and the independent compliance officer and any new or different providers of professional services shall be engaged in compliance with the provisions of section eight of this act; (e) any proposed amendments to the city school district's five-year capital facilities plan submitted in accordance with subdivision 6 of section 3602 of the education law and the regulations of the commissioner; and (f) a [~~preliminary~~] diversity plan to develop diversity goals, including appropriate community input and public discussion, and develop strategies that would create and coordinate any efforts to ensure a more diverse workforce for the projects. The [~~preliminary~~] diversity plan should address accountability for attainment of the diversity goals, what forms of monitoring would be used, and how such information would be publicly communicated.

Prior to the development of the comprehensive school facilities modernization plan, the RJSCB and district shall hold as many public hearings as may be necessary to ensure sufficient public input and allow for significant public discussion on school building needs in such city, with at least one hearing to be held in each neighborhood potentially impacted by a proposed project.

All projects proposed in the comprehensive school facilities modernization plan shall be included by the city school district as a special section of the district's five-year capital facilities plan that is required pursuant to subdivision 6 of section 3602 of the education law and the regulations of the commissioner.

The RJSCB shall submit the components of such comprehensive plan outlined in subdivision (a) of this section to the comptroller, along with any other information requested by the comptroller, for his or her review and approval.

§ 6. Project selection. Notwithstanding any general, special or local law to the contrary and upon approval by the comptroller pursuant to section five of this act, the RJSCB may select projects to be undertaken pursuant to this act, as provided for in such approved comprehensive plan. After the RJSCB has selected a new project and plans and specifications for such project have been prepared and approved by the

RJSCB, which are consistent with the approved comprehensive plan, the RJSCB shall deliver such plans and specifications to the superintendent of the city school district and the mayor of the city of Rochester for review to ensure that sufficient resources exist to pay the local share of any such project cost on an annual basis and that the plans meet program needs, and upon the approval of the superintendent, to the commissioner for his or her approval. After approval by the superintendent and commissioner, the plans and specifications shall be returned to the RJSCB. All such specifications shall detail the number of students the completed project is intended to serve, the site description, the types of subjects to be taught, the types of activities for school, recreational, social, safety, or other purposes intended to be incorporated in the school building or on its site and such other information

as the RJSCB and the commissioner shall deem necessary or advisable. The district program manager shall establish reasonable guidelines or limits on incidental costs to assure that to the greatest extent possible such costs for each project do not exceed the state's maximum incidental cost allowance, in order to maximize efficient use of state building aid.

Notwithstanding any other provision of law to the contrary, the RJSCB shall submit estimated project costs for the projects authorized pursuant to [~~subdivision~~] **subdivisions** (b) **and (c)** of section four of this act after the completion of schematic plans and specifications for review by the commissioner. If the total project costs associated with such projects exceed the sum of the estimated individual approved cost allowance of each building project by more than the lesser of 43 million dollars or ten percent of the approved costs **authorized pursuant to subdivision (b) of section four of this act, or for projects authorized pursuant to subdivision (c) of section four of this act by more than the lesser of 47 million dollars or ten percent of the approved costs**, and the city school district has not otherwise demonstrated to the satisfaction of the education department the availability of additional local shares for such excess costs, then the RJSCB shall not proceed with the preparation of final plans and specifications for such projects until the projects have been redesigned or value-engineered to reduce estimated project costs so as not to exceed the above cost limits.

Notwithstanding any other provision of law to the contrary, the RJSCB shall submit estimated project costs for the projects authorized pursuant to [~~subdivision~~] **subdivisions** (b) **and (c)** of section four of this act after the completion of fifty percent of the final plans and specifications for review by the commissioner. If the total project costs associated with such projects exceed the sum of the estimated individual approved cost allowance of each building project by more than the lesser of 43 million dollars or ten percent of the approved costs **authorized pursuant to subdivision (b) of section four of this act, or for projects authorized pursuant to subdivision (c) of section four of this act by more than the lesser of 47 million dollars or ten percent of the approved costs**, and the city school district has not otherwise demonstrated to the satisfaction of the education department the availability of additional local share for such excess costs, then the RJSCB shall not proceed with the completion of the remaining fifty percent of the plans and specifications for such projects until the projects have been redesigned or value-engineered to reduce estimated project costs so as not to exceed the above cost limits.

