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 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law, in relation to school contracts for excellence; to amend the education law, in relation to pandemic adjustment payment reduction; to amend the education law, in relation to aidable transportation expense; relating to funding from the elementary and secondary school emergency relief fund allocated by the American rescue plan act of 2021; to amend the education law, in relation to foundation aid; to amend the education law, in relation to the statewide universal full-day pre-kindergarten program; legalizing, validating, ratifying and confirming certain contracts and projects by the Huntington union free school district, the Liverpool central school district, and the Marlboro central school district; providing that the commissioner of education shall not recover any penalties from the Huntington union free school district, the Liverpool central school district, and the Marlboro central school district; legalizing, validating, ratifying and confirming certain transportation contracts by the Cold Spring Harbor central school district; to amend the education law, in relation to certain moneys apportioned in the 2021-2022 school year; to amend the education law, in relation to the preparation of estimated data for projections of apportionments; in relation to approved private schools serving certain students with disabi-

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

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ties, special act school districts and approved preschool special class and special class in an integrated setting programs experiencing enrollment decreases as a result of the state disaster emergency declared pursuant to Executive Order 202 of 2020; to amend the education law, in relation to authorizing the board of education of a special act school district to establish a fiscal stabilization reserve fund; to amend the education law, in relation to certain tuition methodology; to amend the education law, in relation to charter school aid; to amend part B of chapter 57 of the laws of 2008 amending the education law relating to the universal prekindergarten program, in relation to the effectiveness thereof; to amend chapter 507 of the laws of 1974, relating to providing for the apportionment of state monies to certain nonpublic schools, to reimburse them for their expenses in complying with certain state requirements for the administration of state testing and evaluation programs and for participation in state programs for the reporting of basic educational data, in relation to the calculation of nonpublic schools' eligibility to receive aid; to amend chapter 756 of the laws of 1992, relating to funding a program for work force education conducted by the consortium for worker education in New York city, in relation to reimbursement for the 2021-2022 school year; to amend chapter 756 of the laws of 1992, relating to funding a program for work force education conducted by the consortium for worker education in New York city, in relation to withholding a portion of employment preparation education aid and in relation to the effectiveness thereof; to amend the education law, in relation to funds for certain employment preparation education programs; 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; to amend chapter 121 of the laws of 1996 relating to authorizing the Roosevelt union free school district to finance deficits by the issuance of serial bonds, in relation to the amounts of such apportionments; in relation to special apportionment for 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 paragraph cc of subdivision 1 of section 3602 of the education law, relating to the gap elimination adjustment percentage; to repeal paragraph c of subdivision 17 of section 3602 of the education law, relating to the gap elimination adjustment; and providing for the repeal of certain provisions upon expiration thereof (Part A); intentionally omitted (Part B); intentionally omitted (Part C); to amend part D of chapter 58 of the laws of 2011 amending the education law relating to capital facilities in support of the state university and community colleges, procurement and the state university health care facilities, in relation to the effectiveness thereof (Part D); intentionally omitted (Part E); extending scholarship program eligibility
for certain recipients affected by the COVID-19 pandemic (Part F); to amend the education law, in relation to establishing the amount awarded for the excelsior scholarship (Part G); 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 (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; and providing for the repeal of certain provisions upon expiration thereof (Part L); intentionally omitted (Part M); intentionally omitted (Part N); to utilize reserves in the mortgage insurance fund for various housing purposes (Part O); to amend the social services law, in relation to increasing the standards of monthly need for aged, blind and disabled persons living in the community (Part P); to amend the state finance law, in relation to authorizing a tax check-off for gifts to food banks (Part Q); intentionally omitted (Part R); intentionally omitted (Part S); intentionally omitted (Part T); to amend the private housing finance law, in relation to exempting certain projects from sales and compensating use taxes (Part U); intentionally omitted (Part V); intentionally omitted (Part W); intentionally omitted (Part X); intentionally omitted (Part Y); to amend the social services law, in relation to making child care more affordable for low-income families; and providing for the repeal of such provisions upon expiration thereof (Part Z); to amend the labor law and the public service law, in relation to requirements for certain renewable energy systems (Part AA); to establish a COVID-19 emergency rental assistance program; to amend the state finance law, in relation to establishing a COVID-19 emergency rental municipal corporation allocation fund; and providing for the repeal of such provisions upon expiration thereof (Subpart A); and to amend the tax law, in relation to establishing the utility COVID-19 debt relief credit (Subpart B) (Part BB); to amend the labor law, in relation to prohibiting the inclusion of claims for unemployment insurance arising from the closure of an employer due to COVID-19 from being included in such employer's experience rating charges; and to amend chapter 21 of the laws of 2021, amending the labor law relating to prohibiting the inclusion of claims for unemployment insurance arising from the closure of an employer due to COVID-19 from being included in such employer's experience rating charges, in relation to the effectiveness thereof (Part CC); to amend the education law, in relation to tuition assistance program awards; and to amend chapter 260 of the laws of 2011 amending the education law and the New York state urban development corporation act relating to establishing components of the NY-SUNY 2020 challenge grant program, in relation to the effectiveness thereof (Part DD); to amend the social services law,
in relation to excluding certain funding from the determination of the maximum state aid rate for authorized agencies; and providing for the repeal of such provisions upon expiration thereof (Part EE); to implement section 4 of Division X of the federal consolidated appropriations act of 2021; and providing for the repeal of such provisions upon expiration thereof (Part FF); to amend the education law, in relation to state appropriations for reimbursement of tuition credits (Part GG); to amend the public officers law, in relation to defense and indemnification of physicians acting on behalf of the state (Part HH); to amend the public health law, in relation to the storage of sexual offense evidence collection kits (Part II); to amend the social services law, the education law and the public health law, in relation to providing supports and services for youth suffering from adverse childhood experiences; and providing for the repeal of certain provisions of the social services law relating thereto (Subpart A); intentionally omitted (Subpart B) (Part JJ); to amend the business corporation law, the general associations law, the limited liability company law, the not-for-profit corporation law, the partnership law and the real property law, in relation to service of process (Part KK); to amend the executive law, in relation to the community violence intervention act (Part LL); to amend the public service law, in relation to directing the public service commission to review broadband and fiber optic services within the state (Part MM); to amend the general business law, in relation to broadband service for low-income consumers (Part NN); and to amend the social services law, in relation to the powers of a social services official to receive and dispose of a deed, mortgage or lien (Part OO)

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 necessary to implement the state education, labor, housing and family assistance budget for the 2021-2022 state fiscal year. Each component is wholly contained within a Part identified as Parts A through OO. The effective date for each particular provision contained within such Part is set forth in the last section of such Part. Any provision in any section contained within a Part, including the effective date of the Part, which makes a reference to a section "of this act", when used in connection with that particular component, shall be deemed to mean and refer to the corresponding section of the Part in which it is found. Section three of this act sets forth the general effective date of this act.

PART A

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

17. e. Notwithstanding paragraphs a and b of this subdivision, a school district that submitted a contract for excellence for the two thousand eight--two thousand nine school year shall submit a contract for excellence for the two thousand nine--two thousand ten school year in conformity with the requirements of subparagraph (vi) of paragraph a of subdivision two of this section unless all schools in the district are
identified as in good standing and provided further that, a school district that submitted a contract for excellence for the two thousand nine--two thousand ten school year, unless all schools in the district are identified as in good standing, shall submit a contract for excellence for the two thousand eleven--two thousand twelve school year which shall, notwithstanding the requirements of subparagraph (vi) of paragraph a of subdivision two of this section, provide for the expenditure of an amount which shall be not less than the product of the amount approved by the commissioner in the contract for excellence for the two thousand nine--two thousand ten school year, multiplied by the district’s gap elimination adjustment percentage and provided further that, a school district that submitted a contract for excellence for the two thousand eleven--two thousand twelve school year, unless all schools in the district are identified as in good standing, shall submit a contract for excellence for the two thousand twelve--two thousand thirteen school year which shall, notwithstanding the requirements of subparagraph (vi) of paragraph a of subdivision two of this section, provide for the expenditure of an amount which shall be not less than the amount approved by the commissioner in the contract for excellence for the two thousand eleven--two thousand twelve school year and provided further that, a school district that submitted a contract for excellence for the two thousand twelve--two thousand thirteen school year, unless all schools in the district are identified as in good standing, shall submit a contract for excellence for the two thousand thirteen--two thousand fourteen school year which shall, notwithstanding the requirements of subparagraph (vi) of paragraph a of subdivision two of this section, provide for the expenditure of an amount which shall be not less than the amount approved by the commissioner in the contract for excellence for the two thousand thirteen--two thousand fourteen school year and provided further that, a school district that submitted a contract for excellence for the two thousand thirteen--two thousand fourteen school year, unless all schools in the district are identified as in good standing, shall submit a contract for excellence for the two thousand fourteen--two thousand fifteen school year which shall, notwithstanding the requirements of subparagraph (vi) of paragraph a of subdivision two of this section, provide for the expenditure of an amount which shall be not less than the amount approved by the commissioner in the contract for excellence for the two thousand fourteen--two thousand fifteen school year and provided further that, a school district that submitted a contract for excellence for the two thousand fourteen--two thousand fifteen school year, unless all schools in the district are identified as in good standing, shall submit a contract for excellence for the two thousand fifteen--two thousand sixteen school year which shall, notwithstanding the requirements of subparagraph (vi) of paragraph a of subdivision two of this section, provide for the expenditure of an amount which shall be not less than the amount approved by the commissioner in the contract for excellence for the two thousand fifteen--two thousand sixteen school year and provided further that, a school district that submitted a contract for excellence for the two thousand fifteen--two thousand sixteen school year, unless all schools in the district are identified as in good standing, shall submit a contract for excellence for the two thousand sixteen--two thousand seventeen school year which shall, notwithstanding the requirements of subparagraph (vi) of paragraph a of subdivision two of this section, provide for the expenditure of an amount which shall be not less than the amount approved by the commissioner in the contract for excellence
for the two thousand fifteen--two thousand sixteen school year; and provided further that, a school district that submitted a contract for excellence for the two thousand sixteen--two thousand seventeen school year, unless all schools in the district are identified as in good standing, shall submit a contract for excellence for the two thousand seventeen--two thousand eighteen school year which shall, notwithstanding the requirements of subparagraph (vi) of paragraph a of subdivision two of this section, provide for the expenditure of an amount which shall be not less than the amount approved by the commissioner in the contract for excellence for the two thousand sixteen--two thousand seventeen school year; and provided further that a school district that submitted a contract for excellence for the two thousand seventeen--two thousand eighteen school year, unless all schools in the district are identified as in good standing, shall submit a contract for excellence for the two thousand seventeen--two thousand eighteen school year which shall, notwithstanding the requirements of subparagraph (vi) of paragraph a of subdivision two of this section, provide for the expenditure of an amount which shall be not less than the amount approved by the commissioner in the contract for excellence for the two thousand seventeen--two thousand eighteen school year; and provided further that, a school district that submitted a contract for excellence for the two thousand eighteen--two thousand nineteen school year, unless all schools in the district are identified as in good standing, shall submit a contract for excellence for the two thousand eighteen--two thousand nineteen school year which shall, notwithstanding the requirements of subparagraph (vi) of paragraph a of subdivision two of this section, provide for the expenditure of an amount which shall be not less than the amount approved by the commissioner in the contract for excellence for the two thousand eighteen--two thousand nineteen school year; and provided further that, a school district that submitted a contract for excellence for the two thousand eighteen--two thousand nineteen school year, unless all schools in the district are identified as in good standing, shall submit a contract for excellence for the two thousand nineteen--two thousand twenty school year which shall, notwithstanding the requirements of subparagraph (vi) of paragraph a of subdivision two of this section, provide for the expenditure of an amount which shall be not less than the amount approved by the commissioner in the contract for excellence for the two thousand nineteen--two thousand twenty school year; and provided further that, a school district that submitted a contract for excellence for the two thousand twenty--two thousand twenty-one school year, unless all schools in the district are identified as in good standing, shall submit a contract for excellence for the two thousand twenty--two thousand twenty-one school year which shall, notwithstanding the requirements of subparagraph (vi) of paragraph a of subdivision two of this section, provide for the expenditure of an amount which shall be not less than the amount approved by the commissioner in the contract for excellence for the two thousand twenty--two thousand twenty-one school year.

For purposes of this paragraph, the "gap elimination adjustment percentage" shall be calculated as the sum of one minus the quotient of the sum of the school district's net gap elimination adjustment for two thousand ten--two thousand twelve as computed pursuant to chapter fifty-three of the laws of two thousand ten, making appropriations for the support of government, plus the school district's gap elimination adjustment for two thousand twelve--two thousand twelve as computed pursuant to chapter fifty-three of the laws of two thousand eleven, making appropriations for the support of
the local assistance budget, including support for general support for public schools, divided by the total aid for adjustment computed pursuant to chapter fifty-three of the laws of two thousand eleven, making appropriations for the local assistance budget, including support for general support for public schools. Provided, further, that such amount shall be expended to support and maintain allowable programs and activities approved in the two thousand nine--two thousand ten school year or to support new or expanded allowable programs and activities in the current year.

§ 2. Intentionally omitted.
§ 3. Intentionally omitted.
§ 4. Intentionally omitted.
§ 5. Intentionally omitted.
§ 6. Intentionally omitted.
§ 7. Intentionally omitted.
§ 8. Intentionally omitted.
§ 9. Subdivision 1 of section 3602 of the education law is amended by adding a new paragraph kk to read as follows:

kk. The "federal COVID-19 supplemental stimulus" shall be equal to the sum of (1) ninety percent of the funds from the elementary and secondary school emergency relief fund 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, provided that if the total statewide base federal allocation is not equal to four hundred sixty-seven million eight hundred thirteen thousand six hundred sixty-nine dollars ($467,813,669), individual school district allocations shall be prorated to ensure that the base federal allocation is equal to four hundred sixty-seven million eight hundred thirteen thousand six hundred sixty-nine dollars ($467,813,669), less ninety percent of the funds from the elementary and secondary school emergency relief fund 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.

§ 9-a. On or before July 1, 2021, every local educational agency receiving funding from the elementary and secondary school emergency relief fund allocated by the American rescue plan act of 2021 shall be required to post on its website a plan by school year of how such funds will be expended and how the local educational agency will prioritize spending on non-recurring expenses in the areas of: safely returning students to in-person instruction; maximizing in-person instruction time; operating schools and meeting the needs of students; purchasing educational technology; addressing the impacts of the COVID-19 pandemic on students, including the impacts of interrupted instruction and learning loss and the impacts on low-income students, children with disabilities, English language learners, and students experiencing homelessness;
implementing evidence-based strategies to meet students' social, emotional, mental health, and academic needs; offering evidence-based summer, afterschool, and other extended learning and enrichment programs; and supporting early childhood education. Provided further, that local educational agencies shall identify any programs utilizing such funding that are expected to continue beyond the availability of such federal funds and identify local funds that will be used to maintain such programs in order to minimize disruption to core academic and other school programs. Before posting such plan, the local educational agency shall seek public comment from parents, teachers and other stakeholders on the plan and take such comments into account in the development of the plan.

§ 9-b. Notwithstanding any provision of law to the contrary, each local educational agency receiving an allocation of elementary and secondary school emergency relief funds pursuant to section 2001(d)(1) of the American rescue plan act of 2021 shall reserve one-half (0.5) of the amount so allocated for reimbursement of eligible costs incurred by such local educational agency in the 2021-22 through 2024-25 school years, with the amount of such costs for each such school year to equal one-eighth (0.125) of such allocation, provided that such time schedule shall not apply to eligible costs to be reimbursed from the other one-half (0.5) of such allocation; provided, however, that this requirement shall not apply to local educational agencies whose allocation pursuant to such section is less than five hundred dollars ($500) per pupil, and provided further that, in the event that the director of the budget determines that by March 15, 2022, the federal government has not extended the deadline by which local educational agencies must obligate all of the funds allocated pursuant to such section at least through the end of the 2024-25 school year, the amount of such allocation to be reserved for reimbursement of eligible costs incurred in each of the 2022-23 and 2023-24 school years shall equal one thousand eight hundred seventy-five ten-thousandths (0.1875) of such allocation.

§ 9-c. Notwithstanding any inconsistent provision of law, elementary and secondary school emergency relief funds and the governor's emergency education relief funds pursuant to the Coronavirus response and relief supplemental appropriations act, 2021 and the American rescue plan act of 2021 shall be deemed grants in aid and the state comptroller shall prescribe that any monies received therefrom by school districts shall be recorded and reported as special aid funds of the district.

§ 10. Intentionally omitted.

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

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

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

i. Foundation aid payable in the two thousand twenty-one--two thousand twenty-two school year. Notwithstanding any provision of law to the contrary, foundation aid payable in the two thousand twenty-one--two thousand twenty-two school year shall equal the sum of the total foundation aid base computed pursuant to subparagraph (ii) of paragraph j of subdivision one of this section plus the greater of the: (i) minimum increase; (ii) phase-in increase; (iii) catch up increase; and (iv) the per pupil allocation. For the purposes of this paragraph:
(1) The "phase-in increase" shall be equal to the product of the foundation aid phase-in factor multiplied by the positive difference, if any, of: (i) total foundation aid pursuant to paragraph a of this subdivision; less (ii) the total foundation aid base computed pursuant to paragraph j of subdivision one of this section.

(2) The "foundation aid phase-in factor" shall be equal to the greater of: (i) twenty-six hundred twenty-five ten-thousandths (0.2625); (ii) twenty-seven hundred twenty-eight ten-thousandths (0.2728) for districts with a sparsity count computed pursuant to paragraph r of subdivision one of this section greater than zero; (iii) twenty-seven hundredths (0.27) for small city school districts pursuant to paragraph jj of subdivision one of this section; (iv) forty-four hundredths (0.44) for a city school district in a city with a population of more than one hundred twenty-five thousand but less than one hundred fifty thousand as of the two thousand ten federal decennial census; (v) four hundred ninety-five thousandths (0.495) for a city school district in a city with a population of more than one hundred fifty thousand but less than two hundred fifty thousand as of the two thousand ten federal decennial census; (vi) forty-four hundredths (0.44) for a city school district in a city with a population of more than two hundred fifty thousand but less than one million as of the two thousand ten federal decennial census; or (vii) four hundred ninety-five thousandths (0.495) for a city school district in a city having a population of one million or more.

(3) The "minimum increase" shall be equal to the product of: (i) the greater of two hundredths (0.02) or three hundredths (0.03) for districts with a sparsity count computed pursuant to paragraph r of subdivision one of this section greater than zero; multiplied by (ii) the total foundation aid base computed pursuant to paragraph j of subdivision one of this section.

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

(5) The "per pupil allocation" shall be equal to the product of: (i) three hundred dollars ($300); multiplied by (ii) the quotient of: (A) the three-year direct certification percentage computed pursuant to subparagraph four of paragraph ii of subdivision one of this section; divided by (B) four hundred seventy-three thousandths (0.473); and further multiplied by (iii) public school district enrollment for the base year as computed pursuant to paragraph n of subdivision one of this section for eligible districts. A district shall be eligible for the per pupil allocation if the combined wealth ratio for total foundation aid computed pursuant to subparagraph two of paragraph c of subdivision three of this section is less than two fifty-three hundredths (2.53).

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

(ii) Phase-in foundation increase factor. For the two thousand eleven--two thousand twelve school year, the phase-in foundation increase factor shall equal thirty-seven and one-half percent (0.375) and the phase-in due minimum percent shall equal nineteen and forty-one hundredths percent (0.1941), for the two thousand twelve--two thousand thirteen school year the phase-in foundation increase factor shall equal one and seven-tenths percent (0.017), for the two thousand thirteen--two thousand fourteen school year the phase-in foundation increase factor
1 shall equal (1) for a city school district in a city having a population
2 of one million or more, five and twenty-three hundredths percent
3 (0.0523) or (2) for all other school districts zero percent, for the two
4 thousand fourteen--two thousand fifteen school year the phase-in founda-
5 tion increase factor shall equal (1) for a city school district of a
6 city having a population of one million or more, four and thirty-two
7 hundredths percent (0.0432) or (2) for a school district other than a
8 city school district having a population of one million or more for
9 which (A) the quotient of the positive difference of the foundation
10 formula aid minus the foundation aid base computed pursuant to paragraph
11 j of subdivision one of this section divided by the foundation formula aid is greater than twenty-two percent (0.22) and (B) a combined wealth
12 ratio less than thirty-five hundredths (0.35), seven percent (0.07) or
13 (3) for all other school districts, four and thirty-one hundredths
14 percent (0.0431), and for the two thousand fifteen--two thousand sixteen
15 school year the phase-in foundation increase factor shall equal: (1) for
16 a city school district of a city having a population of one million or
17 more, thirteen and two hundred seventy-four thousandths percent
18 (0.13274); or (2) for districts where the quotient arrived at when
19 dividing (A) the product of the total aidable foundation pupil units
20 multiplied by the district's selected foundation aid less the total
21 foundation aid base computed pursuant to paragraph j of subdivision one
22 of this section divided by (B) the product of the total aidable founda-
23 tion pupil units multiplied by the district's selected foundation aid is
24 greater than nineteen percent (0.19), and where the district's combined
25 wealth ratio is less than thirty-three hundredths (0.33), seven and
26 seventy-five hundredths percent (0.0775); or (3) for any other district
27 designated as high need pursuant to clause (c) of subparagraph two of
28 paragraph c of subdivision six of this section for the school aid
29 computer listing produced by the commissioner in support of the enacted
30 budget for the two thousand seven--two thousand eight school year and
31 entitled "SA0708", four percent (0.04); or (4) for a city school
32 district in a city having a population of one hundred twenty-five thou-
33 sand or more but less than one million, fourteen percent (0.14); or (5)
34 for school districts that were designated as small city school districts
35 or central school districts whose boundaries include a portion of a
36 small city for the school aid computer listing produced by the commis-
37 sioner in support of the enacted budget for the two thousand fourteen--
38 two thousand fifteen school year and entitled "SA1415", four and seven
39 hundred fifty-one thousandths percent (0.04751); or (6) for all other
40 districts one percent (0.01), and for the two thousand sixteen--two
41 thousand seventeen school year the foundation aid phase-in increase
42 factor shall equal for an eligible school district the greater of: (1)
43 for a city school district in a city with a population of one million or
44 more, seven and seven hundred eighty-four thousandths percent (0.07784);
45 or (2) for a city school district in a city with a population of more
46 than two hundred fifty thousand but less than one million as of the most
47 recent federal decennial census, seven and three hundredths percent
48 (0.0703); or (3) for a city school district in a city with a population
49 of more than two hundred thousand but less than two hundred fifty thou-
50 sand as of the most recent federal decennial census, six and seventy-two
51 hundredths percent (0.0672); or (4) for a city school district in a city
52 with a population of more than one hundred fifty thousand but less than
53 two hundred thousand as of the most recent federal decennial census, six
54 and seventy-four hundredths percent (0.0674); or (5) for a city school
55 district in a city with a population of more than one hundred twenty-
five thousand but less than one hundred fifty thousand as of the most recent federal decennial census, nine and fifty-five hundredths percent (0.0955); or (6) for school districts that were designated as small city school districts or central school districts whose boundaries include a portion of a small city for the school aid computer listing produced by the commissioner in support of the enacted budget for the two thousand fourteen--two thousand fifteen school year and entitled "SA141-5" with a combined wealth ratio less than one and four tenths (1.4), nine percent (0.09), provided, however, that for such districts that are also districts designated as high need urban-suburban pursuant to clause (c) of subparagraph two of paragraph c of subdivision six of this section for the school aid computer listing produced by the commissioner in support of the enacted budget for the two thousand seven--two thousand eight school year and entitled "SA0708", nine and seven hundred and nineteen thousandths percent (0.09719); or (7) for school districts designated as high need rural pursuant to clause (c) of subparagraph two of paragraph c of subdivision six of this section for the school aid computer listing produced by the commissioner in support of the enacted budget for the two thousand seven--two thousand eight school year and entitled "SA0708", thirteen and six tenths percent (0.136); or (8) for school districts designated as high need urban-suburban pursuant to clause (c) of subparagraph two of paragraph c of subdivision six of this section for the school aid computer listing produced by the commissioner in support of the enacted budget for the two thousand seven--two thousand eight school year and entitled "SA0708", seven hundred nineteen thousandths percent (0.00719); or (9) for all other eligible school districts, forty-seven hundredths percent (0.0047), provided further that for the two thousand seventeen--two thousand eighteen school year the foundation aid increase phase-in factor shall equal (1) for school districts with a census 2000 poverty rate computed pursuant to paragraph q of subdivision one of this section equal to or greater than twenty-six percent (0.26), ten and three-tenths percent (0.103), or (2) for a school district in a city with a population in excess of one million or more, seventeen and seventy-seven one-hundredths percent (0.1777), or (3) for a city school district in a city with a population of more than two hundred fifty thousand but less than one million, as of the most recent decennial census, twelve and sixty-nine hundredths percent (0.1269) or (4) for a city school district in a city with a population of more than one hundred fifty thousand but less than two hundred thousand, as of the most recent federal decennial census, ten and seventy-eight one hundredths percent (0.1078), or (5) for a city school district in a city with a population of more than one hundred twenty-five thousand but less than one hundred fifty thousand as of the most recent federal decennial census, nineteen and one hundred eight one-thousandths percent (0.19108), or (6) for a city school district in a city with a population of more than two hundred thousand but less than two hundred fifty thousand as of the most recent federal decennial census, ten and six-tenths percent (0.106), or (7) for all other districts, four and eighty-seven one-hundredths percent (0.0487), and for the two thousand twenty--two thousand twenty--two thousand twenty--one school year and thereafter the commissioner shall annually determine the phase-in foundation increase factor subject to allocation pursuant to the provisions of subdivision eighteen of this section and any provisions of a chapter of the laws of New York as described therein twenty-three school year the foundation aid phase-in increase factor shall be fifty percent (0.5), and for the two thousand
year and thereafter the foundation aid phase-in increase factor shall be
one hundred percent (1.0).

§ 10-d. For the 2021-22, 2022-23 and 2023-24 school years, each school
district receiving a foundation aid increase of more than: (i) ten
percent; or (ii) ten million dollars in a school year shall, on or
before July 1 of each school year, post to the district’s website a plan
by school year of how such funds will be used to address student
performance and need, including but not limited to: (i) increasing grad-
uation rates and eliminating the achievement gap; (ii) reducing class
sizes; (iii) providing supports for students who are not meeting, or at
risk of not meeting, state learning standards in core academic subject
areas; (iv) addressing student social-emotional health; and (v) provid-
ing adequate resources to English language learners, students with disa-
bilities; and students experiencing homelessness. Prior to posting such
plan, each school district shall seek public comment from parents,
teachers and other stakeholders on the plan and take such comments into
account in the development of the plan.

§ 11. Intentionally omitted.

§ 11-a. Subdivision 1 of section 3602 of the education law is amended
by adding two new paragraphs ll and mm to read as follows:

ll. (1) "Economically disadvantaged count" shall be equal to the undu-
plicated count of all children registered to receive educational
services in grades kindergarten through twelve, including children in
ungraded programs who participate in, or whose family participates in,
economic assistance programs, such as the free or reduced-price lunch
programs, Social Security Insurance, Supplemental Nutrition Assistance
Program, Foster Care, Refugee Assistance (cash or medical assistance),
Earned Income Tax Credit (EITC), Home Energy Assistance Program (HEAP),
Safety Net Assistance (SNA), Bureau of Indian Affairs (BIA), or Tempo-
rary Assistance for Needy Families (TANF).

(2) "Economically disadvantaged rate" shall mean the quotient arrived
at when dividing the economically disadvantaged count by public enroll-
ment as computed pursuant to subparagraph one of paragraph n of this
subdivision.

