

STATE OF NEW YORK

S. 8006

A. 9006

SENATE - ASSEMBLY

January 19, 2022

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

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

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

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

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

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

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

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

1

PART A

2 Section 1. Paragraph e of subdivision 1 of section 211-d of the educa-
3 tion law, as amended by section 1 of part A of chapter 56 of the laws of
4 2021, is amended to read as follows:

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

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

1 amount which shall be not less than the amount approved by the commis-
2 sioner in the contract for excellence for the two thousand twenty--two
3 thousand twenty-one school year; and provided further that, a school
4 district that submitted a contract for excellence for the two thousand
5 twenty-one--two thousand twenty-two school year, unless all schools in
6 the district are identified as in good standing, shall submit a contract
7 for excellence for the two thousand twenty-two--two thousand twenty-
8 three school year which shall, notwithstanding the requirements of
9 subparagraph (vi) of paragraph a of subdivision two of this section,
10 provide for the expenditure of an amount which shall be not less than
11 the amount approved by the commissioner in the contract for excellence
12 for the two thousand twenty-one--two thousand twenty-two school year.

13 For purposes of this paragraph, the "gap elimination adjustment percent-
14 age" shall be calculated as the sum of one minus the quotient of the sum
15 of the school district's net gap elimination adjustment for two thousand
16 ten--two thousand eleven computed pursuant to chapter fifty-three of the
17 laws of two thousand ten, making appropriations for the support of
18 government, plus the school district's gap elimination adjustment for
19 two thousand eleven--two thousand twelve as computed pursuant to chapter
20 fifty-three of the laws of two thousand eleven, making appropriations
21 for the support of the local assistance budget, including support for
22 general support for public schools, divided by the total aid for adjust-
23 ment computed pursuant to chapter fifty-three of the laws of two thou-
24 sand eleven, making appropriations for the local assistance budget,
25 including support for general support for public schools. Provided,
26 further, that such amount shall be expended to support and maintain
27 allowable programs and activities approved in the two thousand nine--two
28 thousand ten school year or to support new or expanded allowable
29 programs and activities in the current year.

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

32 j. Foundation aid payable in the two thousand twenty-two--two thousand
33 twenty-three school year. Notwithstanding any provision of law to the
34 contrary, foundation aid payable in the two thousand twenty-two--two
35 thousand twenty-three school year shall be equal to the sum of the total
36 foundation aid base computed pursuant to paragraph j of subdivision one
37 of this section plus the greater of (a) the product of the phase-in
38 foundation increase factor as computed pursuant to subparagraph (ii) of
39 paragraph b of this subdivision multiplied by the positive difference,
40 if any, of (i) total foundation aid computed pursuant to paragraph a of
41 this subdivision less (ii) the total foundation aid base computed pursu-
42 ant to paragraph j of subdivision one of this section, or (b) the prod-
43 uct of three hundredths (0.03) multiplied by the total foundation aid
44 base computed pursuant to paragraph j of subdivision one of this
45 section.

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

48 4-a. Foundation Aid Maintenance of Equity Aid. 1. For purposes of
49 this subdivision the following terms shall be defined as follows:

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

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

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

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

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

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

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

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

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

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

55 b. The maintenance of equity aid shall be equal to the amount neces-
56 sary to ensure compliance with the federal state level maintenance of

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23 § 10. Section 3625 of education law is amended by adding a new subdi-
24 vision 5 to read as follows:

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

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

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

47 (2) such contract is approved by the commissioner;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24 For aid payable in the two thousand seven--two thousand eight school
25 year through the two thousand twenty-one--two thousand twenty-two school
26 year, "moneys apportioned" shall mean the lesser of (i) the sum of one
27 hundred percent of the respective amount set forth for each school
28 district as payable pursuant to this section in the school aid computer
29 listing for the current year produced by the commissioner in support of
30 the budget which includes the appropriation for the general support for
31 public schools for the prescribed payments and individualized payments
32 due prior to April first for the current year plus the apportionment
33 payable during the current school year pursuant to subdivision six-a and
34 subdivision fifteen of section thirty-six hundred two of this part minus
35 any reductions to current year aids pursuant to subdivision seven of
36 section thirty-six hundred four of this part or any deduction from
37 apportionment payable pursuant to this chapter for collection of a
38 school district basic contribution as defined in subdivision eight of
39 section forty-four hundred one of this chapter, less any grants provided
40 pursuant to subparagraph two-a of paragraph b of subdivision four of
41 section ninety-two-c of the state finance law, less any grants provided
42 pursuant to subdivision five of section ninety-seven-nnnn of the state
43 finance law, less any grants provided pursuant to subdivision twelve of
44 section thirty-six hundred forty-one of this article, or (ii) the appor-
45 tionment calculated by the commissioner based on data on file at the
46 time the payment is processed; provided however, that for the purposes
47 of any payments made pursuant to this section prior to the first busi-
48 ness day of June of the current year, moneys apportioned shall not
49 include any aids payable pursuant to subdivisions six and fourteen, if
50 applicable, of section thirty-six hundred two of this part as current
51 year aid for debt service on bond anticipation notes and/or bonds first
52 issued in the current year or any aids payable for full-day kindergarten
53 for the current year pursuant to subdivision nine of section thirty-six
54 hundred two of this part. The definitions of "base year" and "current
55 year" as set forth in subdivision one of section thirty-six hundred two
56 of this part shall apply to this section. [~~For aid payable in the two~~

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

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

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

1 school year shall not exceed 56.0 percent of the lesser of such approva-
2 ble costs per contact hour or sixteen dollars and forty cents per
3 contact hour, and reimbursement for the 2022--2023 school year shall not
4 exceed 55.7 percent of the lesser of such approvable costs per contact
5 hour or seventeen dollars and five cents per contact hour, and where a
6 contact hour represents sixty minutes of instruction services provided
7 to an eligible adult. Notwithstanding any other provision of law to the
8 contrary, for the 2018--2019 school year such contact hours shall not
9 exceed one million four hundred sixty-three thousand nine hundred
10 sixty-three (1,463,963); for the 2019--2020 school year such contact
11 hours shall not exceed one million four hundred forty-four thousand four
12 hundred forty-four (1,444,444); for the 2020--2021 school year such
13 contact hours shall not exceed one million four hundred six thousand
14 nine hundred twenty-six (1,406,926); [and] for the 2021--2022 school
15 year such contact hours shall not exceed one million four hundred
16 sixteen thousand one hundred twenty-two (1,416,122) ; and for the 2022-
17 -2023 school year such contact hours shall not exceed one million three
18 hundred sixty-nine thousand eight hundred sixty-three (1,369,863).
19 Notwithstanding any other provision of law to the contrary, the appor-
20 tionment calculated for the city school district of the city of New York
21 pursuant to subdivision 11 of section 3602 of the education law shall be
22 computed as if such contact hours provided by the consortium for worker
23 education, not to exceed the contact hours set forth herein, were eligi-
24 ble for aid in accordance with the provisions of such subdivision 11 of
25 section 3602 of the education law.

26 § 21. Section 4 of chapter 756 of the laws of 1992, relating to fund-
27 ing a program for work force education conducted by the consortium for
28 worker education in New York city, is amended by adding a new subdivi-
29 sion aa to read as follows:

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

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

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

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

49 1. Sections one through seventy of this act shall be deemed to have
50 been in full force and effect as of April 1, 1994 provided, however,
51 that sections one, two, twenty-four, twenty-five and twenty-seven
52 through seventy of this act shall expire and be deemed repealed on March
53 31, 2000; provided, however, that section twenty of this act shall apply
54 only to hearings commenced prior to September 1, 1994, and provided
55 further that section twenty-six of this act shall expire and be deemed
56 repealed on March 31, 1997; and provided further that sections four

1 through fourteen, sixteen, and eighteen, nineteen and twenty-one through
2 twenty-one-a of this act shall expire and be deemed repealed on March
3 31, 1997; and provided further that sections three, fifteen, seventeen,
4 twenty, twenty-two and twenty-three of this act shall expire and be
5 deemed repealed on March 31, ~~[2022]~~ 2024.

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

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

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

19 § 4. This act shall take effect July 1, 2002 and section one of this
20 act shall expire and be deemed repealed June 30, 2019~~[, and sections two~~
21 ~~and three of this act shall expire and be deemed repealed on June 30,~~
22 ~~2022]~~.

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

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

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

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

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

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

1 deficit reduction assessment of 1990--1991 as determined by the commis-
2 sioner of education, pursuant to paragraph f of subdivision 1 of section
3 3602 of the education law, as in effect through June 30, 1993, plus (ii)
4 186 percent of such amount for a city school district in a city with a
5 population in excess of 1,000,000 inhabitants, plus (iii) 209 percent of
6 such amount for a city school district in a city with a population of
7 more than 195,000 inhabitants and less than 219,000 inhabitants accord-
8 ing to the latest federal census, plus (iv) the net gap elimination
9 adjustment for 2010--2011, as determined by the commissioner of educa-
10 tion pursuant to chapter 53 of the laws of 2010, plus (v) the gap elimi-
11 nation adjustment for 2011--2012 as determined by the commissioner of
12 education pursuant to subdivision 17 of section 3602 of the education
13 law, and provided further that such apportionment shall not exceed such
14 salary expenses. Such application shall be made by a school district,
15 after the board of education or trustees have adopted a resolution to do
16 so and in the case of a city school district in a city with a population
17 in excess of 125,000 inhabitants, with the approval of the mayor of such
18 city.

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

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

50 § 30. Special apportionment for public pension accruals. a. Notwith-
51 standing any other provision of law, upon application to the commission-
52 er of education, not later than June 30, 2023, a school district eligi-
53 ble for an apportionment pursuant to section 3602 of the education law
54 shall be eligible to receive an apportionment pursuant to this section,
55 for the school year ending June 30, 2023 and such apportionment shall
56 not exceed the additional accruals required to be made by school

1 districts in the 2004--2005 and 2005--2006 school years associated with
2 changes for such public pension liabilities. The amount of such addi-
3 tional accrual shall be certified to the commissioner of education by
4 the president of the board of education or the trustees or, in the case
5 of a city school district in a city with a population in excess of
6 125,000 inhabitants, the mayor of such city. Such application shall be
7 made by a school district, after the board of education or trustees have
8 adopted a resolution to do so and in the case of a city school district
9 in a city with a population in excess of 125,000 inhabitants, with the
10 approval of the mayor of such city.

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

27 c. Notwithstanding the provisions of section 3609-a of the education
28 law, an amount equal to the amount paid to a school district pursuant to
29 subdivisions a and b of this section shall first be deducted from the
30 following payments due the school district during the school year
31 following the year in which application was made pursuant to subpara-
32 graphs 1, 2, 3, 4 and 5 of paragraph a of subdivision 1 of section
33 3609-a of the education law in the following order: the lottery appor-
34 tionment payable pursuant to subparagraph 2 of such paragraph followed
35 by the fixed fall payments payable pursuant to subparagraph 4 of such
36 paragraph and then followed by the district's payments to the teachers'
37 retirement system pursuant to subparagraph 1 of such paragraph, and any
38 remainder to be deducted from the individualized payments due the
39 district pursuant to paragraph b of such subdivision shall be deducted
40 on a chronological basis starting with the earliest payment due the
41 district.

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

44 8-d. Notwithstanding the provision of any law, rule, or regulation to
45 the contrary, the city school district of the city of Rochester, upon
46 the consent of the board of cooperative educational services of the
47 supervisory district serving its geographic region, may purchase from
48 such board as a non-component school district, services required by
49 article nineteen of the education law.

