# STATE OF NEW YORK

S. 2506 A. 3006

# SENATE - ASSEMBLY

January 20, 2021

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

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

AN ACT to amend the education law, in relation to school contracts for excellence; to amend the education law, in relation to the purchase and use of school textbooks, school library materials, and computers; to amend the education law, in relation to the apportionment of public moneys to school districts employing eight or more teachers; to amend the education law, in relation to special apportionments and grants-in-aid to school districts and to moneys apportioned for board of cooperative educational services aidable expenditures; to amend the education law, in relation to the local district funding adjustment; to amend the education law, in relation to pandemic adjustment payment reduction; to amend the education law, in relation to aidable transportation expense; to amend the education law, in relation to the statewide universal full-day pre-kindergarten program; to amend the education law, in relation to moneys apportioned; to amend the education law, in relation to waivers from certain duties; to amend the education law, in relation to the New York state mentor teacher-internship program; to amend the education law, in relation to the teachers of tomorrow teacher recruitment and retention program; to amend the education law, in relation to the national board for professional teaching standards certification grant; to amend the education law, in relation to charter school aid; to amend chapter 507 of the laws of 1974, relating to providing for the apportionment of state monies to certain nonpublic schools, to reimburse them for their expenses in complying with certain state requirements for the administration of state testing and evaluation programs and for participation in state programs for the reporting of basic educational data, in relation to the calculation of nonpublic schools' eligibility to receive aid; to amend chapter 756 of the laws of 1992, relating to funding a program for work force education conducted by the consortium for worker education in New York city, in relation to reimbursement

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

LBD12572-01-1

for the 2021-2022 school year; to amend chapter 756 of the laws of 1992, relating to funding a program for work force education conducted by the consortium for worker education in New York city, in relation to withholding a portion of employment preparation education aid and in relation to the effectiveness thereof; to amend chapter 147 of the laws of 2001, amending the education law relating to conditional appointment of school district, charter school or BOCES employees, in relation to the effectiveness thereof; to amend chapter 425 of the laws of 2002, amending the education law relating to the provision of supplemental educational services, attendance at a safe public school and the suspension of pupils who bring a firearm to or possess a firearm at a school, in relation to the effectiveness thereof; to amend chapter 101 of the laws of 2003, amending the education law relating to implementation of the No Child Left Behind Act of 2001, in relation to the effectiveness thereof; relates to school bus driver training; relates to special apportionment for salary expenses and public pension accruals; relates to authorizing the city school district of the city of Rochester to purchase certain services; relates to suballocations of appropriations; relating to the support of public libraries; to repeal section 3033 of the education law relating to the New York state mentor teacher-internship program; to repeal section 3612 of the education law relating to the teachers of tomorrow teacher recruitment and retention program; and to repeal section 3004-a of the education law relating to the national board for professional teaching standards certification grant (Part A); to amend the business corporation law, the partnership law and the limited liability company law, in relation to certified public accountants (Part B); to amend the education law, in relation to registration of a new curriculum or program of study offered by a not-for-profit college or university (Part C); to amend the education law, in relation to extending state university of New York procurement flexibility and authorizing the state university of New York to purchase services from a consortium; and to amend part D of chapter 58 of the laws of 2011 amending the education law relating to capital facilities in support of the state university and community colleges, procurement and the state university health care facilities, in relation to the effectiveness thereof (Part D); to amend the education law, in relation to predictable tuition allowing annual tuition increase for SUNY and CUNY schools; and to amend chapter 260 of the laws of 2011, amending the education law and the New York state urban development corporation act relating to establishing components of the NY-SUNY 2020 challenge grant program, in relation to the effectiveness thereof (Part E); extending scholarship program eligibility for certain recipients affected by the COVID-19 pandemic (Part F); to amend the education law, in relation to establishing the amount awarded for the excelsior scholarship (Part G); to amend the executive law, in relation to facilities operated and maintained by the office of children and family services and to authorize the closure of certain facilities operated by such office; and to repeal certain provisions of such law relating thereto (Part H); to amend part N of chapter 56 of the laws of 2020 amending the social services law relating to restructuring financing for residential school placements, in relation to making such provisions permanent (Part I); to amend part G of chapter 57 of the laws of 2013, amending the executive law and the social services law relating to consolidating the youth development and delinquency prevention program and the special delinquency prevention program, in

relation to making such provisions permanent (Part J); to amend part K of chapter 57 of the laws of 2012, amending the education law, relating to authorizing the board of cooperative educational services to enter into contracts with the commissioner of children and family services to provide certain services, in relation to the effectiveness thereof (Part K); to amend the social services law and the family court act, in relation to compliance with the Federal Family First Prevention Services Act (Part L); to amend the social services law, in relation to differential response programs for child protection assessments or investigations (Part M); to amend the judiciary law, in relation to authorizing the chief administrator of the courts to establish veterans treatment courts; and to amend the criminal procedure law, in relation to the removal of certain actions to veterans treatment courts (Part N); to utilize reserves in the mortgage insurance fund for various housing purposes (Part O); to amend the social services law, in relation to increasing the standards of monthly need for aged, blind and disabled persons living in the community (Part P); to amend the state finance law, in relation to authorizing a tax check-off for gifts to food banks (Part Q); to amend the executive law, in relation to expanding the scope of the application of subdivision 4 of section 296 of such law to private educational institutions (Part R); to amend the executive law, in relation to prohibiting discrimination based on citizenship or immigration status (Part S); to amend the labor law, in relation to unemployment (Part T); to amend the private housing finance law, in relation to exempting certain projects from sales and compensating use taxes (Part U); to amend the social services law and the abandoned property law, in relation to the transfer of unclaimed support collections and unidentified payments; to amend the family court act and the domestic relations law, in relation to making conforming changes; to repeal certain provisions of social services law relating thereto; and to repeal paragraph (c) of subdivision 1 of section 600 and subdivision 3 of section 602 of the abandoned property law, relating to moneys paid to a support bureau of a family court (Part V); to allow employees to take paid time leave to obtain the COVID-19 vaccination (Part W); to amend the public authorities law, in relation to granting the state of New York mortgage agency authority to purchase mortgage loans from a broader pool of non-depository lenders, to purchase mortgages secured by new construction loans, and modify its mortgages to assist financially distressed homeowners (Part X); in relation to providing for the suspension of fees relating to the late payment of rent; and to permit tenants to use their security deposits as rent payments (Part Y); to amend the social services law, in relation to making child care more affordable for low-income families (Subpart A); and to amend the social services law, in relation to easing administrative burdens on child care programs and providers (Subpart B) (Part Z); and relating to prevailing wage requirements (Part AA)

**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 AA. The

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

PART A

Section 1. Paragraph e of subdivision 1 of section 211-d of the education law, as amended by section 1 of part A of chapter 56 of the laws of 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. Section 701 of the education law, as amended by chapter 587 of the laws of 1973, subdivision 2 as amended by section 1 of part A1 of chapter 58 of the laws of 2011, subdivision 3 as amended by chapter 391 of the laws of 1989, subdivision 4 as amended by chapter 82 of the laws of 1995, subdivision 6 as amended by section 6 of part B of chapter 57 of the laws of 2007, subdivision 7 as amended by section 2 of part A of chapter 436 of the laws of 1997, and subdivision 8 as added by chapter 635 of the laws of 1984, is amended to read as follows:

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

2. A text-book, for the purposes of this section shall mean: (i) any book, or a book substitute, which shall include hard covered or paperback books, work books, or manuals and (ii) for expenses incurred after July first, nineteen hundred ninety-nine, any courseware or other content-based instructional materials in an electronic format, as such terms are defined in the regulations of the commissioner, which a pupil is required to use as a text, or a text-substitute, in a particular class or program in the school he or she legally attends. For expenses incurred on or after July first, two thousand eleven, **and before July first, two thousand twenty,** a text-book shall also mean items of expenditure that are eligible for an apportionment pursuant to sections seven hundred eleven, seven hundred fifty-one and/or seven hundred fifty-three of this title, where such items are designated by the school district as eligible for aid pursuant to this section, provided, however, that if

aided pursuant to this section, such expenses shall not be aidable pursuant to any other section of law. Expenditures aided pursuant to this section shall not be eligible for aid pursuant to any other section of law. Courseware or other content-based instructional materials in an electronic format included in the definition of textbook pursuant to this subdivision shall be subject to the same limitations on content as apply to books or book substitutes aided pursuant to this section.

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

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

5. In the several cities and school districts of the state, boards of education, trustees or other school authorities may purchase supplies and either rent, sell or loan the same to the pupils attending the public schools in such cities and school districts upon such terms and under such rules and regulations as may be prescribed by such boards of education, trustees or other school authorities.

6. The commissioner, in addition to the annual apportionment of public monies pursuant to other articles of this chapter, **in the two thousand twenty--two thousand twenty-one school year and prior,** shall apportion to each school district an amount equal to the cost of the textbooks purchased and loaned by the district pursuant to this section in the base year, but in no case shall the aid apportioned to the district exceed the product of the textbook factor plus a minimum lottery grant, determined pursuant to subdivision four of section ninety-two-c of the state finance law, and the sum of the enrollments in grades kindergarten through twelve in the base year calculated pursuant to subparagraphs four, five, and six of paragraph n of subdivision one of section thir-

ty-six hundred two of this chapter. Aid payable pursuant to this section shall be deemed final and not subject to change after April thirtieth of the school year for which payment was due.