(3) "Three-year average economically disadvantaged rate" shall equal
the quotient of: (i) the sum of the economically disadvantaged count for
the school year prior to the base year, plus such number for the school
year two years prior to the base year, plus such number for the school
year three years prior to the base year; divided by (ii) the sum of
enrollment as computed pursuant to subparagraph one of paragraph n of
subdivision one of this section for the school year prior to the base
year, plus such number for the school year two years prior to the base
year, plus such number for the school year three years prior to the base
year, computed to four decimals without rounding.

mm. "Three-year average small area income and poverty estimate rate"
shall equal the quotient of: (i) the sum of the number of persons aged
five to seventeen within the school district, based on the small area
income and poverty estimates produced by the United States census
bureau, whose families had incomes below the poverty level for the
calendar year prior to the year in which the base year began, plus such
number for the calendar year two years prior to the year in which the
base year began, plus such number for the calendar year three years
prior to the year in which the base year began; divided by (ii) the sum
of the total number of persons aged five to seventeen within the school
district, based on such census bureau estimates, for the year prior to
the year in which the base year began, plus such total number for the
year two years prior to the year in which the base year began, plus such
total number for the year three years prior to the year in which the
base year began, computed to four decimals without rounding.
§ 11-b. Section 3641 of the education law is amended by adding a new
subdivision 17 to read as follows:

17. Learning loss grants. a. For the two thousand twenty-one--two
thousand twenty-two school year, eligible school districts shall receive
grants in aid equal to the positive difference, if any, of the base ARPA
allocation less ninety percent of the funds from the elementary and
secondary school emergency relief fund made available to school
districts pursuant to the American rescue plan act of 2021, (P.L.
117-2), but not less than seven hundred thousand dollars ($700,000), and
not more than ten million dollars ($10,000,000) or ten percent (0.1) of
the total expenditures from the district's general fund for the two
thousand twenty--two thousand twenty-one school year, whichever is less.
School districts where the base ARPA allocation is less than or equal to
ninety percent of the funds from the elementary and secondary school
emergency relief fund made available to school districts pursuant to the
American rescue plan act of 2021, shall not be eligible for these
grants. Such grant funds shall remain available for obligation by such
school districts until the deadline therefor prescribed in federal law.
 b. The "base ARPA allocation" shall be equal to the product of the
adjusted per pupil amount multiplied by public school district enroll-
ment for the base year as computed pursuant to paragraph n of subdivi-
sion one of section thirty-six hundred two of this article. The
"adjusted per pupil amount" shall be equal to the product of: (1) four
thousand five hundred fifty dollars and twenty-six cents ($4,550.26);
multiplied by (2) the regional cost index calculated in two thousand
eighteen, reflecting an analysis of labor market costs based on median
salaries in professional occupations that require similar credentials to
those of positions in the education field, but not including those occu-
pations in the education field; multiplied by (3) the modified EN index;
and multiplied by (4) the learning loss wealth factor.
   (1) For purposes of this paragraph, the "learning loss wealth factor"
shall be equal to the positive difference, if any, of seventy-five
hundredths (0.75) less half of the combined wealth ratio computed pursu-
ant to subparagraph one of paragraph c of subdivision three of section
thirty-six hundred two of this article.
   (2) For purposes of this paragraph, the "modified EN index" shall be
equal to the modified EN percent divided by the statewide average modi-
fied EN percent, provided that for the two thousand twenty-one--two
thousand twenty-two school year, the statewide average modified EN
percent shall be equal to five thousand five hundred sixty-five ten-
thousandths (0.5565).
   (3) For purposes of this paragraph, the "modified EN percent" shall be
equal to the modified EN count divided by public school district enroll-
ment for the base year computed pursuant to paragraph n of subdivision
one of section thirty-six hundred two of this article.
   (4) For purposes of this paragraph, the "modified EN count" shall
equal the sum of (A) the product of fifty percent (0.5) multiplied by
the English language learner count computed pursuant to paragraph o of
subdivision one of section thirty-six hundred two of this article, plus
(B) the sparsity count computed pursuant to paragraph r of subdivision
one of section thirty-six hundred two of this article, plus (C) the
product of sixty-five hundredths (0.65) multiplied by the three-year
average small area income and poverty estimate rate computed pursuant to
paragraph mm of subdivision one of section thirty-six hundred two of this article and multiplied further by public school district enrollment for the base year as computed pursuant to paragraph n of subdivision one of section thirty-six hundred two of this article, plus (D) the product of sixty-five hundredths (0.65) multiplied by the three-year average economically disadvantaged rate defined pursuant to paragraph ll of subdivision one of section thirty-six hundred two of this article and multiplied further by public school district enrollment for the base year as computed pursuant to paragraph n of subdivision one of section thirty-six hundred two of this article.

c. Districts receiving learning loss grants shall use: (1) fourteen and two hundred eighty-six thousandths percent (0.14286) of such grants for implementation of evidence-based summer enrichment programs; (2) fourteen and two hundred eighty-six thousandths percent (0.14286) for implementation of evidence-based comprehensive afterschool programs; and (3) the remaining funds for activities to address learning loss by supporting the implementation of evidence-based interventions, such as summer learning or summer enrichment, extended day, comprehensive after-school programs, or extended school year programs. School districts shall ensure that such interventions respond to students' academic, social, and emotional needs and address the disproportionate impact of the coronavirus on low-income students, children with disabilities, English learners, migrant students, students experiencing homelessness, and children in foster care.

§ 12. Intentionally omitted.

§ 12-a. Intentionally omitted.

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

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

§ 13. Intentionally omitted.

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

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

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

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

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

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

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

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

For the two thousand twenty--two thousand twenty-one school year, each school district shall be entitled to an apportionment equal to the amount set forth for such school district as "ACADEMIC ENHANCEMENT" under the heading "2019-20 ESTIMATED AIDS" in the school aid computer listing produced by the commissioner in support of the budget for the two thousand nineteen--two thousand twenty school year and entitled "SA192-0", and such apportionment shall be deemed to satisfy the state obligation to provide an apportionment pursuant to subdivision eight of section thirty-six hundred forty-one of this article. For the two thousand twenty--two thousand twenty-two school year, each school district shall be entitled to an apportionment equal to the amount set forth for such school district as "ACADEMIC ENHANCEMENT" under the heading "2020-21 ESTIMATED AIDS" in the school aid computer listing produced by the commissioner in support of the budget for the two thousand twenty--two thousand twenty-one school year and entitled "SA202-1", and such apportionment shall be deemed to satisfy the state obligation to provide an apportionment pursuant to subdivision eight of section thirty-six hundred forty-one of this article.


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

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

§ 15. Intentionally omitted.

§ 16. Intentionally omitted.

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

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

§ 18. Intentionally omitted.

§ 19. Intentionally omitted.

§ 20. Subdivisions 6 and 7 of section 3622-a of the education law, subdivision 6 as amended by section 47 of part A of chapter 58 of the laws of 2011 and subdivision 7 as added by chapter 422 of the laws of 2004, are amended and two new subdivisions 8 and 9 are added to read as follows:

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

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

8. Notwithstanding any inconsistent provision of law, 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 building 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; and

9. Notwithstanding any inconsistent provision of law, expenditures made for transportation during the period between the issuance of executive order 202.4 on March sixteenth, two thousand twenty and the issuance of executive order 202.28 on May seventh, two thousand twenty, without regard to whether such transportation was provided.

§ 21. Intentionally omitted.

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

4. Notwithstanding the provisions of this section or any other provision of law to the contrary, for the computation of transportation aid pursuant to the requirements of subdivision seven of section thirty-six hundred two of this article, allowable transportation expenses shall also include transportation operating expenses described in subdivision one of this section and transportation capital, debt service and lease expenses described in subdivision two of this section incurred in the two thousand nineteen--two thousand twenty school year: (i) during the state disaster emergency declared pursuant to executive order 202 of 2020 in the case of expenses pursuant to subdivision eight of section thirty-six hundred twenty-two-a of this part; and (ii) during the period
between the issuance of executive order 202.4 on March sixteenth, two
thousand twenty and the issuance of executive order 202.28 on May
seventh, two thousand twenty in the case of expenses pursuant to subdi-
vision nine of section thirty-six hundred twenty-two-a of this part.
Such expenses shall be allowable transportation expenses even where
aidable regular transportation as defined in section thirty-six hundred
twenty-two-a of this part of transportation after four pm pursuant to
section thirty-six hundred twenty-seven of this part was not provided.
§ 22-a. Subdivision 8 of section 4410 of the education law, as amended
by chapter 474 of the laws of 1996, is amended to read as follows:
8. Transportation. The municipality in which a preschool child resides
shall, beginning with the first day of service, provide either directly
or by contract for suitable transportation, as determined by the board,
to and from special services or programs; provided, however, that if the
municipality is a city with a population of one million or more persons
the municipality may delegate the authority to provide such transporta-
tion to the board; and provided further, that prior to providing such
transportation directly or contracting with another entity to provide
such transportation, such municipality or board shall request and
encourage the parents to transport their children at public expense,
where cost-effective, at a rate per mile or a public service fare estab-
lished by the municipality and approved by the commissioner. Except as
otherwise provided in this section, the parents' inability or declina-
tion to transport their child shall in no way affect the
municipality's or board's responsibility to provide recommended
services. Such transportation shall be provided once daily from the
child care location to the special service or program and once daily
from the special service or program to the child care location up to
fifty miles from the child care location. If the board determines that a
child must receive special services and programs at a location greater
than fifty miles from the child care location, it shall request approval
of the commissioner. For the purposes of this subdivision, the term
"child care location" shall mean a child's home or a place where care
for less than twenty-four hours a day is provided on a regular basis and
includes, but is not limited to, a variety of child care services such
as day care centers, family day care homes and in-home care by persons
other than parents. All transportation of such children shall be
provided pursuant to the procedures set forth in section two hundred
thirty-six of the family court act using the date called for in the
written notice of determination of the board or the date of the written
notice of determination of the board, whichever comes later, in lieu of
the date the court order was issued. Notwithstanding this subdivision
or any provision of law to the contrary, transportation expenses
incurred by a municipality for operating and maintenance costs pursuant
to this subdivision during the period between the issuance of executive
order 202.4 on March sixteenth, two thousand twenty and the issuance of
executive order 202.28 on May seventh, two thousand twenty shall be
reimbursable and considered approved costs in accordance with the
provisions of this section and the regulations of the commissioner.
§ 22-b. Notwithstanding any other provision of law, rule or regulation
to the contrary, a child who resides within a county, in a city school
district located in a city having a population of one million or more,
that has a population of less than one million and who resides in an
area containing at least three hundred children within a one and one-
half mile radius shall be provided transportation pursuant to section
3627 of the education law without regard to like circumstances.
§ 23. Subdivision 16 of section 3602-ee of the education law, as amended by section 22 of part A of chapter 56 of the laws of 2020, is amended to read as follows:

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

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

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

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

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

§ 23-c. Subdivision 10 of section 3602-e of the education law, as amended by section 10-a of part YYY of chapter 59 of the laws of 2019, is amended to read as follows:

10. Universal prekindergarten aid. Notwithstanding any provision of law to the contrary,

(i) for aid payable in the two thousand eight--two thousand nine school year, the grant to each eligible school district for universal prekindergarten aid shall be computed pursuant to this subdivision, and

(ii) for the two thousand nine--two thousand ten and two thousand ten--two thousand eleven school years, each school district shall be eligible for a maximum grant equal to the amount computed for such school district for the base year in the electronic data file produced by the commissioner in support of the two thousand nine--two thousand ten education, labor and family assistance budget, provided, however, that in the case of a district implementing programs for the first time or implementing expansion programs in the two thousand eight--two thousand nine school year where such programs operate for a minimum of ninety days in any one school year as provided in section 151-1.4 of the
regulations of the commissioner, for the two thousand nine--two thousand
ten and two thousand ten--two thousand eleven school years, such school
district shall be eligible for a maximum grant equal to the amount
computed pursuant to paragraph a of subdivision nine of this section in
the two thousand eight--two thousand nine school year, and
(iii) for the two thousand eleven--two thousand twelve school year
each school district shall be eligible for a maximum grant equal to the
amount set forth for such school district as "UNIVERSAL PREKINDERGARTEN"
under the heading "2011-12 ESTIMATED AIDS" in the school aid computer
listing produced by the commissioner in support of the enacted budget
for the 2011-12 school year and entitled "SA111-2", and
(iv) for two thousand twelve--two thousand thirteen through two thou-
sand sixteen--two thousand seventeen school years each school district
shall be eligible for a maximum grant equal to the greater of (A) the
amount set forth for such school district as "UNIVERSAL PREKINDERGARTEN"
under the heading "2010-11 BASE YEAR AIDS" in the school aid computer
listing produced by the commissioner in support of the enacted budget
for the 2011-12 school year and entitled "SA111-2", or (B) the amount
set forth for such school district as "UNIVERSAL PREKINDERGARTEN" under
the heading "2010-11 BASE YEAR AIDS" in the school aid computer listing
produced by the commissioner on May fifteenth, two thousand eleven
pursuant to paragraph b of subdivision twenty-one of section three
hundred five of this chapter, and
(v) for the two thousand seventeen--two thousand eighteen and two
thousand eighteen--two thousand nineteen school years, each school
district shall be eligible to receive a grant amount equal to the sum of
(A) the amount set forth for such school district as "UNIVERSAL PREKIN-
DERGARTEN" under the heading "2016-17 ESTIMATED AIDS" in the school aid
computer listing produced by the commissioner in support of the enacted
budget for the two thousand sixteen--two thousand seventeen school year
and entitled "SA161-7" plus (B) the amount awarded to such school
district for the priority full-day prekindergarten and expanded half-day
prekindergarten grant program for high need students for the two thou-
sand sixteen--two thousand seventeen school year pursuant to chapter
fifty-three of the laws of two thousand thirteen, provided that for
purposes of calculating the maintenance of effort reduction in subdivi-
sion eleven of this section grant amounts shall be the four-year-old
grant amount, and
(vi) for the two thousand nineteen--two thousand twenty school year,
each school district shall be eligible to receive a grant amount equal
to the sum of (A) the amount set forth for such school district as
"UNIVERSAL PREKINDERGARTEN" in the school aid computer listing produced
by the commissioner in support of the enacted budget for the two thou-
sand eighteen--two thousand nineteen school year plus (B) the amount
awarded to such school district for the federal preschool development
expansion grant for the two thousand seventeen--two thousand eighteen
school year pursuant to the American Recovery and Reinvestment Act of
2009 (ARRA), Sections 14005, 14006, and 14013, Title XIV, (Public Law
112-10), as amended by section 1832(b) of Division B of the Department
of Defense and Full-Year Continuing Appropriations Act, 2011 (Pub. L.
112-10), and the Department of Education Appropriations Act, 2012 (Title
III Division F of Pub. L. 112-74, the Consolidated Appropriations Act,
2012) plus (C) the amount awarded to such school district for the
expanded prekindergarten program for three and four year-olds for the
two thousand eighteen--two thousand nineteen school year pursuant to
chapter sixty-one of the laws of two thousand fifteen plus (D) the
amount awarded to such school district for the expanded prekindergarten
for three-year-olds in high need districts program for the two thousand
eighteen--two thousand nineteen school year pursuant to chapter fifty-
three of the laws of two thousand sixteen plus (E) the amount awarded to
such school district for the expanded prekindergarten program for three-
and four-year-olds for the two thousand eighteen--two thousand nineteen
school year pursuant to a chapter of the laws of two thousand seventeen
plus (F) the amount awarded to such school district, subject to an
available appropriation, through the pre-kindergarten expansion grant
for the two thousand eighteen--two thousand nineteen school year,
provided that such school district has met all requirements pursuant to
this section and for purposes of calculating the maintenance of effort
reduction in subdivision eleven of this section that such grant amounts
shall be divided into a four-year-old grant amount based on the amount
each district was eligible to receive in the base year to serve four-
year-old prekindergarten pupils and a three-year-old grant amount based
on the amount each district was eligible to receive in the base year to
serve three-year-olds, and
(vii) for the two thousand twenty--two thousand twenty-one school year
[and thereafter], each school district shall be eligible to receive a
grant amount equal to [the sum of (A)] the amount set forth for such
school district as "UNIVERSAL PREKINDERGARTEN ALLOCATION" on the comput-
er file produced by the commissioner in support of the enacted budget
for the prior year [plus (B) the amount awarded to such school district,
subject to an available appropriation, through the pre-kindergarten
expansion grant for the prior year, provided that such school district
has met all requirements pursuant to this section and for purposes of
calculating the maintenance of effort reduction in subdivision eleven of
this section that such grant amounts shall be divided into a four-year-
old grant amount based on the amount each district was eligible to
receive in the base year to serve four-year-old prekindergarten pupils
and a three-year-old grant amount based on the amount each district was
eligible to receive in the base year to serve three-year-old pupils]
excluding amounts subject to section thirty-six hundred two-ee of this
part, and provided further that the maximum grant shall not exceed the
total actual grant expenditures incurred by the school district in the
current school year as approved by the commissioner, and
(viii) for the two thousand twenty-one--two thousand twenty-two school
year and thereafter, each school district shall be eligible to receive a
grant amount equal to the sum of (A) the amount set forth for such
school district as "UNIVERSAL PREKINDERGARTEN ALLOCATION" on the comput-
er file produced by the commissioner in support of the enacted budget
for the prior year excluding amounts subject to section thirty-six
hundred two-ee of this part and further excluding amounts paid pursuant
to subdivision nineteen of this section plus (B) the Full-day 4-Year-Old
Universal Prekindergarten Expansion added pursuant to paragraph e of
subdivision nineteen of this section, provided that such school district
has met all requirements pursuant to this section and such grants shall
be added into a four-year-old grant amount based on the amount each
prekindergarten pupils, plus (C) the amount awarded to such school
district, subject to an available appropriation, through the prekind-
garten expansion grant for the prior year, provided that such school
district has met all requirements pursuant to this section and for
purposes of calculating the maintenance of effort reduction in subdivi-
sion eleven of this section that such grant amounts shall be divided
into a four-year-old grant amount based on the amount each district was eligible to receive in the base year to serve four-year-old prekindergarten pupils and a three-year-old grant amount based on the amount each district was eligible to receive in the base year to serve three-year-old pupils, and provided further that the maximum grant shall not exceed the total actual grant expenditures incurred by the school district in the current school year as approved by the commissioner.

a. Each school district shall be eligible to serve the sum of (i) eligible full-day four-year-old prekindergarten pupils plus (ii) eligible half-day four-year-old prekindergarten pupils plus (iii) eligible full-day three-year-old prekindergarten pupils plus (iv) eligible half-day three-year-old prekindergarten pupils.

b. For purposes of paragraph a of this subdivision:

(i) "Selected aid per prekindergarten pupil" shall equal the greater of (A) the product of five-tenths and the school district's selected foundation aid for the current year, or (B) the aid per prekindergarten pupil calculated pursuant to this subdivision for the two thousand six--two thousand seven school year, based on data on file for the school aid computer listing produced by the commissioner in support of the enacted budget for the two thousand six--two thousand seven school year and entitled "SA060-7"; provided, however, that in the two thousand eight--two thousand nine school year, a city school district in a city having a population of one million inhabitants or more shall not be eligible to select aid per prekindergarten pupil pursuant to clause (A) of this subparagraph;

(ii) (1) "Eligible Full-day four-year-old prekindergarten pupils" shall equal:

For the two thousand seventeen--two thousand eighteen school year the sum of, from the priority full-day prekindergarten program, (A) the maximum aidable pupils such district was eligible to serve in the base year plus (B) the maximum aidable number of half-day prekindergarten pupils converted into a full-day prekindergarten pupil in the base year;

For the two thousand eighteen--two thousand nineteen school year the sum of, from the programs pursuant to this section, (A) the maximum aidable full-day prekindergarten pupils such district was eligible to serve in the base year plus (B) the maximum aidable number of half-day prekindergarten pupils converted into full-day prekindergarten pupils in the base year;

For the two thousand nineteen--two thousand twenty school year the sum of, from each of (A) the programs pursuant to this section, (B) the federal preschool development expansion grant, (C) the expanded prekindergarten program, (D) the expanded prekindergarten program for three- and four-year-olds, and (E) the prekindergarten expansion grant, (1) the maximum aidable full-day four-year-old prekindergarten pupils such district was eligible to serve in the base year, plus (2) the maximum aidable number of half-day four-year-old prekindergarten pupils converted into full-day prekindergarten pupils in the base year;

For the two thousand twenty--two thousand twenty-one school year [and thereafter] the sum of, from each of (A) the programs pursuant to this section and (B) the pre-kindergarten expansion grant, (1) the maximum aidable full-day four-year-old prekindergarten pupils such district was eligible to serve in the base year, plus (2) the maximum aidable number of half-day four-year-old prekindergarten pupils converted into full-day prekindergarten pupils in the base year;

For the two thousand twenty-one--two thousand twenty-two school year and thereafter, the sum of, from the programs pursuant to this subdivi-
sion, (1) the maximum aidable full-day four-year-old prekindergarten pupils such district was eligible to serve in the base year, plus (2) the maximum aidable number of half-day four-year-old prekindergarten pupils converted into full-day prekindergarten pupils in the base year, plus (3) expansion slots added pursuant to paragraph e of subdivision nineteen of this section.

(2) "Eligible full-day three-year-old prekindergarten pupils" shall equal:

For the two thousand nineteen--two thousand twenty school year, the sum of, from each of (A) the expanded prekindergarten program, (B) the expanded prekindergarten program for three-year-olds, (C) the expanded prekindergarten program for three- and four-year-olds, and (D) the prekindergarten expansion grant, (1) the maximum aidable full-day three-year-old prekindergarten pupils such district was eligible to serve in the base year, plus (2) the maximum aidable number of half-day three-year-old prekindergarten pupils converted into full-day prekindergarten pupils in the base year;

For the two thousand twenty--two thousand twenty-one school year and thereafter, the sum of, from each of (A) the programs pursuant to this section, and (B) the prekindergarten expansion grant, (1) the maximum aidable full-day three-year-old prekindergarten pupils such district was eligible to serve in the base year, plus (2) the maximum aidable number of half-day three-year-old prekindergarten pupils converted into full-day prekindergarten pupils in the base year;

(iii) (1) "Eligible half-day four-year-old prekindergarten pupils" shall equal:

For the two thousand seventeen--two thousand eighteen school year the sum of the maximum aidable half-day prekindergarten pupils such district was eligible to serve for the base year from (A) the program pursuant to this section plus such pupils from (B) the priority full-day prekindergarten program, less the maximum aidable number of half-day prekindergarten pupils converted into full-day prekindergarten pupils under the priority full-day prekindergarten program for the base year;

For the two thousand eighteen--two thousand nineteen school year, the maximum aidable half-day prekindergarten pupils such district was eligible to serve for the base year from the program pursuant to this section;

For the two thousand nineteen--two thousand twenty school year, the sum of the maximum aidable half-day four-year-old prekindergarten pupils such district was eligible to serve for the base year from (A) the program pursuant to this section plus such pupils from (B) the expanded prekindergarten program plus such pupils from (C) the expanded prekindergarten program for three- and four-year-olds plus such pupils from (D) the prekindergarten expansion grant, less the sum of the maximum aidable number of half-day four-year-old prekindergarten pupils converted into full-day four-year-old prekindergarten pupils under each of (1) the federal preschool expansion grant for the base year plus such pupils from (2) the expanded prekindergarten program plus such pupils from (3) the expanded prekindergarten program for three- and four-year-olds plus such pupils from (4) the prekindergarten expansion grant for the base year;

For the two thousand twenty--two thousand twenty-one school year and thereafter, the sum of the maximum aidable half-day four-year-old prekindergarten pupils such district was eligible to serve for the base year from (A) the program pursuant to this section plus such pupils from (B) the pre-kindergarten expansion grant, less the maximum aidable number of
half-day four-year-old prekindergarten pupils converted into full-day four-year-old prekindergarten pupils under the prekindergarten expansion grant for the base year;

(2) "Eligible half-day three-year-old prekindergarten pupils" shall equal:

For the two thousand nineteen–two thousand twenty school year, the sum of the maximum aidable half-day three-year-old prekindergarten pupils such district was eligible to serve for the base year from (A) the expanded prekindergarten program plus such pupils from (B) the expanded prekindergarten for three-year-olds plus such pupils from (C) the expanded prekindergarten program for three- and four-year-olds plus such pupils from (D) the prekindergarten expansion grant, less the sum of the maximum aidable number of half-day three-year-old prekindergarten pupils converted into full-day three-year-old prekindergarten pupils under each of (1) the expanded prekindergarten program plus such pupils from (2) the expanded prekindergarten for three-year-olds plus such pupils from (3) the expanded prekindergarten program for three- and four-year-olds plus such pupils from (4) the prekindergarten expansion grant for the base year;

For the two thousand twenty–two thousand twenty-one school year and thereafter, the sum of the maximum aidable half-day three-year-old prekindergarten pupils such district was eligible to serve for the base year from (A) the program pursuant to this section plus such pupils from (B) the prekindergarten expansion grant, less the maximum aidable number of half-day three-year-old prekindergarten pupils converted into full-day three-year-old prekindergarten pupils under the prekindergarten expansion grant for the base year;

(iv) "Unserved four-year-old prekindergarten pupils" shall mean the product of eighty-five percent multiplied by the positive difference, if any, between the sum of the public school enrollment and the nonpublic school enrollment of children attending full day and half day kindergarten programs in the district in the year prior to the base year less the number of resident children who attain the age of four before December first of the base year, who were served during such school year by a prekindergarten program approved pursuant to section forty-four hundred ten of this chapter, where such services are provided for more than four hours per day;

(v) (1) "Prekindergarten four-year-old maintenance of effort base" shall mean the number of eligible full-day four-year-old prekindergarten pupils set forth for the district in this paragraph plus the product of one half (0.5) multiplied by the number of eligible half-day four-year-old prekindergarten pupils set forth for the district in this paragraph;

(2) "Prekindergarten three-year-old maintenance of effort base" shall mean the number of eligible full-day three-year-old prekindergarten pupils set forth for the district in this paragraph plus the product of one half (0.5) multiplied by the number of eligible half-day three-year-old prekindergarten pupils set forth for the district in this paragraph;

(vi) (1) "Current year four-year-old prekindergarten pupils served" shall mean the sum of full day four-year-old prekindergarten pupils served in the current year plus the product of one half (0.5) multiplied by the half day four-year-old prekindergarten pupils in the current year less the half-day four-year-old conversion overage;

(2) "Current year three-year-old prekindergarten pupils served" shall mean the sum of full day three-year-old prekindergarten pupils served in the current year plus the product of one half (0.5) multiplied by the
half day three-year-old prekindergarten pupils in the current year less the half-day three-year-old conversion overage;

(vii) (1) "Half-day four-year-old conversion overage" shall equal, for districts with thirty percent fewer full-day four-year-old prekindergarten pupils served in the current year than eligible full-day four-year-old prekindergarten pupils as set forth in this paragraph due to the conversion of full-day four-year-old prekindergarten pupils served in the current year to half-day four-year-old prekindergarten pupils served in the current year, the difference of the product of seven-tenths multiplied by the eligible full-day four-year-old prekindergarten pupils rounded down to the nearest whole number, less the number of full-day four-year-old prekindergarten pupils served in the current year;

(2) "Half-day three-year-old conversion overage" shall equal, for districts with thirty percent fewer full-day three-year-old prekindergarten pupils served in the current year than eligible full-day three-year-old prekindergarten pupils as set forth in paragraph b of this subdivision due to the conversion of full-day three-year-old prekindergarten pupils served in the current year to half-day three-year-old prekindergarten pupils served in the current year, the difference of the product of seven-tenths multiplied by the eligible full-day three-year-old prekindergarten pupils rounded down to the nearest whole number, less the number of full-day three-year-old prekindergarten pupils served in the current year;

(3) Provided that a district may apply to the commissioner for a hardship waiver that would allow a district to convert more than thirty percent of full-day four-year-old prekindergarten pupils served in the current year to half-day four-year-old prekindergarten pupils served in the current year or three-year-old prekindergarten pupils served in the current year to half-day three-year-old prekindergarten pupils served in the current year and receive funding for such slots. Such waiver shall be granted upon a demonstration by the school district that due to a significant change in the resources available to the school district and absent this hardship waiver, the school district would be unable to serve such pupils in prekindergarten programs, without causing significant disruption to other district programming;

(viii) (1) "Maintenance of effort factor for four-year-olds" shall mean the quotient arrived at when dividing the current year four-year-old prekindergarten pupils served by the prekindergarten four-year-old maintenance of effort base;

(2) "Maintenance of effort factor for three-year-olds" shall mean the quotient arrived at when dividing the current year three-year-old prekindergarten pupils served by the prekindergarten three-year-old maintenance of effort base;

(ix) For the purposes of this paragraph:

(A) "Priority full-day prekindergarten program" shall mean the priority full-day prekindergarten and expanded half-day prekindergarten grant program for high need students pursuant to chapter fifty-three of the laws of two thousand thirteen;

(B) "Federal preschool development expansion grant" shall mean the federal preschool development expansion grant pursuant to the American Recovery and Reinvestment Act of 2009 (ARRA), Sections 14005, 14006, and 14013, Title XIV, (Public Law 112-10), as amended by section 1832(b) of Division B of the Department of Defense and Full-Year Continuing Appropriations Act, 2011 (Pub. L. 112-10), and the Department of Education Appropriations Act, 2012 (Title III Division F of Pub. L. 112-74, the Consolidated Appropriations Act, 2012);
(C) "Expanded prekindergarten program" shall mean the expanded prekindergarten program for three- and four-year-olds pursuant to chapter sixty-one of the laws of two thousand fifteen;

(D) "Expanded prekindergarten for three-year-olds" shall mean the expanded prekindergarten for three-year-olds in high need districts program pursuant to chapter fifty-three of the laws of two thousand sixteen;

(E) "Expanded prekindergarten program for three- and four-year-olds" shall mean the expanded prekindergarten program for three- and four-year-olds pursuant to a chapter of the laws of two thousand seventeen;

(F) "Prekindergarten expansion grant" shall mean the prekindergarten expansion grant for the two thousand eighteen--two thousand nineteen school year and thereafter, pursuant to subdivision eighteen of this section, to the extent such program was available subject to appropriation, and provided that such school district has met all requirements pursuant to this section.

c. Notwithstanding any other provision of this section, the total grant payable pursuant to this section shall equal the lesser of: (i) the sum of the four-year-old grant amount plus the three-year-old grant amount computed pursuant to this subdivision for the current year, based on data on file with the commissioner as of September first of the school year immediately following or (ii) the total actual grant expenditures incurred by the school district as approved by the commissioner.

d. Notwithstanding any other provision of this section, apportionments under this section greater than the amounts provided in the two thousand sixteen--two thousand seventeen school year shall only be used to supplement and not supplant current local expenditures of state or local funds on prekindergarten programs and the number of eligible full-day four-year-old prekindergarten pupils and eligible full-day three-year-old prekindergarten pupils in such programs from such sources. Current local expenditures shall include any local expenditures of state or local funds used to supplement or extend services provided directly or via contract to eligible children enrolled in a universal prekindergarten program pursuant to this section.

