

# STATE OF NEW YORK

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3006--B

## IN ASSEMBLY

January 20, 2021

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

AN ACT to amend the education law, in relation to school contracts for excellence; to amend the education law, in relation to the apportionment of public moneys to school districts employing eight or more teachers; to amend the education law, in relation to pandemic adjustment payment reduction; to amend the education law, in relation to aidable transportation expense; to amend chapter 537 of the laws of 1976, relating to paid, free and reduced price breakfast for eligible pupils in certain school districts, in relation to making school food authorities eligible for the additional state subsidy in accordance with the Summer Food Service Program; to amend the education law, in relation to the statewide universal full-day pre-kindergarten program; to legalize, validate, ratify and confirm the actions of certain school districts notwithstanding the failure to file certain reports with the education department; 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 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

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

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effectiveness thereof; to amend part B of chapter 57 of the laws of 2008, amending the education law relating to the universal prekindergarten program, 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; to amend chapter 121 of the laws of 1996, relating to authorizing the Roosevelt union free school district to finance deficits by the issuance of serial bonds, in relation to apportionment amounts; to amend chapter 89 of the laws of 2016, relating to supplementary funding for dedicated programs for public school students in the East Ramapo central school district, in relation to the effectiveness thereof; relates to the pandemic adjustment for the East Ramapo central school district; to amend the real property tax law, in relation to surplus funds; 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 paragraph cc of subdivision 1 and paragraph c of subdivision 17 of section 3602 of the education law relating to the gap elimination percentage; and providing for the repeal of certain provisions of the real property tax law relating thereto (Part A); intentionally omitted (Part B); intentionally omitted (Part C); 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); intentionally omitted (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); intentionally omitted (Part H); intentionally omitted (Part I); to amend part G of chapter 57 of the laws of 2013, amending the executive law and the social services law relating to consolidating the youth development and delinquency prevention program and the special delinquency prevention program, in relation to making such provisions permanent (Part J); to amend part K of chapter 57 of the laws of 2012, amending the education law, relating to authorizing the board of cooperative educational services to enter into contracts with the commissioner of children and family services to provide certain services, in relation to the effectiveness thereof (Part K); to amend the social services law and the family court act, in relation to compliance with the Federal Family First Prevention Services Act (Part L); intentionally omitted (Part M); intentionally omitted (Part N); to utilize reserves in the mortgage insurance fund for various housing purposes (Part O); to amend the social services law, in relation to increasing the standards of monthly need for aged, blind and disabled persons living in the community (Part P); to amend the state finance law, in relation to authorizing a tax check-off for gifts to food banks (Part Q); intentionally omitted (Part R); intentionally omitted (Part S); intentionally omitted (Part T); to amend the private housing finance law, in relation to exempting certain projects from sales and compensating use taxes (Part

U); intentionally omitted (Part V); intentionally omitted (Part W); intentionally omitted (Part X); intentionally omitted (Part Y); to amend the social services law, in relation to standardizing child care copayments (Subpart A); intentionally omitted (Subpart B) (Part Z); to amend the labor law and the public service law, in relation to extending prevailing wage requirements to covered renewable energy systems (Part AA); to amend the state finance law, in relation to establishing the emergency rental assistance municipal recipient allocation fund; and to amend the social services law, in relation to establishing the statewide emergency rental assistance program and the statewide emergency homeless assistance program (Part BB); intentionally omitted (Part CC); to amend the education law, in relation to state appropriations to the state university of New York and the city university of New York (Part DD); to amend the education law, in relation to setting a minimum funding ratio for state operating support of community colleges (Part EE); to amend the education law, in relation to establishing the Martin Luther King, Jr. scholarship (Part FF); to amend the education law, in relation to tuition assistance program awards; 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 GG); to amend the social services law, the education law and the public health law, in relation to providing supports and services for youth suffering from adverse childhood experiences; and providing for the repeal of certain provisions of the social services law relating thereto (Subpart A); and to amend the public health law, in relation to covered health care services (Subpart B) (Part HH); to amend the social services law, in relation to excluding certain funding from the determination of the maximum state aid rate for authorized agencies; and providing for the repeal of such provisions upon expiration thereof (Part II); to amend the public housing law, in relation to an affordable housing five-year capital plan (Part JJ); and to amend part A-4 of chapter 58 of the laws of 2006 enacting the "city of Syracuse and the board of education of the city school district of the city of Syracuse cooperative school reconstruction act", in relation to construction and design contracts entered into by the JSC Board; and to amend the education law, in relation to the computation of building aid for reconstruction or modernizing of no more than three projects for the third phase of the city of Syracuse cooperative school reconstruction act (Part KK)

**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 KK. The  
5 effective date for each particular provision contained within such Part  
6 is set forth in the last section of such Part. Any provision in any  
7 section contained within a Part, including the effective date of the  
8 Part, which makes a reference to a section "of this act", when used in  
9 connection with that particular component, shall be deemed to mean and  
10 refer to the corresponding section of the Part in which it is found.

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

3 PART A

4 Section 1. Paragraph e of subdivision 1 of section 211-d of the educa-  
5 tion law, as amended by section 1 of part A of chapter 56 of the laws of  
6 2020, is amended to read as follows:

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

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

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

§ 2. Intentionally omitted.

§ 3. Intentionally omitted.

§ 4. Intentionally omitted.

§ 5. Intentionally omitted.

§ 6. Intentionally omitted.

§ 7. Intentionally omitted.

§ 8. Intentionally omitted.

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

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

§ 10. Intentionally omitted.

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



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

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

i. Foundation aid payable in the two thousand twenty-one--two thousand twenty-two school year. Notwithstanding any provision of law to the contrary, foundation aid payable in the two thousand twenty-one--two thousand twenty-two school year shall equal the sum of the total foundation aid base computed pursuant to subparagraph (iii) of paragraph j of subdivision one of this section plus the greater of the (1) phase-in increase, (2) minimum increase, or (3) the catch up increase. For the purposes of this paragraph:

(i) The "phase-in increase" shall equal the product of the foundation aid phase-in factor multiplied by the positive difference, if any, of (1) total foundation aid pursuant to paragraph a of this subdivision less (2) the total foundation aid base computed pursuant to paragraph j of subdivision one of this section.

(ii) The "foundation aid phase-in factor" shall be equal to the greater of (1) twenty-six thousand eight hundred thirteen hundred thousandths (0.26813), (2) thirty hundredths (0.30) for districts with a sparsity count computed pursuant to paragraph r of subdivision one of this section greater than zero, (3) twenty-eight hundredths (0.28) for small city school districts pursuant to paragraph jj of subdivision one of this section, (4) thirty-nine thousand one hundred fifty-nine hundred thousandths (0.39159) for city school districts of those cities having populations in excess of one hundred twenty-five thousand and less than one million inhabitants, or (5) forty-nine thousand six hundred seventy-seven hundred thousandths (0.49677) for city school districts of cities having populations of one hundred twenty-five thousand or more.

(iii) The "minimum increase" shall be equal to the product of (1) the greater of two hundredths (0.02) or thirty-five thousandths (0.035) for districts with a sparsity count computed pursuant to paragraph r of subdivision one of this section greater than zero multiplied by (2) total foundation aid base computed pursuant to paragraph j of subdivision one of this section.

(iv) The "catch up increase" shall be equal to the positive difference, if any, of (1) product of sixty hundredths (0.60) and total foundation aid pursuant to paragraph a of this subdivision less (2) the total foundation aid base computed pursuant to paragraph j of subdivision one of this section.

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

(ii) Phase-in foundation increase factor. For the two thousand eleven--two thousand twelve school year, the phase-in foundation increase factor shall equal thirty-seven and one-half percent (0.375) and the phase-in due minimum percent shall equal nineteen and forty-one hundredths percent (0.1941), for the two thousand twelve--two thousand thirteen school year the phase-in foundation increase factor shall equal one and seven-tenths percent (0.017), for the two thousand thirteen--two thousand fourteen school year the phase-in foundation increase factor shall equal (1) for a city school district in a city having a population of one million or more, five and twenty-three hundredths percent (0.0523) or (2) for all other school districts zero percent, for the two thousand fourteen--two thousand fifteen school year the phase-in founda-

tion increase factor shall equal (1) for a city school district of a city having a population of one million or more, four and thirty-two hundredths percent (0.0432) or (2) for a school district other than a city school district having a population of one million or more for which (A) the quotient of the positive difference of the foundation formula aid minus the foundation aid base computed pursuant to paragraph j of subdivision one of this section divided by the foundation formula aid is greater than twenty-two percent (0.22) and (B) a combined wealth ratio less than thirty-five hundredths (0.35), seven percent (0.07) or (3) for all other school districts, four and thirty-one hundredths percent (0.0431), and for the two thousand fifteen--two thousand sixteen school year the phase-in foundation increase factor shall equal: (1) for a city school district of a city having a population of one million or more, thirteen and two hundred seventy-four thousandths percent (0.13274); or (2) for districts where the quotient arrived at when dividing (A) the product of the total aidable foundation pupil units multiplied by the district's selected foundation aid less the total foundation aid base computed pursuant to paragraph j of subdivision one of this section divided by (B) the product of the total aidable foundation pupil units multiplied by the district's selected foundation aid is greater than nineteen percent (0.19), and where the district's combined wealth ratio is less than thirty-three hundredths (0.33), seven and seventy-five hundredths percent (0.0775); or (3) for any other district designated as high need pursuant to clause (c) of subparagraph two of paragraph c of subdivision six of this section for the school aid computer listing produced by the commissioner in support of the enacted budget for the two thousand seven--two thousand eight school year and entitled "SA0708", four percent (0.04); or (4) for a city school district in a city having a population of one hundred twenty-five thousand or more but less than one million, fourteen percent (0.14); or (5) for school districts that were designated as small city school districts or central school districts whose boundaries include a portion of a small city for the school aid computer listing produced by the commissioner in support of the enacted budget for the two thousand fourteen--two thousand fifteen school year and entitled "SA1415", four and seven hundred fifty-one thousandths percent (0.04751); or (6) for all other districts one percent (0.01), and for the two thousand sixteen--two thousand seventeen school year the foundation aid phase-in increase factor shall equal for an eligible school district the greater of: (1) for a city school district in a city with a population of one million or more, seven and seven hundred eighty four thousandths percent (0.07784); or (2) for a city school district in a city with a population of more than two hundred fifty thousand but less than one million as of the most recent federal decennial census, seven and three hundredths percent (0.0703); or (3) for a city school district in a city with a population of more than two hundred thousand but less than two hundred fifty thousand as of the most recent federal decennial census, six and seventy-two hundredths percent (0.0672); or (4) for a city school district in a city with a population of more than one hundred fifty thousand but less than two hundred thousand as of the most recent federal decennial census, six and seventy-four hundredths percent (0.0674); or (5) for a city school district in a city with a population of more than one hundred twenty-five thousand but less than one hundred fifty thousand as of the most recent federal decennial census, nine and fifty-five hundredths percent (0.0955); or (6) for school districts that were designated as small city school districts or central school districts whose boundaries include a



1 portion of a small city for the school aid computer listing produced by  
2 the commissioner in support of the enacted budget for the two thousand  
3 fourteen--two thousand fifteen school year and entitled "SA141-5" with a  
4 combined wealth ratio less than one and four tenths (1.4), nine percent  
5 (0.09), provided, however, that for such districts that are also  
6 districts designated as high need urban-suburban pursuant to clause (c)  
7 of subparagraph two of paragraph c of subdivision six of this section  
8 for the school aid computer listing produced by the commissioner in  
9 support of the enacted budget for the two thousand seven--two thousand  
10 eight school year and entitled "SA0708", nine and seven hundred and  
11 nineteen thousandths percent (0.09719); or (7) for school districts  
12 designated as high need rural pursuant to clause (c) of subparagraph two  
13 of paragraph c of subdivision six of this section for the school aid  
14 computer listing produced by the commissioner in support of the enacted  
15 budget for the two thousand seven--two thousand eight school year and  
16 entitled "SA0708", thirteen and six tenths percent (0.136); or (8) for  
17 school districts designated as high need urban-suburban pursuant to  
18 clause (c) of subparagraph two of paragraph c of subdivision six of this  
19 section for the school aid computer listing produced by the commissioner  
20 in support of the enacted budget for the two thousand seven--two thou-  
21 sand eight school year and entitled "SA0708", seven hundred nineteen  
22 thousandths percent (0.00719); or (9) for all other eligible school  
23 districts, forty-seven hundredths percent (0.0047), provided further  
24 that for the two thousand seventeen--two thousand eighteen school year  
25 the foundation aid increase phase-in factor shall equal (1) for school  
26 districts with a census 2000 poverty rate computed pursuant to paragraph  
27 q of subdivision one of this section equal to or greater than twenty-six  
28 percent (0.26), ten and three-tenths percent (0.103), or (2) for a  
29 school district in a city with a population in excess of one million or  
30 more, seventeen and seventy-seven one-hundredths percent (0.1777), or  
31 (3) for a city school district in a city with a population of more than  
32 two hundred fifty thousand but less than one million, as of the most  
33 recent decennial census, twelve and sixty-nine hundredths percent  
34 (0.1269) or (4) for a city school district in a city with a population  
35 of more than one hundred fifty thousand but less than two hundred thou-  
36 sand, as of the most recent federal decennial census, ten and seventy-  
37 eight one hundredths percent (0.1078), or (5) for a city school district  
38 in a city with a population of more than one hundred twenty-five thou-  
39 sand but less than one hundred fifty thousand as of the most recent  
40 federal decennial census, nineteen and one hundred eight one-thousandths  
41 percent (0.19108), or (6) for a city school district in a city with a  
42 population of more than two hundred thousand but less than two hundred  
43 fifty thousand as of the most recent federal decennial census, ten and  
44 six-tenths percent (0.106), or (7) for all other districts, four and  
45 eighty-seven one-hundredths percent (0.0487), and for the two thousand  
46 [~~twenty~~] twenty-two--two thousand [~~twenty-one school year and thereafter~~  
47 ~~the commissioner shall annually determine the phase in foundation~~  
48 ~~increase factor subject to allocation pursuant to the provisions of~~  
49 ~~subdivision eighteen of this section and any provisions of a chapter of~~  
50 ~~the laws of New York as described therein] twenty-three the foundation  
51 aid phase-in increase factor shall be fifty percent (0.5), and for the  
52 two thousand twenty-three--two thousand twenty-four school year and  
53 thereafter the foundation aid phase-in increase factor shall be one  
54 hundred percent (1.0).~~

55 § 11. Intentionally omitted.

56 § 12. Intentionally omitted.

1 § 12-a. Intentionally omitted.

2 § 12-b. The closing paragraph of subdivision 5-a of section 3602 of  
3 the education law, as amended by section 14-c of part A of chapter 56 of  
4 the laws of 2020, is amended to read as follows:

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

17 § 13. Intentionally omitted.

18 § 13-a. Subdivision 12 of section 3602 of the education law, as  
19 amended by section 14-d of part A of chapter 56 of the laws of 2020, is  
20 amended to read as follows:

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

33 b. For the two thousand nine--two thousand ten through two thousand  
34 fourteen--two thousand fifteen school years, each school district shall  
35 be entitled to an apportionment equal to the amount set forth for such  
36 school district as "EDUCATION GRANTS, ACADEMIC EN" under the heading  
37 "2008-09 BASE YEAR AIDS" in the school aid computer listing produced by  
38 the commissioner in support of the budget for the two thousand nine--two  
39 thousand ten school year and entitled "SA0910", and such apportionment  
40 shall be deemed to satisfy the state obligation to provide an apportion-  
41 ment pursuant to subdivision eight of section thirty-six hundred forty-  
42 one of this article.

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

52 d. For the two thousand sixteen--two thousand seventeen school year,  
53 each school district shall be entitled to an apportionment equal to the  
54 amount set forth for such school district as "ACADEMIC ENHANCEMENT"  
55 under the heading "2015-16 ESTIMATED AIDS" in the school aid computer  
56 listing produced by the commissioner in support of the budget for the

1 two thousand fifteen--two thousand sixteen school year and entitled  
2 "SA151-6", and such apportionment shall be deemed to satisfy the state  
3 obligation to provide an apportionment pursuant to subdivision eight of  
4 section thirty-six hundred forty-one of this article.

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

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

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

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

42 § 14. Intentionally omitted.

43 § 14-a. The opening paragraph of subdivision 16 of section 3602 of the  
44 education law, as amended by section 14-e of part A of chapter 56 of the  
45 laws of 2020, is amended to read as follows:

46 Each school district shall be eligible to receive a high tax aid  
47 apportionment in the two thousand eight--two thousand nine school year,  
48 which shall equal the greater of (i) the sum of the tier 1 high tax aid  
49 apportionment, the tier 2 high tax aid apportionment and the tier 3 high  
50 tax aid apportionment or (ii) the product of the apportionment received  
51 by the school district pursuant to this subdivision in the two thousand  
52 seven--two thousand eight school year, multiplied by the due-minimum  
53 factor, which shall equal, for districts with an alternate pupil wealth  
54 ratio computed pursuant to paragraph b of subdivision three of this  
55 section that is less than two, seventy percent (0.70), and for all other  
56 districts, fifty percent (0.50). Each school district shall be eligible

1 to receive a high tax aid apportionment in the two thousand nine--two  
2 thousand ten through two thousand twelve--two thousand thirteen school  
3 years in the amount set forth for such school district as "HIGH TAX AID"  
4 under the heading "2008-09 BASE YEAR AIDS" in the school aid computer  
5 listing produced by the commissioner in support of the budget for the  
6 two thousand nine--two thousand ten school year and entitled "SA0910".  
7 Each school district shall be eligible to receive a high tax aid appor-  
8 tionment in the two thousand thirteen--two thousand fourteen through two  
9 thousand ~~[twenty]~~ twenty-one--two thousand ~~[twenty-one]~~ twenty-two  
10 school years equal to the greater of (1) the amount set forth for such  
11 school district as "HIGH TAX AID" under the heading "2008-09 BASE YEAR  
12 AIDS" in the school aid computer listing produced by the commissioner in  
13 support of the budget for the two thousand nine--two thousand ten school  
14 year and entitled "SA0910" or (2) the amount set forth for such school  
15 district as "HIGH TAX AID" under the heading "2013-14 ESTIMATED AIDS" in  
16 the school aid computer listing produced by the commissioner in support  
17 of the executive budget for the 2013-14 fiscal year and entitled  
18 "BT131-4".

19 § 15. Intentionally omitted.

20 § 16. Intentionally omitted.

21 § 16-a. Intentionally omitted.

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

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

31 § 18. Intentionally omitted.

32 § 19. Intentionally omitted.

33 § 20. Subdivisions 6 and 7 of section 3622-a of the education law,  
34 subdivision 6 as amended by section 47 of part A of chapter 58 of the  
35 laws of 2011 and subdivision 7 as added by chapter 422 of the laws of  
36 2004, are amended and a new subdivision 8 is added to read as follows:

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

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

50 8. Notwithstanding paragraph a of subdivision five of section thirty-  
51 six hundred four of this article, transportation provided during the  
52 state disaster emergency declared pursuant to executive order 202 of  
53 2020, provided that transportation was provided during the time period  
54 schools were directed to close pursuant to executive order 202 of 2020.  
55 Such aidable transportation shall include transportation of meals,

1 educational materials and supplies to students, and transportation to  
2 provide students with internet access; and

3 9. Notwithstanding paragraph a of subdivision five of section thirty-  
4 six hundred four of this article, for the two thousand nineteen-two  
5 thousand twenty school year during the state disaster emergency  
6 declared pursuant to executive order 202 of 2020, expenditures made  
7 pursuant to contracts for the transportation of pupils to and from  
8 school once daily, without regard to whether such transportation was  
9 provided.

10 § 21. Intentionally omitted.

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

13 4. Notwithstanding the provisions of this section or any other  
14 provision of law to the contrary, for the computation of transportation  
15 aid pursuant to the requirements of subdivision seven of section thir-  
16 ty-six hundred two of this article, allowable transportation expense  
17 shall also include transportation operating expenses described in subdi-  
18 vision one of this section and transportation capital, debt service and  
19 lease expenses described in subdivision two of this section incurred  
20 during the state disaster emergency declared pursuant to executive order  
21 202 of 2020, including expenses incurred during the time period schools  
22 were directed to close pursuant to executive order 202 of 2020 or other-  
23 wise necessitated by such state disaster emergency. Such expenses shall  
24 be allowable transportation expenses even where aidable regular trans-  
25 portation as defined in section thirty-six hundred twenty-two-a of this  
26 part was not provided.