§ 9. Contracts generally. Notwithstanding the provisions of any general, special, or local law or judicial decision to the contrary:

(a) The RJSCB may require a contractor, as a condition to being awarded a contract, subcontract, lease, grant, bond, covenant or other agreement for a project to enter into a project labor agreement for the work involved with such project when such requirement is made part of the bid specifications for the project and when the RJSCB determines that the record supporting the decision to enter into such an agreement establishes that it is justified by the interests underlying the competitive bidding laws. In addition, the RJSCB may revise and extend the requirements of the project labor agreement entered into for phase one projects to the projects authorized in phase [~~two~~] **three**, contingent upon the completion of a supplemental project labor agreement benefit [~~analysis~~].

(b) Any contract, subcontract, lease, grant, bond, covenant or other agreement for projects undertaken pursuant to this act shall not be subject to section 101 of the general municipal law when the RJSCB has chosen to require a project labor agreement, pursuant to subdivision (a) of this section. This exemption shall only apply to the projects undertaken pursuant to this act and shall not apply to projects undertaken by any other school district or municipality unless otherwise specifically authorized.

(c) Whenever the RJSCB enters in a contract, subcontract, lease, grant, bond, covenant or other agreement for the construction, reconstruction, demolition, excavation, rehabilitation, repair, renovation, alteration, or improvement for a project undertaken pursuant to this act, it shall be deemed to be a public works project for the purposes of article 8 of the labor law, and all the provisions of article 8 of the labor law shall be applicable to all the work involved with such project including the enforcement of prevailing wage requirements by the state department of labor.

(d) Every contract entered into by resolution of the RJSCB for construction or reconstruction of a project pursuant to this act shall contain a provision that the design of such project shall be subject to the review and approval of the city school district and that the design and construction standards of such project shall be subject to the review and approval of the commissioner. In addition, every such contract for construction or reconstruction shall contain a provision that the contractor shall furnish a labor and material bond guaranteeing prompt payment of moneys that are due to all persons furnishing labor and materials pursuant to the requirements of any contracts for a project undertaken pursuant to this section and a performance bond for the faithful performance of the project, which shall conform to the provisions of section 103-f of the general municipal law, and that a copy of such performance and payment bonds shall be kept by the RJSCB and shall be open to public inspection.

(e) For the purposes of article 15-A of the executive law, any person entering into a contract for a project authorized pursuant to this act shall be deemed a state agency as that term is defined in such article and such contracts shall be deemed state contracts within the meaning of that term as set forth in such article.

(f) Notwithstanding the provisions of this act or of any general or special law to the contrary, for any contract, subcontract, lease, grant, bond, covenant or other agreement for construction, reconstruction, demolition, excavation, rehabilitation, repair, renovation, alteration, or improvement with respect to each project undertaken pursuant to this act, the RJSCB shall consider the financial and organizational capacity of contractors and subcontractors in relation to the magnitude of work they may perform, the record of performance of contractors and subcontractors on previous work, the record of contractors and subcontractors in complying with existing labor standards and maintaining harmonious labor relations, and the commitment of contractors to work with minority and women-owned business enterprises pursuant to article 15-A of the executive law through joint ventures or subcontractor relationships. The RJSCB shall further require, on any contract in excess of one million dollars for construction, reconstruction, demolition, excavation, rehabilitation, repair, renovation, alteration, or improvement that each contractor and subcontractor shall participate in apprentice training programs in the trades of work it employs that: have been approved for not less than three years by the state department of

labor; have graduated at least one apprentice in the last 3 years; have at least one apprentice currently enrolled in such apprentice training program; and have demonstrated that the program has made significant efforts to attract and retain minority apprentices.

§ 10. Program managers. (a) All contracts entered into by resolution of the RJSCB for projects for phase two **and phase three** undertaken pursuant to this act shall be managed by an independent program manager. The selection of the program manager shall be pursuant to the competitive process established in section eight of this act. Prior to issuance of the contract, the program manager selected shall be approved by the superintendent, mayor, city council and the Rochester city school district. The program manager shall have experience in planning, designing, and constructing new and/or reconstructing existing school buildings, public facilities, commercial facilities, and/or infrastructure facilities, and in the negotiation and management of labor contracts and agreements, training programs, educational programs, and physical technological requirements for educational programs. The program manager shall manage all projects undertaken pursuant to this act, review project schedules, review payment schedules, prepare cost estimates and assess the safety programs of contractors and all training programs, if required. The program manager shall implement procedures for verification by it that all work for which payment has been requested has been satisfactorily completed.