§ 23-d. Section 3602-e of the education law is amended by adding a new subdivision 19 to read as follows:

19. Full-day four-year-old universal prekindergarten expansion. a. Allocation. For the two thousand twenty-one--two thousand twenty-two through two-thousand twenty-three--two thousand twenty-four school years, school districts shall be eligible to receive a grant amount equal to twice the product of expansion slots multiplied by selected aid per prekindergarten pupil calculated pursuant to subparagraph i of paragraph b of subdivision ten of this section for the two thousand twenty-one--two thousand twenty-two school year, and provided further that this allocation shall not exceed the total actual full-day four-year-old universal prekindergarten expansion grant expenditures incurred by the school district in the current school year as approved by the commissioner. Grantees awarded funds under this subdivision shall comply with all of the same rules and requirements as the universal prekindergarten programs pursuant to this section.

b. Expansion slots. (i) For the two thousand twenty-one--two thousand twenty-two school year, for eligible school districts, the preliminary slot count shall be equal to the positive difference of: (1) the product of three thousand five hundred and four ten-thousandths (0.3504) and unserved four-year-old prekindergarten pupils calculated pursuant to subparagraph (iv) of paragraph b of subdivision ten of this section;
less (2) the sum of: (A) full-day four-year-old prekindergarten pupils served in the two thousand nineteen--two thousand twenty school year pursuant to this section; plus (B) students served in full-day prekindergarten programs funded by grants pursuant to section thirty-six hundred two-ee of this part in the year prior to the base year. If such preliminary slot count is less than ten, the expansion slots shall be zero; if such preliminary slot count is greater than or equal to ten but less than twenty, the expansion slots shall be twenty; for all other eligible districts, the expansion slots shall equal to the preliminary slot count.

c. Eligibility. (i) For the two thousand twenty-one--two thousand twenty-two school year, school districts shall be eligible for this expansion if: (1) the combined wealth ratio computed pursuant to subparagraph one of paragraph c of subdivision three of section thirty-six hundred two of this part is less than two (2.0); and (2) the quotient arrived at when dividing: (A) the sum of: (1) full-day and half-day four-year-old prekindergarten pupils served in the two thousand nineteen--two thousand twenty school year pursuant to this section; plus (2) students served in full-day prekindergarten programs funded by grants pursuant to section thirty-six hundred two-ee of this part in the two thousand nineteen--two thousand twenty school year; divided by (B) unserved four-year-old prekindergarten pupils calculated pursuant to subparagraph (iv) of paragraph b of subdivision ten of this section is less than five tenths (0.50).

d. Maintenance of effort. Where a school district serves fewer four-year-old prekindergarten pupils in full-day programs funded by the full-day four-year-old universal prekindergarten expansion pursuant to this subdivision than the number of expansion slots as defined in paragraph b of this subdivision, the school district shall have its current year full-day four-year-old universal prekindergarten expansion payment reduced to an amount equal to the product of: (i) the full-day four-year-old universal prekindergarten expansion; multiplied by (ii) the quotient of four-year-old prekindergarten pupils served in programs funded by the full-day four-year-old universal prekindergarten expansion divided by the number of expansion slots. Funds provided pursuant to this subdivision shall only be used to supplement and not supplant current local expenditures of state or local funds on prekindergarten programs.

e. Universal prekindergarten program consolidation. In the event the director of the budget determines that the available appropriation of federal funds is insufficient for the allocation pursuant to this subdivision, the difference between the available appropriation and the allocation shall be added to universal prekindergarten aid grants pursuant to subdivision ten of this section. The department shall determine which and how many grants shall be awarded pursuant to subdivision ten of this section in lieu of this subdivision provided that such determination shall be subject to the approval of the director of the budget. The corresponding number of expansion slots shall also be added to eligible full-day four-year-old prekindergarten pupils as defined in subparagraph (ii) of paragraph b of subdivision ten of this section to ensure continuity of services. Provided that for the two thousand twenty-four--two thousand twenty-five school year, any full-day four-year-old universal prekindergarten expansion allocation from the two thousand twenty-three--two thousand twenty-four school year not previously added to universal prekindergarten aid grants pursuant to this paragraph shall be
so added, and all expansion slots not previously added to eligible full-

(continued)

day four-year-old prekindergarten pupils shall also be added.

f. Future expansions. Within the additional amounts appropriated
therefor in the state budgets enacted for the two thousand twenty-two--
two thousand twenty-three and two thousand twenty-three--two thousand
twenty-four fiscal years, additional grants shall be allocated pursuant
to this subdivision.

(continued)

g. Notwithstanding any inconsistent provision of law, for the purposes
of determining the prekindergarten allocation on the electronic data
file prepared by the commissioner pursuant to subdivision twenty-one of
section three hundred five of this chapter for the two thousand twenty-
one--two thousand twenty-two through two thousand twenty-three--two
thousand twenty-four school years, the commissioner is directed to
include the grant amounts awarded pursuant to this section in the amount
set forth for such school district as "UNIVERSAL PRE-KINDERGARTEN."

§ 24. Intentionally omitted.

§ 24-a. All the acts done and proceedings heretofore had and taken or
caused to be had and taken by (a) the Huntington union free school
district and by all of its officers or agents relating to or in connection with final building cost reports required to be filed with
the state education department for approved building projects completed
prior to December 31, 2011, (b) the Liverpool central school district
and by all its officers or agents relating to or in connection with certain final cost reports to be filed with the
state education department for project numbers 0001-003, 0001-005, 0002-007, 0003-003, 0003-005,
0004-005, 0005-006, 0007-003, 0009-004, 0009-006, 0010-005, 0010-007,
0012-003, 0014-005, 0015-003, 0016-007, 0016-010, 0016-011, 0018-008,
0018-010, 0019-007, 0024-004, 4011-001, and 5008-002, and (c) the Marl-
boro central school district, and by all its officers or agents relating
to or in connection with certain final cost reports to be filed with the
state education department for project number 006-005 and all acts inci-
dental thereto are hereby legalized, validated, ratified and confirmed,
notwithstanding any failure to comply with the approval and filing
provisions of the education law or any other law or any other statutory
authority, rule or regulation, in relation to any omission, error,
defect, irregularity or illegality in such proceedings had and taken.

§ 24-b. Notwithstanding section 24-a of part A of chapter 57 of the
laws of 2013, and consistent with section twenty-four-a of this act, the
commissioner of education shall not recover from the Huntington union
free school district, the Liverpool central school district, or the Marlboro central school district any penalty arising from the late
filing of a final cost report pursuant to section 31 of part A of chap-
ter 57 of the laws of 2012, provided that any amounts already so recov-
ered shall be deemed a payment of moneys due for prior years pursuant to
paragraph c of subdivision 5 of section 3604 of the education law and
shall be paid to the appropriate district pursuant to such provision,
provided that such school district: (a) submitted the late or missing
final building cost report to the commissioner of education; (b) such
cost report is approved by the commissioner of education; (c) all state
funds expended by the school district, as documented in such cost
report, were properly expended for such building project in accordance
with the terms and conditions for such project as approved by the
commissioner of education; and (d) the failure to submit such report in
a timely manner was an inadvertent administrative or ministerial over-
sight by the school district, and there is no evidence of any fraudulent
or other improper intent by such district.
§ 24-c. All the acts done and proceedings heretofore had and taken or caused to be had and taken by the Cold Spring Harbor central school district and by all officers, employees or agents of such school district relating to or in connection with a transportation contract E259217 of the 2013-14 school year, and all acts incidental hereto are hereby legalized, validated, ratified and confirmed, notwithstanding any failure to comply with the contract award, approval and filing provisions of the education law, the general municipal law or any other law or any other statutory authority, rule or regulation, other than those filing provisions defined in paragraph a of subdivision 5 of section 3604 of the education law, in relation to any omission, error, defect, irregularity or illegality in such proceeding had and taken and provided that the failure to submit a transportation contract in a timely manner was an inadvertent administrative or ministerial oversight by the school district, and there is no evidence of any fraudulent or other improper intent by such district.

§ 24-d. The state education department is hereby directed to consider the aforementioned contract for transportation aid as valid and proper obligations of the Cold Spring Harbor central school district and shall not recover from such school districts any penalty arising from the failure to submit a transportation contract in a timely manner, provided that any amounts already so recovered shall be deemed a payment of moneys due for prior years pursuant to paragraph c of subdivision 5 of section 3604 of the education law and shall be paid to the school district pursuant to such provision.

§ 25. Intentionally omitted.

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

For aid payable in the two thousand seven--two thousand eight school year through the two thousand twenty-two school year, "moneys apportioned" shall mean the lesser of (i) the sum of one hundred percent of the respective amount set forth for each school district as payable pursuant to this section in the school aid computer listing for the current year produced by the commissioner in support of the budget which includes the appropriation for the general support for public schools for the prescribed payments and individualized payments due prior to April first for the current year plus the apportionment payable during the current school year pursuant to subdivision six-a and subdivision fifteen of section thirty-six hundred four of this article, or (ii) the apportionment calculated by the commissioner based on data on file at the time the payment is processed; provided however, that for the purposes of any payments made pursuant to this section prior to the first business day of June of the current year, moneys apportioned shall not include any aids payable pursuant to subdivisions six and fourteen, if applicable, of section thirty-six.
1 hundred two of this part as current year aid for debt service on bond
2 anticipation notes and/or bonds first issued in the current year or any
3 aids payable for full-day kindergarten for the current year pursuant to
4 subdivision nine of section thirty-six hundred two of this part. The
5 definitions of "base year" and "current year" as set forth in subdivi-
6 sion one of section thirty-six hundred two of this part shall apply to
7 this section. For aid payable in the two thousand [twenty]
8 twenty-one--two thousand [twenty-one] twenty-two school year, reference
9 to such "school aid computer listing for the current year" shall mean
10 the printouts entitled ["SA202-1"] "SA212-2".
11 § 27. Intentionally omitted.
12 § 28. Intentionally omitted.
13 § 29. Intentionally omitted.
14 § 30. Intentionally omitted.
15 § 31. Intentionally omitted.
16 § 32. Intentionally omitted.
17 § 33. Intentionally omitted.
18 § 34. Intentionally omitted.
19 § 35. Intentionally omitted.
20 § 36. Intentionally omitted.
21 § 36-a. Intentionally omitted.
22 § 36-b. Intentionally omitted.
23 § 36-c. Paragraph (d) of subdivision 1 of section 2856 of the educa-
24 tion law, as amended by section 4 of part YYY of chapter 59 of the laws
25 of 2017, is amended to read as follows:
26 (d) School districts shall be eligible for an annual apportionment
27 equal to the amount of the supplemental basic tuition for the charter
28 school in the base year for the expenses incurred in the two thousand
29 fourteen--two thousand fifteen, two thousand fifteen--two thousand
30 sixteen, two thousand sixteen--two thousand seventeen school years and
31 thereafter. Provided that for expenses incurred in the two thousand
32 twenty--two thousand twenty-one school year, for a city school district
33 in a city having a population of one million or more, the annual appor-
34 tionment shall be reduced by thirty-five million dollars ($35,000,000)
35 upon certification by the director of the budget of the availability of a
36 grant in the same amount from the elementary and secondary school
37 emergency relief funds provided through the American rescue plan act of
38 2021.
39 § 36-d. Paragraph (c) of subdivision 1 of section 2856 of the educa-
40 tion law, as amended by section 4-a of part YYY of chapter 59 of the laws
41 of 2017, is amended to read as follows:
42 (c) School districts shall be eligible for an annual apportionment
43 equal to the amount of the supplemental basic tuition for the charter
44 school in the base year for the expenses incurred in the two thousand
45 fourteen--two thousand fifteen, two thousand fifteen--two thousand
46 sixteen, two thousand sixteen--two thousand seventeen school years and
47 thereafter. Provided that for expenses incurred in the two thousand
48 twenty--two thousand twenty-one school year, for a city school district
49 in a city having a population of one million or more, the annual appor-
50 tionment shall be reduced by thirty-five million dollars ($35,000,000)
51 upon certification by the director of the budget of the availability of a
52 grant in the same amount from the elementary and secondary school
53 emergency relief funds provided through the American rescue plan act of
54 2021.
55 § 37. Intentionally omitted.
§ 37-a. Subdivision 21 of section 305 of the education law is amended by adding a new paragraph e to read as follows:

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

§ 37-b. Paragraph cc of subdivision 1 of section 3602 of the education law is REPEALED.

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

§ 37-d. Notwithstanding any provision of law or regulation to the contrary, if as a result of the state disaster emergency declared pursuant to Executive Order 202 of 2020, approved private schools serving students with disabilities subject to articles 81 and 89 of the education law, special act school districts, and approved preschool special class and special class in an integrated setting programs pursuant to section 4410 of the education law experience an enrollment decrease as a percentage of operating capacity of 5 percentage points or more during the 2020-21 school year as compared to the previous three year period 2016-17 through 2018-19, the state education department shall apply an enrollment adjustment factor as part of the tuition rate reconciliation process to stabilize tuition revenue, provided that the commissioner of education shall submit a plan for the implementation of such enrollment adjustment factor to the director of the budget for approval.

Moreover, should such programs receive federal Paycheck Protection Program loan forgiveness revenue or other extraordinary federal revenue provided in response to the COVID-19 pandemic as defined by the state education department in consultation with the director of the budget, such revenue shall be applied as offsetting revenue for reconciliation tuition rate calculation purposes after allowable costs incurred in responding to the state disaster emergency declared pursuant to Executive Order 202 of 2020 are defrayed, and such revenues shall be subtracted from total costs after the application of the nondirect care screen, provided, however, that the combined amount of tuition revenues, extraordinary federal revenues provided in response to the COVID-19 pandemic, and any other revenues available to the program that are treated as offsetting revenue shall not exceed the program's actual costs, and provided further, that the state education department shall hold harmless tuition rates in subsequent school years to reflect the impact of receipt of such extraordinary federal revenue.

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

5. The board of education of a special act school district shall be authorized to establish a fiscal stabilization reserve fund. There may be paid into such fund an amount as may be provided pursuant to the requirements of paragraph k of subdivision four of section forty-four hundred five of this title.
§ 37-f. Subdivision 4 of section 4405 of the education law is amended by adding a new paragraph k to read as follows:

k. The tuition methodology established pursuant to this subdivision for the two thousand twenty-one--two thousand twenty-two school year and annually thereafter shall authorize approved private residential or non-residential schools for the education of students with disabilities that are located within the state, and special act school districts to retain funds in excess of their allowable and reimbursable costs incurred for services and programs provided to school-age students. The amount of funds that may be annually retained shall not exceed one percent of the school's or school district's total allowable and reimbursable costs for services and programs provided to school-age students for the school year from which the funds are to be retained; provided that the total accumulated balance that may be retained shall not exceed four percent of such total costs for such school year; and provided further that such funds shall not be recoverable on reconciliation of tuition rates, and shall be separate from and in addition to any other authorization to retain surplus funds on reconciliation. Funds may be expended only pursuant to an authorization of the governing board of the school or school district, for a purpose expressly authorized as part of the approved tuition methodology for the year in which the funds are to be expended, provided that funds may be expended to pay prior year outstanding debts. Any school or school district that retains funds pursuant to this paragraph shall be required to annually report a statement of the total balance of any such retained funds, the amount, if any, retained in the prior school year, the amount, if any, dispersed in the prior school year, and any additional information requested by the department as part of the financial reports that are required to be annually submitted to the department.

§ 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-one--two thousand twenty-two 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 nineteen; and such claims shall be paid by the state education department no later than June thirtieth, two thousand twenty. 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.

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, and reimbursement for the 2022--2023 school year shall not exceed 55.4 percent of the lesser of such approvable costs per contact hour]{.math}.

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

§ 40. Section 4 of chapter 756 of the laws of 1992, relating to funding a program for work force education conducted by the consortium for worker education in New York city, is amended by adding a new subdivision z to read as follows:
z. The provisions of this subdivision shall not apply after the completion of payments for the 2021--2022 school year. Notwithstanding any inconsistent provisions of law, the commissioner of education shall withhold a portion of employment preparation education aid due to the city school district of the city of New York to support a portion of the costs of the work force education program. Such moneys shall be credited to the elementary and secondary education fund-local assistance account and shall not exceed thirteen million dollars ($13,000,000).

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

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

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

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

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

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

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

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

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

§ 5. This act shall take effect immediately; provided that sections one, two and three of this act shall expire and be deemed repealed on June 30, [2021 2022].
§ 45. School bus driver training. In addition to apportionments otherwise provided by section 3602 of the education law, for aid payable in the 2021--2022 school year, the commissioner of education shall allocate school bus driver training grants to school districts and boards of cooperative educational services pursuant to sections 3650-a, 3650-b and 3650-c of the education law, or for contracts directly with not-for-profit educational organizations for the purposes of this section. Such payments shall not exceed four hundred thousand dollars ($400,000) per school year.

§ 46. Special apportionment for salary expenses. a. Notwithstanding any other provision of law, upon application to the commissioner of education, not sooner than the first day of the second full business week of June 2022 and not later than the last day of the third full business week of June 2022, a school district eligible for an apportionment pursuant to section 3602 of the education law shall be eligible to receive an apportionment pursuant to this section, for the school year ending June 30, 2022, for salary expenses incurred between April 1 and June 30, 2021 and such apportionment shall not exceed the sum of (i) the deficit reduction assessment of 1990-1991 as determined by the commissioner of education, pursuant to paragraph f of subdivision 1 of section 3602 of the education law, as in effect through June 30, 1993, plus (ii) 186 percent of such amount for a city school district in a city with a population in excess of 1,000,000 inhabitants, plus (iii) 209 percent of such amount for a city school district in a city with a population of more than 195,000 inhabitants and less than 219,000 inhabitants according to the latest federal census, plus (iv) the net gap elimination adjustment for 2010-2011, as determined by the commissioner of education pursuant to chapter 53 of the laws of 2010, plus (v) the gap elimination adjustment for 2011-2012 as determined by the commissioner of education pursuant to subdivision 17 of section 3602 of the education law, and provided further that such apportionment shall not exceed such salary expenses. Such application shall be made by a school district, after the board of education or trustees have adopted a resolution to do so and in the case of a city school district in a city with a population in excess of 125,000 inhabitants, with the approval of the mayor of such city.

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

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

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

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

§ 47. Special apportionment for public pension accruals. a. Notwithstanding any other provision of law, upon application to the commissioner of education, not later than June 30, 2022, a school district eligible for an apportionment pursuant to section 3602 of the education law shall be eligible to receive an apportionment pursuant to this section, for the school year ending June 30, 2022 and such apportionment shall not exceed the additional accruals required to be made by school districts in the 2004-2005 and 2005-2006 school years associated with changes for such public pension liabilities. The amount of such additional accrual shall be certified to the commissioner of education by the president of the board of education or the trustees or, in the case of a city school district in a city with a population in excess of 125,000 inhabitants, the mayor of such city. Such application shall be made by a school district, after the board of education or trustees have adopted a resolution to do so and in the case of a city school district in a city with a population in excess of 125,000 inhabitants, with the approval of the mayor of such city.

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

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

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

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

a. for the development, maintenance or expansion of magnet schools or
magnet school programs for the 2021--2022 school year. For the city
school district of the city of New York there shall be a setaside of
foundation aid equal to forty-eight million one hundred seventy-five
thousand dollars ($48,175,000) including five hundred thousand dollars
($500,000) for the Andrew Jackson High School; for the Buffalo city
school district, twenty-one million twenty-five thousand dollars
($21,025,000); for the Rochester city school district, fifteen million
dollars ($15,000,000); for the Syracuse city school district, thirteen
million dollars ($13,000,000); for the Yonkers city school district,
fourty-nine million five hundred thousand dollars ($49,500,000); for the
Newburgh city school district, four million six hundred forty-five thou-
sand dollars ($4,645,000); for the Poughkeepsie city school district,
two million four hundred seventy-five thousand dollars ($2,475,000); for
the Mount Vernon city school district, two million dollars ($2,000,000);
for the New Rochelle city school district, one million four hundred ten
thousand dollars ($1,410,000); for the Schenectady city school district,
one million eight hundred thousand dollars ($1,800,000); for the Port
Chester city school district, one million one hundred fifty thousand
dollars ($1,150,000); for the White Plains city school district, nine
hundred thousand dollars ($900,000); for the Niagara Falls city school
district, six hundred thousand dollars ($600,000); for the Albany city
school district, three million five hundred fifty thousand dollars
($3,550,000); for the Utica city school district, two million dollars
b. Notwithstanding any inconsistent provision of law to the contrary, a school district setting aside such foundation aid pursuant to this section may use such setaside funds for: (i) any instructional or instructional support costs associated with the operation of a magnet school; or (ii) any instructional or instructional support costs associated with implementation of an alternative approach to promote diversity and/or enhancement of the instructional program and raising of standards in elementary and secondary schools of school districts having substantial concentrations of minority students.

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

d. For the purpose of teacher support for the 2021--2022 school year: for the city school district of the city of New York, sixty-two million seven hundred seven thousand dollars ($62,707,000); for the Buffalo city school district, one million seven hundred forty-one thousand dollars ($1,741,000); for the Rochester city school district, one million seven-hundred sixty thousand dollars ($1,076,000); for the Yonkers city school district, one million one hundred forty-seven thousand dollars ($1,147,000); and for the Syracuse city school district, eight hundred nine thousand dollars ($809,000). All funds made available to a school district pursuant to this section shall be distributed among teachers including prekindergarten teachers and teachers of adult vocational and academic subjects in accordance with this section and shall be in addition to salaries heretofore or hereafter negotiated or made available; provided, however, that all funds distributed pursuant to this section for the current year shall be deemed to incorporate all funds distributed pursuant to former subdivision 27 of section 3602 of the education law for prior years. In school districts where the teachers are represented by certified or recognized employee organizations, all salary increases funded pursuant to this section shall be determined by separate collective negotiations conducted pursuant to the provisions and procedures of article 14 of the civil service law, notwithstanding the existence of a negotiated agreement between a school district and a certified or recognized employee organization.
§ 50. Support of public libraries. The moneys appropriated for the support of public libraries by a chapter of the laws of 2021 enacting the aid to localities budget shall be apportioned for the 2021--2022 state fiscal year in accordance with the provisions of sections 271, 272, 273, 282, 284 and 285 of the education law as amended by the provisions of this chapter and the provisions of this section, provided that library construction aid pursuant to section 273-a of the education law shall not be payable from the appropriations for the support of public libraries and provided further that no library, library system or program, as defined by the commissioner of education, shall receive less total system or program aid than it received for the year 2001--2002 except as a result of a reduction adjustment necessary to conform to the appropriations for support of public libraries.

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

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

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

1. Sections one, ten-a, ten-b, twelve-b, thirteen-a, fourteen-a, twenty-three, twenty-six, thirty-seven-a, thirty-seven-b, thirty-seven-c, forty-one, forty-three, forty-four, forty-five, forty-eight and forty-nine of this act shall take effect July 1, 2021;
2. Section twenty-two-b of this act shall take effect July 1, 2021 and shall expire June 30, 2024 when upon such date the provisions of such section shall be deemed repealed;
3. The amendments to paragraph (d) of subdivision 1 of section 2856 of the education law made by section thirty-six-c of this act shall be subject to the expiration and reversion of such subdivision pursuant to subdivision d of section 27 of chapter 378 of the laws of 2007, as amended, when upon such date the provisions of section thirty-six-d of this act shall take effect; and
4. The amendments to chapter 756 of the laws of 1992 made by sections thirty-nine and forty of this act shall not affect the repeal of such chapter and shall be deemed repealed therewith.

PART B

Intentionally Omitted
PART C

Intentionally Omitted

PART D

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

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

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

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

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

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

§ 4. This act shall take effect immediately.

PART E

Intentionally Omitted

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 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, limited secure and non-secure facilities for the care, custody, treatment, housing, education, rehabilitation and guidance of youth placed with or committed to the [division] office of children and family services.

§ 2. (a) Notwithstanding the time period required for notice pursuant to subdivision 15 of section 501 of the executive law, the office of children and family services is authorized to close the Red Hook Residential Center and the Columbia Girls Secure Center. At least six months prior to taking any such action, the commissioner of such office shall provide notice of such action to the speaker of the assembly and the temporary president of the senate and shall post such notice upon its public website.
(b) The commissioner of the office of children and family services shall be authorized to conduct any and all preparatory actions which may be required to effectuate such closures. A permanent class employee affected by such closures shall be placed upon a transfer list pursuant to section 78 of the civil service law.

§ 3. This act shall take effect immediately.

PART I

Section 1. Section 3 of part N of chapter 56 of the laws of 2020 amending the social services law relating to restructuring financing for residential school placements, is amended to read as follows:
§ 3. This act shall take effect immediately and shall expire and be deemed repealed April 1, 2022; provided however that the amendments to subdivision 10 of section 153 of the social services law made by section one of this act, shall not affect the expiration of such subdivision and shall be deemed to expire therewith.
§ 2. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2022.

PART J

Section 1. Section 9 of part G of chapter 57 of the laws of 2013, amending the executive law and the social services law relating to consolidating the youth development and delinquency prevention program and the special delinquency prevention program, as amended by section 1 of part I of chapter 56 of the laws of 2018, is amended to read as follows:
§ 9. This act shall take effect January 1, 2014 and shall expire and be deemed repealed on December 31, 2021.
§ 2. This act shall take effect immediately.

PART K

Section 1. Section 4 of part K of chapter 57 of the laws of 2012, amending the education law, relating to authorizing the board of cooperative educational services to enter into contracts with the commissioner of children and family services to provide certain services, as amended by section 1 of part J of chapter 56 of the laws of 2018, is amended to read as follows:
§ 4. This act shall take effect July 1, 2012 and shall expire June 30, 2021 when upon such date the provisions of this act shall be deemed repealed.
§ 2. This act shall take effect immediately.

PART L

Section 1. Paragraph (g) of subdivision 3 of section 358-a of the social services law, as amended by section 4 of subpart L of part XX of chapter 55 of the laws of 2020, is amended to read as follows:
(g) (i) In any case in which an order has been issued pursuant to this section approving a foster care placement instrument, the social services official or authorized agency charged with custody or care of the child shall report the initial placement and any anticipated change in placement to the court and the attorneys for the parties, including the attorney for the child, forthwith, but not later than one business day following either the decision to make the initial placement or to
change the placement or the actual date of the initial placement or placement change occurred, whichever is sooner. Such notice shall indicate the date that the placement change is anticipated to occur or the date the placement change occurred, as applicable. Provided, however, if such notice lists an anticipated date for the initial placement or placement change, the local social services district or authorized agency shall subsequently notify the court and attorneys for the parties, including the attorney for the child, of the date the placement or placement change occurred; such notice shall occur no later than one business day following the placement or placement change.

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

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

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

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

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

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

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

2. (a) Within sixty days of the start of a placement of a child referenced in subdivision one of this section in a qualified residential treatment program, the court shall:
(i) Consider the assessment, determination, and documentation made by the qualified individual pursuant to section four hundred nine-h of this article;

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

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

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

(1) circumstances exist that necessitate the continued placement of the child in the qualified residential treatment program;
(2) there is not an alternative setting available that can meet the child's needs in a less restrictive environment; and
(3) that continued placement in the qualified residential treatment program is in the child's best interest; and

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

(iv) Nothing herein shall prohibit the court from considering other relevant and necessary information to make a determination.

(b) At the conclusion of the review, if the court disapproves placement of the child in a qualified residential treatment program the court shall, on its own motion, determine a schedule for the return of the child and direct the local social services district to make such other arrangements for the child's care and welfare that is in the best interest of the child and in the most effective and least restrictive setting as the facts of the case may require. If a new placement order is necessary due to restrictions in the existing governing placement order, the court may issue a new order.

3. The court may, on its own motion, or the motion of any of the parties or the attorney for the child, proceed with the court review required pursuant to this section on the basis of the written records received and without a hearing. Provided however, the court may only proceed with the court review without a hearing pursuant to this subdivision upon the consent of all parties. Provided further, in the event that the court conducts the court review requirement pursuant to this section but does not conduct it in a hearing, the court shall issue a written order specifying any determinations made pursuant to clause (A) of subparagraph (iii) of paragraph (a) of subdivision two of this section and provide such written order to the parties and the attorney for the child expeditiously, but no later than five days.

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

5. Nothing in this section shall prohibit the court's review 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 permanency hearing, provided such approval is completed within sixty days of the start of such placement.

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

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

10. Any provision of this chapter or any other law notwithstanding, where a foster child for whom a social services official has been making foster care payments is in attendance at a college or university away from his or her foster family boarding home, group home, agency boarding home or institution, and residing in a supervised setting or other approved location, a social services official may make foster payments, not to exceed the amount which would have been paid to a foster parent on behalf of said child had the child been cared for in a foster family boarding home] at a rate to be developed by the office of children and family services, to such college or university, provider of room and board, or youth, as appropriate, in lieu of payment to the foster parents or authorized agency, for the purpose of room and board, if not otherwise provided. Such rate shall be no lower than the rate paid for a child's care in a foster family boarding home.