27 § 22-a. Subdivision 8 of section 4410 of the education law, as amended  
28 by chapter 474 of the laws of 1996, is amended to read as follows:

29 8. Transportation. The municipality in which a preschool child resides  
30 shall, beginning with the first day of service, provide either directly  
31 or by contract for suitable transportation, as determined by the board,  
32 to and from special services or programs; provided, however, that if the  
33 municipality is a city with a population of one million or more persons  
34 the municipality may delegate the authority to provide such transporta-  
35 tion to the board; and provided further, that prior to providing such  
36 transportation directly or contracting with another entity to provide  
37 such transportation, such municipality or board shall request and  
38 encourage the parents to transport their children at public expense,  
39 where cost-effective, at a rate per mile or a public service fare estab-  
40 lished by the municipality and approved by the commissioner. Except as  
41 otherwise provided in this section, the parents' inability or declina-  
42 tion to transport their child shall in no way ~~effect~~ affect the  
43 municipality's or board's responsibility to provide recommended  
44 services. Such transportation shall be provided once daily from the  
45 child care location to the special service or program and once daily  
46 from the special service or program to the child care location up to  
47 fifty miles from the child care location. If the board determines that a  
48 child must receive special services and programs at a location greater  
49 than fifty miles from the child care location, it shall request approval  
50 of the commissioner. For the purposes of this subdivision, the term  
51 "child care location" shall mean a child's home or a place where care  
52 for less than twenty-four hours a day is provided on a regular basis and  
53 includes, but is not limited to, a variety of child care services such  
54 as day care centers, family day care homes and in-home care by persons  
55 other than parents. All transportation of such children shall be  
56 provided pursuant to the procedures set forth in section two hundred



thirty-six of the family court act using the date called for in the written notice of determination of the board or the date of the written notice of determination of the board, whichever comes later, in lieu of the date the court order was issued. Notwithstanding this subdivision or any provision of law to the contrary, transportation expenses incurred by a municipality for operating and maintenance costs pursuant to this subdivision during the state disaster emergency declared pursuant to executive order 202 of 2020, including expenses incurred during the time period of any closures of special services or programs ordered pursuant to executive order 202 of 2020 or otherwise necessitated by such state disaster emergency, shall be reimbursable and considered approved costs in accordance with the provisions of this section and the regulations of the commissioner.

§ 22-b. Notwithstanding any other provision of law, rule or regulation to the contrary, a child who resides within a county, in a city school district located in a city having a population of one million or more, that has a population of less than one million and who resides in an area containing at least three hundred children within a one and one-half mile radius shall be provided transportation pursuant to section 3627 of the education law without regard to like circumstances.

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

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

§ 24. Intentionally omitted.

§ 24-a. All the acts done and proceedings heretofore had and taken or caused to be had and taken by (a) the Huntington union free school district and by all of its officers or agents relating to or in connection with final building cost reports required to be filed with the state education department for approved building projects completed prior to December 31, 2011, (b) the Islip union free school district and by all its officers or agents relating to or in connection with a certain final cost report to be filed with the state education department for project numbers 0003-12, 0011-007, 0011-008, 0003-013, 0007-009, 0007-010, 0007-012, and 0011-009, (c) the Liverpool central school district and by all its officers or agents relating to or in connection with certain final cost reports to be filed with the state education department for projects 0001-003, 0001-005, 0002-007, 0003-003, 0003-005, 0004-005, 0005-006, 0007-003, 0009-004, 0009-006, 0010-005, 0010-007, 0012-003, 0014-005, 0015-003, 0016-007, 0016-010, 0016-011, 0018-008, 0018-010, 0019-007, 0024-004, 4011-001, and 5008-002, (d) the Panama central school district and by all of its officers or agents relating to or in connection with final building cost reports required to be filed with the state education department for approved building projects completed prior to December 31, 2012, (e) the Monticello central school district and by all of its officers or agents relating to or in connection with final building cost reports required to be filed with the state education department for approved building projects completed prior to December 31, 2012, (f) the Marlboro central school district and by all its officers or agents relating to or in connection with certain final cost reports to be filed with the state education department for project number 006-005, (g) the Long Beach city school district and by all its officers or agents relating to or in

1 connection with certain final cost reports to be filed with the state  
2 education department for project numbers 0001-022, 0011-016, 0011-019,  
3 and 0011-030, (h) the Greenville central school district and by all its  
4 officers or agents relating to or in connection with certain final cost  
5 reports to be filed with the state education department for project  
6 number 008-016, (i) the Lawrence union free school district and by all  
7 of its officers or agents relating to or in connection with certain  
8 final cost reports to be filed with the state education department for  
9 project numbers 0002-027, 0008-037, and 0001-024, and (j) the Pearl  
10 River union free school district and by all of its officers or agents  
11 relating to or in connection with certain final cost reports to be filed  
12 with the state education department for projects completed prior to  
13 December 31, 2017 and all acts incidental thereto are hereby legalized,  
14 validated, ratified and confirmed, notwithstanding any failure to comply  
15 with the approval and filing provisions of the education law or any  
16 other law or any other statutory authority, rule or regulation, in  
17 relation to any omission, error, defect, irregularity or illegality in  
18 such proceedings had and taken.

19 § 24-b. Notwithstanding section 24-a of part A of chapter 57 of the  
20 laws of 2013, and consistent with section twenty-four-a of this act, the  
21 commissioner of education shall not recover from the Huntington union  
22 free school district, the Islip union free school district, the Liver-  
23 pool central school district, the Panama central school district, the  
24 Monticello central school district, the Marlboro central school  
25 district, the Long Beach city school district, the Greenville central  
26 school district, the Lawrence union free school district, or the Pearl  
27 River union free school district any penalty arising from the late  
28 filing of a final cost report pursuant to section 31 of part A of chap-  
29 ter 57 of the laws of 2012, provided that any amounts already so recov-  
30 ered shall be deemed a payment of moneys due for prior years pursuant to  
31 paragraph c of subdivision 5 of section 3604 of the education law and  
32 shall be paid to the appropriate district pursuant to such provision,  
33 provided that such school district: (a) submitted the late or missing  
34 final building cost report to the commissioner of education; (b) such  
35 cost report is approved by the commissioner of education; (c) all state  
36 funds expended by the school district, as documented in such cost  
37 report, were properly expended for such building project in accordance  
38 with the terms and conditions for such project as approved by the  
39 commissioner of education; and (d) the failure to submit such report in  
40 a timely manner was an inadvertent administrative or ministerial over-  
41 sight by the school district, and there is no evidence of any fraudulent  
42 or other improper intent by such district.

43 § 24-c. All the acts done and proceedings heretofore had and taken or  
44 caused to be had and taken by (a) the Cold Spring Harbor central school  
45 district and by all officers, employees or agents of such school  
46 district relating to or in connection with a transportation contract  
47 E259217 of the 2013-14 school year, (b) the Corning city school district  
48 and by all officers, employees or agents of such school district relat-  
49 ing to or in connection with transportation contracts E414960, E414961,  
50 E414962, and E414963 of the 2017-18 school year, (c) the Fulton city  
51 school district and by all officers, employees or agents of such school  
52 district relating to or in connection with transportation contract  
53 E006115 of the 2016-2017 school year, (d) the Port Washington union free  
54 school district and by all officers, employees or agents of such school  
55 district relating to or in connection with transportation contracts  
56 E267698, E275279, C415663, and E600646 of the 2016-2017 school year, (e)



1 the Baldwin union free school district and by all officers, employees or  
2 agents of such school district relating to or in connection with trans-  
3 portation contracts E258713, E266995, E266994,5 E266993, E266991 and  
4 E266992 of the 2017-2018 school year, and (f) the West Hempstead Union  
5 Free School District and by all officers, employees or agents of such  
6 school district relating to or in connection with transportation  
7 contract E252155 of the 2017-2018 school year, and all acts incidental  
8 hereto are hereby legalized, validated, ratified and confirmed, notwith-  
9 standing any failure to comply with the contract award, approval and  
10 filing provisions of the education law, the general municipal law or any  
11 other law or any other statutory authority, rule or regulation, other  
12 than those filing provisions defined in paragraph a of subdivision 5 of  
13 section 3604 of the education law, in relation to any omission, error,  
14 defect, irregularity or illegality in such proceeding had and taken and  
15 provided that the failure to submit a transportation contract in a time-  
16 ly manner was an inadvertent administrative or ministerial oversight by  
17 the school district, and there is no evidence of any fraudulent or other  
18 improper intent by such district.

19 § 24-d. The state education department is hereby directed to consider  
20 the aforementioned contracts for transportation aid as valid and proper  
21 obligations of the Cold Spring Harbor central, the Corning city, the  
22 Fulton city, the Port Washington union free, the Baldwin union free, and  
23 the West Hempstead union free school districts and shall not recover  
24 from such school districts any penalty arising from the failure to  
25 submit a transportation contract in a timely manner, provided that any  
26 amounts already so recovered shall be deemed a payment of moneys due for  
27 prior years pursuant to paragraph c of subdivision 5 of section 3604 of  
28 the education law and shall be paid to the appropriate district pursuant  
29 to such provision.

30 § 25. Intentionally omitted.

31 § 25-a. Paragraph c of subdivision 5 of section 3604 of the education  
32 law, as added by chapter 82 of the laws of 1995, is amended to read as  
33 follows:

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

48 § 26. Intentionally omitted.

49 § 26-a. The opening paragraph of section 3609-a of the education law,  
50 as amended by section 24 of part A of chapter 56 of the laws of 2020, is  
51 amended to read as follows:

52 For aid payable in the two thousand seven--two thousand eight school  
53 year through the two thousand [~~twenty~~] twenty-one--two thousand [~~twen-~~  
54 ~~ty-one~~] twenty-two school year, "moneys apportioned" shall mean the  
55 lesser of (i) the sum of one hundred percent of the respective amount  
56 set forth for each school district as payable pursuant to this section

1 in the school aid computer listing for the current year produced by the  
2 commissioner in support of the budget which includes the appropriation  
3 for the general support for public schools for the prescribed payments  
4 and individualized payments due prior to April first for the current  
5 year plus the apportionment payable during the current school year  
6 pursuant to subdivision six-a and subdivision fifteen of section thirty-  
7 ty-six hundred two of this part minus any reductions to current year  
8 aids pursuant to subdivision seven of section thirty-six hundred four of  
9 this part or any deduction from apportionment payable pursuant to this  
10 chapter for collection of a school district basic contribution as  
11 defined in subdivision eight of section forty-four hundred one of this  
12 chapter, less any grants provided pursuant to subparagraph two-a of  
13 paragraph b of subdivision four of section ninety-two-c of the state  
14 finance law, less any grants provided pursuant to subdivision five of  
15 section ninety-seven-nnnn of the state finance law, less any grants  
16 provided pursuant to subdivision twelve of section thirty-six hundred  
17 forty-one of this article, or (ii) the apportionment calculated by the  
18 commissioner based on data on file at the time the payment is processed;  
19 provided however, that for the purposes of any payments made pursuant to  
20 this section prior to the first business day of June of the current  
21 year, moneys apportioned shall not include any aids payable pursuant to  
22 subdivisions six and fourteen, if applicable, of section thirty-six  
23 hundred two of this part as current year aid for debt service on bond  
24 anticipation notes and/or bonds first issued in the current year or any  
25 aids payable for full-day kindergarten for the current year pursuant to  
26 subdivision nine of section thirty-six hundred two of this part. The  
27 definitions of "base year" and "current year" as set forth in subdivi-  
28 sion one of section thirty-six hundred two of this part shall apply to  
29 this section. For aid payable in the two thousand [~~twenty~~]  
30 ~~twenty-one~~--two thousand [~~twenty-one~~] ~~twenty-two~~ school year, reference  
31 to such "school aid computer listing for the current year" shall mean  
32 the printouts entitled [~~"SA202-1"~~] "~~SA212-2~~".

33 § 27. Intentionally omitted.

34 § 27-a. Notwithstanding any provision of law or regulation to the  
35 contrary, if as a result of the state disaster emergency declared pursu-  
36 ant to Executive Order 202 of 2020, approved private schools serving  
37 students with disabilities subject to articles 81 and 89 of the educa-  
38 tion law, special act school districts, state supported schools pursuant  
39 to article 85 of the education law, and approved preschool special class  
40 and special class in an integrated setting programs pursuant to section  
41 4410 of the education law experience enrollment decreases as a percent-  
42 age of operating capacity of 5 percentage points or more during the  
43 2020-21 and 2021-22 school years, the state education department shall  
44 apply an enrollment adjustment factor as part of the tuition rate recon-  
45 ciliation process to stabilize tuition revenue. Moreover, should such  
46 schools and programs receive federal Paycheck Protection Program loan  
47 forgiveness revenue or other extraordinary federal revenue as determined  
48 by the state education department, such revenue shall be applied as  
49 offsetting revenue for reconciliation tuition rate calculation purposes  
50 after allowable costs incurred in responding to the state disaster emer-  
51 gency declared pursuant to Executive Order 202 of 2020 are defrayed, and  
52 such revenues shall be subtracted from total costs after the application  
53 of the nondirect care screen, and provided further, that the state  
54 education department shall hold harmless prospective tuition rates for  
55 the 2021-22 and subsequent school years to reflect the impact of receipt  
56 of such extraordinary federal revenue.

1 § 28. Intentionally omitted.

2 § 29. Intentionally omitted.

3 § 29-a. Section 5 of chapter 537 of the laws of 1976, relating to  
4 paid, free and reduced price breakfast for eligible pupils in certain  
5 school districts, is amended by adding a new subdivision d to read as  
6 follows:

7 d. Notwithstanding any provision of this act to the contrary, school  
8 food authorities shall be eligible for the additional state subsidy  
9 pursuant to this section for lunch meals served in accordance with the  
10 Summer Food Service Program during the state disaster emergency declared  
11 pursuant to executive order 202 of 2020.

12 § 30. Intentionally omitted.

13 § 31. Intentionally omitted.

14 § 32. Intentionally omitted.

15 § 33. Intentionally omitted.

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

20 (viii) for the two thousand twenty--two thousand twenty-one and two  
21 thousand twenty-one--two thousand twenty-two school years, the charter  
22 school basic tuition shall be the lesser of (A) the product of (i) the  
23 charter school basic tuition calculated for the base year multiplied by  
24 (ii) the average of the quotients for each school year in the period  
25 commencing with the year three years prior to the base year and finish-  
26 ing with the year prior to the base year of the total approved operating  
27 expense for such school district calculated pursuant to paragraph t of  
28 subdivision one of section thirty-six hundred two of this chapter for  
29 each such year divided by the total approved operating expense for such  
30 district for the immediately preceding year multiplied by, ~~(iii)~~ for the  
31 two thousand twenty--two thousand twenty-one school year only, [~~(iii)~~]  
32 nine hundred forty-five one-thousandths (0.945), or for the two thousand  
33 twenty-one--two thousand twenty-two school year only, one minus the  
34 adjustment factor or (B) the quotient of the total general fund expendi-  
35 tures for the school district calculated pursuant to an electronic data  
36 file created for the purpose of compliance with paragraph b of subdivi-  
37 sion twenty-one of section three hundred five of this chapter published  
38 annually on May fifteenth for the year prior to the base year divided by  
39 the total estimated public enrollment for the school district pursuant  
40 to paragraph n of subdivision one of section thirty-six hundred two of  
41 this chapter for the year prior to the base year. The adjustment factor  
42 shall equal the quotient arrived at when dividing (A) the sum of (i) the  
43 services aid reduction for the school district pursuant to paragraph b  
44 of subdivision twenty-one of section thirty-six hundred two of this  
45 chapter, (ii) plus the local district funding adjustment for the school  
46 district pursuant to subdivision one of section thirty-six hundred  
47 nine-i of this chapter by (B) the total general fund expenditures for  
48 the school district for the two thousand twenty--two thousand twenty-one  
49 school year calculated pursuant to an electronic data file created for  
50 the purpose of compliance with paragraph b of subdivision twenty-one of  
51 section three hundred five of this chapter published on May fifteenth,  
52 two thousand twenty-one.

53 (ix) for the two thousand twenty-two--two thousand twenty-three  
54 through two thousand twenty-four--two thousand twenty-five school years  
55 the charter school basic tuition shall be the lesser of (A) the product  
56 of (i) for the two thousand twenty-two--two thousand twenty-three school

1 year, the charter school basic tuition calculated for the base year  
2 divided by the difference of one less the adjustment factor and for the  
3 two thousand twenty-three--two thousand twenty-four and two thousand  
4 twenty-four--two thousand twenty-five school years, the charter school  
5 basic tuition calculated for the base year multiplied by (ii) the aver-  
6 age of the quotients for each school year in the period commencing with  
7 the year four years prior to the base year and finishing with the year  
8 prior to the base year, excluding the two thousand twenty--two thousand  
9 twenty-one school year, of the total approved operating expense for such  
10 school district calculated pursuant to paragraph t of subdivision one of  
11 section thirty-six hundred two of this chapter for each such year  
12 divided by the total approved operating expense for such district for  
13 the immediately preceding year or (B) the quotient of the total general  
14 fund expenditures for the school district calculated pursuant to an  
15 electronic data file created for the purpose of compliance with para-  
16 graph b of subdivision twenty-one of section three hundred five of this  
17 chapter published annually on May fifteenth for the year prior to the  
18 base year divided by the total estimated public enrollment for the  
19 school district pursuant to paragraph n of subdivision one of section  
20 thirty-six hundred two of this chapter for the year prior to the base  
21 year.

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

26 (viii) for the two thousand twenty--two thousand twenty-one and two  
27 thousand twenty-one--two thousand twenty-two school years, the charter  
28 school basic tuition shall be the lesser of (A) the product of (i) the  
29 charter school basic tuition calculated for the base year multiplied by  
30 (ii) the average of the quotients for each school year in the period  
31 commencing with the year three years prior to the base year and finish-  
32 ing with the year prior to the base year of the total approved operating  
33 expense for such school district calculated pursuant to paragraph t of  
34 subdivision one of section thirty-six hundred two of this chapter for  
35 each such year divided by the total approved operating expense for such  
36 district for the immediately preceding year multiplied by, (iii) for the  
37 two thousand twenty--two thousand twenty-one school year only, [~~(iii)~~]  
38 nine hundred forty-five one-thousandths (0.945), or for the two thousand  
39 twenty-one--two thousand twenty-two school year only, one minus the  
40 adjustment factor or (B) the quotient of the total general fund expendi-  
41 tures for the school district calculated pursuant to an electronic data  
42 file created for the purpose of compliance with paragraph b of subdivi-  
43 sion twenty-one of section three hundred five of this chapter published  
44 annually on May fifteenth for the year prior to the base year divided by  
45 the total estimated public enrollment for the school district pursuant  
46 to paragraph n of subdivision one of section thirty-six hundred two of  
47 this chapter for the year prior to the base year. The adjustment factor  
48 shall equal the quotient arrived at when dividing (A) the sum of (i) the  
49 services aid reduction for the school district pursuant to paragraph b  
50 of subdivision twenty-one of section thirty-six hundred two of this  
51 chapter, (ii) plus the local district funding adjustment for the school  
52 district pursuant to subdivision one of section thirty-six hundred  
53 nine-i of this chapter by (B) the total general fund expenditures for  
54 the school district for the two thousand twenty--two thousand twenty-one  
55 school year calculated pursuant to an electronic data file created for  
56 the purpose of compliance with paragraph b of subdivision twenty-one of

1 section three hundred five of this chapter published on May fifteenth,  
2 two thousand twenty-one.

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

28 § 36. Intentionally omitted.

29 § 36-a. Intentionally omitted.

30 § 36-b. Intentionally omitted.

31 § 37. Intentionally omitted.

32 § 37-a. Subdivision 21 of section 305 of the education law is amended  
33 by adding a new paragraph e to read as follows:

34 e. Notwithstanding any inconsistent provision of law to the contrary,  
35 in preparing an electronic data file pursuant to paragraph b of this  
36 subdivision, for the purposes of using estimated data for projections of  
37 apportionments for the following school year, the commissioner shall (i)  
38 calculate the negative difference, if any, of the allowable growth  
39 amount computed pursuant to subdivision one of section thirty-six  
40 hundred two of this chapter less the preliminary growth amount pursuant  
41 to such subdivision, and (ii) include such negative difference as the  
42 "growth cap adjustment" in any file that aggregates apportionments of  
43 general support for public schools for the purpose of determining the  
44 amounts necessary in the state fiscal years associated with the school  
45 year estimates, provided that the commissioner shall not allocate any  
46 amount of such growth cap adjustment to any school district.

47 § 37-b. Paragraph cc of subdivision 1 of section 3602 of the educa-  
48 tion law is REPEALED.

49 § 37-c. Paragraph c of subdivision 17 of section 3602 of the education  
50 law is REPEALED.

51 § 38. Section 3 of chapter 507 of the laws of 1974, relating to  
52 providing for the apportionment of state monies to certain nonpublic  
53 schools, to reimburse them for their expenses in complying with  
54 certain state requirements for the administration of state testing and  
55 evaluation programs and for participation in state programs for the



1 reporting of basic educational data, as amended by chapter 347 of the  
2 laws of 2018, is amended to read as follows:

3 § 3. Apportionment. a. The commissioner shall annually apportion to  
4 each qualifying school, for school years beginning on and after July  
5 first, nineteen hundred seventy-four, an amount equal to the actual cost  
6 incurred by each such school during the preceding school year for  
7 providing services required by law to be rendered to the state in  
8 compliance with the requirements of the state's pupil evaluation  
9 program, the basic educational data system, regents examinations, the  
10 statewide evaluation plan, the uniform procedure for pupil attendance  
11 reporting, the state's immunization program and other similar state  
12 prepared examinations and reporting procedures. Provided that each  
13 nonpublic school that seeks aid payable in the two thousand twenty--two  
14 thousand twenty-one school year to reimburse two thousand nineteen--two  
15 thousand twenty school year expenses shall submit a claim for such aid  
16 to the state education department no later than May fifteenth, two thou-  
17 sand twenty-one and such claims shall be paid by the state education  
18 department no later than June thirtieth, two thousand twenty-one.  
19 Provided further that each nonpublic school that seeks aid payable in  
20 the two thousand twenty-one--two thousand twenty-two school year and  
21 thereafter shall submit a claim for such aid to the state education  
22 department no later than April first of the school year in which aid is  
23 payable and such claims shall be paid by the state education department  
24 no later than May thirty-first of such school year.