For aid payable in the two thousand seven--two thousand eight school year [~~and thereafter~~] **through the two thousand twenty--two thousand twenty-one school year**, the textbook factor shall equal forty-three dollars and twenty-five cents. **For purposes of determining loans pursuant to subdivisions three and four of this section in the two thousand twenty-one--two thousand twenty-two school year and thereafter, the textbook factor shall equal fifty-eight dollars and twenty-five cents.**

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

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

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

4. Commencing July first, nineteen hundred ninety eight **through June thirtieth, two thousand twenty-one**, the commissioner, in addition to the annual apportionment of public monies pursuant to other articles of this chapter, shall apportion to each school district an amount equal to the cost of the school library materials purchased by the district pursuant to this section in the base year, but in no case shall the aid apportioned to the district exceed the product of the library materials factor and the sum of public school district enrollment, nonpublic school enrollment, and additional public enrollment as defined in subparagraphs two, three, and six of paragraph n of subdivision one of section thirty-six hundred two of this chapter. Aid payable pursuant to this section shall be deemed final and not subject to change after April

thirtieth of the school year for which payment was due**, provided that for the two thousand twenty--two thousand twenty-one school year, such apportionment shall not exceed the amount set forth for each school district as "2020-21 LIBRARY MATERIALS AID" in the school aid computer listing produced by the commissioner in support of the executive budget request for the 2021--2022 school year and entitled "BT212-2"**.

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

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

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

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

For aid payable in the nineteen hundred ninety-seven--ninety-eight and nineteen hundred ninety-eight--ninety-nine school years, the software factor shall equal four dollars and fifty-eight cents. For aid payable in the nineteen hundred ninety-nine--two thousand school year, the software factor shall equal seven dollars and fifty-five cents. For aid payable in the two thousand--two thousand one school year, the software factor shall equal fourteen dollars and ninety-eight cents. For aid payable in the two thousand one--two thousand two school year, the software factor shall equal twenty-three dollars and ninety cents. For aid payable in the two thousand two--two thousand three school year and thereafter, the software factor shall equal fourteen dollars and ninety-eight cents. The apportionment provided for in this section shall be paid at such times as may be determined by the commissioner and approved by the director of the budget. Aid payable pursuant to this section shall be deemed final and not subject to change after April thirtieth of the school year for which payment was due.

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

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

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

§ 753. Instructional computer hardware and technology equipment apportionment. 1. In addition to any other apportionment under this chapter, a school district shall be eligible for an apportionment under the provisions of this section **in the two thousand twenty--two thousand twenty-one school year and prior** for approved expenses for (i) the purchase or lease of micro and/or mini computer equipment or terminals for instructional purposes or (ii) technology equipment, as defined in paragraph c of subdivision two of this section, used for instructional purposes, or (iii) for the repair of such equipment and training and staff development for instructional purposes as provided hereinafter, or (iv) for expenses incurred on or after July first, two thousand eleven **and before July first, two thousand twenty**, any items of expenditure that are eligible for an apportionment pursuant to sections seven hundred one, seven hundred eleven and/or seven hundred fifty-one of this title, where such items are designated by the school district as eligible for aid pursuant to this section, provided, however, that if aided pursuant to this section, such expenses shall not be aidable pursuant to any other section of law**, provided further that for the two thousand twenty--two thousand twenty-one school year, such apportionment shall not exceed the amount set forth for each school district as "2020-21 HARDWARE & TECHNOL AID" in the school aid computer listing produced by the commissioner in support of the executive budget request for the 2021--2022 school year and entitled "BT212-2"**. Such aid shall be provided pursuant to a plan developed by the district which demonstrates to the satisfaction of the commissioner that the instructional computer hardware needs of the district's public school students have been adequately met and that the school district has provided for the loan of instructional computer hardware to students legally attending nonpublic schools pursuant to section seven hundred fifty-four of this article. The apportionment shall equal the lesser of such approved expense in the base year or, the product of (i) the technology factor, (ii) the sum of the public school district enrollment and the nonpublic school enrollment in the base year as defined in subparagraphs two and three of paragraph n of subdivision one of section thirty-six hundred two of this chapter, and (iii) the building aid ratio, as defined in subdivision four of section thirty-six hundred two of this chapter. For aid payable in the two thousand seven--two thousand eight school year and thereaft-

er, the technology factor shall be twenty-four dollars and twenty cents. A school district may use up to twenty percent of the product of (i) the technology factor, (ii) the sum of the public school district enrollment and the nonpublic school enrollment in the base year as defined in subparagraphs two and three of paragraph n of subdivision one of section thirty-six hundred two of this chapter, and (iii) the building aid ratio for the repair of instructional computer hardware and technology equipment and training and staff development for instructional purposes pursuant to a plan submitted to the commissioner.

2. As used in this article:

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

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

c. "Technology equipment", for the purposes of this article, shall mean equipment with a useful life used in conjunction with or in support of educational programs including but not limited to video, solar energy, robotic, satellite, laser and such other equipment as the commissioner shall approve provided that expenses for the purchase or lease of such equipment shall not be eligible for aid under any other provisions of this chapter.

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

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

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

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

a. Upon application by a board of cooperative educational services, **in the two thousand twenty--two thousand twenty-one school year and prior,** there shall be apportioned and paid from state funds to each board of cooperative educational services an amount which shall be the product of the approved cost of services actually incurred during the base year multiplied by the sharing ratio for cooperative educational services aid which shall equal the greater of: (i) an amount equal to one minus the quotient expressed as a decimal to three places without rounding of eight mills divided by the tax rate of the local district computed upon the actual valuation of taxable property, as determined pursuant to subdivision one of section thirty-six hundred two of this chapter [~~and notwithstanding section three thousand six hundred three~~], expressed in

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

g. Any payment required by a board of cooperative educational services to the dormitory authority or any payment required by a board of cooperative educational services to acquire or construct a school facility of the board of cooperative educational services, and any payments for rental of facilities by a board of cooperative educational services shall, for the purposes of apportionment of public moneys to the board of cooperative educational services by the state of New York, be deemed to be an administrative or capital expense, as designated by the commissioner, but the entire amount of such payment shall be utilized in making such apportionment and the limitation of ten percent of the total expenses contained in this subdivision shall not be applicable. Any expense designated by the commissioner as a capital expense shall be included in the capital budget of the board of cooperative educational services and, except as otherwise provided in this paragraph, shall be aided in the same manner as an administrative expense**, provided, however, that such aid shall not be provided commencing with the two thousand twenty-one--two thousand twenty-two school year**. Any such payment shall not be considered part of the total expenses of the board for purposes of determining the administrative and clerical expenses not to exceed

ten percent otherwise eligible for aid under this subdivision, and such payments shall be considered for the purpose of apportionment during the current school year such payment is made. The apportionment for such payments shall be determined by multiplying the amount of such payment allocated to each component school district in the board of cooperative educational services by the aid ratio, and shall be not more than ninety percent converted to decimals, of each such component computed pursuant to subdivision three of section thirty-six hundred two **of this chapter** and used to apportion aid to that district in that current school year; provided, however, the apportionment for the construction, acquisition, reconstruction, rehabilitation, or improvement of board of cooperative educational services facilities, including payments to the dormitory authority and payments under any lease agreement, shall be based upon the cost of the board of cooperative educational services school facilities but not to exceed the cost allowance set forth in subdivision six of section thirty-six hundred two of [~~the education law~~] **this chapter** and payments for rental facilities shall be subject to the approval of the commissioner.

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

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

h. Foundation aid payable in the two thousand twenty--two thousand twenty-one **through the two thousand twenty-one--two thousand twenty-two** school [~~year~~] **years**. Notwithstanding any provision of law to the contra-

ry, foundation aid payable in the two thousand twenty--two thousand twenty-one **through two thousand twenty-one--two thousand twenty-two** school [~~year~~] **years** shall equal the apportionment for foundation aid in the base year.

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

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

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

sion 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.

c. Computer administration aid for large city school districts and any other school district which was not a component of a board of cooperative educational services in the base year. The city school districts of those cities having populations in excess of one hundred twenty-five thousand inhabitants and any other school district which was not a component of a board of cooperative educational services in the base year shall be eligible for an apportionment in accordance with the provisions of this subdivision**, provided that such apportionments for the two thousand twenty--two thousand twenty-one school year shall not exceed the amount set forth for each school district as "2020-21 COMPUTER ADMIN AID" under the heading "COMPUTER ADMINISTRATION" in the school aid computer listing produced by the commissioner in support of the executive budget request for the 2021--2022 school year and entitled "BT212-2"**. Such districts shall be entitled to an additional apportionment computed by multiplying the lesser of (1) expenses for approved computer services in the base year or (2) the maximum allowable expense equal to the product of sixty-two dollars and thirty cents and the enrollment of pupils attending the public schools of such district in the base year, by the computer expenses aid ratio. The computer expenses aid ratio shall be computed by subtracting from one the product obtained by multiplying fifty-one per centum by the combined wealth ratio. This aid ratio shall be expressed as a decimal carried to three places without rounding, but shall not be less than thirty per centum. Expenses for approved computer services in the base year up to the maximum allowable expense shall not be used to claim aid pursuant to any other provisions of this section.

d. Aid for academic improvement. 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, an amount per pupil for each pupil eligible for aid pursuant to paragraph b of this subdivision to be computed by multiplying the career education aid ratio computed pursuant to such paragraph b of this subdivision by the sum of (1) one hundred dollars plus (2) the quotient of one thousand dollars divided by the lesser of one or the combined wealth ratio**, provided that such apportionments for the two thousand twenty--two thousand twenty-one school year shall not exceed the amount set forth for each school district as "2020-21 ACADEMIC IMPRVMT AID" under the heading "ACADEMIC IMPROVEMENT AID" in the school aid computer listing produced by the commissioner in support of the executive budget request for the 2021--2022 school year and entitled "BT212-2"**. Aid for academic improvement shall be unrestricted general aid available to support any academic programs of the school district.