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

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

1 thousand dollars (\$48,175,000) including five hundred thousand dollars
2 (\$500,000) for the Andrew Jackson High School; for the Buffalo city
3 school district, twenty-one million twenty-five thousand dollars
4 (\$21,025,000); for the Rochester city school district, fifteen million
5 dollars (\$15,000,000); for the Syracuse city school district, thirteen
6 million dollars (\$13,000,000); for the Yonkers city school district,
7 forty-nine million five hundred thousand dollars (\$49,500,000); for the
8 Newburgh city school district, four million six hundred forty-five thou-
9 sand dollars (\$4,645,000); for the Poughkeepsie city school district,
10 two million four hundred seventy-five thousand dollars (\$2,475,000); for
11 the Mount Vernon city school district, two million dollars (\$2,000,000);
12 for the New Rochelle city school district, one million four hundred ten
13 thousand dollars (\$1,410,000); for the Schenectady city school district,
14 one million eight hundred thousand dollars (\$1,800,000); for the Port
15 Chester city school district, one million one hundred fifty thousand
16 dollars (\$1,150,000); for the White Plains city school district, nine
17 hundred thousand dollars (\$900,000); for the Niagara Falls city school
18 district, six hundred thousand dollars (\$600,000); for the Albany city
19 school district, three million five hundred fifty thousand dollars
20 (\$3,550,000); for the Utica city school district, two million dollars
21 (\$2,000,000); for the Beacon city school district, five hundred sixty-
22 six thousand dollars (\$566,000); for the Middletown city school
23 district, four hundred thousand dollars (\$400,000); for the Freeport
24 union free school district, four hundred thousand dollars (\$400,000);
25 for the Greenburgh central school district, three hundred thousand
26 dollars (\$300,000); for the Amsterdam city school district, eight
27 hundred thousand dollars (\$800,000); for the Peekskill city school
28 district, two hundred thousand dollars (\$200,000); and for the Hudson
29 city school district, four hundred thousand dollars (\$400,000).

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

39 c. The commissioner of education shall not be authorized to withhold
40 foundation aid from a school district that used such funds in accordance
41 with this paragraph, notwithstanding any inconsistency with a request
42 for proposals issued by such commissioner for the purpose of attendance
43 improvement and dropout prevention for the 2022--2023 school year, and
44 for any city school district in a city having a population of more than
45 one million, the set-aside for attendance improvement and dropout
46 prevention shall equal the amount set aside in the base year. For the
47 2022--2023 school year, it is further provided that any city school
48 district in a city having a population of more than one million shall
49 allocate at least one-third of any increase from base year levels in
50 funds set aside pursuant to the requirements of this section to communi-
51 ty-based organizations. Any increase required pursuant to this section
52 to community-based organizations must be in addition to allocations
53 provided to community-based organizations in the base year.

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

1 school district, one million seven hundred forty-one thousand dollars
2 (\$1,741,000); for the Rochester city school district, one million seven-
3 ty-six thousand dollars (\$1,076,000); for the Yonkers city school
4 district, one million one hundred forty-seven thousand dollars
5 (\$1,147,000); and for the Syracuse city school district, eight hundred
6 nine thousand dollars (\$809,000). All funds made available to a school
7 district pursuant to this section shall be distributed among teachers
8 including prekindergarten teachers and teachers of adult vocational and
9 academic subjects in accordance with this section and shall be in addi-
10 tion to salaries heretofore or hereafter negotiated or made available;
11 provided, however, that all funds distributed pursuant to this section
12 for the current year shall be deemed to incorporate all funds distrib-
13 uted pursuant to former subdivision 27 of section 3602 of the education
14 law for prior years. In school districts where the teachers are repres-
15 ented by certified or recognized employee organizations, all salary
16 increases funded pursuant to this section shall be determined by sepa-
17 rate collective negotiations conducted pursuant to the provisions and
18 procedures of article 14 of the civil service law, notwithstanding the
19 existence of a negotiated agreement between a school district and a
20 certified or recognized employee organization.

21 § 33. Support of public libraries. The moneys appropriated for the
22 support of public libraries by a chapter of the laws of 2022 enacting
23 the aid to localities budget shall be apportioned for the 2022--2023
24 state fiscal year in accordance with the provisions of sections 271,
25 272, 273, 282, 284, and 285 of the education law as amended by the
26 provisions of this chapter and the provisions of this section, provided
27 that library construction aid pursuant to section 273-a of the education
28 law shall not be payable from the appropriations for the support of
29 public libraries and provided further that no library, library system or
30 program, as defined by the commissioner of education, shall receive less
31 total system or program aid than it received for the year 2001--2002
32 except as a result of a reduction adjustment necessary to conform to the
33 appropriations for support of public libraries.

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

43 § 34. Severability. The provisions of this act shall be severable, and
44 if the application of any clause, sentence, paragraph, subdivision,
45 section or part of this act to any person or circumstance shall be
46 adjudged by any court of competent jurisdiction to be invalid, such
47 judgment shall not necessarily affect, impair or invalidate the applica-
48 tion of any such clause, sentence, paragraph, subdivision, section or
49 part of this act or remainder thereof, as the case may be, to any other
50 person or circumstance, but shall be confined in its operation to the
51 clause, sentence, paragraph, subdivision, section or part thereof
52 directly involved in the controversy in which such judgment shall have
53 been rendered.

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

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

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

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

12 PART B

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

15 § 3638. Zero-emission school buses. 1. For the purposes of this
16 section "zero-emission school bus" shall mean a school bus that: (a) is
17 propelled by an electric motor and associated power electronics which
18 provide acceleration torque to the drive wheels during normal vehicle
19 operations; and (b) draws electricity from a hydrogen fuel cell or
20 battery.

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

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

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

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

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

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

36 § 2. Paragraphs c, d and e of subdivision 2 of section 3623-a of the
37 education law, paragraph c as amended by chapter 453 of the laws of
38 2005, paragraph d as added by chapter 474 of the laws of 1996, and para-
39 graph e as amended by section 66 of part A of chapter 436 of the laws of
40 1997, are amended and a new paragraph f is added to read as follows:

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

1 d. Other transportation capital, debt service and lease expense, as
2 approved pursuant to regulations of the commissioner[~~7~~];

3 e. Any approved cost of construction, reconstruction, lease or
4 purchase of a transportation storage facility or site in the amount of
5 ten thousand dollars or more shall be aidable in accordance with subdi-
6 vision six of section thirty-six hundred two of this article and shall
7 not be aidable as transportation expense[~~7~~]; and

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

17 § 3. Paragraph e of subdivision 7 of section 3602 of the education
18 law, as amended by section 4 of part L of chapter 57 of the laws of
19 2005, is amended to read as follows:

20 e. In determining approved transportation capital, debt service and
21 lease expense for aid payable in the two thousand five--two thousand six
22 school year and thereafter, the commissioner, after applying the
23 provisions of paragraph c of this subdivision to such expense, shall
24 establish an assumed amortization pursuant to this paragraph to deter-
25 mine the approved capital, debt service and lease expense of the school
26 district that is aidable in the current year, whether or not the school
27 district issues debt for such expenditures, subject to any deduction
28 pursuant to paragraph d of this subdivision. Such assumed amortization
29 shall be for a period of five years, and for the two thousand twenty-
30 two--two thousand twenty-three school year and thereafter such assumed
31 amortization for zero-emission school buses as defined in section thir-
32 ty-six hundred thirty-eight of this chapter and related costs pursuant
33 to paragraph f of subdivision two of section thirty-six hundred twenty-
34 three-a of this chapter shall be for a period of ten years, and shall
35 commence twelve months after the school district enters into a purchase
36 contract[~~7~~] or lease of the school bus, charging station, hydrogen refu-
37 eling station, or equipment, or a general contract for the construction,
38 reconstruction, lease or purchase of a transportation storage facility
39 or site in an amount less than ten thousand dollars[~~7~~, ~~except that where~~
40 ~~expenses were incurred for the purchase or lease of a school bus or~~
41 ~~equipment or the construction, reconstruction, lease or purchase of a~~
42 ~~transportation storage facility or site prior to July first, two thou-~~
43 ~~sand five and debt service was still outstanding or the lease was still~~
44 ~~in effect as of such date, the assumed amortization shall commence as of~~
45 ~~July first, two thousand five and the period of the amortization shall~~
46 ~~be for a period equal to five years less the number of years, rounded to~~
47 ~~the nearest year, elapsed from the date upon which the school district~~
48 ~~first entered into such purchase contract or general contract and July~~
49 ~~first, two thousand five, as determined by the commissioner, or the~~
50 ~~remaining term of the lease as of such date~~]. Such assumed amortization
51 shall provide for equal semiannual payments of principal and interest
52 based on an assumed interest rate established by the commissioner pursu-
53 ant to this paragraph. By the first day of September of the current year
54 commencing with the two thousand five--two thousand six school year,
55 each school district shall provide to the commissioner in a format
56 prescribed by the commissioner such information as the commissioner

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

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

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

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

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

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

27 21-a. To lease a motor vehicle or vehicles to be used for the trans-
28 portation of the children of the district from a school district, board
29 of cooperative educational services or county vocational education and
30 extension board or from any other source, under the conditions specified
31 in this subdivision. No such agreement for the lease of a motor vehicle
32 or vehicles shall be for a term of more than one school year, provided
33 that when authorized by a vote of the qualified voters of the district
34 such lease may have a term of up to five years, or ten years for the
35 lease of zero-emission school buses as defined in section thirty-six
36 hundred thirty-eight of this chapter. Where the trustee or board of
37 trustees enter into a lease of a motor vehicle or vehicles pursuant to
38 this subdivision for a term of one school year or less, such trustee or
39 board shall not be authorized to enter into another lease for the same
40 or an equivalent replacement vehicle or vehicles, as determined by the
41 commissioner, without obtaining approval of the qualified voters of the
42 school district.

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

46 i. In addition to the authority granted in paragraph e of this subdivi-
47 sion, the board of education shall be authorized to lease a motor
48 vehicle or vehicles to be used for the transportation of the children of
49 the district from sources other than a school district, board of cooper-
50 ative educational services or county vocational education and extension
51 board under the conditions specified in this paragraph. No such agree-
52 ment for the lease of a motor vehicle or vehicles shall be for a term of
53 more than one school year, provided that when authorized by a vote of
54 the qualified voters of the district such lease may have a term of up to
55 five years, or ten years for the lease of zero-emission school buses as
56 defined in section thirty-six hundred thirty-eight of this chapter.

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

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

9 29-a. Transit motor vehicles. The purchase of municipally owned omni-
10 bus or similar surface transit motor vehicles or a zero-emission school
11 bus owned by a school district defined pursuant to subdivision two of
12 section two of this chapter, a city school district with a population of
13 more than one hundred twenty-five thousand inhabitants, or board of
14 cooperative educational services, ten years.

15 § 9. This act shall take effect immediately.

16 PART C

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

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

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

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

33 § 3001-e. Temporary professional permit; applicant pending certif-
34 icate. Upon submission to the department of a completed application and
35 documentation necessary to demonstrate qualifications required to obtain
36 a teacher's certificate or other school profession certificate issued
37 under this article, and the applicant's written attestation under penal-
38 ty of perjury that the applicant has met all requirements of obtaining
39 such certificate, the commissioner shall issue to such applicant, within
40 five business days of the application's submission, a temporary permit
41 validating his or her employment in a teaching capacity or other profes-
42 sional capacity, as the case may be, in the public schools of the state.
43 Such application shall be in a form required by the commissioner. A
44 temporary permit shall expire one year from the date of issue, or upon
45 issuance of a certificate by the commissioner, or upon notice to the
46 applicant by the department that the application for a certificate has
47 been denied, whichever shall occur first. The holder of a temporary
48 permit shall be employed in a teaching capacity or other professional
49 capacity, as the case may be, in a public school only under the super-
50 vision and mentorship of a professional holding a permanent or profes-
51 sional certificate in the same profession in New York state and employed
52 in the same school building, and with the endorsement of the employing
53 school district or board of cooperative educational services.

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

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

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

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

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

PART D

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

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

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

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

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

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

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

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

§ 3. This act shall take effect immediately.

PART E

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

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

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

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

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

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

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

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

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

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

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

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

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

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

§ 2. This act shall take effect immediately.

PART F

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

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

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

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

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

§ 4. This act shall take effect immediately.