25 b. Such nonpublic schools shall be eligible to receive aid based on  
26 the number of days or portion of days attendance is taken and either a  
27 5.0/5.5 hour standard instructional day, or another work day as certi-  
28 fied by the nonpublic school officials, in accordance with the methodol-  
29 ogy for computing salary and benefits applied by the department in  
30 paying aid for the two thousand twelve--two thousand thirteen and prior  
31 school years.

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

39 § 39. Subdivision b of section 2 of chapter 756 of the laws of 1992,  
40 relating to funding a program for work force education conducted by the  
41 consortium for worker education in New York city, as amended by section  
42 30 of part A of chapter 56 of the laws of 2020, is amended to read as  
43 follows:

44 b. Reimbursement for programs approved in accordance with subdivision  
45 a of this section for the reimbursement for the 2018--2019 school year  
46 shall not exceed 59.4 percent of the lesser of such approvable costs per  
47 contact hour or fourteen dollars and ninety-five cents per contact hour,  
48 reimbursement for the 2019--2020 school year shall not exceed 57.7  
49 percent of the lesser of such approvable costs per contact hour or  
50 fifteen dollars sixty cents per contact hour, ~~and~~ reimbursement for  
51 the 2020--2021 school year shall not exceed 56.9 percent of the lesser  
52 of such approvable costs per contact hour or sixteen dollars and twen-  
53 ty-five cents per contact hour, and reimbursement for the 2021--2022  
54 school year shall not exceed 56.0 percent of the lesser of such approva-  
55 ble costs per contact hour or sixteen dollars and forty cents per  
56 contact hour, and where a contact hour represents sixty minutes of

instruction services provided to an eligible adult. Notwithstanding any other provision of law to the contrary, for the 2018--2019 school year such contact hours shall not exceed one million four hundred sixty-three thousand nine hundred sixty-three (1,463,963); for the 2019--2020 school year such contact hours shall not exceed one million four hundred forty-four thousand four hundred forty-four (1,444,444); ~~and~~ for the 2020--2021 school year such contact hours shall not exceed one million four hundred six thousand nine hundred twenty-six (1,406,926); and for the 2021--2022 school year such contact hours shall not exceed one million four hundred sixteen thousand one hundred twenty-two (1,416,122). Notwithstanding any other provision of law to the contrary, the apportionment calculated for the city school district of the city of New York pursuant to subdivision 11 of section 3602 of the education law shall be computed as if such contact hours provided by the consortium for worker education, not to exceed the contact hours set forth herein, were eligible for aid in accordance with the provisions of such subdivision 11 of section 3602 of the education law.

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

z. The provisions of this subdivision shall not apply after the completion of payments for the 2021--2022 school year. Notwithstanding any inconsistent provisions of law, the commissioner of education shall withhold a portion of employment preparation education aid due to the city school district of the city of New York to support a portion of the costs of the work force education program. Such moneys shall be credited to the elementary and secondary education fund-local assistance account and shall not exceed thirteen million dollars (\$13,000,000).

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

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

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

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

§ 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.

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

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

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

4. section twenty-three of this act shall take effect July 1, 2008 and shall expire and be deemed repealed June 30, ~~2021~~ 2022;

§ 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

1 3650-c of the education law, or for contracts directly with not-for-pro-  
2 fit educational organizations for the purposes of this section. Such  
3 payments shall not exceed four hundred thousand dollars (\$400,000) per  
4 school year.

5 § 46. Special apportionment for salary expenses. a. Notwithstanding  
6 any other provision of law, upon application to the commissioner of  
7 education, not sooner than the first day of the second full business  
8 week of June 2022 and not later than the last day of the third full  
9 business week of June 2022, a school district eligible for an apportion-  
10 ment pursuant to section 3602 of the education law shall be eligible to  
11 receive an apportionment pursuant to this section, for the school year  
12 ending June 30, 2022, for salary expenses incurred between April 1 and  
13 June 30, 2021 and such apportionment shall not exceed the sum of (i) the  
14 deficit reduction assessment of 1990--1991 as determined by the commis-  
15 sioner of education, pursuant to paragraph f of subdivision 1 of section  
16 3602 of the education law, as in effect through June 30, 1993, plus (ii)  
17 186 percent of such amount for a city school district in a city with a  
18 population in excess of 1,000,000 inhabitants, plus (iii) 209 percent of  
19 such amount for a city school district in a city with a population of  
20 more than 195,000 inhabitants and less than 219,000 inhabitants accord-  
21 ing to the latest federal census, plus (iv) the net gap elimination  
22 adjustment for 2010--2011, as determined by the commissioner of educa-  
23 tion pursuant to chapter 53 of the laws of 2010, plus (v) the gap elimi-  
24 nation adjustment for 2011--2012 as determined by the commissioner of  
25 education pursuant to subdivision 17 of section 3602 of the education  
26 law, and provided further that such apportionment shall not exceed such  
27 salary expenses. Such application shall be made by a school district,  
28 after the board of education or trustees have adopted a resolution to do  
29 so and in the case of a city school district in a city with a population  
30 in excess of 125,000 inhabitants, with the approval of the mayor of such  
31 city.

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

48 c. Notwithstanding the provisions of section 3609-a of the education  
49 law, an amount equal to the amount paid to a school district pursuant to  
50 subdivisions a and b of this section shall first be deducted from the  
51 following payments due the school district during the school year  
52 following the year in which application was made pursuant to subpara-  
53 graphs (1), (2), (3), (4) and (5) of paragraph a of subdivision 1 of  
54 section 3609-a of the education law in the following order: the lottery  
55 apportionment payable pursuant to subparagraph (2) of such paragraph  
56 followed by the fixed fall payments payable pursuant to subparagraph (4)

1 of such paragraph and then followed by the district's payments to the  
2 teachers' retirement system pursuant to subparagraph (1) of such para-  
3 graph, and any remainder to be deducted from the individualized payments  
4 due the district pursuant to paragraph b of such subdivision shall be  
5 deducted on a chronological basis starting with the earliest payment due  
6 the district.

7 § 46-a. Subdivision a of section 5 of chapter 121 of the laws of 1996,  
8 relating to authorizing the Roosevelt union free school district to  
9 finance deficits by the issuance of serial bonds, as amended by section  
10 42-a of part A of chapter 56 of the laws of 2020, is amended to read as  
11 follows:

12 a. Notwithstanding any other provisions of law, upon application to  
13 the commissioner of education submitted not sooner than April first and  
14 not later than June thirtieth of the applicable school year, the Roose-  
15 velt union free school district shall be eligible to receive an appor-  
16 tionment pursuant to this chapter for salary expenses, including related  
17 benefits, incurred between April first and June thirtieth of such school  
18 year. Such apportionment shall not exceed: for the 1996-97 school year  
19 through the [~~2020-21~~] 2021-22 school year, four million dollars  
20 (\$4,000,000); for the [~~2021-22~~] 2022-23 school year, three million  
21 dollars (\$3,000,000); for the [~~2022-23~~] 2023-24 school year, two million  
22 dollars (\$2,000,000); for the [~~2023-24~~] 2024-25 school year, one million  
23 dollars (\$1,000,000); and for the [~~2024-25~~] 2025-26 school year, zero  
24 dollars. Such annual application shall be made after the board of  
25 education has adopted a resolution to do so with the approval of the  
26 commissioner of education.

27 § 46-b. Section 8 of chapter 89 of the laws of 2016 relating to  
28 supplementary funding for dedicated programs for public school students  
29 in the East Ramapo central school district, as amended by section 42-b  
30 of part A of chapter 56 of the laws of 2020, is amended to read as  
31 follows:

32 § 8. This act shall take effect July 1, 2016 and shall expire and be  
33 deemed repealed June 30, [~~2021~~] 2022, except that paragraph (b) of  
34 section five of this act and section seven of this act shall expire and  
35 be deemed repealed June 30, [~~2021~~] 2022.

36 § 46-c. a. Notwithstanding any inconsistent provision of law to the  
37 contrary, for purposes of the pandemic adjustment as defined in the  
38 appropriation for general support for public schools pursuant to chapter  
39 53 of the laws of 2020 and subdivision 19 of section 3602 of the educa-  
40 tion law, the pandemic adjustment amount for the East Ramapo central  
41 school district shall equal zero.

42 b. Notwithstanding any provision of law to the contrary, the commis-  
43 sioner of education shall reduce payments for general support for public  
44 schools due to the East Ramapo central school district for the 2020-2021  
45 school year by an amount equal to the product of nine one-hundredths  
46 (0.09) multiplied by the sum of (A) the amount set forth for such  
47 district as "TOTAL" under the heading "2020-21 BASE YEAR AIDS" on the  
48 school aid computer listing produced by the commissioner in November  
49 2020 pursuant to subdivision 21 of section 305 of the education law and  
50 entitled "CL2122" plus (B) the positive value of the amount set forth as  
51 "PANDEMIC ADJUSTMENT" on such listing, provided further that an amount  
52 equal to the amount of such deduction shall be deemed to have been paid  
53 to the district pursuant to this section for the school year in which  
54 such deduction is made.

55 c. Notwithstanding any provisions of law to the contrary, for the  
56 purposes of an apportionment from the education stabilization fund

1 appropriated in chapter 53 of the laws of 2020, the East Ramapo central  
2 school district shall be apportioned an amount equal to the amount set  
3 forth for such district as "PANDEMIC ADJUSTMENT" under the heading  
4 "2020-21 BASE YEAR AIDS" on the school aid computer listing produced by  
5 the commissioner in November 2020 pursuant to subdivision 21 of section  
6 305 of the education law in support of the budget for the 2020-2021  
7 school year and entitled "CL2122".

8 § 47. Special apportionment for public pension accruals. a. Notwith-  
9 standing any other provision of law, upon application to the commission-  
10 er of education, not later than June 30, 2022, a school district eligi-  
11 ble for an apportionment pursuant to section 3602 of the education law  
12 shall be eligible to receive an apportionment pursuant to this section,  
13 for the school year ending June 30, 2022 and such apportionment shall  
14 not exceed the additional accruals required to be made by school  
15 districts in the 2004--2005 and 2005--2006 school years associated with  
16 changes for such public pension liabilities. The amount of such addi-  
17 tional accrual shall be certified to the commissioner of education by  
18 the president of the board of education or the trustees or, in the case  
19 of a city school district in a city with a population in excess of  
20 125,000 inhabitants, the mayor of such city. Such application shall be  
21 made by a school district, after the board of education or trustees have  
22 adopted a resolution to do so and in the case of a city school district  
23 in a city with a population in excess of 125,000 inhabitants, with the  
24 approval of the mayor of such city.

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

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

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

1. The warrant of the collecting officer shall be signed by the trustee, or the trustees, or a majority of them, or the board of education or a majority thereof. Such warrant shall state the amount of unexpended surplus funds in the custody of the board and shall further state that except as authorized or required by law, such unexpended surplus funds have been applied in determining the amount of the school tax levy. For the two thousand seven--two thousand eight school year, surplus funds as used in this subdivision shall mean any operating funds in excess of three percent of the current school year budget, and shall not include funds properly retained under other sections of law. For the two thousand eight--two thousand nine school year, and thereafter, surplus funds as used in this subdivision shall mean any operating funds in excess of four percent of the current school year budget, and shall not include funds properly retained under other sections of law. For the two thousand twenty--two thousand twenty-one school year through the two thousand twenty-two--two thousand twenty-three school year, surplus funds as used in this subdivision shall mean any operating funds in excess of six percent of the current school year budget, and shall not include funds properly retained under other sections of law. Such warrant shall have the same force and effect as a warrant issued by a board of supervisors to a collecting officer in a town. The collecting officer to whom it may be delivered for collection shall be thereby authorized and required to collect from every person named on such school tax roll the sum set opposite his name, or the amount due from any person specified therein, in the same manner and with the same powers that collecting officers in towns are authorized to collect taxes levied by the board of supervisors.

§ 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,

1 one million eight hundred thousand dollars (\$1,800,000); for the Port  
2 Chester city school district, one million one hundred fifty thousand  
3 dollars (\$1,150,000); for the White Plains city school district, nine  
4 hundred thousand dollars (\$900,000); for the Niagara Falls city school  
5 district, six hundred thousand dollars (\$600,000); for the Albany city  
6 school district, three million five hundred fifty thousand dollars  
7 (\$3,550,000); for the Utica city school district, two million dollars  
8 (\$2,000,000); for the Beacon city school district, five hundred sixty-  
9 six thousand dollars (\$566,000); for the Middletown city school  
10 district, four hundred thousand dollars (\$400,000); for the Freeport  
11 union free school district, four hundred thousand dollars (\$400,000);  
12 for the Greenburgh central school district, three hundred thousand  
13 dollars (\$300,000); for the Amsterdam city school district, eight  
14 hundred thousand dollars (\$800,000); for the Peekskill city school  
15 district, two hundred thousand dollars (\$200,000); and for the Hudson  
16 city school district, four hundred thousand dollars (\$400,000).

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

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

41 d. For the purpose of teacher support for the 2021--2022 school year:  
42 for the city school district of the city of New York, sixty-two million  
43 seven hundred seven thousand dollars (\$62,707,000); for the Buffalo city  
44 school district, one million seven hundred forty-one thousand dollars  
45 (\$1,741,000); for the Rochester city school district, one million seven-  
46 ty-six thousand dollars (\$1,076,000); for the Yonkers city school  
47 district, one million one hundred forty-seven thousand dollars  
48 (\$1,147,000); and for the Syracuse city school district, eight hundred  
49 nine thousand dollars (\$809,000). All funds made available to a school  
50 district pursuant to this section shall be distributed among teachers  
51 including prekindergarten teachers and teachers of adult vocational and  
52 academic subjects in accordance with this section and shall be in addi-  
53 tion to salaries heretofore or hereafter negotiated or made available;  
54 provided, however, that all funds distributed pursuant to this section  
55 for the current year shall be deemed to incorporate all funds distrib-  
56 uted pursuant to former subdivision 27 of section 3602 of the education

1 law for prior years. In school districts where the teachers are repres-  
2 ented by certified or recognized employee organizations, all salary  
3 increases funded pursuant to this section shall be determined by sepa-  
4 rate collective negotiations conducted pursuant to the provisions and  
5 procedures of article 14 of the civil service law, notwithstanding the  
6 existence of a negotiated agreement between a school district and a  
7 certified or recognized employee organization.

8 § 50. Support of public libraries. The moneys appropriated for the  
9 support of public libraries by a chapter of the laws of 2021 enacting  
10 the aid to localities budget shall be apportioned for the 2021--2022  
11 state fiscal year in accordance with the provisions of sections 271,  
12 272, 273, 282, 284 and 285 of the education law as amended by the  
13 provisions of this chapter and the provisions of this section, provided  
14 that library construction aid pursuant to section 273-a of the education  
15 law shall not be payable from the appropriations for the support of  
16 public libraries and provided further that no library, library system or  
17 program, as defined by the commissioner of education, shall receive less  
18 total system or program aid than it received for the year 2001--2002  
19 except as a result of a reduction adjustment necessary to conform to the  
20 appropriations for support of public libraries.

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

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

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

44 1. Sections one, ten-a, ten-b, twelve-b, thirteen-a, fourteen-a, twen-  
45 ty-three, thirty-seven-a, thirty-seven-b, thirty-seven-c, forty-one,  
46 forty-one-a, forty-two-a, forty-three, forty-four, forty-five, forty-  
47 six-a, forty-eight and forty-nine of this act shall take effect July 1,  
48 2021;

49 2. Intentionally omitted;

50 3. Intentionally omitted;

51 3-a. Section twenty-two-b of this act shall take effect on July 1,  
52 2021 and shall expire June 30, 2024 when upon such date the provisions  
53 of such section shall be deemed repealed;

54 4. The amendments to paragraph (a) of subdivision 1 of section 2856 of  
55 the education law made by section thirty-four of this act shall be  
56 subject to the expiration and reversion of such subdivision pursuant to



1 subdivision d of section 27 of chapter 378 of the laws of 2007, as  
2 amended, when upon such date the provisions of section thirty-five of  
3 this act shall take effect;

4 5. Intentionally omitted;

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

10 7. Section forty-six-c of this act shall be deemed to have been in  
11 full force and effect on July 1, 2020 and shall apply to only the 2020-  
12 2021 school year; and

13 8. Section forty-seven-a of this act shall expire July 1, 2025 when  
14 upon such date the provisions of such section shall be deemed repealed.

15 PART B

16 Intentionally Omitted

17 PART C

18 Intentionally Omitted

19 PART D

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

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

27 § 2. Section 4 of subpart B of part D of chapter 58 of the laws of  
28 2011 amending the education law relating to procurement in support of  
29 the state and city universities, as amended by section 2 of part Q of  
30 chapter 54 of the laws of 2016, is amended to read as follows:

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

33 § 3. Section 3 of subpart C of part D of chapter 58 of the laws of  
34 2011 amending the education law relating to state university health care  
35 facilities, as amended by section 3 of part Q of chapter 54 of the laws  
36 of 2016, is amended to read as follows:

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

39 § 4. Intentionally omitted.

40 § 5. This act shall take effect immediately.

41 PART E

42 Intentionally Omitted

43 PART F

44 Section 1. Notwithstanding any provision of law or regulation to the  
45 contrary, for purposes of an award made pursuant to subparts 2 through 4  
46 of part 2 of article 14 of the education law in the 2019--2020 or 2020-

1 -2021 academic years, any semester, quarter or term that a recipient of  
2 such an award is unable to complete as a result of the COVID-19 pandemic  
3 state disaster emergency declared March 7, 2020, as certified by a  
4 college or university and approved by the New York state higher educa-  
5 tion services corporation, shall not be considered for purposes of  
6 determining the maximum duration of such award for that recipient, and  
7 provided further that no such recipient shall suffer a reduction in the  
8 original award amount granted pursuant to such subparts in such academic  
9 years solely due to inability to complete any semester, quarter or term  
10 as a result of the COVID-19 pandemic state disaster emergency declared  
11 March 7, 2020, as certified by a college or university and approved by  
12 the New York state higher education services corporation.

13 § 2. This act shall take effect immediately.

14 PART G

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

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

§ 2. This act shall take effect immediately.

PART H

Intentionally Omitted

PART I

Intentionally Omitted

PART J

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

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

§ 2. This act shall take effect immediately.

PART K

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

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

§ 2. This act shall take effect immediately.

PART L

Section 1. Paragraph (g) of subdivision 3 of section 358-a of the social services law, as amended by section 4 of subpart L of part XX of chapter 55 of the laws of 2020, is amended to read as follows:

(g) (i) In any case in which an order has been issued pursuant to this section approving a foster care placement instrument, the social services official or authorized agency charged with custody or care of the child shall report the initial placement and any anticipated change in placement 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 make the initial placement or to change the placement or the actual date the initial placement or placement change occurred, whichever is sooner. Such notice shall indicate the date that the placement change is anticipated to occur or the date the placement change occurred, as applicable. Provided, however, if such notice lists an anticipated date for the initial placement or placement change, the local social services district or authorized agency shall subsequently notify the court and attorneys for the parties, including the attorney for the child, of the date the placement or placement

1 change occurred; such notice shall occur no later than one business day  
2 following the placement or placement change.

3 (ii) When a child whose legal custody was transferred to the commis-  
4 sioner of a local social services district in accordance with this  
5 section resides in a qualified residential treatment program, as defined  
6 in section four hundred nine-h of this chapter, and where such child's  
7 initial placement or change in placement in such program commenced on or  
8 after September twenty-ninth, two thousand twenty-one, upon receipt of  
9 notice required pursuant to subparagraph (i) of this paragraph and  
10 motion of the local social services district, the court shall make an  
11 assessment and determination on such placement in accordance with  
12 section three hundred ninety-three of this chapter. Notwithstanding any  
13 other provision of law to the contrary, such assessment and determi-  
14 nation shall occur no later than sixty days from the date the placement  
15 of the child in the qualified residential treatment program commenced.

16 § 1-a. Section 371 of the social services law is amended by adding a  
17 new subdivision 22 to read as follows:

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

26 § 1-b. Paragraph (c) of subdivision 2 of section 383-a of the social  
27 services law, as added by section 5 of part M of chapter 54 of the laws  
28 of 2016, is amended to read as follows:

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

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

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

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

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

50 (ii) Determine whether the needs of the child can be met through  
51 placement in a foster family home and, if not, whether placement of the  
52 child in the particular qualified residential treatment program provides  
53 the most effective and appropriate level of care for the child in the  
54 least restrictive environment, whether placement in an alternative qual-  
55 ified residential treatment program would be more appropriate and wheth-

er that placement is consistent with the short-term and long-term goals for the child, as specified in the child's permanency plan;

(iii) Consider any relevant information or documentation that is necessary to make a determination, including any such information provided by an authorized agency as defined in subdivision ten of section three hundred seventy-one of this title; and

(iv) Approve or disapprove the placement of the child in the qualified residential treatment program. Provided that where the qualified individual determines that the placement of the child in the qualified residential treatment program is not appropriate in accordance with the assessment required pursuant to section four hundred nine-h of this article, the court may approve the placement of the child in the qualified residential treatment program if the court finds, and states in the written order that:

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

(B) that continued placement in the qualified residential program is in the child's best interest.

(b) If the court disapproves the placement of the child in the qualified residential treatment program, the court shall, on its own motion, determine a schedule for the return of the child, change the authorized agency in which the child is placed, or direct the local social services district or office of children and family services, as applicable, to make such other arrangements for the child's care and welfare in the most effective and least restrictive environment as the facts of the case may arise. If such alternative arrangements include a placement in a different qualified residential treatment program, the requirements included in this section and section four hundred nine-h of this article shall be satisfied for such new placement.

