

STATE OF NEW YORK

S. 2506

A. 3006

SENATE - ASSEMBLY

January 20, 2021

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

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

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

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

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

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

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

1 Section 1. This act enacts into law major components of legislation
2 necessary to implement the state education, labor, housing and family
3 assistance budget for the 2021-2022 state fiscal year. Each component is
4 wholly contained within a Part identified as Parts A through AA. The

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

9

PART A

10 Section 1. Paragraph e of subdivision 1 of section 211-d of the educa-
11 tion law, as amended by section 1 of part A of chapter 56 of the laws of
12 2020, is amended to read as follows:

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

1 not less than the amount approved by the commissioner in the contract
2 for excellence for the two thousand nineteen--two thousand twenty school
3 year; and provided further that, a school district that submitted a
4 contract for excellence for the two thousand twenty--two thousand twen-
5 ty-one school year, unless all schools in the district are identified as
6 in good standing, shall submit a contract for excellence for the two
7 thousand twenty-one--two thousand twenty-two school year which shall,
8 notwithstanding the requirements of subparagraph (vi) of paragraph a of
9 subdivision two of this section, provide for the expenditure of an
10 amount which shall be not less than the amount approved by the commis-
11 sioner in the contract for excellence for the two thousand twenty--two
12 thousand twenty-one school year. For purposes of this paragraph, the
13 "gap elimination adjustment percentage" shall be calculated as the sum
14 of one minus the quotient of the sum of the school district's net gap
15 elimination adjustment for two thousand ten--two thousand eleven
16 computed pursuant to chapter fifty-three of the laws of two thousand
17 ten, making appropriations for the support of government, plus the
18 school district's gap elimination adjustment for two thousand eleven--
19 two thousand twelve as computed pursuant to chapter fifty-three of the
20 laws of two thousand eleven, making appropriations for the support of
21 the local assistance budget, including support for general support for
22 public schools, divided by the total aid for adjustment computed pursu-
23 ant to chapter fifty-three of the laws of two thousand eleven, making
24 appropriations for the local assistance budget, including support for
25 general support for public schools. Provided, further, that such amount
26 shall be expended to support and maintain allowable programs and activ-
27 ities approved in the two thousand nine--two thousand ten school year or
28 to support new or expanded allowable programs and activities in the
29 current year.

30 § 2. Section 701 of the education law, as amended by chapter 587 of
31 the laws of 1973, subdivision 2 as amended by section 1 of part A1 of
32 chapter 58 of the laws of 2011, subdivision 3 as amended by chapter 391
33 of the laws of 1989, subdivision 4 as amended by chapter 82 of the laws
34 of 1995, subdivision 6 as amended by section 6 of part B of chapter 57
35 of the laws of 2007, subdivision 7 as amended by section 2 of part A of
36 chapter 436 of the laws of 1997, and subdivision 8 as added by chapter
37 635 of the laws of 1984, is amended to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2. As used in this article:

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

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

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

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

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

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

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

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

1 mills to the nearest tenth as determined by the commissioner, provided,
2 however, that where services are provided to a school district which is
3 included within a central high school district or to a central high
4 school district, such amount shall equal one minus the quotient
5 expressed as a decimal to three places without rounding of three mills
6 divided by the tax rates, expressed in mills to the nearest tenth, of
7 such districts, as determined by the commissioner or (ii) the aid ratio
8 of each school district for the current year, which shall be such compo-
9 nent school district's board of cooperative educational services aid
10 ratio and which shall be not less than thirty-six percent converted to
11 decimals and shall be not more than ninety percent converted to
12 decimals, provided that for the two thousand twenty--two thousand twen-
13 ty-one school year, such apportionment shall not exceed the amount set
14 forth for each school district as "2020-21 BOCES AID" in the school aid
15 computer listing produced by the commissioner in support of the execu-
16 tive budget request for the 2021--2022 school year and entitled
17 "BT212-2". For the purposes of this paragraph, the tax rate of the local
18 district computed upon the actual valuation of taxable property shall be
19 the sum of the amount of tax raised by the school district plus any
20 payments in lieu of taxes received by the school district pursuant to
21 section four hundred eighty-five of the real property tax law, divided
22 by the actual valuation of the school district, provided, however that
23 the tax rate for a central high school district shall be the sum of the
24 amount of tax raised by the common and union free school districts
25 included within the central high school district for the support of the
26 central high school district plus any payments in lieu of taxes received
27 for the support of the central high school district pursuant to section
28 four hundred eighty-five of the real property tax law, divided by the
29 actual valuation of the central high school district. The tax rate for
30 each common or union free school district which is included within a
31 central high school district shall be the sum of the amount raised for
32 the support of such common or union free school district plus any
33 payments in lieu of taxes received for the support of the school
34 district pursuant to section four hundred eighty-five of the real prop-
35 erty tax law, exclusive of the amount raised for the central high school
36 district, divided by the actual valuation of such common or union free
37 school district.

38 g. Any payment required by a board of cooperative educational services
39 to the dormitory authority or any payment required by a board of cooper-
40 ative educational services to acquire or construct a school facility of
41 the board of cooperative educational services, and any payments for
42 rental of facilities by a board of cooperative educational services
43 shall, for the purposes of apportionment of public moneys to the board
44 of cooperative educational services by the state of New York, be deemed
45 to be an administrative or capital expense, as designated by the commis-
46 sioner, but the entire amount of such payment shall be utilized in
47 making such apportionment and the limitation of ten percent of the total
48 expenses contained in this subdivision shall not be applicable. Any
49 expense designated by the commissioner as a capital expense shall be
50 included in the capital budget of the board of cooperative educational
51 services and, except as otherwise provided in this paragraph, shall be
52 aided in the same manner as an administrative expense, provided, howev-
53 er, that such aid shall not be provided commencing with the two thousand
54 twenty-one--two thousand twenty-two school year. Any such payment shall
55 not be considered part of the total expenses of the board for purposes
56 of determining the administrative and clerical expenses not to exceed

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

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

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

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

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

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

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

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

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

b. Aid for career education. There shall be apportioned to such city school districts and other school districts which were not components of a board of cooperative educational services in the base year for pupils in grades ten through twelve in attendance in career education programs as such programs are defined by the commissioner, subject for the purposes of this paragraph to the approval of the director of the budget, an amount for each such pupil to be computed by multiplying the career education aid ratio by three thousand nine hundred dollars, provided that such apportionments for the two thousand twenty--two thousand twenty-one school year shall not exceed the amount set forth for each school district as "2020-21 CAREER EDUCATION AID" under the heading "CAREER EDUCATION AID" in the school aid computer listing produced by the commissioner in support of the executive budget request for the 2021--2022 school year and entitled "BT212-2". Such aid will be payable for weighted pupils attending career education programs operated by the school district and for weighted pupils for whom such school district contracts with boards of cooperative educational services to attend career education programs operated by a board of cooperative educational services. Weighted pupils for the purposes of this paragraph shall mean the sum of the attendance of students in grades ten through twelve in career education sequences in trade, industrial, technical, agricultural or health programs plus the product of sixteen hundredths multiplied by the attendance of students in grades ten through twelve in career education sequences in business and marketing as defined by the commissioner in regulations. The career education aid ratio shall be computed by subtracting from one the product obtained by multiplying fifty-nine percent by the combined wealth ratio. This aid ratio shall be expressed as a decimal carried to three places without rounding, but not less than thirty-six percent.

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

A board of education which spends less than its local funds as defined by regulations of the commissioner for career education in the base year during the current year shall have its apportionment under this subdivi-

1 sion reduced in an amount equal to such deficiency in the current or a
2 succeeding school year, provided however that the commissioner may waive
3 such reduction upon determination that overall expenditures per pupil in
4 support of career education programs were continued at a level equal to
5 or greater than the level of such overall expenditures per pupil in the
6 preceding school year.

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

33 d. Aid for academic improvement. There shall be apportioned to such
34 city school districts and other school districts which were not compo-
35 nents of a board of cooperative educational services in the base year,
36 an amount per pupil for each pupil eligible for aid pursuant to para-
37 graph b of this subdivision to be computed by multiplying the career
38 education aid ratio computed pursuant to such paragraph b of this subdivi-
39 sion by the sum of (1) one hundred dollars plus (2) the quotient of
40 one thousand dollars divided by the lesser of one or the combined wealth
41 ratio, provided that such apportionments for the two thousand twenty--
42 two thousand twenty-one school year shall not exceed the amount set
43 forth for each school district as "2020-21 ACADEMIC IMPRVMT AID" under
44 the heading "ACADEMIC IMPROVEMENT AID" in the school aid computer list-
45 ing produced by the commissioner in support of the executive budget
46 request for the 2021--2022 school year and entitled "BT212-2". Aid for
47 academic improvement shall be unrestricted general aid available to
48 support any academic programs of the school district.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10 § 3609-i. Local district funding adjustment. 1. Notwithstanding any
11 provision of law to the contrary, for the two thousand twenty-one--two
12 thousand twenty-two school year and thereafter, payments computed pursu-
13 ant to section thirty-six hundred nine-e of this part shall be reduced
14 by the local district funding adjustment.

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

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

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

29 § 18. Paragraph a of subdivision 7 of section 3602 of the education
30 law, as amended by section 17 of part B of chapter 57 of the laws of
31 2007, is amended to read as follows:

32 a. In addition to the foregoing apportionment, for the two thousand
33 twenty--two thousand twenty-one and prior school years there shall be
34 apportioned to any school district for pupil transportation, the lesser
35 of ninety per centum or the state share of its approved transportation
36 expense for the base year. The state share shall equal the sum of the
37 transportation sparsity adjustment and the transportation aid ratio, but
38 not less than six and one-half percent. The transportation aid ratio
39 shall equal the greater of (i) the product of one and two hundred
40 sixty-three thousandths multiplied by the state sharing ratio, (ii) an
41 aid ratio computed by subtracting from one and one hundredth the product
42 computed to three decimals without rounding obtained by multiplying the
43 resident weighted average daily attendance wealth ratio by forty-six
44 percent, where such aid ratio shall be expressed as a decimal carried to
45 three places without rounding or (iii) excluding cities with a popu-
46 lation of more than one million, an aid ratio computed by subtracting
47 from one and one hundredth the product computed to three decimal places
48 without rounding obtained by multiplying the number computed to three
49 decimals without rounding obtained when the quotient of actual valuation
50 of a school district, as defined in paragraph c of subdivision one of
51 this section, divided by the sum of the resident public school district
52 enrollment, the resident nonpublic school district enrollment and the
53 additional public school enrollment of the school district for the year
54 prior to the base year is divided by the statewide average actual valu-
55 ation per the sum of such total resident public school district enroll-
56 ment, nonpublic school district enrollment and additional public school

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

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

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

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

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

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

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

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

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

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

4. Notwithstanding the provisions of this section or any other provision of law to the contrary, for the computation of transportation aid pursuant to the requirements of subdivision seven of section thirty-six hundred two of this article, allowable transportation expenses shall also include transportation operating expenses described in subdivision one of this section incurred in the two thousand nineteen--two thousand twenty school year during the state disaster emergency declared pursuant to executive order 202 of 2020. Such expenses shall only be allowable transportation expenses where aidable regular transportation as defined in section thirty-six hundred twenty-two-a of this part was provided.

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

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

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

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

1 that the total amount to be recovered is in excess of one percent of the
2 district's total general fund expenditures for the preceding school
3 year. The amount to be deducted in the first year shall be the greater
4 of (i) the sum of the amount of such excess payments that is recognized
5 as a liability due to other governments by the district for the preced-
6 ing school year and the positive remainder of the district's unreserved
7 fund balance at the close of the preceding school year less the product
8 of the district's total general fund expenditures for the preceding
9 school year multiplied by five percent, or (ii) one-third of such excess
10 payments. The amount to be recovered in the second year shall equal the
11 lesser of the remaining amount of such excess payments to be recovered
12 or one-third of such excess payments, and the remaining amount of such
13 excess payments shall be recovered in the third year. Provided further
14 that, notwithstanding any other provisions of this subdivision, any
15 pending payment of moneys due to such district as a prior year adjust-
16 ment payable pursuant to paragraph [e] b of this subdivision ~~[for]~~,
17 other than payments required as a result of a final audit of the state,
18 shall be deemed paid. For aid claims that had been previously paid as
19 current year aid payments in excess of the amount to which the district
20 is entitled and for which recovery of excess payments is to be made
21 pursuant to this paragraph, shall be reduced at the time of actual
22 payment by any remaining unrecovered balance of such excess payments,
23 and the remaining scheduled deductions of such excess payments pursuant
24 to this paragraph shall be reduced by the commissioner to reflect the
25 amount so recovered. ~~[The commissioner shall certify no payment to a~~
26 ~~school district based on a claim submitted later than three years after~~
27 ~~the close of the school year in which such payment was first to be made.~~
28 ~~For claims for which payment is first to be made in the nineteen hundred~~
29 ~~ninety-six--ninety-seven school year, the commissioner shall certify no~~
30 ~~payment to a school district based on a claim submitted later than two~~
31 ~~years after the close of such school year.]~~ For claims for which payment
32 is first to be made ~~[in the nineteen hundred ninety-seven--ninety-eight]~~
33 prior to the two thousand twenty--two thousand twenty-one school year
34 [and thereafter], the commissioner shall certify no payment to a school
35 district based on a claim submitted later than ~~[one year after]~~ the
36 close of such school year. For claims for which payment is first to be
37 made in the two thousand twenty--two thousand twenty-one school year and
38 thereafter, the commissioner shall certify no payment to a school
39 district based on a claim submitted later than the first of November of
40 such school year. Provided, however, no payments shall be barred or
41 reduced where such payment is required as a result of a final audit of
42 the state. ~~[It is further provided that, until June thirtieth, nineteen~~
43 ~~hundred ninety-six, the commissioner may grant a waiver from the~~
44 ~~provisions of this section for any school district if it is in the best~~
45 ~~educational interests of the district pursuant to guidelines developed~~
46 ~~by the commissioner and approved by the director of the budget.]~~ Further
47 provided that for any apportionments provided pursuant to sections seven
48 hundred one, seven hundred eleven, seven hundred fifty-one, seven
49 hundred fifty-three, nineteen hundred fifty, thirty-six hundred two,
50 thirty-six hundred two-b, thirty-six hundred two-c, thirty-six hundred
51 two-e and forty-four hundred five of this chapter for the two thousand
52 twenty--two thousand twenty-one and two thousand twenty-one--two thou-
53 sand twenty-two school years, the commissioner shall certify no payment
54 to a school district, other than payments pursuant to subdivisions
55 six-a, eleven, thirteen and fifteen of section thirty-six hundred two of
56 this part, in excess of the payment computed based on an electronic data