PART G

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

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

1 applicants that the corporation has determined are eligible to receive
2 such awards. The corporation shall grant such awards in an amount up to
3 five thousand five hundred dollars or actual tuition, whichever is less;
4 provided, however, (a) a student who receives educational grants and/or
5 scholarships that cover the student's full cost of attendance shall not
6 be eligible for an award under this program; and (b) an award under this
7 program shall be applied to tuition after the application of payments
8 received under the tuition assistance program pursuant to section six
9 hundred sixty-seven of this subpart, tuition credits pursuant to section
10 six hundred eighty-nine-a of this article, federal Pell grant pursuant
11 to section one thousand seventy of title twenty of the United States
12 code, et seq., and any other program that covers the cost of attendance
13 unless exclusively for non-tuition expenses, and the award under this
14 program shall be reduced in the amount equal to such payments, provided
15 that the combined benefits do not exceed five thousand five hundred
16 dollars. Upon notification of an award under this program, the institu-
17 tion shall defer the amount of tuition. Notwithstanding paragraph h of
18 subdivision two of section three hundred fifty-five and paragraph (a) of
19 subdivision seven of section six thousand two hundred six of this chap-
20 ter, and any other law, rule or regulation to the contrary, the under-
21 graduate tuition charged by the institution to recipients of an award
22 shall not exceed the tuition rate established by the institution for the
23 two thousand sixteen--two thousand seventeen academic year provided,
24 however, that in the two thousand [~~twenty-three~~ twenty-two--two thou-
25 sand [~~twenty-four~~ twenty-three academic year and every year thereafter,
26 the undergraduate tuition charged by the institution to recipients of an
27 award shall be reset to equal the tuition rate established by the insti-
28 tution for the forthcoming academic year, provided further that the
29 tuition credit calculated pursuant to section six hundred eighty-nine-a
30 of this article shall be applied toward the tuition rate charged for
31 recipients of an award under this program. Provided further that the
32 state university of New York and the city university of New York shall
33 provide an additional tuition credit to students receiving an award to
34 cover the remaining cost of tuition.

35 § 2. This act shall take effect immediately.

36 PART H

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

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

45 § 2. This act shall take effect immediately.

46 PART I

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

49 ARTICLE 13-C

50 STUDENT DEBT; PROHIBITED PRACTICES

1 Section 640. Student debt; prohibited practices.

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

7 (a) withhold a student's transcript for failure to pay past or pres-
8 ently due tuition;

9 (b) condition the receipt of a transcript or of credit or other offi-
10 cial recognition for work completed satisfactorily on the payment of a
11 debt, other than the condition of a fee charged to provide the tran-
12 script;

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

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

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

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

29 4. In addition to the penalties imposed under this section, a
30 violation of this article shall be considered a violation of the laws
31 and rules governing higher education award programs for the purpose of
32 article fourteen of this chapter and the president of the higher educa-
33 tion services corporation may suspend, limit or terminate an insti-
34 tution's participation in state higher education financial aid programs
35 under such article.

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

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

41 PART J

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

44 § 210-d. Registration of curricula. Notwithstanding any law, rule or
45 regulation to the contrary, any new curriculum or program of study
46 offered by any not-for-profit college or university chartered by the
47 regents or incorporated by special act of the legislature that does not
48 require a master plan amendment pursuant to section two hundred thirty-
49 seven of this part, or charter amendment pursuant to section two hundred
50 sixteen of this part, or lead to professional licensure; and that is
51 approved by the state university board of trustees, the city university
52 board of trustees, or the trustees or governing body of any other not-
53 for-profit college or university chartered by the regents which (1) has
54 maintained a physical presence in New York state for the immediately

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

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

PART K

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

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

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

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

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

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

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

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

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

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

53 (c) The directors and officers of any firm established for the busi-
54 ness purpose of incorporating as a professional service corporation
55 pursuant to paragraph (h) of section fifteen hundred three of this arti-
56 cle may include individuals who are not licensed to practice public

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

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

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

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

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

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

1 may be provided in the certificate of incorporation or in the by-laws of
2 such professional service corporation. At such shareholders' meeting the
3 shares held by the shareholder proposing to sell or transfer his or her
4 shares may not be voted or counted for any purpose, unless all share-
5 holders consent that such shares be voted or counted. The certificate of
6 incorporation or the by-laws of the professional service corporation, or
7 the professional service corporation and the shareholders by private
8 agreement, may provide, in lieu of or in addition to the foregoing
9 provisions, for the alienation of shares and may require the redemption
10 or purchase of such shares by such corporation at prices and in a manner
11 specifically set forth therein. The existence of the restrictions on the
12 sale or transfer of shares, as contained in this article and, if appli-
13 cable, in the certificate of incorporation, by-laws, stock purchase or
14 stock redemption agreement, shall be noted conspicuously on the face or
15 back of every certificate for shares issued by a professional service
16 corporation. Any sale or transfer in violation of such restrictions
17 shall be void.

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

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

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

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

42 (ii) at least fifty-one percent of the directors are and were certi-
43 fied public accountants,

44 (iii) at least fifty-one percent of the officers are and were certi-
45 fied public accountants,

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

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

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

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

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

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

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

1 education law to practice clinical social work in this state. Each part-
2 ner of a registered limited liability partnership formed to provide
3 creative arts therapy services in this state must be licensed pursuant
4 to article 163 of the education law to practice creative arts therapy in
5 this state. Each partner of a registered limited liability partnership
6 formed to provide marriage and family therapy services in this state
7 must be licensed pursuant to article 163 of the education law to prac-
8 tice marriage and family therapy in this state. Each partner of a regis-
9 tered limited liability partnership formed to provide mental health
10 counseling services in this state must be licensed pursuant to article
11 163 of the education law to practice mental health counseling in this
12 state. Each partner of a registered limited liability partnership formed
13 to provide psychoanalysis services in this state must be licensed pursu-
14 ant to article 163 of the education law to practice psychoanalysis in
15 this state. Each partner of a registered limited liability partnership
16 formed to provide applied behavior analysis service in this state must
17 be licensed or certified pursuant to article 167 of the education law to
18 practice applied behavior analysis in this state. A limited liability
19 partnership formed to lawfully engage in the practice of public accoun-
20 tancy, as such practice is respectively defined under article 149 of the
21 education law, shall be required to show (1) that a simple majority of
22 the ownership of the firm, in terms of financial interests, and voting
23 rights held by the firm's owners, belongs to individuals licensed to
24 practice public accountancy in some state, and (2) that all partners of
25 a limited liability partnership whose principal place of business is in
26 this state, and who are engaged in the practice of public accountancy in
27 this state, hold a valid license issued under section seventy-four
28 hundred four of the education law. For purposes of this subdivision,
29 "financial interest" means capital stock, capital accounts, capital
30 contributions, capital interest, or interest in undistributed earnings
31 of a business entity. Although firms may include non-licensee owners,
32 the firm and its owners must comply with rules promulgated by the state
33 board of regents. Notwithstanding the foregoing, a firm registered under
34 this section may not have non-licensee owners if the firm's name
35 includes the words "certified public accountant," or "certified public
36 accounts," or the abbreviations "CPA" or "CPAs". Each non-licensee owner
37 of a firm that is formed under this section shall be (1) a natural
38 person who actively participates in the business of the firm or its
39 affiliated entities, or (2) an entity, including, but not limited to, a
40 partnership or professional corporation, provided each beneficial owner
41 of an equity interest in such entity is a natural person who actively
42 participates in the business conducted by the firm or its affiliated
43 entities. For purposes of this subdivision, "actively participate" means
44 to provide services to clients or to otherwise individually take part in
45 the day-to-day business or management of the firm.

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

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

1 law to practice veterinary medicine in this state. Each partner of a
2 foreign limited liability partnership which provides professional engi-
3 neering, land surveying, geological services, architectural and/or land-
4 scape architectural services in this state must be licensed pursuant to
5 article 145, article 147 and/or article 148 of the education law to
6 practice one or more of such professions. Each partner of a foreign
7 registered limited liability partnership formed to provide public
8 accountancy services, whose principal place of business is in this state
9 and who provides public accountancy services, must be licensed pursuant
10 to article 149 of the education law to practice public accountancy in
11 this state. Each partner of a foreign limited liability partnership
12 which provides licensed clinical social work services in this state must
13 be licensed pursuant to article 154 of the education law to practice
14 licensed clinical social work in this state. Each partner of a foreign
15 limited liability partnership which provides creative arts therapy
16 services in this state must be licensed pursuant to article 163 of the
17 education law to practice creative arts therapy in this state. Each
18 partner of a foreign limited liability partnership which provides
19 marriage and family therapy services in this state must be licensed
20 pursuant to article 163 of the education law to practice marriage and
21 family therapy in this state. Each partner of a foreign limited liabil-
22 ity partnership which provides mental health counseling services in this
23 state must be licensed pursuant to article 163 of the education law to
24 practice mental health counseling in this state. Each partner of a
25 foreign limited liability partnership which provides psychoanalysis
26 services in this state must be licensed pursuant to article 163 of the
27 education law to practice psychoanalysis in this state. Each partner of
28 a foreign limited liability partnership which provides applied behavior
29 analysis services in this state must be licensed or certified pursuant
30 to article 167 of the education law to practice applied behavior analy-
31 sis in this state. A foreign limited liability partnership formed to
32 lawfully engage in the practice of public accountancy, as such practice
33 is respectively defined under article 149 of the education law, shall be
34 required to show (1) that a simple majority of the ownership of the
35 firm, in terms of financial interests, and voting rights held by the
36 firm's owners, belongs to individuals licensed to practice public
37 accountancy in some state, and (2) that all partners of a foreign limit-
38 ed liability partnership whose principal place of business is in this
39 state, and who are engaged in the practice of public accountancy in this
40 state, hold a valid license issued under section seventy-four hundred
41 four of the education law. For purposes of this subdivision, "financial
42 interest" means capital stock, capital accounts, capital contributions,
43 capital interest, or interest in undistributed earnings of a business
44 entity. Although firms may include non-licensee owners, the firm and
45 its owners must comply with rules promulgated by the state board of
46 regents. Notwithstanding the foregoing, a firm registered under this
47 section may not have non-licensee owners if the firm's name includes the
48 words "certified public accountant," or "certified public accountants,"
49 or the abbreviations "CPA" or "CPAs". Each non-licensee owner of a firm
50 that is formed under this section shall be (1) a natural person who
51 actively participates in the business of the firm or its affiliated
52 entities, or (2) an entity, including, but not limited to, a partnership
53 or professional corporation, provided each beneficial owner of an equity
54 interest in such entity is a natural person who actively participates in
55 the business conducted by the firm or its affiliated entities. For
56 purposes of this subdivision, "actively participate" means to provide

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

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

5 (h) "Limited partnership" and "domestic limited partnership" mean,
6 unless the context otherwise requires, a partnership (i) formed by two
7 or more persons pursuant to this article or which complies with subdivi-
8 sion (a) of section 121-1202 of this article and (ii) having one or more
9 general partners and one or more limited partners. Notwithstanding any
10 other provisions of law a limited partnership or domestic limited part-
11 nership formed to lawfully engage in the practice of public accountancy,
12 as such practice is respectively defined under article 149 of the educa-
13 tion law shall be required to show (1) that a simple majority of the
14 ownership of the firm, in terms of financial interests, including owner-
15 ship-based compensation, and voting rights held by the firm's owners,
16 belongs to individuals licensed to practice public accountancy in some
17 state, and (2) that all partners of a limited partnership or domestic
18 limited partnership, whose principal place of business is in this state,
19 and who are engaged in the practice of public accountancy in this state,
20 hold a valid license issued under section seventy-four hundred four of
21 the education law or are public accountants licensed under section
22 seventy-four hundred five of the education law. Although firms may
23 include non-licensee owners, the firm and its owners must comply with
24 rules promulgated by the state board of regents. Notwithstanding the
25 foregoing, a firm registered under this section may not have non-licen-
26 see owners if the firm's name includes the words "certified public
27 accountant," or "certified public accountants," or the abbreviations
28 "CPA" or "CPAs". Each non-licensee owner of a firm that is registered
29 under this section shall be (1) a natural person who actively partic-
30 ipates in the business of the firm or its affiliated entities, or (2) an
31 entity, including, but not limited to, a partnership or professional
32 corporation, provided each beneficial owner of an equity interest in
33 such entity is a natural person who actively participates in the busi-
34 ness conducted by the firm or its affiliated entities. For purposes of
35 this subdivision, "actively participate" means to provide services to
36 clients or to otherwise individually take part in the day-to-day busi-
37 ness or management of the firm.