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

~~education, and technology education programs in a manner prescribed by the commissioner.~~]

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

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

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

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

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

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

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

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

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

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

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

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

subdivision four of section thirty-six hundred two of this part shall be paid pursuant to this section. The "school aid computer listing for the current year" shall be as defined in the opening paragraph of section thirty-six hundred nine-a of this [~~article~~] part. The definitions "base year" and "current year" as set forth in subdivision one of section thirty-six hundred two of this [~~article~~] part shall apply to this section.

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

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

2. The "local district funding adjustment" shall be equal to the lesser of the prescribed payments pursuant to section thirty-six hundred nine-e of this part or the federal COVID-19 supplemental stimulus as computed pursuant to paragraph kk of subdivision one of section thirty-six hundred two of this part.

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

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

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

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

enrollment of all school districts eligible for an apportionment pursuant to this section except central high school districts as computed by the commissioner using the latest single year actual valuation computed under paragraph c of subdivision one of this section, by forty-six percent, where such ratio shall be expressed as a decimal carried to three decimal places without rounding. The computation of such statewide average shall include the actual valuation of all school districts eligible for an apportionment pursuant to this section except central high school districts. The transportation sparsity adjustment shall equal the quotient of: the positive remainder of twenty-one minus the district's public school enrollment for the year prior to the base year per square mile, divided by three hundred seventeen and eighty-eight hundredths. Approved transportation expense shall be the sum of the approved transportation operating expense and the approved transportation capital, debt service and lease expense of the district. Approved transportation expense shall not be aidable pursuant to section nineteen hundred fifty of this chapter.

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

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

§ 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~~] **through the two thousand nineteen--two thousand twenty school year**, 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 paragraph a of subdivision five of section thirty-six hundred four of this article, transportation provided in the two thousand nineteen--two thousand twenty school year during the state disaster emergency declared pursuant to executive order 202 of 2020, provided that transportation was provided during the time period of school closures ordered pursuant to executive order 202 of 2020. Such aidable transportation shall include transportation of meals, educational materials and supplies to students, and transportation to provide students with internet access**.

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

For the computation of transportation aid **for the two thousand twenty--two thousand twenty-one and prior school years,** pursuant to the requirements of subdivision seven of section thirty-six hundred two of this article and this part, allowable transportation expense shall include expenditures for aidable regular transportation as defined in section thirty-six hundred twenty-two-a of this part, provided that such expense shall be limited to expenditure items listed in subdivision one of this section as transportation operating expense and in subdivision two of this section as transportation capital, debt service and lease expense.

§ 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 incurred in the two thousand nineteen--two thousand twenty school year during the state disaster emergency declared pursuant to executive order 202 of 2020. Such expenses shall only be allowable transportation expenses where aidable regular transportation as defined in section thirty-six hundred twenty-two-a of this part was provided.**

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

a. State aid adjustments. All errors or omissions in the apportionment shall be corrected by the commissioner. Whenever a school district has been apportioned less money than that to which it is entitled, the commissioner may allot to such district the balance to which it is entitled. Whenever a school district has been apportioned more money than that to which it is entitled, the commissioner may, by an order, direct such moneys to be paid back to the state to be credited to the general fund local assistance account for state aid to the schools, or may deduct such amount from the next apportionment to be made to said district, provided, however, that, upon notification of excess payments of aid for which a recovery must be made by the state through deduction of future aid payments, a school district may request that such excess payments be recovered by deducting such excess payments from the payments due to such school district and payable in the month of June in (i) the school year in which such notification was received and (ii) the two succeeding school years, provided further that there shall be no interest penalty assessed against such district or collected by the state. Such request shall be made to the commissioner in such form as the commissioner shall prescribe, and shall be based on documentation

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

file used to produce the school aid computer listing produced by the commissioner in support of the executive budget request submitted for the two thousand twenty-one--two thousand twenty-two state fiscal year and entitled "BT212-2", and further provided that for any apportionments provided pursuant to sections seven hundred one, seven hundred eleven, seven hundred fifty-one, seven hundred fifty-three, nineteen hundred fifty, thirty-six hundred two, thirty-six hundred two-b, thirty-six hundred two-c, thirty-six hundred two-e and forty-four hundred five of this chapter for the two thousand twenty-two--two thousand twenty-three school year and thereafter, the commissioner shall certify no payment to a school district, other than payments pursuant to subdivisions six-a, eleven, thirteen and fifteen of section thirty-six hundred two of this part, in excess of the payment computed based on an electronic data file used to produce the school aid computer listing produced by the commissioner in support of the executive budget request submitted for the state fiscal year in which the school year commences.

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

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

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

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

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

For aid payable in the two thousand seven--two thousand eight school year through the two thousand twenty--two thousand twenty-one school year, "moneys apportioned" shall mean the lesser of (i) the sum of one

hundred percent of the respective amount set forth for each school district as payable pursuant to this section in the school aid computer listing for the current year produced by the commissioner in support of the budget which includes the appropriation for the general support for public schools for the prescribed payments and individualized payments 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 ninety-two-c of the state finance law, less any grants provided pursuant to subdivision five of section ninety-seven-nnnn of the state finance law, less any grants provided pursuant to subdivision twelve of section thirty-six hundred forty-one of this article, or (ii) the apportionment calculated by the commissioner based on data on file at the time the payment is processed; provided however, that for the purposes of any payments made pursuant to this section prior to the first business day of June of the current year, moneys apportioned shall not include any aids payable pursuant to subdivisions six and fourteen, if applicable, of section thirty-six hundred two of this part as current year aid for debt service on bond anticipation notes and/or bonds first issued in the current year or any aids payable for full-day kindergarten for the current year pursuant to subdivision nine of section thirty-six hundred two of this part. The definitions of "base year" and "current year" as set forth in subdivision one of section thirty-six hundred two of this part shall apply to this section. [~~For aid payable in the two thousand twenty--two thousand twenty-one school year, reference to such "school aid computer listing for the current year" shall mean the printouts entitled "SA202-1".~~] **For aid payable in the two thousand twenty-one--two thousand twenty-two school year and thereafter, "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 executive budget request which includes the appropriation for the general support for public schools for the prescribed payments and individualized payments due prior to April first for the current year plus the apportionment payable during the current school year pursuant to subdivisions six-a and fifteen of section thirty-six hundred two of this part minus any reductions to current year aids pursuant to subdivision seven of section thirty-six hundred four of this part or any deduction from apportionment payable pursuant to this chapter for collection of a school district basic contribution as defined in subdivision eight of section forty-four hundred one of this chapter, less any grants provided pursuant to subparagraph two-a of paragraph b of subdivision four of section ninety-two-c of the state finance law, less any grants provided pursuant to subdivision six of section ninety-seven-nnnn of the state finance law, less any grants provided pursuant to subdivision twelve of section thirty-six hundred forty-one of this article, 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. For aid payable in the two thousand twenty-one--two thousand twenty-two school year, reference to such "school aid computer listing for the current year" shall mean the printouts entitled "BT212-2".

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(ix) for the two thousand twenty-two--two thousand twenty-three through two thousand twenty-four--two thousand twenty-five school years the charter school basic tuition shall be the lesser of (A) the product of (i) **for the two thousand twenty-two--two thousand twenty-three school year, the charter school basic tuition calculated for the base year divided by the difference of one less the adjustment factor and for the two thousand twenty-three--two thousand twenty-four and two thousand twenty-four--two thousand twenty-five school years,** the charter school basic tuition calculated for the base year multiplied by (ii) the average of the quotients for each school year in the period commencing with the year four years prior to the base year and finishing with the year prior to the base year, excluding the two thousand twenty--two thousand twenty-one school year, of the total approved operating expense for such school district calculated pursuant to paragraph t of subdivision one of section thirty-six hundred two of this chapter for each such year divided by the total approved operating expense for such district for the immediately preceding year or (B) the quotient of the total general fund expenditures for the school district calculated pursuant to an electronic data file created for the purpose of compliance with paragraph b of subdivision twenty-one of section three hundred five of this chapter published annually on May fifteenth for the year prior to the base year divided by the total estimated public enrollment for the school district pursuant to paragraph n of subdivision one of section thirty-six hundred two of this chapter for the year prior to the base year.