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

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

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

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

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

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

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

1 hundred percent of the respective amount set forth for each school
2 district as payable pursuant to this section in the school aid computer
3 listing for the current year produced by the commissioner in support of
4 the budget which includes the appropriation for the general support for
5 public schools for the prescribed payments and individualized payments
6 due prior to April first for the current year plus the apportionment
7 payable during the current school year pursuant to [subdivision] subdi-
8 visions six-a and [subdivision] fifteen of section thirty-six hundred
9 two of this part minus any reductions to current year aids pursuant to
10 subdivision seven of section thirty-six hundred four of this part or any
11 deduction from apportionment payable pursuant to this chapter for
12 collection of a school district basic contribution as defined in subdi-
13 vision eight of section forty-four hundred one of this chapter, less any
14 grants provided pursuant to subparagraph two-a of paragraph b of subdi-
15 vision four of section ninety-two-c of the state finance law, less any
16 grants provided pursuant to subdivision five of section ninety-seven-
17 nnnn of the state finance law, less any grants provided pursuant to
18 subdivision twelve of section thirty-six hundred forty-one of this arti-
19 cle, or (ii) the apportionment calculated by the commissioner based on
20 data on file at the time the payment is processed; provided however,
21 that for the purposes of any payments made pursuant to this section
22 prior to the first business day of June of the current year, moneys
23 apportioned shall not include any aids payable pursuant to subdivisions
24 six and fourteen, if applicable, of section thirty-six hundred two of
25 this part as current year aid for debt service on bond anticipation
26 notes and/or bonds first issued in the current year or any aids payable
27 for full-day kindergarten for the current year pursuant to subdivision
28 nine of section thirty-six hundred two of this part. The definitions of
29 "base year" and "current year" as set forth in subdivision one of
30 section thirty-six hundred two of this part shall apply to this section.
31 ~~[For aid payable in the two thousand twenty-two thousand twenty-one~~
32 ~~school year, reference to such "school aid computer listing for the~~
33 ~~current year" shall mean the printouts entitled "SA202-1".]~~ For aid
34 payable in the two thousand twenty-one--two thousand twenty-two school
35 year and thereafter, "moneys apportioned" shall mean the lesser of: (i)
36 the sum of one hundred percent of the respective amount set forth for
37 each school district as payable pursuant to this section in the school
38 aid computer listing for the current year produced by the commissioner
39 in support of the executive budget request which includes the appropri-
40 ation for the general support for public schools for the prescribed
41 payments and individualized payments due prior to April first for the
42 current year plus the apportionment payable during the current school
43 year pursuant to subdivisions six-a and fifteen of section thirty-six
44 hundred two of this part minus any reductions to current year aids
45 pursuant to subdivision seven of section thirty-six hundred four of this
46 part or any deduction from apportionment payable pursuant to this chap-
47 ter for collection of a school district basic contribution as defined in
48 subdivision eight of section forty-four hundred one of this chapter,
49 less any grants provided pursuant to subparagraph two-a of paragraph b
50 of subdivision four of section ninety-two-c of the state finance law,
51 less any grants provided pursuant to subdivision six of section ninety-
52 seven-nnnn of the state finance law, less any grants provided pursuant
53 to subdivision twelve of section thirty-six hundred forty-one of this
54 article, or (ii) the apportionment calculated by the commissioner based
55 on data on file at the time the payment is processed; provided however,
56 that for the purposes of any payments made pursuant to this section

1 prior to the first business day of June of the current year, moneys
2 apportioned shall not include any aids payable pursuant to subdivisions
3 six and fourteen, if applicable, of section thirty-six hundred two of
4 this part as current year aid for debt service on bond anticipation
5 notes and/or bonds first issued in the current year or any aids payable
6 for full-day kindergarten for the current year pursuant to subdivision
7 nine of section thirty-six hundred two of this part. For aid payable in
8 the two thousand twenty-one--two thousand twenty-two school year, refer-
9 ence to such "school aid computer listing for the current year" shall
10 mean the printouts entitled "BT212-2".

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

13 § 4403-a. Waivers from certain duties. 1. A local school district,
14 approved private school or board of cooperative educational services may
15 submit an application for a waiver from any requirement imposed on such
16 district, school or board of cooperative educational services pursuant
17 to section forty-four hundred two or forty-four hundred three of this
18 article, and regulations promulgated thereunder, for a specific school
19 year. Such application must be submitted at least sixty days in advance
20 of the proposed date on which the waiver would be effective and shall be
21 in a form prescribed by the commissioner.

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

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

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

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

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

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

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

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

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

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

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

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

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

38 (viii) for the two thousand twenty--two thousand twenty-one and two
39 thousand twenty-one--two thousand twenty-two school years, the charter
40 school basic tuition shall be the lesser of (A) the product of (i) the
41 charter school basic tuition calculated for the base year multiplied by
42 (ii) the average of the quotients for each school year in the period
43 commencing with the year three years prior to the base year and finish-
44 ing with the year prior to the base year of the total approved operating
45 expense for such school district calculated pursuant to paragraph t of
46 subdivision one of section thirty-six hundred two of this chapter for
47 each such year divided by the total approved operating expense for such
48 district for the immediately preceding year multiplied by, (iii) for the
49 two thousand twenty--two thousand twenty-one school year only, [~~(iii)~~]
50 nine hundred forty-five one-thousandths (0.945), or for the two thousand
51 twenty-one--two thousand twenty-two school year only, one minus the
52 adjustment factor or (B) the quotient of the total general fund expendi-
53 tures for the school district calculated pursuant to an electronic data
54 file created for the purpose of compliance with paragraph b of subdivi-
55 sion twenty-one of section three hundred five of this chapter published
56 annually on May fifteenth for the year prior to the base year divided by

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

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

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

43 (viii) for the two thousand twenty--two thousand twenty-one and two
44 thousand twenty-one--two thousand twenty-two school years, the charter
45 school basic tuition shall be the lesser of (A) the product of (i) the
46 charter school basic tuition calculated for the base year multiplied by
47 (ii) the average of the quotients for each school year in the period
48 commencing with the year three years prior to the base year and finish-
49 ing with the year prior to the base year of the total approved operating
50 expense for such school district calculated pursuant to paragraph t of
51 subdivision one of section thirty-six hundred two of this chapter for
52 each such year divided by the total approved operating expense for such
53 district for the immediately preceding year multiplied by, (iii) for the
54 two thousand twenty--two thousand twenty-one school year only, [~~(iii)~~]
55 nine hundred forty-five one-thousandths (0.945), or for the two thousand
56 twenty-one--two thousand twenty-two school year only, one minus the

1 adjustment factor or (B) the quotient of the total general fund expendi-
2 tures for the school district calculated pursuant to an electronic data
3 file created for the purpose of compliance with paragraph b of subdivi-
4 sion twenty-one of section three hundred five of this chapter published
5 annually on May fifteenth for the year prior to the base year divided by
6 the total estimated public enrollment for the school district pursuant
7 to paragraph n of subdivision one of section thirty-six hundred two of
8 this chapter for the year prior to the base year. The adjustment factor
9 shall equal the quotient arrived at when dividing (A) the sum of (i) the
10 services aid reduction for the school district pursuant to paragraph b
11 of subdivision twenty-one of section thirty-six hundred two of this
12 chapter, (ii) plus the local district funding adjustment for the school
13 district pursuant to subdivision one of section thirty-six hundred
14 nine-i of this chapter by (B) the total general fund expenditures for
15 the school district for the two thousand twenty--two thousand twenty-one
16 school year calculated pursuant to an electronic data file created for
17 the purpose of compliance with paragraph b of subdivision twenty-one of
18 section three hundred five of this chapter published on May fifteenth,
19 two thousand twenty-one.

20 (ix) for the two thousand twenty-two--two thousand twenty-three
21 through two thousand twenty-four--two thousand twenty-five school years
22 the charter school basic tuition shall be the lesser of (A) the product
23 of (i) for the two thousand twenty-two--two thousand twenty-three school
24 year, the charter school basic tuition calculated for the base year
25 divided by the difference of one less the adjustment factor and for the
26 two thousand twenty-three--two thousand twenty-four and two thousand
27 twenty-four--two thousand twenty-five school years, the charter school
28 basic tuition calculated for the base year multiplied by (ii) the aver-
29 age of the quotients for each school year in the period commencing with
30 the year four years prior to the base year and finishing with the year
31 prior to the base year, excluding the two thousand twenty--two thousand
32 twenty-one school year, of the total approved operating expense for such
33 school district calculated pursuant to paragraph t of subdivision one of
34 section thirty-six hundred two of this chapter for each such year
35 divided by the total approved operating expense for such district for
36 the immediately preceding year or (B) the quotient of the total general
37 fund expenditures for the school district calculated pursuant to an
38 electronic data file created for the purpose of compliance with para-
39 graph b of subdivision twenty-one of section three hundred five of this
40 chapter published annually on May fifteenth for the year prior to the
41 base year divided by the total estimated public enrollment for the
42 school district pursuant to paragraph n of subdivision one of section
43 thirty-six hundred two of this chapter for the year prior to the base
44 year.

45 § 36. The closing paragraph of paragraph (a) of subdivision 1 of
46 section 2856 of the education law, as amended by section 4 of part YYY
47 of chapter 59 of the laws of 2017, is amended to read as follows:

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

1 school year five hundred dollars, and (4) for the two thousand seven-
2 teen--two thousand eighteen school year and thereafter, the sum of (i)
3 the supplemental basic tuition calculated for the two thousand sixteen-
4 -two thousand seventeen school year plus (ii) five hundred dollars, and
5 (B) for school years prior to the two thousand seventeen--two thousand
6 eighteen school year, for a school district for which the charter school
7 basic tuition for the two thousand ten--two thousand eleven school year
8 is greater than the charter school basic tuition for the current year
9 pursuant to the provisions of subparagraph (i) of this paragraph, the
10 positive difference of the charter school basic tuition for the two
11 thousand ten--two thousand eleven school year minus the charter school
12 basic tuition for the current year pursuant to the provisions of subpar-
13 agraph (i) of this paragraph and (C) for school years following the two
14 thousand sixteen--two thousand seventeen school years, for a school
15 district for which the charter school basic tuition for the two thousand
16 ten--two thousand eleven school year is greater than the charter school
17 basic tuition for the current year pursuant to the provisions of subpar-
18 agraph (i) of this paragraph, the sum of (i) the supplemental basic
19 tuition calculated for the two thousand sixteen--two thousand seventeen
20 school year plus (ii) five hundred dollars. Provided, however, that
21 notwithstanding any inconsistent provision of law, for the two thousand
22 twenty--two thousand twenty-one school year, the supplemental basic
23 tuition shall be reduced by an amount equal to the product of (i) one
24 half multiplied by (ii) the adjustment factor as defined in this
25 section, further multiplied by (iii) the charter school basic tuition
26 for the two thousand twenty-one--two thousand twenty-two school year,
27 but shall not be less than zero.

28 § 36-a. The closing paragraph of paragraph (a) of subdivision 1 of
29 section 2856 of the education law, as amended by section 4-a of part YYY
30 of chapter 59 of the laws of 2017, is amended to read as follows:

31 (a-1) For the purposes of this subdivision, the "supplemental basic
32 tuition" shall be (A) for a school district for which the charter school
33 basic tuition computed for the current year is greater than or equal to
34 the charter school basic tuition for the two thousand ten--two thousand
35 eleven school year pursuant to the provisions of subparagraph (i) of
36 this paragraph, (1) for the two thousand fourteen--two thousand fifteen
37 school year two hundred and fifty dollars, and (2) for the two thousand
38 fifteen--two thousand sixteen school year three hundred and fifty
39 dollars, and (3) for the two thousand sixteen--two thousand seventeen
40 school year five hundred dollars, and (4) for the two thousand seven-
41 teen--two thousand eighteen school year and thereafter, the sum of (i)
42 the supplemental basic tuition calculated for the two thousand sixteen-
43 -two thousand seventeen school year plus (ii) five hundred dollars, and
44 (B) for school years prior to the two thousand seventeen--two thousand
45 eighteen school year, for a school district for which the charter school
46 basic tuition for the two thousand ten--two thousand eleven school year
47 is greater than the charter school basic tuition for the current year
48 pursuant to the provisions of subparagraph (i) of this paragraph, the
49 positive difference of the charter school basic tuition for the two
50 thousand ten--two thousand eleven school year minus the charter school
51 basic tuition for the current year pursuant to the provisions of subpar-
52 agraph (i) of this paragraph and (C) for school years following the two
53 thousand sixteen--two thousand seventeen school years, for a school
54 district for which the charter school basic tuition for the two thousand
55 ten--two thousand eleven school year is greater than the charter school
56 basic tuition for the current year pursuant to the provisions of subpar-

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

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

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

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

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

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

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

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

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

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

§ 3. Apportionment. a. The commissioner shall annually apportion to each qualifying school, for school years beginning on and after July first, nineteen hundred seventy-four, an amount equal to the actual cost incurred by each such school during the preceding school year for providing services required by law to be rendered to the state in compliance with the requirements of the state's pupil evaluation program, the basic educational data system, regents examinations, the statewide evaluation plan, the uniform procedure for pupil attendance reporting, the state's immunization program and other similar state prepared examinations and reporting procedures. Provided that each nonpublic school that seeks aid payable in the two thousand twenty--two thousand twenty-one school year to reimburse two thousand nineteen--two thousand twenty school year expenses shall submit a claim for such aid to the state education department no later than May fifteenth, two thousand twenty-one and such claims shall be paid by the state education department no later than June thirtieth, two thousand twenty-one. Provided further that each nonpublic school that seeks aid payable in the two thousand twenty-one--two thousand twenty-two school year and thereafter shall submit a claim for such aid to the state education department no later than April first of the school year in which aid is payable and such claims shall be paid by the state education department no later than May thirty-first of such school year. Provided, however, that the state's liability under this section shall be limited to the annual amount appropriated for such purpose. In the event that total

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

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

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

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

b. Reimbursement for programs approved in accordance with subdivision a of this section for the reimbursement for the 2018--2019 school year shall not exceed 59.4 percent of the lesser of such approvable costs per contact hour or fourteen dollars and ninety-five cents per contact hour, reimbursement for the 2019--2020 school year shall not exceed 57.7 percent of the lesser of such approvable costs per contact hour or fifteen dollars sixty cents per contact hour, ~~and~~ reimbursement for the 2020--2021 school year shall not exceed 56.9 percent of the lesser of such approvable costs per contact hour or sixteen dollars and twenty-five cents per contact hour, and reimbursement for the 2021--2022 school year shall not exceed 56.0 percent of the lesser of such approvable costs per contact hour or sixteen dollars and thirty-five cents per contact hour, and where a contact hour represents sixty minutes of instruction services provided to an eligible adult. Notwithstanding any other provision of law to the contrary, for the 2018--2019 school year such contact hours shall not exceed one million four hundred sixty-three thousand nine hundred sixty-three (1,463,963); for the 2019--2020 school year such contact hours shall not exceed one million four hundred forty-four thousand four hundred forty-four (1,444,444); ~~and~~ for the 2020--2021 school year such contact hours shall not exceed one million four hundred six thousand nine hundred twenty-six (1,406,926); and for the 2021--2022 school year such contact hours shall not exceed one million two hundred fifty-six thousand eight hundred thirty (1,256,830). Notwithstanding any other provision of law to the contrary, the apportionment calculated for the city school district of the city of New York pursuant to subdivision 11 of section 3602 of the education law shall be computed as if such contact hours provided by the consortium for worker education, not to exceed the contact hours set forth herein, were eligible for aid in accordance with the provisions of such subdivision 11 of section 3602 of the education law.