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

41 (b) With respect to a professional service limited liability company
42 formed to provide medical services as such services are defined in arti-
43 cle 131 of the education law, each member of such limited liability
44 company must be licensed pursuant to article 131 of the education law to
45 practice medicine in this state. With respect to a professional service
46 limited liability company formed to provide dental services as such
47 services are defined in article 133 of the education law, each member of
48 such limited liability company must be licensed pursuant to article 133
49 of the education law to practice dentistry in this state. With respect
50 to a professional service limited liability company formed to provide
51 veterinary services as such services are defined in article 135 of the
52 education law, each member of such limited liability company must be
53 licensed pursuant to article 135 of the education law to practice veter-
54 inary medicine in this state. With respect to a professional service
55 limited liability company formed to provide professional engineering,
56 land surveying, architectural, landscape architectural and/or geological

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

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

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

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

1 such foreign professional service limited liability company must be
2 licensed pursuant to article 145, article 147 and/or article 148 of the
3 education law to practice one or more of such professions in this state.
4 With respect to a foreign professional service limited liability company
5 which provides public accountancy services as such services are defined
6 in article 149 of the education law, each member of such foreign profes-
7 sional service limited liability company whose principal place of busi-
8 ness is in this state and who provides public accountancy services,
9 shall be licensed pursuant to article 149 of the education law to prac-
10 tice public accountancy in this state. With respect to a foreign profes-
11 sional service limited liability company which provides licensed clin-
12 ical social work services as such services are defined in article 154 of
13 the education law, each member of such foreign professional service
14 limited liability company shall be licensed pursuant to article 154 of
15 the education law to practice clinical social work in this state. With
16 respect to a foreign professional service limited liability company
17 which provides creative arts therapy services as such services are
18 defined in article 163 of the education law, each member of such foreign
19 professional service limited liability company must be licensed pursuant
20 to article 163 of the education law to practice creative arts therapy in
21 this state. With respect to a foreign professional service limited
22 liability company which provides marriage and family therapy services as
23 such services are defined in article 163 of the education law, each
24 member of such foreign professional service limited liability company
25 must be licensed pursuant to article 163 of the education law to prac-
26 tice marriage and family therapy in this state. With respect to a
27 foreign professional service limited liability company which provides
28 mental health counseling services as such services are defined in arti-
29 cle 163 of the education law, each member of such foreign professional
30 service limited liability company must be licensed pursuant to article
31 163 of the education law to practice mental health counseling in this
32 state. With respect to a foreign professional service limited liability
33 company which provides psychoanalysis services as such services are
34 defined in article 163 of the education law, each member of such foreign
35 professional service limited liability company must be licensed pursuant
36 to article 163 of the education law to practice psychoanalysis in this
37 state. With respect to a foreign professional service limited liability
38 company which provides applied behavior analysis services as such
39 services are defined in article 167 of the education law, each member of
40 such foreign professional service limited liability company must be
41 licensed or certified pursuant to article 167 of the education law to
42 practice applied behavior analysis in this state. A foreign professional
43 service limited liability company formed to lawfully engage in the prac-
44 tice of public accountancy, as such practice is respectively defined
45 under article 149 of the education law shall be required to show (1)
46 that a simple majority of the ownership of the firm, in terms of finan-
47 cial interests, and voting rights held by the firm's owners, belongs to
48 individuals licensed to practice public accountancy in some state, and
49 (2) that all members of a foreign limited professional service limited
50 liability company, whose principal place of business is in this state,
51 and who are engaged in the practice of public accountancy in this state,
52 hold a valid license issued under section seventy-four hundred four of
53 the education law. For purposes of this subdivision, "financial inter-
54 est" means capital stock, capital accounts, capital contributions, capi-
55 tal interest, or interest in undistributed earnings of a business enti-
56 ty. Although firms may include non-licensee owners, the firm and its

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

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

§ 14. This act shall take effect immediately.

PART L

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

2. The state block grant for child care shall be divided into two parts pursuant to a plan developed by the department and approved by the director of the budget. One part shall be retained by the state to provide child care on a statewide basis to special groups and for activities to increase the availability and/or quality of child care programs, including, but not limited to, the start-up of child care programs, the operation of child care resource and referral programs, training activities, the regulation and monitoring of child care programs, the development of computerized data systems, and consumer education, provided however, that child care resource and referral programs funded under title five-B of article six of this chapter shall meet additional performance standards developed by the department of social services including but not limited to: increasing the number of child care placements for persons who are at or below two hundred twenty-five percent of the state income standard effective October sixteen, two thousand twenty-two, two hundred sixty percent of the state income standard effective April first, two thousand twenty-three, or three hundred percent of the state income standard effective April first, two thousand twenty-four, provided such persons are at or below eighty-five percent of the state median income, with emphasis on placements supporting local efforts in meeting federal and state work participation requirements, increasing technical assistance to all modalities of legal child care to persons who are at or below two hundred twenty-five percent of the state income standard[7] effective October sixteen, two thousand twenty-two, two hundred sixty percent of the state income standard effective April first, two thousand twenty-three, or three hundred percent of the state income standard effective April first, two thousand twenty-four, provided such persons are at or below eighty-five percent of the state median income, including the provision of training to

1 assist providers in meeting child care standards or regulatory require-
2 ments, and creating new child care opportunities, and assisting social
3 services districts in assessing and responding to child care needs for
4 persons at or below two hundred twenty-five percent of the state income
5 standard effective October sixteen, two thousand twenty-two, two hundred
6 sixty percent of the state income standard effective April first, two
7 thousand twenty-three, or three hundred percent of the state income
8 standard effective April first, two thousand twenty-four, provided such
9 persons are at or below eighty-five percent of the state median income.

10 The department shall have the authority to withhold funds from those
11 agencies which do not meet performance standards. Agencies whose funds
12 are withheld may have funds restored upon achieving performance stand-
13 ards. The other part shall be allocated to social services districts to
14 provide child care assistance to families receiving family assistance
15 and to other low income families.

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

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

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

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

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

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

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

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

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

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

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

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

effective April first, two thousand twenty-four; and that the family income does not exceed eighty-five percent of the state median income.

Such child day care shall recognize the need for continuity of care for the child and a district shall not move a child from an existing provider unless the participant consents to such move.

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

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

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

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

PART M

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

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

§ 2. This act shall take effect immediately.

PART N

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

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

1 services law as added by section fifteen of this act; provided further
2 however, that nothing in this act shall authorize the office of children
3 and family services to deny state reimbursement to a social services
4 district for violations of the provisions of section 153-d of the social
5 services law for services provided from January 1, 1994 through March
6 31, 2002; provided that section nineteen of this act shall take effect
7 September 13, 2002 and shall expire and be deemed repealed June 30,
8 2012; and, provided further, however, that notwithstanding any law to
9 the contrary, the office of children and family services shall have the
10 authority to promulgate, on an emergency basis, any rules and regu-
11 lations necessary to implement the requirements established pursuant to
12 this act; provided further, however, that the regulations to be devel-
13 oped pursuant to section one of this act shall not be adopted by emer-
14 gency rule; and provided further that the provisions of sections nine
15 through eighteen and twenty through twenty-seven of this act shall
16 expire and be deemed repealed on June 30, [~~2022~~] 2027.

17 § 2. This act shall take effect immediately.

18 PART O

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

21 (2-c) Those social services districts that as of July first, two thou-
22 sand twenty-two were paying at least one hundred percent of the applica-
23 ble rates published by the office of children and family services for
24 the two thousand twenty-two--two thousand twenty-three rate year for
25 care provided to foster children in regular, therapeutic, special needs,
26 and emergency foster boarding homes shall pay for the two thousand twen-
27 ty-two--two thousand twenty-three rate year and for each subsequent rate
28 year thereafter at least one hundred percent of the applicable rates
29 published by the office of children and family services for that rate
30 year. Those social services districts that as of July first, two thou-
31 sand twenty-two were paying less than the applicable rates published by
32 the office of children and family services for the two thousand twenty-
33 two--two thousand twenty-three rate year for care provided to foster
34 children in regular, therapeutic, special needs and emergency foster
35 boarding homes shall increase their rates of payment so that: effective
36 July first, two thousand twenty-two the difference between the percent-
37 age of the applicable rates published by the office of children and
38 family services for the two thousand twenty-two--two thousand twenty-
39 three rate year and the rates such districts are paying is at least
40 one-half less than the difference between the percentage of the applica-
41 ble rates published by the office of children and family services for
42 the two thousand twenty-two--two thousand twenty-three rate year and the
43 rates that such districts were paying for such programs on July first,
44 two thousand twenty-two; and effective July first, two thousand twenty-
45 three for the two thousand twenty-three--two thousand twenty-four rate
46 year and for each subsequent year thereafter all social services
47 districts shall pay at least one hundred percent of the applicable rates
48 published by the office of children and family services for the applica-
49 ble rate year.

50 § 2. This act shall take effect immediately.

51 PART P

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

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

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

14 PART Q

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14 (ii) In all other instances, a motion for approval of a transfer of a
15 youth to a local correctional facility must be made in writing and
16 served at least eight days before the time at which the motion is
17 noticed to be heard. If the motion is based upon the existence or occur-
18 rence of facts, the motion papers must contain sworn allegations there-
19 of. Such sworn allegations may be based upon personal knowledge of the
20 affiant or upon information and belief, provided that in the latter
21 event the affiant must state the sources of such information and the
22 grounds of such belief. The people may further submit documentary
23 evidence supporting or tending to support the allegations of the moving
24 papers. At least two days before the time the motion is noticed to be
25 heard, the youth may file with the court, and in such case must serve a
26 copy thereof upon the people, an answering affidavit denying or admit-
27 ting any or all of the allegations of the moving papers, and may further
28 submit documentary evidence refuting or tending to refute such allega-
29 tions.

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

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

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

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

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

1 order to that effect, and shall direct the sheriff to deliver the prin-
2 icipal to such location.

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

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

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

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

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

47 § 5. This act shall take effect immediately.

48 PART R

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

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

1 cost of maintenance and operation of a county veterans' service agency
2 shall be a county charge and the cost of maintenance and operation of a
3 city veterans' service agency shall be a city charge, excepting that the
4 state director with the approval of the veterans' services commission
5 shall allot and pay, from state moneys made available to him or her for
6 such purposes, to each county veterans' service agency and each city
7 veterans' service agency, an amount equal to fifty per centum of its
8 expenditures for maintenance and operation approved by the state direc-
9 tor, provided that in no event shall the amount allotted and paid for
10 such approved expenditures incurred in any given year exceed (1) in the
11 case of any county veterans' service agency in a county having a popu-
12 lation of not more than one hundred thousand or in the case of any city
13 veterans' service agency in a city having a population of not more than
14 one hundred thousand, the sum of [~~ten~~] twenty-five thousand dollars, nor
15 (2) in the case of any county veterans' service agency in a county
16 having a population in excess of one hundred thousand excluding the
17 population of any city therein which has a city veterans' service agen-
18 cy, the sum of [~~ten~~] twenty-five thousand dollars, and, in addition
19 thereto, the sum of five thousand dollars for each one hundred thousand,
20 or major portion thereof, of the population of the county in excess of
21 one hundred thousand excluding the population of any city therein which
22 has a city veterans' service agency, nor (3) in the case of any city
23 veterans' service agency in a city having a population in excess of one
24 hundred thousand, the sum of [~~ten~~] twenty-five thousand dollars, and, in
25 addition thereto, the sum of five thousand dollars for each one hundred
26 thousand, or major portion thereof, of the population of the city in
27 excess of one hundred thousand. Such population shall be certified in
28 the same manner as provided by section fifty-four of the state finance
29 law.

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

32 PART S

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

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

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

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

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

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

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

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

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

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

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

14 (c) On and after January first, two thousand [~~twenty-one~~] twenty-two,
15 (i) for an eligible individual receiving family care, [~~\$1,060.48~~]
16 \$1,107.48 if he or she is receiving such care in the city of New York or
17 the county of Nassau, Suffolk, Westchester or Rockland; and (ii) for an
18 eligible couple receiving family care in the city of New York or the
19 county of Nassau, Suffolk, Westchester or Rockland, two times the amount
20 set forth in subparagraph (i) of this paragraph; or (iii) for an eligi-
21 ble individual receiving such care in any other county in the state,
22 [~~\$1,022.48~~] \$1,069.48; and (iv) for an eligible couple receiving such
23 care in any other county in the state, two times the amount set forth in
24 subparagraph (iii) of this paragraph.

25 (d) On and after January first, two thousand [~~twenty-one~~] twenty-two,
26 (i) for an eligible individual receiving residential care, [~~\$1,229.00~~]
27 \$1,276.00 if he or she is receiving such care in the city of New York or
28 the county of Nassau, Suffolk, Westchester or Rockland; and (ii) for an
29 eligible couple receiving residential care in the city of New York or
30 the county of Nassau, Suffolk, Westchester or Rockland, two times the
31 amount set forth in subparagraph (i) of this paragraph; or (iii) for an
32 eligible individual receiving such care in any other county in the
33 state, [~~\$1,199.00~~] \$1,246.00; and (iv) for an eligible couple receiving
34 such care in any other county in the state, two times the amount set
35 forth in subparagraph (iii) of this paragraph.