(c) Nothing herein shall require the court to hold a hearing to conduct such assessment and determination when all parties agree to the placement of the child, as long as such review is completed within sixty days of the initial placement of the child.

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

4. 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.

5. Notwithstanding any other provision of law to the contrary, any child placed in a setting prior to September twenty-ninth, two thousand twenty-one, which is subsequently accredited to be a qualified residential treatment program as defined in section four hundred nine-h of this article, shall not be subject to the requirements of this section, and such placement, if initially eligible for funding title IV-E of the federal Social Security Act, as amended, shall continue to be eligible to receive such reimbursement.

§ 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,

1 agency boarding homes, group homes or institutions under the proper  
2 safeguards. Such placements can be made either directly, or through an  
3 authorized agency, except that, direct placements in agency boarding  
4 homes or group homes may be made by the social services district only if  
5 the office of children and family services has authorized the district  
6 to operate such homes in accordance with the provisions of section three  
7 hundred seventy-four-b of this ~~chapter~~ article and only if suitable  
8 care is not otherwise available through an authorized agency under the  
9 control of persons of the same religious faith as the child. Where such  
10 district places a child in ~~an~~ a supervised setting, agency boarding  
11 home, group home or institution, either directly, or through an author-  
12 ized agency, the district shall certify in writing to the office of  
13 children and family services, that such placement was made because it  
14 offers the most appropriate and least restrictive level of care for the  
15 child, and, is more appropriate than a family foster home placement, or,  
16 that such placement is necessary because there are no qualified foster  
17 families available within the district who can care for the child. If  
18 placements in agency boarding homes, group homes or institutions are the  
19 result of a lack of foster parents within a particular district, the  
20 office of children and family services shall assist such district to  
21 recruit and train foster parents. Placements shall be made only in  
22 institutions visited, inspected and supervised in accordance with title  
23 three of article seven of this chapter and conducted in conformity with  
24 the applicable regulations of the supervising state agency in accordance  
25 with title three of article seven of this chapter. With the approval of  
26 the office of children and family services, a social services district  
27 may place a child in its care and custody or its custody and guardian-  
28 ship in a federally funded job corps program and may receive reimburse-  
29 ment for the approved costs of appropriate program administration and  
30 supervision pursuant to a plan developed by the department and approved  
31 by the director of the budget.

32 10. Any provision of this chapter or any other law notwithstanding,  
33 where a foster child for whom a social services official has been making  
34 foster care payments is in attendance at a college or university away  
35 from his or her foster family boarding home, group home, agency boarding  
36 home or institution, a social services official may make foster  
37 payments, not to exceed the amount which would have been paid to a  
38 foster parent on behalf of said child had the child been cared for in a  
39 foster family boarding home, to such college or university or a provider  
40 of room and board as appropriate, in lieu of payment to the foster  
41 parents or authorized agency, for the purpose of room and board, if not  
42 otherwise provided.

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

45 § 409-h. Assessment of appropriateness of placement in a qualified  
46 residential treatment program. 1. (a) Prior to a child's placement in a  
47 qualified residential treatment program, but no later than thirty days  
48 from the start of a placement in a qualified residential treatment  
49 program of a child in the care and custody or the custody and guardian-  
50 ship of the commissioner of a local social services district or the  
51 office of children and family services that occurs on or after September  
52 twenty-ninth, two thousand twenty-one, a qualified individual as defined  
53 in subdivision four of this section shall assess the appropriateness of  
54 such placement utilizing an age-appropriate, evidence-based, validated,  
55 functional assessment tool approved by the federal government for such  
56 purpose. Such assessment shall be in accordance with 42 United States



1 Code sections 672 and 675a and shall include, but not be limited to: (i)  
2 an assessment of the strengths and needs of the child; and (ii) a deter-  
3 mination of the most effective and appropriate level of care for the  
4 child in the least restrictive setting, including whether the needs of  
5 the child can be met with family members or through placement in a  
6 foster family home, or alternative setting which may include, but is not  
7 limited to, such settings specified in paragraph (d) of this subdivision  
8 or a qualified residential treatment program, consistent with the short-  
9 term and long-term goals for the child as specified in the child's  
10 permanency plan. Such assessment shall be completed in conjunction with  
11 the family and permanency team established pursuant to paragraph (b) of  
12 this subdivision.

13 (b) Such assessment and all supporting information shall be provided  
14 in writing to the court, the parties to the proceeding, including the  
15 attorney for the child, the office and the local social services  
16 district where such child is in their care and custody or custody and  
17 guardianship no later than five days after the completion of such  
18 assessment.

19 (c) The family and permanency team shall consist of all appropriate  
20 biological family members, relatives, and fictive kin of the child, as  
21 well as, as appropriate, professionals who are a resource to the family  
22 of the child, including but not limited to, teachers, medical or mental  
23 health providers who have treated the child, or clergy. In the case of  
24 a child who has attained the age of fourteen, the family and permanency  
25 team shall include the members of the permanency planning team for the  
26 child in accordance with 42 United States Code section 675.

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

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

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

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

42 (iv) A qualified residential treatment program.

43 2. Where the qualified individual determines that the placement of the  
44 child in the qualified residential treatment program is not appropriate  
45 after the assessment conducted pursuant to subdivision one of this  
46 section, the child's placement shall continue, at least until the court  
47 has an opportunity to examine the qualified individual's assessment.  
48 Provided however, during such time, after the qualified individual's  
49 assessment but prior to the court's review, the local social services  
50 district or the office of children and family services with legal custo-  
51 dy of the child, shall determine potential alternative placement  
52 settings that may be appropriate for the child if the court also disap-  
53 proves the placement. Such placements shall be determined based on the  
54 best interest of the child and may include, but are not limited to with  
55 family members, in an available foster family home, a setting specified



1 in paragraph (d) of subdivision one of this section or a different qual-  
2 ified residential treatment program.

3 3. As used in the section, "qualified residential treatment program"  
4 means a program that is a non-foster family residential program in  
5 accordance with 42 United State Code section 672.

6 4. As used in this section, "qualified individual" shall mean a  
7 trained professional or licensed clinician acting within their scope of  
8 practice who shall have current or previous relevant experience in the  
9 child welfare field. Provided however, such individual shall not be an  
10 employee or agent of the office of children and family services, nor  
11 shall such person have a direct role in case management or case planning  
12 decision making authority for the child for whom such assessment is  
13 being conducted, in accordance with 42 United States Code section 675.

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

16 § 353.7. Placement in qualified residential treatment programs. 1. The  
17 provisions of this section shall apply when a respondent is placed  
18 pursuant to clause (A) of subparagraph (i) of paragraph (b) of subdivi-  
19 sion two-a or paragraph (c) of subdivision three of section 353.3 of  
20 this part, on or after September twenty-ninth, two thousand twenty-one  
21 and resides in a qualified residential treatment program, as defined in  
22 section four hundred nine-h of the social services law, and whose care  
23 and custody were transferred to a local social services district or the  
24 office of children and family services in accordance with this article.

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

43 (b) When a respondent whose legal custody was transferred to a local  
44 social services district or the office of children and family services  
45 in accordance with this article resides in a qualified residential  
46 treatment program as defined in section four hundred nine-h of the  
47 social services law, and where such respondent's initial placement or  
48 change in placement in such qualified residential treatment program  
49 commenced on or after September twenty-ninth, two thousand twenty-one,  
50 upon receipt of notice required pursuant to paragraph (a) of this subdivi-  
51 sion and motion of the local social services district or the office of  
52 children and family services with legal custody of the respondent, the  
53 court shall make an assessment and determination on such placement in  
54 accordance with subdivision three of this section. Notwithstanding any  
55 other provision of law to the contrary, such assessment and determi-  
56 nation shall occur no later than sixty days from the date the placement

1 of the respondent in the qualified residential treatment program  
2 commenced.

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

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

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

18 (iii) Consider any relevant information or documentation that is  
19 necessary to make a determination, including any such information  
20 provided by an authorized agency as defined in subdivision ten of  
21 section three hundred seventy-one of the social services law; and

22 (iv) Approve or disapprove the placement of the respondent in the  
23 qualified residential treatment program. Provided that, where a quali-  
24 fied individual determines that the placement of the respondent in the  
25 qualified residential treatment program is not appropriate in accordance  
26 with the assessment required pursuant to section four hundred nine-h of  
27 the social services law, the court may approve the placement of the  
28 respondent in the qualified residential treatment program if the court  
29 finds, and states in the written order that:

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

32 (B) that continued placement in the qualified residential treatment  
33 program serves the respondent's needs and best interests or the need for  
34 protection of the community.

35 (b) If the court disapproves the placement of the child in the quali-  
36 fied residential treatment program, the court shall, on its own motion,  
37 determine a schedule for the return of the child, change the authorized  
38 agency in which the child is placed, or direct the local social services  
39 district or office of children and family services, as applicable, to  
40 make such other arrangements for the child's care and welfare in the  
41 most effective and least restrictive environment as the facts of the  
42 case may arise. If such alternative arrangements include a placement in  
43 a different qualified residential treatment program, the requirements  
44 included in this section and section four hundred nine-h of the social  
45 services law shall be satisfied for such new placement.

46 (c) Nothing herein shall require the court to hold a hearing to  
47 conduct such assessment and determination when all parties agree to the  
48 placement of the child, as long as such review is completed within  
49 sixty days of the initial placement of the child.

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

52 5. Nothing in this section shall prohibit the court's approval of a  
53 placement in a qualified residential treatment program from occurring at  
54 the same time as another hearing scheduled for such respondent, includ-  
55 ing but not limited to the respondent's dispositional or permanency

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

3 6. Notwithstanding any other section of law to the contrary, any child  
4 placed in a setting prior to September twenty-ninth, two thousand twen-  
5 ty-one, which is subsequently accredited to be a qualified residential  
6 treatment program as defined in section four hundred nine-h of the  
7 social services law, shall not be subject to the requirements of this  
8 section, and such placement, if initially eligible for funding title  
9 IV-E of the federal Social Security Act, as amended, shall continue to  
10 be eligible to receive such reimbursement.

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

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

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

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

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

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

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

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

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

52 (iii) documenting the efforts made by the local social services  
53 district with legal custody of the respondent to prepare the respondent  
54 to return home, or to be placed with a fit and willing relative, legal  
55 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 make an assessment and determination on such placement in accordance with subdivision three of this section. Notwithstanding any other provision of law to the contrary, such assessment and determination 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 the qualified residential treatment program provides the most effective and appropriate level of care for the respondent in the least restrictive environment, whether placement in an alternative qualified residential treatment program would be more appropriate 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;

(iii) Consider any relevant information or documentation that is necessary to make a determination, including any such information

1 provided by an authorized agency as defined in subdivision ten of  
2 section three hundred seventy-one of the social services law; and

3 (iv) Approve or disapprove the placement of the respondent in a quali-  
4 fied residential treatment program. Provided that, where the qualified  
5 individual determines that the placement of the respondent in the quali-  
6 fied residential treatment program is not appropriate in accordance with  
7 the assessment required pursuant to section four hundred nine-h of the  
8 social services law, the court may approve the placement of the respond-  
9 ent in the qualified residential treatment program if the court finds,  
10 and states in the written order that:

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

13 (B) that it would be contrary to the welfare of the respondent to be  
14 placed in a less restrictive setting and that continued placement in the  
15 qualified residential program is in the respondent's best interest.

16 (b) If the court disapproves the placement of the child in the quali-  
17 fied residential treatment program, the court shall, on its own motion,  
18 determine a schedule for the return of the child, change the authorized  
19 agency in which the child is placed, or direct the local social services  
20 district or office of children and family services, as applicable, to  
21 make such other arrangements for the child's care and welfare in the  
22 most effective and least restrictive environment as the facts of the  
23 case may arise. If such alternative arrangements include a placement in  
24 a different qualified residential treatment program, the requirements  
25 included in this section and section four hundred nine-h of the social  
26 services law shall be satisfied for such new placement.

27 (c) Nothing herein shall require the court to hold a hearing to  
28 conduct such assessment and determination when all parties agree to the  
29 placement of the child, as long as such review is completed within sixty  
30 days of the initial placement of the child.

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

33 5. Nothing in this section shall prohibit the court's approval of a  
34 placement in a qualified residential treatment program from occurring at  
35 the same time as another hearing scheduled for such respondent, includ-  
36 ing but not limited to the respondent's dispositional or permanency  
37 hearing, provided such approval is completed within sixty days of the  
38 start of such placement.

39 6. Notwithstanding any other section of law to the contrary, any child  
40 placed in a setting prior to September twenty-ninth, two thousand twen-  
41 ty-one, which is subsequently accredited to be a qualified residential  
42 treatment program as defined in section four hundred nine-h of this  
43 article, shall not be subject to the requirements of this section, and  
44 such placement, if initially eligible for funding title IV-E of the  
45 federal Social Security Act, as amended, shall continue to be eligible  
46 to receive such reimbursement.

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

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



1 vision and motion of the local social services district, the court shall  
2 make an assessment and determination on such placement in accordance  
3 with section one thousand fifty-five-c of this article. Notwithstanding  
4 any other provision of law to the contrary, such assessment and determi-  
5 nation shall occur no later than sixty days from the date the placement  
6 of the child in the qualified residential treatment program commenced.

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

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

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

25 § 1055-c. Court approval of placement in a qualified residential  
26 treatment program. 1. The provisions of this section shall apply when a  
27 child is placed on or after September twenty-ninth, two thousand twen-  
28 ty-one and resides in a qualified residential treatment program, as  
29 defined in section four hundred nine-h of the social services law, and  
30 whose care and custody were transferred to the commissioner of a local  
31 social services district in accordance with this article.

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

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

38 (b) Determine whether the needs of the child can be met through place-  
39 ment in a foster family home and, if not, whether placement of the child  
40 in the qualified residential treatment program provides the most effec-  
41 tive and appropriate level of care for the child in the least restric-  
42 tive environment, whether placement in an alternative qualified residen-  
43 tial treatment program would be more appropriate and whether that  
44 placement is consistent with the short-term and long-term goals for the  
45 child, as specified in the child's permanency plan;

46 (c) Consider any relevant information or documentation that is neces-  
47 sary to make a determination, including any such information provided by  
48 an authorized agency as defined in subdivision ten of section three  
49 hundred seventy-one of the social services law; and

50 (d) Approve or disapprove the placement of the child in the qualified  
51 residential treatment program. Provided that, where the qualified indi-  
52 vidual determines that the placement of the child in the qualified resi-  
53 dential treatment program is not appropriate in accordance with the  
54 assessment required pursuant to section four hundred nine-h of the  
55 social services law, the court may approve the placement of the child in



1 the qualified residential treatment program if the court finds, and  
2 states in the written order that:

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

5 (ii) that continued placement in the qualified residential treatment  
6 program is in the child's best interest.

7 3. If the court disapproves the placement of the child in the quali-  
8 fied residential treatment program, the court shall, on its own motion,  
9 determine a schedule for the return of the child, change the authorized  
10 agency in which the child is placed, or direct the local social services  
11 district or office of children and family services, as applicable, to  
12 make such other arrangements for the child's care and welfare in the  
13 most effective and least restrictive environment as the facts of the  
14 case may arise. If such alternative arrangements include a placement in  
15 a different qualified residential treatment program, the requirements  
16 included in this section and section four hundred nine-h of the social  
17 services law shall be satisfied for such new placement.

18 4. Nothing herein shall require the court to hold a hearing to conduct  
19 such assessment and determination when all parties agree to the place-  
20 ment of the child, as long as such review is completed within sixty days  
21 of the initial placement of the child.

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

24 6. Nothing in this section shall prohibit the court's approval of a  
25 placement in a qualified residential treatment program from occurring at  
26 the same time as another hearing scheduled for such child, including but  
27 not limited to the child's dispositional or permanency hearing, provided  
28 such approval is completed within sixty days of the start of such place-  
29 ment.

30 7. Notwithstanding any other section of law to the contrary, any child  
31 placed in a setting prior to September twenty-ninth, two thousand twen-  
32 ty-one, which is subsequently accredited to be a qualified residential  
33 treatment program as defined in section four hundred nine-h of the  
34 social services law, shall not be subject to the requirements of this  
35 section, and such placement, if initially eligible for funding title  
36 IV-E of the federal Social Security Act, as amended, shall continue to  
37 be eligible to receive such reimbursement.

38 § 11. Clause (C) of subparagraph (ix) of paragraph 5 of subdivision  
39 (c) of section 1089 of the family court act, as added by section 27 of  
40 part A of chapter 3 of the laws of 2005, is amended, and a new paragraph  
41 6 is added to read as follows:

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

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

50 (i) demonstrating that ongoing assessment of the strengths and needs  
51 of the child continues to support the determination that the needs of  
52 the child cannot be met through placement in a foster family home, that  
53 the placement in the qualified residential treatment program provides  
54 the most effective and appropriate level of care for the child in the  
55 least restrictive environment, and that the placement is consistent with

1 the short-term and long-term goals for the child, as specified in the  
2 child's permanency plan;

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

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

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

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

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

30 § 1091-a. Court approval of placement in a qualified residential  
31 treatment program. 1. The provisions of this section shall apply when a  
32 former foster care youth is placed on or after September twenty-ninth,  
33 two thousand twenty-one, and resides in a qualified residential treat-  
34 ment program, as defined in section four hundred nine-h of the social  
35 services law, and whose care and custody were transferred to a local  
36 social services district or the office of children and family services  
37 in accordance with this article.

38 2. (a) When a former foster care youth is in the care and custody of a  
39 local social services district or the office of children and family  
40 services pursuant to this article, such social services district or  
41 office shall report any anticipated placement of the former foster care  
42 youth into a qualified residential treatment program, as defined in  
43 section four hundred nine-h of the social services law, to the court and  
44 the attorneys for the parties, including the attorney for the former  
45 foster care youth, forthwith, but not later than one business day  
46 following either the decision to place the former foster care youth in  
47 the qualified residential treatment program or the actual date the  
48 placement change occurred, whichever is sooner. Such notice shall indi-  
49 cate the date that the initial placement or change in placement is  
50 anticipated to occur or the date the placement change occurred, as  
51 applicable. Provided, however, if such notice lists an anticipated date  
52 for the placement change, the local social services district or office  
53 shall subsequently notify the court and attorneys for the parties,  
54 including the attorney for the former foster care youth, of the date the  
55 placement change occurred; such notice shall occur no later than one  
56 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 make an assessment and determination on such placement in accordance with subdivision three of this section. Notwithstanding any other provision of law to the contrary, such assessment and determination 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 the qualified residential treatment program provides the most effective and appropriate level of care for the former foster care youth in the least restrictive environment, whether placement in an alternative qualified residential treatment program would be more appropriate 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;

(c) Consider any relevant information or documentation that is necessary to make a determination, including any such information provided by an authorized agency as defined in subdivision ten of section three hundred seventy-one of the social services law; and

(d) Approve or disapprove the placement of the former foster care youth in the qualified residential treatment program. Provided that, where the qualified individual determines that the placement of the former foster care youth in the qualified residential treatment program is not appropriate in accordance with the assessment required pursuant to section four hundred nine-h of the social services law, the court may approve the placement of the former foster care youth in the qualified residential treatment program if the court finds, and states in the written order that:

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

(ii) that continued placement in the qualified residential treatment program is in the former foster care youth's best interest.

4. If the court disapproves the placement of the child in the qualified residential treatment program, the court shall, on its own motion, determine a schedule for the return of the child, change the authorized agency in which the child is placed, or direct the local social services district or office of children and family services, as applicable, to make such other arrangements for the child's care and welfare in the most effective and least restrictive environment as the facts of the case may arise. If such alternative arrangements include a placement in

1 a different qualified residential treatment program, the requirements  
2 included in this section and section four hundred nine-h of the social  
3 services law shall be satisfied for such new placement.

4 5. Nothing herein shall require the court to hold a hearing to conduct  
5 such assessment and determination when all parties agree to the place-  
6 ment of the child, as long as such review is completed within sixty days  
7 of the initial placement of the child.

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

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

16 8. Notwithstanding any other section of law to the contrary, any child  
17 placed in a setting prior to September twenty-ninth, two thousand twen-  
18 ty-one, which is subsequently accredited to be a qualified residential  
19 treatment program as defined in section four hundred nine-h of the  
20 social services law, shall not be subject to the requirements of this  
21 section, and such placement, if initially eligible for funding title  
22 IV-E of the federal Social Security Act, as amended, shall continue to  
23 be eligible to receive such reimbursement.

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

26 § 1097. Court approval of placement in a qualified residential treat-  
27 ment program. 1. The provisions of this section shall apply when a child  
28 is placed on or after September twenty-ninth, two thousand twenty-one,  
29 and resides in a qualified residential treatment program, as defined in  
30 section four hundred nine-h of the social services law, and whose care  
31 and custody were transferred to a local social services district in  
32 accordance with this article.

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

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

1 vision and motion of the local social services district, the court shall  
2 make an assessment and determination on such placement in accordance  
3 with subdivision three of this section. Notwithstanding any other  
4 provision of law to the contrary, such assessment and determination  
5 shall occur no later than sixty days from the date the placement of the  
6 child in the qualified residential treatment program commenced.