§ 3. The social services law is amended by adding a new section 409-h to read as follows:
§ 409-h. Assessment of appropriateness of placement in a qualified residential treatment program. 1. (a) Prior to a child's placement in a qualified residential treatment program, as defined in subdivision four of this section, but at least within thirty days of the start of a placement in a qualified residential treatment program of a child in the care and custody or the custody and guardianship of the commissioner of a local social services district or the office of children and family services that occurs on or after September twenty-ninth, two thousand twenty-one, a qualified individual as defined in subdivision five of this section shall complete an assessment as to the appropriateness of such placement utilizing an age-appropriate, evidence-based, validated, functional assessment tool approved by the federal government for such purpose. Such assessment shall be in accordance with 42 United States Code sections 672 and 675a and the state's approved title IV-E state plan and shall include, but not be limited to: (i) an assessment of the strengths and needs of the child; and (ii) a determination of the most effective and appropriate level of care for the child in the least restrictive setting, including whether the needs of the child can be met with family members or through placement in a foster family home, or in a setting specified in paragraph (c) of this subdivision, consistent with the short-term and long-term goals for the child as specified in the child's permanency plan. Such assessment shall be completed in conjunction with the family and permanency team established pursuant to paragraph (b) of this subdivision.

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

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

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

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

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

(iv) A qualified residential treatment program.

2. The qualified individual or their designee shall promptly, but no later than five days following the completion of the assessment, provide the assessment, determination and documentation pursuant to subdivision
one of this section to the court, the parent or guardian of the child, and to the attorney for the child and the attorney for the parent, if applicable, and a written summary detailing the assessment findings required pursuant to subdivision one of this section to either the local social services district or the office of children and family services that has care and custody or custody and guardianship of the child, as applicable, and the parties to the proceeding, redacting any information necessary to comply with federal and state confidentiality laws.

3. Where the qualified individual determines that the placement of the child in a qualified residential treatment program is not appropriate after the assessment conducted pursuant to subdivision one of this section, the child’s placement shall continue until the court has an opportunity to hold a hearing to consider the qualified individual’s assessment and make an independent determination required pursuant to section three hundred ninety-three of this article or sections 353.7, seven hundred fifty-six-b, one thousand fifty-five-c, one thousand ninety-one-a or one thousand ninety-seven of the family court act, as applicable. Provided however, nothing herein shall prohibit a motion from being filed pursuant to sections 355.1, seven hundred sixty-four or one thousand eighty-eight of the family court act, as applicable. If the appropriate party files such motion, the court shall hold a hearing, as required, and also complete the assessment required pursuant to section three hundred ninety-three of this article or sections 353.7, seven hundred fifty-six-b, one thousand fifty-five-c, one thousand ninety-one-a or one thousand ninety-seven of the family court act, as applicable, at the same time. The court shall consider all relevant and necessary information as required and make a determination about the appropriateness of the child’s placement based on standards required pursuant to the applicable sections.

4. "Qualified residential treatment program" means a program that is a non-foster family residential program in accordance with 42 United States Code sections 672 and 675a and the state’s approved title IV-E state plan.

5. "Qualified individual" shall mean a trained professional or licensed clinician acting within their scope of practice who shall have current or previous relevant experience in the child welfare field. Provided however, such individual shall not be an employee of the office of children and family services, nor shall such person have a direct role in case management or case planning decision making authority for the child for whom such assessment is being conducted, in accordance with 42 United States Code sections 672 and 675a and the state’s approved title IV-E state plan.

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

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

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

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

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

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

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

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

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

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

(2) there is not an alternative setting available that can meet the respondent's needs in a less restrictive environment; and
(3) that continued placement in the qualified residential treatment program serves the respondent's needs and best interests or the need for protection of the community; and

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

(iv) Nothing herein shall prohibit the court from considering other relevant and necessary information to make a determination.

(b) At the conclusion of the review, if the court disapproves placement of the respondent in a qualified residential treatment program the court shall, on its own motion, determine a schedule for the return of the respondent and direct the local social services district or office of children and family services, as applicable, to make such other arrangements for the respondent's care and welfare that is in the best interest of the respondent and in the most effective and least restrictive setting as the facts of the case may require. If a new placement order is necessary due to restrictions in the existing governing placement order, the court may issue a new order.

4. The court may, on its own motion, or the motion of any of the parties or the attorney for the respondent, proceed with the court review required pursuant to this section on the basis of the written records received and without a hearing. Provided however, the court may only proceed with the court review without a hearing pursuant to this subdivision upon the consent of all parties. Provided further, in the event that the court conducts the court review requirement pursuant to this section but does not conduct it in a hearing, the court shall issue a written order specifying any determinations made pursuant to clause (A) of subparagraph (iii) of paragraph (a) of subdivision three of this section and provide such written order to the parties and the attorney for the respondent expeditiously, but no later than five days.

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

6. Nothing in this section shall prohibit the court's review 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 permanency hearing, provided such approval is completed within sixty days of the start of such placement.

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

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

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

(b) documenting the specific treatment and service needs that will be met for the respondent in the placement and the length of time the respondent is expected to need the treatment or services; and
(c) documenting the efforts made by the local social services district
or the office of children and family services with legal custody of the
respondent to prepare the respondent to return home, or to be placed
with a fit and willing relative, legal guardian or adoptive parent, or
in a foster family home.

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

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

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

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

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

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

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

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

(b) When a respondent whose legal custody was transferred to a local
social services district in accordance with this part resides in a qual-
ified residential treatment program, as defined in section four hundred
nine-h of the social services law, and where such respondent's initial placement or change in placement in such qualified residential treatment program commenced on or after September twenty-ninth, two thousand twenty-one, upon receipt of notice required pursuant to paragraph (a) of this subdivision and motion of the local social services district, the court shall schedule a court review to make an assessment and determination of such placement in accordance with subdivision three of this section. Notwithstanding any other provision of law to the contrary, such court review shall occur no later than sixty days from the date the placement of the respondent in the qualified residential treatment program commenced.

3. (a) Within sixty days of the start of a placement of a respondent referenced in subdivision one of this section in a qualified residential treatment program, the court shall:
   (i) Consider the assessment, determination and documentation made by the qualified individual pursuant to section four hundred nine-h of the social services law;
   (ii) Determine whether the needs of the respondent can be met through placement in a foster family home and, if not, whether placement of the respondent in a qualified residential treatment program provides the most effective and appropriate level of care for the respondent in the least restrictive environment and whether that placement is consistent with the short-term and long-term goals for the respondent as specified in the respondent's permanency plan; and
   (iii) Approve or disapprove the placement of the respondent in a qualified residential treatment program. Provided that, where the qualified individual determines that the placement of the respondent in a qualified residential treatment program is not appropriate in accordance with the assessment required pursuant to section four hundred nine-h of the social services law, the court may only approve the placement of the respondent in the qualified residential treatment program if:
      (A) the court finds, and states in the written order that:
         (1) circumstances exist that necessitate the continued placement of the respondent in the qualified residential treatment program;
         (2) there is not an alternative setting available that can meet the respondent's needs in a less restrictive environment; and
         (3) that it would be contrary to the welfare of the respondent to be placed in a less restrictive setting and that continued placement in the qualified residential treatment program is in the respondent's best interest; and
      (B) the court's written order states the specific reasons why the court has made the findings required pursuant to clause (A) of this subparagraph.
   (iv) Nothing herein shall prohibit the court from considering other relevant and necessary information to make a determination.
   (b) At the conclusion of the review, if the court disapproves placement of the respondent in a qualified residential treatment program the court shall, on its own motion, determine a schedule for the return of the respondent and direct the local social services district to make such other arrangements for the respondent's care and welfare that is in the best interest of the respondent and in the most effective and least restrictive setting as the facts of the case may require. If a new placement order is necessary due to restrictions in the existing governing placement order, the court may issue a new order.

4. The court may, on its own motion, or the motion of any of the parties or the attorney for the respondent, proceed with the court
review required pursuant to this section on the basis of the written records received and without a hearing. Provided however, the court may only proceed with the court review without a hearing pursuant to this subdivision upon the consent of all parties. Provided further, in the event that the court conducts the court review requirement pursuant to this section but does not conduct it in a hearing, the court shall issue a written order specifying any determinations made pursuant to clause (A) of subparagraph (iii) of paragraph (a) of subdivision three of this section and provide such written order to the parties and the attorney for the respondent expeditiously, but no later than five days.

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

6. Nothing in this section shall prohibit the court’s review 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 permanency hearing, provided such approval is completed within sixty days of the start of such placement.

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

(b) When a child whose legal custody was transferred to the commissioner of a local social services district in accordance with this section resides in a qualified residential treatment program, as defined in section four hundred nine-h of the social services law, and where such child's initial placement or change in placement in such program commenced on or after September twenty-ninth, two thousand twenty-one, upon receipt of notice required pursuant to paragraph (a) of this subdivision and motion of the local social services district, the court shall schedule a court review to make an assessment and determination of such placement in accordance with section one thousand fifty-five-c of this article. Notwithstanding any other provision of law to the contrary, such court review shall occur no later than sixty days from the date the placement of the child in the qualified residential treatment program commenced.

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

(ii) When a child whose legal custody was transferred to the commissioner of a local social services district in accordance with this section resides in a qualified residential treatment program, as defined in section four hundred nine-h of the social services law, and where such child's initial placement or change in placement in such program commenced on or after September twenty-ninth, two thousand twenty-one, upon receipt of notice required pursuant to paragraph (i) of this subdivision and motion of the local social services district, the court shall schedule a court review to make an assessment and determination of such placement in accordance with section one thousand fifty-five-c of this part. Notwithstanding any other provision of law to the contrary, such court review shall occur no later than sixty days from the date the placement of the child in the qualified residential treatment program commenced.

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

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

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

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

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

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

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

(A) circumstances exist that necessitate the continued placement of the child in the qualified residential treatment program;

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

(C) that continued placement in the qualified residential treatment program is in the child's best interest; and

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

(d) Nothing herein shall prohibit the court from considering other relevant and necessary information to make a determination.

3. At the conclusion of the review, if the court disapproves placement of the child in a qualified residential treatment program the court shall, on its own motion, determine a schedule for the return of the child and direct the local social services district to make such other arrangements for the child’s care and welfare that is in the best interest of the child and in the most effective and least restrictive setting as the facts of the case may require. If a new placement order is necessary due to restrictions in the existing governing placement order, the court may issue a new order.

4. The court may, on its own motion, or the motion of any of the parties or the attorney for the child, proceed with the court review required pursuant to this section on the basis of the written records received and without a hearing. Provided however, the court may only proceed with the court review without a hearing pursuant to this subdivision upon the consent of all parties. Provided further, in the event that the court conducts the court review requirement pursuant to this section but does not conduct it in a hearing, the court shall issue a written order specifying any determinations made pursuant to subparagraph (i) of paragraph (c) of subdivision two of this section and
provide such written order to the parties and the attorney for the child expeditiously, but no later than five days.

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

6. Nothing in this section shall prohibit the court's review 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 permanency hearing, provided such approval is completed within sixty days of the start of such placement.

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

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

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

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

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

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

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

(II) When a child whose legal custody was transferred to the commissioner of a local social services district in accordance with this section resides in a qualified residential treatment program as defined in section four hundred nine-h of the social services law and where such child’s initial placement or change in placement in such program commenced on or after September twenty-ninth, two thousand twenty-one, upon receipt of notice required pursuant to item (I) of this clause and motion of the local social services district, the court shall schedule a court review to make an assessment and determination of such placement in accordance with section three hundred ninety-three of the social services law or section one thousand fifty-five-c, one thousand ninety-one-a or one thousand ninety-seven of this chapter. Notwithstanding any other provision of law to the contrary, such court review shall occur no later than sixty days from the date the placement of the child in the qualified residential treatment program commenced.

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

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

(b) When a former foster care youth whose legal custody was transferred to a local social services district or the office of children and family services in accordance with this article resides in a qualified residential treatment program, as defined in section four hundred nine-h of the social services law, and where such former foster care youth’s initial placement or change in placement in such qualified residential treatment program commenced on or after September twenty-ninth, two thousand twenty-one, upon receipt of notice required pursuant to paragraph (a) of this subdivision and motion of the local social services district, the court shall schedule a court review to make an assessment and determination of such placement in accordance with subdivision three of this section. Notwithstanding any other provision of law to the contrary, such court review shall occur no later than sixty days from the date the placement of the former foster care youth in the qualified residential treatment program commenced.

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

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

(b) Determine whether the needs of the former foster care youth can be met through placement in a foster family home and, if not, whether placement of the former foster care youth in a qualified residential treatment program provides the most effective and appropriate level of care for the former foster care youth in the least restrictive environment and whether that placement is consistent with the short-term and long-term goals for the former foster care youth, as specified in the former foster care youth’s permanency plan; and
(c) Approve or disapprove the placement of the former foster care youth in a qualified residential treatment program. Provided that, where the qualified individual determines that the placement of the former foster care youth in a qualified residential treatment program is not appropriate in accordance with the assessment required pursuant to section four hundred nine-h of the social services law, the court may only approve the placement of the former foster care youth in the qualified residential treatment program if:
   (i) the court finds, and states in the written order that:
      (A) circumstances exist that necessitate the continued placement of the former foster care youth in the qualified residential treatment program;
      (B) there is not an alternative setting available that can meet the former foster care youth's needs in a less restrictive environment; and
      (C) that continued placement in the qualified residential treatment program is in the former foster care youth's best interest; and
   (ii) the court's written order states the specific reasons why the court has made the findings required pursuant to subparagraph (i) of this paragraph.

(d) Nothing herein shall prohibit the court from considering other relevant and necessary information to make a determination.

4. At the conclusion of the review, if the court disapproves placement of the former foster care youth in a qualified residential treatment program the court shall, on its own motion, determine a schedule for the return of the former foster care youth and direct the local social services district or office of children and family services, as applicable, to make such other arrangements for the former foster care youth's care and welfare that is in the best interest of the former foster care youth and in the most effective and least restrictive setting as the facts of the case may require. If a new placement order is necessary due to restrictions in the existing governing placement order, the court may issue a new order.

5. The court may, on its own motion, or the motion of any of the parties or the attorney for the former foster care youth, proceed with the court review required pursuant to this section on the basis of the written records received and without a hearing. Provided however, the court may only proceed with the court review without a hearing pursuant to this subdivision upon the consent of all parties. Provided further, in the event that the court conducts the court review requirement pursuant to this section but does not conduct it in a hearing, the court shall issue a written order specifying any determinations made pursuant to subparagraph (i) of paragraph (c) of subdivision three of this section and provide such written order to the parties and the attorney for the former foster care youth expeditiously, but no later than five days.

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

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

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

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

(b) When a child whose legal custody was transferred to a local social services district in accordance with this article resides in a qualified residential treatment program, as defined in section four hundred nine-h of the social services law, and where such child's initial placement or change in placement in such qualified residential treatment program commenced on or after September twenty-ninth, two thousand twenty-one, upon receipt of notice required pursuant to paragraph (a) of this subdivision and motion of the local social services district, the court shall schedule a court review to make an assessment and determination of such placement in accordance with subdivision three of this section. Notwithstanding any other provision of law to the contrary, such court review shall occur no later than sixty days from the date the placement of the child in the qualified residential treatment program commenced.

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

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

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

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

(i) the court finds, and states in the written order that:
(A) circumstances exist that necessitate the continued placement of the child in the qualified residential treatment program;
(B) there is not an alternative setting available that can meet the child's needs in a less restrictive environment; and
(C) that continued placement in the qualified residential treatment program is in the child's best interest; and
(ii) the court's written order states the specific reasons why the court has made the findings required pursuant to subparagraph (i) of this paragraph.

(d) Nothing herein shall prohibit the court from considering other relevant and necessary information to make a determination.

4. At the conclusion of the review, if the court disapproves placement of the child in a qualified residential treatment program the court shall, on its own motion, determine a schedule for the return of the child and direct the local social services district to make such other arrangements for the child's care and welfare that is in the best interest of the child and in the most effective and least restrictive setting as the facts of the case may require. If a new placement order is necessary due to restrictions in the existing governing placement order, the court may issue a new order.

5. The court may, on its own motion, or the motion of any of the parties or the attorney for the child, proceed with the court review required pursuant to this section on the basis of the written records received and without a hearing. Provided however, the court may only proceed with the court review without a hearing pursuant to this subdivision upon the consent of all parties. Provided further, in the event that the court conducts the court review requirement pursuant to this section but does not conduct it in a hearing, the court shall issue a written order specifying any determinations made pursuant to subparagraph (i) of paragraph (c) of subdivision three of this section and provide such written order to the parties and the attorney for the child expeditiously, but no later than five days.

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

7. Nothing in this section shall prohibit the court's review 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 permanency hearing, provided such approval is completed within sixty days of the start of such placement.

§ 15. The office of children and family services, beginning one year after the effective date of this act and annually thereafter, shall make the following information publicly available on its website:
1. the total number of youth placed in a qualified residential treatment program whose placement was determined to be inappropriate;
2. the total number of youth placed in a qualified residential treatment program whose placement was determined to be appropriate; and
3. any other information the office deems appropriate to assess the effectiveness of the implementation of the family first prevention services act.

§ 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 there-
of, 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 the provisions of section fifteen of this act shall expire and be deemed repealed December 31, 2026; and provided, further, that:

(a) (i) notwithstanding any other provision of law, provisions in this act shall not take effect unless and until the state title IV-E agency submits to the United States Department of Health and Human Services, Administration for Children, Youth and Families, an amendment to the title IV-E state plan and the United States Department of Health and Human Services, Administration for Children, Youth and Families approves said title IV-E state plan amendment regarding when a child is placed in a qualified residential treatment program in relation to the following components: (1) the qualified individual and the establishment of the assessment by the qualified individual to be completed prior to or within 30-days of the child's placement as established by section three of this act; (2) the 60 day court reviews, including the ability to conduct at the same time as another hearing scheduled for the child, as established by sections one, two, four, seven, eight, nine, ten, twelve, thirteen and fourteen of this act; and (3) permanency requirements as established by sections five, six and eleven of this act;

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

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

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

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

PART M

Intentionally Omitted

PART N

Intentionally Omitted

PART O

Section 1. Notwithstanding any other provision of law, the housing trust fund corporation may provide, for purposes of the neighborhood
preservation program, a sum not to exceed $12,830,000 for the fiscal year ending March 31, 2022. Within this total amount, $150,000 shall be used for the purpose of entering into a contract with the neighborhood preservation coalition to provide technical assistance and services to companies funded pursuant to article 16 of the private housing finance law. Notwithstanding any other provision of law, and subject to the approval of the New York state director of the budget, the board of directors of the state of New York mortgage agency shall authorize the transfer to the housing trust fund corporation, for the purposes of reimbursing any costs associated with neighborhood preservation program contracts authorized by this section, a total sum not to exceed $12,830,000, such transfer to be made from (i) the special account of the mortgage insurance fund created pursuant to section 2429-b of the public authorities law, in an amount not to exceed the actual excess balance in the special account of the mortgage insurance fund, as determined and certified by the state of New York mortgage agency for the fiscal year 2020-2021 in accordance with section 2429-b of the public authorities law, if any, and/or (ii) provided that the reserves in the project pool insurance account of the mortgage insurance fund created pursuant to section 2429-b of the public authorities law are sufficient to attain and maintain the credit rating (as determined by the state of New York mortgage agency) required to accomplish the purposes of such account, the project pool insurance account of the mortgage insurance fund, such transfer to be made as soon as practicable but no later than June 30, 2021.

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

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

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

§ 5. This act shall take effect immediately.
part 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 for each month beginning on or after January first, two thousand twenty-one.
(b) in the case of each individual receiving residential care, an amount equal to at least $174.00 for each month beginning on or after January first, two thousand twenty-one.
(c) in the case of each individual receiving enhanced residential care, an amount equal to at least $207.00 for each month beginning on or after January first, two thousand twenty-one.
(d) for the period commencing January first, two thousand twenty-one, 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, but prior to June thirtieth, two thousand 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-one, for an eligible individual living alone, $870.00; and for an eligible couple living alone, $1,279.00.
(b) On and after January first, two thousand twenty-one, for an eligible individual living with others with or without in-kind income, $806.00; and for an eligible couple living with others with or without in-kind income, $1,221.00.
(c) On and after January first, two thousand twenty-one, (i) for an eligible individual receiving family care, $1,049.48; 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; 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-one, (i) for an eligible individual receiving residential care, $1,229.00; 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; 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-one, (i) for an eligible individual receiving enhanced residential care,
and (ii) for an eligible couple receiving enhanced residential care, two times the amount set forth in subparagraph (i) of this paragraph.

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

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

PART Q

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

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

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

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

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

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

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

(a) the amount of money [dispersed] disbursed from the fund;
(b) the recipients of awards from the fund;
(c) the amount awarded to each recipient;
(d) the purposes for which such awards were granted; and
(e) a summary financial plan for such monies which shall include estimates of all receipts and all disbursements for the current and succeeding fiscal years, along with the actual results from the prior fiscal year.

§ 2. This act shall take effect immediately.

PART R
Intentionally Omitted

PART S
Intentionally Omitted

PART T
Intentionally Omitted

PART U

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

2-a. Notwithstanding any inconsistent provision of law to the contrary, a project of a housing development fund company incorporated pursuant to the not-for-profit corporation law and this article shall be exempt from the sales and compensating use taxes imposed pursuant to article twenty-eight or twenty-nine of the tax law, provided that such housing development fund company has entered into a regulatory agreement with respect to the provision of affordable housing with the commissioner, a state agency or authority as defined in this chapter, the New York city department of housing preservation and development, or the New York city housing development corporation, and such tax exemption shall continue only so long as such agreement is in force and effect.

§ 2. This act shall take effect immediately and shall apply to projects that are the subject of regulatory agreements that have been entered into with the commissioner, a state agency or authority as defined in this chapter, the New York city department of housing preservation and development, or the New York city housing development corporation on or after January 1, 2019.

PART V
Intentionally Omitted

PART W
Intentionally Omitted
PART X

Intentionally Omitted

PART Y

Intentionally Omitted

PART Z

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

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

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

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

§ 3. This act shall take effect immediately and shall expire and be deemed repealed three years after such date.

PART AA

Section 1. Legislative findings and intent. The legislature finds that the transition to the green economy and creating good paying jobs are not mutually exclusive priorities for New York State. In order to make this transition and achieve the ambitious goals set forth in the Climate Leadership and Community Protection Act, a clear focus on prioritizing renewable energy sources is necessary. However, the workers who will build the infrastructure of the green economy must not be left behind. Setting clear standards for job quality will ensure the creation of good jobs, protect workers in the ongoing transition of our energy sector, and result in positive economic impacts. In addition to workers engaged directly in the renewable energy sector, New Yorkers have experienced widespread unemployment as a result of the pandemic. According to the
New York State Department of Labor, as of January 2021 New York has paid over $61 billion in unemployment benefits to 4 million workers. New manufacturing and supply chain jobs are a necessary element of any pandemic recovery. Due to such findings, the legislature hereby declares that the mandate of prevailing wage or project labor agreements for construction work performed in connection with the installation of renewable energy systems and its Buy American preference provided in this bill will ensure that workers are central to New York State's transition to the green economy and its pandemic recovery plan.

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

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

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

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

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

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

6. Each owner and developer subject to the requirements of this section shall comply with the objectives and goals of certified minority and women-owned business enterprises pursuant to article fifteen-A of the executive law and certified service-disabled veteran-owned businesses pursuant to article seventeen-B of the executive law. The depart-
ment in consultation with the directors of the division of minority and women's business development and of the division of service-disabled veterans' business development shall make training and resources available to assist minority and women-owned business enterprises and service-disabled veteran-owned business enterprises on covered renewable energy systems to achieve and maintain compliance with prevailing wage requirements. The department shall make such training and resources available online and shall afford minority and women-owned business enterprises and service-disabled veteran-owned business enterprises an opportunity to submit comments on such training.

7. a. The fiscal officer shall report to the governor, the temporary president of the senate, and the speaker of the assembly by July first, two thousand twenty-two, and annually thereafter, on the participation of minority and women-owned business enterprises in relation to covered renewable energy systems subject to the provisions of this section as well as the diversity practices of contractors and subcontractors employing laborers, workers, and mechanics on such projects.

b. Such reports shall include aggregated data on the utilization and participation of minority and women-owned business enterprises, the employment of minorities and women in construction-related jobs on such projects, and the commitment of contractors and subcontractors on such projects to adopting practices and policies that promote diversity within the workforce. The reports shall also examine the compliance of contractors and subcontractors with other equal employment opportunity requirements and anti-discrimination laws, in addition to any other employment practices deemed pertinent by the commissioner.

c. The fiscal officer may require any owner or developer to disclose information on the participation of minority and women-owned business enterprises and the diversity practices of contractors and subcontractors involved in the performance of any covered renewable energy system. It shall be the duty of the fiscal officer to consult and to share such information in order to effectuate the requirements of this section.

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

§ 66-r. Requirements for certain renewable energy systems. 1. For the purposes of this section, a "covered renewable energy system" means a renewable energy system, as such term is defined in section sixty-six-p of this article, with a capacity of greater than five megawatts alternating current and which involves the procurement of renewable energy credits by a public entity, or a third party acting on behalf and for the benefit of a public entity.

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

3. The commission shall require that the owner of the covered renewable energy system, or a third party acting on the owner's behalf, as an ongoing condition of any renewable energy credits agreement with a
public entity, shall stipulate to the fiscal officer that it will enter
into a labor peace agreement with at least one bona fide labor organiza-
tion either where such bona fide labor organization is actively repres-
enting employees providing necessary operations and maintenance services
for the renewable energy system at the time of such agreement or upon
notice by a bona fide labor organization that is attempting to represent
employees who will provide necessary operations and maintenance services
for the renewable energy system employed in the state. The maintenance
of such a labor peace agreement shall be an ongoing material condition
of any continuation of payments under a renewable energy credits agree-
ment. For purposes of this section "labor peace agreement" means an
agreement between an entity and labor organization that, at a minimum,
protects the state's proprietary interests by prohibiting labor organ-
izations and members from engaging in picketing, work stoppages,
boycotts, and any other economic interference with the relevant renewa-
ble energy system. "Renewable energy credits agreement" shall mean any
public entity contract that provides production-based payments to a
renewable energy project as defined in this section.

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

(b) The provisions of paragraph (a) of this subdivision shall not
apply if the head of the department or agency constructing the public
works, in his or her sole discretion, determines that the provisions
would not be in the public interest, would result in unreasonable costs,
or that obtaining such steel or iron in the United States would increase
the cost of the contract by an unreasonable amount, or such iron or
steel, including without limitation structural iron and structural steel
cannot be produced or made in the United States in sufficient and
reasonably available quantities and of satisfactory quality. The head of
the department or agency constructing the public works shall include
this determination in an advertisement or solicitation of a request for
proposal, invitation for bid, or solicitation of proposal, or any other
method provided for by law or regulation for soliciting a response from
offerors intending to result in a contract pursuant to this subdivision.
The provisions of paragraph (a) of this subdivision shall not apply for
equipment purchased by a covered renewable energy system prior to the
effective date of this chapter.
(c) The head of the department or agency constructing the public works may, at his or her sole discretion, provide for a solicitation of a request for proposal, invitation for bid, or solicitation of proposal, or any other method provided for by law or regulation for soliciting a response from offerors intending to result in a contract pursuant to this paragraph involving a competitive process in which the evaluation of competing bids gives significant consideration in the evaluation process to the procurement of equipment and supplies from businesses located in New York state.

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

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

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

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

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

§ 5. This act shall take effect on October 1, 2021 and shall apply to any covered renewable energy project awarded a contract from an advertisement or a solicitation of a request for proposal, invitation for bid, or solicitation of proposal, or any other method provided for by law or regulation for soliciting a response from offerors intending to result in a contract that is issued on or after the effective date of this act; provided, however, that section three of this act shall take effect on the same date and in the same manner as section 1 of part FFF of chapter 58 of the laws of 2020, takes effect.

PART BB

Section 1. This Part enacts into law major components of legislation in relation to establishing a COVID-19 emergency rental assistance program. Each component is wholly contained within a Subpart identified as Subparts A and B. The effective date for each particular provision contained within such Subpart is set forth in the last section of such Subpart. Any provision in any section contained within a Subpart, including the effective date of the Subpart, which makes reference to a
section of "this act", when used in connection with that particular component, shall be deemed to mean and refer to the corresponding section of the Subpart in which it is found. Section two contains a severability clause for all provisions contained in each Subpart of this Part. Section three of this act sets forth the general effective date of this Part.

SUBPART A

Section 1. The COVID-19 emergency rental assistance program of 2021 is enacted to read as follows:

COVID-19 EMERGENCY RENTAL ASSISTANCE PROGRAM OF 2021

Section 1. Short title.