36 (e) On and after January first, two thousand [~~twenty-one~~] twenty-two,
37 (i) for an eligible individual receiving enhanced residential care,
38 [~~\$1,488.00~~] \$1,535.00; and (ii) for an eligible couple receiving
39 enhanced residential care, two times the amount set forth in subpara-
40 graph (i) of this paragraph.

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

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

48 PART T

49 Section 1. Section 4 of part W of chapter 54 of the laws of 2016, as
50 amended by section 1 of part M of chapter 56 of the laws of 2019, amend-
51 ing the social services law relating to the powers and duties of the
52 commissioner of social services relating to the appointment of a tempo-
53 rary operator, is amended to read as follows:

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

§ 2. This act shall take effect immediately.

PART U

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

PART V

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

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

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

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

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

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

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

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

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

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

(b) not impose undue hardship on the employee;

(c) not be injurious to the public;

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

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

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

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

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

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

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

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

4. This section shall not apply to:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

PART W

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

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

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

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

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

55 § 3. This act shall take effect immediately.

1

PART X

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

8 1. It shall be an unlawful discriminatory practice:

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

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

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

31 (d) For any employer or employment agency to print or circulate or
32 cause to be printed or circulated any statement, advertisement or publi-
33 cation, or to use any form of application for employment or to make any
34 inquiry in connection with prospective employment, which expresses
35 directly or indirectly, any limitation, specification or discrimination
36 as to age, race, creed, color, national origin, sexual orientation,
37 gender identity or expression, military status, sex, disability, predis-
38 posing genetic characteristics, familial status, ~~or~~ marital status, or
39 status as a victim of domestic violence, or any intent to make any such
40 limitation, specification or discrimination, unless based upon a bona
41 fide occupational qualification; provided, however, that neither this
42 paragraph nor any provision of this chapter or other law shall be
43 construed to prohibit the department of civil service or the department
44 of personnel of any city containing more than one county from requesting
45 information from applicants for civil service examinations concerning
46 any of the aforementioned characteristics, other than sexual orien-
47 tation, for the purpose of conducting studies to identify and resolve
48 possible problems in recruitment and testing of members of minority
49 groups to insure the fairest possible and equal opportunities for
50 employment in the civil service for all persons, regardless of age,
51 race, creed, color, national origin, sexual orientation or gender iden-
52 tity or expression, military status, sex, disability, predisposing
53 genetic characteristics, familial status, or marital status.

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

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

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

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

11 (h) For an employer, licensing agency, employment agency or labor
12 organization to subject any individual to harassment because of an indi-
13 vidual's age, race, creed, color, national origin, sexual orientation,
14 gender identity or expression, military status, sex, disability, predis-
15 posing genetic characteristics, familial status, marital status, status
16 as a victim of domestic violence [~~victim-status~~], or because the indi-
17 vidual has opposed any practices forbidden under this article or because
18 the individual has filed a complaint, testified or assisted in any
19 proceeding under this article, regardless of whether such harassment
20 would be considered severe or pervasive under precedent applied to
21 harassment claims. Such harassment is an unlawful discriminatory prac-
22 tice when it subjects an individual to inferior terms, conditions or
23 privileges of employment because of the individual's membership in one
24 or more of these protected categories. The fact that such individual did
25 not make a complaint about the harassment to such employer, licensing
26 agency, employment agency or labor organization shall not be determina-
27 tive of whether such employer, licensing agency, employment agency or
28 labor organization shall be liable. Nothing in this section shall imply
29 that an employee must demonstrate the existence of an individual to whom
30 the employee's treatment must be compared. It shall be an affirmative
31 defense to liability under this subdivision that the harassing conduct
32 does not rise above the level of what a reasonable victim of discrimi-
33 nation with the same protected characteristic or characteristics would
34 consider petty slights or trivial inconveniences.

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

38 1-a. It shall be an unlawful discriminatory practice for an employer,
39 labor organization, employment agency or any joint labor-management
40 committee controlling apprentice training programs:

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

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

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

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

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

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

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

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

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

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

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

6 (c-1) To print or circulate or cause to be printed or circulated any
7 statement, advertisement or publication, or to use any form of applica-
8 tion for the purchase, rental or lease of such housing accommodation or
9 to make any record or inquiry in connection with the prospective
10 purchase, rental or lease of such a housing accommodation which
11 expresses, directly or indirectly, any limitation, specification or
12 discrimination as to race, creed, color, national origin, sexual orien-
13 tation, gender identity or expression, military status, sex, age, disa-
14 bility, marital status, status as a victim of domestic violence, lawful
15 source of income or familial status, or any intent to make any such
16 limitation, specification or discrimination.

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

21 3-b. It shall be an unlawful discriminatory practice for any real
22 estate broker, real estate salesperson or employee or agent thereof or
23 any other individual, corporation, partnership or organization for the
24 purpose of inducing a real estate transaction from which any such person
25 or any of its stockholders or members may benefit financially, to repre-
26 sent that a change has occurred or will or may occur in the composition
27 with respect to race, creed, color, national origin, sexual orientation,
28 gender identity or expression, military status, sex, disability, marital
29 status, status as a victim of domestic violence, or familial status of
30 the owners or occupants in the block, neighborhood or area in which the
31 real property is located, and to represent, directly or indirectly, that
32 this change will or may result in undesirable consequences in the block,
33 neighborhood or area in which the real property is located, including
34 but not limited to the lowering of property values, an increase in crim-
35 inal or anti-social behavior, or a decline in the quality of schools or
36 other facilities.

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

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

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

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

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

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

14 (3) To print or circulate or cause to be printed or circulated any
15 statement, advertisement or publication, or to use any form of applica-
16 tion for the purchase, rental or lease of such housing accommodation or
17 to make any record or inquiry in connection with the prospective
18 purchase, rental or lease of such a housing accommodation which
19 expresses, directly or indirectly, any limitation, specification or
20 discrimination as to race, creed, color, national origin, sexual orien-
21 tation, gender identity or expression, military status, sex, age, disa-
22 bility, marital status, status as a victim of domestic violence, lawful
23 source of income or familial status, or any intent to make any such
24 limitation, specification or discrimination.

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

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

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

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

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

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

24 (3) To print or circulate or cause to be printed or circulated any
25 statement, advertisement or publication, or to use any form of applica-
26 tion for the purchase, rental or lease of such land or commercial space
27 or to make any record or inquiry in connection with the prospective
28 purchase, rental or lease of such land or commercial space which
29 expresses, directly or indirectly, any limitation, specification or
30 discrimination as to race, creed, color, national origin, sexual orien-
31 tation, gender identity or expression, military status, sex, age, disa-
32 bility, marital status, status as a victim of domestic violence, or
33 familial status; or any intent to make any such limitation, specifica-
34 tion or discrimination.

35 (4) With respect to age and familial status, the provisions of this
36 paragraph shall not apply to the restriction of the sale, rental or
37 lease of land or commercial space exclusively to persons fifty-five
38 years of age or older and the spouse of any such person, or to the
39 restriction of the sale, rental or lease of land to be used for the
40 construction, or location of housing accommodations exclusively for
41 persons sixty-two years of age or older, or intended and operated for
42 occupancy by at least one person fifty-five years of age or older per
43 unit. In determining whether housing is intended and operated for occu-
44 pancy by persons fifty-five years of age or older, Sec. 807(b) (2) (c)
45 (42 U.S.C. 3607(b) (2) (c)) of the federal Fair Housing Act of 1988, as
46 amended, shall apply.

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) Boycotts connected with labor disputes; or

(b) Boycotts to protest unlawful discriminatory practices.

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

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

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

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

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

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

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

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

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

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

28 2. Without limiting the generality of subdivision one of this section,
29 it shall be considered discriminatory if, because of an applicant's or
30 class of applicants' race, creed, color, national origin, sexual orien-
31 tation, gender identity or expression, military status, age, sex, mari-
32 tal status ~~[or]~~, status as a victim of domestic violence, disability,
33 or familial status, (i) an applicant or class of applicants is denied
34 credit in circumstances where other applicants of like overall credit
35 worthiness are granted credit, or (ii) special requirements or condi-
36 tions, such as requiring co-obligors or reapplication upon marriage, are
37 imposed upon an applicant or class of applicants in circumstances where
38 similar requirements or conditions are not imposed upon other applicants
39 of like overall credit worthiness.

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

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

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

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

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

13 c. print or circulate or cause to be printed or circulated any state-
14 ment, advertisement or publication, or to use any form of application
15 for employment as an intern or to make any inquiry in connection with
16 prospective employment, which expresses directly or indirectly, any
17 limitation, specification or discrimination as to age, race, creed,
18 color, national origin, sexual orientation, military status, sex, disa-
19 bility, predisposing genetic characteristics, marital status or status
20 as a victim of domestic violence [~~victim-status~~], or any intent to make
21 any such limitation, specification or discrimination, unless based upon
22 a bona fide occupational qualification; provided, however, that neither
23 this paragraph nor any provision of this chapter or other law shall be
24 construed to prohibit the department of civil service or the department
25 of personnel of any city containing more than one county from requesting
26 information from applicants for civil service internships or examina-
27 tions concerning any of the aforementioned characteristics, other than
28 sexual orientation, for the purpose of conducting studies to identify
29 and resolve possible problems in recruitment and testing of members of
30 minority groups to insure the fairest possible and equal opportunities
31 for employment in the civil service for all persons, regardless of age,
32 race, creed, color, national origin, sexual orientation, military
33 status, sex, disability, predisposing genetic characteristics, marital
34 status or status as a victim of domestic violence [~~victim-status~~];

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

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

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

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

52 § 12. This act shall take effect immediately.

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

4 41. The term "citizenship or immigration status" means the citizenship
5 of any person or the immigration status of any person who is not a citi-
6 zen of the United States. Nothing in this article shall preclude verifi-
7 cation of citizenship or immigration status where required by law, nor
8 shall an adverse action based on verification of citizenship or immi-
9 gration status be prohibited where such adverse action is required by
10 law.

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

16 1. It shall be an unlawful discriminatory practice:

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

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

32 (c) For a labor organization, because of the age, race, creed, color,
33 national origin, citizenship or immigration status, sexual orientation,
34 gender identity or expression, military status, sex, disability, predis-
35 posing genetic characteristics, familial status, or marital status of
36 any individual, to exclude or to expel from its membership such individ-
37 ual or to discriminate in any way against any of its members or against
38 any employer or any individual employed by an employer.

39 (d) For any employer or employment agency to print or circulate or
40 cause to be printed or circulated any statement, advertisement or publi-
41 cation, or to use any form of application for employment or to make any
42 inquiry in connection with prospective employment, which expresses
43 directly or indirectly, any limitation, specification or discrimination
44 as to age, race, creed, color, national origin, citizenship or immi-
45 gration status, sexual orientation, gender identity or expression, mili-
46 tary status, sex, disability, predisposing genetic characteristics,
47 familial status, or marital status, or any intent to make any such limi-
48 tation, specification or discrimination, unless based upon a bona fide
49 occupational qualification; provided, however, that neither this para-
50 graph nor any provision of this chapter or other law shall be construed
51 to prohibit the department of civil service or the department of person-
52 nel of any city containing more than one county from requesting informa-
53 tion from applicants for civil service examinations concerning any of
54 the aforementioned characteristics, other than sexual orientation, for
55 the purpose of conducting studies to identify and resolve possible prob-
56 lems in recruitment and testing of members of minority groups to insure

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

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

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

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

18 (h) For an employer, licensing agency, employment agency or labor
19 organization to subject any individual to harassment because of an indi-
20 vidual's age, race, creed, color, national origin, citizenship or immi-
21 gration status, sexual orientation, gender identity or expression, mili-
22 tary status, sex, disability, predisposing genetic characteristics,
23 familial status, marital status, domestic violence victim status, or
24 because the individual has opposed any practices forbidden under this
25 article or because the individual has filed a complaint, testified or
26 assisted in any proceeding under this article, regardless of whether
27 such harassment would be considered severe or pervasive under precedent
28 applied to harassment claims. Such harassment is an unlawful discrimina-
29 tory practice when it subjects an individual to inferior terms, condi-
30 tions or privileges of employment because of the individual's membership
31 in one or more of these protected categories. The fact that such indi-
32 vidual did not make a complaint about the harassment to such employer,
33 licensing agency, employment agency or labor organization shall not be
34 determinative of whether such employer, licensing agency, employment
35 agency or labor organization shall be liable. Nothing in this section
36 shall imply that an employee must demonstrate the existence of an indi-
37 vidual to whom the employee's treatment must be compared. It shall be an
38 affirmative defense to liability under this subdivision that the harass-
39 ing conduct does not rise above the level of what a reasonable victim of
40 discrimination with the same protected characteristic or characteristics
41 would consider petty slights or trivial inconveniences.