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

1 z. The provisions of this subdivision shall not apply after the
2 completion of payments for the 2021--2022 school year. Notwithstanding
3 any inconsistent provisions of law, the commissioner of education shall
4 withhold a portion of employment preparation education aid due to the
5 city school district of the city of New York to support a portion of the
6 costs of the work force education program. Such moneys shall be credited
7 to the elementary and secondary education fund-local assistance account
8 and shall not exceed eleven million five hundred thousand dollars
9 (\$11,500,000).

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

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

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

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

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

29 § 4. This act shall take effect July 1, 2002 and section one of this
30 act shall expire and be deemed repealed June 30, 2019, and sections two
31 and three of this act shall expire and be deemed repealed on June 30,
32 [~~2021~~] 2022.

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

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

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

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

June 30, 2021 and such apportionment shall not exceed the sum of (i) the deficit reduction assessment of 1990--1991 as determined by the commissioner of education, pursuant to paragraph f of subdivision 1 of section 3602 of the education law, as in effect through June 30, 1993, plus (ii) 186 percent of such amount for a city school district in a city with a population in excess of 1,000,000 inhabitants, plus (iii) 209 percent of such amount for a city school district in a city with a population of more than 195,000 inhabitants and less than 219,000 inhabitants according to the latest federal census, plus (iv) the net gap elimination adjustment for 2010--2011, as determined by the commissioner of education pursuant to chapter 53 of the laws of 2010, plus (v) the gap elimination adjustment for 2011--2012 as determined by the commissioner of education pursuant to subdivision 17 of section 3602 of the education law, and provided further that such apportionment shall not exceed such salary expenses. Such application shall be made by a school district, after the board of education or trustees have adopted a resolution to do so and in the case of a city school district in a city with a population in excess of 125,000 inhabitants, with the approval of the mayor of such city.

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

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

§ 47. Special apportionment for public pension accruals. a. Notwithstanding any other provision of law, upon application to the commissioner of education, not later than June 30, 2022, a school district eligible for an apportionment pursuant to section 3602 of the education law shall be eligible to receive an apportionment pursuant to this section, for the school year ending June 30, 2022 and such apportionment shall

1 not exceed the additional accruals required to be made by school
2 districts in the 2004--2005 and 2005--2006 school years associated with
3 changes for such public pension liabilities. The amount of such addi-
4 tional accrual shall be certified to the commissioner of education by
5 the president of the board of education or the trustees or, in the case
6 of a city school district in a city with a population in excess of
7 125,000 inhabitants, the mayor of such city. Such application shall be
8 made by a school district, after the board of education or trustees have
9 adopted a resolution to do so and in the case of a city school district
10 in a city with a population in excess of 125,000 inhabitants, with the
11 approval of the mayor of such city.

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

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

43 § 48. Notwithstanding the provision of any law, rule, or regulation to
44 the contrary, the city school district of the city of Rochester, upon
45 the consent of the board of cooperative educational services of the
46 supervisory district serving its geographic region may purchase from
47 such board for the 2021--2022 school year, as a non-component school
48 district, services required by article 19 of the education law.

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

52 a. for the development, maintenance or expansion of magnet schools or
53 magnet school programs for the 2021--2022 school year. For the city
54 school district of the city of New York there shall be a setaside of
55 foundation aid equal to forty-eight million one hundred seventy-five
56 thousand dollars (\$48,175,000) including five hundred thousand dollars

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

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

38 c. The commissioner of education shall not be authorized to withhold
39 foundation aid from a school district that used such funds in accordance
40 with this paragraph, notwithstanding any inconsistency with a request
41 for proposals issued by such commissioner for the purpose of attendance
42 improvement and dropout prevention for the 2021--2022 school year, and
43 for any city school district in a city having a population of more than
44 one million, the setaside for attendance improvement and dropout
45 prevention shall equal the amount set aside in the base year. For the
46 2021--2022 school year, it is further provided that any city school
47 district in a city having a population of more than one million shall
48 allocate at least one-third of any increase from base year levels in
49 funds set aside pursuant to the requirements of this section to communi-
50 ty-based organizations. Any increase required pursuant to this section
51 to community-based organizations must be in addition to allocations
52 provided to community-based organizations in the base year.

53 d. For the purpose of teacher support for the 2021--2022 school year:
54 for the city school district of the city of New York, sixty-two million
55 seven hundred seven thousand dollars (\$62,707,000); for the Buffalo city
56 school district, one million seven hundred forty-one thousand dollars

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

20 § 50. Support of public libraries. The moneys appropriated for the
21 support of public libraries by a chapter of the laws of 2021 enacting
22 the aid to localities budget shall be apportioned for the 2021--2022
23 state fiscal year in accordance with the provisions of sections 271,
24 272, 273, 282, 284 and 285 of the education law as amended by the
25 provisions of this chapter and the provisions of this section, provided
26 that library construction aid pursuant to section 273-a of the education
27 law shall not be payable from the appropriations for the support of
28 public libraries and provided further that no library, library system or
29 program, as defined by the commissioner of education, shall receive less
30 total system or program aid than it received for the year 2001--2002
31 except as a result of a reduction adjustment necessary to conform to the
32 appropriations for support of public libraries.

33 Notwithstanding any other provision of law to the contrary the moneys
34 appropriated for the support of public libraries for the year 2021--2022
35 by a chapter of the laws of 2021 enacting the education, labor and fami-
36 ly assistance budget shall fulfill the state's obligation to provide
37 such aid and, pursuant to a plan developed by the commissioner of educa-
38 tion and approved by the director of the budget, the aid payable to
39 libraries and library systems pursuant to such appropriations shall be
40 reduced proportionately to assure that the total amount of aid payable
41 does not exceed the total appropriations for such purpose.

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

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

1 1. Sections one, twenty-three, twenty-six, forty-one, forty-three,
2 forty-four, forty-five, forty-eight and forty-nine of this act shall
3 take effect July 1, 2021;

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

6 3. Section thirty-three of this act shall take effect September 1,
7 2024;

8 4. The amendments to paragraph (a) of subdivision 1 of section 2856 of
9 the education law made by section thirty-four of this act shall be
10 subject to the expiration and reversion of such subdivision pursuant to
11 subdivision d of section 27 of chapter 378 of the laws of 2007, as
12 amended, when upon such date the provisions of section thirty-five of
13 this act shall take effect; and

14 5. The amendments to paragraph (a-1) of subdivision 1 of section 2856
15 of the education law made by section thirty-six of this act shall be
16 subject to the expiration and reversion of such subdivision pursuant to
17 subdivision d of section 27 of chapter 378 of the laws of 2007, as
18 amended, when upon such date the provisions of section thirty-six-a of
19 this act shall take effect.

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

25 PART B

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

28 (h) Any firm established for the business purpose of incorporating as
29 a professional service corporation formed to lawfully engage in the
30 practice of public accountancy, as such practice is respectively defined
31 under article one hundred forty-nine of the education law shall be
32 required to show (1) that a simple majority of the ownership of the
33 firm, in terms of financial interests, and voting rights held by the
34 firm's owners, belongs to individuals licensed to practice public
35 accountancy in some state, and (2) that all shareholders of a profes-
36 sional service corporation whose principal place of business is in this
37 state, and who are engaged in the practice of public accountancy in this
38 state, hold a valid license issued under section seventy-four hundred
39 four of the education law. For purposes of this paragraph, "financial
40 interest" means capital stock, capital accounts, capital contributions,
41 capital interest, or interest in undistributed earnings of a business
42 entity. Although firms may include non-licensee owners, the firm and
43 its owners must comply with rules promulgated by the state board of
44 regents. Notwithstanding the foregoing, a firm incorporated under this
45 section may not have non-licensee owners if the firm's name includes the
46 words "certified public accountant," or "certified public accountants,"
47 or the abbreviations "CPA" or "CPAs". Each non-licensee owner of a firm
48 that is incorporated under this section shall be a natural person who
49 actively participates in the business of the firm or its affiliated
50 entities. For purposes of this paragraph, "actively participate" means
51 to provide services to clients or to otherwise individually take part in
52 the day-to-day business or management of the firm. Such a firm shall
53 have attached to its certificate of incorporation a certificate or
54 certificates demonstrating the firm's compliance with this paragraph, in

1 lieu of the certificate or certificates required by subparagraph (ii) of
2 paragraph (b) of this section.

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

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

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

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

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

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

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

33 (c) The directors and officers of any firm established for the busi-
34 ness purpose of incorporating as a professional service corporation
35 pursuant to paragraph (h) of section fifteen hundred three of this arti-
36 cle may include individuals who are not licensed to practice public
37 accountancy, provided however that at least fifty-one percent of the
38 directors, at least fifty-one percent of the officers and the president,
39 the chairperson of the board of directors and the chief executive offi-
40 cer or officers are authorized by law to practice in any state the
41 profession which such corporation is authorized to practice, and are
42 either shareholders of such corporation or engaged in the practice of
43 their professions in such corporation.

44 § 4. Section 1509 of the business corporation law, as amended by chap-
45 ter 550 of the laws of 2011, is amended to read as follows:

46 § 1509. Disqualification of shareholders, directors, officers and
47 employees.

48 If any shareholder, director, officer or employee of a professional
49 service corporation, including a design professional service corpo-
50 ration, who has been rendering professional service to the public
51 becomes legally disqualified to practice his or her profession within
52 this state, he or she shall sever all employment with, and financial
53 interests (other than interests as a creditor) in, such corporation
54 forthwith or as otherwise provided in section 1510 of this article. All
55 provisions of law regulating the rendering of professional services by a
56 person elected or appointed to a public office shall be applicable to a

1 shareholder, director, officer and employee of such corporation in the
2 same manner and to the same extent as if fully set forth herein. Such
3 legal disqualification to practice his or her profession within this
4 state shall be deemed to constitute an irrevocable offer by the disqual-
5 ified shareholder to sell his or her shares to the corporation, pursuant
6 to the provisions of section 1510 of this article or of the certificate
7 of incorporation, by-laws or agreement among the corporation and all
8 shareholders, whichever is applicable. Compliance with the terms of such
9 offer shall be specifically enforceable in the courts of this state. A
10 professional service corporation's failure to enforce compliance with
11 this provision shall constitute a ground for forfeiture of its certifi-
12 cate of incorporation and its dissolution.

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

16 (a) No shareholder of a professional service corporation [~~ex~~], includ-
17 ing a design professional service corporation, may sell or transfer his
18 or her shares in such corporation except to another individual who is
19 eligible to have shares issued to him or her by such corporation or
20 except in trust to another individual who would be eligible to receive
21 shares if he or she were employed by the corporation. Nothing herein
22 contained shall be construed to prohibit the transfer of shares by oper-
23 ation of law or by court decree. No transferee of shares by operation
24 of law or court decree may vote the shares for any purpose whatsoever
25 except with respect to corporate action under sections 909 and 1001 of
26 this chapter. The restriction in the preceding sentence shall not apply,
27 however, where such transferee would be eligible to have shares issued
28 to him or her if he or she were an employee of the corporation and, if
29 there are other shareholders, a majority of such other shareholders
30 shall fail to redeem the shares so transferred, pursuant to section 1510
31 of this article, within sixty days of receiving written notice of such
32 transfer. Any sale or transfer, except by operation of law or court
33 decree or except for a corporation having only one shareholder, may be
34 made only after the same shall have been approved by the board of direc-
35 tors, or at a shareholders' meeting specially called for such purpose by
36 such proportion, not less than a majority, of the outstanding shares as
37 may be provided in the certificate of incorporation or in the by-laws of
38 such professional service corporation. At such shareholders' meeting the
39 shares held by the shareholder proposing to sell or transfer his or her
40 shares may not be voted or counted for any purpose, unless all share-
41 holders consent that such shares be voted or counted. The certificate of
42 incorporation or the by-laws of the professional service corporation, or
43 the professional service corporation and the shareholders by private
44 agreement, may provide, in lieu of or in addition to the foregoing
45 provisions, for the alienation of shares and may require the redemption
46 or purchase of such shares by such corporation at prices and in a manner
47 specifically set forth therein. The existence of the restrictions on the
48 sale or transfer of shares, as contained in this article and, if appli-
49 cable, in the certificate of incorporation, by-laws, stock purchase or
50 stock redemption agreement, shall be noted conspicuously on the face or
51 back of every certificate for shares issued by a professional service
52 corporation. Any sale or transfer in violation of such restrictions
53 shall be void.