2. Definitions.

3. Authority to implement emergency rental and utility assistance.

4. Distribution.

5. Eligibility.

6. Application.

7. Documentation.

8. Restrictions on eviction.


10. No repayment and assistance not considered income.

11. Notice to tenants in eviction proceedings.

12. Outreach.

13. Fair housing obligations.

14. Reports by the commissioner.

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

§ 2. Definitions. For the purposes of this act, the following terms shall have the following meanings:

1. "Commissioner" shall mean the commissioner of the state office of temporary and disability assistance.

2. "Federal emergency rental assistance program" shall mean the emergency rental assistance funding issued pursuant to section 501 of the Consolidated Appropriations Act of 2021, Pub L. 116-260 § 501, and section 3201 of the American Rescue Plan Act of 2021, Pub.L. 117-2 § 3201 as well as any other federal funds made available for the purposes defined herein.

3. "Rent burdened household" shall mean a household for which the monthly rental obligation is 30% or more of the household's gross monthly income.

4. "Income", unless otherwise required by federal law or policies, shall mean income from all sources of each member of the household, including all wages, tips, overtime, salary, recurring gifts, returns on investments, social security payments, child support payments, unemployment benefits, any benefit, payment or cash grant whose purpose is to assist with rental payments, any payments whose purpose is to replace lost income, and any other government benefit or cash grant. The term shall not include: income from children under 18 years of age, employment income from individuals 18 years of age or older who are full-time students and are eligible to be claimed as dependents pursuant to internal revenue service regulations, foster care payments, public assistance, sporadic gifts, groceries provided by persons not living in the household, supplemental nutrition assistance program benefits, home energy assistance program benefits, the earned income tax credit, other
§ 3. Authority to implement emergency rental and utility assistance.

1. The commissioner is hereby authorized and directed to implement, as soon as practicable, a program of rental and utility assistance for those eligible pursuant to section five of this act.

2. Such program shall be funded with: (a) emergency rental assistance funds received by the state from the Federal Emergency Rental Assistance Program and any other federal funds made available for that purpose; and (b) any state funds appropriated for such program.

3. The commissioner shall develop and promulgate a form outlining the obligations of each municipal corporation that chooses to participate in the statewide program. Those municipal corporations who choose to participate shall remit such form to the office of temporary and disability assistance within 10 business days from the date of issuance. At such time that the municipal corporation has affirmed their participation, upon receipt of the completed form by the office of temporary and disability assistance and the director of the budget, and the federal department of the treasury, the municipal corporation shall remit their allocation of funds to the state in such manner as determined by the division of the budget. Provided, after the office has acknowledged receipt of the completed form, residents of such municipality shall be entitled to benefit from funds made available for this purpose, subject to the continued availability of funds.

4. The commissioner may adopt, on an emergency basis pursuant to subdivision 6 of section 220 of the state administrative procedure act, any rules necessary to carry out the provisions of this article.

5. The commissioner may delegate the administration of any portions of this program to any state agency, city, county, town, contractor or non-profit organization in accordance with the provisions of this article and applicable federal requirements.

§ 4. Distribution. The commissioner shall work to ensure an equitable distribution of funds throughout the state, excluding administrative funds. For the first 30 days beginning with the first day that the office begins accepting applications, the commissioner shall ensure, to
the extent practicable, that the allocation of funds from this program for households outside the city of New York is no less than 35% of emergency rental assistance funds available to the state of New York. After the 30 day priority period has ended, all applications shall be processed on a rolling basis.

§ 5. Eligibility. The commissioner shall establish standards for determining eligibility for such program, consistent with the following:

1. (a) A household, regardless of immigration status, shall be eligible for emergency rental assistance, or both rental assistance and utility assistance. Such household shall be eligible if it:
   (i) is a tenant or occupant obligated to pay rent in their primary residence in the state of New York, including both tenants and occupants of dwelling units and manufactured home tenants, provided however that occupants of federal or state funded subsidized public housing authorities or other federal or state funded subsidized housing that limits the household's share of the rent to a set percentage of income shall only be eligible to the extent that funds are remaining after serving all other eligible populations;
   (ii) includes an individual who has qualified for unemployment or experienced a reduction in household income, incurred significant costs, or experienced other financial hardship due, directly or indirectly, to the COVID-19 outbreak;
   (iii) demonstrates a risk of experiencing homelessness or housing instability; and
   (iv) has a household income at or below 80% of the area median income, adjusted for household size.
   (b) Nothing in this subdivision shall preclude a recipient of public assistance from being eligible for emergency rental or utility assistance under this program.

2. For the purposes of this program, income may be considered:
   (a) the household's total income for calendar year 2020; or
   (b) the household's monthly income at the time of application for such assistance.

3. The commissioner shall establish priority in processing applications and allocating funds under this program. Such priority shall at a minimum prioritize households whose income does not exceed 50% of the area median income adjusted for household size and households who have one or more individuals who are unemployed as of the date of the application for assistance and have not been employed for the 90 days preceding such date.

4. The commissioner shall also grant priority for those who meet any of the following criteria:
   (a) households who are tenants of mobile homes or mobile home parks whose arrears have accrued for the land on which the mobile home is located;
   (b) households who include one or more individuals from a vulnerable population, including, but not limited to, victims of domestic violence, survivors of human trafficking, or veterans;
   (c) households who have eviction cases that are pending;
   (d) households who are residing in communities that were disproportionately impacted by the COVID-19 pandemic in a methodology to be determined by the commissioner;
   (e) households who reside in a building or development of twenty or fewer units owned by a small landlord as defined in section one of this act; and
(f) provided further that any priority granted pursuant to this subdivision shall not supersede the priority granted pursuant to subdivision three of this section.

5. Pursuant to subdivisions three and four of this section, the commissioner shall prioritize applications received by the date and time of application for 30 days beginning the first day the office accepts rental assistance applications in the following sequence:
   (a) households with income that does not exceed 50% of area median income for the household and have a member in one of the priority groups in subdivision 4 of this section;
   (b) households with income that does not exceed 50% of area median income for the household and does not have a member in one of the priority groups in subdivision 4 of this section;
   (c) households with income that does not exceed 80% of area median income for the household and have a member in one of the priority groups in subdivision 4 of this section; and
   (d) households with income that does not exceed 80% of area median income for the household and does not have a member in one of the priority groups in subdivision 4 of this section.

6. After the 30 day priority period has ended, all applications shall be processed on a rolling basis.

7. To the extent feasible, no rental assistance provided pursuant to this act shall be duplicative of assistance for rent or rental arrears previously received or currently being received by the household.

8. An individual full-time college student or a household consisting exclusively of full-time college students is ineligible for this program unless each individual in the household shall not be claimed as a dependent by their parents or legal guardians pursuant to internal revenue service regulations in the most recent tax year.

9. (a) Those households who have been determined eligible for rental and utility arrears assistance through the emergency rental assistance program and who have not received a corresponding benefit through the home energy assistance program are eligible for utility arrears relief in accordance with procedures established by the state public service commission in consultation with the office of temporary and disability assistance. Notwithstanding any provision of law to the contrary, employees, agents, contractors and officers of the office of temporary and disability assistance and employees and officers of the department of public service shall be allowed and are directed to share and exchange information regarding utility arrears assistance pursuant to this section, including information regarding households seeking such assistance and the information used by the department of public service to determine the amount of utility arrears that has been waived.
   (b) Any documentation or information provided to the department of public service employees, its agents, contractors and officers in accordance with this subdivision shall be upon the consent of the applicant.

§ 6. Application. 1. As soon as practicable, the commissioner shall make an application for the program available on the office of temporary and disability assistance's website. The application shall be available online in English, Spanish, Chinese, Russian, Korean, Yiddish, Haitian (French Creole), Bengali, and, to the extent practicable, other commonly used languages. The commissioner shall enable application assistance to be offered via telephone and make accommodations for those who are hearing or visually impaired, with referral to a community based organization as deemed necessary.
2. Each municipal corporation shall designate not-for-profit organizations or local government staff that shall assist households in applying for assistance. Such organizations and staff shall be permitted to file applications on behalf of such households.

3. Any party, or their designee, that may be eligible to receive funds under this program may initiate an application. Regardless of whether a landlord, owner, tenant or occupant initiates an application, such landlord or owner shall be required to:
   (a) use any payments received pursuant to this article solely to satisfy the tenant's full rental obligations to the landlord or owner for the time period covered by the payment;
   (b) provide the office of temporary and disability assistance with necessary information and documentation to facilitate payments; and
   (c) keep confidential any information or documentation from or about the tenant or occupant acquired pursuant to this application process.

4. (a) Documentation of immigration status shall not be requested as part of the emergency rental assistance program.
   (b) Any documentation or information provided to the statewide application, eligibility worker, hotline or community based organization, or obtained in the course of administering the emergency rental assistance program or any other assistance program shall be kept confidential and shall only be used for the purposes of determining eligibility, for program administration, avoiding duplication of assistance, and other uses consistent with State and federal law.
   (c) Any portion of any record retained by the commissioner in relation to an application pursuant to this chapter that contains the photo image or identifies the social security number, telephone number, place of birth, country of origin, place of employment, school or educational institution attended, source of income, status as a recipient of public benefits, the customer identification number associated with a public utilities account, medical information or disability information of the holder of, or applicant for, is not a public record and shall not be disclosed in response to any request for records except: (i) to the person who is the subject of such records; or (ii) where necessary to comply with State and federal law.

5. Upon receipt of an application and to the extent practicable, the commissioner shall make available a means by which an application submitted by a tenant, a landlord, or both jointly can be tracked by either the tenant or the landlord, regardless of who submitted such application.

6. Self-attestation shall be considered to be acceptable documentation to the extent permissible by federal law and relevant guidance; provided further that attestation of a person with knowledge of the household's circumstances shall be considered to be acceptable documentation to the extent permissible by federal law and relevant guidance.

§ 7. Documentation. The commissioner shall establish procedures that are appropriate and necessary to assure that information necessary to determine eligibility provided by households applying for or receiving assistance under this article is complete and accurate. Additionally, the commissioner shall establish procedures to ensure flexibility when determining acceptable documentation.

§ 8. Restrictions on eviction. Eviction proceedings for a holdover or expired lease, or non-payment of rent or utilities that would be eligible for coverage under this program shall not be commenced against a household who has applied for this program unless or until a determination of ineligibility is made. If such eviction proceedings are
commenced against a household who subsequently applies for benefits under this program, all proceedings shall be stayed pending a determination of eligibility. Evidence of a payment received pursuant to this act may be presented in such proceeding and create a presumption that the tenant's or occupant's rent or utility obligation for the time period covered by the payment has been fully satisfied.

§ 9. Payments. 1. Payments shall be made for rental payments or rental and utility arrears accrued on or after March 13, 2020. No more than 12 months of rental and/or utility assistance for arrears and 3 months of prospective rental assistance may be paid on behalf of any eligible household. Provided, however that only rent burdened households shall be eligible to receive prospective rent payments.

2. (a) The rental assistance shall be paid directly to the landlord of the dwelling unit or manufactured home park occupied by the household for the total amount of qualified rental arrears and prospective rental assistance pursuant to subdivision one of this section. Utility assistance shall be paid directly to the utility provider.

(b) Prior to making an eligibility determination, the commissioner or the commissioner's designee shall undertake reasonable efforts to obtain the cooperation of landlords and utility providers to accept payments from this program. Such outreach may be considered complete if: (i) a request for participation has been sent in writing, by mail, to the landlord or utility provider and the addressee has not responded to the request within 14 calendar days after mailing; or (ii) at least 3 attempts by phone, text, or e-mail have been made over a 10 calendar day period to request the landlord's or utility provider's participation; or (iii) a landlord or utility provider confirms in writing that the landlord or utility provider does not wish to participate. The outreach attempts or notices to the landlord or utility provider shall be documented and shall be made available to the tenant.

(c) If a payment cannot be made directly to a landlord or owner after the outreach efforts described in paragraph (b) of this subdivision, funds in the amount approved for rental assistance to an otherwise eligible applicant shall be available for a period of 180 days; extension may be provided upon determination by the commissioner of good cause. When possible, both landlord or owner and tenant shall be notified of the provisional determination of eligibility and the landlord or owner shall have a final opportunity to participate. If the landlord or owner does not provide necessary information or documentation to effectuate payment as directed before 180 days, the commissioner may reallocate the set aside funds to serve other rental assistance program applicants. The tenant may use such provisional determination as an affirmative defense in any proceeding seeking a monetary judgment or eviction brought by a landlord for the non-payment of rent accrued during the same time period covered by the provisional payment for a period of twelve months from the determination of provisional eligibility. If the landlord has not accepted such provisional payment within twelve months of the determination the landlord shall be deemed to have waived the amount of rent covered by such provisional payment, and shall be prevented from initiating a monetary action or proceeding, or collecting a judgment premised on the nonpayment of the amount of rent covered by such provisional payment.

(d) Acceptance of payment for rent or rental arrears from this program shall constitute agreement by the recipient landlord or property owner: (i) that the arrears covered by this payment are satisfied and will not be used as the basis for a non-payment eviction; (ii) to waive any late
fees due on any rental arrears paid pursuant to this program; (iii) to not increase the monthly rent due for the dwelling unit such that it shall not be greater than the amount that was due at the time of application to the program for any and all months for which rental assistance is received and for one year after the first rental assistance payment is received; (iv) not to evict for reason of expired lease or holdover tenancy any household on behalf of whom rental assistance is received for 12 months after the first rental assistance payment is received, unless the dwelling unit that is the subject of the lease or rental agreement is located in a building that contains 4 or fewer units, in which case the landlord may decline to extend the lease or tenancy if the landlord intends to immediately occupy the unit for the landlord's personal use as a primary residence or the use of an immediate family member as a primary residence; and (v) to notify the tenant of the protections established under this subdivision.

§ 10. No repayment and assistance not considered income. Eligible households shall not be expected or required to repay any assistance granted through this program, except in instances of fraud perpetrated by such household. Landlords shall not be expected or required to repay any funds paid through this program except in instances of duplicate payments or fraud perpetrated by the landlord. Assistance granted through this program shall not be considered income for purposes of eligibility for public benefits or other public assistance to the extent allowed by law, but shall be considered a "source of income" for purposes of the protections against housing discrimination provided under section 296 of the human rights law. There shall be no requirement for applicants to seek assistance from other sources, including charitable contributions, in order to be eligible for assistance under this program.

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

§ 12. Outreach. The commissioner shall ensure that extensive outreach is conducted to increase awareness of this program among tenants and landlords or owners. The commissioner shall require each municipal corporation to target for outreach communities where the median income of residents is less than 50% of the area median income for the region, communities with the highest unemployment rates, and communities that experienced the highest rates of COVID-19 infections during the pandemic. The commissioner shall, to the extent practicable, partner with municipal corporations in an effort to provide outreach materials in the languages commonly spoken by residents of New York state as per the American Community Survey from the United States Census Bureau. Municipal recipients shall contract with community based organizations to supplement the state's outreach program, providing additional application assistance and outreach activities specific to their geographic location. Such community based organizations shall deliver their services in multiple languages and in a culturally competent manner to vulnerable and/or low income populations, including populations prioritized by this program pursuant to section five of this act.

§ 13. Fair housing obligations. Nothing in this act shall lessen or abridge any fair housing obligations promulgated by the federal govern-
ment, state, municipalities, localities, or any other applicable jurisdiction.

§ 14. Reports by the commissioner. The office shall be required to report and post information on their website, and update such information at least monthly beginning 30 days from when the commissioner makes an application for the program available. Such information shall include but not be limited to:

(a) the number of municipal recipients that choose to participate in the statewide program;
(b) the number of eligible households that received assistance under this title, including the particular category of assistance which was provided;
(c) the average amount of funding provided per eligible household receiving assistance; and
(d) the number of households that applied for assistance.

§ 2. The state finance law is amended by adding a new section 99-mm to read as follows:

§ 99-mm. Emergency rental assistance municipal corporation allocation fund. 1. There is hereby established in the joint custody of the state comptroller and the commissioner of taxation and finance a trust and agency fund known as the "emergency rental assistance municipal corporation allocation fund." Municipal corporations, as defined in section two of the general municipal law, that have received a federal allocation from the United States treasury for emergency rental assistance authorized pursuant to section 501 of the Consolidated Appropriations Act of 2021, Pub.L. 116-260 § 501 and section 3201 of the American Rescue Plan Act of 2021, Pub.L. 117-2 § 3201, and any other federal funds made available for the same purpose and that choose to participate in the statewide emergency rental assistance program pursuant to a plan approved by the office of temporary and disability assistance and the division of the budget, may deposit such allocations into the emergency rental assistance municipal corporation fund as directed by the director of the budget.

2. The monies of the fund shall be paid, without appropriation, to provide authorized benefits to eligible households of the respective municipal corporation from which monies were received in accordance with subdivision one of this section.

§ 3. This act shall take effect immediately and shall expire and be deemed repealed September 30, 2025.

SUBPART B

Section 1. The tax law is amended by adding a new section 187-q to read as follows:

§ 187-q. Utility COVID-19 debt relief credit. 1. Allowance of credit. A taxpayer doing business in this state that is subject to the supervision of the public service commission shall be allowed a credit against the taxes imposed by this article, to be computed as hereinafter provided, for the amount of debt that the taxpayer has waived in accordance with procedures established by the public service commission that was owed to the taxpayer by customers who received utility arrears assistance pursuant to the chapter of the laws of two thousand twenty-one that enacted this section. Provided, however, that if the taxpayer is subject to tax under both sections one hundred eighty-three and one hundred eighty-four of this article the amount of such credit allowable against the tax imposed by such section one hundred eighty-four shall be
the excess of the amount of such credit over the amount of any credit
allowed by this section against the tax imposed by section one hundred
eighty-three of this article.

2. Application of credit. In no event shall the credit under this
section be allowed in an amount that will reduce the tax payable to less
than the applicable minimum tax fixed by section one hundred eighty-
three of this article. If, however, the amount of credit allowable under
this section for any taxable year reduces the tax to such amount, any
amount of credit not deductible in such taxable year shall be treated as
an overpayment of tax to be refunded in accordance with the provisions
of section one thousand eighty-six of this chapter. Provided, however,
the provisions of subsection (c) of section one thousand eighty-eight of
this chapter notwithstanding, no interest shall be paid thereon.

3. Certification. No amount of waived customer debt may be the basis
for the credit herein unless such amount is certified by the public
service commission as provided herein. After consulting with the commis-
sioner, the public service commission shall establish procedures for
determining the amount of waived customer debt that may be used as a
basis for the tax credit allowed by this section. Such procedures shall
include provisions describing the application process, application due
dates, the documentation that will be provided by taxpayers to substan-
tiate the amount of customer debt that was waived by such taxpayers, the
process by which the public service commission shall certify to a
taxpayer and to the commissioner the amount of waived customer debt that
qualifies for the credit, and such other provisions as deemed necessary
and appropriate.

4. Timing of credit. The credit allowed by this section shall be
claimed in the taxable year in which the public service commission
certifies the amount of customer debt waived by the taxpayer that quali-
fies for the credit allowed by this section.

5. Credit recapture. If the certification made by the public service
commission under subdivision three of this section is revoked by the
public service commission, the amount of credit described in this
section and claimed by the taxpayer prior to that revocation shall be
added back to the tax in the taxable year in which such revocation
becomes final.

6. Information sharing. Notwithstanding any provision of this chapter,
employees and officers of the public service commission and the depart-
ment shall be allowed and are directed to share and exchange information
regarding the credits allowed, or claimed, pursuant to this section, and
the taxpayers who are applying for credits or who are claiming credits,
including information contained in or derived from credit claim forms
submitted to the department, and the information of the taxpayer used by
the department of public service to determine the amount of waived
customer debt.

§ 2. This act shall take effect immediately and shall apply to taxable
years beginning on or after January 1, 2021.

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

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

PART CC

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

3. Notwithstanding the provisions of section five hundred eighty-one of this title to the contrary, and for the purpose of responding to the COVID-19 pandemic, any employer whose employees receive payments under this article [and whose claims for unemployment insurance arise due to the closure of the employer or a reduction in the workforce of the employer for reasons related to the COVID-19 pandemic, or due to a mandatory order of a government entity duly authorized to issue such order to close such employer due to the COVID-19 pandemic,] for unemployment claims made on or after March [twelfth] ninth, two thousand twenty and through the duration of the state disaster emergency declared by executive order number two hundred two of two thousand twenty and any further amendments or modifications thereto, or December thirty-first two thousand twenty-one, whichever is later, shall not have included in their experience rating charges the amounts so paid to the employees from the fund. Such charges, if not reimbursed, in whole or in part by the federal government, shall be made to the general account for the fund created by section five hundred fifty of this article.

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

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

§ 2. This act shall take effect immediately [and shall expire December 31, 2021, when upon such date the provisions of this act shall be deemed repealed].

§ 3. This act shall take effect immediately.

PART DD

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

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

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

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

(c) For students first receiving aid in two thousand--two thousand one and thereafter, five thousand dollars, except starting in two thousand fourteen--two thousand fifteen [and thereafter] such students shall receive five thousand one hundred sixty-five dollars and after such students shall receive five thousand six hundred sixty-five dollars, provided however that nothing herein shall be construed as increasing any award made pursuant to this section for an academic year prior to two thousand twenty-one--two thousand twenty-two; or

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

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

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

(b) For students first receiving aid in nineteen hundred ninety-two--nineteen hundred ninety-three and nineteen hundred ninety-three--nineteen hundred ninety-four, two thousand five hundred seventy-five dollars, or

(c) For students first receiving aid in nineteen hundred ninety-one--nineteen hundred ninety-two or earlier, two thousand four hundred fifty dollars beginning in the two thousand twenty-one--two thousand twenty-two academic year and thereafter, three thousand five hundred twenty-five dollars, provided that nothing herein shall be construed as increasing any award made for any prior academic year; or

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

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

- (A) (1) **one thousand three hundred** dollars, or
- (2) for students receiving awards pursuant to subparagraph (iii) of this paragraph, **one thousand four hundred** dollars; or

- (B) (1) Ninety-five percent of the amount of tuition (exclusive of educational fees) charged.
- (2) For the two thousand one--two thousand two academic year and thereafter one hundred percent of the amount of tuition (exclusive of educational fees).

(ii) Except for students as noted in subparagraph (iii) of this paragraph, the base amount as determined in subparagraph (i) of this paragraph, shall be reduced in relation to income as follows:

<table>
<thead>
<tr>
<th>Amount of income</th>
<th>Schedule of reduction of base amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>(A) Less than seven thousand dollars</td>
<td>None</td>
</tr>
<tr>
<td>(B) Seven thousand dollars or more, but less than eleven thousand dollars</td>
<td>Seven per centum of the excess over seven thousand dollars</td>
</tr>
</tbody>
</table>

[(C) For students first receiving aid:]

(1) for the first time in academic years nineteen hundred eighty-nine--nineteen hundred ninety, nineteen hundred ninety-two--nineteen hundred ninety-three and nineteen hundred ninety-three--nineteen hundred ninety-four:

- Amount of income
- Schedule of reduction of base amount

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

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

- Amount of income
- Schedule of reduction of base amount

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

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

- Amount of income
- Schedule of reduction of base amount
1 \textbf{base amount}

2 \textbf{Eleven thousand dollars or Two hundred eighty dollars plus}

3 more but not more than thirty-ten per centum of the excess over

4 four thousand two hundred fifty eleven thousand dollars

5 dollars]

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

8 § 689-a. Tuition credits. 1. The New York state higher education
9 services corporation shall calculate a tuition credit for each resident
10 undergraduate student who has filed an application with such corporation
11 for a tuition assistance program award pursuant to section six hundred
12 sixty-seven of this article, and is determined to be eligible to receive
13 such award, and is also enrolled in a program of undergraduate study at
14 a state operated or senior college of the state university of New York
15 or the city university of New York where the annual resident undergradu-
16 ate tuition rate will exceed \textbf{five thousand dollars} the maximum tuition
17 assistance program award pursuant to subitem (a) of item one of clause
18 (A) of subparagraph (i) of paragraph a of subdivision three of section
19 six hundred sixty-seven of this article. Such tuition credit shall be
20 calculated for each semester, quarter or term of study that tuition is
21 charged and tuition for the corresponding semester, quarter or term
22 shall not be due for any student eligible to receive such tuition credit
23 until such credit is calculated, the student and school where the
24 student is enrolled is notified of the tuition credit amount, and such
25 tuition credit is applied toward the tuition charged.

26 2. Each tuition credit pursuant to this section shall be an amount
27 equal to the product of the total annual resident undergraduate tuition
28 rate minus \textbf{five thousand dollars} the maximum tuition assistance
29 program award pursuant to subitem (a) of item one of clause (A) of
30 subparagraph (i) of paragraph a of subdivision three of section six
31 hundred sixty-seven of this article then multiplied by an amount equal
32 to the product of the total annual award for the student pursuant to
33 section six hundred sixty-seven of this article divided by an amount
34 equal to the maximum amount the student qualifies to receive pursuant to
35 clause (A) of subparagraph (i) of paragraph a of subdivision three of
36 section six hundred sixty-seven of this article.

37 § 4. Section 16 of chapter 260 of the laws of 2011 amending the educa-
38 tion law and the New York state urban development corporation act relat-
39 ing to establishing components of the NY-SUNY 2020 challenge grant
40 program, as amended by section 5 of part JJJ of chapter 59 of the laws
41 of 2017, is amended to read as follows:

42 § 16. This act shall take effect July 1, 2011; provided that sections
43 one, two, three, four, five, six, eight, nine, ten, eleven, twelve and
44 thirteen of this act shall expire \textbf{14} 13 years after such effective
date when upon such date the provisions of this act shall be deemed
45 repealed; and provided further that sections fourteen and fifteen of
46 this act shall expire 5 years after such effective date when upon such
date the provisions of this act shall be deemed repealed.

47 § 5. This act shall take effect July 1, 2021; provided, however, that
48 the amendments to section 689-a of the education law made by section
49 three of this act shall not affect the repeal of such section and shall
50 be deemed to expire therewith.
Section 1. Section 398-a of the social services law is amended by adding a new subdivision 6 to read as follows:

(6) (a) Any federal paycheck protection program loan forgiveness funding or other extraordinary federal funding, as determined by the office of children and family services, received by an authorized agency as defined in subdivision ten of section three hundred seventy-one of this article, to the extent consistent with federal law, shall be disregarded when calculating the maximum state aid rate when such funding is utilized for allowable costs or expenses incurred due to the state of emergency that was declared in executive order two hundred two on March seventh, two thousand twenty. Allowable costs or expenses shall include costs incurred due to the pandemic, as allowable pursuant to the program through which such funding was received or, to the extent permitted by federal law, expenses related to offsetting lost revenue due to a reduction in placements that can be directly attributed to the novel coronavirus (COVID-19) pandemic.

(b) The office of children and family services shall hold harmless the prospective maximum state aid rate to the extent that extraordinary federal revenue was disregarded in accordance with paragraph (a) of this subdivision for the two thousand twenty-one--two thousand twenty-two rate year and subsequent applicable rate years.

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

PART FF

Section 1. Notwithstanding any provision of law to the contrary, in accordance with section 4 of Division X of the federal Consolidated Appropriations Act of 2021 (P.L. 116-260) or any successor legislation, a youth may not be required to leave foster care or be found to be ineligible for title IV-E foster care maintenance payments solely due to such youth's age or such youth being deemed to not have met a condition of section 475(8)(B)(iv) of the federal social security act; and provided further that, notwithstanding any other provision of law to the contrary and in accordance with section 4 of Division X of the federal Consolidated Appropriations Act of 2021 (P.L. 116-260) or any successor legislation, until October 1, 2021, a youth who was previously in foster care and was discharged from foster care after obtaining the age of 18, on or after April 1, 2020, shall be permitted to voluntarily return to and remain in foster care, as authorized by section 4 of Division X of the federal Consolidated Appropriations Act of 2021 (P.L. 116-260), or any such date as may be authorized pursuant to successor legislation.

§ 2. Notwithstanding the age limitations for foster care contained in articles 3, 7, 10, or 10-A of the family court act and in accordance with section 4 of Division X of the federal Consolidated Appropriations Act of 2021 (P.L. 116-260) or any successor legislation, youth who stay in foster care beyond age 21 pursuant to this chapter shall continue to have permanency hearings at the same intervals as such hearings would otherwise occur if such youth remained in care and had not obtained the age of 21.

§ 3. Notwithstanding any provision of law to the contrary, in accordance with section 4 of Division X of the federal Consolidated Appropriations Act of 2021 (P.L. 116-260) or any successor legislation, the family court shall be authorized to conduct proceedings and issue determinations pursuant to article 10-B of the family court act without regard to the youth's age or such youth being deemed to not have met a
condition of section 475(8)(B)(iv) of the federal social security act until October 1, 2021, or any such date as may be authorized pursuant to successor legislation. Provided further, any such motions shall be heard and determined on an expedited basis.

§ 4. This act shall take effect immediately and shall expire and be deemed repealed on the same date and in the same manner as the termination of the provisions of section 4 of Division X of the federal Consolidated Appropriations Act of 2021 (P.L. 116-260), or on such later date as may be provided in any successor legislation; provided that the commissioner of the office of children and family services shall notify the legislative bill drafting commission upon the occurrence of the termination of the provisions of section 4 of Division X of the federal Consolidated Appropriations Act of 2021 (P.L. 116-260) or of a later date provided by successor legislation in order that the commission may maintain an accurate and timely effective database of the official text of the laws of the state of New York in furtherance of effectuating the provisions of section 44 of the legislative law and section 70-b of the public officers law.