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

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

13 (b) Determine whether the needs of the child can be met through place-  
14 ment in a foster family home and, if not, whether placement of the child  
15 in the qualified residential treatment program provides the most effec-  
16 tive and appropriate level of care for the child in the least restric-  
17 tive environment, whether placement in an alternative qualified residen-  
18 tial treatment program would be more appropriate and whether that  
19 placement is consistent with the short-term and long-term goals for the  
20 child, as specified in the child's permanency plan;

21 (c) Consider any relevant information or documentation that is neces-  
22 sary to make a determination, including any such information provided by  
23 an authorized agency as defined in subdivision ten of section three  
24 hundred seventy-one of the social services law; and

25 (d) Approve or disapprove the placement of the child in the qualified  
26 residential treatment program. Provided that, where the qualified indi-  
27 vidual determines that the placement of the child in the qualified resi-  
28 dential treatment program is not appropriate in accordance with the  
29 assessment required pursuant to section four hundred nine-h of the  
30 social services law, the court may approve the placement of the child in  
31 the qualified residential treatment program if the court finds, and  
32 states in the written order that:

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

35 (ii) that continued placement in the qualified residential treatment  
36 program is in the child's best interest.

37 4. If the court disapproves the placement of the child in the quali-  
38 fied residential treatment program, the court shall, on its own motion,  
39 determine a schedule for the return of the child, change the authorized  
40 agency in which the child is placed, or direct the local social services  
41 district or office of children and family services, as applicable, to  
42 make such other arrangements for the child's care and welfare in the  
43 most effective and least restrictive environment as the facts of the  
44 case may arise. If such alternative arrangements include a placement in  
45 a different qualified residential treatment program, the requirements  
46 included in this section and section four hundred nine-h of the social  
47 services law shall be satisfied for such new placement.

48 5. Nothing herein shall require the court to hold a hearing to conduct  
49 such assessment and determination when all parties agree to the place-  
50 ment of the child, as long as such review is completed within sixty days  
51 of the initial placement of the child.

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

54 7. Nothing in this section shall prohibit the court's approval of a  
55 placement in a qualified residential treatment program from occurring at  
56 the same time as another hearing scheduled for such child, including but



1 not limited to the child's dispositional or permanency hearing, provided  
2 such approval is completed within sixty days of the start of such place-  
3 ment.

4 8. Notwithstanding any other section of law to the contrary, any child  
5 placed in a setting prior to September twenty-ninth, two thousand twen-  
6 ty-one, which is subsequently accredited to be a qualified residential  
7 treatment program as defined in section four hundred nine-h of the  
8 social services law, shall not be subject to the requirements of this  
9 section, and such placement, if initially eligible for funding title  
10 IV-E of the federal Social Security Act, as amended, shall continue to  
11 be eligible to receive such reimbursement.

12 § 15. The office of children and family services beginning one year  
13 after the effective date of this act and annually thereafter, shall  
14 provide a report to the governor, the speaker of the assembly, the  
15 temporary president of the senate, and the chairpersons of the assembly  
16 and senate children and families committees which shall include but not  
17 be limited to the following information:

18 a. the total number of youths placed in a qualified residential treat-  
19 ment program whose placement was ultimately determined to be inappropri-  
20 ate, requiring an alternative placement, detailing which alternative  
21 placement was utilized;

22 b. the total number of youths placed in a qualified residential treat-  
23 ment program whose placement was ultimately determined to be appropri-  
24 ate;

25 c. the total number of youths placed in a foster family home or with a  
26 kinship relative and whether they remained in such placement at the end  
27 of the year;

28 d. the total number of foster parents and kinship relatives in the  
29 state at the end of the year, including whether such number is an  
30 increase or decrease from the previous year;

31 e. the assistance the state has provided the local social services  
32 districts in recruiting and retaining foster and kinship families, as  
33 well as any recommendations to improve recruitment and retention rates;

34 f. the amount of preventive funding invested by local social services  
35 district per year, and whether such funding is an increase or decrease  
36 from the previous year; and

37 g. any other information the office deems appropriate to evaluate the  
38 effectiveness of the implementation of the family first prevention  
39 services act.

40 § 16. Severability. If any clause, sentence, paragraph, section or  
41 part of this act shall be adjudged by any court of competent jurisdic-  
42 tion to be invalid and after exhaustion of all further judicial review,  
43 the judgment shall not affect, impair or invalidate the remainder there-  
44 of, but shall be confined in its operation to the clause, sentence,  
45 paragraph, section or part of this act directly involved in the contro-  
46 versy in which the judgment shall have been rendered.

47 § 17. This act shall take effect September 29, 2021; provided, howev-  
48 er, that:

49 (a) notwithstanding any other provision of law, provisions in this act  
50 shall not take effect unless and until the state title IV-E agency  
51 submits to the United States Department of Health and Human Services,  
52 Administration for Children, Youth and Families, an amendment to the  
53 title IV-E state plan and the United States Department of Health and  
54 Human Services, Administration for Children, Youth and Families approves  
55 said title IV-E state plan amendment regarding when a child is placed in  
56 a qualified residential treatment program in relation to the following



1 components: (1) the qualified individual and the establishment of the  
2 assessment by the qualified individual to be completed prior to or with-  
3 in 30-days of the child's placement as established by section three of  
4 this act; (2) the 60 day court reviews, including the ability to conduct  
5 at the same time as another hearing scheduled for the child, as estab-  
6 lished by sections one, two, four, seven, eight, nine, ten, twelve,  
7 thirteen and fourteen of this act; and (3) permanency hearing require-  
8 ments as established by sections five, six and eleven of this act;

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

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

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

25 PART M

26 Intentionally Omitted

27 PART N

28 Intentionally Omitted

29 PART O

30 Section 1. Notwithstanding any other provision of law to the contrary,  
31 the housing trust fund corporation may provide, for purposes of the  
32 neighborhood preservation program, a sum not to exceed \$12,830,000 for  
33 the fiscal year ending March 31, 2022. Within this total amount,  
34 \$150,000 shall be used for the purpose of entering into a contract with  
35 the neighborhood preservation coalition to provide technical assistance  
36 and services to companies funded pursuant to article 16 of the private  
37 housing finance law. Notwithstanding any other provision of law, and  
38 subject to the approval of the New York state director of the budget,  
39 the board of directors of the state of New York mortgage agency shall  
40 authorize the transfer to the housing trust fund corporation, for the  
41 purposes of reimbursing any costs associated with neighborhood preserva-  
42 tion program contracts authorized by this section, a total sum not to  
43 exceed \$12,830,000, such transfer to be made from (i) the special  
44 account of the mortgage insurance fund created pursuant to section  
45 2429-b of the public authorities law, in an amount not to exceed the  
46 actual excess balance in the special account of the mortgage insurance  
47 fund, as determined and certified by the state of New York mortgage  
48 agency for the fiscal year 2020-2021 in accordance with section 2429-b  
49 of the public authorities law, if any, and/or (ii) provided that the  
50 reserves in the project pool insurance account of the mortgage insurance

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

7 § 2. Notwithstanding any other provision of law to the contrary, the  
8 housing trust fund corporation may provide, for purposes of the rural  
9 preservation program, a sum not to exceed \$5,360,000 for the fiscal year  
10 ending March 31, 2022. Within this total amount, \$150,000 shall be used  
11 for the purpose of entering into a contract with the rural housing  
12 coalition to provide technical assistance and services to companies  
13 funded pursuant to article 16 of the private housing finance law.  
14 Notwithstanding any other provision of law, and subject to the approval  
15 of the New York state director of the budget, the board of directors of  
16 the state of New York mortgage agency shall authorize the transfer to  
17 the housing trust fund corporation, for the purposes of reimbursing any  
18 costs associated with rural preservation program contracts authorized by  
19 this section, a total sum not to exceed \$5,360,000, such transfer to be  
20 made from (i) the special account of the mortgage insurance fund created  
21 pursuant to section 2429-b of the public authorities law, in an amount  
22 not to exceed the actual excess balance in the special account of the  
23 mortgage insurance fund, as determined and certified by the state of New  
24 York mortgage agency for the fiscal year 2020-2021 in accordance with  
25 section 2429-b of the public authorities law, if any, and/or (ii)  
26 provided that the reserves in the project pool insurance account of the  
27 mortgage insurance fund created pursuant to section 2429-b of the public  
28 authorities law are sufficient to attain and maintain the credit rating  
29 (as determined by the state of New York mortgage agency) required to  
30 accomplish the purposes of such account, the project pool insurance  
31 account of the mortgage insurance fund, such transfer to be made as soon  
32 as practicable but no later than June 30, 2021.

33 § 3. Notwithstanding any other provision of law to the contrary, the  
34 homeless housing and assistance corporation may provide, for services  
35 and expenses related to homeless housing and preventative services  
36 programs including but not limited to the New York state supportive  
37 housing program, the solutions to end homelessness program or the opera-  
38 tional support for AIDS housing program, or to qualified grantees under  
39 such programs, in accordance with the requirements of such programs, a  
40 sum not to exceed \$45,181,000 for the fiscal year ending March 31, 2022.  
41 The homeless housing and assistance corporation may enter into an agree-  
42 ment with the office of temporary and disability assistance to adminis-  
43 ter such sum in accordance with the requirements of such programs.  
44 Notwithstanding any other provision of law, and subject to the approval  
45 of the New York state director of the budget, the board of directors of  
46 the state of New York mortgage agency shall authorize the transfer to  
47 the homeless housing and assistance corporation, a total sum not to  
48 exceed \$45,181,000, such transfer to be made from (i) the special  
49 account of the mortgage insurance fund created pursuant to section  
50 2429-b of the public authorities law, in an amount not to exceed the  
51 actual excess balance in the special account of the mortgage insurance  
52 fund, as determined and certified by the state of New York mortgage  
53 agency for the fiscal year 2020-2021 in accordance with section 2429-b  
54 of the public authorities law, if any, and/or (ii) provided that the  
55 reserves in the project pool insurance account of the mortgage insurance  
56 fund created pursuant to section 2429-b of the public authorities law

1 are sufficient to attain and maintain the credit rating as determined by  
2 the state of New York mortgage agency, required to accomplish the  
3 purposes of such account, the project pool insurance account of the  
4 mortgage insurance fund, such transfer shall be made as soon as practi-  
5 cable but no later than March 31, 2022.

6 § 4. Notwithstanding any other provision of law to the contrary, the  
7 homeless housing and assistance corporation may provide, for purposes of  
8 reimbursing New York city expenditures for adult shelters, a sum not to  
9 exceed \$65,568,000 for the fiscal year ending March 31, 2022. Notwith-  
10 standing any other inconsistent provision of law, such funds shall be  
11 available for eligible costs incurred on or after January 1, 2021, and  
12 before January 1, 2022, that are otherwise reimbursable by the state on  
13 or after April 1, 2021, and that are claimed by March 31, 2022. Such  
14 reimbursement shall constitute total state reimbursement for activities  
15 funded herein in state fiscal year 2021-2022, and shall include  
16 reimbursement for costs associated with a court mandated plan to improve  
17 shelter conditions for medically frail persons and additional costs  
18 incurred as part of a plan to reduce over-crowding in congregate shel-  
19 ters. The homeless housing and assistance corporation may enter into an  
20 agreement with the office of temporary and disability assistance to  
21 administer such sum in accordance with the laws, rules or regulations  
22 relating to public assistance and care or the administration thereof.  
23 Notwithstanding any other provision of law, and subject to the approval  
24 of the New York state director of the budget, and the authorization by  
25 the members of the state of New York housing finance agency, the state  
26 of New York housing finance agency shall transfer to the homeless hous-  
27 ing and assistance corporation, a total sum not to exceed \$65,568,000,  
28 such transfer to be made from excess funds of the housing finance agen-  
29 cy, not pledged to the payment of the agency's outstanding bonds. Such  
30 transfer shall be made as soon as practicable but no later than March  
31 31, 2022.

32 § 5. Notwithstanding any other provision of law to the contrary, the  
33 department of law may provide, for purposes of a homeowner protection  
34 program or to qualified grantees under such program, in accordance with  
35 the requirements of such program, a sum not to exceed \$20,000,000 for  
36 the fiscal year ending March 31, 2022. Notwithstanding any other  
37 provision of law, and subject to the approval of the New York state  
38 director of the budget, the board of directors of the state of New York  
39 mortgage agency shall authorize the transfer to the department of law, a  
40 total sum not to exceed \$20,000,000, such transfer to be made from (i)  
41 the special account of the mortgage insurance fund created pursuant to  
42 section 2429-b of the public authorities law, in an amount not to exceed  
43 the actual excess balance in the special account of the mortgage insur-  
44 ance fund, as determined and certified by the state of New York mortgage  
45 agency for the fiscal year 2020-2021 in accordance with section 2429-b  
46 of the public authorities law, if any, and/or (ii) provided that the  
47 reserves in the project pool insurance account of the mortgage insurance  
48 fund created pursuant to section 2429-b of the public authorities law  
49 are sufficient to attain and maintain the credit rating as determined by  
50 the state of New York mortgage agency, required to accomplish the  
51 purposes of such account, the project pool insurance account of the  
52 mortgage insurance fund, such transfer shall be made as soon as practi-  
53 cable, but no later than March 31, 2022.

54 § 6. This act shall take effect immediately.

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

1 the public. Such report shall include how the monies of the fund were  
2 utilized during the preceding calendar year and shall include:

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

4 (b) the recipients of awards from the fund;

5 (c) the amount awarded to each recipient;

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

7 (e) a summary financial plan for such monies which shall include esti-  
8 mates of all receipts and all disbursements for the current and succeed-  
9 ing fiscal years, along with the actual results from the prior fiscal  
10 year.

11 § 2. This act shall take effect immediately.

12 PART R

13 Intentionally Omitted

14 PART S

15 Intentionally Omitted

16 PART T

17 Intentionally Omitted

18 PART U

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

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

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

33 PART V

34 Intentionally Omitted

35 PART W

36 Intentionally Omitted

37 PART X

38 Intentionally Omitted

39 PART Y

40 Intentionally Omitted



## 1 PART Z

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

## 15 SUBPART A

16 Section 1. Subdivision 6 of section 410-x of the social services law,  
17 as added by section 52 of part B of chapter 436 of the laws of 1997, is  
18 amended to read as follows:

19 6. Pursuant to department regulations, child care assistance shall be  
20 provided on a sliding fee basis based upon the family's ability to pay.  
21 The local social services district shall not require a family receiving  
22 child care assistance pursuant to this title to contribute more than  
23 twenty percent of the amount of their income exceeding the poverty  
24 level.

25 § 2. This act shall take effect on the first of April next succeeding  
26 the date on which it shall have become a law.

## 27 SUBPART B

## 28 Intentionally Omitted

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

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

## 42 PART AA

43 Section 1. Legislative findings and intent. The legislature finds that  
44 the transition to the green economy and creating good paying jobs are  
45 not mutually exclusive priorities for New York State. In order to make  
46 this transition and achieve the ambitious goals set forth in the Climate  
47 Leadership and Community Protection Act, a clear focus on prioritizing  
48 renewable energy sources is necessary. However, the workers who will

1 build, operate and maintain the infrastructure of the green economy must  
2 not be left behind. Setting clear standards for job quality will ensure  
3 the creation of good jobs, protect workers in the ongoing transition of  
4 our energy sector, and result in positive economic impacts. In addition  
5 to workers engaged directly in the renewable energy sector, New Yorkers  
6 have experienced widespread unemployment as a result of the COVID-19  
7 pandemic. New manufacturing and supply chain jobs are a necessary  
8 element of any pandemic recovery. Due to such findings, the legislature  
9 hereby declares that the mandate of prevailing wage or project labor  
10 agreements for construction work performed in connection with the  
11 installation of renewable energy systems, labor peace involved with such  
12 systems, and the buy American preference provided in this bill will  
13 ensure that workers are central to New York State's transition to the  
14 green economy and its pandemic recovery plan.

15 § 2. Paragraph b of subdivision 4 of section 224-a of the labor law,  
16 as added by section 1 of part FFF of chapter 58 of the laws of 2020, is  
17 amended to read as follows:

18 b. Construction work performed under a contract with a not-for-profit  
19 corporation as defined in section one hundred two of the not-for-profit  
20 corporation law, other than a not-for-profit corporation formed exclu-  
21 sively for the purpose of holding title to property and collecting  
22 income thereof or any public entity as defined in this section, where  
23 the not-for-profit corporation has gross annual revenue and support less  
24 than five million dollars;

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

27 § 224-d. Prevailing wage for covered renewable energy systems. 1. For  
28 purposes of this section, a "covered renewable energy system" means a  
29 renewable energy system, as such term is defined in section sixty-six-p  
30 of the public service law, with a capacity of at least five megawatts  
31 alternating current and which involves the procurement of renewable  
32 energy credits by a public entity, or a third party acting on behalf and  
33 for the benefit of a public entity.

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

46 3. Notwithstanding part FFF of chapter fifty-eight of the laws of two  
47 thousand twenty that established prevailing wage for construction work  
48 done under contract which is paid for in whole or in part out of public  
49 funds, a covered renewable energy system shall be subject to prevailing  
50 wage requirements in accordance with sections two hundred twenty and two  
51 hundred twenty-b of this article. Provided that a renewable energy  
52 system defined in section sixty-six-p of the public service law which is  
53 not considered to be covered by this section, may still otherwise be  
54 deemed a "covered project" pursuant to section two hundred twenty-four-a  
55 of this article if it meets such definition.

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

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

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

§ 4. Section 66-p of the public service law, as added by chapter 705 of the laws of 2019, is renumbered section 66-q and a new section 66-r is added to read as follows:

§ 66-r. Renewable energy projects; labor standards. 1. In the implementation of section sixty-six-p of this article, the commission shall ensure that labor and job standards associated with renewable energy projects are prioritizing the creation of good paying jobs and protecting all workers throughout the state in accordance with the provisions of this section.

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

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

4. The owner of the covered renewable energy system, or a third party acting on the owner's behalf, as a condition of any renewable energy credits agreement with a public entity, must stipulate to the public entity that it will enter into a labor peace agreement with at least one

bona fide labor organization that is actively engaged in representing or attempting to represent employees who will provide necessary operations and maintenance services for the renewable energy system. The maintenance of such a labor peace agreement shall be an ongoing material condition of any continuation of payments. For purposes of this section "labor peace agreement" means an agreement between an entity and a labor organization that, at a minimum, protects the state's proprietary interests by prohibiting labor organizations and members from engaging in picketing, work stoppages, boycotts, and any other economic interference with the relevant renewable energy system.

5. The public entity shall require a covered renewable energy system, in each of its contracts for construction, reconstruction, alteration, repair, improvement or maintenance, to contain a provision that the iron and structural steel used or supplied in the performance of the contract, shall be, when practicable, produced or made in whole or substantial part in the United States, its territories or possessions in accordance with the provisions of subdivision one of section one hundred forty-six of the state finance law.

6. Whenever changes are proposed to any public procurement process involving the program described in subdivision two of section sixty-six-p of this article, the commission shall make simultaneous recommendations to the temporary president of the senate and the speaker of the assembly, regarding necessary changes to this section and section two hundred twenty-four-d of the labor law, if any, in meeting the goals outlined in the legislative findings and intent of the chapter of the laws of two thousand twenty-one which added this section.

§ 5. 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.

§ 6. This act shall take effect on October 1, 2021 and shall apply to any agreement which involves the procurement of renewable energy credits by a public entity, or a third party acting on behalf and for the benefit of a public entity, for applicable renewable energy projects entered into on or after that date; provided, however, that section two of this act shall take effect on the same date and in the same manner as section 1 of part FFF of chapter 58 of the laws of 2020, takes effect.

#### PART BB

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

§ 99-ii. Emergency rental assistance municipal recipient allocation fund. 1. There is hereby established in the joint custody of the state comptroller and the commissioner of taxation and finance a trust and agency fund known as the "emergency rental assistance municipal recipient allocation fund".

2. Municipal corporations as defined in section two of the general municipal law that have received federal allocations from the United States treasury for emergency rental assistance authorized pursuant to public law 116-260 and choose to participate in the statewide emergency

1 rental assistance program in accordance with title three of the social  
2 services law shall deposit such funds in the "emergency rental assist-  
3 ance municipal recipient allocation fund".

4 3. The monies of the fund shall be paid, without appropriation, to  
5 provide authorized benefits to eligible households of the respective  
6 municipal recipient from which monies were received in accordance with  
7 subdivision two of this section. Provided further, all such funds  
8 deposited by the municipal recipient shall be expended only for the  
9 benefit of such municipality's residents.

10 § 2. Article 2-A of the social services law is amended by adding two  
11 new titles 3 and 3-A to read as follows:

12 TITLE 3

13 STATEWIDE EMERGENCY RENTAL ASSISTANCE PROGRAM

14 Section 46. Statewide emergency rental assistance program.

15 § 46. Statewide emergency rental assistance program. 1. There is here-  
16 by established the statewide emergency rental assistance program, here-  
17 inafter known as "the statewide program." The statewide program shall  
18 provide benefits to eligible households to prevent evictions and home-  
19 lessness in accordance with this title utilizing funds made available  
20 pursuant to section ninety-nine-ii of the state finance law; public law  
21 116-260; and any other funds appropriated for this purpose. Funds shall  
22 be equitably distributed throughout the state, based on residents'  
23 rental and arrear needs. Provided however, no less than sixty-five  
24 percent of funds provided for emergency rental assistance authorized  
25 pursuant to public law 116-260 shall be allocated no later than Septem-  
26 ber thirtieth, two thousand twenty-one.

27 2. Definitions. The following terms shall have the following meaning  
28 when used in this title:

29 (a) "Municipality" shall have the same meaning as municipal corpo-  
30 ration as defined in section two of the general municipal law.

31 (b) "Municipal recipient" shall mean a municipality that received  
32 federal funding pursuant to public law 116-260.

33 (c) "Rent" shall have the same meaning as defined in section seven  
34 hundred two of the real property actions and proceedings law.