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

45 1-a. It shall be an unlawful discriminatory practice for an employer,
46 labor organization, employment agency or any joint labor-management
47 committee controlling apprentice training programs:

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

51 (b) To deny to or withhold from any person because of race, creed,
52 color, national origin, citizenship or immigration status, sexual orien-
53 tation, gender identity or expression, military status, sex, age, disa-
54 bility, familial status, or marital status, the right to be admitted to
55 or participate in a guidance program, an apprenticeship training

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

3 (c) To discriminate against any person in his or her pursuit of such
4 programs or to discriminate against such a person in the terms, condi-
5 tions or privileges of such programs because of race, creed, color,
6 national origin, citizenship or immigration status, sexual orientation,
7 gender identity or expression, military status, sex, age, disability,
8 familial status or marital status;

9 (d) To print or circulate or cause to be printed or circulated any
10 statement, advertisement or publication, or to use any form of applica-
11 tion for such programs or to make any inquiry in connection with such
12 program which expresses, directly or indirectly, any limitation, spec-
13 ification or discrimination as to race, creed, color, national origin,
14 citizenship or immigration status, sexual orientation, gender identity
15 or expression, military status, sex, age, disability, familial status or
16 marital status, or any intention to make any such limitation, specifica-
17 tion or discrimination, unless based on a bona fide occupational quali-
18 fication.

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

22 (a) It shall be an unlawful discriminatory practice for any person,
23 being the owner, lessee, proprietor, manager, superintendent, agent or
24 employee of any place of public accommodation, resort or amusement,
25 because of the race, creed, color, national origin, citizenship or immi-
26 gration status, sexual orientation, gender identity or expression, mili-
27 tary status, sex, disability or marital status of any person, directly
28 or indirectly, to refuse, withhold from or deny to such person any of
29 the accommodations, advantages, facilities or privileges thereof,
30 including the extension of credit, or, directly or indirectly, to
31 publish, circulate, issue, display, post or mail any written or printed
32 communication, notice or advertisement, to the effect that any of the
33 accommodations, advantages, facilities and privileges of any such place
34 shall be refused, withheld from or denied to any person on account of
35 race, creed, color, national origin, citizenship or immigration status,
36 sexual orientation, gender identity or expression, military status, sex,
37 disability or marital status, or that the patronage or custom thereof of
38 any person or purporting to be of any particular race, creed, color,
39 national origin, citizenship or immigration status, sexual orientation,
40 gender identity or expression, military status, sex or marital status,
41 or having a disability is unwelcome, objectionable or not acceptable,
42 desired or solicited.

43 § 5. Paragraphs (a), (b), (c) and (c-1) of subdivision 2-a of section
44 296 of the executive law, as amended by section 3 of part T of chapter
45 56 of the laws of 2019, are amended to read as follows:

46 (a) To refuse to sell, rent or lease or otherwise to deny to or with-
47 hold from any person or group of persons such housing accommodations
48 because of the race, creed, color, disability, national origin, citizen-
49 ship or immigration status, sexual orientation, gender identity or
50 expression, military status, age, sex, marital status, lawful source of
51 income or familial status of such person or persons, or to represent
52 that any housing accommodation or land is not available for inspection,
53 sale, rental or lease when in fact it is so available.

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

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

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

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

26 § 6. Paragraph (c) of subdivision 3 of section 296 of the executive
27 law, as added by chapter 369 of the laws of 2015, is relettered para-
28 graph (d).

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

33 3-b. It shall be an unlawful discriminatory practice for any real
34 estate broker, real estate salesperson or employee or agent thereof or
35 any other individual, corporation, partnership or organization for the
36 purpose of inducing a real estate transaction from which any such person
37 or any of its stockholders or members may benefit financially, to repre-
38 sent that a change has occurred or will or may occur in the composition
39 with respect to race, creed, color, national origin, citizenship or
40 immigration status, sexual orientation, gender identity or expression,
41 military status, sex, disability, marital status, or familial status of
42 the owners or occupants in the block, neighborhood or area in which the
43 real property is located, and to represent, directly or indirectly, that
44 this change will or may result in undesirable consequences in the block,
45 neighborhood or area in which the real property is located, including
46 but not limited to the lowering of property values, an increase in crim-
47 inal or anti-social behavior, or a decline in the quality of schools or
48 other facilities.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

39 13. It shall be an unlawful discriminatory practice (i) for any person
40 to boycott or blacklist, or to refuse to buy from, sell to or trade
41 with, or otherwise discriminate against any person, because of the race,
42 creed, color, national origin, citizenship or immigration status, sexual
43 orientation, gender identity or expression, military status, sex, disa-
44 bility, or familial status, of such person, or of such person's part-
45 ners, members, stockholders, directors, officers, managers, superinten-
46 dents, agents, employees, business associates, suppliers or customers,
47 or (ii) for any person wilfully to do any act or refrain from doing any
48 act which enables any such person to take such action. This subdivision
49 shall not apply to:

50 (a) Boycotts connected with labor disputes; or

51 (b) Boycotts to protest unlawful discriminatory practices.

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

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

1 a. In the case of applications for credit with respect to the
2 purchase, acquisition, construction, rehabilitation, repair or mainte-
3 nance of any housing accommodation, land or commercial space to discrim-
4 inate against any such applicant because of the race, creed, color,
5 national origin, citizenship or immigration status, sexual orientation,
6 gender identity or expression, military status, age, sex, marital
7 status, disability, or familial status of such applicant or applicants
8 or any member, stockholder, director, officer or employee of such appli-
9 cant or applicants, or of the prospective occupants or tenants of such
10 housing accommodation, land or commercial space, in the granting, with-
11 holding, extending or renewing, or in the fixing of the rates, terms or
12 conditions of, any such credit;

13 b. To discriminate in the granting, withholding, extending or renew-
14 ing, or in the fixing of the rates, terms or conditions of, any form of
15 credit, on the basis of race, creed, color, national origin, citizenship
16 or immigration status, sexual orientation, gender identity or
17 expression, military status, age, sex, marital status, disability, or
18 familial status;

19 c. To use any form of application for credit or use or make any record
20 or inquiry which expresses, directly or indirectly, any limitation,
21 specification, or discrimination as to race, creed, color, national
22 origin, citizenship or immigration status, sexual orientation, gender
23 identity or expression, military status, age, sex, marital status, disa-
24 bility, or familial status;

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

28 e. To refuse to consider sources of an applicant's income or to
29 subject an applicant's income to discounting, in whole or in part,
30 because of an applicant's race, creed, color, national origin, citizen-
31 ship or immigration status, sexual orientation, gender identity or
32 expression, military status, age, sex, marital status, childbearing
33 potential, disability, or familial status;

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

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

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

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

1 statistics or assumptions relating to race, creed, color, national
2 origin, citizenship or immigration status, sexual orientation, gender
3 identity or expression, military status, sex, marital status or disabili-
4 ty, or to the likelihood of any group of persons bearing or rearing
5 children, or for that reason receiving diminished or interrupted income
6 in the future.

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

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

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

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

22 c. print or circulate or cause to be printed or circulated any state-
23 ment, advertisement or publication, or to use any form of application
24 for employment as an intern or to make any inquiry in connection with
25 prospective employment, which expresses directly or indirectly, any
26 limitation, specification or discrimination as to age, race, creed,
27 color, national origin, citizenship or immigration status, sexual orien-
28 tation, military status, sex, disability, predisposing genetic charac-
29 teristics, marital status or domestic violence victim status, or any
30 intent to make any such limitation, specification or discrimination,
31 unless based upon a bona fide occupational qualification; provided,
32 however, that neither this paragraph nor any provision of this chapter
33 or other law shall be construed to prohibit the department of civil
34 service or the department of personnel of any city containing more than
35 one county from requesting information from applicants for civil service
36 internships or examinations concerning any of the aforementioned charac-
37 teristics, other than sexual orientation, for the purpose of conducting
38 studies to identify and resolve possible problems in recruitment and
39 testing of members of minority groups to insure the fairest possible and
40 equal opportunities for employment in the civil service for all persons,
41 regardless of age, race, creed, color, national origin, citizenship or
42 immigration status, sexual orientation, military status, sex, disabili-
43 ty, predisposing genetic characteristics, marital status or domestic
44 violence victim status;

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

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

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

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

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

6 § 14. This act shall take effect immediately.

7 PART Z

8 Section 1. Notwithstanding any other provision of law, the housing
9 trust fund corporation may provide, for purposes of the neighborhood
10 preservation program, a sum not to exceed \$12,830,000 for the fiscal
11 year ending March 31, 2023. Notwithstanding any other provision of law,
12 and subject to the approval of the New York state director of the budg-
13 et, the board of directors of the state of New York mortgage agency
14 shall authorize the transfer to the housing trust fund corporation, for
15 the purposes of reimbursing any costs associated with neighborhood pres-
16 ervation program contracts authorized by this section, a total sum not
17 to exceed \$12,830,000, such transfer to be made from (i) the special
18 account of the mortgage insurance fund created pursuant to section
19 2429-b of the public authorities law, in an amount not to exceed the
20 actual excess balance in the special account of the mortgage insurance
21 fund, as determined and certified by the state of New York mortgage
22 agency for the fiscal year 2021-2022 in accordance with section 2429-b
23 of the public authorities law, if any, and/or (ii) provided that the
24 reserves in the project pool insurance account of the mortgage insurance
25 fund created pursuant to section 2429-b of the public authorities law
26 are sufficient to attain and maintain the credit rating (as determined
27 by the state of New York mortgage agency) required to accomplish the
28 purposes of such account, the project pool insurance account of the
29 mortgage insurance fund, such transfer to be made as soon as practicable
30 but no later than June 30, 2022.

31 § 2. Notwithstanding any other provision of law, the housing trust
32 fund corporation may provide, for purposes of the rural preservation
33 program, a sum not to exceed \$5,360,000 for the fiscal year ending March
34 31, 2023. Notwithstanding any other provision of law, and subject to
35 the approval of the New York state director of the budget, the board of
36 directors of the state of New York mortgage agency shall authorize the
37 transfer to the housing trust fund corporation, for the purposes of
38 reimbursing any costs associated with rural preservation program
39 contracts authorized by this section, a total sum not to exceed
40 \$5,360,000, such transfer to be made from (i) the special account of the
41 mortgage insurance fund created pursuant to section 2429-b of the public
42 authorities law, in an amount not to exceed the actual excess balance in
43 the special account of the mortgage insurance fund, as determined and
44 certified by the state of New York mortgage agency for the fiscal year
45 2021-2022 in accordance with section 2429-b of the public authorities
46 law, if any, and/or (ii) provided that the reserves in the project pool
47 insurance account of the mortgage insurance fund created pursuant to
48 section 2429-b of the public authorities law are sufficient to attain
49 and maintain the credit rating (as determined by the state of New York
50 mortgage agency) required to accomplish the purposes of such account,
51 the project pool insurance account of the mortgage insurance fund, such
52 transfer to be made as soon as practicable but no later than June 30,
53 2022.

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

§ 4. This act shall take effect immediately.

PART AA

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

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

ARTICLE 16

ACCESSORY DWELLING UNITS

Section 480. Definitions.

481. Accessory dwelling unit regulations and local laws.

482. Low and moderate-income homeowners program.

483. Tenant protections.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20 (g) Any setback for an existing dwelling or accessory structure or a
21 structure constructed in the same location and to the same dimensions as
22 an existing structure that is converted to an accessory dwelling unit or
23 to a portion of an accessory dwelling unit, or any setback of more than
24 four feet from the side and rear lot lines for an accessory dwelling
25 unit that is not converted from an existing structure or a new structure
26 constructed in the same location and to the same dimensions as an exist-
27 ing structure; or

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

36 3. No local law for the creation of accessory dwelling units pursuant
37 to subdivision one of this section shall be considered in the applica-
38 tion of any local regulation policy, or program to limit residential
39 growth.