PART GG

Section 1. Paragraph h of subdivision 2 of section 355 of the education law is amended by adding a new subparagraph 4-b to read as follows:

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

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

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

§ 2. Subdivision 7 of section 6206 of the education law is amended by adding a new paragraph (f) to read as follows:

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

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

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

PART HH

Section 1. Subdivision 11 of section 17 of the public officers law, as
added by chapter 499 of the laws of 1992, is amended to read as follows:
11. The provisions of this section shall not apply to physicians who
are subject to the provisions of the plan for the management of clinical
practice income as set forth in the policies of the board of trustees,
title 8, New York codes, rules and regulations, regarding any civil
action or proceeding alleging some professional malpractice in any state
or federal court arising out of the physician's involvement in clinical
practice as defined in that plan, provided however, that the provisions
of this section shall apply when a claim or proceeding arises while the
physician was acting on behalf of the state within the scope of such
physician's public employment or duties.
§ 2. This act shall take effect immediately and shall apply to all
claims pending or filed on or after such date.

PART II

Section 1. Subdivision 2 of section 2805-i of the public health law, as
added by section 2 of part HH of chapter 57 of the laws of 2018, is
amended to read as follows:
2. Sexual offense evidence shall be collected and maintained as
follows:
(a) All sexual offense evidence shall be kept in a locked, separate
and secure area for twenty years from the date of collection; provided
that such evidence shall be transferred to a new location(s) pursuant to
this subdivision.
(b) Sexual offense evidence shall include, but not be limited to,
slides, cotton swabs, clothing and other items. Where appropriate, such
items shall be refrigerated and the clothing and swabs shall be dried,
stored in paper bags, and labeled. Each item of evidence shall be marked
and logged with a code number corresponding to the alleged sexual
offense victim's medical record.
(c) Upon collection, the hospital shall notify the alleged sexual
offense victim that, after twenty years, the sexual offense evidence
will be discarded in compliance with state and local health codes and
that the alleged sexual offense victim's clothes or personal effects
will be returned to the alleged sexual offense victim at any time upon
request. The alleged sexual offense victim shall be given the option of
providing contact information for purposes of receiving notice of the
planned destruction of such evidence after the expiration of the twen-
ty-year period.
(d) Until [April first] September thirtieth, two thousand [twenty-one]
[twenty-two], or earlier if determined feasible by the director of budget
[pursuant to paragraph (g) of this subdivision], hospitals shall be
responsible for securing long-term sexual offense evidence pursuant to
this section, after which such storage shall be the responsibility of
the [custodian(s) identified in the plan approved by the director of
budget pursuant to paragraph (g) of this subdivision] office of victim
services. Hospitals may enter into contracts with other entities that
will ensure appropriate and secure long-term storage of sexual offense evidence pursuant to this section until April first, two thousand twenty-one.

(e) Beginning April first, two thousand eighteen, the department, the office of victim services, the division of criminal justice services and the division of state police shall jointly study, evaluate and make recommendations concerning the storage and monitoring of sexual offense evidence for twenty years, including studying options for the use of: state-owned or operated facilities; facilities owned or operated by local government or law enforcement agencies; and facilities owned or operated by private entities.

(f) On or before December first, two thousand nineteen, such agencies shall submit a joint plan to the director of budget, speaker of the assembly, and president pro tempore of the senate, which shall at a minimum include: recommended storage location(s) for sexual offense evidence; a schedule for sexual offense evidence held by hospitals pursuant to this section to be transferred to such storage location(s) by April first, two thousand twenty-one; and tracking, monitoring and notification option(s).

(g) On or before January first, two thousand twenty, the director of budget shall approve a plan that, at a minimum, establishes: storage location(s) for sexual offense evidence by no later than April first, two thousand twenty-one; a reasonable schedule for sexual offense evidence maintained by hospitals pursuant to this section to be transferred to such storage location(s); and tracking, monitoring and notification system(s).

(h) Between thirty and ten days prior to the transfer of sexual offense evidence to the storage location(s) identified in the plan approved by the director of budget pursuant to paragraph (g) of this subdivision, hospitals shall make diligent efforts to notify the alleged sexual offense victim of the transfer of custody for the remainder of the twenty-year storage period.

{(i)} On (g) April first, September thirtieth, two thousand twenty-one, or earlier if determined feasible by the director of budget, hospitals shall ensure transfer of sexual offense evidence collected pursuant to this section to the custodian(s) identified in the plan approved by the director of budget pursuant to paragraph (g) of this subdivision office of victim services, within ten days of collection of such evidence, while maintaining chain of custody.

{(j)} After (i) April first, September thirtieth, two thousand twenty-one, or earlier if determined feasible by the director of budget, hospitals shall ensure transfer of sexual offense evidence collected pursuant to this section to the custodian(s) identified in the plan approved by the director of budget pursuant to paragraph (g) of this subdivision office of victim services within ten days of collection of such evidence, while maintaining chain of custody.

{(k)} At least ninety days prior to the expiration of the twenty-year storage period for any sexual offense evidence, the custodian(s) of the sexual offense evidence office of victim services shall make diligent efforts to contact the alleged sexual offense victim to notify the alleged sexual offense victim that the sexual offense evidence will be discarded in compliance with state and local health codes and that the alleged sexual offense victim's clothes and personal effects will be returned to the alleged sexual offense victim upon request.

{(l)} Notwithstanding any other provision in this section, sexual offense evidence shall not continue to be stored where: (i) such evidence is not privileged and law enforcement requests its release, in
which case the custodian(s) shall comply with such request; or (ii) such
evidence is privileged and either (A) the alleged sexual offense victim
gives permission to release the evidence to law enforcement, or (B) the
alleged sexual offense victim signs a statement directing the
custodian(s) to dispose of the evidence, in which case the sexual
offense evidence will be discarded in compliance with state and local
health codes.

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

PART JJ

Section 1. This Part enacts into law major components of legislation
which are related to the availability of adverse childhood experiences
services. Each component is wholly contained within a Subpart identi-
fied 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 refer-
ence to a section of "this act", when used in connection with that
 particular component, shall be deemed to mean and refer to the corre-
sponding section of the Subpart in which it is found. Section two
contains a severability clause for all provisions contained in each
Subpart of this Part. Section three of this act sets forth the general
effective date of this Part.

SUBPART A

Section 1. The social services law is amended by adding a new section
131-aaa to read as follows:

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

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

TITLE 12-A
SUPPORTS AND SERVICES FOR YOUTH SUFFERING FROM ADVERSE
CHILDHOOD EXPERIENCES
Section 370-c. Supports and services for youth suffering from adverse
childhood experiences.

§ 370-c. Supports and services for youth suffering from adverse child-
hood experiences. 1. Youth suffering from or at risk of adverse child-
hood experiences, as defined in paragraph (c) of subdivision one of
section twenty-d of this chapter, may be eligible for a range of appro-
priate services and supports that enhance protective factors, or are
culturally competent, evidence based and trauma informed and beneficial
to the overall health and well-being of the youth, including but not
necessarily limited to available: (i) appropriate health and behavioral
health services provided to youth who are otherwise eligible under
subdivision seven of section twenty-five hundred ten of the public health law and subdivision two of section three hundred sixty-five-a of this article; (ii) preventive services provided to youth who are otherwise eligible pursuant to section four hundred nine-a of this article; (iii) services provided to youth who are otherwise eligible pursuant to subdivision two of section four hundred fifty-eight-m of this chapter; or (iv) to the extent funds are specifically appropriated therefor, any other services necessary to serve youth suffering from adverse childhood experiences.

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

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

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

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

59. The commissioner shall make available educational materials developed pursuant to subdivision two of section three hundred seventy-c of the social services law to every school district, charter school, nonpublic school, approved preschool, approved preschool special education program, approved private residential or non-residential school for the education of students with disabilities, state-supported school in accordance with article eighty-five of this chapter, and board of cooperative educational services for the purpose of educating parents, guardians and other authorized individuals responsible for the child’s care about adverse childhood experiences, the importance of protective factors, and the availability of services for children at risk for or experiencing adverse childhood experiences. The commissioner shall provide that such educational materials are made available online pursuant to subdivision two of section three hundred seventy-c of the social services law.

§ 5. The public health law is amended by adding a new section 2509-c to read as follows:
§ 2509-c. Availability of adverse childhood experiences services.

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

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

(a) The central register shall be capable of receiving telephone calls alleging child abuse or maltreatment and of immediately identifying prior reports of child abuse or maltreatment and capable of monitoring the provision of child protective service twenty-four hours a day, seven days a week. To effectuate this purpose, but subject to the provisions of the appropriate local plan for the provision of child protective services, there shall be a single statewide telephone number that all persons, whether mandated by the law or not, may use to make telephone calls alleging child abuse or maltreatment and that all persons so authorized by this title may use for determining the existence of prior reports in order to evaluate the condition or circumstances of a child. In addition to the single statewide telephone number, there shall be a special unlisted express telephone number and a telephone facsimile number for use only by persons mandated by law to make telephone calls, or to transmit telephone facsimile information on a form provided by the commissioner of children and family services, alleging child abuse or maltreatment, and for use by all persons so authorized by this title for determining the existence of prior reports in order to evaluate the condition or circumstances of a child. When any allegations contained in such telephone calls could reasonably constitute a report of child abuse or maltreatment, after utilizing protocols that would reduce implicit bias from the decision-making process, such allegations and any previous reports to the central registry involving the subject of such report or children named in such report, including any previous report containing allegations of child abuse and maltreatment alleged to have occurred in other counties and districts in New York state shall be immediately transmitted orally or electronically by the office of children and family services to the appropriate local child protective service for investigation. The inability of the person calling the register to identify the alleged perpetrator shall, in no circumstance, constitute the sole cause for the register to reject such allegation or fail to transmit such allegation for investigation. If the records indicate a previous report concerning a subject of the report, the child alleged to be abused or maltreated, a sibling, other children in the household, other persons named in the report or other pertinent information, the appropriate local child protective service shall be immediately notified of the fact. If the report involves either (i) an allegation of an abused child described in paragraph (i), (ii) or (iii) of subdivision (e) of section one thousand twelve of the family court act or sexual abuse of a child or the death of a child or (ii) suspected maltreatment which alleges any physical harm when the report is made by a person required to report pursuant to section four hundred thirteen of this title within
six months of any other two reports that were indicated, or may still be
pending, involving the same child, sibling, or other children in the
household or the subject of the report, the office of children and fami-
ly services shall identify the report as such and note any prior reports
when transmitting the report to the local child protective services for
investigation.

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

(c) issue guidelines to assist local child protective services in the
interpretation and assessment of reports of abuse and maltreatment made
to the statewide central register described in section four hundred
twenty-two of this article. Such guidelines shall include information,
standards and criteria for the identification of evidence of alleged
abuse and maltreatment as required to determine whether a report may be
indicated pursuant to this article. Provided further, the office of
children and family services shall update such guidelines, standards and
criteria issued to the local child protective services to include
protocols to reduce implicit bias in the decision-making processes,
strategies for identifying adverse childhood experiences as defined in
paragraph (c) of subdivision one of section twenty-d of this chapter,
and guidelines to assist in recognizing signs of abuse or maltreatment
while interacting virtually. The office may utilize existing programs
or materials established pursuant to section twenty-d of this chapter.

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

5. The office of children and family services shall update training
issued to persons and officials required to report cases of suspected
child abuse or maltreatment to include protocols to reduce implicit bias
in the decision-making processes, strategies for identifying adverse
childhood experiences as defined in paragraph (c) of subdivision one of
section twenty-d of this chapter, and guidelines to assist in recogniz-
ing signs of abuse or maltreatment while interacting virtually. Such
persons and officials shall have three years from the effective date of
the chapter of the laws of two thousand twenty-one that added this
subdivision to receive such updated mandated reported training.

§ 9. This act shall take effect April 1, 2022, provided, however, that
section eight of this act shall expire and be deemed repealed three
years after the effective date of this act.

SUBPART B

Intentionally Omitted.

§ 2. Severability. If any clause, sentence, paragraph, subdivision,
section or part contained in any subpart of this act shall be adjudged
by any court of competent jurisdiction to be invalid, such judgment
shall not affect, impair, or invalidate the remainder thereof, but shall
by confined in its operation to the clause, sentence, paragraph, subdi-
vision, section or part contained in any subpart thereof directly
involved in the controversy in which such judgment shall have been
rendered. It is hereby declared to be the intent of the legislature that
this act would have been enacted even if such invalid provisions had not
been included herein.
§ 3. This act shall take effect immediately, provided, however, that
the applicable effective date of Subpart A of this act shall be as
specifically set forth in the last section of such Subpart.

PART KK

Section 1. Electronic service of process authorized by the provisions
of this act is an optional program. Any corporation, association, limit-
ed liability company, or partnership will continue to receive service of
process by mail unless such corporation, association, limited liability
company, or partnership makes an affirmative choice to receive service
of process through electronic means. The department of state's division
of corporations, state records and uniform commercial code shall
conspicuously display on their website a description of each available
method of submitting a copy of process to the department of state along
with the disclosure that using any such method of submission will not
result in any extra cost to the consumer.

§ 1-a. Paragraph (d) of section 304 of the business corporation law is
amended to read as follows:

(d) Any designated [post-office] post office address to which the
secretary of state shall mail a copy of process served upon him or her
as agent of a domestic corporation or a foreign corporation, shall
continue until the filing of a certificate or other instrument under
this chapter directing the mailing to a different [post-office] post
office address and any designated email address to which the secretary
of state shall email notice of the fact that process has been electron-
ically served upon him or her as agent of a domestic corporation or
foreign corporation shall continue until the filing of a certificate or
other instrument under this chapter changing or deleting the email
address.

§ 1-b. The business corporation law is amended by adding a new section
304-a to read as follows:

§ 304-a. Electronic service of process.

The secretary of state shall advise any corporation subject to the
laws of this chapter in prominent written form as follows: (a) electron-
ic service of process authorized by the provisions of this chapter is an
optional program at no additional cost to the user; (b) any corporation
subject to the laws of this chapter will continue to receive service of
process by mail unless such corporation notifies the secretary of an
affirmative choice to receive service of process by way of the program
through electronic means, in which case digital copies will be made
accessible but paper documents will not be mailed; and (c) such choice
may be reversed by the corporation at any time and, thereafter, service
by mail will resume.

§ 2. Subparagraph 1 of paragraph (b) of section 306 of the business
corporation law, as amended by chapter 419 of the laws of 1990, is
amended to read as follows:

(1) Service of process on the secretary of state as agent of a domes-
tic or authorized foreign corporation shall be made [by personally] in
the manner provided by clause (i) or (ii) of this subparagraph. Either
option of service authorized pursuant to this subparagraph shall be
available at no extra cost to the consumer. (i) Personally delivering
to and leaving with the secretary of state or a deputy, or with any
person authorized by the secretary of state to receive such service, at
the office of the department of state in the city of Albany, duplicate
copies of such process together with the statutory fee, which fee shall
be a taxable disbursement. Service of process on such corporation shall be complete when the secretary of state is so served. The secretary of state shall promptly send one of such copies by certified mail, return receipt requested, to such corporation, at the post office address, on file in the department of state, specified for the purpose. If a domestic or authorized foreign corporation has no such address on file in the department of state, the secretary of state shall so mail such copy, in the case of a domestic corporation, in care of any director named in its certificate of incorporation at the director's address stated therein or, in the case of an authorized foreign corporation, to such corporation at the address of its office within this state on file in the department. (ii) Electronically submitting a copy of the process to the department of state together with the statutory fee, which fee shall be a taxable disbursement, through an electronic system operated by the department of state, provided the domestic or authorized foreign corporation has an email address on file in the department of state to which the secretary of state shall email a notice of the fact that process has been served electronically on the secretary of state. Service of process on such corporation shall be complete when the secretary of state has reviewed and accepted service of such process. The secretary of state shall promptly send a notice of the fact that process has been served to such corporation at the email address on file in the department of state, specified for the purpose and shall make a copy of the process available to such corporation.

§ 3. The opening paragraph of paragraph (b) of section 307 of the business corporation law is amended to read as follows:

Service of such process upon the secretary of state shall be made [by personally] in the manner provided by subparagraph one or two of this paragraph. Either option of service authorized pursuant to this paragraph shall be available at no extra cost to the consumer. (1) Personally delivering to and leaving with him or his deputy, or with any person authorized by the secretary of state to receive such service, at the office of the department of state in the city of Albany, a copy of such process together with the statutory fee, which fee shall be a taxable disbursement. (2) Electronically submitting a copy of the process to the department of state together with the statutory fee, which fee shall be a taxable disbursement, through an electronic system operated by the department of state. Such service shall be sufficient if notice thereof and a copy of the process are:

§ 4. Subparagraph 7 of paragraph (a) of section 402 of the business corporation law is amended to read as follows:

(7) A designation of the secretary of state as agent of the corporation upon whom process against it may be served and the post office address within or without this state to which the secretary of state shall mail a copy of any process against it served upon him or her. The corporation may include an email address to which the secretary of state shall email a notice of the fact that process against it has been electronically served upon him or her.

§ 5. Paragraph (b) of section 801 of the business corporation law is amended by adding a new subparagraph 15 to read as follows:

(15) To specify, change or delete the email address to which the secretary of state shall email a notice of the fact that process against the corporation has been electronically served upon him or her.

§ 6. Paragraph (b) of section 803 of the business corporation law is amended by adding a new subparagraph 4 to read as follows:
(4) To specify, change or delete the email address to which the secretary of state shall email a notice of the fact that process against the corporation has been electronically served upon him or her.

§ 7. Paragraph (b) of section 805-A of the business corporation law, as added by chapter 725 of the laws of 1964, is amended to read as follows:

(b) A certificate of change which changes only the post office address to which the secretary of state shall mail a copy of any process against a corporation served upon him or her, and/or the email address to which the secretary of state shall email a notice of the fact that process against it has been electronically served upon the secretary of state and/or the address of the registered agent, provided such address being changed is the address of a person, partnership or other corporation whose address, as agent, is the address to be changed, and/or the email address being changed is the email address of a person, partnership or corporation whose email address, as agent, is the email address to be changed, or who has been designated as registered agent for such corporation, may be signed[verified] and delivered to the department of state by such agent. The certificate of change shall set forth the statements required under subparagraphs (a) (1), (2) and (3) of this section; that a notice of the proposed change was mailed to the corporation by the party signing the certificate not less than thirty days prior to the date of delivery to the department and that such corporation has not objected thereto; and that the party signing the certificate is the agent of such corporation to whose address the secretary of state is required to mail copies of process, and/or the agent of the corporation to whose email address the secretary of state is required to mail a notice of the fact that process against it has been electronically served upon the secretary of state, and/or the registered agent, if such be the case. A certificate signed[verified] and delivered under this paragraph shall not be deemed to effect a change of location of the office of the corporation in whose behalf such certificate is filed.

§ 8. Subparagraph 8 of paragraph (a) of section 904-a of the business corporation law, as amended by chapter 177 of the laws of 2008, is amended to read as follows:

(8) If the surviving or resulting entity is a foreign corporation or other business entity, a designation of the secretary of state as its agent upon whom process against it may be served in the manner set forth in paragraph (b) of section three hundred six of this chapter, in any action or special proceeding, and a post office address, within or without this state, to which the secretary of state shall mail a copy of any process against it served upon him or her. The corporation may include an email address to which the secretary of state shall email a notice of the fact that process against it has been electronically served upon him or her. Such post office address shall supersede any prior address designated as the address to which process shall be mailed and such email address shall supersede any prior email address designated as the email address to which a notice shall be sent;

§ 9. Clause (G) of subparagraph 2 of paragraph (e) of section 907 of the business corporation law, as amended by chapter 494 of the laws of 1997, is amended to read as follows:

(G) A designation of the secretary of state as its agent upon whom process against it may be served in the manner set forth in paragraph (b) of section 306 (Service of process), in any action or special proceeding, and a post office address, within or without this state, to
which the secretary of state shall mail a copy of any process against it
served upon him or her. The corporation may include an email address to
which the secretary of state shall email a notice of the fact that proc-
ess against it has been electronically served upon him or her. Such
post office address shall supersede any prior address designated as the
address to which process shall be mailed and such email address shall
supersede any prior email address designated as the email address to
which a notice shall be sent.

§ 10. Subparagraph 6 of paragraph (a) of section 1304 of the business
corporation law, as amended by chapter 684 of the laws of 1963 and as
renumbered by chapter 590 of the laws of 1982, is amended to read as
follows:

(6) A designation of the secretary of state as its agent upon whom
process against it may be served and the post office address within or
without this state to which the secretary of state shall mail a copy of
any process against it served upon him or her. The corporation may
include an email address to which the secretary of state shall email a
notice of the fact that process against it has been electronically
served upon him or her.

§ 11. Paragraph (a) of section 1308 of the business corporation law is
amended by adding a new subparagraph 10 to read as follows:

(10) To specify, change or delete the email address to which the
secretary of state shall email a notice of the fact that process against
the corporation has been electronically served upon him or her.

§ 12. Paragraph (c) of section 1309-A of the business corporation law,
as amended by chapter 172 of the laws of 1999, is amended and a new
subparagraph 4 is added to paragraph (a) to read as follows:

(4) To specify, change or delete the email address to which the secre-
tary of state shall email a notice of the fact that process against the
corporation has been electronically served upon him or her.

(c) A certificate of change of application for authority which changes
only the post office address to which the secretary of state shall mail
a copy of any process against an authorized foreign corporation served
upon him or her, and/or the email address to which the secretary of
state shall email a notice of the fact that process against it has been
electronically served upon the secretary of state and/or the address of its
registered agent, provided such address is the
address of a person, partnership or other corporation whose address, as
agent, is the address to be changed, and/or
the email address being
changed is the email address of a person, partnership or corporation
whose email address, as agent, is the email address to be changed,
and/or who has been designated as registered agent for such authorized
foreign corporation, may be signed and delivered to the department of
state by such agent. The certificate of change of application for
authority shall set forth the statements required under subparagraphs
(1), (2), (3) and (4) of paragraph (b) of this section; that a notice of
the proposed change was mailed by the party signing the certificate to
the authorized foreign corporation not less than thirty days prior to
the date of delivery to the department and that such corporation has not
objected thereto; and that the party signing the certificate is the
agent of such foreign corporation to whose address the secretary of
state is required to mail copies of process, and/or the agent of
such foreign corporation to whose email address the secretary of state
is required to mail a notice of the fact that process against it has
been electronically served on the secretary of state and/or the regis-
tered agent, if such be the case. A certificate signed and delivered
under this paragraph shall not be deemed to effect a change of location
of the office of the corporation in whose behalf such certificate is
filed.

§ 13. Subparagraph 6 of paragraph (a) and paragraph (d) of section
1310 of the business corporation law, the opening paragraph of paragraph
(d) as amended by chapter 172 of the laws of 1999, are amended to read
as follows:

(6) A post office address within or without this state to which the
secretary of state shall mail a copy of any process against it served
upon him or her. The corporation may include an email address to which
the secretary of state shall email a notice of the fact that process
against it has been electronically served upon him or her.

(d) The post office address and/or the email address specified under
subparagraph (6) of paragraph (a) of this section may be changed. A
certificate, entitled "Certificate of amendment of certificate of
surrender of authority of ........ (name of corporation) under section
1310 of the Business Corporation Law", shall be signed as provided in
paragraph (a) of this section and delivered to the department of state.
It shall set forth:

(1) The name of the foreign corporation.
(2) The jurisdiction of its incorporation.
(3) The date its certificate of surrender of authority was filed by
the department of state.
(4) The changed post office address, within or without this state, to
which the secretary of state shall mail a copy of any process against it
served upon him or her and/or the changed email address to which the
secretary of state shall email a notice of the fact that process against
it has been electronically served upon him or her.

§ 14. Section 1311 of the business corporation law, as amended by
chapter 375 of the laws of 1998, is amended to read as follows:

§ 1311. Termination of existence.

When an authorized foreign corporation is dissolved or its authority
or existence is otherwise terminated or cancelled in the jurisdiction of
its incorporation or when such foreign corporation is merged into or
consolidated with another foreign corporation, a certificate of the
secretary of state, or official performing the equivalent function as to
corporate records, of the jurisdiction of incorporation of such foreign
corporation attesting to the occurrence of any such event or a certified
copy of an order or decree of a court of such jurisdiction directing the
dissolution of such foreign corporation, the termination of its exist-
ence or the cancellation of its authority shall be delivered to the
department of state. The filing of the certificate, order or decree
shall have the same effect as the filing of a certificate of surrender
of authority under section 1310 (Surrender of authority). The secretary
of state shall continue as agent of the foreign corporation upon whom
process against it may be served in the manner set forth in paragraph
(b) of section 306 (Service of process), in any action or special
proceeding based upon any liability or obligation incurred by the
foreign corporation within this state prior to the filing of such
certificate, order or decree and he or she shall promptly cause a copy
of any such process to be mailed by registered certified mail, return
receipt requested, to such foreign corporation at the post office
address on file in his or her office specified for such purpose or a
notice of the fact that process against such foreign corporation has
been served on him or her to be emailed to the foreign corporation at
the email address on file in his or her office specified for such
1. **Purpose.** The post office address **and/or email address** may be changed by signing and delivering to the department of state a certificate of change setting forth the statements required under section 1309-A (Certificate of change; contents) to effect a change in the post office address **and/or email address** under subparagraph (a) [(4)](7) or (10) of section 1308 (Amendments or changes).

§ 15. Subdivisions 2 and 3 of section 18 of the general associations law, as amended by chapter 13 of the laws of 1938, are amended to read as follows:

2. Every association doing business within this state shall file in the department of state a certificate in its associate name, signed and acknowledged by its president, or a vice-president, or secretary, or treasurer, or managing director, or trustee, designating the secretary of state as an agent upon whom process in any action or proceeding against the association may be served within this state, and setting forth an address to which the secretary of state shall mail a copy of process against the association which may be served upon him or her pursuant to law. **The association may include an email address to which the secretary of state shall email a notice of the fact that process against it has been electronically served upon him or her.**

Annexed to the certificate of designation shall be a statement, executed in the same manner as the certificate is required to be executed under this section, which shall set forth:

(a) the names and places of residence of its officers and trustees
(b) its principal place of business
(c) the place where its office within this state is located and if such place be in a city, the location thereof by street and number or other particular description.

3. Any association, from time to time, may change the address to which the secretary of state is directed to mail copies of process or specify, change or delete the email address to which the secretary of state shall email a notice of the fact that process against the association has been electronically served upon him or her, by filing a statement to that effect, executed, signed and acknowledged in like manner as a certificate of designation as herein provided.

§ 15-a. The general associations law is amended by adding a new section 18-a to read as follows:

§ 18-a. **Electronic service of process.** The secretary of state shall advise any association subject to the laws of this chapter in prominent written form as follows: (a) **Electronic service of process authorized by the provisions of this chapter is an optional program at no additional cost to the user;** (b) any association subject to the laws of this chapter will continue to receive service of process by mail unless such association notifies the secretary of an affirmative choice to receive service of process by way of the program through electronic means, in which case digital copies will be made accessible but paper documents will not be mailed; and (c) such choice may be reversed by the association at any time and, thereafter, service by mail will resume.

§ 16. Section 19 of the general associations law, as amended by chapter 166 of the laws of 1991, is amended to read as follows:

§ 19. Service of process. Service of process against an association upon the secretary of state shall be made **personally** in the manner provided by subdivision one or two of this section. Either option of service authorized pursuant to this section shall be available at no extra cost to the consumer. (1) **Personally** delivering to and leaving with him or a deputy secretary of state or an associate attorney,
senior attorney or attorney in the corporation division of the department of state] or her or with a person authorized by the secretary of state to receive such service, duplicate copies of such process at the office of the department of state in the city of Albany. At the time of such service the plaintiff shall pay a fee of forty dollars to the secretary of state which shall be a taxable disbursement. [If the cost of registered mail for transmitting a copy of the process shall exceed two dollars, an additional fee equal to such excess shall be paid at the time of the service of such process.] The secretary of state shall forthwith promptly send by [registered] certified mail one of such copies to the association at the address fixed for that purpose, as herein provided. (2) Electronically submitting a copy of the process to the department of state together with the statutory fee, which fee shall be a taxable disbursement, through an electronic system operated by the department of state, provided the association has an email address on file in the department of state to which the secretary of state shall email a notice of the fact that process has been served electronically on the secretary of state. Service of process on such association shall be complete when the secretary of state has reviewed and accepted service of such process. The secretary of state shall promptly send a notice of the fact that process against such association has been served electronically upon him or her, to such association at the email address on file in the department of state, specified for the purpose and shall make a copy of the process available to such association. If the action or proceeding is instituted in a court of limited jurisdiction, service of process may be made in the manner provided in this section if the cause of action arose within the territorial jurisdiction of the court and the office of the defendant, as set forth in its statement filed pursuant to section eighteen of this chapter, is within such territorial jurisdiction.