54 (c) A firm established for the business purpose of incorporating as a
55 professional service corporation pursuant to paragraph (h) of section
56 fifteen hundred three of this article, shall purchase or redeem the

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

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

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

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

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

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

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

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

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

(d) "Foreign professional service corporation" means a professional service corporation, whether or not denominated as such, organized under the laws of a jurisdiction other than this state, all of the shareholders, directors and officers of which are authorized and licensed to practice the profession for which such corporation is licensed to do business; except that all shareholders, directors and officers of a foreign professional service corporation which provides health services in this state shall be licensed in this state. A foreign professional service corporation formed to lawfully engage in the practice of public accountancy, as such practice is defined under article one hundred forty-nine of the education law, or equivalent state law, shall be required to show (1) that a simple majority of the ownership of the firm, in terms of financial interests, and voting rights held by the firm's owners, belongs to individuals licensed to practice public accountancy in some state, and (2) that all shareholders of a foreign professional service corporation whose principal place of business is in this state, and who are engaged in the practice of public accountancy in this state, hold a valid license issued under section seventy-four hundred four of the education law. For purposes of this paragraph, "financial interest" means capital stock, capital accounts, capital contributions, capital interest, or interest in undistributed earnings of a business entity. Although firms may include non-licensee owners, the firm and its owners must comply with rules promulgated by the state

1 board of regents. Notwithstanding the foregoing, a firm registered
2 under this section may not have non-licensee owners if the firm's name
3 includes the words "certified public accountant," or "certified public
4 accountants," or the abbreviations "CPA" or "CPAs". Each non-licensee
5 owner of a firm that is operating under this section shall be a natural
6 person who actively participates in the business of the firm or its
7 affiliated entities, provided each beneficial owner of an equity inter-
8 est in such entity is a natural person who actively participates in the
9 business conducted by the firm or its affiliated entities. For purposes
10 of this paragraph, "actively participate" means to provide services to
11 clients or to otherwise individually take part in the day-to-day busi-
12 ness or management of the firm.

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

16 (q) Each partner of a registered limited liability partnership formed
17 to provide medical services in this state must be licensed pursuant to
18 article 131 of the education law to practice medicine in this state and
19 each partner of a registered limited liability partnership formed to
20 provide dental services in this state must be licensed pursuant to arti-
21 cle 133 of the education law to practice dentistry in this state. Each
22 partner of a registered limited liability partnership formed to provide
23 veterinary services in this state must be licensed pursuant to article
24 135 of the education law to practice veterinary medicine in this state.
25 Each partner of a registered limited liability partnership formed to
26 provide public accountancy services, whose principal place of business
27 is in this state and who provides public accountancy services, must be
28 licensed pursuant to article 149 of the education law to practice public
29 accountancy in this state. Each partner of a registered limited liabil-
30 ity partnership formed to provide professional engineering, land survey-
31 ing, geological services, architectural and/or landscape architectural
32 services in this state must be licensed pursuant to article 145, article
33 147 and/or article 148 of the education law to practice one or more of
34 such professions in this state. Each partner of a registered limited
35 liability partnership formed to provide licensed clinical social work
36 services in this state must be licensed pursuant to article 154 of the
37 education law to practice clinical social work in this state. Each part-
38 ner of a registered limited liability partnership formed to provide
39 creative arts therapy services in this state must be licensed pursuant
40 to article 163 of the education law to practice creative arts therapy in
41 this state. Each partner of a registered limited liability partnership
42 formed to provide marriage and family therapy services in this state
43 must be licensed pursuant to article 163 of the education law to prac-
44 tice marriage and family therapy in this state. Each partner of a regis-
45 tered limited liability partnership formed to provide mental health
46 counseling services in this state must be licensed pursuant to article
47 163 of the education law to practice mental health counseling in this
48 state. Each partner of a registered limited liability partnership formed
49 to provide psychoanalysis services in this state must be licensed pursu-
50 ant to article 163 of the education law to practice psychoanalysis in
51 this state. Each partner of a registered limited liability partnership
52 formed to provide applied behavior analysis service in this state must
53 be licensed or certified pursuant to article 167 of the education law to
54 practice applied behavior analysis in this state. A limited liability
55 partnership formed to lawfully engage in the practice of public accoun-
56 tancy, as such practice is respectively defined under article 149 of the

1 education law, shall be required to show (1) that a simple majority of
2 the ownership of the firm, in terms of financial interests, and voting
3 rights held by the firm's owners, belongs to individuals licensed to
4 practice public accountancy in some state, and (2) that all partners of
5 a limited liability partnership whose principal place of business is in
6 this state, and who are engaged in the practice of public accountancy in
7 this state, hold a valid license issued under section seventy-four
8 hundred four of the education law. For purposes of this subdivision,
9 "financial interest" means capital stock, capital accounts, capital
10 contributions, capital interest, or interest in undistributed earnings
11 of a business entity. Although firms may include non-licensee owners,
12 the firm and its owners must comply with rules promulgated by the state
13 board of regents. Notwithstanding the foregoing, a firm registered under
14 this section may not have non-licensee owners if the firm's name
15 includes the words "certified public accountant," or "certified public
16 accounts," or the abbreviations "CPA" or "CPAs". Each non-licensee owner
17 of a firm that is formed under this section shall be (1) a natural
18 person who actively participates in the business of the firm or its
19 affiliated entities, or (2) an entity, including, but not limited to, a
20 partnership or professional corporation, provided each beneficial owner
21 of an equity interest in such entity is a natural person who actively
22 participates in the business conducted by the firm or its affiliated
23 entities. For purposes of this subdivision, "actively participate" means
24 to provide services to clients or to otherwise individually take part in
25 the day-to-day business or management of the firm.

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

29 (q) Each partner of a foreign limited liability partnership which
30 provides medical services in this state must be licensed pursuant to
31 article 131 of the education law to practice medicine in the state and
32 each partner of a foreign limited liability partnership which provides
33 dental services in the state must be licensed pursuant to article 133 of
34 the education law to practice dentistry in this state. Each partner of a
35 foreign limited liability partnership which provides veterinary service
36 in the state shall be licensed pursuant to article 135 of the education
37 law to practice veterinary medicine in this state. Each partner of a
38 foreign limited liability partnership which provides professional engi-
39 neering, land surveying, geological services, architectural and/or land-
40 scape architectural services in this state must be licensed pursuant to
41 article 145, article 147 and/or article 148 of the education law to
42 practice one or more of such professions. Each partner of a foreign
43 registered limited liability partnership formed to provide public
44 accountancy services, whose principal place of business is in this state
45 and who provides public accountancy services, must be licensed pursuant
46 to article 149 of the education law to practice public accountancy in
47 this state. Each partner of a foreign limited liability partnership
48 which provides licensed clinical social work services in this state must
49 be licensed pursuant to article 154 of the education law to practice
50 licensed clinical social work in this state. Each partner of a foreign
51 limited liability partnership which provides creative arts therapy
52 services in this state must be licensed pursuant to article 163 of the
53 education law to practice creative arts therapy in this state. Each
54 partner of a foreign limited liability partnership which provides
55 marriage and family therapy services in this state must be licensed
56 pursuant to article 163 of the education law to practice marriage and

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

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

41 (h) "Limited partnership" and "domestic limited partnership" mean, unless the context otherwise requires, a partnership (i) formed by two or more persons pursuant to this article or which complies with subdivision (a) of section 121-1202 of this article and (ii) having one or more general partners and one or more limited partners. Notwithstanding any other provisions of law a limited partnership or domestic limited partnership formed to lawfully engage in the practice of public accountancy, as such practice is respectively defined under article 149 of the education law shall be required to show (1) that a simple majority of the ownership of the firm, in terms of financial interests, including ownership-based compensation, and voting rights held by the firm's owners, belongs to individuals licensed to practice public accountancy in some state, and (2) that all partners of a limited partnership or domestic limited partnership, whose principal place of business is in this state, and who are engaged in the practice of public accountancy in this state, hold a valid license issued under section seventy-four hundred four of

1 the education law or are public accountants licensed under section
2 seventy-four hundred five of the education law. Although firms may
3 include non-licensee owners, the firm and its owners must comply with
4 rules promulgated by the state board of regents. Notwithstanding the
5 foregoing, a firm registered under this section may not have non-licen-
6 see owners if the firm's name includes the words "certified public
7 accountant," or "certified public accountants," or the abbreviations
8 "CPA" or "CPAs". Each non-licensee owner of a firm that is registered
9 under this section shall be (1) a natural person who actively partic-
10 ipates in the business of the firm or its affiliated entities, or (2) an
11 entity, including, but not limited to, a partnership or professional
12 corporation, provided each beneficial owner of an equity interest in
13 such entity is a natural person who actively participates in the busi-
14 ness conducted by the firm or its affiliated entities. For purposes of
15 this subdivision, "actively participate" means to provide services to
16 clients or to otherwise individually take part in the day-to-day busi-
17 ness or management of the firm.

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

21 (b) With respect to a professional service limited liability company
22 formed to provide medical services as such services are defined in arti-
23 cle 131 of the education law, each member of such limited liability
24 company must be licensed pursuant to article 131 of the education law to
25 practice medicine in this state. With respect to a professional service
26 limited liability company formed to provide dental services as such
27 services are defined in article 133 of the education law, each member of
28 such limited liability company must be licensed pursuant to article 133
29 of the education law to practice dentistry in this state. With respect
30 to a professional service limited liability company formed to provide
31 veterinary services as such services are defined in article 135 of the
32 education law, each member of such limited liability company must be
33 licensed pursuant to article 135 of the education law to practice veter-
34 inary medicine in this state. With respect to a professional service
35 limited liability company formed to provide professional engineering,
36 land surveying, architectural, landscape architectural and/or geological
37 services as such services are defined in article 145, article 147 and
38 article 148 of the education law, each member of such limited liability
39 company must be licensed pursuant to article 145, article 147 and/or
40 article 148 of the education law to practice one or more of such
41 professions in this state. With respect to a professional service
42 limited liability company formed to provide public accountancy services
43 as such services are defined in article 149 of the education law each
44 member of such limited liability company whose principal place of busi-
45 ness is in this state and who provides public accountancy services, must
46 be licensed pursuant to article 149 of the education law to practice
47 public accountancy in this state. With respect to a professional service
48 limited liability company formed to provide licensed clinical social
49 work services as such services are defined in article 154 of the educa-
50 tion law, each member of such limited liability company shall be
51 licensed pursuant to article 154 of the education law to practice
52 licensed clinical social work in this state. With respect to a profes-
53 sional service limited liability company formed to provide creative arts
54 therapy services as such services are defined in article 163 of the
55 education law, each member of such limited liability company must be
56 licensed pursuant to article 163 of the education law to practice crea-

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

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

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

1 state and who is or has been engaged in the practice of such profession
2 in such professional service limited liability company or a predecessor
3 entity, or will engage in the practice of such profession in the profes-
4 sional service limited liability company within thirty days of the date
5 such professional becomes a member, or each of whose members and manag-
6 ers, if any, is a professional at least one of such members is author-
7 ized by law to render a professional service within this state and who
8 is or has been engaged in the practice of such profession in such
9 professional service limited liability company or a predecessor entity,
10 or will engage in the practice of such profession in the professional
11 service limited liability company within thirty days of the date such
12 professional becomes a member, or (ii) authorized by, or holding a
13 license, certificate, registration or permit issued by the licensing
14 authority pursuant to, the education law to render a professional
15 service within this state; except that all members and managers, if any,
16 of a foreign professional service limited liability company that
17 provides health services in this state shall be licensed in this state.
18 With respect to a foreign professional service limited liability company
19 which provides veterinary services as such services are defined in arti-
20 cle 135 of the education law, each member of such foreign professional
21 service limited liability company shall be licensed pursuant to article
22 135 of the education law to practice veterinary medicine. With respect
23 to a foreign professional service limited liability company which
24 provides medical services as such services are defined in article 131 of
25 the education law, each member of such foreign professional service
26 limited liability company must be licensed pursuant to article 131 of
27 the education law to practice medicine in this state. With respect to a
28 foreign professional service limited liability company which provides
29 dental services as such services are defined in article 133 of the
30 education law, each member of such foreign professional service limited
31 liability company must be licensed pursuant to article 133 of the educa-
32 tion law to practice dentistry in this state. With respect to a foreign
33 professional service limited liability company which provides profes-
34 sional engineering, land surveying, geologic, architectural and/or land-
35 scape architectural services as such services are defined in article
36 145, article 147 and article 148 of the education law, each member of
37 such foreign professional service limited liability company must be
38 licensed pursuant to article 145, article 147 and/or article 148 of the
39 education law to practice one or more of such professions in this state.
40 With respect to a foreign professional service limited liability company
41 which provides public accountancy services as such services are defined
42 in article 149 of the education law, each member of such foreign profes-
43 sional service limited liability company whose principal place of busi-
44 ness is in this state and who provides public accountancy services,
45 shall be licensed pursuant to article 149 of the education law to prac-
46 tice public accountancy in this state. With respect to a foreign profes-
47 sional service limited liability company which provides licensed clin-
48 ical social work services as such services are defined in article 154 of
49 the education law, each member of such foreign professional service
50 limited liability company shall be licensed pursuant to article 154 of
51 the education law to practice clinical social work in this state. With
52 respect to a foreign professional service limited liability company
53 which provides creative arts therapy services as such services are
54 defined in article 163 of the education law, each member of such foreign
55 professional service limited liability company must be licensed pursuant
56 to article 163 of the education law to practice creative arts therapy in

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

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

§ 14. This act shall take effect immediately.