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

(viii) for the two thousand twenty--two thousand twenty-one and two thousand twenty-one--two thousand twenty-two school years, the charter school basic tuition shall be the lesser of (A) the product of (i) the charter school basic tuition calculated for the base year multiplied by (ii) the average of the quotients for each school year in the period commencing with the year three years prior to the base year and finishing with the year prior to the base year of the total approved operating expense for such school district calculated pursuant to paragraph t of subdivision one of section thirty-six hundred two of this chapter for each such year divided by the total approved operating expense for such district for the immediately preceding year multiplied by, **(iii)** for the two thousand twenty--two thousand twenty-one school year only, [~~(iii)~~] nine hundred forty-five one-thousandths (0.945)**, or for the two thousand twenty-one--two thousand twenty-two school year only, one minus the**

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

(ix) for the two thousand twenty-two--two thousand twenty-three through two thousand twenty-four--two thousand twenty-five school years the charter school basic tuition shall be the lesser of (A) the product of (i) for the two thousand twenty-two--two thousand twenty-three school year, the charter school basic tuition calculated for the base year divided by the difference of one less the adjustment factor and for the two thousand twenty-three--two thousand twenty-four and two thousand twenty-four--two thousand twenty-five school years, the charter school basic tuition calculated for the base year multiplied by (ii) the average of the quotients for each school year in the period commencing with the year four years prior to the base year and finishing with the year prior to the base year, excluding the two thousand twenty--two thousand twenty-one school year, of the total approved operating expense for such school district calculated pursuant to paragraph t of subdivision one of section thirty-six hundred two of this chapter for each such year divided by the total approved operating expense for such district for the immediately preceding year or (B) the quotient of the total general fund expenditures for the school district calculated pursuant to an electronic data file created for the purpose of compliance with paragraph b of subdivision twenty-one of section three hundred five of this chapter published annually on May fifteenth for the year prior to the base year divided by the total estimated public enrollment for the school district pursuant to paragraph n of subdivision one of section thirty-six hundred two of this chapter for the year prior to the base year.

§ 36. The closing paragraph of paragraph (a) 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:

(a-1) For the purposes of this subdivision, the "supplemental basic tuition" shall be (A) for a school district for which the charter school basic tuition computed for the current year is greater than or equal to the charter school basic tuition for the two thousand ten--two thousand eleven school year pursuant to the provisions of subparagraph (i) of this paragraph, (1) for the two thousand fourteen--two thousand fifteen school year two hundred and fifty dollars, and (2) for the two thousand fifteen--two thousand sixteen school year three hundred and fifty dollars, and (3) for the two thousand sixteen--two thousand seventeen

school year five hundred dollars, and (4) for the two thousand seventeen--two thousand eighteen school year and thereafter, the sum of (i) the supplemental basic tuition calculated for the two thousand sixteen--two thousand seventeen school year plus (ii) five hundred dollars, and (B) for school years prior to the two thousand seventeen--two thousand eighteen school year, for a school district for which the charter school basic tuition for the two thousand ten--two thousand eleven school year is greater than the charter school basic tuition for the current year pursuant to the provisions of subparagraph (i) of this paragraph, the positive difference of the charter school basic tuition for the two thousand ten--two thousand eleven school year minus the charter school basic tuition for the current year pursuant to the provisions of subparagraph (i) of this paragraph and (C) for school years following the two thousand sixteen--two thousand seventeen school years, for a school district for which the charter school basic tuition for the two thousand ten--two thousand eleven school year is greater than the charter school basic tuition for the current year pursuant to the provisions of subparagraph (i) of this paragraph, the sum of (i) the supplemental basic tuition calculated for the two thousand sixteen--two thousand seventeen school year plus (ii) five hundred dollars. **Provided, however, that notwithstanding any inconsistent provision of law, for the two thousand twenty--two thousand twenty-one school year, the supplemental basic tuition shall be reduced by an amount equal to the product of (i) one half multiplied by (ii) the adjustment factor as defined in this section, further multiplied by (iii) the charter school basic tuition for the two thousand twenty-one--two thousand twenty-two school year, but shall not be less than zero.**

§ 36-a. The closing paragraph of paragraph (a) 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:

**(a-1)** For the purposes of this subdivision, the "supplemental basic tuition" shall be (A) for a school district for which the charter school basic tuition computed for the current year is greater than or equal to the charter school basic tuition for the two thousand ten--two thousand eleven school year pursuant to the provisions of subparagraph (i) of this paragraph, (1) for the two thousand fourteen--two thousand fifteen school year two hundred and fifty dollars, and (2) for the two thousand fifteen--two thousand sixteen school year three hundred and fifty dollars, and (3) for the two thousand sixteen--two thousand seventeen school year five hundred dollars, and (4) for the two thousand seventeen--two thousand eighteen school year and thereafter, the sum of (i) the supplemental basic tuition calculated for the two thousand sixteen--two thousand seventeen school year plus (ii) five hundred dollars, and (B) for school years prior to the two thousand seventeen--two thousand eighteen school year, for a school district for which the charter school basic tuition for the two thousand ten--two thousand eleven school year is greater than the charter school basic tuition for the current year pursuant to the provisions of subparagraph (i) of this paragraph, the positive difference of the charter school basic tuition for the two thousand ten--two thousand eleven school year minus the charter school basic tuition for the current year pursuant to the provisions of subparagraph (i) of this paragraph and (C) for school years following the two thousand sixteen--two thousand seventeen school years, for a school district for which the charter school basic tuition for the two thousand ten--two thousand eleven school year is greater than the charter school basic tuition for the current year pursuant to the provisions of subpar-

agraph (i) of this paragraph, the sum of (i) the supplemental basic tuition calculated for the two thousand sixteen--two thousand seventeen school year plus (ii) five hundred dollars. **Provided, however, that notwithstanding any inconsistent provision of law, for the two thousand twenty--two thousand twenty-one school year, the supplemental basic tuition shall be reduced by an amount equal to the product of (i) one half multiplied by (ii) the adjustment factor as defined in this section, further multiplied by (iii) the charter school basic tuition for the two thousand twenty-one--two thousand twenty-two school year, but shall not be less than zero.**

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

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

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

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

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

(d) Notwithstanding any provision of this article to the contrary, any charter authorized to be issued by chapter fifty-seven of the laws of two thousand seven effective July first, two thousand seven, and that remains unissued as of July first, two thousand fifteen, may be issued pursuant to the provisions of law applicable to a charter authorized to be issued by such chapter in effect as of June fifteenth, two thousand fifteen; provided however that nothing in this paragraph shall be construed to increase the numerical limit applicable to a city having a population of one million or more as provided in paragraph (a) of this subdivision, as amended by [~~a~~] **subpart A of part B of** chapter **twenty** of the laws of two thousand fifteen [~~which added this paragraph~~].

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

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

§ 38. 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. **Provided that each nonpublic school that seeks aid payable in the two thousand twenty--two thousand twenty-one school year to reimburse two thousand nineteen--two thousand twenty school year expenses shall submit a claim for such aid to the state education department no later than May fifteenth, two thousand twenty-one and such claims shall be paid by the state education department no later than June thirtieth, two thousand twenty-one. Provided further that each nonpublic school that seeks aid payable in the two thousand twenty-one--two thousand twenty-two school year and thereafter shall submit a claim for such aid to the state education department no later than April first of the school year in which aid is payable and such claims shall be paid by the state education department no later than May thirty-first of such school year. Provided, however, that the state's liability under this section shall be limited to the annual amount appropriated for such purpose. In the event that total**

**claims submitted exceed the appropriation available for such aid, each claimant shall only be reimbursed an amount equal to the percentage that each such claimant represents to the total of all claims submitted.**

b. Such nonpublic schools shall be eligible to receive aid based on the number of days or portion of days attendance is taken and either a 5.0/5.5 hour standard 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.

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.

§ 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 twenty-five cents per contact hour, **and reimbursement for the 2021--2022 school year shall not exceed 56.0 percent of the lesser of such approvable costs per contact hour or sixteen dollars and thirty-five cents per contact hour,** and where a contact hour represents sixty minutes of instruction services provided to an eligible adult. Notwithstanding any other provision of law to the contrary, for the 2018--2019 school year such contact hours shall not exceed one million four hundred sixty-three thousand nine hundred sixty-three (1,463,963); for the 2019--2020 school year such contact hours shall not exceed one million four hundred forty-four thousand four hundred forty-four (1,444,444); [~~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 two hundred fifty-six thousand eight hundred thirty (1,256,830)**. 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 eleven million five hundred thousand dollars ($11,500,000).

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

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

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

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

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

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

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

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

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

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

June 30, 2021 and such apportionment shall not exceed the sum of (i) the deficit reduction assessment of 1990--1991 as determined by the commissioner of education, pursuant to paragraph f of subdivision 1 of section 3602 of the education law, as in effect through June 30, 1993, plus (ii) 186 percent of such amount for a city school district in a city with a 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-five, forty-eight and forty-nine of this act shall take effect July 1, 2021;

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

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

4. The amendments to paragraph (a) of subdivision 1 of section 2856 of the education law made by section thirty-four 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 thirty-five of this act shall take effect; and

5. The amendments to paragraph (a-1) of subdivision 1 of section 2856 of the education law made by section thirty-six 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 thirty-six-a of this act shall take effect.