35 (d) "At risk of homelessness" shall include but not be limited to  
36 individuals with:

37 (i) a past due utility or rent notice or eviction notice; (ii) unsafe  
38 or unhealthy living conditions; or (iii) any other evidence of such risk  
39 as determined by the office of temporary and disability assistance.

40 (e) "Agency that primarily enforces immigration law" shall include,  
41 but not be limited to, United States immigration and customs enforcement  
42 and United States customs and border protection, and any successor agen-  
43 cies having similar duties.

44 3. Municipal recipient plans. (a) Each municipal recipient that choos-  
45 es to participate in the statewide program shall be required to submit a  
46 plan for approval to the office of temporary and disability assistance  
47 and the division of budget in order to also utilize funds awarded to  
48 the state pursuant to public law 116-260.

49 (b) Each plan shall be in accordance with the requirements of this  
50 title, and shall include, but not be limited to: (i) eligibility stand-  
51 ards in accordance with subdivision five of this section; (ii) benefits  
52 in accordance with subdivision six of this section; and (iii) an  
53 outreach and assistance plan in accordance with subdivision nine of this  
54 section to supplement the state's outreach plan.



1 (c) Each plan shall be submitted within fifteen days of the effective  
2 date of this title. The office in consultation with the division of  
3 budget shall review the plans submitted and, in writing, either approve  
4 or request additional information within ten days of submission. In  
5 instances where the office requests additional information, the municipi-  
6 pal recipient shall work with the office and provide such necessary  
7 materials within two days of the request. After reviewing the additional  
8 information provided, the office may either approve the original plan  
9 that was submitted or request that a revised comprehensive plan be  
10 submitted. The office shall work with the municipal recipient to revise  
11 such plan to ensure it is consistent with the requirements of this title  
12 and public law 116-260. The revised plan shall be submitted within five  
13 days of the request and the office shall approve such plan within three  
14 days after the submission. Provided however, in all cases where a  
15 municipal recipient complies with the requirements of this subdivision,  
16 their plan shall be approved within thirty-five days of the effective  
17 date of this title.

18 (d) Upon approval of the plan, the municipal recipient shall remit  
19 their allocation of funds provided under public law 116-260 to the emer-  
20 gency rental assistance municipal recipient allocation fund established  
21 pursuant to section ninety-nine-ii of the state finance law. Provided  
22 further, after a municipal recipient receives approval, their residents  
23 shall be entitled to benefit from the state allocation under public law  
24 116-260 with equitable distribution of such state funds across the state  
25 based on the residents' rent and arrear needs.

26 4. Statewide portal.(a) The office of temporary and disability assist-  
27 ance, in consultation with the division of housing and community  
28 renewal, shall establish, either directly or through contract, a state-  
29 wide portal to accept and process applications for assistance under the  
30 statewide emergency rental assistance program.

31 (b) The statewide portal shall accept and process applications for  
32 residents residing in municipalities that choose to participate in the  
33 statewide program as well as residents from municipalities that did not  
34 receive a federal allocation pursuant to public law 116-260.

35 (c) The office of temporary and disability assistance shall accept and  
36 make determinations on applications submitted to the statewide portal on  
37 a rolling basis, not to exceed twenty-one days at a time, to ensure  
38 households across the state have equal access to the program. Such  
39 determinations shall be made in accordance with priorities established  
40 pursuant to paragraphs (a) and (b) of subdivision five of this section.

41 (d) The statewide portal shall accept documentation in multiple  
42 languages, including English, Yiddish, Bengali, Arabic and the six most  
43 common non-English languages spoken by individuals with limited-English  
44 proficiency in the state of New York based on the United States census  
45 data.

46 (e) Applicants shall be able to track the status of their application  
47 in real time, after such application has been submitted. Furthermore,  
48 if the applicant is a landlord, the tenant for whom such application  
49 was submitted shall also be able to track the status in real time.

50 (f) (i) Any documentation provided to the statewide portal or communi-  
51 ty based organizations pursuant to subdivision nine of this section  
52 shall be kept confidential and shall only be used for the purposes of  
53 determining eligibility for the statewide program under this title.

54 (ii) Any portion of any record retained by the commissioners in  
55 relation to an application pursuant to this title that contains the  
56 photo image or identifies the social security number, telephone number,



1 place of birth, country of origin, place of employment, school or educa-  
2 tional institution attended, source of income, status as a recipient of  
3 public benefits, the customer identification number associated with a  
4 public utilities account, medical information or disability information  
5 of the holder of, or applicant for, application is not a public record  
6 and shall not be disclosed in response to any request for records  
7 except: (1) to the person who is the subject of such records; or (2)  
8 where expressly required pursuant to chapter three hundred three of part  
9 A of subtitle vi of title forty-nine of the United States code; or (3)  
10 where necessary to comply with a lawful court order, judicial warrant  
11 signed by a judge appointed pursuant to article III of the United States  
12 constitution, or subpoena for individual records issued pursuant to the  
13 criminal procedure law or the civil practice law and rules.

14 (iii) The commissioners shall require any person or entity that  
15 receives or has access to records or information related to an applica-  
16 tion for benefits under this title to certify to the commissioners,  
17 before such receipt or access, that such person or entity shall not (i)  
18 use such records or information for civil immigration purposes or (ii)  
19 disclose such records or information to any agency that primarily  
20 enforces immigration law or to any employee or agent of any such agency.

21 5. Eligibility. (a) A household is eligible for assistance under the  
22 statewide program if one or more individuals in the household is obli-  
23 gated to pay rent on a residential dwelling and has: (i) (1) qualified  
24 for unemployment benefits; (2) experienced a reduction in household  
25 income, incurred significant costs or experienced other financial hard-  
26 ship due, directly or indirectly to the novel coronavirus disease (COVID  
27 -19) outbreak; or (3) can demonstrate a risk of experiencing homeless-  
28 ness, at risk of homelessness or housing instability; and (ii) the  
29 household has a household income that is not more than eighty percent of  
30 the area median income for the household.

31 (b) Notwithstanding paragraph (a) of this subdivision, priority shall  
32 be given to a household where the income of such household does not  
33 exceed fifty percent of the area median income for the household and one  
34 or more individuals in the household has been unemployed for ninety days  
35 preceding the application submission. Provided further, additional  
36 prioritization shall be given to households under this paragraph who (i)  
37 reside in a dwelling owned by a small landlord, (ii) are considered to  
38 be part of a vulnerable population, including but not limited to  
39 victims of domestic violence, human trafficking victims and veterans,  
40 (iii) are involved in an eviction proceeding, and (iv) are residing in  
41 communities that were disproportionately impacted by the COVID-19  
42 pandemic. For the purposes of this title a "small landlord" shall  
43 include any person that owns a building with twenty or fewer apartments.

44 (c) Documentation to ascertain eligibility and confirm the approval of  
45 benefits shall be provided in accordance with subdivision six of this  
46 section.

47 (d) The immigration status of any member of the household shall not be  
48 considered when determining eligibility for the statewide program.

49 6. Benefits. (a) Benefits provided to an eligible household, as deter-  
50 mined under subdivision five of this section, may be provided in accord-  
51 ance with this subdivision, for a period not to exceed a total of  
52 fifteen months.

53 (b) Such benefits shall include: (i) up to twelve months of rental  
54 arrears, which may date back to March thirteenth, two thousand twenty;  
55 (ii) up to twelve months of utility and/or home energy arrears; (iii)

1 expenses related to internet access; and (iv) prospective rent, if such  
2 benefit will provide housing stability.

3 (c) Notwithstanding paragraph (b) of this subdivision, if an eligible  
4 household has rental arrears, such expenses shall be provided prior to  
5 the approval of any prospective rent payments.

6 (d) Benefits provided under this section shall be paid directly to the  
7 landlord and/or utility provider on behalf of the eligible household,  
8 except when such landlord and/or utility provider has refused to partic-  
9 ipate in the statewide program, in which case, the benefit shall be paid  
10 directly to the eligible household.

11 7. Applications. (a) Applications for the statewide program shall be  
12 submitted through the portal established pursuant to subdivision four of  
13 this section. Applications may be submitted by either the tenant or the  
14 landlord, provided however written consent must be obtained from the  
15 tenant by either the landlord or an authorized community based organiza-  
16 tion pursuant to subdivision nine of this section before a landlord may  
17 submit an application. Tenants and landlords are encouraged to submit  
18 applications together, to prevent duplications and expedite the review  
19 process.

20 (b) To verify eligibility, acceptable documentation shall include but  
21 is not limited to any such required documentation provided in the form  
22 of a photocopy, photograph, email or facsimile. Provided further and in  
23 accordance with federal guidance, an attestation, including a self-  
24 attestation, of any such information from an individual with relevant  
25 knowledge of the household's situation, shall be considered an accepta-  
26 ble form of documentation.

27 (c) Upon determination of an application, both the tenant and the  
28 landlord shall be provided with both verbal and written confirmation of  
29 such determination in their native language.

30 8. Tenant protections and landlord requirements. (a) Acceptance of  
31 payment for rent or rental arrears from this program shall constitute  
32 agreement by the recipient landlord or property owner: (i) that the  
33 arrears covered by this payment are satisfied and will not be used as  
34 the basis for a non-payment eviction; (ii) to waive any late fees due on  
35 any rental arrears; (iii) to keep constant the monthly rent due for the  
36 dwelling unit such that it shall remain the same as the amount that was  
37 due at the time of application to the program for any and all months for  
38 which rental assistance is received and for one year after the first  
39 rental assistance payment is received; (iv) not to evict for reason of  
40 expired lease or holdover tenancy any household on behalf of whom rental  
41 assistance is received for one year after the first rental assistance  
42 payment is received, unless the dwelling unit that is the subject of the  
43 lease or rental agreement is located in a building that contains four or  
44 fewer units, in which case the landlord may decline to extend the lease  
45 or tenancy if the landlord intends to immediately occupy the unit for  
46 the landlord's personal use as a primary residence or the use of an  
47 immediate family member as a primary residence; and (v) to notify the  
48 tenant of the protections established under this subdivision.

49 (b) Landlords of buildings with outstanding violations issued by a  
50 code enforcement agency for conditions that would be dangerous, hazard-  
51 ous, or detrimental to life, health or safety of the tenant shall  
52 resolve those violations as a condition of receiving funds. Provided  
53 however, at the office's discretion, a portion of the funds may be set  
54 aside to be used by the landlord to correct such violations.

55 (c) For an eligible household who is also a recipient of a public  
56 benefit including any federal, state or locally funded program:

1 (i) Any benefits provided under this title shall not be considered to  
2 be part of the standard of need as defined in paragraph (b) of subdivi-  
3 sion ten of section one hundred thirty-one-a of this chapter;

4 (ii) Any benefit provided to cover any rent arrears or utility/home  
5 energy arrears payments shall not be recoupable;

6 (iii) benefits provided pursuant to this title shall not count as a  
7 lump sum payment for any such assistance regardless of whether the bene-  
8 fit is provided to the eligible household, landlord and/or utility  
9 provider; and

10 (iv) any such assistance provided under this title shall not be  
11 regarded as income, and shall not be regarded as a resource for purposes  
12 of determining eligibility or recertification for any member of the  
13 household.

14 9. Emergency rental assistance outreach and assistance program. (a)  
15 The office of temporary and disability assistance shall contract with  
16 community based organizations statewide, ensuring appropriate geographic  
17 representation regardless of whether there is an outreach program oper-  
18 ated by a municipal recipient. Such community based organizations shall  
19 provide application assistance as well as outreach to ensure the state-  
20 wide program is fully utilized. The community based organizations shall  
21 have demonstrated previous successful experience providing assistance in  
22 a culturally competent manner, delivered in multiple languages to popu-  
23 lations, including but not limited to vulnerable and/or low income popu-  
24 lations, communities disproportionately impacted by the COVID-19 pandem-  
25 ic, tenants residing in a dwelling owned by a small landlord and  
26 veterans.

27 (b) In addition to the outreach program established by the state  
28 pursuant to paragraph (a) of this subdivision, each municipal recipient  
29 that chose to participate in the statewide program shall be responsible  
30 for operating an outreach program in accordance with their plan submit-  
31 ted pursuant to subdivision three of this section specific to their  
32 geographic location. Municipal recipients shall contract with community  
33 based organizations to supplement the state's outreach program, provid-  
34 ing additional application assistance and outreach activities specific  
35 to their geographic location. Such community based organizations shall  
36 deliver their services in multiple languages and in a culturally compe-  
37 tent manner to vulnerable and/or low income populations, communities  
38 disproportionately impacted by the COVID-19 pandemic, and tenants resid-  
39 ing in a dwelling owned by a small landlord and veterans.

40 (c) Any information provided to a community based organization in  
41 connection with this title shall be kept confidential and be subject to  
42 the same requirements pursuant to paragraph (f) of subdivision four of  
43 this section.

44 10. The office shall be required to report and post information on  
45 their website, and update such information at least monthly. Such infor-  
46 mation shall include but not be limited to: (a) the number of municipal  
47 recipients that choose to participate in the statewide program; (b) the  
48 number of eligible households that received assistance under this title,  
49 including the particular category of assistance which was provided; (c)  
50 the average amount of funding provided per eligible household receiving  
51 assistance; and (d) the number of households that applied for assist-  
52 ance.

53 TITLE 3-A

54 STATEWIDE EMERGENCY HOMELESS ASSISTANCE PROGRAM

1 Section 47. Statewide emergency homeless assistance program.

2 § 47. Statewide emergency homeless assistance program. 1. There is  
3 hereby established the statewide emergency homeless assistance program,  
4 hereinafter known as "the program". The program shall provide benefits  
5 to eligible recipients experiencing homelessness in accordance with this  
6 title within amounts appropriated.

7 2. Supplements. (a) Each local social services district, except a  
8 local social services district with a population of one million or more,  
9 shall provide shelter supplements to eligible recipients as defined in  
10 subdivision three of this section, up to the maximum amount of the fair  
11 market rent in the district, as established by the federal department of  
12 Housing and Urban Development, for the household composition.

13 (b) For a local social services district with a population of one  
14 million or more, such funds made available pursuant to this title shall  
15 be utilized to supplement the family homelessness and eviction  
16 prevention supplement to provide additional supplements up to the maxi-  
17 mum amount of the fair market rent in the district, as established by  
18 the federal department of Housing and Urban Development, for the house-  
19 hold composition.

20 3. Eligibility. Supplements shall be made available in accordance with  
21 subdivision four of this section to individuals or families who are  
22 homeless and eligible for or in receipt of public assistance or, in a  
23 local social services district with a population of one million or more,  
24 individuals and families who are eligible for the family homelessness  
25 and eviction prevention supplement. For purposes of this title, home-  
26 less shall mean individuals or families who lack a fixed, regular and  
27 adequate nighttime residence in a location ordinarily used as a regular  
28 sleeping accommodation for human beings.

29 4. Distribution. (a) The office of temporary and disability assistance  
30 shall distribute funds appropriated for the purposes of this title. Such  
31 funds shall be equitably distributed across the state, ensuring adequate  
32 geographic disbursement based on an analysis conducted by the office to  
33 determine which local social services districts are experiencing the  
34 highest percentages of homelessness. Additionally, such analysis shall  
35 evaluate the need to prioritize vulnerable populations including fami-  
36 lies with children, victims of domestic violence as defined in subdivi-  
37 sion one in section four hundred fifty-nine-a of this chapter and veter-  
38 ans as defined in section one hundred sixty-eight of this chapter.

39 (b) Local social services districts shall ensure supplements are  
40 provided to eligible individuals and families where such assistance will  
41 provide the greatest long term housing stability.

42 (c) Funds made available pursuant to this title shall be distributed  
43 to eligible recipients as expeditiously as possible.

44 5. Supplements made available pursuant to this title shall:

45 (a) not be considered as part of the standard of need as defined in  
46 paragraph (b) of subdivision ten of section one hundred thirty-one-a of  
47 this chapter.

48 (b) be issued by the local social services district directly to the  
49 landlord or vendor; and

50 (c) not be a recoupable benefit.

51 6. Report. The commissioner shall issue a report on the program to  
52 the governor, the speaker of the assembly and the temporary president of  
53 the senate one year after the effective date of this title and annually  
54 thereafter regarding the effectiveness of the program, based on the  
55 information provided from the local social services districts. Each  
56 local district, upon the request of the office, shall provide the office

1 the necessary data for the completion of the report. Each report shall  
2 include the following information, for each district: (i) priority  
3 groups served; (ii) the number of individuals and families participating  
4 in the program; (iii) factors contributing to households experiencing  
5 housing issues, including but not limited to health and safety and budg-  
6 eting constrains; (iv) total funding utilized; (v) estimated avoided  
7 costs in temporary shelter, and (vi) any other information or available  
8 data that the commissioner deems relevant and necessary for comprehen-  
9 sive evaluation of the program.

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

12 PART CC

13 Intentionally Omitted

14 PART DD

15 Section 1. Clause (vi) of subparagraph 4 of paragraph h of subdivision  
16 2 of section 355 of the education law, as amended by section 1 of part  
17 JJJ of chapter 59 of the laws of 2017, is amended to read as follows:

18 (vi) Beginning in state fiscal year two thousand twenty-two--two thou-  
19 sand twenty-three and thereafter, the state shall appropriate and make  
20 available general fund operating support and fringe benefits, for the  
21 state university and the state university health science centers in an  
22 amount not less than the amounts separately appropriated and made avail-  
23 able in the prior state fiscal year; provided, further, the state shall  
24 appropriate and make available general fund operating support to cover  
25 all mandatory costs of the state university and the state university  
26 health science centers, which shall include, but not be limited to,  
27 collective bargaining costs including salary increments, fringe bene-  
28 fits, and other non-personal service costs such as utility costs, build-  
29 ing rentals and other inflationary expenses incurred by the state  
30 university and the state university health science centers, and any  
31 increase in the tuition credit pursuant to section six hundred eighty-  
32 nine-a of this title as tuition increases are enacted by the board of  
33 trustees of the state university; provided, however, that if the gover-  
34 nor declares a fiscal emergency, and communicates such emergency to the  
35 temporary president of the senate and the speaker of the assembly, state  
36 support for operating expenses at the state university and city univer-  
37 sity may be reduced in a manner proportionate to one another, and the  
38 aforementioned provisions shall not apply; provided further, the state  
39 shall appropriate and make available general fund support to fully fund  
40 the tuition credit pursuant to subdivision two of section six hundred  
41 sixty-nine-h of this title.

42 (vii) For the state university fiscal years commencing two thousand  
43 eleven--two thousand twelve and ending two thousand fifteen--two thou-  
44 sand sixteen, each university center may set aside a portion of its  
45 tuition revenues derived from tuition increases to provide increased  
46 financial aid for New York state resident undergraduate students whose  
47 net taxable income is eighty thousand dollars or more subject to the  
48 approval of a NY-SUNY 2020 proposal by the governor and the chancellor  
49 of the state university of New York. Nothing in this paragraph shall be  
50 construed as to authorize that students whose net taxable income is  
51 eighty thousand dollars or more are eligible for tuition assistance



1 program awards pursuant to section six hundred sixty-seven of this  
2 [~~chapter~~] title.

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

5 (vi) Beginning in state fiscal year two thousand twenty-two--two thou-  
6 sand twenty-three and thereafter, the state shall appropriate and make  
7 available general fund operating support and fringe benefits, for the  
8 city university in an amount not less than the amounts separately appro-  
9 priated and made available in the prior state fiscal year; provided,  
10 further, the state shall appropriate and make available general fund  
11 operating support to cover all mandatory costs of the city university,  
12 which shall include, but not be limited to, collective bargaining costs  
13 including salary increments, fringe benefits, and other non-personal  
14 service costs such as utility costs, building rentals and other infla-  
15 tionary expenses incurred by the city university, and any increase in  
16 the tuition credit pursuant to section six hundred eighty-nine-a of this  
17 chapter as tuition increases are enacted by the board of trustees of the  
18 state university; provided, however, that if the governor declares a  
19 fiscal emergency, and communicates such emergency to the temporary pres-  
20 ident of the senate and the speaker of the assembly, state support for  
21 operating expenses at the state university and city university may be  
22 reduced in a manner proportionate to one another, and the aforementioned  
23 provisions shall not apply; provided further, the state shall appropri-  
24 ate and make available general fund support to fully fund the tuition  
25 credit pursuant to subdivision two of section six hundred sixty-nine-h  
26 of this chapter.

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

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

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

37 PART EE

38 Section 1. Paragraph a of subdivision 1 of section 6304 of the educa-  
39 tion law, as amended by chapter 552 of the laws of 1984, is amended to  
40 read as follows:

41 a. State financial aid shall be one-third of the amount of operating  
42 costs, as approved by the state university trustees, provided that in no  
43 case shall a community college receive less than ninety-eight percent of  
44 the amount of state operating support that was provided for such commu-  
45 nity college in the previous community college fiscal year. Operating  
46 costs shall not include any payment of debt service or rentals or other  
47 payments by a local sponsor to the dormitory authority pursuant to any  
48 lease, sublease or other agreement entered into between the dormitory  
49 authority and a local sponsor. Such aid for a college shall, however, be  
50 for two-fifths of operating costs for any fiscal year of the college  
51 during which it is implementing a program of full opportunity provided a  
52 plan has been approved by the state university trustees. Such plan,  
53 which shall be submitted by the college only after approval by the board  
54 of trustees and the local sponsor or sponsors, shall



(i) establish a policy of offering acceptance in an appropriate program of the college to all applicants residing in the sponsorship area who graduated from high school within the prior year and to applicants who are high school graduates and who were released from active duty with the armed forces of the United States within the prior year;

(ii) provide for full implementation of such policy by the fall semester of nineteen hundred seventy or, if the college demonstrates to the state university trustees that full implementation by such time would not be feasible and in the best interests of the college, provide for a timetable to achieve such full implementation within five years which provides for substantial growth in registration each year;

(iii) make provision for and contain adequate assurances of the expenditure of funds by the sponsor or sponsors at a level pursuant to state university regulations, at least that necessary to implement the plan;

(iv) provide for adequate programs of remediation, instruction and counselling to meet the needs of all students to be served by the college. The trustees may require periodic reports or certifications from colleges which have submitted plans which have been approved and may, in appropriate cases, revoke such approval in case a college is in default of implementing its plan.