PART C

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

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

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

PART D

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

1 section 1 of part Q of chapter 54 of the laws of 2016, is amended to
2 read as follows:

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

5 § 2. Section 4 of subpart B of part D of chapter 58 of the laws of
6 2011 amending the education law relating to procurement in support of
7 the state and city universities, as amended by section 2 of part Q of
8 chapter 54 of the laws of 2016, is amended to read as follows:

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

11 § 3. Section 3 of subpart C of part D of chapter 58 of the laws of
12 2011 amending the education law relating to state university health care
13 facilities, as amended by section 3 of part Q of chapter 54 of the laws
14 of 2016, is amended to read as follows:

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

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

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

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

28 PART E

29 Section 1. Subparagraph 4 of paragraph h of subdivision 2 of section
30 355 of the education law, as amended by section 1 of part JJJ of chapter
31 59 of the laws of 2017, is amended to read as follows:

32 (4) The trustees shall not impose a differential tuition charge based
33 upon need or income. Except as hereinafter provided, all students
34 enrolled in programs leading to like degrees at state-operated insti-
35 tutions of the state university shall be charged a uniform rate of
36 tuition except for differential tuition rates based on state residency,
37 and flexible tuition rate categories to increase research capacity for
38 the four university centers (Albany, Binghamton, Buffalo (university),
39 and Stony Brook) and the five other doctoral degree granting insti-
40 tutions (downstate medical center, upstate medical center, the college
41 of optometry, the college of environmental science and forestry, and the
42 college of technology at Utica/Rome/state university polytechnic insti-
43 tute); provided, however, that a portion of revenue generated by such
44 flexible tuition rate categories shall be used to ensure that no student
45 is unable to attend an institution of choice based on income. Any flex-
46 ible tuition rate categories must be recommended by the chancellor of
47 the state university of New York and approved by the trustees; provided,
48 however, that such flexible tuition rates based on sector shall not vary
49 by more than 1.5 times from the minimum rate within each type of tuition
50 rate. Provided, however, that the trustees may authorize the presidents
51 of the colleges of technology and the colleges of agriculture and tech-
52 nology to set differing rates of tuition for each of the colleges for
53 students enrolled in degree-granting programs leading to an associate
54 degree and non-degree granting programs so long as such tuition rate

1 does not exceed the tuition rate charged to students who are enrolled in
2 like degree programs or degree-granting undergraduate programs leading
3 to a baccalaureate degree at other state-operated institutions of the
4 state university of New York. Notwithstanding any other provision of
5 this subparagraph, the trustees may authorize the setting of ~~[a]~~ ~~sepa-~~
6 ~~rate~~ ~~[category]~~ categories of tuition ~~[rate]~~ rates as follows; "distance
7 learning rate", that shall be greater than the tuition rate for resident
8 students and less than the tuition rate for non-resident students, only
9 for students enrolled in distance learning courses who are not residents
10 of the state, and "high demand certificate program rate", that shall be
11 set at a level deemed appropriate upon recommendation of the chancellor
12 of the state university of New York and approved by the board of trus-
13 tees which rate shall be lower than standard rates of tuition, for iden-
14 tified certification programs to be recommended by the chancellor of the
15 state university of New York. Except as otherwise authorized in this
16 subparagraph, the trustees shall not adopt changes affecting tuition
17 charges prior to the enactment of the annual budget, provided however
18 that:

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

37 (ii) Commencing with the two thousand seventeen--two thousand eighteen
38 academic year and ending in the two thousand twenty--two thousand twen-
39 ty-one academic year the state university of New York board of trustees
40 shall be empowered to increase the resident undergraduate rate of
41 tuition by not more than two hundred dollars over the resident under-
42 graduate rate of tuition adopted by the board of trustees in the prior
43 academic year, provided, however that if the annual resident undergradu-
44 ate rate of tuition would exceed five thousand dollars, then a tuition
45 credit for each eligible student, as determined and calculated by the
46 New York state higher education services corporation pursuant to section
47 six hundred eighty-nine-a of this title, shall be applied toward the
48 tuition charged for each semester, quarter or term of study. Tuition for
49 each semester, quarter or term of study shall not be due for any student
50 eligible to receive such tuition credit until the tuition credit is
51 calculated and applied against the tuition charged for the corresponding
52 semester, quarter or term. Provided, further that the revenue resulting
53 from an increase in the rate of tuition shall be allocated to each
54 campus pursuant to a plan approved by the board of trustees to support
55 investments in new classroom faculty, instruction, initiatives to

1 improve student success and on-time completion and a tuition credit for
2 each eligible student.

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

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

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

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

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

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

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

37 § 2. Paragraph (a) of subdivision 7 of section 6206 of the education
38 law, as amended by section 2 of part JJJ of chapter 59 of the laws of
39 2017, is amended to read as follows:

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

1 category to increase research capacity for doctoral degree granting
2 authorized institutions; provided, however, that a portion of revenue
3 generated by such flexible tuition rate category shall be used to ensure
4 that no student is unable to attend an institution of choice based on
5 income. Such flexible tuition rate category must be recommended by the
6 chancellor of the city university of New York and approved by the trus-
7 tees; provided, however, that such flexible tuition rate shall not vary
8 by more than 1.5 times from the minimum rate within each type of tuition
9 rate. Notwithstanding any other provision of this paragraph, the trus-
10 tees may authorize the setting of [~~a~~] separate [~~category~~] categories of
11 tuition [~~rate~~] rates as follows; "distance learning rate", that shall be
12 greater than the tuition rate for resident students and less than the
13 tuition rate for non-resident students, only for students enrolled in
14 distance learning courses who are not residents of the state, and "high
15 demand certificate program rate", that shall be set at a level deemed
16 appropriate upon recommendation of the chancellor of the city university
17 of New York and approved by the board of trustees which rate shall be
18 lower than standard rates of tuition, for identified certification
19 programs to be recommended by the chancellor of the city university of
20 New York; provided, however, that:

21 (i) Commencing with the two thousand eleven--two thousand twelve
22 academic year and ending in the two thousand fifteen--two thousand
23 sixteen academic year, the city university of New York board of trustees
24 shall be empowered to increase the resident undergraduate rate of
25 tuition by not more than three hundred dollars over the resident under-
26 graduate rate of tuition adopted by the board of trustees in the prior
27 academic year, provided however that commencing with the two thousand
28 eleven--two thousand twelve academic year and ending with the two thou-
29 sand sixteen--two thousand seventeen academic year if the annual resi-
30 dent undergraduate rate of tuition would exceed five thousand dollars,
31 then a tuition credit for each eligible student, as determined and
32 calculated by the New York state higher education services corporation
33 pursuant to section six hundred eighty-nine-a of this chapter, shall be
34 applied toward the tuition charged for each semester, quarter or term of
35 study. Tuition for each semester, quarter or term of study shall not be
36 due for any student eligible to receive such tuition credit until the
37 tuition credit is calculated and applied against the tuition charged for
38 the corresponding semester, quarter or term.

39 (ii) Commencing with the two thousand seventeen--two thousand eighteen
40 academic year and ending in the two thousand twenty--two thousand twen-
41 ty-one academic year the city university of New York board of trustees
42 shall be empowered to increase the resident undergraduate rate of
43 tuition by not more than two hundred dollars over the resident under-
44 graduate rate of tuition adopted by the board of trustees in the prior
45 academic year, provided however that if the annual resident undergradu-
46 ate rate of tuition would exceed five thousand dollars, then a tuition
47 credit for each eligible student, as determined and calculated by the
48 New York state higher education services corporation pursuant to section
49 six hundred eighty-nine-a of this [~~title~~] chapter, shall be applied
50 toward the tuition charged for each semester, quarter or term of study.
51 Tuition for each semester, quarter or term of study shall not be due for
52 any student eligible to receive such tuition credit until the tuition
53 credit is calculated and applied against the tuition charged for the
54 corresponding semester, quarter or term. Provided, further that the
55 revenue resulting from an increase in the rate of tuition shall be allo-
56 cated to each campus pursuant to a plan approved by the board of trus-

tees to support investments in new classroom faculty, instruction, initiatives to improve student success and on-time completion and a tuition credit for each eligible student.

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

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

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

[~~(v)~~] (vi) Beginning in state fiscal year two thousand seventeen--two thousand eighteen and ending in state fiscal year two thousand twenty--two thousand twenty-one, the state shall appropriate and make available general fund operating support, including fringe benefits, for the city university in an amount not less than the amount appropriated and made available in the prior state fiscal year; provided, however, that if the governor declares a fiscal emergency, and communicates such emergency to the temporary president of the senate and speaker of the assembly, state support for operating expenses at the state university and city univer-

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

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

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

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

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

PART F

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

§ 2. This act shall take effect immediately.

PART G

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

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

§ 2. This act shall take effect immediately.

PART H

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

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

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

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

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

13 § 4. This act shall take effect immediately.

14 PART I

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

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

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

25 PART J

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

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

34 § 2. This act shall take effect immediately.

35 PART K

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

42 § 4. This act shall take effect July 1, 2012 [~~and shall expire June~~
43 ~~30, 2021 when upon such date the provisions of this act shall be deemed~~
44 ~~repealed~~].

45 § 2. This act shall take effect immediately.

46 PART L

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

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

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

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

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

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

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

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

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

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

51 (ii) Determine whether the needs of the child can be met through
52 placement in a foster family home and, if not, whether placement of the
53 child in a qualified residential treatment program provides the most
54 effective and appropriate level of care for the child in the least
55 restrictive environment and whether that placement is consistent with

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

3 (iii) Approve or disapprove the placement of the child in a qualified
4 residential treatment program. Provided that, notwithstanding any other
5 provision of law to the contrary, where the qualified individual deter-
6 mines that the placement of the child in a qualified residential treat-
7 ment program is not appropriate under the standards set in accordance
8 with section four hundred nine-h of this article, the court may only
9 approve the placement of the child in the qualified residential treat-
10 ment program if:

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

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

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

17 (3) that continued placement in the qualified residential program is
18 in the child's best interest despite the finding by the qualified indi-
19 vidual that the child's placement in such setting is not appropriate;
20 and

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

24 (iv) If the court approves the placement of the child in a qualified
25 residential treatment program where the qualified individual determines
26 that such placement is not appropriate under the standards set in
27 accordance with section four hundred nine-h of this article, the court
28 shall hold a hearing to review whether the placement in a qualified
29 residential treatment program continues to be in the child's best inter-
30 est within thirty days of such approval.

31 (b) Notwithstanding any other provision of law to the contrary, if the
32 existing governing placement order of the court regarding the child
33 would not permit the local social services district to move the child
34 from the qualified residential treatment program as required by section
35 four hundred nine-h of this article, the court shall issue a new order
36 which shall not preclude such child from being placed in a different
37 setting. If the court issues a new placement order, there is a presump-
38 tion that such order will be for the child to be placed in an available
39 foster family home; however, if in the child's best interest, the court
40 may also issue an order permitting the placement of the child in: (i) an
41 available supervised setting, as such term is defined in section three
42 hundred seventy-one of this title; (ii) if the child has been found to
43 be, or is at risk of becoming, a sexually exploited child as defined in
44 subdivision one of section four hundred forty-seven-a of this article, a
45 setting providing residential care and supportive services for sexually
46 exploited children; (iii) a setting specializing in providing prenatal,
47 post-partum, or parenting supports for youth; or (iv) an available
48 program licensed or certified by the office of children and family
49 services other than a qualified residential treatment program setting
50 deemed not appropriate for the child.

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

53 4. To the extent federally allowable, nothing in this section shall
54 prohibit the court's approval of a placement in a qualified residential
55 treatment program from occurring at the same time as another hearing
56 scheduled for such child, including but not limited to the child's

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

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

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

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

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

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

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

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

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

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

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

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

3 (iv) A qualified residential treatment program.

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

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

21 5. As used in this section, "qualified individual" shall mean a
22 trained professional or licensed clinician acting within their scope of
23 practice who shall have current or previous relevant experience in the
24 child welfare field and who does not have a direct role in case manage-
25 ment or case planning decision making authority for the child for whom
26 such assessment is being conducted, in accordance with 42 United States
27 Code section 672 and the state's approved title IV-E state plan.

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

30 § 353.7. Placement in qualified residential treatment programs. 1. The
31 provisions of this section shall apply when a respondent is placed on or
32 after September twenty-ninth, two thousand twenty-one and resides in a
33 qualified residential treatment program, as defined in section four
34 hundred nine-h of the social services law, and whose care and custody
35 were transferred to a local social services district or the office of
36 children and family services in accordance with this article.

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

55 (b) When a respondent whose legal custody was transferred to a local
56 social services district or the office of children and family services

1 in accordance with this article resides in a qualified residential
2 treatment program as defined in section four hundred nine-h of the
3 social services law, and where such respondent's initial placement or
4 change in placement in such qualified residential treatment program
5 commenced on or after September twenty-ninth, two thousand twenty-one,
6 upon receipt of notice required pursuant to paragraph (a) of this subdi-
7 vision and motion of the local social services district or the office of
8 children and family services with legal custody of the respondent, the
9 court shall schedule a hearing in accordance with subdivision three of
10 this section. Notwithstanding any other provision of law to the contra-
11 ry, such hearing shall occur no later than sixty days from the date the
12 placement of the respondent in the qualified residential treatment
13 program commenced.

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

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

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

27 (iii) Approve or disapprove the placement of the respondent in a qual-
28 ified residential treatment program. Provided that, notwithstanding any
29 other provision of law to the contrary, where a qualified individual
30 determines that the placement of the respondent in a qualified residen-
31 tial treatment program is not appropriate under the standards set in
32 accordance with section four hundred nine-h of the social services law,
33 the court may only approve the placement of the respondent in the quali-
34 fied residential treatment program if:

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

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

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

41 (3) that continued placement in the qualified residential treatment
42 program serves the respondent's needs and best interests or the need for
43 protection of the community despite the finding by the qualified indi-
44 vidual that the respondent's placement in such setting is not appropri-
45 ate; and

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

49 (iv) If the court approves the placement of the respondent in a quali-
50 fied residential treatment program where the qualified individual deter-
51 mines that such placement is not appropriate under the standards set in
52 accordance with section four hundred nine-h of the social services law,
53 the court shall hold a hearing to review whether the placement in a
54 qualified residential treatment program continues to be in the respond-
55 ent's best interest within thirty days of such approval.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23 § 756-b. Court approval of placement in a qualified residential treat-
24 ment program. 1. The provisions of this section shall apply when a
25 respondent is placed on or after September twenty-ninth, two thousand
26 twenty-one and resides in a qualified residential treatment program, as
27 defined in section four hundred nine-h of the social services law, and
28 whose care and custody were transferred to a local social services
29 district in accordance with this part.