6. 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 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 crea-

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

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

(a) "Foreign professional service limited liability company" means a professional service limited liability company, whether or not denominated as such, organized under the laws of a jurisdiction other than this state, (i) each of whose members and managers, if any, is a professional authorized by law to render a professional service within this

state and who is or has been engaged in the practice of such profession in such professional service limited liability company or a predecessor entity, or will engage in the practice of such profession in the professional service limited liability company within thirty days of the date such professional becomes a member, or each of whose members and managers, if any, is a professional at least one of such members is authorized by law to render a professional service within this state and who is or has been engaged in the practice of such profession in such professional service limited liability company or a predecessor entity, or will engage in the practice of such profession in the professional service limited liability company within thirty days of the date such professional becomes a member, or (ii) authorized by, or holding a license, certificate, registration or permit issued by the licensing authority pursuant to, the education law to render a professional service within this state; except that all members and managers, if any, of a foreign professional service limited liability company that provides health services in this state shall be licensed in this state. With respect to a foreign professional service limited liability company which provides veterinary services as such services are defined in article 135 of the education law, each member of such foreign professional service limited liability company shall be licensed pursuant to article 135 of the education law to practice veterinary medicine. With respect to a foreign professional service limited liability company which provides medical services as such services are defined in article 131 of the education law, each member of such foreign professional service limited liability company must be licensed pursuant to article 131 of the education law to practice medicine in this state. With respect to a foreign professional service limited liability company which provides dental services as such services are defined in article 133 of the education law, each member of such foreign professional service limited liability company must be licensed pursuant to article 133 of the education law to practice dentistry in this state. With respect to a foreign professional service limited liability company which provides professional engineering, land surveying, geologic, architectural and/or landscape architectural services as such services are defined in article 145, article 147 and article 148 of the education law, each member of such foreign professional service limited liability company must be licensed pursuant to article 145, article 147 and/or article 148 of the education law to practice one or more of such professions in this state. **With respect to a foreign professional service limited liability company which provides public accountancy services as such services are defined in article 149 of the education law, each member of such foreign professional service limited liability company whose principal place of business is in this state and who provides public accountancy services, shall be licensed pursuant to article 149 of the education law to practice public accountancy in this state.** With respect to a foreign professional service limited liability company which provides licensed clinical social work services as such services are defined in article 154 of the education law, each member of such foreign professional service limited liability company shall be licensed pursuant to article 154 of the education law to practice clinical social work in this state. With respect to a foreign professional service limited liability company which provides creative arts therapy services as such services are defined in article 163 of the education law, each member of such foreign professional service limited liability company must be licensed pursuant to article 163 of the education law to practice creative arts therapy in

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

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

§ 14. This act shall take effect immediately.

PART C

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

**§ 210-d. Registration of curricula. Notwithstanding any law, rule or regulation to the contrary, any new curriculum or program of study offered by any not-for-profit college or university chartered by the regents or incorporated by special act of the legislature that does not require a master plan amendment pursuant to section two hundred thirty-seven of this part, or charter amendment pursuant to section two hundred sixteen of this part, or lead to professional licensure; and that is approved by the state university board of trustees, the city university board of trustees, or the trustees or governing body of any other not-for-profit college or university chartered by the regents which (1) has maintained a physical presence in New York state for the immediately preceding ten years and has been operated continuously by the same governing body during the same immediately preceding ten year period and (2) is accredited and has continued in accreditation by the Middle States Commission on Higher Education ("MSCHE") or the department for the immediately preceding ten years, shall be deemed registered with the department thirty days after notification of approval by such college or university's governing body. If the college or university is placed on probation or has its accreditation terminated by MSCHE, such college or university shall notify the regents in writing no later than thirty days after receiving notice of its probationary status or loss of accreditation by the MSCHE. Any college or university which has its accreditation placed on probation or terminated by the MSCHE or the education department shall be subject to the commissioner's program approval until it has been removed from probation or regained accreditation by MSCHE or the education department, and shall further remain subject to such commissioner's program approval until it has continued without probation for a period of not less than six years. If a college or university subject to this section intends to offer or institute an additional degree or program which constitutes a "substantive change," as defined and determined by MSCHE, then the college or university shall provide the commissioner with copies of any reports or other documents filed with MSCHE as part of MSCHE's substantive change review process and shall inform the commissioner when the substantive change is approved. Any such college or university that does not satisfy all of the provisions of this paragraph shall comply with the procedures and criteria established by the regents and commissioner for academic program approval. Nothing in this section shall be deemed to limit the department's existing authority to investigate a complaint concerning the institution, or any program offered, including the authority to deregister the program.**

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

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

does not exceed the tuition rate charged to students who are enrolled in like degree programs or degree-granting undergraduate programs leading to a baccalaureate degree at other state-operated institutions of the state university of New York. Notwithstanding any other provision of 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) **Commencing with the two thousand twenty-one--two thousand twenty-two academic year and ending in the two thousand twenty-four--two thousand twenty-five academic year, upon recommendation of the chancellor of the state university of New York, the state university of New York board of trustees shall be empowered to approve an increase of the resident undergraduate rate of tuition by no more than two hundred dollars over the resident undergraduate rate of tuition adopted by the board of trustees in the prior academic year, provided, however that if the annual resident undergraduate rate of tuition would exceed five thousand dollars, then a tuition credit for each eligible student, as determined and calculated by the New York state higher education services corporation pursuant to section six hundred eighty-nine-a of this title, shall be applied toward the tuition charged for each semester, quarter or term of study. Tuition for each semester, quarter or term of study shall not be due for any student eligible to receive such tuition credit until the tuition credit is calculated and applied against the tuition charged for the corresponding semester, quarter or term. Provided further that the revenue resulting from an increase in the rate of tuition shall be allocated to each campus pursuant to a plan approved by the board of trustees to support investments in new classroom faculty, instruction, initiatives to improve student success and on-time completion and a tuition credit for each eligible student.**

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

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

[~~(v)~~] **(vi)** Beginning in state fiscal year two thousand seventeen--two thousand eighteen and ending in state fiscal year two thousand twenty--two thousand twenty-one, the state shall appropriate and make available general fund operating support, including fringe benefits, for the state

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

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

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

(a) The board of trustees shall establish positions, departments, divisions and faculties; appoint and in accordance with the provisions of law fix salaries of instructional and non-instructional employees therein; establish and conduct courses and curricula; prescribe conditions of student admission, attendance and discharge; and shall have the power to determine in its discretion whether tuition shall be charged and to regulate tuition charges, and other instructional and non-instructional fees and other fees and charges at the educational units of the city university. The trustees shall review any proposed community college tuition increase and the justification for such increase. The justification provided by the community college for such increase shall include a detailed analysis of ongoing operating costs, capital, debt service expenditures, and all revenues. The trustees shall not impose a differential tuition charge based upon need or income. All students enrolled in programs leading to like degrees at the senior colleges shall be charged a uniform rate of tuition, except for differential tuition rates based on state residency**, and a flexible tuition rate**

category to increase research capacity for doctoral degree granting authorized institutions; provided, however, that a portion of revenue generated by such flexible tuition rate category shall be used to ensure that no student is unable to attend an institution of choice based on income. Such flexible tuition rate category must be recommended by the chancellor of the city university of New York and approved by the trustees; provided, however, that such flexible tuition rate shall not vary by more than 1.5 times from the minimum rate within each type of tuition rate. 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 trus-

tees 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) **Commencing with the two thousand twenty-one--two thousand twenty-two academic year and ending in the two thousand twenty-four--two thousand twenty-five academic year, upon recommendation of the chancellor of the city university of New York, the city university of New York board of trustees shall be empowered to approve an increase of 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 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.**

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

[~~(iv)~~] **(v)** Beginning in state fiscal year two thousand twelve--two thousand thirteen and ending in state fiscal year two thousand fifteen--two thousand sixteen, the state shall appropriate and make available 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 university may be reduced in a manner proportionate to one another, and the aforementioned provisions shall not apply.

[~~(v)~~] **(vi)** Beginning in state fiscal year two thousand seventeen--two thousand eighteen and ending in state fiscal year two thousand twenty--two thousand twenty-one, the state shall appropriate and make available general fund operating support, including fringe benefits, for the 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 univer-

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

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

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

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

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

PART F

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

§ 2. This act shall take effect immediately.

PART G

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

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

§ 2. This act shall take effect immediately.

PART H

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

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

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

§ 3. (a) Notwithstanding the time period required for notice pursuant to subdivision 15 of section 501 of the executive law, the office of children and family services is authorized to close the Brentwood Residential Center, Red Hook Residential Center, Columbia Girls Secure Center and Goshen Secure Center. At least six months prior to taking any such action, the commissioner of such office shall provide notice of such action to the speaker of the assembly and the temporary president of the senate and shall post such notice upon its public website.

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

§ 4. This act shall take effect immediately.

PART I

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

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

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

PART J

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

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

§ 2. This act shall take effect immediately.

PART K

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

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

§ 2. This act shall take effect immediately.

PART L

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

**(ii) When a child whose legal custody was transferred to the commissioner of a local social services district in accordance with this section resides in a qualified residential treatment program, as defined 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. Notwithstanding any other provision of law to the contrary, such hearing shall occur no later than 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) 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 a 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 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 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;

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

(3) 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 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.

(b) 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 this article, 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 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.

§ 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 of 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 assess 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 federally allowable, the assessment may occur prior to the placement 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, 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 a 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 a qualified residential treatment program within thirty days, 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 and who does not have a direct role in case management or case planning decision making authority for the child for whom such assessment is being conducted, 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 occur no later than sixty days from the date the placement of the respondent in the qualified residential treatment program commenced.

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

(iii) Approve or disapprove the placement of the respondent in a qualified residential treatment program. Provided that, notwithstanding any other provision of law to the contrary, where 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;

(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) 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 or the office 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.

§ 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 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 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 contra-

ry, such hearing shall occur no later than sixty days from the date the placement of the respondent in the qualified residential treatment program commenced.

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

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

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

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

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

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

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

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

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

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

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

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

(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 occur no later than 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 occur no later than 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. 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 a 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;

(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.