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

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

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

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

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

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

31 9. If a local government has an existing accessory dwelling unit regu-
32 lation that fails to meet the requirements of this section, the sections
33 of such regulation that conflicts with this section shall be null and
34 void. Such local government shall thereafter apply the standards estab-
35 lished in this section for the approval of an accessory dwelling unit
36 until such local government adopts a local law that complies with this
37 section.

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

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

54 12. A local government shall not require, as a condition for minister-
55 ial approval of a permit application for the creation of an accessory

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

3 13. Where an accessory dwelling unit requires a new or separate utili-
4 ty connection directly between the accessory dwelling unit and the utili-
5 ty, and such connection is provided by a governmental or public author-
6 ity, the connection may be subject to a connection fee or capacity
7 charge by such governmental or public authority that shall be propor-
8 tionate to the burden of the proposed accessory dwelling unit, based
9 upon either its size or the number of its plumbing fixtures upon the
10 water or sewer system. Such fee or charge shall not exceed the reason-
11 able cost of providing such utility connection. A local government shall
12 not impose any other fee in connection with an accessory dwelling unit.

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

18 15. A local government shall not issue a certificate of occupancy or
19 its equivalent for an accessory dwelling unit before the local govern-
20 ment issues a certificate of occupancy or its equivalent for the primary
21 residence.

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

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

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

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

42 3. Such program shall be funded within amounts appropriated or other-
43 wise available therefor.

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

48 5. Within one hundred eighty days of the effective date of this arti-
49 cle, the division or affiliated authorities shall establish a program to
50 provide technical assistance to low-income and moderate-income homeown-
51 ers seeking to create an accessory dwelling unit. Such program may be
52 contracted out to approved non-governmental entities. Technical assist-
53 ance shall include, without limitation, guidance on design and
54 construction, flood prevention, permitting, financing, and septic
55 enhancement.

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

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

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

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

12 2. A permit application to create an accessory dwelling unit in
13 conformance with a local law adopted under this article shall be accom-
14 panied by a certification identifying whether the unit was rented to a
15 tenant as of the effective date of this article and the rent charged for
16 the unit as of such date, notwithstanding whether the occupancy of such
17 unit was authorized by law. A local government may not use such certif-
18 ication as the basis for an enforcement action against an applicant
19 concerning the unauthorized habitation of a unit. Where a tenant is
20 evicted or otherwise removed from a unit prior to approval of a permit
21 application to create an accessory dwelling unit under this article,
22 such tenant shall have a right of first refusal to return to the unit as
23 a tenant upon its first lawful occupancy as an accessory dwelling unit,
24 notwithstanding whether such prior occupancy was authorized by law.

25 3. A tenant unlawfully denied a right of first refusal under this
26 article shall have a cause of action in any court of competent jurisdic-
27 tion for compensatory and punitive damages and declaratory and injunc-
28 tive relief and such other relief as the court deems necessary in the
29 interests of justice.

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

32 PART BB

33 Section 1. Short title. This act shall be known and may be cited as
34 the "Housing Non-Discrimination for Justice-Involved Individuals Act of
35 2022".

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

38 23. It shall be an unlawful discriminatory practice, unless specif-
39 ically required or permitted by federal or state statute or regulation
40 for any owner, lessee, sub-lessee, assignee, or managing agent of, or
41 other person having the right to sell, rent or lease a housing accommo-
42 dation, constructed or to be constructed, or any agent or employee ther-
43 eof, or any real estate broker, real estate salesperson or employee or
44 agent thereof to refuse to sell, rent, lease or negotiate for the sale,
45 rental, or lease of, or otherwise to deny to or withhold from any indi-
46 vidual such a housing accommodation, or to discriminate against such
47 individual in the terms, conditions or privileges of the sale, rental or
48 lease, or to take any adverse action against such individual, because
49 such individual has been previously convicted of one or more criminal
50 offenses in this state or in any other jurisdiction, unless:

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

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

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

PART CC

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

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

§ 2. This act shall take effect immediately.

PART DD

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

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

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

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

5 § 3. The multiple dwelling law is amended by adding a new section
6 277-a to read as follows:

7 § 277-a. Temporary rules upon legislative findings of special state
8 interest. 1. The provisions of this section shall apply to any eligible
9 conversion, as set forth in subdivision two of this section, for which
10 an application for a permit, containing complete plans and specifica-
11 tions, is filed with the relevant local agency in accordance with appli-
12 cable local law on or before December thirty-first, two thousand twenty-
13 ty-seven.

14 2. (a) Any building or portion of a building in a city with a popu-
15 lation of one million or more and as described in this subdivision may
16 be converted to a class A multiple dwelling, without regard to any other
17 provision of this chapter or other state law to the contrary or any
18 provision of the zoning resolution of the city of New York, but provided
19 that where the conversion results in a class A multiple dwelling, the
20 converted building shall be subject to a regulatory agreement for
21 affordable or supportive housing with the division of housing and commu-
22 nity renewal, affiliated authorities, or a local government housing
23 agency.

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

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

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

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

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

PART EE

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

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

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

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

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

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

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

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

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

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

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

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

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

32 § 261-d. Transit oriented development. 1. (a) Notwithstanding the
33 provisions of any general, special, charter, local, or other law,
34 including the common law, to the contrary, all towns shall permit the
35 construction and occupation of dwelling units with a density of twenty-
36 five dwelling units per acre or more, on any land wherein residential
37 construction and occupation is otherwise permitted if such land is with-
38 in one-half mile of any covered transportation facility.

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

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

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

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

4 2. No town shall impose restrictions that effectively prevent the
5 construction or occupation of such dwellings, including, but not limited
6 to height, setbacks, floor area ratios, or parking. Nothing in this
7 section shall be interpreted to override the New York State Environ-
8 mental Quality Review Act or the New York State Uniform Fire Prevention
9 and Building Code Act, or regulations promulgated in accordance with any
10 such act, nor require the alteration or demolition of buildings desig-
11 nated as historical sites as of the date the act that created this
12 section was enacted pursuant to the New York State Historic Preservation
13 Act of 1980, as amended, or the National Historic Preservation Act of
14 1966, as amended.

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

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

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

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

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

46 § 7-700-a Transit oriented development. 1. (a) Notwithstanding the
47 provisions of any general, special, charter, local, or other law,
48 including the common law, to the contrary, all villages shall permit the
49 construction and occupation of dwelling units with a density of at least
50 twenty-five dwelling units per acre, on any land wherein residential
51 construction and occupation is otherwise permitted if such land is with-
52 in one-half mile of any covered transportation facility.

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

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

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

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

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

17 2. No village shall impose restrictions that effectively prevent the
18 construction or occupation of such dwellings, including, but not limited
19 to height, setbacks, floor area ratios, or parking. Nothing in this
20 section shall be interpreted to override the New York State Environ-
21 mental Quality Review Act or the New York State Uniform Fire Prevention
22 and Building Code Act, or regulations promulgated in accordance with any
23 such act, nor require the alteration or demolition of buildings desig-
24 nated as historical sites as of the date the act that created this
25 section was enacted pursuant to the New York State Historic Preservation
26 Act of 1980, as amended, or the National Historic Preservation Act of
27 1966, as amended.

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

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

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

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

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

PART FF

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

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

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

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

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

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

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

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

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

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

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

PART GG

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

PART HH

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

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

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

PART II

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

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

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

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

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

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

1 project is subject to a regulatory agreement with a city or state agen-
2 cy.

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

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

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

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

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

42 (j) "Affordable housing unit" shall mean, collectively and individual-
43 ly, affordable housing forty percent units, affordable housing sixty
44 percent units, affordable housing eighty percent units, and affordable
45 housing ninety percent units.

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

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

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

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

5 (o) "Brooklyn prime development area" shall mean any tax lots now
6 existing or hereafter created which are located entirely within communi-
7 ty boards one or two of the borough of Brooklyn bounded and described as
8 follows: All that piece or parcel of land situate and being in the
9 boroughs of Queens and Brooklyn, New York. Beginning at the point of
10 intersection of the centerline of Newtown Creek and the westerly bounds
11 of the East River; Thence southeasterly along the centerline of Newtown
12 Creek, said centerline also being the boundary between Queens County to
13 the northeast and Kings County to the southwest, to the point of inter-
14 section with Greenpoint Avenue; Thence southwesterly along Greenpoint
15 Avenue, to the intersection with Kings Land Avenue; Thence southerly
16 along Kingsland Avenue to the intersection with Meeker Avenue; Thence
17 southwesterly along Meeker Avenue to the intersection with Leonard
18 Street; Thence southerly along Leonard Street to the intersection with
19 Metropolitan Avenue; Thence westerly along Metropolitan Avenue to the
20 intersection with Lorimer Street; Thence southerly along Lorimer Street
21 to the intersection with Montrose Avenue; Thence westerly along Montrose
22 Avenue to the intersection with Union Avenue; Thence southerly along
23 Union Avenue to the intersection with Johnson Avenue; Thence westerly
24 along Johnson Avenue to the intersection with Broadway; Thence northwes-
25 terly along Broadway to the intersection with Rutledge Street; Thence
26 southwesterly along Rutledge Street to the intersection with Kent Avenue
27 and Classon Avenue; Thence southwesterly and southerly along Classon
28 Avenue to the intersection with Dekalb Avenue; Thence westerly along
29 Dekalb Avenue to the intersection with Bond Street; Thence southwesterly
30 along Bond Street to the intersection with Wyckoff Street; Thence
31 northwesterly along Wyckoff Street to the intersection with Hoyt Street;
32 Thence southwesterly along Hoyt Street to the intersection with Warren
33 Street; Thence northwesterly along Warren Street to the intersection
34 with Court Street; Thence northeasterly along Court Street to the inter-
35 section with Atlantic Avenue; Thence northwesterly along Atlantic
36 Avenue, crossing under The Brooklyn Queens Expressway, to the terminus
37 of Atlantic Avenue at the Brooklyn Bridge Park/Pier 6; Thence northwes-
38 terly passing through the Brooklyn Bridge Park to the bulkhead of the
39 East River at Pier 6; Thence in a general northeasterly direction along
40 the easterly bulkhead or shoreline of the East River to the intersection
41 with the centerline of Newtown Creek, and the point or place of Begin-
42 ning.

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

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

1 (r) "Completion date" shall mean, with respect to any eligible multi-
2 ple dwelling, the date upon which the local department of buildings
3 issues the first temporary or permanent certificate of occupancy cover-
4 ing all residential areas of an eligible multiple dwelling.

5 (s) "Construction period" shall mean, with respect to any eligible
6 multiple dwelling, a period: (i) beginning on the later of the commence-
7 ment date of such eligible multiple dwelling or three years before the
8 completion date of such eligible multiple dwelling; and (ii) ending on
9 the day preceding the completion date of such eligible multiple dwell-
10 ing.

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

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

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

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

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

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

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

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

50 (bb) "Prime development area" shall mean the Manhattan prime develop-
51 ment area, the Brooklyn prime development area and the Queens prime
52 development area.

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

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

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

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

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

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

14 (hh) "Homeownership project restriction period" shall mean a period
15 commencing on the completion date and expiring on the fortieth anniver-
16 sary of the completion date, notwithstanding any earlier termination or
17 revocation of ANNY Program benefits.

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

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

29 (kk) "Large rental project" shall mean an eligible multiple dwelling
30 consisting of thirty or more residential dwelling units in which all
31 dwelling units included in any application are operated as rental hous-
32 ing.