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

47 (b) When a respondent whose legal custody was transferred to a local
48 social services district in accordance with this part resides in a qual-
49 ified residential treatment program, as defined in section four hundred
50 nine-h of the social services law, and where such respondent's initial
51 placement or change in placement in such qualified residential treatment
52 program commenced on or after September twenty-ninth, two thousand twen-
53 ty-one, upon receipt of notice required pursuant to paragraph (a) of
54 this subdivision and motion of the local social services district, the
55 court shall schedule a hearing in accordance with subdivision three of
56 this section. Notwithstanding any other provision of law to the contra-

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

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

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

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

17 (iii) Approve or disapprove the placement of the respondent in a qual-
18 ified residential treatment program. Provided that, notwithstanding any
19 other provision of law to the contrary, where the qualified individual
20 determines that the placement of the respondent in a qualified residen-
21 tial treatment program is not appropriate under the standards set in
22 accordance with section four hundred nine-h of the social services law,
23 the court may only approve the placement of the respondent in the quali-
24 fied residential treatment program if:

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

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

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

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

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

39 (iv) If the court approves the placement of the respondent in a quali-
40 fied residential treatment program where the qualified individual deter-
41 mines that such placement is not appropriate under the standards set in
42 accordance with section four hundred nine-h of the social services law,
43 the court shall hold a hearing to review whether the placement in a
44 qualified residential treatment program continues to be in the respond-
45 ent's best interest within thirty days of such approval.

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

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

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

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

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

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

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

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

24 (b) When a child whose legal custody was transferred to the commis-
25 sioner of a local social services district in accordance with this
26 section resides in a qualified residential treatment program, as defined
27 in section four hundred nine-h of the social services law, and where
28 such child's initial placement or change in placement in such program
29 commenced on or after September twenty-ninth, two thousand twenty-one,
30 upon receipt of notice required pursuant to paragraph (a) of this subdi-
31 vision and motion of the local social services district, the court shall
32 schedule a hearing in accordance with section one thousand fifty-five-c
33 of this article. Notwithstanding any other provision of law to the
34 contrary, such hearing shall occur no later than sixty days from the
35 date the placement of the child in the qualified residential treatment
36 program commenced.

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

40 (ii) When a child whose legal custody was transferred to the commis-
41 sioner of a local social services district in accordance with this
42 section resides in a qualified residential treatment program, as defined
43 in section four hundred nine-h of the social services law, and where
44 such child's initial placement or change in placement in such program
45 commenced on or after September twenty-ninth, two thousand twenty-one,
46 upon receipt of notice required pursuant to paragraph (i) of this subdi-
47 vision and motion of the local social services district, the court shall
48 schedule a hearing in accordance with section one thousand fifty-five-c
49 of this part. Notwithstanding any other provision of law to the contra-
50 ry, such hearing shall occur no later than sixty days from the date the
51 placement of the child in the qualified residential treatment program
52 commenced.

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

55 § 1055-c. Court approval of placement in a qualified residential
56 treatment program. 1. The provisions of this section shall apply when a

1 child is placed on or after September twenty-ninth, two thousand twen-
2 ty-one and resides in a qualified residential treatment program, as
3 defined in section four hundred nine-h of the social services law, and
4 whose care and custody were transferred to the commissioner of a local
5 social services district in accordance with this article.

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

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

12 (b) Determine whether the needs of the child can be met through place-
13 ment in a foster family home and, if not, whether placement of the child
14 in a qualified residential treatment program provides the most effective
15 and appropriate level of care for the child in the least restrictive
16 environment and whether that placement is consistent with the short-term
17 and long-term goals for the child, as specified in the child's permanen-
18 cy plan; and

19 (c) Approve or disapprove the placement of the child in a qualified
20 residential treatment program. Provided that, notwithstanding any other
21 provision of law to the contrary, where the qualified individual deter-
22 mines that the placement of the child in a qualified residential treat-
23 ment program is not appropriate under the standards set in accordance
24 with section four hundred nine-h of the social service law, the court
25 may only approve the placement of the child in the qualified residential
26 treatment program if:

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

28 (A) extenuating circumstances exist that necessitate the continued
29 placement of the child in the qualified residential treatment program
30 despite the finding of the qualified individual;

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

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

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

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

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

1 the court may also issue an order permitting the placement of the child
2 in:

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

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

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

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

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

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

23 § 11. Clause (C) of subparagraph (ix) of paragraph 5 of subdivision
24 (c) of section 1089 of the family court act, as added by section 27 of
25 part A of chapter 3 of the laws of 2005, is amended, and a new paragraph
26 6 is added to read as follows:

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

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

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

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

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

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

53 (II) When a child whose legal custody was transferred to the commis-
54 sioner of a local social services district in accordance with this
55 section resides in a qualified residential treatment program as defined
56 in section four hundred nine-h of the social services law and where such

1 child's initial placement or change in placement in such program
2 commenced on or after September twenty-ninth, two thousand twenty-one,
3 upon receipt of notice required pursuant to item (I) of this clause and
4 motion of the local social services district, the court shall schedule a
5 hearing in accordance with section three hundred ninety-three of the
6 social services law or section one thousand fifty-five-c, one thousand
7 ninety-one-a or one thousand ninety-seven of this chapter. Notwithstand-
8 ing any other provision of law to the contrary, such hearing shall occur
9 no later than sixty days from the date the placement of the child in the
10 qualified residential treatment program commenced.

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

13 § 1091-a. Court approval of placement in a qualified residential
14 treatment program. 1. The provisions of this section shall apply when a
15 former foster care youth is placed on or after September twenty-ninth,
16 two thousand twenty-one, and resides in a qualified residential treat-
17 ment program, as defined in section four hundred nine-h of the social
18 services law, and whose care and custody were transferred to a local
19 social services district or the office of children and family services
20 in accordance with this article.

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

40 (b) When a former foster care youth whose legal custody was trans-
41 ferred to a local social services district or the office of children and
42 family services in accordance with this article resides in a qualified
43 residential treatment program, as defined in section four hundred nine-h
44 of the social services law, and where such former foster care youth's
45 initial placement or change in placement in such qualified residential
46 treatment program commenced on or after September twenty-ninth, two
47 thousand twenty-one, upon receipt of notice required pursuant to para-
48 graph (a) of this subdivision and motion of the local social services
49 district, the court shall schedule a hearing in accordance with subdivi-
50 sion three of this section. Notwithstanding any other provision of law
51 to the contrary, such hearing shall occur no later than sixty days from
52 the date the placement of the former foster care youth in the qualified
53 residential treatment program commenced.

54 3. Within sixty days of the start of a placement of a former foster
55 care youth referenced in subdivision one of this section in a qualified
56 residential treatment program, the court shall:

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

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

12 (c) Approve or disapprove the placement of the former foster care
13 youth in qualified residential treatment program. Provided that,
14 notwithstanding any other provision of law to the contrary, where the
15 qualified individual determines that the placement of the former foster
16 care youth in a qualified residential treatment program is not appropri-
17 ate under the standards set in accordance with section four hundred
18 nine-h of the social services law, the court may only approve the place-
19 ment of the former foster care youth in the qualified residential treat-
20 ment program if:

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

22 (A) extenuating circumstances exist that necessitate the continued
23 placement of the former foster care youth in the qualified residential
24 treatment program despite the finding of the qualified individual;

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

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

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

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

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

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

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

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

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

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

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

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

22 § 1097. Court approval of placement in a qualified residential treat-
23 ment program. 1. The provisions of this section shall apply when a child
24 is placed on or after September twenty-ninth, two thousand twenty-one,
25 and resides in a qualified residential treatment program, as defined in
26 section four hundred nine-h of the social services law, and whose care
27 and custody were transferred to a local social services district in
28 accordance with this article.

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

46 (b) When a child whose legal custody was transferred to a local social
47 services district in accordance with this article resides in a qualified
48 residential treatment program, as defined in section four hundred nine-h
49 of the social services law, and where such child's initial placement or
50 change in placement in such qualified residential treatment program
51 commenced on or after September twenty-ninth, two thousand twenty-one,
52 upon receipt of notice required pursuant to paragraph (a) of this subdi-
53 vision and motion of the local social services district, the court shall
54 schedule a hearing in accordance with subdivision three of this section.
55 Notwithstanding any other provision of law to the contrary, such hearing

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

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

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

9 (b) Determine whether the needs of the child can be met through place-
10 ment in a foster family home and, if not, whether placement of the child
11 in a qualified residential treatment program provides the most effective
12 and appropriate level of care for the child in the least restrictive
13 environment and whether that placement is consistent with the short-term
14 and long-term goals for the child, as specified in the child's permanen-
15 cy plan; and

16 (c) Approve or disapprove the placement of the child in the qualified
17 residential treatment program. Provided that, notwithstanding any other
18 provision of law to the contrary, where the qualified individual deter-
19 mines that the placement of the child in a qualified residential treat-
20 ment program is not appropriate under the standards set in accordance
21 with section four hundred nine-h of the social services law, the court
22 may only approve the placement of the child in the qualified residential
23 treatment program if:

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

25 (A) extenuating circumstances exist that necessitate the continued
26 placement of the child in the qualified residential treatment program
27 despite the finding of the qualified individual;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10 (ii) provided however, that if the United States Department of Health
11 and Human Services, Administration for Children, Youth and Families
12 fails to approve or disapproves any of the components listed in para-
13 graph (i) of this subdivision, such action shall not impact the effec-
14 tive date for the remaining components listed therein;

15 (b) the office of children and family services shall inform the legis-
16 lative bill drafting commission upon the occurrence of the submission
17 set forth in subdivision (a) of this section and any approval related
18 thereto in order that the commission may maintain an effective and time-
19 ly database of the official texts of the state of laws of New York in
20 furtherance of effectuating the provisions of section 44 of the legisla-
21 tive law and section 70-b of the public officers law;

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

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

31 PART M

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

35 1. ~~[Any]~~ Each social services district ~~[may]~~ shall, upon the authori-
36 zation of the office of children and family services, establish a
37 program that implements differential responses to reports of child abuse
38 and maltreatment. Such programs shall create a family assessment and
39 services track as an alternative means of addressing certain matters
40 otherwise investigated as allegations of child abuse or maltreatment
41 pursuant to this title. Notwithstanding any other provision of law to
42 the contrary, the provisions of this section shall apply only to those
43 cases involving allegations of ~~[abuse or]~~ maltreatment in family
44 settings expressly included in the family assessment and services track
45 of the authorized differential response program~~[, and only in those~~
46 ~~social services districts authorized by the office of children and fami-~~
47 ~~ly services to implement a differential response program]~~. Such cases
48 shall not be subject to the requirements otherwise applicable to cases
49 reported to the statewide central register of child abuse and maltreat-
50 ment pursuant to this title, except as set forth in this section.

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

[~~Any~~] Each social services district [~~interested in implementing a differential response program~~] shall [~~apply~~] submit a plan to the office of children and family services on or before January first, two thousand twenty-three for [~~permission to participate~~] authorization to operate a program pursuant to subdivision one of this section prior to January first, two thousand twenty-four. The criteria for [~~a social services district to participate~~] authorization will be determined by the office of children and family services after consultation with the office for the prevention of domestic violence[~~7~~]; however the social services district's [~~application must include a~~] plan [~~setting~~] shall set forth the following:

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

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

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

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

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

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

PART N

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

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

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

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

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

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

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

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

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

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

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

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

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

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

§ 230.21 Removal of action to an adjoining county.

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

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

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

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

§ 5. This act shall take effect immediately.

PART O

Section 1. Notwithstanding any other provision of law, the housing trust fund corporation may provide, for purposes of the neighborhood preservation program, a sum not to exceed \$12,830,000 for the fiscal year ending March 31, 2022. Notwithstanding any other provision of law, and subject to the approval of the New York state director of the budget, the board of directors of the state of New York mortgage agency shall authorize the transfer to the housing trust fund corporation, for the purposes of reimbursing any costs associated with neighborhood preservation program contracts authorized by this section, a total sum not to exceed \$12,830,000, such transfer to be made from (i) the special account of the mortgage insurance fund created pursuant to section 2429-b of the public authorities law, in an amount not to exceed the actual excess balance in the special account of the mortgage insurance fund, as determined and certified by the state of New York mortgage agency for the fiscal year 2020-2021 in accordance with section 2429-b of the public authorities law, if any, and/or (ii) provided that the reserves in the project pool insurance account of the mortgage insurance fund created pursuant to section 2429-b of the public authorities law

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

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

29 § 3. Notwithstanding any other provision of law, the homeless housing
30 and assistance corporation may provide, for services and expenses
31 related to homeless housing and preventative services programs including
32 but not limited to the New York state supportive housing program, the
33 solutions to end homelessness program or the operational support for
34 AIDS housing program, or to qualified grantees under such programs, in
35 accordance with the requirements of such programs, a sum not to exceed
36 \$45,181,000 for the fiscal year ending March 31, 2022. The homeless
37 housing and assistance corporation may enter into an agreement with the
38 office of temporary and disability assistance to administer such sum in
39 accordance with the requirements of such programs. Notwithstanding any
40 other provision of law, and subject to the approval of the New York
41 state director of the budget, the board of directors of the state of New
42 York mortgage agency shall authorize the transfer to the homeless hous-
43 ing and assistance corporation, a total sum not to exceed \$45,181,000,
44 such transfer to be made from (i) the special account of the mortgage
45 insurance fund created pursuant to section 2429-b of the public authori-
46 ties law, in an amount not to exceed the actual excess balance in the
47 special account of the mortgage insurance fund, as determined and certi-
48 fied by the state of New York mortgage agency for the fiscal year 2020-
49 2021 in accordance with section 2429-b of the public authorities law, if
50 any, and/or (ii) provided that the reserves in the project pool insur-
51 ance account of the mortgage insurance fund created pursuant to section
52 2429-b of the public authorities law are sufficient to attain and main-
53 tain the credit rating as determined by the state of New York mortgage
54 agency, required to accomplish the purposes of such account, the project
55 pool insurance account of the mortgage insurance fund, such transfer
56 shall be made as soon as practicable but no later than March 31, 2022.

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

§ 5. This act shall take effect immediately.

PART P

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

PART Q

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

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

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

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

5 3. Monies of the fund shall, after appropriation by the legislature,
6 be made available to the [~~office of temporary and disability assistance~~]
7 department of health for grants to regional food banks, organized to
8 serve specific regions of the state, that generally collect and redis-
9 tribute food donations to organizations serving persons in need. Monies
10 shall be payable from the fund by the commissioner of taxation and
11 finance on vouchers approved by the commissioner of [~~temporary and disa-~~
12 ~~bility assistance~~] health. The commissioner of [~~temporary and disability~~
13 ~~assistance~~] health shall promulgate rules and regulations necessary for
14 the distribution of such grants.