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 a 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 occur no later than 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 occur no later than sixty days from the date the placement of the former foster care youth in the qualified residential treatment program commenced.

3. 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 a 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 placement 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;

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

3. 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 a 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;

(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. 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:

(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

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

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

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

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

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

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

(a) (i) notwithstanding any other provision of law, provisions in this act shall not take effect unless and until the state title IV-E agency submits to the United States Department of Health and Human Services, Administration for Children, Youth and Families, an amendment to the title IV-E state plan and the United States Department of Health and Human Services, Administration for Children, Youth and Families approves said title IV-E state plan amendment regarding when a child is placed in

a qualified residential treatment program in relation to the following components: (1) the qualified individual and the establishment of the assessment by the qualified individual to be completed prior to or within 30-days of the child's placement as established by section three of this act; (2) the 60 day court reviews, including the ability to conduct at the same time as another hearing scheduled for the child, as established by sections one, two, four, seven, eight, nine, ten, twelve, thirteen and fourteen of this act; and (3) permanency hearing requirements as established by sections five, six and eleven of this act;

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

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

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

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

PART M

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

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

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

[~~Any~~] **Each** social services district [~~interested in implementing a differential response program~~] shall [~~apply~~] **submit a plan** to the office of children and family services **on or before January first, two thousand twenty-three** for [~~permission to participate~~] **authorization to operate a program pursuant to subdivision one of this section prior to January first, two thousand twenty-four**. The criteria for [~~a social services district to participate~~] **authorization** will be determined by the office of children and family services after consultation with the office for the prevention of domestic violence[~~,~~]**;** however the social services district's [~~application must include a~~] plan [~~setting~~] **shall set** forth the following:

(a) in conjunction with any additional requirements imposed by the office of children and family services and the provisions of this subdivision, the factors to be considered by the social services district in determining which cases will be addressed through the family assessment and services track and the size of the population to be the subject of the differential response program **and the protocols that will be in place to remove implicit bias from the decision-making process in determining which cases will be subject to the differential response**;

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

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

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

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

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

PART N

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

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

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

5. (a) Notwithstanding any provision of this section to the contrary, in any county outside a city having a population of one million or more, upon or after arraignment of a defendant on an information, a simplified information, a prosecutor's information or a misdemeanor complaint pend-

ing in a local criminal court, such court may, upon **defendant's** motion [~~of the defendant and after giving the district attorney an opportunity to be heard, order that the action be removed from the court in which the matter is pending to another local criminal court in the same county, or with consent of the district attorney to another court in an adjoining county, that has been designated as a human trafficking court by the chief administrator of the courts, and such human trafficking court~~] **to remove the action to a court in an adjoining county that has been designated as a human trafficking court or veterans treatment court by the chief administrator of the courts, and after giving the district attorney an opportunity to be heard and with the consent of the district attorney of the adjoining county, order that the action be removed from the court in which the matter is pending to such human trafficking court or veterans treatment court, whereupon such court** may then conduct such action to [~~judgement~~] **judgment** or other final deposition; provided, however, that **matters where the accused and the person alleged to be the victim of an offense charged are members of the same family or household as defined in subdivision one of section 530.11 of this chapter shall not be removed to a veterans treatment court; and provided further that** an order of removal issued under this subdivision shall not take effect until five days after the date the order is issued unless, prior to such effective date, the human trafficking court **or veterans treatment court** notifies the court that issued the order that:

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

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

(b) Upon providing notification pursuant to subparagraph i or ii of paragraph (a) of this subdivision, the human trafficking court **or veterans treatment court** shall promptly give notice to the defendant, his or her counsel, and the district attorney.

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

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

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

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

(b) Upon providing notification pursuant to subparagraph i or ii of paragraph (a) of this subdivision, the human trafficking court **or veterans treatment court** shall promptly give notice to the defendant, his or her counsel and the district attorney.

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

**§ 230.21 Removal of action to an adjoining county.**

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

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

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

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

§ 5. This act shall take effect immediately.

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 $12,830,000 for the fiscal year ending March 31, 2022. Notwithstanding any other provision of law, and subject to the approval of the New York state director of the budget, the board of directors of the state of New York mortgage agency shall authorize the transfer to the housing trust fund corporation, for the purposes of reimbursing any costs associated with neighborhood preservation program contracts authorized by this section, a total sum not to exceed $12,830,000, such transfer to be made from (i) the special account of the mortgage insurance fund created pursuant to section 2429-b of the public authorities law, in an amount not to exceed the actual excess balance in the special account of the mortgage insurance fund, as determined and certified by the state of New York mortgage agency for the fiscal year 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 $5,360,000 for the fiscal year ending March 31, 2022. Notwithstanding any other provision of law, and subject to the approval of the New York state director of the budget, the board of directors of the state of New York mortgage agency shall authorize the transfer to the housing trust fund corporation, for the purposes of reimbursing any costs associated with rural preservation program contracts authorized by this section, a total sum not to exceed $5,360,000, such transfer to be made from (i) the special account of the mortgage insurance fund created pursuant to section 2429-b of the public authorities law, in an amount not to exceed the actual excess balance in the special account of the mortgage insurance fund, as determined and certified by the state of New York mortgage agency for the fiscal year 2020-2021 in accordance with section 2429-b of the public authorities law, if any, and/or (ii) provided that the reserves in the project pool insurance account of the mortgage insurance fund created pursuant to section 2429-b of the public authorities law are sufficient to attain and maintain the credit rating (as determined by the state of New York mortgage agency) required to accomplish the purposes of such account, the project pool insurance account of the mortgage insurance fund, such transfer to be made as soon as practicable but no later than June 30, 2021.

§ 3. Notwithstanding any other provision of law, the homeless housing and assistance corporation may provide, for services and expenses related to homeless housing and preventative services programs including but not limited to the New York state supportive housing program, the solutions to end homelessness program or the operational support for AIDS housing program, or to qualified grantees under such programs, in accordance with the requirements of such programs, a sum not to exceed $45,181,000 for the fiscal year ending March 31, 2022. The homeless housing and assistance corporation may enter into an agreement with the office of temporary and disability assistance to administer such sum in accordance with the requirements of such programs. Notwithstanding any other provision of law, and subject to the approval of the New York state director of the budget, the board of directors of the state of New York mortgage agency shall authorize the transfer to the homeless housing and assistance corporation, a total sum not to exceed $45,181,000, such transfer to be made from (i) the special account of the mortgage insurance fund created pursuant to section 2429-b of the public authorities law, in an amount not to exceed the actual excess balance in the special account of the mortgage insurance fund, as determined and certified by the state of New York mortgage agency for the fiscal year 2020-2021 in accordance with section 2429-b of the public authorities law, if any, and/or (ii) provided that the reserves in the project pool insurance account of the mortgage insurance fund created pursuant to section 2429-b of the public authorities law are sufficient to attain and maintain the credit rating as determined by the state of New York mortgage agency, required to accomplish the purposes of such account, the project pool insurance account of the mortgage insurance fund, such transfer shall be made as soon as practicable but no later than March 31, 2022.

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

§ 5. This act shall take effect immediately.

## PART P

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

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

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

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

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

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

(2) the amount in subparagraph one of this paragraph, multiplied by the percentage of any federal supplemental security income cost of living adjustment which becomes effective on or after January first, two thousand [~~twenty-one~~] twenty-two, but prior to June thirtieth, two thousand [~~twenty-one~~] twenty-two, rounded to the nearest whole dollar.

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

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

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

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

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

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

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

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

## PART Q

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

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

2. Such fund shall consist of all revenues received by the department of taxation and finance pursuant to the provisions of section six hundred twenty-five-a of the tax law and all other money appropriated,

credited, or transferred thereto from any other fund or source pursuant to law. Nothing in this section shall prevent the state from receiving grants, gifts or bequests for the purposes of the fund as defined in this section and depositing them into the fund according to law.

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

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

39. The term "educational institution" shall mean:

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

(b) **any education corporation or association which holds itself out to the public to be non-sectarian and which is under the supervision of the regents of the state of New York and which is not exempt from taxation**

**pursuant to the provisions of article four of the real property tax law; or**

**(c)** any public school, including any school district, board of cooperative educational services, public college or public university.

§ 2. This act shall take effect immediately.

PART S

Section 1. Subdivisions 37 and 38 of section 292 of the executive law, subdivision 37 as amended by chapter 118, subdivision 37 as added by chapter 160 of the laws of 2019, are renumbered subdivisions 38, 39 and 40 and a new subdivision 41 is added to read as follows:

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

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

1. It shall be an unlawful discriminatory practice:

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

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

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

(d) For any employer or employment agency to print or circulate or cause to be printed or circulated any statement, advertisement or publication, or to use any form of application for employment or to make any inquiry in connection with prospective employment, which expresses directly or indirectly, any limitation, specification or discrimination as to age, race, creed, color, national origin, **citizenship or immigration status,** sexual orientation, gender identity or expression, military status, sex, disability, predisposing genetic characteristics, familial status, or marital status, or any intent to make any such limi-

tation, specification or discrimination, unless based upon a bona fide occupational qualification; provided, however, that neither this paragraph nor any provision of this chapter or other law shall be construed to prohibit the department of civil service or the department of personnel of any city containing more than one county from requesting information from applicants for civil service examinations concerning any of the aforementioned characteristics, other than sexual orientation, for the purpose of conducting studies to identify and resolve possible problems in recruitment and testing of members of minority groups to insure the fairest possible and equal opportunities for employment in the civil service for all persons, regardless of age, race, creed, color, national origin, **citizenship or immigration status,** sexual orientation or gender identity or expression, military status, sex, disability, predisposing genetic characteristics, familial status, or marital status.