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

#### PART FF

Section 1. The education law is amended by adding a new section 669-i to read as follows:

§ 669-i. Martin Luther King, Jr. scholarship. 1. Purpose. The New York state Martin Luther King, Jr. scholarship is hereby established for the purpose of granting awards to assist students with the expenses of non-tuition costs and fees associated with attending an institution of higher education in the state of New York.

2. Eligibility. A Martin Luther King, Jr. scholarship award shall be made to an applicant who is eligible for an award under the tuition assistance program as set forth in section six hundred sixty-seven of this subpart.

3. Amount. Within amounts appropriated therefor and based on the availability of funds, awards shall be granted beginning with the two thousand twenty-one--two thousand twenty-two academic year and thereafter to applicants that the corporation has determined are eligible to receive such awards. The corporation shall grant an annual award in the amount of three thousand five hundred dollars to each applicant.

4. Qualified non-tuition costs. An award pursuant to this section shall be applied toward a recipient's non-tuition costs and fees. For the purposes of this section, "non-tuition costs" shall include room and board, transportation expenses, textbooks and instructional materials, technology and electronic devices, and personal expenses including clothing, food, or medical, vision, and dental insurance.

5. Duration. An eligible recipient shall not receive an award for more than four academic years of full-time undergraduate study or five academic years if the program of study normally requires five years. An eligible recipient enrolled in an eligible two-year program of study shall not receive an award for more than two academic years.

6. Recipient selection. The president may establish: (a) an application deadline; and (b) a method of selecting recipients in accordance with the demonstrated financial needs if in any given year there are

insufficient funds to cover the needs of all applicants as determined by the corporation, provided that priority shall be given to eligible applicants who have received an award pursuant to this section in a prior year.

7. Other awards. Recipients shall be eligible to apply for other awards under this article. Awards pursuant to this section shall not be included within the calculation for determining a student's eligibility or award amount for an excelsior scholarship pursuant to section six hundred sixty-nine-h of this subpart or an enhanced tuition award pursuant to section six hundred sixty-seven-d of this subpart.

8. Rules and regulations. The corporation is authorized to promulgate rules and regulations, and may promulgate emergency regulations, necessary for the implementation of the provisions of this section.

§ 2. This act shall take effect immediately.

#### PART GG

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

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

~~(a) [For students first receiving aid after nineteen hundred ninety-three nineteen hundred ninety four and before two thousand two thousand one, four thousand two hundred ninety dollars, or~~

~~(b) For students first receiving aid in nineteen hundred ninety-three nineteen hundred ninety four or earlier, three thousand seven hundred forty dollars, or~~

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

~~[(d)]~~ (b) For undergraduate students enrolled in a program of study at a non-public degree-granting institution that does not offer a program of study that leads to a baccalaureate degree, or at a registered not-for-profit business school qualified for tax exemption under section 501(c)(3) of the internal revenue code for federal income tax purposes that does not offer a program of study that leads to a baccalaureate degree, four thousand dollars, except starting in two thousand twenty-one--two thousand twenty-two and thereafter such students shall receive

1 five thousand dollars. Provided, however, that this subitem shall not  
 2 apply to students enrolled in a program of study leading to a certifi-  
 3 cate or degree in nursing.

4 (2) In the case of students receiving awards pursuant to subparagraph  
 5 (iii) of this paragraph and those students who have been granted exclu-  
 6 sion of parental income who have a spouse but no other dependent[~~+~~

7 ~~(a) For students first receiving aid in nineteen hundred ninety-four~~  
 8 ~~---nineteen hundred ninety-five and nineteen hundred ninety-five---nine-~~  
 9 ~~teen hundred ninety-six and thereafter, three thousand twenty-five~~  
 10 ~~dollars, or~~

11 ~~(b) For students first receiving aid in nineteen hundred ninety-two~~  
 12 ~~---nineteen hundred ninety-three and nineteen hundred ninety-three---nine-~~  
 13 ~~teen hundred ninety-four, two thousand five hundred seventy-five~~  
 14 ~~dollars, or~~

15 ~~(c) For students first receiving aid in nineteen hundred ninety-one~~  
 16 ~~---nineteen hundred ninety-two or earlier, two thousand four hundred fifty~~  
 17 ~~dollars]~~ four thousand twenty-five dollars; or

18 § 2. Subparagraphs (i) and (ii) of paragraph b of subdivision 3 of  
 19 section 667 of the education law, as amended by chapter 309 of the laws  
 20 of 1996, clause (B) of subparagraph (i) as amended by section 2 of part  
 21 B of chapter 60 of the laws of 2000, are amended to read as follows:

22 (i) For each year of study, assistance shall be provided as computed  
 23 on the basis of the amount which is the lesser of the following:

24 (A) (1) one thousand eight hundred dollars, or

25 (2) for students receiving awards pursuant to subparagraph (iii) of  
 26 this paragraph, one thousand six hundred forty dollars; or

27 (B) (1) Ninety-five percent of the amount of tuition (exclusive of  
 28 educational fees) charged.

29 (2) For the two thousand one--two thousand two academic year and ther-  
 30 eafter one hundred percent of the amount of tuition (exclusive of educa-  
 31 tional fees).

32 (ii) Except for students as noted in subparagraph (iii) of this para-  
 33 graph, the base amount as determined in subparagraph (i) of this para-  
 34 graph, shall be reduced in relation to income as follows:

35 Amount of income	Schedule of reduction
36	of base amount
37 (A) Less than seven thousand	None
38 dollars	
39 (B) Seven thousand dollars or	Seven per centum of the excess
40 more, but less than eleven	over seven thousand dollars
41 thousand dollars	

42 [~~(C) For students first receiving aid:~~

43 ~~(1) for the first time in academic years nineteen hundred eighty-nine~~  
 44 ~~---nineteen hundred ninety, nineteen hundred ninety-two---nineteen hundred~~  
 45 ~~ninety-three and nineteen hundred ninety-three---nineteen hundred nine-~~  
 46 ~~ty-four.~~

47 ~~Amount of income~~ ~~Schedule of reduction of~~  
 48 ~~base amount~~

49 ~~Eleven thousand dollars or~~ ~~Two hundred eighty dollars plus~~  
 50 ~~more but not more than forty~~ ~~ten per centum of the excess~~

~~two thousand five hundred over eleven thousand dollars  
dollars~~

~~(2) for the first time in academic years nineteen hundred ninety--  
nineteen hundred ninety one, nineteen hundred ninety one nineteen  
hundred ninety two, nineteen hundred ninety four nineteen hundred nine-  
ty five and thereafter;~~

~~Amount of income Schedule of reduction of  
base amount~~

~~Eleven thousand dollars or Two hundred eighty dollars plus  
more but not more than fifty ten per centum of the excess  
thousand five hundred over eleven thousand dollars  
dollars~~

~~(3) for the first time in academic years prior to academic year nine-  
teen hundred eighty nine--nineteen hundred ninety;~~

~~Amount of income Schedule of reduction of  
base amount~~

~~Eleven thousand dollars or Two hundred eighty dollars plus  
more but not more than thirty ten per centum of the excess over  
four thousand two hundred fifty eleven thousand dollars  
dollars]~~

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

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

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

clause (A) of subparagraph (i) of paragraph a of subdivision three of section six hundred sixty-seven of this article.

§ 4. 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.

§ 5. This act shall take effect July 1, 2021 provided, however, that the amendments to section 689-a of the education law made by section three of this act shall not affect the repeal of such section and shall be deemed to expire therewith.

## PART HH

Section 1. This part enacts into law major components of legislation which are related to the availability of adverse childhood experiences services. 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. The social services law is amended by adding a new section 131-aaa to read as follows:

§ 131-aaa. Availability of adverse childhood experiences services. Each local social services district shall be required to provide applicants and recipients of public assistance who are a parent, guardian, custodian or otherwise responsible for a child's care, with educational materials developed pursuant to subdivision two of section three hundred seventy-c of this article to educate them about adverse childhood experiences, the importance of protective factors and the availability of services for children at risk for or suffering from adverse childhood experiences. The educational materials may be made available electronically and shall be provided at the time of application, recertification and any other instances the applicant or recipient makes contact with the local social services district.

§ 2. Article 5 of the social services law is amended by adding a new title 12-A to read as follows:

### TITLE 12-A SUPPORTS AND SERVICES FOR YOUTH SUFFERING FROM ADVERSE CHILDHOOD EXPERIENCES

Section 370-c. Supports and services for youth suffering from adverse childhood experiences.

§ 370-c. Supports and services for youth suffering from adverse childhood experiences. 1. Youth suffering from or at risk of adverse childhood experiences, as defined in paragraph (c) of subdivision one of section twenty-d of this chapter, shall be eligible for a range of appropriate services and supports, which shall be beneficial to the health and well-being of the youth. Such services shall be culturally competent, evidence based and trauma informed and include, but not be limited to appropriate health and behavioral health services covered under subdivision seven of section twenty-five hundred ten of the public health law and subdivision two of section three hundred sixty-five-a of this article; preventive services provided pursuant to subdivision two of section four hundred fifty-eight-m of this chapter, enhancement of protective factors and any other services necessary to serve youth suffering from adverse childhood experiences.

2. The office of children and family services, in consultation with the office of temporary and disability assistance, the office of mental health, the office of addiction services and supports, the department of health and not-for-profit organizations that have expertise providing services to individuals suffering from adverse childhood experiences, shall develop or utilize existing educational materials to be used to educate parents, guardians and other authorized individuals about adverse childhood experiences including the environmental events that may impact or lead to adverse childhood experiences, the importance of protective factors and the availability of services for children at risk of or suffering from adverse childhood experiences. Such information shall be made available electronically and shall be posted on each agency's website.

§ 3. Subdivision 7 of section 390 of the social services law is amended by adding a new paragraph (c) to read as follows:

(c) The office of children and family services shall implement a statewide campaign to educate parents and other potential consumers of child day care programs about adverse childhood experiences, the importance of protective factors, and the availability of services for children at risk for or experiencing adverse childhood experiences as defined in paragraph (c) of subdivision one of section twenty-d of this chapter. Such statewide campaign, shall include but is not limited to, providing all licensed, registered and enrolled child care providers with educational materials developed pursuant to subdivision two of section three hundred seventy-c of this chapter. The educational materials may be made available electronically and shall be provided to parents and other potential consumers at the time of enrollment and once every six months during the time of their child's enrollment.

§ 4. Section 305 of the education law is amended by adding a new subdivision 59 to read as follows:

59. The commissioner shall make available educational materials developed pursuant to subdivision two of section three hundred seventy-c of the social services law to every school district and board of cooperative educational services for the purpose of educating parents, guardians and other authorized individuals responsible for the child's care about adverse childhood experiences, the importance of protective factors, and the availability of services for children at risk for or experiencing adverse childhood experiences. The commissioner shall provide that such educational materials are made available online pursu-



1 ant to subdivision two of section three hundred seventy-c of the social  
2 services law.

3 § 5. The public health law is amended by adding a new section 2509-c  
4 to read as follows:

5 § 2509-c. Availability of adverse childhood experiences services.  
6 Every pediatrics healthcare provider licensed pursuant to article one  
7 hundred thirty-one of the education law shall be required to provide the  
8 parent, guardian, custodian or other authorized individual of a child  
9 that the pediatrician sees in their official capacity, with educational  
10 materials developed pursuant to subdivision two of section three hundred  
11 seventy-c of the social services law. Such materials may be provided  
12 electronically and shall be used to inform and educate them about  
13 adverse childhood experiences, the importance of protective factors and  
14 the availability of services for children at risk for or experiencing  
15 adverse childhood experiences.

16 § 6. Paragraph (a) of subdivision 2 of section 422 of the social  
17 services law, as amended by chapter 357 of the laws of 2014, is amended  
18 to read as follows:

19 (a) The central register shall be capable of receiving telephone calls  
20 alleging child abuse or maltreatment and of immediately identifying  
21 prior reports of child abuse or maltreatment and capable of monitoring  
22 the provision of child protective service twenty-four hours a day, seven  
23 days a week. To effectuate this purpose, but subject to the provisions  
24 of the appropriate local plan for the provision of child protective  
25 services, there shall be a single statewide telephone number that all  
26 persons, whether mandated by the law or not, may use to make telephone  
27 calls alleging child abuse or maltreatment and that all persons so  
28 authorized by this title may use for determining the existence of prior  
29 reports in order to evaluate the condition or circumstances of a child.  
30 In addition to the single statewide telephone number, there shall be a  
31 special unlisted express telephone number and a telephone facsimile  
32 number for use only by persons mandated by law to make telephone calls,  
33 or to transmit telephone facsimile information on a form provided by the  
34 commissioner of children and family services, alleging child abuse or  
35 maltreatment, and for use by all persons so authorized by this title for  
36 determining the existence of prior reports in order to evaluate the  
37 condition or circumstances of a child. When any allegations contained in  
38 such telephone calls utilizing protocols that would remove implicit bias  
39 from the decision making process in determining which calls could  
40 reasonably constitute a report of child abuse or maltreatment, such  
41 allegations and any previous reports to the central registry involving  
42 the subject of such report or children named in such report, including  
43 any previous report containing allegations of child abuse and maltreat-  
44 ment alleged to have occurred in other counties and districts in New  
45 York state shall be immediately transmitted orally or electronically by  
46 the office of children and family services to the appropriate local  
47 child protective service for investigation. The inability of the person  
48 calling the register to identify the alleged perpetrator shall, in no  
49 circumstance, constitute the sole cause for the register to reject such  
50 allegation or fail to transmit such allegation for investigation. If the  
51 records indicate a previous report concerning a subject of the report,  
52 the child alleged to be abused or maltreated, a sibling, other children  
53 in the household, other persons named in the report or other pertinent  
54 information, the appropriate local child protective service shall be  
55 immediately notified of the fact. If the report involves either (i) an  
56 allegation of an abused child described in paragraph (i), (ii) or (iii)

1 of subdivision (e) of section one thousand twelve of the family court  
2 act or sexual abuse of a child or the death of a child or (ii) suspected  
3 maltreatment which alleges any physical harm when the report is made by  
4 a person required to report pursuant to section four hundred thirteen of  
5 this title within six months of any other two reports that were indi-  
6 cated, or may still be pending, involving the same child, sibling, or  
7 other children in the household or the subject of the report, the office  
8 of children and family services shall identify the report as such and  
9 note any prior reports when transmitting the report to the local child  
10 protective services for investigation.

11 § 7. Paragraph (c) of subdivision 2 of section 421 of the social  
12 services law, as amended by section 2 of part R of chapter 56 of the  
13 laws of 2020, is amended to read as follows:

14 (c) issue guidelines to assist local child protective services in the  
15 interpretation and assessment of reports of abuse and maltreatment made  
16 to the statewide central register described in section four hundred  
17 twenty-two of this article. Such guidelines shall include information,  
18 standards and criteria for the identification of evidence of alleged  
19 abuse and maltreatment as required to determine whether a report may be  
20 indicated pursuant to this article. Provided further, the office of  
21 children and family services shall update such guidelines, standards and  
22 criteria issued to the local child protective services to include  
23 protocols to remove implicit bias in the decision-making processes,  
24 strategies for identifying adverse childhood experiences as defined in  
25 paragraph (c) of subdivision one of section twenty-d of this chapter,  
26 and guidelines to assist in recognizing signs of abuse or maltreatment  
27 while interacting virtually. The office may utilize existing programs  
28 or materials established pursuant to section twenty-d of this chapter.  
29 Individuals considered to be a mandated reporter pursuant to subdivision  
30 one of section four hundred thirteen of this title, shall have three  
31 years from the effective date of the chapter of the laws of two thou-  
32 sand twenty-one that amended this paragraph, to receive such updated  
33 mandated reporter training.

34 § 8. Section 413 of the social services law is amended by adding a new  
35 subdivision 5 to read as follows:

36 5. Persons and officials required to report cases of suspected child  
37 abuse or maltreatment pursuant to this section shall be required to  
38 receive updated training pursuant to paragraph (c) of subdivision two of  
39 section four hundred twenty-one of this title.

40 § 9. This act shall take effect on the thirtieth day after it shall  
41 have become a law, provided, however, that section eight of this act  
42 shall expire and be deemed repealed three years after the effective date  
43 of this act.

#### 44 SUBPART B

45 Section 1. Subdivision 7 of section 2510 of the public health law, as  
46 amended by chapter 428 of the laws of 2013, is amended to read as  
47 follows:

48 7. "Covered health care services" means: the services of physicians,  
49 optometrists, nurses, nurse practitioners, midwives and other related  
50 professional personnel which are provided on an outpatient basis,  
51 including routine well-child visits; diagnosis and treatment of illness  
52 and injury; early and periodic screening, diagnosis and treatment (as  
53 provided under medical assistance under title eleven of article five of  
54 the social services law); inpatient health care services; laboratory

1 tests; diagnostic x-rays; prescription and non-prescription drugs and  
2 durable medical equipment; radiation therapy; chemotherapy; hemodialy-  
3 sis; outpatient blood clotting factor products and other treatments and  
4 services furnished in connection with the care of hemophilia and other  
5 blood clotting protein deficiencies; emergency room services; hospice  
6 services; emergency, preventive and routine dental care, including  
7 medically necessary orthodontia but excluding cosmetic surgery; emergen-  
8 cy, preventive and routine vision care, including eyeglasses; speech and  
9 hearing services; and, inpatient and outpatient mental health, alcohol  
10 and substance [~~abuse~~] use services as defined by the commissioner in  
11 consultation with the superintendent, but shall include early and peri-  
12 odic screening, diagnosis and treatment under this subdivision.  
13 "Covered health care services" shall not include drugs, procedures and  
14 supplies for the treatment of erectile dysfunction when provided to, or  
15 prescribed for use by, a person who is required to register as a sex  
16 offender pursuant to article six-C of the correction law, provided that  
17 any denial of coverage of such drugs, procedures or supplies shall  
18 provide the patient with the means of obtaining additional information  
19 concerning both the denial and the means of challenging such denial.

20 § 2. This act shall take effect immediately.

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

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

## 34 PART II

35 Section 1. Section 398-a of the social services law is amended by  
36 adding a new subdivision 6 to read as follows:

37 (6) Any federal paycheck protection program loan forgiveness funding  
38 or other extraordinary federal funding, as determined by the office of  
39 children and family services, received by an authorized agency as  
40 defined in subdivision ten of section three hundred seventy-one of this  
41 article, shall be disregarded when calculating the maximum state aid  
42 rate when such funding is utilized for allowable costs incurred in  
43 responding to the state of emergency that was declared in executive  
44 order two hundred two on March seventh, two thousand twenty. Allowable  
45 expenses shall include, but are not limited to expenses incurred related  
46 to pandemic related expenses as well as expenses related to offsetting  
47 lost revenue due to a reduction in placements due to the novel coronavi-  
48 rus (COVID-19) pandemic. Provided further, the office of children and  
49 family services shall hold harmless prospective maximum state aid rate  
50 for the two thousand twenty-one--two thousand twenty-two rate year and  
51 subsequent applicable rate years to reflect the impact of receipt of  
52 such extraordinary federal revenue.

53 § 2. This act shall take effect immediately and shall expire and be  
54 deemed repealed 5 years after such date.

## PART JJ

Section 1. The public housing law is amended by adding a new section 20-a to read as follows:

§ 20-a. Affordable housing five-year capital plan. 1. For the fiscal year commencing on April first, two thousand twenty-two and every fifth fiscal year thereafter, the governor shall submit to the legislature, as part of the annual executive budget, a statewide comprehensive five-year capital plan to support the development, preservation and capital improvement of affordable housing in New York state.

2. The statewide comprehensive five-year capital plan to support the development, preservation and capital improvement of affordable housing in New York state required pursuant to subdivision one of this section shall be developed in consultation with any state department, agency or public authority which administers and/or plans for the development of any program intended to provide suitable housing accommodations which may fall under the purview of the capital plan and shall provide for, at a minimum: the development of supportive housing units; the preservation and/or capital improvement of public housing units of the New York city housing authority and other public housing authorities in the state; the development and/or rehabilitation of affordable housing targeted to low-income seniors; the rehabilitation of site-specific multi-family rental housing currently under a regulatory agreement or extended use agreement with the division of housing and community renewal or another state, federal or local housing agency; the preservation and/or capital improvement of Mitchell-Lama properties; the promotion of home ownership among families of low- and moderate-income; and the repair and/or replacement of mobile and manufactured homes. Such plan shall, to the greatest extent possible: provide for both rental and homeownership opportunities affordable to low- and moderate-income households across the state; address areas and populations with critical affordable housing needs; and advance the specific housing priorities of New York state.