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

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

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

- 34 (a) the amount of money [~~dispersed~~] disbursed from the fund;
35 (b) the recipients of awards from the fund;
36 (c) the amount awarded to each recipient;
37 (d) the purposes for which such awards were granted; and
38 (e) a summary financial plan for such monies which shall include esti-
39 mates of all receipts and all disbursements for the current and succeed-
40 ing fiscal years, along with the actual results from the prior fiscal
41 year.

42 § 2. This act shall take effect immediately.

43 PART R

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

47 39. The term "educational institution" shall mean:

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

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

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

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

§ 2. This act shall take effect immediately.

PART S

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

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

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

1. It shall be an unlawful discriminatory practice:

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

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

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

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

1 tation, specification or discrimination, unless based upon a bona fide
2 occupational qualification; provided, however, that neither this para-
3 graph nor any provision of this chapter or other law shall be construed
4 to prohibit the department of civil service or the department of person-
5 nel of any city containing more than one county from requesting informa-
6 tion from applicants for civil service examinations concerning any of
7 the aforementioned characteristics, other than sexual orientation, for
8 the purpose of conducting studies to identify and resolve possible prob-
9 lems in recruitment and testing of members of minority groups to insure
10 the fairest possible and equal opportunities for employment in the civil
11 service for all persons, regardless of age, race, creed, color, national
12 origin, citizenship or immigration status, sexual orientation or gender
13 identity or expression, military status, sex, disability, predisposing
14 genetic characteristics, familial status, or marital status.

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

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

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

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

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

54 1-a. It shall be an unlawful discriminatory practice for an employer,
55 labor organization, employment agency or any joint labor-management
56 committee controlling apprentice training programs:

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

4 (b) To deny to or withhold from any person because of race, creed,
5 color, national origin, citizenship or immigration status, sexual orien-
6 tation, gender identity or expression, military status, sex, age, disa-
7 bility, familial status, or marital status, the right to be admitted to
8 or participate in a guidance program, an apprenticeship training
9 program, on-the-job training program, executive training program, or
10 other occupational training or retraining program;

11 (c) To discriminate against any person in his or her pursuit of such
12 programs or to discriminate against such a person in the terms, condi-
13 tions or privileges of such programs because of race, creed, color,
14 national origin, citizenship or immigration status, sexual orientation,
15 gender identity or expression, military status, sex, age, disability,
16 familial status or marital status;

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

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

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

51 § 5. Paragraphs (a), (b), (c) and (c-1) of subdivision 2-a of section
52 296 of the executive law, as amended by section 3 of part T of chapter
53 56 of the laws of 2019, are amended to read as follows:

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

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

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

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

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

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

37 § 7. Subdivisions 3-b and 4 of section 296 of the executive law, as
38 amended by chapter 8 and subdivision 4 as separately amended by chapter
39 116 of the laws of 2019, are amended to read as follows:

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

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

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

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

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

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

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

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

1 fifty-five years of age or older per unit. In determining whether hous-
2 ing is intended and operated for occupancy by persons fifty-five years
3 of age or older, Sec. 807(b) (2) (c) (42 U.S.C. 3607 (b) (2) (c)) of the
4 federal Fair Housing Act of 1988, as amended, shall 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, citizenship or immigration
12 status, sexual orientation, gender identity or expression, military
13 status, sex, age, disability, marital status, or familial status of such
14 person or persons, or to represent that any housing accommodation or
15 land is not available for inspection, sale, rental or lease when in fact
16 it is so available;

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

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

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

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

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

1 inspection, sale, rental or lease when in fact it is so available, or
2 otherwise to deny or withhold any housing accommodation, land or commer-
3 cial 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, citizenship or immigration status,
6 sexual orientation, gender identity or expression, military status, sex,
7 age, disability, marital status, lawful source of income or familial
8 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 applica-
11 tion for the purchase, rental or lease of any housing accommodation,
12 land or commercial space or to make any record or inquiry in connection
13 with the prospective purchase, rental or lease of any housing accommo-
14 dation, land or commercial space which expresses, directly or indirect-
15 ly, any limitation, specification, or discrimination as to race, creed,
16 color, national origin, citizenship or immigration status, sexual orien-
17 tation, gender identity or expression, military status, sex, age, disa-
18 bility, marital status, lawful source of income or familial status; or
19 any intent to make any such limitation, specification or discrimination.

20 (3) With respect to age and familial status, the provisions of this
21 paragraph shall not apply to the restriction of the sale, rental or
22 lease of any housing accommodation, land or commercial space exclusively
23 to persons fifty-five years of age or older and the spouse of any such
24 person, or to the restriction of the sale, rental or lease of any hous-
25 ing 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.

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

40 (e) It shall be an unlawful discriminatory practice for the owner,
41 proprietor or managing agent of, or other person having the right to
42 provide care and services in, a private proprietary nursing home, conva-
43 lescent 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.

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

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

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

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

(a) Boycotts connected with labor disputes; or

(b) Boycotts to protest unlawful discriminatory practices.

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

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

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

1 holding, extending or renewing, or in the fixing of the rates, terms or
2 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, citizenship
6 or immigration status, sexual orientation, gender identity or
7 expression, military status, age, sex, marital status, 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, citizenship or immigration status, sexual orientation, gender
13 identity or expression, military status, age, sex, marital status, disa-
14 bility, 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, citizen-
21 ship or immigration status, sexual orientation, gender identity or
22 expression, military status, age, sex, marital status, 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, citizenship or
31 immigration status, sexual orientation, gender identity or expression,
32 military status, age, sex, marital status or disability, or familial
33 status, (i) an applicant or class of applicants is denied credit in
34 circumstances where other applicants of like overall credit worthiness
35 are granted credit, or (ii) special requirements or conditions, such as
36 requiring co-obligors or reapplication upon marriage, are imposed upon
37 an applicant or class of applicants in circumstances where similar
38 requirements or conditions are not imposed upon other applicants of like
39 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, citizenship or immigration status, sexual orientation, gender
49 identity or expression, military status, sex, marital status or disabili-
50 ty, or to the likelihood of any group of persons bearing or rearing
51 children, or for that reason receiving diminished or interrupted income
52 in the future.

53 § 12. 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, citizenship or immigration status, sexual
5 orientation, military status, sex, disability, predisposing genetic
6 characteristics, marital status, or 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, citizenship or immi-
10 gration status, sexual orientation, military status, sex, disability,
11 predisposing genetic characteristics, marital status, or domestic
12 violence victim 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, citizenship or immigration status, sexual orien-
19 tation, military status, sex, disability, predisposing genetic charac-
20 teristics, marital status or domestic violence victim status, or any
21 intent to make any such limitation, specification or discrimination,
22 unless based upon a bona fide occupational qualification; provided,
23 however, that neither this paragraph nor any provision of this chapter
24 or other law shall be construed to prohibit the department of civil
25 service or the department of personnel of any city containing more than
26 one county from requesting information from applicants for civil service
27 internships or examinations concerning any of the aforementioned charac-
28 teristics, other than sexual orientation, for the purpose of conducting
29 studies to identify and resolve possible problems in recruitment and
30 testing of members of minority groups to insure the fairest possible and
31 equal opportunities for employment in the civil service for all persons,
32 regardless of age, race, creed, color, national origin, citizenship or
33 immigration status, sexual orientation, military status, sex, disabili-
34 ty, predisposing genetic characteristics, marital status or domestic
35 violence victim status;

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

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

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

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

53 § 14. This act shall take effect immediately.

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

3 § 522. Total unemployment. "Total unemployment" or "totally unem-
4 ployed" means the total lack of any employment on any day. The term
5 "employment" as used in this section means any employment including that
6 not defined in this title.

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

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

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

33 § 523-a. Week of unemployment. For purposes of this article, "week of
34 unemployment" shall mean a week in which a claimant is totally unem-
35 ployed or partially unemployed. A claimant who is employed on a shift
36 continuing through midnight is deemed to have been employed on the day
37 beginning before midnight with respect to such shift, except where night
38 shift employees are regularly scheduled to start their work week at
39 seven post meridiem or thereafter on Sunday night, their regularly sche-
40 duled starting time on Sunday shall be considered as starting on Monday.

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

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

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

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

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

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

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

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

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

6 (iv) In those instances where a combined wage claim is filed pursuant
7 to interstate reciprocal agreements and the claimant's last employer
8 prior to the filing of the claim is an out-of-state employer and such
9 employer is not a base-period employer, benefit payments [~~equaling the~~
10 ~~first twenty-eight effective days of benefits~~] in an amount equal to the
11 benefits paid for seven weeks of total unemployment as otherwise
12 prescribed by this section shall be charged to the general account. In
13 those instances where the out-of-state employer is the last employer
14 prior to the filing of the claim for benefits and a base-period employer
15 such employer shall be liable for charges for all benefits paid on such
16 claim in the same proportion that the remuneration paid by such employer
17 during the base period bears to the remuneration paid by all employers
18 during the base period. In addition, benefit payment charges [~~for the~~
19 ~~twenty-eight effective days of benefits~~] in an amount equal to the bene-
20 fits paid for seven weeks of total unemployment other than those charge-
21 able to the out-of-state employer as prescribed above shall be made to
22 the general account.

23 § 7. Subdivisions 1, 3, 4, paragraph (a) of subdivision 5 and subdivi-
24 sions 6 and 7 of section 590 of the labor law, subdivisions 1 and 3 as
25 amended by chapter 645 of the laws of 1951, subdivision 4 as amended by
26 chapter 457 of the laws of 1987, paragraph (a) of subdivision 5 as
27 amended by section 8 of part 0 of chapter 57 of the laws of 2013, subdivi-
28 sion 6 as added by chapter 720 of the laws of 1953 and as renumbered
29 by chapter 675 of the laws of 1977, and subdivision 7 as amended by
30 chapter 415 of the laws of 1983, are amended and a new paragraph (c) is
31 added to subdivision 5 to read as follows:

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

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

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

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

1 remuneration paid during the highest calendar quarter of the base period
2 by employers liable for contributions or payments in lieu of contrib-
3 utions under this article. A claimant's weekly benefit shall be one
4 twenty-sixth of the average remuneration paid in the two highest quar-
5 ters paid during the base period or alternate base period by employers
6 liable for contributions or payments in lieu of contributions under this
7 article when the claimant has remuneration paid in two or three calendar
8 quarters provided however, that a claimant whose high calendar quarter
9 is four thousand dollars or less but greater than three thousand five
10 hundred seventy-five dollars shall have a weekly benefit amount of one
11 twenty-sixth of such high calendar quarter. However, for any claimant
12 who has remuneration paid in two or three calendar quarters during his
13 or her base period or alternate base period and whose high calendar
14 quarter remuneration during the base period is three thousand five
15 hundred seventy-five dollars or less, the benefit amount shall be one
16 twenty-fifth of the remuneration paid during the highest calendar quar-
17 ter of the base period by employers liable for contributions or payments
18 in lieu of contributions under this article. Any claimant whose high
19 calendar quarter remuneration during the base period is more than three
20 thousand five hundred seventy-five dollars shall not have a weekly bene-
21 fit amount less than one hundred forty-three dollars. The weekly benefit
22 amount, so computed, that is not a multiple of one dollar shall be
23 lowered to the next multiple of one dollar. On the first Monday of
24 September, nineteen hundred ninety-eight the weekly benefit amount shall
25 not exceed three hundred sixty-five dollars nor be less than forty
26 dollars, until the first Monday of September, two thousand, at which
27 time the maximum benefit payable pursuant to this subdivision shall
28 equal one-half of the state average weekly wage for covered employment
29 as calculated by the department no sooner than July first, two thousand
30 and no later than August first, two thousand, rounded down to the lowest
31 dollar. On and after the first Monday of October, two thousand fourteen,
32 the weekly benefit shall not be less than one hundred dollars, nor shall
33 it exceed four hundred twenty dollars until the first Monday of October,
34 two thousand fifteen when the maximum benefit amount shall be four
35 hundred twenty-five dollars, until the first Monday of October, two
36 thousand sixteen when the maximum benefit amount shall be four hundred
37 thirty dollars, until the first Monday of October, two thousand seven-
38 teen when the maximum benefit amount shall be four hundred thirty-five
39 dollars, until the first Monday of October, two thousand eighteen when
40 the maximum benefit amount shall be four hundred fifty dollars, until
41 the first Monday of October, two thousand nineteen when the maximum
42 benefit amount shall be thirty-six percent of the average weekly wage
43 until the first Monday of October, two thousand twenty when the maximum
44 benefit amount shall be thirty-eight percent of the average weekly wage,
45 until the first Monday of October two thousand twenty-one when the maxi-
46 mum benefit amount shall be forty percent of the average weekly wage,
47 until the first Monday of October, two thousand twenty-two when the
48 maximum benefit amount shall be forty-two percent of the average weekly
49 wage, until the first Monday of October, two thousand twenty-three when
50 the maximum benefit amount shall be forty-four percent of the average
51 weekly wage, until the first Monday of October, two thousand twenty-four
52 when the maximum benefit amount shall be forty-six percent of the aver-
53 age weekly wage, until the first Monday of October, two thousand twen-
54 ty-five when the maximum benefit amount shall be forty-eight percent of
55 the average weekly wage, until the first Monday of October, two thousand
56 twenty-six and each year thereafter on the first Monday of October when

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

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

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

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

22 § 8. Subdivisions 1 and 2, paragraph (a) of subdivision 3 and para-
23 graph (a) of subdivision 6 of section 591 of the labor law, subdivisions
24 1 and 2 as amended by chapter 413 of the laws of 2003, paragraph (a) of
25 subdivision 3 as amended by chapter 794 of the laws of 1963 and para-
26 graph (a) of subdivision 6 as added by section 13 of part 0 of chapter
27 57 of laws of 2013, are amended to read as follows:

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

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

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

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

1 dollars or fifty percent of the claimant's weekly benefit amount, which-
2 ever is greater.