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) To refuse to sell, rent or lease or otherwise to deny to or withhold from any person or group of persons such housing accommodations because of the race, creed, color, disability, national origin, **citizen-**

**ship or immigration status,** sexual orientation, gender identity or expression, military status, age, sex, marital status, lawful source of income or familial status of such person or persons, or to represent that any housing accommodation or land is not available for inspection, sale, rental or lease when in fact it is so available.

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

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

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

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

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

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

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

§ 8. Subdivision 5 of section 296 of the executive law, as amended by chapter 8 of the laws of 2019, subparagraphs 1, 2 and 3 of paragraph (a) as amended by section 4, subparagraphs 1 and 2 of paragraph (c) as amended by section 5, and paragraph (d) as amended by section 6 of part T of chapter 56 of the laws of 2019, is amended to read as follows:

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

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

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

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

The provisions of this paragraph (a) shall not apply (1) to the rental of a housing accommodation in a building which contains housing accommodations for not more than two families living independently of each other, if the owner resides in one of such housing accommodations, (2) to the restriction of the rental of all rooms in a housing accommodation to individuals of the same sex or (3) to the rental of a room or rooms in a housing accommodation, if such rental is by the occupant of the housing accommodation or by the owner of the housing accommodation and the owner resides in such housing accommodation or (4) solely with respect to age and familial status to the restriction of the sale, rental or lease of housing accommodations exclusively to persons sixty-two years of age or older and the spouse of any such person, or for housing intended and operated for occupancy by at least one person

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

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

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

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

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

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

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

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

inspection, sale, rental or lease when in fact it is so available, or otherwise to deny or withhold any housing accommodation, land or commercial space or any facilities of any housing accommodation, land or commercial space from any person or group of persons because of the race, creed, color, national origin, **citizenship or immigration status,** sexual orientation, gender identity or expression, military status, sex, age, disability, marital status, lawful source of income or familial status of such person or persons.

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

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

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

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

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

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

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

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

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

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

(a) Boycotts connected with labor disputes; or

(b) Boycotts to protest unlawful discriminatory practices.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

§ 14. This act shall take effect immediately.

PART T

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

§ 522. Total unemployment. "Total unemployment" **or "totally unemployed"** means the total lack of any employment on any day. The term "employment" as used in this section means any employment including that not defined in this title.

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

§ 523. [~~Effective day~~] **Partial unemployment**. [~~"Effective day" means a full day of total unemployment provided such day falls within a week in which a claimant had four or more days of total unemployment and provided further that only those days of total unemployment in excess of three days within such week are deemed "effective days". No effective day is deemed to occur in a week in which the claimant has days of employment for which he is paid compensation exceeding the highest benefit rate which is applicable to any claimant in such week. A claimant who is employed on a shift continuing through midnight is deemed to have been employed on the day beginning before midnight with respect to such shift, except where night shift employees are regularly scheduled to start their work week at seven post meridiem or thereafter on Sunday night, their regularly scheduled starting time on Sunday shall be considered as starting on Monday.~~] **"Partial unemployment" or "partially unemployed" means any week in which the claimant works less than full-time if the wages payable to such individual for such week do not equal or exceed the individual's weekly benefit amount plus one hundred dollars or forty percent of the claimant's weekly benefit amount, whichever is greater. For purposes of this section, remuneration shall also include any holiday or vacation pay payable with respect to any such week, whether or not any service was performed during such week or was in any other way required for receipt of such holiday or vacation pay.**

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

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

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

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

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

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

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

(i) In those instances where the claimant may not utilize wages paid to establish entitlement based upon subdivision ten of section five hundred ninety of this article and an educational institution is the claimant's last employer prior to the filing of the claim for benefits, or the claimant performed services in such educational institution in such capacity while employed by an educational service agency which is the claimant's last employer prior to the filing of the claim for benefits, such employer shall not be liable for benefit charges [~~for the first twenty-eight effective days of benefits paid~~] **in an amount equal to the benefits paid for seven weeks of total unemployment** as otherwise provided by this section. Under such circumstances, benefits paid shall be charged to the general account. In addition, wages paid during the base period by such educational institutions, or for services in such educational institutions for claimants employed by an educational service agency shall not be considered base period wages during periods that such wages may not be used to gain entitlement to benefits pursuant to subdivision ten of section five hundred ninety of this article.

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

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

all employers during the base period. In addition, benefit payment charges [~~for the first twenty-eight effective days of benefits~~] **in an amount equal to the benefits paid for seven weeks of total unemployment** other than those chargeable to the federal government as prescribed above shall be made to the general account.

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

§ 7. Subdivisions 1, 3, 4, paragraph (a) of subdivision 5 and subdivisions 6 and 7 of section 590 of the labor law, subdivisions 1 and 3 as amended by chapter 645 of the laws of 1951, subdivision 4 as amended by chapter 457 of the laws of 1987, paragraph (a) of subdivision 5 as amended by section 8 of part O of chapter 57 of the laws of 2013, subdivision 6 as added by chapter 720 of the laws of 1953 and as renumbered by chapter 675 of the laws of 1977, and subdivision 7 as amended by chapter 415 of the laws of 1983, are amended and a new paragraph (c) is added to subdivision 5 to read as follows:

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

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

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

(a) A claimant's weekly benefit amount shall be one twenty-sixth of the remuneration paid during the highest calendar quarter of the base period by employers, liable for contributions or payments in lieu of contributions under this article, provided the claimant has remuneration paid in all four calendar quarters during his or her base period or alternate base period. However, for any claimant who has remuneration paid in all four calendar quarters during his or her base period or alternate base period and whose high calendar quarter remuneration during the base period is three thousand five hundred seventy-five dollars or less, the benefit amount shall be one twenty-fifth of the

remuneration paid during the highest calendar quarter of the base period by employers liable for contributions or payments in lieu of contributions under this article. A claimant's weekly benefit shall be one twenty-sixth of the average remuneration paid in the two highest quarters paid during the base period or alternate base period by employers liable for contributions or payments in lieu of contributions under this article when the claimant has remuneration paid in two or three calendar quarters provided however, that a claimant whose high calendar quarter is four thousand dollars or less but greater than three thousand five hundred seventy-five dollars shall have a weekly benefit amount of one twenty-sixth of such high calendar quarter. However, for any claimant who has remuneration paid in two or three calendar quarters during his or her base period or alternate base period and whose high calendar quarter remuneration during the base period is three thousand five hundred seventy-five dollars or less, the benefit amount shall be one twenty-fifth of the remuneration paid during the highest calendar quarter of the base period by employers liable for contributions or payments in lieu of contributions under this article. Any claimant whose high calendar quarter remuneration during the base period is more than three thousand five hundred seventy-five dollars shall not have a weekly benefit amount less than one hundred forty-three dollars. The weekly benefit amount, so computed, that is not a multiple of one dollar shall be lowered to the next multiple of one dollar. On the first Monday of September, nineteen hundred ninety-eight the weekly benefit amount shall not exceed three hundred sixty-five dollars nor be less than forty dollars, until the first Monday of September, two thousand, at which time the maximum benefit payable pursuant to this subdivision shall equal one-half of the state average weekly wage for covered employment as calculated by the department no sooner than July first, two thousand and no later than August first, two thousand, rounded down to the lowest dollar. On and after the first Monday of October, two thousand fourteen, the weekly benefit shall not be less than one hundred dollars, nor shall it exceed four hundred twenty dollars until the first Monday of October, two thousand fifteen when the maximum benefit amount shall be four hundred twenty-five dollars, until the first Monday of October, two thousand sixteen when the maximum benefit amount shall be four hundred thirty dollars, until the first Monday of October, two thousand seventeen when the maximum benefit amount shall be four hundred thirty-five dollars, until the first Monday of October, two thousand eighteen when the maximum benefit amount shall be four hundred fifty dollars, until the first Monday of October, two thousand nineteen when the maximum benefit amount shall be thirty-six percent of the average weekly wage until the first Monday of October, two thousand twenty when the maximum benefit amount shall be thirty-eight percent of the average weekly wage, until the first Monday of October two thousand twenty-one when the maximum benefit amount shall be forty percent of the average weekly wage, until the first Monday of October, two thousand twenty-two when the maximum benefit amount shall be forty-two percent of the average weekly wage, until the first Monday of October, two thousand twenty-three when the maximum benefit amount shall be forty-four percent of the average weekly wage, until the first Monday of October, two thousand twenty-four when the maximum benefit amount shall be forty-six percent of the average weekly wage, until the first Monday of October, two thousand twenty-five when the maximum benefit amount shall be forty-eight percent of the average weekly wage, until the first Monday of October, two thousand twenty-six and each year thereafter on the first Monday of October when

the maximum benefit amount shall be fifty percent of the average weekly wage provided, however, that in no event shall the maximum benefit amount be reduced from the previous year. **A claimant shall receive his or her full benefit rate for each week of total unemployment.**

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

6. Notification requirement. [~~No effective day shall be counted for any purposes except effective days as to~~] **Benefits shall be payable only for a week of unemployment for** which notification has been given in a manner prescribed by the commissioner.