3. On or before September first, two thousand twenty-two and on or before September first annually thereafter, and on or before March first, two thousand twenty-three and on or before March first annually thereafter, the governor shall, as part of the statewide comprehensive five-year capital plan to support the development, preservation and capital improvement of affordable housing in New York state required pursuant to subdivision one of this section and in consultation with the commissioner of housing and community renewal, submit and make publicly available to the legislature and on the division's website information summarizing the activities undertaken pursuant to the funding made available in the enacted affordable housing capital plan. Such information shall be cumulative and shall include an itemized list of each project utilizing funds appropriated by the affordable housing capital plan subsequent to the enactment of the capital plan, including a brief description of the project, street address, county, awardee, total budget, amount of capital subsidy appropriated by the affordable housing capital plan, relevant section of the affordable housing capital plan, bonded or cash, amount of each additional public funding source, funding program, number of units, area median income requirements if applicable, month and year construction will commence, projected date of occupancy, and project phase (in development, engineering, construction, complete, defunded).

§ 2. This act shall take effect immediately.

1

## PART KK

2 Section 1. Subdivision (h) of section 4 of part A-4 of chapter 58 of  
3 the laws of 2006 enacting the "city of Syracuse and the board of  
4 education of the city school district of the city of Syracuse cooper-  
5 ative school reconstruction act", as amended by chapter 459 of the laws  
6 of 2013, is amended to read as follows:

7 (h) "Project" shall mean work at an existing school building site that  
8 involves the design, reconstruction, or rehabilitation of an existing  
9 school building for its continued use as a school of the city school  
10 district, which may include an addition to an existing school building  
11 for such continued use at a cost, for such addition, of, for projects  
12 identified in subdivision (a) of section five of this act, no more than  
13 nine million dollars, and, for projects identified in subdivision (b)  
14 and (c) of section five of this act, no more than twenty million  
15 dollars, and which also may include (1) the construction or recon-  
16 struction of athletic fields, playgrounds, and other recreational facil-  
17 ities for such existing school building, and/or (2) the acquisition and  
18 installation of all equipment necessary and attendant to and for the use  
19 of such existing school building and/or the acquisition of additional  
20 real property necessary for the project.

21 § 2. Section 5 of part A-4 of chapter 58 of the laws of 2006 enacting  
22 the "city of Syracuse and the board of education of the city school  
23 district of the city of Syracuse cooperative school reconstruction act",  
24 as amended by chapter 9 of the laws of 2014, is amended to read as  
25 follows:

26 § 5. (a) No more than seven projects, one each at the Central High  
27 School, the Blodgett School, the Shea Middle School, the H.W. Smith  
28 Elementary School, the Clary Middle School, the Dr. Weeks Elementary  
29 School and the Fowler High School, up to a total cost of two hundred  
30 twenty-five million dollars; and (b) no more than twenty projects which  
31 shall be located at the Bellevue Elementary School, the Clary Middle  
32 School, the Corcoran High School, the Danforth Middle School, the Edward  
33 Smith K-8 School, the Expeditionary Learning Middle School, the Fowler  
34 High School, the Frazer K-8 School, the Grant Middle School, the Grey-  
35 stone Building, the Henninger High School, the Huntington K-8 School,  
36 the Nottingham High School, the Shea Middle School and the Westside  
37 Academy at Blodgett, up to a total cost of three hundred million  
38 dollars; and (c) no more than 10 projects, which shall be located at the  
39 STEM at Blodgett Middle School, the Corcoran High School, the Delaware  
40 Primary School, the Henninger High School, the Syracuse Latin School,  
41 the Lincoln Middle School, the Nottingham High School, the Roberts  
42 PreK-8 School, the Seymour Dual Language Academy and the Webster Elemen-  
43 tary School, up to a total cost of three hundred million dollars, shall  
44 be authorized and undertaken pursuant to this act, unless otherwise  
45 authorized by law.

46 § 3. Sections 6 and 7 of part A-4 of chapter 58 of the laws of 2006  
47 enacting the "city of Syracuse and the board of education of the city  
48 school district of the city of Syracuse cooperative school recon-  
49 struction act", as amended by chapter 459 of the laws of 2013, are  
50 amended to read as follows:

51 § 6. (1) Before formal selection of the projects identified in subdi-  
52 vision (a) of section five of this act occurs, the JSC board shall  
53 develop a comprehensive plan recommending and outlining the projects it  
54 proposes to be potentially undertaken pursuant to this act. Such plan  
55 shall include: (a) an estimate of total costs to be financed, proposed



1 financing plan, proposed method of financing, terms and conditions of  
2 the financing, estimated financing costs, and, if city general obli-  
3 gation bonds or notes are not proposed as the method of financing, a  
4 comparison of financing costs between such bonds or notes and the  
5 proposed method of financing. The plan should also address what specific  
6 options would be used to ensure that sufficient resources exist to cover  
7 the local share of any such project cost on an annual basis; (b) infor-  
8 mation concerning the potential persons to be involved in the financing  
9 and such person's role and responsibilities; (c) estimates on the  
10 design, reconstruction and rehabilitation costs by project, any adminis-  
11 trative costs for potential projects, and an outline of the time-frame  
12 expected for completion of each potential project; (d) a detailed  
13 description of the request for proposals process and an outline of the  
14 criteria to be used for selection of the program manager and all  
15 contractors; (e) any proposed amendments to the city school district's  
16 five year capital facilities plan submitted in accordance with subdivi-  
17 sion 6 of section 3602 of the education law and the regulations of the  
18 commissioner; and (f) a diversity plan, in compliance with subdivision  
19 (b) of section eight of this act, to develop diversity goals, including  
20 appropriate community input and public discussion, and develop strate-  
21 gies that would create and coordinate any efforts to ensure a more  
22 diverse workforce for the projects. The diversity plan should address  
23 accountability for attainment of the diversity goals, what forms of  
24 monitoring would be used, and how such information would be publicly  
25 communicated.

26 Prior to the development of the comprehensive plan, the JSC board  
27 shall hold as many public hearings as may be necessary to ensure suffi-  
28 cient public input and allow for significant public discussion on the  
29 school building needs in such city, with at least one hearing to be held  
30 in each neighborhood potentially impacted by a proposed project.

31 The JSC board shall submit the components of such comprehensive plan  
32 outlined in paragraph (a) of subdivision one of this section to the  
33 comptroller, along with any other information requested by the comp-  
34 troller, for his or her review and approval.

35 (2) Before formal selection of the projects pursuant to subdivision  
36 (b) and (c) of section five of this act occurs, the city school district  
37 shall provide to the JSC board a comprehensive draft plan recommending  
38 and outlining the projects it proposes to be potentially undertaken  
39 pursuant to this act. Such plan will be subject to the review and  
40 approval of the JSC board and shall include: (a) an estimate of total  
41 costs to be financed, proposed financing plan, proposed method of  
42 financing, terms and conditions of the financing, estimated financing  
43 costs, and, if city general obligation bonds or notes are not proposed  
44 as the method of financing, a comparison of financing costs between such  
45 bonds or notes and the proposed method of financing. The plan should  
46 also address what specific options would be used to ensure that suffi-  
47 cient resources exist to cover the local share of any such project cost  
48 on an annual basis; (b) information concerning the potential persons to  
49 be involved in the financing and such person's role and responsibil-  
50 ities; (c) estimates on the design, reconstruction and rehabilitation  
51 costs by project, any administrative costs for potential projects, and  
52 an outline of the time-frame expected for completion of each potential  
53 project; (d) a detailed description of the request for proposals process  
54 and an outline of the criteria to be used for selection of the program  
55 manager and all contractors; (e) any proposed amendments to the city  
56 school district's five year capital facilities plan submitted in accord-



1   ance with subdivision 6 of section 3602 of the education law and the  
2   regulations of the commissioner; and (f) a diversity plan, in compliance  
3   with subdivision (b) of section eight of this act, to develop diversity  
4   goals, including appropriate community input and public discussion, and  
5   develop strategies that would create and coordinate any efforts to  
6   ensure a more diverse workforce for the projects. The diversity plan  
7   should address accountability for attainment of the diversity goals,  
8   what forms of monitoring would be used, and how such information would  
9   be publicly communicated.

10   As part of the development of the comprehensive plan, the school  
11   district shall hold as many public hearings as may be necessary to  
12   ensure sufficient public input and allow for significant public  
13   discussion on the school building needs in such city, with at least one  
14   hearing to be held in each neighborhood potentially impacted by a  
15   proposed project.

16   The JSC board shall submit the components of such comprehensive plan  
17   outlined in paragraph (a) of subdivision two of this section to the  
18   comptroller, along with any other information requested by the comp-  
19   troller, for his or her review and approval.

20   § 7. (a) Notwithstanding any general, special or local law to the  
21   contrary and upon approval by the comptroller pursuant to section six of  
22   this act, the city school district may select projects, pursuant to  
23   subdivision (a) of section five of this act to be undertaken pursuant to  
24   this act, as provided for in such approved comprehensive plan. After the  
25   city school district has selected a new project and plans and specifica-  
26   tions for such project have been prepared and approved by the city  
27   school district, which are consistent with the approved comprehensive  
28   plan, the city school district shall deliver such plans and specifica-  
29   tions to the city, for approval by such city, acting through the common  
30   council, and after the common council has approved such plans and spec-  
31   ifications, the city shall deliver them to the commissioner for his or  
32   her approval. After approval by the commissioner, the plans and spec-  
33   ifications shall be returned to the city school district and such  
34   district shall then deliver them to the JSC board. All such specifica-  
35   tions shall detail the number of students the completed project is  
36   intended to serve, the site description, the types of subjects to be  
37   taught, the types of activities for school, recreational, social, safe-  
38   ty, or other purposes intended to be incorporated in the school building  
39   or on its site and such other information as the city school district,  
40   the city, the common council, and the commissioner shall deem necessary  
41   or advisable.

42   (b) Notwithstanding any general, special or local law to the contrary  
43   and upon approval by the comptroller pursuant to section six of this  
44   act, the city school district may select projects, pursuant to subdivi-  
45   sion (b) and (c) of section five of this act to be undertaken pursuant  
46   to this act, as provided for in such approved comprehensive plan. After  
47   the city school district has selected a new project and plans and spec-  
48   ifications for such project have been prepared and approved by the city  
49   school district in consultation with the city engineer, which are  
50   consistent with the approved comprehensive plan, the city school  
51   district shall deliver such plans and specifications to the commissioner  
52   for his or her approval. After approval by the commissioner, the plans  
53   and specifications shall be delivered to the JSC board. All such spec-  
54   ifications shall detail the number of students the completed project is  
55   intended to serve, the site description, the types of subjects to be  
56   taught, the types of activities for school, recreational, social, safe-

1 ty, or other purposes intended to be incorporated in the school building  
2 or on its site and such other information as the city school district,  
3 the city engineer, and the commissioner shall deem necessary or advis-  
4 able.

5 (c) Notwithstanding any other provision of law to the contrary, if the  
6 total project cost associated with the projects authorized pursuant to  
7 subdivision (b) and (c) of section five of this act exceeds the esti-  
8 mated total project cost of 300 million dollars, then the JSC board  
9 shall report such information, along with explanatory documentation  
10 regarding the increase in cost, to the governor, the New York state  
11 comptroller, the commissioner, the temporary president of the senate and  
12 the speaker of the assembly.

13 (d) Notwithstanding any other provision of law to the contrary, the  
14 JSC board shall submit estimated project costs for the projects author-  
15 ized pursuant to subdivision (b) and (c) of section five of this act  
16 after the completion of schematic plans and specifications for review by  
17 the commissioner. If the total project costs associated with such  
18 projects exceed the sum of the estimated individual approved cost allow-  
19 ance of each building project by more than the lesser of 30 million  
20 dollars or ten percent of the approved costs, and the city school  
21 district has not otherwise demonstrated to the satisfaction of the New  
22 York state education department the availability of additional local  
23 shares for such excess costs, then the JSC board shall not proceed with  
24 the preparation of final plans and specifications for such projects  
25 until the projects have been redesigned or value-engineered to reduce  
26 estimated project costs so as not to exceed the above cost limits.

27 (e) Notwithstanding any other provision of law to the contrary, the  
28 JSC board shall submit estimated project costs for the projects author-  
29 ized pursuant to subdivision (b) and (c) of section five of this act  
30 after the completion of fifty percent of the final plans and specifica-  
31 tions for review by the commissioner. If the total project costs associ-  
32 ated with such projects exceed the sum of the estimated individual  
33 approved cost allowance of each building project by more than the lesser  
34 of 30 million dollars or ten percent of the approved costs, and the city  
35 school district has not otherwise demonstrated to the satisfaction of  
36 the New York state education department the availability of additional  
37 local share for such excess costs, then the JSC board shall not proceed  
38 with the completion of the remaining fifty percent of the plans and  
39 specifications for such projects until the projects have been redesigned  
40 or value-engineered to reduce estimated project costs so as not to  
41 exceed the above cost limits.

42 § 4. Subdivision (a) of section 10 of part A-4 of chapter 58 of the  
43 laws of 2006 enacting the "city of Syracuse and the board of education  
44 of the city school district of the city of Syracuse cooperative school  
45 reconstruction act", as amended by chapter 459 of the laws of 2013, are  
46 amended to read as follows:

47 (a) The JSC board may require a contractor awarded a public contract,  
48 subcontract or other agreement for a project to enter into a project  
49 labor agreement during and for the work involved with such project when  
50 such requirement is part of the JSC board's specifications for the  
51 project and when the JSC board determines that the record supporting the  
52 decision to enter into such an agreement establishes that it is justi-  
53 fied by the interests underlying the competitive bidding laws. In addi-  
54 tion, the JSC board may choose to extend the project labor agreement  
55 entered into for the first or second phase of the JSC construction

1 projects to the projects authorized herein, contingent upon the  
2 completion of a supplemental project labor agreement benefits analysis.

3 § 5. Section 11 of part A-4 of chapter 58 of the laws of 2006 enacting  
4 the "city of Syracuse and the board of education of the city school  
5 district of the city of Syracuse cooperative school reconstruction  
6 act", as amended by chapter 459 of the laws of 2013, is amended to read  
7 as follows:

8 § 11. (a) All contracts entered into by the JSC board for projects  
9 pursuant to subdivision (a) of section five of this act shall be managed  
10 by an independent program manager. Selection of the program manager  
11 shall be pursuant to the competitive process established in section  
12 seven of this act. The program manager shall have experience in plan-  
13 ning, designing, and constructing new and/or reconstructing existing  
14 school buildings, public facilities, commercial facilities, and/or  
15 infrastructure facilities, and in the negotiation and management of  
16 labor contracts and agreements, training programs, educational programs,  
17 and physical technological requirements for educational programs. The  
18 program manager shall manage all projects undertaken pursuant to subdivi-  
19 sion (a) of section five of this act, review project schedules, review  
20 payment schedules, prepare cost estimates and assess the safety programs  
21 of contractors and all training programs, if required. The program  
22 manager shall implement procedures for verification by it that all work  
23 for which payment has been requested has been satisfactorily completed.

24 (b) All construction and design contracts entered into by the JSC  
25 board for projects pursuant to subdivision (b) of section five of this  
26 act shall be managed by the city engineer in agreement with the school  
27 district or, at the discretion of the JSC board, an independent program  
28 manager or construction managers selected for one or more projects.  
29 Selection of the program manager and/or the construction manager or  
30 managers shall be pursuant to a competitive process established in  
31 accordance with the city's standard request for proposals process using  
32 the JSC board as the approving governing body instead of the common  
33 council for such contract awards. The program manager shall have experi-  
34 ence in planning, designing, and constructing new and/or reconstructing  
35 existing school buildings in New York state, public facilities, commer-  
36 cial facilities, and/or infrastructure facilities, and in the negoti-  
37 ation and management of labor contracts and agreements, training  
38 programs, educational programs, and physical technological requirements  
39 for educational programs. The program manager shall manage all projects  
40 assigned by the JSC board to the program manager and undertaken pursuant  
41 to subdivision (b) of section five of this act, review project sched-  
42 ules, review payment schedules, prepare cost estimates and assess the  
43 safety programs of contractors and all training programs, if required.  
44 The program manager shall implement procedures for verification by it  
45 that all work for which payment has been requested has been satisfac-  
46 torily completed. Provided, however, that the JSC board may choose to  
47 utilize the services of an independent construction manager at one or  
48 more of the projects to be authorized herein with said construction  
49 manager managing the project within the management plan set forth by the  
50 independent program manager and the JSC board.

51 (c) All construction and design contracts entered into by the JSC  
52 board for projects pursuant to subdivision (c) of section five of this  
53 act shall be managed by the city engineer in agreement with the school  
54 district or, at the discretion of the JSC board, an independent program  
55 manager or construction managers selected for one or more projects.  
56 Selection of the program manager and/or the construction manager or

1 managers shall be pursuant to a competitive process established in  
2 accordance with the city's standard request for proposals process using  
3 the JSC board as the approving governing body instead of the common  
4 council for such contract awards. The program manager shall have experi-  
5 ence in planning, designing, and constructing new and/or reconstructing  
6 existing school buildings in New York state, public facilities, commer-  
7 cial facilities, and/or infrastructure facilities, and in the negoti-  
8 ation and management of labor contracts and agreements, training  
9 programs, educational programs, physical technological requirements for  
10 educational programs and knowledge of state education department facili-  
11 ties planning and building aid requirements. The program manager shall  
12 manage all projects assigned by the JSC board to the program manager and  
13 undertaken pursuant to subdivision (c) of section five of this act,  
14 review project schedules, review payment schedules, prepare cost  
15 estimates and assess the safety programs of contractors and all training  
16 programs, if required. The program manager shall implement procedures  
17 for verification by it that all work for which payment has been  
18 requested has been satisfactorily completed. Provided, however, that  
19 the JSC board may choose to utilize the services of an independent  
20 construction manager at one or more of the projects to be authorized  
21 herein with said construction manager managing the project within the  
22 management plan set forth by the independent program manager and the JSC  
23 board.

24 (d) The program manager, and its affiliates or subsidiaries, if any,  
25 shall be prohibited from awarding contracts or being awarded contracts  
26 for or performing any work on projects undertaken pursuant to this act.

27 § 6. Section 19 of part A-4 of chapter 58 of the laws of 2006 enacting  
28 the "city of Syracuse and the board of education of the city school  
29 district of the city of Syracuse cooperative school reconstruction act",  
30 as amended by chapter 459 of the laws of 2013, is amended to read as  
31 follows:

32 § 19. (a) On January 15, 2007 and annually thereafter, until  
33 completion of the projects authorized pursuant to this act, the JSC  
34 board shall issue a report to the governor, the comptroller, the commis-  
35 sioner, the temporary president of the senate, the speaker of the assem-  
36 bly, the city, the common council and the city school district on the  
37 progress and status of the projects undertaken by the JSC board.  
38 Provided further, that if any such entities request information on the  
39 progress and status of the projects prior to such report, it shall be  
40 provided to such entities by the JSC board.

41 (b) On or before June 30, 2014 or upon the completion of the projects  
42 authorized pursuant to subdivision (a) of section five of this act,  
43 whichever shall first occur, the JSC board shall issue a report to the  
44 city, the city school district, the governor, the commissioner, the  
45 comptroller, the temporary president of the senate, the minority leader  
46 of the senate, the speaker of the assembly, the minority leader of the  
47 assembly, the state board of regents, and the chairs and ranking minori-  
48 ty members of the New York state senate and assembly committees on  
49 education, the finance committee of the New York state senate, and the  
50 ways and means committee of the New York state assembly. Such report  
51 shall identify the fiscal and pedagogical results of the projects under-  
52 taken pursuant to this act, along with recommendations for its contin-  
53 uance, amendments, or discontinuance.

54 (c) On or before June 30, 2020 or upon the completion of the projects  
55 authorized pursuant to subdivision (b) of section five of this act,  
56 whichever shall first occur, the JSC board shall issue a report to the

1 city, the city school district, the governor, the commissioner, the  
2 comptroller, the temporary president of the senate, the minority leader  
3 of the senate, the speaker of the assembly, the minority leader of the  
4 assembly, the state board of regents, and the chairs and ranking minori-  
5 ty members of the New York state senate and assembly committees on  
6 education, the finance committee of the New York state senate, and the  
7 ways and means committee of the New York state assembly. Such report  
8 shall identify the fiscal and pedagogical results of the projects under-  
9 taken pursuant to this act, along with recommendations for its contin-  
10 uance, amendments, or discontinuance.

11 (d) On or before June 30, 2027 or upon the completion of the projects  
12 authorized pursuant to subdivision (c) of section five of this act,  
13 whichever shall first occur, the JSC board shall issue a report to the  
14 city, the city school district, the governor, the commissioner, the  
15 comptroller, the temporary president of the senate, the minority leader  
16 of the senate, the speaker of the assembly, the minority leader of the  
17 assembly, the state board of regents, and the chairs and ranking minori-  
18 ty members of the New York state senate and assembly committees on  
19 education, the finance committee of the New York state senate, and the  
20 ways and means committee of the New York state assembly. Such report  
21 shall identify the fiscal and pedagogical results of the projects under-  
22 taken pursuant to this act, along with recommendations for its contin-  
23 uance, amendments, or discontinuance.

24 § 7. Paragraph a of subdivision 6 of section 3602 of the education law  
25 is amended by adding a new subparagraph 9 to read as follows:

26 (9) Notwithstanding any other provision of law to the contrary, for  
27 the purpose of computation of building aid for reconstruction or modern-  
28 izing of no more than three projects pursuant to a chapter of the laws  
29 of two thousand twenty-one enacting the third phase of the city of Syra-  
30 cuse cooperative school reconstruction act, multi-year cost allowances  
31 for each project shall be established and utilized two times in the  
32 first five-year period. Subsequent multi-year cost allowances shall be  
33 established no sooner than ten years after establishment of the first  
34 maximum cost allowance authorized pursuant to this subparagraph.

35 § 8. This act shall take effect immediately.

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

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