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

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

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

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

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

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

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

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

1 follows: All that piece or parcel of land situate and being in the
2 boroughs of Queens and Brooklyn, New York. Beginning at the point being
3 the intersection of the easterly shore of the East River with a line of
4 prolongation of 20th Avenue projected northwesterly; Thence southeaster-
5 ly on the line of prolongation of 20th Avenue and along 20th Avenue to
6 the intersection with 31st Street; Thence southwesterly along 31st
7 Street to the intersection with Northern Boulevard; Thence southwesterly
8 along Northern Boulevard to the intersection with Queens Boulevard;
9 Thence southeasterly along Queens Boulevard to the intersection with Van
10 Dam Street; Thence southerly along Van Dam Street to the intersection
11 with Borden Avenue; Thence southwesterly along Van Dam Street to the
12 intersection with Greenpoint Avenue and Review Avenue; Thence southwes-
13 terly along Greenpoint Avenue to the point of intersection with the
14 centerline of Newtown Creek, said centerline of Newtown Creek also being
15 the boundary between Queens County to the north and Kings County to the
16 south; Thence northwesterly along the centerline of Newtown Creek, also
17 being the boundary between Queens County and Kings County to its inter-
18 section with the easterly bounds of the East River; Thence in a general
19 northeasterly direction along the easterly bulkhead or shoreline of the
20 East River to the point or place of Beginning.

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

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

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

32 (ww) "Small rental project" shall mean an eligible multiple dwelling
33 consisting of less than thirty residential dwelling units in which all
34 dwelling units included in any application are operated as rental hous-
35 ing.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 percent of the construction wage required by paragraph (b) or (c) of
2 this subdivision, as applicable, then no later than one hundred twenty
3 days from the date of submission of such project-wide certified payroll
4 report, the applicant shall pay to the third-party fund administrator an
5 amount equal to the amount of the deficiency set forth in the project-
6 wide certified payroll report. The third-party fund administrator shall
7 distribute such payment to the construction workers who performed
8 construction work on such eligible site. Prior to making such repayment,
9 the third-party fund administrator shall submit to the fiscal officer a
10 plan subject to the fiscal officer's approval setting forth the manner
11 in which the third-party fund administrator will reach the required
12 construction wage within one hundred fifty days of receiving the payment
13 from the applicant and how any remaining funds will be disbursed in the
14 event that the third-party fund administrator cannot distribute the
15 funds to the construction workers within one year of receiving fiscal
16 officer approval. In the event that the applicant fails to make such
17 payment within the time period prescribed in this paragraph, the appli-
18 cant shall be subject to a fine of one thousand dollars per week
19 provided that the maximum fine shall be seventy-five thousand dollars.
20 If the wage paid is more than fifteen percent below the construction
21 wage required by paragraph (b) or (c) of this subdivision, as applica-
22 ble, then no later than one hundred twenty days from the date of
23 submission of such project-wide certified payroll report, the applicant
24 shall pay to the third-party fund administrator an amount equal to the
25 amount of the deficiency set forth in the project-wide payroll report.
26 The third-party fund administrator shall distribute such payment to the
27 construction workers who performed construction work on such eligible
28 site. Prior to making such repayment, the third-party fund administrator
29 shall submit to the fiscal officer a plan subject to the fiscal offi-
30 cer's approval setting forth the manner in which the third-party fund
31 administrator will reach the required construction wage within one
32 hundred fifty days of receiving the payment from the applicant and how
33 any remaining funds will be disbursed in the event that the third-party
34 fund administrator cannot distribute the funds to the construction work-
35 ers within one year of receiving fiscal officer approval. In addition,
36 the fiscal officer shall impose a penalty on the applicant in an amount
37 equal to twenty-five percent of the amount of the deficiency, provided,
38 however, that the fiscal officer shall not impose such penalty where the
39 eligible multiple dwelling has been the subject of a job action which
40 results in a work delay. In the event that the applicant fails to make
41 such payment within the time period prescribed in this paragraph, the
42 applicant shall be subject to a fine of one thousand dollars per week,
43 provided that the maximum fine shall be seventy-five thousand dollars.
44 Notwithstanding any provision of this subdivision, the applicant shall
45 not be liable in any respect whatsoever for any payments, fines or
46 penalties related to or resulting from contractor fraud, mistake, or
47 negligence or for fraudulent or inaccurate contractor certified payroll
48 reports or for fraudulent or inaccurate project-wide certified payroll
49 reports, provided, however, that payment to the third-party fund admin-
50 istrator in the amount set forth in the project-wide certified payroll
51 report as described in this paragraph shall still be made by the
52 contractor or sub-contractor in the event of underpayment resulting from
53 or caused by the contractor or sub-contractor, and that the applicant
54 will be liable for underpayment to the third-party fund administrator
55 unless the fiscal officer determines, in its sole discretion, that the
56 underpayment was the result of, or caused by, contractor fraud, mistake

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

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

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

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

42 (a) with respect to each eligible multiple dwelling constructed on
43 such eligible site, real property taxes on the assessed valuation of
44 such land and any improvements thereon in effect during the tax year
45 prior to the commencement date of such eligible multiple dwelling, with-
46 out regard to any exemption from or abatement of real property taxation
47 in effect during such tax year, which real property taxes shall be
48 calculated using the tax rate in effect at the time such taxes are due;
49 and

50 (b) all assessments for local improvements.

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

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

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

11 7. Affordability requirements. A large rental project shall comply
12 with affordability option A for the duration of the large rental project
13 restriction period. A small rental project shall comply with affordabil-
14 ity option B for the duration of the small rental project restriction
15 period. A homeownership project shall comply with affordability option C
16 for the duration of the homeownership project restriction period. Such
17 election shall be made in the application and shall not thereafter be
18 changed.

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

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

33 (c) Notwithstanding any provision of rent stabilization to the contra-
34 ry, all affordable housing units shall remain fully subject to rent
35 stabilization both during and subsequent to the small building
36 restriction period or the large building restriction period, as applica-
37 ble.

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

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

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

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

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

15 (i) An affordable housing rental unit shall not be converted to coop-
16 erative or condominium ownership.

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

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

29 8. Building service employees. (a) For the purposes of this subdivi-
30 sion, "applicant" shall mean an applicant for ANNY Program benefits, any
31 successor to such applicant, or any employer of building service employ-
32 ees for such applicant, including, but not limited to, a property
33 management company or contractor.

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

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

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

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

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

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

55 (v) to make a classification by craft, trade or other generally recog-
56 nized occupational category of the building service employees and to

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

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

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

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

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

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

21 (i) an eligible multiple dwelling outside of the prime development
22 area;

23 (ii) an eligible multiple dwelling containing less than three hundred
24 dwelling units; or

25 (iii) an eligible multiple dwelling in which all of the dwelling units
26 are affordable housing units and not less than fifty percent of such
27 affordable housing units, upon initial rental and upon each subsequent
28 rental following a vacancy are affordable to and restricted to occupancy
29 by individuals or families whose household income does not exceed ninety
30 percent of the area median income, adjusted for family size, at the time
31 that such household initially occupies such dwelling unit.

32 (e) The applicant shall submit a sworn affidavit with its application,
33 and annually thereafter, certifying that it shall comply with the
34 requirements of this subdivision.

35 (f) The agency shall annually publish a list of all eligible sites
36 subject to the requirements of this paragraph and the affidavits
37 required pursuant to paragraph (e) of this subdivision.

38 9. Replacement ratio. If the land on which an eligible site is located
39 contained any dwelling units three years prior to the commencement date
40 of the first eligible multiple dwelling thereon, then such eligible
41 multiple dwelling or dwellings built thereon shall contain at least one
42 affordable housing unit for each dwelling unit that existed on such date
43 and was thereafter demolished, removed or reconfigured.

44 10. Concurrent exemptions or abatements. An eligible multiple dwelling
45 receiving ANNY Program benefits shall not receive any exemption from or
46 abatement of real property taxation under any other law.

47 11. Voluntary renunciation or termination. Notwithstanding the
48 provisions of any general, special or local law to the contrary, an
49 owner shall not be entitled to voluntarily renounce or terminate ANNY
50 Program benefits unless the agency authorizes such renunciation or
51 termination in connection with the commencement of a new tax exemption
52 pursuant to either the private housing finance law or section four
53 hundred twenty-c of this title.

54 12. Termination or revocation. The agency may terminate or revoke ANNY
55 program benefits for noncompliance with this section; provided, however,
56 that the agency shall not terminate or revoke ANNY Program benefits for

1 a failure to comply with paragraph (c) of subdivision fifteen of this
2 section. If ANNY Program benefits are terminated or revoked for noncom-
3 pliance with this section: (a) all of the affordable housing units shall
4 remain subject to rent stabilization and all other requirements of this
5 section for the restriction period or extended restriction period, as
6 applicable, and any additional period expressly provided in this
7 section, as if the ANNY Program benefits had not been terminated or
8 revoked; (b) all of the market rate housing units shall remain subject
9 to rent stabilization and all other requirements of this section for the
10 restriction period or extended restriction period, as applicable, and
11 any additional period expressly provided in this section, as if the ANNY
12 Program benefits had not been terminated or revoked, provided, however,
13 that the owner shall still be entitled to remove such market unit from
14 rent stabilization upon vacancy by reason of the monthly rent exceeding
15 any limit established thereunder; or (c) for a homeownership project,
16 such project shall continue to comply with affordability option D of
17 this section and all other requirements of this section for the
18 restriction period and any additional period expressly provided in this
19 section, as if the ANNY Program benefits had not been terminated or
20 revoked.

21 13. Powers cumulative. The enforcement provisions of this section
22 shall not be exclusive, and are in addition to any other rights, reme-
23 dies, or enforcement powers set forth in any other law or available at
24 law or in equity.

25 14. Multiple tax lots. If an eligible site contains multiple tax lots,
26 an application may be submitted with respect to one or more of such tax
27 lots. The agency shall determine eligibility for ANNY Program benefits
28 based upon the tax lots included in such application and benefits for
29 each multiple dwelling shall be based upon the completion date of such
30 multiple dwelling.

31 15. Applications. (a) The application with respect to any eligible
32 multiple dwelling shall be filed with the agency not later than one year
33 after the completion date of such eligible multiple dwelling.

34 (b) Notwithstanding the provisions of any general, special or local
35 law to the contrary, the agency may require by rule that applications be
36 filed electronically.

37 (c) The agency may rely on certification by an architect or engineer
38 submitted by an applicant in connection with the filing of an applica-
39 tion. A false certification by such architect or engineer shall be
40 deemed to be professional misconduct pursuant to section sixty-five
41 hundred nine of the education law. Any licensee found guilty of such
42 misconduct under the procedures prescribed in section sixty-five hundred
43 ten of the education law shall be subject to the penalties prescribed in
44 section sixty-five hundred eleven of the education law and shall there-
45 after be ineligible to submit a certification pursuant to this section.

46 (d) The agency shall not require that the applicant demonstrate
47 compliance with the requirements of paragraph (c) of this subdivision as
48 a condition to approval of the application.

49 16. Filing fee. The agency may require a filing fee of three thousand
50 dollars per dwelling unit in connection with any application. However,
51 the agency may promulgate rules imposing a lesser fee for eligible sites
52 containing eligible multiple dwellings constructed with the substantial
53 assistance of grants, loans or subsidies provided by a federal, state or
54 local governmental agency or instrumentality pursuant to a program for
55 the development of affordable housing.

1 17. Rules. Except as provided in subdivisions three and eight of this
2 section, the agency shall have the sole authority to enforce the
3 provisions of this section and may promulgate rules to carry out the
4 provisions of this section.

5 18. Election. Notwithstanding anything in this section to the contra-
6 ry, a small rental project, large rental project or homeownership
7 project with a commencement date on or before June fifteenth, two thou-
8 sand twenty-two that has not received benefits pursuant to section four
9 hundred twenty-one-a of this title prior to the effective date of the
10 chapter of the laws of two thousand twenty-two that added this section
11 may elect to comply with this section and receive ANNY Program benefits
12 pursuant to this section.

13 19. Reporting. On or before June thirtieth of each year, the commis-
14 sioner of the New York city department of housing preservation and
15 development shall issue a report to the governor, the temporary presi-
16 dent of the senate and the speaker of the assembly setting forth the
17 number of total projects and units created by this section by year,
18 level of affordability, and community board, the cost of the ANNY
19 Program, and other such factors as the commissioner of the New York city
20 department of housing preservation and development deems appropriate.
21 The New York city department of housing preservation and development may
22 request and shall receive cooperation and assistance from all depart-
23 ments, divisions, boards, bureaus, commissions, public benefit corpo-
24 rations or agencies of the state of New York, the city of New York or
25 any other political subdivisions thereof, or any entity receiving bene-
26 fits pursuant to this section.

27 § 2. This act shall take effect immediately.

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

37 § 3. This act shall take effect immediately provided, however, that
38 the applicable effective date of Parts A through II of this act shall be
39 as specifically set forth in the last section of such Parts.