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

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

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

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

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

(a) No benefits shall be payable to a claimant for any week during a dismissal period for which a claimant receives dismissal pay[~~, nor shall any day within such week be considered a day of total unemployment under section five hundred twenty-two of this article,~~] if such weekly dismissal pay exceeds the maximum weekly benefit rate **plus one hundred**

**dollars or fifty percent of the claimant's weekly benefit amount, whichever is greater**.

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

1. Unemployment. Benefits shall be paid only to a claimant who is totally **unemployed or partially** unemployed [~~and who is unable to engage in his usual employment or in any other for which he is reasonably fitted by training and experience~~]. A claimant who is receiving benefits under this article shall not be denied such benefits pursuant to this subdivision or to subdivision two of this section because of such claimant's service on a grand or petit jury of any state or of the United States.

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

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

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

§ 11. Paragraph (a) of subdivision 1, the opening paragraph of subdivision 2 and subdivisions 3 and 4 of section 593 of the labor law, paragraph (a) of subdivision 1, the opening paragraph of subdivision 2 and subdivision 3 as amended by section 15 of part O of chapter 57 of the laws of 2013 and subdivision 4 as amended by chapter 589 of the laws of 1998, are amended to read as follows:

(a) No [~~days of total unemployment shall be deemed to occur~~] **benefits shall be payable for any week of unemployment that occurs** after a claimant's voluntary separation without good cause from employment until he or she has subsequently worked in employment and earned remuneration at least equal to ten times his or her weekly benefit rate. In addition to other circumstances that may be found to constitute good cause, including a compelling family reason as set forth in paragraph (b) of this subdivision, voluntary separation from employment shall not in itself disqualify a claimant if circumstances have developed in the course of such employment that would have justified the claimant in refusing such

employment in the first instance under the terms of subdivision two of this section or if the claimant, pursuant to an option provided under a collective bargaining agreement or written employer plan which permits waiver of his or her right to retain the employment when there is a temporary layoff because of lack of work, has elected to be separated for a temporary period and the employer has consented thereto.

No [~~days of total unemployment shall be deemed to occur~~] **benefits shall be payable for any week of unemployment** beginning with the day on which a claimant, without good cause, refuses to accept an offer of employment for which he or she is reasonably fitted by training and experience, including employment not subject to this article, until he or she has subsequently worked in employment and earned remuneration at least equal to ten times his or her weekly benefit rate. Except that claimants who are not subject to a recall date or who do not obtain employment through a union hiring hall and who are still unemployed after receiving ten weeks of benefits shall be required to accept any employment proffered that such claimants are capable of performing, provided that such employment would result in a wage not less than eighty percent of such claimant's high calendar quarter wages received in the base period and not substantially less than the prevailing wage for similar work in the locality as provided for in paragraph (d) of this subdivision. No refusal to accept employment shall be deemed without good cause nor shall it disqualify any claimant otherwise eligible to receive benefits if:

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

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

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

(1) A claimant who has wilfully made a false statement or representation to obtain any benefit under the provisions of this article shall forfeit benefits for at least the first [~~four~~] **week of unemployment** but not more than the first [~~eighty effective days~~] **twenty weeks of unemployment** following discovery of such offense for which he or she otherwise would have been entitled to receive benefits. Such penalty shall apply only once with respect to each such offense.

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

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

1. Claim filing and certification to unemployment. A claimant shall file a claim for benefits [~~at~~] **with** the [~~local state employment office serving the area in which he was last employed or in which he resides~~] **department** within such time and in such manner as the commissioner shall prescribe. [~~He~~] **The claimant** shall disclose whether he **or she** owes child support obligations, as hereafter defined. If a claimant making such disclosure is eligible for benefits, the commissioner shall notify the state or local child support enforcement agency, as hereafter defined, that the claimant is eligible.

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

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

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

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

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

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

(e) is not claiming benefits pursuant to an interstate claim filed under the interstate benefit payment plan in a state where an extended

benefit period is not in effect, except that this condition shall not apply with respect to the first [~~eight effective days~~] **two weeks of total unemployment or partial unemployment** for which extended benefits shall otherwise be payable pursuant to an interstate claim filed under the interstate benefit payment plan; and

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

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

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

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

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

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

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

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

employment during at least four subsequent weeks and earned remuneration of at least four times his or her benefit rate.

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

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

§ 603. Definitions. For purposes of this title: "Total unemployment" **and "partial unemployment"** shall [~~mean the total lack of any employment on any day,~~] **have the same meanings as defined in this article,** other than with an employer applying for a shared work program. "Work force" shall mean the total work force, a clearly identifiable unit or units thereof, or a particular shift or shifts. The work force subject to reduction shall consist of no less than two employees.

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

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

## 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, 7, 12, 13, 14, 15, 16, and 17 of section 111-h of the social services law are REPEALED, subdivisions 18, 19, and 20 are renumbered subdivisions 12, 13, and 14 and three new subdivisions 5, 6, and 7 are added to read as follows:

**5. Except as provided in subdivision six of this section, any funds paid to a support collection unit established by a social services**

district which have not been disbursed after two years of diligent efforts to locate the person entitled to such funds shall be paid to the state comptroller in accordance with subdivision seven of this section unless information has been received that is likely to lead to the location of the person who is entitled to such funds; provided, however, where the support collection unit determines that the person entitled to the funds is deceased and cannot locate an estate for the person entitled to the funds, or the estate does not claim the funds, such funds may be paid to the state comptroller in accordance with subdivision seven of this section without two years of diligent efforts.

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

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

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

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

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

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

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

(b) The unit shall review a support collection unit's denial of a challenge made by a support obligor pursuant to paragraph two of subdivision [~~nineteen~~] **thirteen** of section one hundred eleven-h of this title if objections thereto are filed by a support obligor who has received notice that the department intends to notify the department of taxation and finance to collect such support obligor's support arrears. Specific written objections to a support collection unit's denial must be submitted by the support obligor to the unit within thirty days of the date of the notice of the support collection unit's denial. A support obligor who files such objections shall serve a copy of the objections upon the support collection unit, which shall have ten days from such service to file a written rebuttal to such objections and a copy of the record upon which the support collection unit's denial was made, including all documentation submitted by the support obligor. Proof of service shall be filed with the unit at the time of filing of objections and any rebuttal. The unit's review shall be based solely upon the record and submissions of the support obligor and the support collection unit upon which the support collection unit's denial was made. Within fifteen days after the rebuttal, if any, is filed, an administrative law judge of the unit shall (i) deny the objections and remand to the support collection unit or (ii) affirm the objections if the administrative law judge finds the determination of the support collection unit is based upon an erroneous determination of fact by the support collection unit. Such decision shall pertain solely to the mistaken identity of the obligor, a prejudicial error in the calculation of the obligor's arrears, the

obligor's financial exemption from collection of support arrears by the department of taxation and finance or the absence of an underlying court order establishing arrears to support eligibility for such enforcement. Upon an affirmation of the objections the administrative law judge shall direct the support collection unit not to notify the department of taxation and finance of their authority to collect the support obligor's arrears. Provisions set forth in this subdivision relating to procedures for hearing objections by the unit shall apply solely to such cases and not affect or modify any other procedure for review or appeal of administrative enforcement of child support requirements. The decision of the administrative law judge pursuant to this section shall be final and not reviewable by the commissioner, and shall be reviewable only pursuant to article seventy-eight of the civil practice law and rules.

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

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

PART W

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

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

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

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

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

6. No employer or any other person, shall discharge, threaten, penalize, or in any other manner discriminate or retaliate against any employee because such employee has exercised his or her rights afforded

under this act, consistent with and subject to the provisions of section 215 of the labor law.

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

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

9. Nothing in this act shall be deemed to impede, infringe, diminish or impair the rights of an employee or employer under any law, rule, regulation or collectively negotiated agreement, or the rights and benefits which accrue to employees through collective bargaining agreements, or otherwise diminish the integrity of the existing collective bargaining relationship, or to prohibit any personnel action which otherwise would have been taken regardless of any request to use, or utilization of, any leave provided by this act.

§ 2. This act shall take effect immediately.

PART X

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

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

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

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

(5) "Mortgage". A loan owed to a bank secured by a first lien on a fee simple or leasehold estate in real property located in the state and improved by a residential structure **or on which a residential structure shall be constructed using the proceeds of such loan**, whether or not insured or guaranteed by the United States of America or any agency thereof. The term "mortgage" shall also include a loan owed to a bank secured by a second lien on a fee simple or leasehold estate in real

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) For purposes of this act, a covered renewable energy project 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 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.

(c) For purposes of this act, "paid for in whole or in part out of public funds" shall mean (i) the payment of money, by a public entity, or a third party acting on behalf of and for the benefit of a public entity, directly to or on behalf of the contractor, subcontractor,

developer or owner that is not subject to repayment, including, without limitation, grants, incentives, the procurement of renewable energy credits, or loans to be repaid only on a contingent basis; or (ii) savings achieved from fees, rents, interest rates, or other loan costs, or insurance costs that are lower than market rate costs by virtue of the involvement of a public entity.

2. Notwithstanding part FFF of chapter 58 of the laws of 2020 that established prevailing wage for construction work done under contract which is paid for in whole or in part out of public funds, a covered renewable energy project shall be subject to prevailing wage requirements in accordance with sections 220 and 220-b of the labor law. Nothing herein shall be construed to require the payment of prevailing wage or require a project labor agreement for a renewable energy project which is paid for with solely private funds, by private entities.

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

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

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

§ 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.

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