§ 17. Paragraph 4 of subdivision (e) of section 203 of the limited liability company law, as added by chapter 470 of the laws of 1997, is amended to read as follows:

(4) a designation of the secretary of state as agent of the limited liability company upon whom process against it may be served and the post office address within or without this state to which the secretary of state shall mail a copy of any process against the limited liability company served upon him or her. The limited liability company may include an email address to which the secretary of state shall email a notice of the fact that process against it has been electronically served upon him or her;

§ 18. Subdivision (d) of section 211 of the limited liability company law is amended by adding a new paragraph 10 to read as follows:

(10) to specify, change or delete the email address to which the secretary of state shall email a notice of the fact that process against the limited liability company has been electronically served upon him or her.

§ 19. Section 211-A of the limited liability company law, as added by chapter 448 of the laws of 1998, is amended to read as follows:

§ 211-A. Certificate of change. (a) A limited liability company may amend its articles of organization from time to time to (i) specify or change the location of the limited liability company's office; (ii) specify or change the post office address to which the secretary of state shall mail a copy of any process against the limited liability company served upon him or her; [and] (iii) specify, change or delete the email address to which the secretary of state shall email a notice
of the fact that process against the limited liability company has been electronically served upon him or her; and (iv) make, revoke or change the designation of a registered agent, or specify or change the address of the registered agent. Any one or more such changes may be accomplished by filing a certificate of change which shall be entitled "Certificate of Change of ........ (name of limited liability company) under section 211-A of the Limited Liability Company Law" and shall be signed and delivered to the department of state. It shall set forth: (1) the name of the limited liability company, and if it has been changed, the name under which it was formed; (2) the date the articles of organization were filed by the department of state; and (3) each change effected thereby.

(b) A certificate of change which changes only the post office address to which the secretary of state shall mail a copy of any process against a limited liability company served upon him or her, and/or the email address to which the secretary of state shall email a notice of the fact that process against it has been electronically served upon the secretary of state and/or the address of the registered agent, provided such address being changed, and/or the email address being changed is the address of a person, partnership or other corporation whose email address, as agent, is the email address to be changed, a person, partnership or corporation whose address, as agent, is the address to be changed or who has been designated as registered agent for such limited liability company may be signed and delivered to the department of state by such agent. The certificate of change shall set forth the statements required under subdivision (a) of this section; that a notice of the proposed change was mailed to the domestic limited liability company by the party signing the certificate not less than thirty days prior to the date of delivery to the department of state and that such domestic limited liability company has not objected thereto; and that the party signing the certificate is the agent of such limited liability company to whose address the secretary of state is required to mail copies of process, and/or the agent of the limited liability company to whose email address of the secretary of state is required to email a notice of the fact that process against it has been electronically served upon the secretary of state, or the registered agent, if such be the case. A certificate signed and delivered under this subdivision shall not be deemed to effect a change of location of the office of the limited liability company in whose behalf such certificate is filed.

§ 20. Subdivision (c) of section 301 of the limited liability company law is amended to read as follows:

(c) Any designated post office address to which the secretary of state shall mail a copy of process served upon him or her as agent of a domestic limited liability company or a foreign limited liability company shall continue until the filing of a certificate or other instrument under this chapter directing the mailing to a different post office address and any designated email address to which the secretary of state shall email a notice of the fact that process has been electronically served upon him or her as agent of a domestic limited liability company or foreign limited liability company, shall continue until the filing of a certificate or other instrument under this chapter changing or deleting such email address.

§ 20-a. The limited liability company law is amended by adding a new section 301-b to read as follows:
§ 301-b. Electronic service of process. The secretary of state shall advise any limited liability company subject to the laws of this chapter in prominent written form as follows: (a) electronic service of process authorized by the provisions of this chapter is an optional program at no additional cost to the user; (b) any limited liability company subject to the laws of this chapter will continue to receive service of process by mail unless such limited liability company notifies the secretary of an affirmative choice to receive service of process by way of the program through electronic means, in which case digital copies will be made accessible but paper documents will not be mailed; and (c) such choice may be reversed by the limited liability company at any time and, thereafter, service by mail will resume.

§ 21. Subdivision (a) of section 303 of the limited liability company law, as relettered by chapter 341 of the laws of 1999, is amended to read as follows:

(a) Service of process on the secretary of state as agent of a domestic limited liability company or authorized foreign limited liability company shall be made [by personally] in the manner provided by paragraph one or two of this subdivision. Either option of service authorized pursuant to this subdivision shall be available at no extra cost to the consumer. (1) Personally delivering to and leaving with the secretary of state or his or her deputy, or with any person authorized by the secretary of state to receive such service, at the office of the department of state in the city of Albany, duplicate copies of such process together with the statutory fee, which fee shall be a taxable disbursement. Service of process on such limited liability company shall be complete when the secretary of state is so served. The secretary of state shall promptly send one of such copies by certified mail, return receipt requested, to such limited liability company at the post office address on file in the department of state specified for that purpose. (2) Electronically submitting a copy of the process to the department of state together with the statutory fee, which fee shall be a taxable disbursement, through an electronic system operated by the department of state, provided the domestic or authorized foreign limited liability company has an email address on file in the department of state to which the secretary of state shall email a notice of the fact that process has been served electronically on the secretary of state. Service of process on such limited liability company shall be complete when the secretary of state has reviewed and accepted service of such process. The secretary of state shall promptly send a notice of the fact that process against such limited liability company has been served electronically on him or her to such limited liability company at the email address on file in the department of state, specified for the purpose and shall make a copy of the process available to such limited liability company.

§ 22. Subdivision (b) of section 304 of the limited liability company law is amended to read as follows:

(b) Service of process upon the secretary of state shall be made [by personally] in the manner provided by paragraph one or two of this subdivision. Either option of service authorized pursuant to this subdivision shall be available at no extra cost to the consumer. (1) Personally delivering to and leaving with the secretary of state or his or her deputy, or with any person authorized by the secretary of state to receive such service, at the office of the department of state in the city of Albany, a copy of such process together with the statutory fee, which fee shall be a taxable disbursement.
(2) Electronically submitting a copy of the process to the department of state together with the statutory fee, which fee shall be a taxable disbursement, through an electronic system operated by the department of state.

§ 23. Paragraph 4 of subdivision (a) of section 802 of the limited liability company law, as amended by chapter 470 of the laws of 1997, is amended to read as follows:

(4) a designation of the secretary of state as its agent upon whom process against it may be served and the post office address within or without this state to which the secretary of state shall mail a copy of any process against it served upon him or her. The limited liability company may include an email address to which the secretary of state shall email a notice of the fact that process against it has been electronically served upon him or her;

§ 24. Section 804-A of the limited liability company law, as added by chapter 448 of the laws of 1998, is amended to read as follows:

§ 804-A. Certificate of change. (a) A foreign limited liability company may amend its application for authority from time to time to (i) specify or change the location of the limited liability company's office; (ii) specify or change the post office address to which the secretary of state shall mail a copy of any process against the limited liability company served upon him or her; [and] (iii) specify, change or delete the email address to which the secretary of state shall email a notice of the fact that process against the limited liability company has been electronically served upon him or her; and (iv) to make, revoke or change the designation of a registered agent, or to specify or change the address of a registered agent. Any one or more such changes may be accomplished by filing a certificate of change which shall be entitled "Certificate of Change of ........ (name of limited liability company) under section 804-A of the Limited Liability Company Law" and shall be signed and delivered to the department of state. It shall set forth:

(1) the name of the foreign limited liability company and, if applicable, the fictitious name the limited liability company has agreed to use in this state pursuant to section eight hundred two of this article;

(2) the date its application for authority was filed by the department of state; and

(3) each change effected thereby,

(b) A certificate of change which changes only the post office address to which the secretary of state shall mail a copy of any process against a foreign limited liability company served upon him or her, and/or the email address to which the secretary of state shall email a notice of the fact that process against it has been electronically served upon the secretary of state, and/or the address of the registered agent, provided such address being changed is the address of a person, partnership or corporation whose address, as agent, is the address to be changed, and/or the email address being changed is the email address of a person, partnership or other corporation whose email address, as agent, is the email address to be changed, or who has been designated as registered agent for such limited liability company may be signed and delivered to the department of state by such agent. The certificate of change shall set forth the statements required under subdivision (a) of this section; that a notice of the proposed change was mailed to the foreign limited liability company by the party signing the certificate not less than thirty days prior to the date of delivery to the department of state and that such foreign limited liability company has not objected thereto; and that the party signing the certificate is the agent of such foreign
limited liability company to whose address the secretary of state is required to mail copies of process, and/or the agent of such foreign limited liability company to whose email address the secretary of state is required to email a notice of the fact that process against it has been electronically served upon the secretary of state, or the registered agent, if such be the case. A certificate signed and delivered under this subdivision shall not be deemed to effect a change of location of the office of the foreign limited liability company in whose behalf such certificate is filed.

§ 25. Paragraph 6 of subdivision (b) of section 806 of the limited liability company law is amended to read as follows:

(6) a post office address within or without this state to which the secretary of state shall mail a copy of any process against it served upon him or her. The limited liability company may include an email address to which the secretary of state shall email a notice of the fact that process against it has been electronically served upon him or her.

§ 26. Section 807 of the limited liability company law is amended to read as follows:

§ 807. Termination of existence. When a foreign limited liability company that has received a certificate of authority is dissolved or its authority to conduct its business or existence is otherwise terminated or canceled in the jurisdiction of its formation or when such foreign limited liability company is merged into or consolidated with another foreign limited liability company, (a) a certificate of the secretary of state or official performing the equivalent function as to limited liability company records in the jurisdiction of organization of such limited liability company attesting to the occurrence of any such event or (b) a certified copy of an order or decree of a court of such jurisdiction directing the dissolution of such foreign limited liability company, the termination of its existence or the surrender of its authority shall be delivered to the department of state. The filing of the certificate, order or decree shall have the same effect as the filing of a certificate of surrender of authority under section eight hundred six of this article. The secretary of state shall continue as agent of the foreign limited liability company upon whom process against it may be served in the manner set forth in article three of this chapter, in any action or proceeding based upon any liability or obligation incurred by the foreign limited liability company within this state prior to the filing of such certificate, order or decree. The post office address and/or email address may be changed by filing with the department of state a certificate of amendment under section eight hundred four of this article.

§ 27. Paragraph 11 of subdivision (a) of section 1003 of the limited liability company law, as amended by chapter 374 of the laws of 1998, is amended to read as follows:

(11) a designation of the secretary of state as its agent upon whom process against it may be served in the manner set forth in article three of this chapter in any action or special proceeding, and a post office address, within or without this state, to which the secretary of state shall mail a copy of any process served upon him or her. The limited liability company may include an email address to which the secretary of state shall email a notice of the fact that process against it has been electronically served upon him or her. Such post office address or email address shall supersede any prior address designated as the address to which process shall be mailed or a notice emailed;
§ 28. Paragraph 6 of subdivision (a) of section 1306 of the limited liability company law is amended to read as follows:
(6) a designation of the secretary of state as its agent upon whom process against it may be served and the post office address within or without this state to which the secretary of state shall mail a copy of any process against it served upon him or her. The limited liability company may include an email address to which the secretary of state shall email a notice of the fact that process against it has been electronically served upon him or her; and
§ 29. Paragraph (d) of section 304 of the not-for-profit corporation law, as amended by chapter 358 of the laws of 2015, is amended to read as follows:
(d) Any designated post-office address to which the secretary of state shall mail a copy of process served upon him or her as agent of a domestic corporation formed under article four of this chapter or foreign corporation, shall continue until the filing of a certificate or other instrument under this chapter directing the mailing to a different post-office address and any designated email address to which the secretary of state shall email a notice of the fact that process has been electronically served upon him or her as agent of a domestic corporation or foreign corporation, shall continue until the filing of a certificate or other instrument under this chapter changing or deleting the email address.
§ 30. Paragraph (b) of section 306 of the not-for-profit corporation law, as amended by chapter 23 of the laws of 2014, is amended to read as follows:
(b) Service of process on the secretary of state as agent of a domestic corporation formed under article four of this chapter or an authorized foreign corporation shall be made [by personally in the manner provided by subparagraph one or two of this paragraph. (1) Personally delivering to and leaving with the secretary of state or his or her deputy, or with any person authorized by the secretary of state to receive such service, at the office of the department of state in the city of Albany, duplicate copies of such process together with the statutory fee, which fee shall be a taxable disbursement. Service of process on such corporation shall be complete when the secretary of state is so served. The secretary of state shall promptly send one of such copies by certified mail, return receipt requested, to such corporation, at the post office address, on file in the department of state, specified for the purpose. If a domestic corporation formed under article four of this chapter or an authorized foreign corporation has no such address on file in the department of state, the secretary of state shall so mail such copy to such corporation at the address of its office within this state on file in the department. (2) Electronically submitting a copy of the process to the department of state together with the statutory fee, which fee shall be a taxable disbursement, through an electronic system operated by the department of state, provided the domestic or authorized foreign corporation has an email address on file in the department of state to which the secretary of state shall email a notice of the fact that process has been served electronically on the secretary of state. Service of process on such corporation shall be complete when the secretary of state has reviewed and accepted service of such process. The secretary of state shall promptly send a notice of the fact that process against such corporation has been served electronically on him or her to such corporation at the email address on file in the department of
§ 30-a. The not-for-profit corporation law is amended by adding a new section 306-a to read as follows:

§ 306-a. Electronic service of process.

The secretary shall advise any corporation subject to the laws of this chapter in prominent written form as follows: (a) electronic service of process authorized by the provisions of this chapter is an optional program at no additional cost to the user; (b) any corporation subject to the laws of this chapter will continue to receive service of process by mail unless such corporation notifies the secretary of an affirmative choice to receive service of process by way of the program through electronic means, in which case digital copies will be made accessible but paper documents will not be mailed; and (c) such choice may be reversed by the corporation at any time and, thereafter, service by mail will resume.

§ 31. Paragraph (b) of section 307 of the not-for-profit corporation law is amended to read as follows:

(b) (1) Service of such process upon the secretary of state shall be made [by personally] in the manner provided by items (i) or (ii) of this subparagraph. Either option of service authorized pursuant to this paragraph shall be available at no extra cost to the consumer. (i) Personally delivering to and leaving with him or his deputy, or with any person authorized by the secretary of state to receive such service, at the office of the department of state in the city of Albany, a copy of such process together with the statutory fee, which fee shall be a taxable disbursement. [Such service] (ii) Electronically submitting a copy of the process to the department of state together with the statutory fee, which fee shall be a taxable disbursement, through an electronic system operated by the department of state.

(2) Service under this paragraph shall be sufficient if notice thereof and a copy of the process are:

[41] (i) Delivered personally without this state to such foreign corporation by a person and in the manner authorized to serve process by law of the jurisdiction in which service is made, or

[42] (ii) Sent by or on behalf of the plaintiff to such foreign corporation by registered mail with return receipt requested, at the post office address specified for the purpose of mailing process, or file in the department of state, or with any official or body performing the equivalent function, in the jurisdiction of its incorporation, or if no such address is there specified, to its registered or other office there specified, or if no such office is there specified, to the last address of such foreign corporation known to the plaintiff.

§ 32. Subparagraph 6 of paragraph (a) of section 402 of the not-for-profit corporation law, as added by chapter 564 of the laws of 1981 and as renumbered by chapter 132 of the laws of 1985, is amended to read as follows:

(6) A designation of the secretary of state as agent of the corporation upon whom process against it may be served and the post office address within or without this state to which the secretary of state shall mail a copy of any process against it served upon him or her. The corporation may include an email address to which the secretary of state shall email a notice of the fact that process against it has been electronically served upon him or her.

§ 33. Paragraph (b) of section 801 of the not-for-profit corporation law is amended by adding a new paragraph 10 to read as follows:
To specify, change or delete the email address to which the secretary of state shall email a notice that process against the corporation has been electronically served upon him or her.

§ 34. Paragraph (c) of section 802 of the not-for-profit corporation law is amended by adding a new paragraph 4 to read as follows:

To specify, change or delete the email address to which the secretary of state shall email a notice of the fact that process against the corporation has been electronically served upon him or her.

§ 35. Subparagraph 6 of paragraph (a) of section 803 of the not-for-profit corporation law, as amended by chapter 23 of the laws of 2014, is amended to read as follows:

A designation of the secretary of state as agent of the corporation upon whom process against it may be served and the post office address within or without this state to which the secretary of state shall mail a copy of any process against it served upon the secretary. The corporation may include an email address to which the secretary of state shall email a notice of the fact that process against it has been electronically served upon him or her.

§ 36. Paragraph (b) of section 803-A of the not-for-profit corporation law, as amended by chapter 172 of the laws of 1999, is amended to read as follows:

A certificate of change which changes only the post office address to which the secretary of state shall mail a copy of any process against the corporation served upon him or her, and/or the email address to which the secretary of state shall email a notice of the fact that process against it has been electronically served upon him or her.

§ 37. Paragraph (c) of section 1310 of the not-for-profit corporation law, as amended by chapter 172 of the laws of 1999, is amended and a new subparagraph 4 is added to paragraph (a) to read as follows:

To specify, change or delete the email address to which the secretary of state shall email a notice of the fact that process against the corporation has been electronically served upon him or her.

(c) A certificate of change of application for authority which changes only the post office address to which the secretary of state shall mail
a copy of any process against an authorized foreign corporation served
upon him or her, the email address to which the secretary of state shall
email a notice of the fact that process against it has been electron-
ically served upon the secretary of state and/or which changes the
address of its registered agent, provided such address is the address of
a person, partnership or other corporation whose address, as agent, is
the address to be changed, and/or the email address being changed is the
email address of a person, partnership or other corporation whose email
address, as agent, is the email address to be changed, or who has been
designated as registered agent for such authorized foreign corporation,
may be signed and delivered to the department of state by such agent.
The certificate of change of application for authority shall set forth
the statements required under subparagraphs (1), (2), (3) and (4) of
paragraph (b) of this section; that a notice of the proposed change was
mailed by the party signing the certificate to the authorized foreign
corporation not less than thirty days prior to the date of delivery to
the department and that such corporation has not objected thereto; and
that the party signing the certificate is the agent of such foreign
corporation to whose address the secretary of state is required to mail
copies of process [or], and/or the agent of such foreign corporation to
whose email address the secretary of state is required to email a notice
of the fact that process against it has been electronically served upon
the secretary of state, and/or the registered agent, if such be the
case. A certificate signed and delivered under this paragraph shall not
be deemed to effect a change of location of the office of the corpo-
rating in whose behalf such certificate is filed.
§ 38. Subparagraph 6 of paragraph (a) of section 1311 of the not-for-
profit corporation law is amended to read as follows:
(6) A post office address within or without this state to which the
secretary of state shall mail a copy of any process against it served
upon him or her. The corporation may include an email address to which
the secretary of state shall email a notice of the fact that process
against it has been electronically served upon him or her.
§ 39. Section 1312 of the not-for-profit corporation law, as amended
by chapter 375 of the laws of 1998, is amended to read as follows:
§ 1312. Termination of existence.
When an authorized foreign corporation is dissolved or its authority
or existence is otherwise terminated or cancelled in the jurisdiction of
its incorporation or when such foreign corporation is merged into or
consolidated with another foreign corporation, a certificate of the
secretary of state, or official performing the equivalent function as to
corporate records, of the jurisdiction of incorporation of such foreign
corporation attesting to the occurrence of any such event or a certified
copy of an order or decree of a court of such jurisdiction directing the
dissolution of such foreign corporation, the termination of its exist-
ence or the cancellation of its authority shall be delivered to the
department of state. The filing of the certificate, order or decree
shall have the same effect as the filing of a certificate of surrender
of authority under section 1311 (Surrender of authority). The secretary
of state shall continue as agent of the foreign corporation upon whom
process against it may be served in the manner set forth in paragraph
(b) of section 306 (Service of process), in any action or special
proceeding based upon any liability or obligation incurred by the
foreign corporation within this state prior to the filing of such
certificate, order or decree and he shall promptly cause a copy of any
such process to be mailed by [registered] certified mail, return receipt
requested, to such foreign corporation at the post office address on
file in his or her office specified for such purpose or a notice of the
fact that process against the corporation has been served on him or her
to be emailed to the foreign corporation at the email address on file in
his or her office specified for such purpose. The post office address
and/or email address may be changed by signing and delivering to the
department of state a certificate of change setting forth the statements
required under section 1310 (Certificate of change [r] contents) to
effect a change in the post office address and/or email address under
subparagraph (a) [44] (7) of section 1308 (Amendments or changes).
§ 40. Subdivision (c) of section 121-104 of the partnership law, as
added by chapter 950 of the laws of 1990, is amended to read as follows:
(c) Any designated post office address to which the secretary of state
shall mail a copy of process served upon him as agent of a domestic
limited partnership or foreign limited partnership shall continue until
the filing of a certificate or other instrument under this article
directing the mailing to a different post office address and any desig-
nated email address to which the secretary of state shall email a notice
of the fact that process against such domestic limited partnership or
foreign limited partnership has been electronically served upon him or
her as agent of a domestic limited partnership or foreign limited part-
nership, shall continue until the filing of a certificate or other
instrument under this chapter changing or deleting the email address.
§ 41. Subdivision (a) and the opening paragraph of subdivision (b) of
section 121-109 of the partnership law, as added by chapter 950 of the
laws of 1990 and as relettered by chapter 341 of the laws of 1999, are
amended to read as follows:
(a) Service of process on the secretary of state as agent of a domes-
tic or authorized foreign limited partnership shall be made in the manner provided by paragraph one or two of this subdi-
vision. Either option of service authorized pursuant to this subdivision
shall be available at no extra cost to the consumer.
(1) By personally delivering to and leaving with him or her or his or
her deputy, or with any person authorized by the secretary of state to
receive such service, at the office of the department of state in the
city of Albany, duplicate copies of such process together with the stat-
utory fee, which fee shall be a taxable disbursement.
[42] The service on the limited partnership is complete when the
secretary of state is so served.
[43] The secretary of state shall promptly send one of such copies by
certified mail, return receipt requested, addressed to the limited part-
nership at the post office address, on file in the department of state,
specified for that purpose.
(2) Electronically submitting a copy of the process to the department
of state together with the statutory fee, which fee shall be a taxable
disbursement, through an electronic system operated by the department of
state, provided the domestic or authorized foreign limited partnership
has an email address on file in the department of state to which the
secretary of state shall email a notice of the fact that process has
been served electronically on the secretary of state as agent of such
domestic or authorized foreign limited partnership. Service of process
on such limited partnership or authorized foreign limited partnership
shall be complete when the secretary of state has reviewed and accepted
service of such process. The secretary of state shall promptly send a
notice of the fact that process has been served to such limited partner-
ship at the email address on file in the department of state, specified
for the purpose and shall make a copy of the process available to such
limited partnership or authorized foreign limited partnership.
In any case in which a non-domiciliary would be subject to the
personal or other jurisdiction of the courts of this state under article
three of the civil practice law and rules, a foreign limited partnership
not authorized to do business in this state is subject to a like juris-
diction. In any such case, process against such foreign limited partner-
ship may be served upon the secretary of state as its agent. Such proc-
ess may issue in any court in this state having jurisdiction of the
subject matter. Service of process upon the secretary of state shall be
made by personally in the manner provided by paragraph one or two of
this subdivision. Either option of service authorized pursuant to this
paragraph shall be available at no extra cost to the consumer. (1)
Personally delivering to and leaving with him or his deputy, or with any
person authorized by the secretary of state to receive such service, at
the office of the department of state in the city of Albany, a copy of
such process together with the statutory fee, which fee shall be a taxa-
ble disbursement. (2) Electronically submitting a copy of the process
to the department of state together with the statutory fee, which fee
shall be a taxable disbursement, through an electronic system operated
by the department of state. Such service shall be sufficient if notice
thereof and a copy of the process are:
§ 41-a. The partnership law is amended by adding a new section
121-109-a to read as follows:
§ 121-109-a. Electronic service of process. The secretary of state
shall advise any partnership subject to the laws of this article in
prominent written form as follows: (a) electronic service of process
authorized by the provisions of this chapter is an optional program at
no additional cost to the user; (b) any partnership subject to the laws
of this chapter will continue to receive service of process by mail
unless such partnership notifies the secretary of an affirmative choice
to receive service of process by way of the program through electronic
means, in which case digital copies will be made accessible but paper
documents will not be mailed; and (c) such choice may be reversed by the
partnership at any time and, thereafter, service by mail will resume.
§ 42. Paragraph 3 of subdivision (a) of section 121-201 of the part-
ership law, as amended by chapter 264 of the laws of 1991, is amended
to read as follows:
(3) a designation of the secretary of state as agent of the limited
partnership upon whom process against it may be served and the post
office address within or without this state to which the secretary of
state shall mail a copy of any process against it served upon him or
her. The limited partnership may include an email address to which the
secretary of state shall email a notice of the fact that process against
it has been electronically served upon him or her;
§ 43. Paragraph 4 of subdivision (b) of section 121-202 of the part-
ership law, as amended by chapter 576 of the laws of 1994, is amended
to read as follows:
(4) a change in the name of the limited partnership, or a change in
the post office address to which the secretary of state shall mail a
copy of any process against the limited partnership served on him or
her, a change in the email address to which the secretary of state shall
email a notice of the fact that process against the limited partnership
has been electronically served upon him or her, or a change in the name
or address of the registered agent, if such change is made other than
pursuant to section 121-104 or 121-105 of this article.
§ 44. The opening paragraph of subdivision (a) and subdivision (b) of section 121-202-A of the partnership law, as added by chapter 448 of the laws of 1998, are amended to read as follows:

A certificate of limited partnership may be changed by filing with the department of state a certificate of change entitled "Certificate of Change of ..... (name of limited partnership) under Section 121-202-A of the Revised Limited Partnership Act" and shall be signed and delivered to the department of state. A certificate of change may (i) specify or change the location of the limited partnership's office; (ii) specify or change the post office address to which the secretary of state shall mail a copy of process against the limited partnership served upon him;

[and] (iii) specify, change or delete the email address to which the secretary of state shall email a notice of the fact that process against the limited partnership has been electronically served upon him or her; and (iv) make, revoke or change the designation of a registered agent, or to specify or change the address of its registered agent. It shall set forth:

(b) A certificate of change which changes only the post office address to which the secretary of state shall mail a copy of any process against a limited partnership served upon him or her, the email address to which the secretary of state shall email a notice of the fact that process against it has been electronically served upon the secretary of state, and/or the address of the registered agent, provided such address being changed is the address of a person, partnership or corporation whose address, as agent, is the address to be changed, and/or the email address being changed is the email address of a person, partnership or other corporation whose email address, as agent, is the email address to be changed, or who has been designated as registered agent for such limited partnership shall be signed and delivered to the department of state by such agent. The certificate of change shall set forth the statements required under subdivision (a) of this section; that a notice of the proposed change was mailed to the domestic limited partnership by the party signing the certificate not less than thirty days prior to the date of delivery to the department of state and that such domestic limited partnership has not objected thereto; and that the party signing the certificate is the agent of such limited partnership to whose address the secretary of state is required to mail copies of process [or], and/or the agent to whose email address the secretary of state is required to email a notice of the fact that process against it has been electronically served upon the secretary of state, and/or the registered agent, if such be the case. A certificate signed and delivered under this subdivision shall not be deemed to effect a change of location of the office of the limited partnership in whose behalf such certificate is filed.

§ 45. Paragraph 4 of subdivision (a) of section 121-902 of the partnership law, as amended by chapter 172 of the laws of 1999, is amended to read as follows:

(4) a designation of the secretary of state as its agent upon whom process against it may be served and the post office address within or without this state to which the secretary of state shall mail a copy of any process against it served upon him or her. The limited partnership may include an email address to which the secretary of state shall email a notice of the fact that process against it has been electronically served upon him or her;
§ 46. The opening paragraph of subdivision (a) and subdivision (b) of section 121-903-A of the partnership law, as added by chapter 448 of the laws of 1998, are amended to read as follows:

A foreign limited partnership may change its application for authority by filing with the department of state a certificate of change entitled "Certificate of Change of ....... (name of limited partnership) under Section 121-903-A of the Revised Limited Partnership Act" and shall be signed and delivered to the department of state. A certificate of change may (i) change the location of the limited partnership's office; (ii) change the post office address to which the secretary of state shall mail a copy of process against the limited partnership served upon him; and (iii) specify, change or delete the email address to which the secretary of state shall email a notice of the fact that process against the limited partnership has been electronically served upon him or her; and (iv) make, revoke or change the designation of a registered agent, or to specify or change the address of its registered agent. It shall set forth:

(b) A certificate of change which changes only the post office address to which the secretary of state shall mail a copy of any process against a foreign limited partnership served upon him or her, and/or the email address to which the secretary of state shall email a notice of the fact that process against it has been electronically served upon the secretary of state, and/or the address of the registered agent, provided such address being changed is the address of a person, partnership or corporation whose address, as agent, is the address to be changed, and/or the email address being changed is the email address of a person, partnership or other corporation whose email address, as agent, is the email address to be changed, or who has been designated as registered agent for such foreign limited partnership shall be signed and delivered to the department of state by such agent. The certificate of change shall set forth the statements required under subdivision (a) of this section; that a notice of the proposed change was mailed to the foreign limited partnership by the party signing the certificate not less than thirty days prior to the date of delivery to the department of state and that such foreign limited partnership has not objected thereto; and that the party signing the certificate is the agent of such foreign limited partnership to whose address the secretary of state is required to mail copies of process, the email address of the party to whose email address the secretary of state is required to mail a notice of the fact that process against it has been electronically served upon the secretary of state and/or the registered agent, if such be the case. A certificate signed and delivered under this subdivision shall not be deemed to effect a change of location of the office of the limited partnership in whose behalf such certificate is filed.