3 § 9. Subdivisions 1 and 2 of section 591 of the labor law, subdivision
4 1 as amended by chapter 446 of the laws of 1981 and subdivision 2 as
5 amended by chapter 252 of the laws of 2020, are amended to read as
6 follows:

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

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

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

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

41 § 11. Paragraph (a) of subdivision 1, the opening paragraph of subdivi-
42 sion 2 and subdivisions 3 and 4 of section 593 of the labor law, para-
43 graph (a) of subdivision 1, the opening paragraph of subdivision 2 and
44 subdivision 3 as amended by section 15 of part 0 of chapter 57 of the
45 laws of 2013 and subdivision 4 as amended by chapter 589 of the laws of
46 1998, are amended to read as follows:

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

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

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

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

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

47 § 12. Subdivisions 1 and 2 of section 594 of the labor law, as amended
48 by section 16 of part 0 of chapter 57 of the laws of 2013, are amended
49 to read as follows:

50 (1) A claimant who has wilfully made a false statement or represen-
51 tation to obtain any benefit under the provisions of this article shall
52 forfeit benefits for at least the first ~~[four]~~ week of unemployment but
53 not more than the first ~~[eighty effective days]~~ twenty weeks of unem-
54 ployment following discovery of such offense for which he or she other-
55 wise would have been entitled to receive benefits. Such penalty shall
56 apply only once with respect to each such offense.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

31 PART U

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

34 2-a. Notwithstanding any inconsistent provision of law to the contra-
35 ry, a project of a housing development fund company managed or operated
36 by a company incorporated pursuant to the not-for-profit corporation law
37 and this article, that has entered into a regulatory agreement with the
38 commissioner or supervisory agency pursuant to section five hundred
39 seventy-six of this article shall be exempt from the sales and compen-
40 sating use taxes imposed pursuant to article twenty-eight or twenty-nine
41 of the tax law, and such tax exemption shall continue only so long as
42 such agreement is in force and effect.

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

46 PART V

47 Section 1. Subdivisions 5, 6, 7, 12, 13, 14, 15, 16, and 17 of section
48 111-h of the social services law are REPEALED, subdivisions 18, 19, and
49 20 are renumbered subdivisions 12, 13, and 14 and three new subdivisions
50 5, 6, and 7 are added to read as follows:

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

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

11 6. Any funds paid to a support collection unit established by a social
12 services district for which the remitter of such funds has not provided
13 sufficient identifying information to associate the funds with an exist-
14 ing or previously existing child support account, and such information
15 cannot be determined after diligent efforts, shall be paid to the state
16 comptroller in accordance with subdivision seven of this section.

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

23 (a) the names and last known addresses, if any, of the persons enti-
24 tled to receive such abandoned property;

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

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

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

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

33 § 4. The abandoned property law is amended by adding a new section
34 1318 to read as follows:

35 § 1318. Unclaimed spousal and child support. Any amount representing
36 child support or child and spousal support paid to a support collection
37 unit established by a social services district which has been delivered
38 to the state comptroller pursuant to subdivision seven of section one
39 hundred eleven-h of the social services law shall be deemed abandoned
40 property. On or before the tenth day of April in each year, such aban-
41 doned property shall be paid to the state comptroller. Such payment
42 shall be accompanied by a verified written report in such form as the
43 state comptroller may prescribe.

44 § 5. Subparagraph (b) of paragraph 1 of subdivision 4 of section 240
45 of the domestic relations law, as added by chapter 398 of the laws of
46 1997, is amended to read as follows:

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

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

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

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

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

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

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

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

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

24 § 8. This act shall take effect immediately; provided, however, that
25 any funds which were deposited with the county treasurer or the commis-
26 sioner of finance of the city of New York in accordance with section
27 111-h of the social services law prior to the effective date of this act
28 shall be delivered to the state comptroller on or before April 1, 2022
29 in accordance with subdivision 7 of section 111-h of the social services
30 law, as added by section one of this act.

31 PART W

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

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

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

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

47 5. The leave provided by this act shall be provided without loss or
48 reduction of an employee's accrued leave under section 196-b of the
49 labor law or earned benefits or wage supplements subject to section
50 198-c of the labor law.

51 6. No employer or any other person, shall discharge, threaten, penal-
52 ize, or in any other manner discriminate or retaliate against any
53 employee because such employee has exercised his or her rights afforded

1 under this act, consistent with and subject to the provisions of section
2 215 of the labor law.

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

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

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

20 § 2. This act shall take effect immediately.

21 PART X

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

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

27 § 2. Subdivisions 2, 5, and 12 of section 2402 of the public authori-
28 ties law, subdivision 2 as amended by chapter 806 of the laws of 1990,
29 subdivision 5 as amended by chapter 151 of the laws of 2013, and subdi-
30 vision 12 as added by chapter 915 of the laws of 1982, are amended to
31 read as follows:

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

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

1 property located in the state and improved by a residential structure or
2 on which a residential structure shall be constructed using the proceeds
3 of the related loan described in paragraph (a) or (b) of this subdivi-
4 sion, whether or not insured or guaranteed by the United States of Amer-
5 ica or any agency thereof, provided, however, that such second lien: (a)
6 secures a loan purchased by the agency, and (b) is made at the same time
7 as a first lien securing a loan purchased by the agency pursuant to its
8 programs or by a government sponsored enterprise or is made at the same
9 time as a new housing loan purchased by the agency pursuant to section
10 twenty-four hundred five-c of this part. The term "mortgage" shall also
11 include loans made by the agency and secured by a second lien on a fee
12 simple or leasehold estate in real property located in the state and
13 improved by a residential structure or on which a residential structure
14 shall be constructed using the proceeds of such loan, whether or not
15 insured or guaranteed by the United States of America or any agency
16 thereof, provided however, that the loan made by the agency and secured
17 by such second lien is made at the same time as a first lien securing a
18 mortgage loan purchased by the agency pursuant to its programs or by a
19 government sponsored enterprise. In the case of any second lien
20 purchased or made hereunder, the mortgagor shall be obligated to
21 contribute from his or her own verifiable funds an amount not less than
22 such percentage as the agency shall determine, of the lower of the
23 purchase price or appraised value of the property subject to the first
24 lien. "Real property" as used in this subdivision shall include air
25 rights.

26 For the purposes of this title and of [~~section one hundred ninety and~~
27 ~~subsection (a) of section one thousand four hundred fifty six~~] subdivi-
28 sion ten of section two hundred ten-B of the tax law, "mortgage" shall
29 include housing loans as defined below. Except for the purposes of
30 subdivision seven of section [~~two thousand four~~] twenty-four hundred
31 five and subdivision eight of section two thousand four hundred five-b
32 of this part, "mortgage" shall also include a loan owed to a bank by an
33 individual borrower incurred for the purpose of financing the purchase
34 of certificates of stock or other evidence of ownership of an interest
35 in, and a proprietary lease from, a cooperative housing corporation
36 formed for the purpose of the cooperative ownership of residential real
37 estate in the state, secured by an assignment or transfer of the bene-
38 fits of such cooperative ownership, and containing such terms and condi-
39 tions as the agency may approve.

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

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

50 (7) To (a) acquire, and contract to acquire, existing mortgages owned
51 by banks and to enter into advance commitments to banks for the purchase
52 of said mortgages, all subject to the provisions of section [~~two thou-~~
53 ~~sand four~~] twenty-four hundred five of this [~~title~~] part, (b) acquire,
54 and contract to acquire, forward commitment mortgages made by banks and
55 to enter into advance commitments to banks for the purchase of said
56 mortgages, all subject to the provisions of section [~~two thousand four~~]

1 ~~twenty-four~~ hundred five-b of this [~~title~~] part, (c) acquire, and
2 contract to acquire, new housing loans made by banks and to enter into
3 advance commitments to banks for the purchase of said housing loans, all
4 subject to the provisions of section [~~two thousand four~~] twenty-four
5 hundred five-c of this [~~title~~] part, [~~and~~] (d) to acquire and contract
6 to acquire mortgages pursuant to section twenty-four hundred five-d of
7 this title, and (e) acquire, and contract to acquire, new construction
8 mortgage loans owned by banks and to enter into advance commitments to
9 banks for the purchase of such mortgages, all subject to the provisions
10 of section twenty-four hundred five-b of this part;

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

22 § 4. Subdivisions 3 and 5 and paragraphs (a), (f), and (h) of subdivi-
23 sion 8 of section 2405-b of the public authorities law, subdivisions 3
24 and 5 and paragraphs (a) and (h) of subdivision 8 as added by chapter
25 915 of the laws of 1982, paragraph (h) of subdivision 8 as further
26 amended by section 104 of part A of chapter 62 of the laws of 2011 and
27 paragraph (f) of subdivision 8 as amended by chapter 432 of the laws of
28 2009, are amended to read as follows:

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

36 (5) Notwithstanding the maximum interest rate, if any, fixed by
37 section 5-501 of the general obligations law or any other law not
38 specifically amending or applicable to this section, the agency may set
39 the interest rate to be borne by forward commitment mortgages purchased
40 by the agency from banks at a rate or rates which the agency from time
41 to time shall determine [~~to~~], provided however, that if such mortgages
42 are financed through the issuance of the agency's bonds or notes, the
43 interest rate shall be at least sufficient, together with any other
44 available monies, to provide for the payment of its bonds and notes, and
45 forward commitment mortgages bearing such interest rate shall not be
46 deemed to violate any such law or to be unenforceable if originated by a
47 bank in good faith pursuant to an undertaking with the agency with
48 respect to the sale thereof notwithstanding any subsequent failure of
49 the agency to purchase the mortgage or any subsequent sale or disposi-
50 tion of the mortgage by the agency to such bank or any other person.

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

54 (f) the mortgage constitutes a valid first lien, or second lien with
55 respect to mortgages other than new construction loans, on the real
56 property described to the agency in accordance with subdivision five of

1 section twenty-four hundred two of this part subject only to real prop-
2 erty taxes not yet due, installments of assessments not yet due, and
3 easements and restrictions of record which do not adversely affect, to a
4 material degree, the use or value of the real property or improvements
5 thereon;

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

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

14 a. the amendments to subdivisions 2, 5 and 12 of section 2402 of the
15 public authorities law made by section two of this act shall not affect
16 the expiration of such subdivisions and shall be deemed to expire there-
17 with;

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

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

25 PART Y

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

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

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

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

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

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

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

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

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

PART Z

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

SUBPART A

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

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

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

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

§ 3. This act shall take effect immediately.

SUBPART B

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

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

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

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

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

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

(iv) Where a clearance conducted pursuant to this section reveals that an applicant to be an employee or volunteer with the potential for unsupervised contact with children of a child day care program or enrolled

1 legally-exempt provider has been charged with a crime, the office shall
2 hold the application in abeyance until the charge is finally resolved;
3 provided, however, that the office of children and family services may
4 approve the application prior to resolution of the charge if a
5 conviction on the charge would not result in the employee or volunteer
6 being deemed ineligible pursuant to subdivision three of this section.

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

11 (ii) A licensing agency shall inquire of the office whether an appli-
12 cant for a certificate, license or permit to operate a child care
13 program including a family day care home, group family day care home,
14 child care center, school age child care program, or enrolled legally
15 exempt provider or an employee, volunteer or applicant to be an employee
16 or volunteer in such program who has potential for regular and substan-
17 tial contact with children in the program, is the confirmed subject of
18 an indicated child abuse report maintained by the statewide central
19 register of child abuse and maltreatment; provided, however, that a
20 licensing agency may, but is not required to, submit an inquiry pursuant
21 to this subparagraph if such individual has been the subject of an
22 inquiry pursuant to this subparagraph within the last five years and has
23 maintained a role in one or more child care programs during such five-
24 year period without a break in time where such individual ceased to play
25 a role in any child care program of not more than one hundred eighty
26 consecutive days. The office shall promulgate regulations related to the
27 process by which providers and applicants will be informed whether the
28 applicant is authorized or unauthorized to care for children based on
29 the outcome of such inquiry.

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

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

53 § 2. Severability. If any clause, sentence, paragraph, subdivision,
54 section or part contained in any subpart of this act shall be adjudged
55 by any court of competent jurisdiction to be invalid, such judgment
56 shall not affect, impair, or invalidate the remainder thereof, but shall

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

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

10 PART AA

11 Section 1. Legislative findings and intent. The legislature finds that
12 the transition to the green economy and creating good paying jobs are
13 not mutually exclusive priorities for New York State. In order to make
14 this transition and achieve the ambitious goals set forth in the Climate
15 Leadership and Community Protection Act, a clear focus on prioritizing
16 renewable energy sources is necessary. However, the workers who will
17 build the infrastructure of the green economy must not be left behind.
18 Setting clear standards for job quality will ensure the creation of good
19 jobs, protect workers in the ongoing transition of our energy sector,
20 and result in positive economic impacts. Due to such findings, the
21 legislature hereby declares that the mandate of prevailing wage or
22 project labor agreements for construction work and engineering and
23 consulting services performed in connection with the installation of
24 renewable energy systems provided in this bill will ensure that workers
25 are central to New York State's transition to the green economy.

26 § 2. 1. (a) For purposes of this act, a "covered renewable energy
27 project" means construction work and engineering and consulting services
28 performed under contract which is paid for in whole or in part out of
29 public funds as such term is defined in this section where the amount of
30 all such public funds, when aggregated, is at least thirty percent of
31 the total construction project costs, in connection with either:

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

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

39 (b) For purposes of this act, a covered renewable energy project shall
40 exclude construction work performed under a pre-hire collective bargain-
41 ing agreement between an owner or contractor and a bona fide building
42 and construction trade labor organization which has established itself
43 as the collective bargaining representative for all persons who will
44 perform work on such a project, and which provides that only contractors
45 and subcontractors who sign a pre-negotiated agreement with the labor
46 organization can perform work on such a project, or construction work
47 performed under a labor peace agreement, project labor agreement, or any
48 other construction work performed under an enforceable agreement between
49 an owner or contractor and a bona fide building and construction trade
50 labor organization.

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

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

7 2. Notwithstanding part FFF of chapter 58 of the laws of 2020 that
8 established prevailing wage for construction work done under contract
9 which is paid for in whole or in part out of public funds, a covered
10 renewable energy project shall be subject to prevailing wage require-
11 ments in accordance with sections 220 and 220-b of the labor law. Noth-
12 ing herein shall be construed to require the payment of prevailing wage
13 or require a project labor agreement for a renewable energy project
14 which is paid for with solely private funds, by private entities.

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

17 4. The enforcement of any covered renewable energy project pursuant to
18 this act shall be subject only to the requirement of sections 220,
19 220-b, and 224-b of the labor law and within the jurisdiction of the
20 fiscal officer; provided, however, nothing contained in this act shall
21 be deemed to construe any covered renewable energy project as otherwise
22 being considered public work pursuant to article 8 of the labor law.

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

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

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

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

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