(b) The program manager, and its affiliates or subsidiaries, if any, shall be prohibited from awarding contracts or being awarded contracts for, or performing any work on, projects undertaken pursuant to this act. Contracts awarded by RJSCB for construction work required for the reconstruction, rehabilitation or renovation of a project pursuant to this act shall be awarded pursuant to public bidding in compliance with section 103 of the general municipal law.

§ 11. Independent compliance officers. All contracts entered into by resolution of the RJSCB for projects for phase two **and phase three** undertaken by this act shall be monitored by an independent compliance officer. The compliance officer shall: develop, implement, advertise, promote and monitor policies and procedures to utilize and provide sufficient MWBE, DBE and skilled minority employment resources participation opportunities to be followed by prime contractors and subcontractors for such projects; review, modify if necessary, and approve the preliminary diversity plan established pursuant to section five of this act; provide technical assistance to potential MWBE and DBE contractors and subcontractors interested in bidding on any such projects; obtain and maintain records and documentation to confirm compliance with any requirements contained in the approved diversity plan, for any such project; identify contractors in non-compliance with any such requirements contained in the approved diversity plan or in violation of any federal, state and local laws, rules or regulations; monitor and report the upward/downward price adjustment and payment amounts to MWBEs and DBEs listed on contractors utilization plan for any such project; develop and work with the RJSCB to enforce agreed financial or monetary sanctions for any contractor's non-compliance with the MWBE/DBE utilization master plan. In addition, the independent compliance officer shall: develop, implement, advertise, promote and monitor MWBE/DBE policies and procedures for each project to be followed by prime contractors and subcontractors for such projects; obtain and maintain records and documentation to confirm compliance with any applicable requirements for each project; identify contractors in non-compliance with any such

requirements pursuant to this section or in violation of any federal, state and local laws, rules or regulations. The independent compliance officer shall report to the [~~RJCSB~~] RJSCB on a monthly basis.

§ 21. Reporting requirements. (a) On June 30, 2008 and annually thereafter, until completion of the [~~39~~] 52 projects authorized pursuant to this act, the RJSCB shall issue a report to the governor, the comptroller, the commissioner, the temporary president of the senate, the speaker of the assembly, the city, the city council and the city school district on the progress and status of the projects undertaken by the RJSCB. Provided further, that if any such entities request information on the progress and status of the projects prior to such report, it shall be provided to such entities by the RJSCB.

[~~In addition, on~~] (b) On or before June 30, 2021, or upon completion of the 26 projects authorized in phase two pursuant to this act, whichever shall first occur, the RJSCB shall issue a report to the city, the city school district, the governor, the commissioner, the comptroller, the temporary president of the senate, the speaker of the assembly, the minority leader of the senate, the minority leader of the assembly, the state board of regents, and the chairs and ranking minority members of the New York state senate and assembly committees on education, the finance committee of the New York state senate, and the ways and means committee of the New York state assembly. Such report shall identify the fiscal and pedagogical results of the projects undertaken pursuant to this act, along with recommendations for its continuance, amendments, or discontinuance.

(c) On or before June 30, 2031, or upon completion of the 13 projects, including the district-wide technology project, authorized in phase three pursuant to this act, whichever shall first occur, the RJSCB shall issue a report to the city, the city school district, the governor, the commissioner, the comptroller, the temporary president of the senate, the speaker of the assembly, the minority leader of the senate, the minority leader of the assembly, the state board of regents, and the chairs and ranking minority members of the New York state senate and assembly committees on education, the finance committee of the New York state senate, and the ways and means committee of the New York state assembly. Such report shall identify the fiscal and pedagogical results of the projects undertaken pursuant to this act, along with recommendations for its continuance, amendments, or discontinuance.

§ 4. Paragraph a of subdivision 6 of section 3602 of the education law is amended by adding a new subparagraph 9 to read as follows:

(9) Notwithstanding any other provision of law to the contrary, for the purpose of computation of building aid for reconstruction or modernizing of no more than five projects pursuant to chapter four hundred sixteen of the laws of two thousand seven, as amended, enacting the third phase of the city of Rochester school facilities modernization program act, multi-year cost allowances for each project shall be established and utilized two times in the first five-year period. Subsequent multi-year cost allowances shall be established no sooner than ten years after establishment of the first maximum cost allowance authorized pursuant to this subparagraph.

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