§ 47. Paragraph 6 of subdivision (b) of section 121-905 of the partnership law, as added by chapter 950 of the laws of 1990, is amended to read as follows:

(6) a post office address within or without this state to which the secretary of state shall mail a copy of any process against it served upon him or her. The limited partnership may include an email address to which the secretary of state shall email a notice of the fact that process against it has been electronically served upon him or her.

§ 48. Section 121-906 of the partnership law, as amended by chapter 172 of the laws of 1999, is amended to read as follows:

§ 121-906. Termination of existence. When a foreign limited partnership which has received a certificate of authority is dissolved or its
authority to conduct its business or existence is otherwise terminated or cancelled in the jurisdiction of its organization or when such foreign limited partnership is merged into or consolidated with another foreign limited partnership, (i) a certificate of the secretary of state, or official performing the equivalent function as to limited partnership records, in the jurisdiction of organization of such limited partnership attesting to the occurrence of any such event, or (ii) a certified copy of an order or decree of a court of such jurisdiction directing the dissolution of such foreign limited partnership, the termination of its existence or the surrender of its authority, shall be delivered to the department of state. The filing of the certificate, order or decree shall have the same effect as the filing of a certificate of surrender of authority under section 121-905 of this article. The secretary of state shall continue as agent of the foreign limited partnership upon whom process against it may be served in the manner set forth in section 121-109 of this article, in any action or proceeding based upon any liability or obligation incurred by the foreign limited partnership within this state prior to the filing of such certificate, order or decree. The post office address may be changed by filing with the department of state a certificate of amendment under section 121-903 or a certificate of change under section 121-903-A of this article.

§ 49. Paragraph 7 of subdivision (a) of section 121-1103 of the partnership law, as added by chapter 950 of the laws of 1990, is amended to read as follows:

(7) A designation of the secretary of state as its agent upon whom process against it may be served in the manner set forth in section 121-109 of this article in any action or special proceeding, and a post office address, within or without this state, to which the secretary of state shall mail a copy of any process served upon him or her. The limited partnership may include an email address to which the secretary of state shall email a notice of the fact that process against it has been electronically served upon him or her. Such post office address or email address shall supersede any prior address designated as the address to which process shall be mailed or a notice emailed.

§ 50. Subparagraph 4 of paragraph (I) of subdivision (a) and subdivision (j-1) of section 121-1500 of the partnership law, paragraph (I) of subdivision (a) as amended by chapter 643 of the laws of 1995 and as redesignated by chapter 767 of the laws of 2005 and subdivision (j-1) as added by chapter 448 of the laws of 1998, are amended to read as follows:

(4) a designation of the secretary of state as agent of the partnership without limited partners upon whom process against it may be served and the post office address within or without this state to which the secretary of state shall mail a copy of any process against it or served upon it. The partnership without limited partners may include an email address to which the secretary of state shall email a notice of the fact that process against it has been electronically served upon him or her;

(j-1) A certificate of change which changes only the post office address to which the secretary of state shall mail a copy of any process against a registered limited liability partnership served upon him or her, and/or the email address to which the secretary of state shall email a notice of the fact that process against it has been electronically served upon the secretary of state, and/or the address of the registered agent, provided such address being changed is the address of a person, partnership or corporation whose address, as agent, is the
address to be changed [ ], and/or the email address being changed is the email address of a person, partnership or other corporation whose email address, as agent, is the email address to be changed, and/or who has been designated as registered agent for such registered limited liability partnership shall be signed and delivered to the department of state by such agent. The certificate of change shall set forth: (i) the name of the registered limited liability partnership and, if it has been changed, the name under which it was originally filed with the department of state; (ii) the date of filing of its initial registration or notice statement; (iii) each change effected thereby; (iv) that a notice of the proposed change was mailed to the limited liability partnership by the party signing the certificate not less than thirty days prior to the date of delivery to the department of state and that such limited liability partnership has not objected thereto; and (v) that the party signing the certificate is the agent of such limited liability partnership to whose address the secretary of state is required to mail copies of process [ ], and/or to whose email address the secretary of state is required to mail a notice of the fact that process against it has been electronically served upon the secretary of state, and/or the agent, if such be the case. A certificate signed and delivered under this subdivision shall not be deemed to effect a change of location of the office of the limited liability partnership in whose behalf such certificate is filed. The certificate of change shall be accompanied by a fee of five dollars.

§ 51. Paragraph (v) of subdivision (a) and subdivision (i-1) of section 121-1502 of the partnership law, paragraph (v) of subdivision (a) as amended by chapter 470 of the laws of 1997 and subdivision (i-1) as added by chapter 448 of the laws of 1998, are amended to read as follows:

(v) a designation of the secretary of state as agent of the foreign limited liability partnership upon whom process against it may be served and the post office address within or without this state to which the secretary of state shall mail a copy of any process against it or served upon it. The foreign limited liability partnership may include an email address to which the secretary of state shall email a notice of the fact that process against it has been electronically served upon him or her;

(i-1) A certificate of change which changes only the post office address to which the secretary of state shall mail a copy of any process against a New York registered foreign limited liability partnership served upon him or her, and/or the email address to which the secretary of state shall email a notice of the fact that process against it has been electronically served upon the secretary of state, and/or the address of the registered agent, provided such address being changed is the address of a person, partnership or corporation whose address, as agent, is the address to be changed [ ], and/or the email address being changed is the email address of a person, partnership or other corporation whose email address, as agent, is the email address to be changed, and/or who has been designated as registered agent of such registered foreign limited liability partnership shall be signed and delivered to the department of state by such agent. The certificate of change shall set forth: (i) the name of the New York registered foreign limited liability partnership; (ii) the date of filing of its initial registration or notice statement; (iii) each change effected thereby; (iv) that a notice of the proposed change was mailed to the limited liability partnership by the party signing the certificate not less than thirty days prior to the date of delivery to the department of state and
that such limited liability partnership has not objected thereto; and
(v) that the party signing the certificate is the agent of such limited
liability partnership to whose address the secretary of state is
required to mail copies of process [or], and/or to whose email address
the secretary of state is required to mail a notice of the fact that
process against it has been electronically served upon the secretary of
state, and/or the registered agent, if such be the case. A certificate
signed and delivered under this subdivision shall not be deemed to
effect a change of location of the office of the limited liability part-
nership in whose behalf such certificate is filed. The certificate of
change shall be accompanied by a fee of five dollars.
§ 52. Subdivision (a) of section 121-1505 of the partnership law, as
added by chapter 470 of the laws of 1997, is amended to read as follows:
(a) Service of process on the secretary of state as agent of a regis-
tered limited liability partnership or New York registered foreign
limited liability partnership under this article shall be made [by
personally] in the manner provided by paragraph one or two of this
subdivision. Either option of service authorized pursuant to this
subdivision shall be available at no extra cost to the consumer. (1)
Personally delivering to and leaving with the secretary of state or a
deputy, or with any person authorized by the secretary of state to
receive such service, at the office of the department of state in the
city of Albany, duplicate copies of such process together with the stat-
utory fee, which fee shall be a taxable disbursement. Service of process
on such registered limited liability partnership shall be complete when
the secretary of state is so served. The secretary of state shall
promptly send one of such copies by certified mail, return receipt
requested, to such registered limited liability partnership, at the post
office address on file in the department of state specified for such
purpose. (2) Electronically submitting a copy of the process to the
department of state together with the statutory fee, which fee shall be
a taxable disbursement, through an electronic system operated by the
department of state, provided the registered limited liability partner-
ship or New York registered foreign limited liability partnership has an
email address on file in the department of state to which the secretary
of state shall email a notice of the fact that process against such
registered limited liability partnership or New York registered foreign
limited liability partnership served has been electronically served on
the secretary of state. Service of process on such registered limited
liability partnership or New York registered foreign limited liability
partnership shall be complete when the secretary of state has reviewed
and accepted service of such process. The secretary of state shall
promptly send a notice of the fact that process against such registered
limited liability partnership or New York registered foreign limited
liability partnership has been served electronically upon him or her, to
such registered limited liability partnership or New York registered
foreign limited liability partnership at the email address on file in
the department of state, specified for the purpose and shall make a copy
of the process available to such registered limited liability partner-
ship or New York registered foreign limited liability partnership.
§ 52-a. The partnership law is amended by adding a new section
121-1505-a to read as follows:
§ 121-1505-a. Electronic service of process. The secretary of state
shall advise any partnership subject to the laws of this article in
prominent written form as follows: (a) electronic service of process
authorized by the provisions of this chapter is an optional program at
§ 53. Subdivision 7 of section 339-n of the real property law, as amended by chapter 346 of the laws of 1997, is amended to read as follows:

7. A designation of the secretary of state as agent of the corporation or board of managers upon whom process against it may be served and the post office address within or without this state to which the secretary of state shall mail a copy of any process against it served upon him or her. The designation may include an email address to which the secretary of state shall email a notice of the fact that process against it has been electronically served upon him or her. Service of process on the secretary of state as agent of such corporation or board of managers shall be made [personally in the manner provided by paragraph (a) or (b) of this subdivision. Either option of service authorized pursuant to this subdivision shall be available at no extra cost to the consumer. (a) Personally delivering to and leaving with him or her or his or her deputy, or with any person authorized by the secretary of state to receive such service, at the office of the department of state in the city of Albany, duplicate copies of such process together with the statutory fee, which shall be a taxable disbursement. Service of process on such corporation or board of managers shall be complete when the secretary of state is so served. The secretary of state shall promptly send one of such copies by certified mail, return receipt requested, to such corporation or board of managers, at the post office address, on file in the department of state, specified for such purpose. (b) Electronically submitting a copy of the process to the department of state together with the statutory fee, which fee shall be a taxable disbursement, through an electronic system operated by the department of state, provided the corporation or board of managers has an email address on file in the department of state to which the secretary of state shall email a notice of the fact that process against the corporation or board of managers has been served electronically on the secretary of state. Service of process on such corporation or board of managers shall be complete when the secretary of state has reviewed and accepted service of such process. The secretary of state shall promptly send notice of the fact that process has been served electronically on the secretary of state to such corporation or board of managers at the email address on file in the department of state, specified for the purpose and shall make a copy of the process available to such corporation or board of managers. Nothing in this subdivision shall affect the right to serve process in any other manner permitted by law. The corporation or board of managers shall also file with the secretary of state the name and post office address within or without this state to which the secretary of state shall mail a copy of any process against it served upon the secretary of state and shall update the filing as necessary.

§ 54. This act shall take effect January 1, 2023.
Section 1. Short title. This act shall be known and may be cited as the "community violence intervention act".

§ 2. The executive law is amended by adding a new section 636 to read as follows:

§ 636. Community violence intervention act. 1. Legislative findings.

The legislature hereby finds and declares that gun violence and other forms of violence constitute a crisis that poses a serious threat to the health and quality of life of all residents of the state of New York. An epidemic of violence is tearing at the fabric of life in many urban areas. The legislature further finds that funds from the Victims of Crime Act should be used to support hospital based violence intervention programs and community based violence intervention programs.

2. Community violence intervention grants. The office shall dedicate ten percent or more of the total funding received per award cycle pursuant to the federal Victims of Crime Act of 1984 to support:

(a) "community-based violence intervention programs" which shall mean a violence intervention program that is: (i) a nonprofit organization; and (ii) provides intensive counseling, case management, and social services to individuals who are recovering from injuries resulting from violence or who were witness to acts of violence;

(b) "hospital-based violence intervention programs" which shall mean a violence intervention program that is: (i) operated by: (A) a public hospital; or (B) a nonprofit or government entity in collaboration with a public or not-for-profit hospital; and (ii) provides intensive counseling, case management, and social services to individuals who are recovering from injuries resulting from violence or who were witness to acts of violence.


(a) This guidance shall be designed to promote:

(i) alternative funding sources other than the state, including local government and private sources as well as funding from the federal Victims of Crime Act of 1984;

(ii) coordination of public and private efforts to aid individuals who are recovering from injuries resulting from violence or who were witnesses to acts of violence; and

(iii) long range development of services to victims of violent crimes in the community.

(b) This guidance shall also provide for:

(i) clearly defined and measurable objectives intended to demonstrate that a program is developed and evaluated through scientific research and data collection with measurable evidence of positive outcomes related to violence intervention;

(ii) a description of how the nonprofit organization proposes to use the funding to:

(A) establish or enhance community-based violence intervention programs;

(B) enhance coordination of existing violence intervention programs, if any, to minimize duplication of services; and

(C) plan for the collection of relevant data; and

(iii) outreach to the community and education and training of law enforcement and other criminal justice officials to the needs of victims of violent crimes in the community, to perpetrators of violent crimes and to witnesses of violent crimes involved in criminal prosecutions.
4. To the extent practicable, the office shall make efforts to inform community-based violence intervention programs and hospital-based intervention programs about anticipated awards.

§ 3. This act shall take effect immediately.

PART MM

Section 1. Short title. This act shall be known and may be cited as the "comprehensive broadband connectivity act".

§ 2. The public service law is amended by adding a new section 224-c to read as follows:

§ 224-c. Broadband and fiber optic services. 1. For the purposes of this section:

(a) The term "served" means any location with at least two internet service providers and at least one such provider offers high-speed internet service.

(b) The term "underserved" means any location which has fewer than two internet service providers, or has internet speeds of at least 25 megabits per second (mbps) download but less than 100 mbps download available.

(c) The term "unserved" means any location which has no fixed wireless service or wired service with speeds of less than 25 mbps download available.

(d) The term "high-speed internet service" means internet service of at least 100 mbps download and at least 10 mbps upload.

(e) The term "broadband service" shall mean a mass-market retail service that provides the capability to transmit data to and receive data from all or substantially all internet endpoints, including any capabilities that are incidental to and enable the operation of the communications service, but shall not include dial-up service.

(f) The term "location" shall mean a geographic area smaller than a census tract.

(g) The term "internet service provider" shall mean any person, business or organization qualified to do business in this state that provides individuals, corporations, or other entities with the ability to connect to the internet.

2. The commission shall study the availability, reliability, and cost of high-speed internet and broadband services in New York state. The commission shall, to the extent practicable:

(a) identify areas at a census block level that are served by a sole provider and assess any state regulatory and statutory barriers related to the delivery of comprehensive statewide access to high-speed internet;

(b) review available technology to identify solutions that best support high-speed internet service in underserved or unserved areas, and make recommendations on ensuring deployment of such technology in underserved and unserved areas;

(c) identify instances during the study period where local governments have notified the commission of alleged non-compliance with franchise agreements and instances of commission or department enforcement actions that have had a direct impact on internet access;

(d) identify locations where insufficient access to high-speed internet and/or broadband service, and/or persistent digital divide, is causing negative social or economic impact on the community; and

(e) produce and publish on its website, a detailed internet access map of the state, indicating access to internet service by location. Such
map shall include, but not be limited to, the following information for each location:

(i) download and upload speeds advertised and experienced;
(ii) the consistency and reliability of download and upload speeds including latency;
(iii) the types of internet service and technologies available including but not limited to dial-up, broadband, wireless, fiber, coax, or satellite;
(iv) the number of internet service providers available, the price of internet service available; and
(v) any other factors the commission may deem relevant.

3. The commission shall submit a report of its findings and recommendations from the study required in subdivision two of this section, to the governor, the temporary president of the senate and the speaker of the assembly no later than one year after the effective date of this section, and an updated report annually thereafter. Such report shall include, but not be limited to, the following, to the extent such information is available:

(a) the overall number of residences with access to high-speed internet identifying which areas are served, unserved and underserved;
(b) a regional survey of internet service prices in comparison to county-level median income;
(c) any relevant consumer subscription statistics;
(d) any other metrics or analyses the commission deems necessary in order to assess the availability, cost, and reliability of internet service in New York state; and
(e) the map maintained pursuant to paragraph (e) of subdivision two of this section.

4. The commission shall hold at least one public hearing in an upstate region and one in a downstate region within one year of the effective date of this section, to solicit input from the public and other stakeholders including but not limited to internet service providers, telecommunications concerns, labor organizations, public safety organizations, healthcare, education, agricultural and other businesses or organizations.

5. To effectuate the purposes of this section, the commission may request and shall receive from any department, division, board, bureau, commission or other agency of the state or any state public authority such assistance, information and data as will enable the commission to carry out its powers and duties under this section. Additionally, internet service providers shall provide any information and data requested by the commission that is related to the study required under this section.

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

PART NN

Section 1. The general business law is amended by adding a new section 399-zzzzz to read as follows:

§ 399-zzzzz. Broadband service for low-income consumers. 1. For the purposes of this section, the term "broadband service" shall mean a mass-market retail service that provides the capability to transmit data to and receive data from all or substantially all internet endpoints, including any capabilities that are incidental to and enable the operation of the communications service provided by a wireline, fixed wire-
less or satellite service provider, but shall not include dial-up service.

2. Every person, business, corporation, or their agents providing or seeking to provide wireline, fixed wireless or satellite broadband service in New York state shall, no later than sixty days after the effective date of this section, offer high speed broadband service to low-income consumers whose household: (a) is eligible for free or reduced-priced lunch through the National School Lunch Program; or (b) is eligible for, or receiving the supplemental nutrition assistance program benefits; or (c) is eligible for, or receiving Medicaid benefits; or (d) is eligible for, or receiving in senior citizen rent increase exemption; or (e) is eligible for, or enrolled in disability rent increase exemption; or (f) is a recipient of an affordability benefit from a utility. Such low-income broadband service shall provide a minimum download speed equal to the greater of twenty-five megabits per second download speed or the download speed of the provider's existing low-income broadband service sold to customers in the state subject to exceptions adopted by the Public Service Commission where such download speed is not reasonably practicable.

3. Broadband service for low-income consumers, as set forth in this section, shall be provided at a cost of no more than fifteen dollars per month, inclusive of any recurring taxes and fees such as recurring rental fees for service provider equipment required to obtain broadband service and usage fees. Broadband service providers shall allow low-income broadband service subscribers to purchase standalone or bundled cable and/or phone services separately. Broadband service providers may, once every five years, and after thirty days' notice to its customers and the department of public service, increase the price of this service by the lesser of the most recent change in the consumer price index or a maximum of two percent per year of the price for such service.

4. A broadband service provider who offers a high speed broadband service to eligible low-income customers, as such term is used in subdivision two of this section, at a download speed of two hundred megabits per second or greater at a cost of no more than twenty dollars per month, inclusive of any recurring taxes and fees such as recurring rental fees for service provider equipment required to obtain broadband service and usage fees, shall be considered to be in compliance with the requirements of subdivisions two and three of this section. Such providers may, once every two years, and after thirty days' notice to its customers and the department of public service, increase the price of such service by the lesser of the most recent change in the consumer price index or a maximum of two percent per year of the price for such service.

5. The requirements of subdivisions two and three of this section shall not apply to any broadband service provider providing service to no more than twenty thousand households, if the public service commission determines that compliance with such requirements would result in unreasonable or unsustainable financial impact on the broadband service provider.

6. Any contract or agreement for broadband service targeted to low-income consumers provided by an entity described in subdivision two of this section, pursuant to this section or otherwise, shall have the same terms and conditions, other than price and speed set pursuant to this section, as for the regularly priced offerings for similar service provided by such entity.
7. Every person, business, corporation, or their agents providing or seeking to provide broadband service in New York state shall make all commercially reasonable efforts to promote and advertise the availability of broadband service for low-income consumers including, but not limited to, the prominent display of, and enrollment procedures for, such service on its website and in any written and commercial promotional materials developed to inform consumers who may be eligible for service pursuant to this section.

8. Every person, business, corporation, or their agents providing or seeking to provide broadband service in New York state shall annually submit to the department of public service, no later than November fifteenth after the effective date of this act, and annually thereafter, a compliance report setting forth: (a) a description of the service offered pursuant to this section; (b) the number of consumers enrolled in such service; (c) a description of the procedures being used to verify the eligibility of customers receiving such service; (d) a description and samples of the advertising or marketing efforts undertaken to advertise or promote such service; (e) a description of all retail rate products, including pricing, offered by such person, business, corporation, or their agents; (f) a description, including speed and price, of all broadband products offered in the state of New York; (g) a description of the number of customers in arrears for the payment for broadband service, percentage of customers in arrears that qualify for low-income broadband service, the number of households that have had their service terminated as a result of non-payment, the number of customers whose service was terminated for arrears arising from non-payment for services other than broadband service, and the number of households that have their broadband service restored after being delinquent on their payments; and such other information as the department of public service may require.

9. The department of public service shall, within two years of the effective date of this section and at least every five years thereafter, undertake a proceeding to determine if the minimum broadband download speed in this section should be increased to the federal communications commission’s benchmark broadband download speed, or to another minimum broadband download speed if the federal communications commission has not increased its benchmark by such date. The department of public service shall also: (a) undertake appropriate measures to inform the public about available broadband products, including retail rate product offerings and low-income offerings; and (b) periodically, but no less than once every five years, review eligibility requirements for the low-income service required pursuant to this section, and update such requirements as may be necessary to meet the needs of consumers.

10. Whenever there shall be a violation of this section, an application may be made by the attorney general in the name of the people of the state of New York to a court or justice having jurisdiction by a special proceeding to issue an injunction, and upon notice to the defendant of not less than five days, to enjoin and restrain the continuance of such violation; and if it shall appear to the satisfaction of the court or justice that the defendant has, in fact, violated this section, an injunction may be issued by the court or justice, enjoining and restraining any further violations, without requiring proof that any person has, in fact, been injured or damaged thereby. In any such proceeding, the court may make allowances to the attorney general as provided in paragraph six of subdivision (a) of section eighty-three hundred three of the civil practice law and rules, and direct restitution.
tion. Whenever the court shall determine that a violation of this section has occurred, the court may impose a civil penalty of not more than one thousand dollars per violation. In connection with any such proposed application, the attorney general is authorized to take proof and make a determination of the relevant facts and to issue subpoenas in accordance with the civil practice law and rules.

§ 2. This act shall take effect immediately.

PART 00

Section 1. Section 106 of the social services law, as amended by section 1 of part S of chapter 56 of the laws of 2014, is amended to read as follows:

§ 106. Powers of social services official to receive and dispose of a deed, mortgage, or lien. 1. A social services official responsible, by or pursuant to any provision of this chapter, for the administration of assistance [ex-case] granted or applied for [may] shall not accept a deed of real property and/or a mortgage thereon on behalf of the social services district for the assistance [and-case] of a person at public expense [but such property shall not be considered as public property and shall remain on the tax rolls and such deed or mortgage shall be subject to redemption as provided in paragraph (a) of subdivision six hereof].

2. [A social services official may not assert any claim under any provision of this section to recover] (a) Notwithstanding subdivision one of this section, if, prior to the effective date of the chapter of the laws of two thousand twenty-one that amended this section, a social services official accepted a deed of real property and/or a mortgage on behalf of the social services district for the assistance of a person at public expense, such social services official shall not assert any claim under any provision of this section to recover:

   (1) payments made as part of Supplemental Nutrition Assistance Program (SNAP), child care services, Emergency Assistance to Adults or the Home Energy Assistance Program (HEAP);

   3. A social services official may not assert any claim under any provision of this section to recover:

   (2) payments of public assistance if such payments were reimbursed by child support collections;

   4. A social services official may not assert any claim under any provision of this section to recover:

   (3) payments of public assistance unless, before [it has been accepted] a deed or mortgage was accepted from an applicant or recipient, [it has the official] first received a signed acknowledgment from the applicant or recipient acknowledging that:

   [A] benefits provided as part of Supplemental Nutrition Assistance Program (SNAP), child care services, Emergency Assistance to Adults or the Home Energy Assistance Program (HEAP) may not be included as part of the recovery to be made under the mortgage or lien; and

   [B] if the applicant or recipient declines to provide the lien or mortgage the children in the household shall remain eligible for public assistance.

   5. [a)] Such property shall not be considered public property and shall remain on the tax rolls and such deed or mortgage shall be subject to redemption as provided in subparagraph one of paragraph (d) of this subdivision.
(c) (1) Until a deed, mortgage, or lien, accepted prior to or after the effective date of this section, is satisfied or otherwise disposed of, the social services district shall issue and mail to the last known address of the person giving such deed or mortgage, or his or her estate or those entitled thereto, a biennial accounting of the public assistance incurred and repairs and taxes paid on property. The social services district shall provide such accounting no later than February first, two thousand sixteen and biennially thereafter.

(2) Such accounting shall include information regarding the debt owed as of the end of the district’s most recent fiscal year including, but not limited to:

A. an enumeration of all public assistance incurred by the person giving such deed or mortgage or his or her household to date;

B. the current amount of recoverable public assistance under the deed or mortgage;

C. the amount of any credits against public assistance including but not limited to:

1. the amount of child support collected and retained by the social services district as reimbursement for public assistance;
2. recoveries made under section one hundred forty of this title;
3. recoveries made under section one hundred thirty-one-r of this chapter.

D. Said accounting shall also provide information regarding the manner in which payments may be made to the social services district to reduce the amount of the mortgage or lien.

(3) In the event that a biennial accounting is not issued and mailed to the last known address of the person giving such deed or mortgage or his or her estate or those entitled thereto, within the time period required in paragraph (a) of this subdivision, no public assistance shall be recoverable under this section for the previous two fiscal years. In the event that a biennial accounting is not issued and mailed to the last known address of the person giving such deed or mortgage or his or her estate or those entitled thereto, within the time period required in paragraph (a) of this subdivision, no public assistance shall be recoverable under this section for the most recent two fiscal years where public assistance remains recoverable.

(d) (1) A. Until such property or mortgage is sold, assigned or foreclosed pursuant to law by the social services official, the person giving such deed or mortgage, or his or her estate or those entitled thereto, may redeem the same by the payment of all expenses incurred for the support of the person, and for repairs and taxes paid on such property, provided, however, that a social services official may enter into a contract for such redemption, subject to the provisions of this paragraph, containing such terms and conditions, including provisions for periodic payments, without interest, for an amount less than the full expenses incurred for the support of the person and for repairs and taxes paid on such property (hereinafter called a "lesser sum"), which lesser sum shall in no event be less than the difference between the appraised value of such property and the total of the then unpaid principal balance of any recorded mort-
gages and the unpaid balance of sums secured by other liens against such property.

4. In the case of a redemption for a lesser sum, the social services official shall obtain (i) an appraisal of the current market value of such property, by an appraiser acceptable to both parties, and (ii) a statement of the principal balance of any recorded mortgages or other liens against such property (excluding the debt secured by the deed, mortgage or lien of the social services official). Any expenses incurred pursuant to this paragraph shall be audited and allowed in the same manner as other official expenses.

5. Every redemption contract for any lesser sum shall be approved by the department upon an application by the social services official containing the appraisal and statement required by clause B of this subparagraph, a statement by the social services official of his or her reasons for entering into the contract for such lesser sum and any other information required by regulations of the department.

6. So long as the terms of the approved redemption contract are performed, no public sale of such property shall be held.

7. The redemption for a lesser sum shall reduce the claim of the social services official against the recipient on the implied contract under section one hundred four of this chapter title or under any other law, to the extent of all sums paid in redemption.

8. In order to allow a minimum period for redemption, the social services official shall not sell the property or mortgage until after the expiration of one year from the date he or she received the deed or mortgage, but if unoccupied property has not been redeemed within six months from the date of death of the person who conveyed it to him or her by deed the social services official may thereafter, and before the expiration of such year, sell the property.

9. Except as otherwise provided in this chapter, upon the death of the person or his or her receiving institutional care, if the mortgage has not been redeemed, sold or assigned, the social services official may enforce collection of the mortgage debt in the manner provided for the foreclosure of mortgages by action.

10. Provided the department shall have given its approval in writing, the social services official may, when in his or her judgment it is advisable and in the public interest, release a part of the property from the lien of the mortgage to permit, and in consideration of, the sale of such part by the owner and the application of the proceeds to reduce said mortgage or to satisfy and discharge or reduce a prior or superior mortgage.

11. While real property covered by a deed or mortgage is occupied, in whole or in part, by an aged, blind or disabled person who executed such deed or mortgage to the social services official for old age assistance, assistance to the blind or aid to the disabled granted to such person before January first, nineteen hundred seventy-four, the social services official shall not sell the property or assign or enforce the mortgage unless it appears reasonably certain that the sale or other disposition of the property will not materially adversely affect the welfare of such person. After the death of such person no claim for assistance granted him or her shall be enforced against any real property while it is occupied by the surviving spouse.

12. Except as otherwise provided, upon the death of a person who executed a lien to the social services official in return for old age assistance, assistance to the blind or aid to the disabled granted prior
to January first, nineteen hundred seventy-four, or before the death of such person if it appears reasonably certain that the sale or other disposition of the property will not materially adversely affect the welfare of such person, the social services official may enforce such lien in the manner provided by article three of the lien law. After the death of such person the lien may not be enforced against real property while it is occupied by the surviving spouse.

(e) The sale of any parcel of real property or mortgage on real property by the social services official, under the provisions of this section, shall be made at a public sale, held at least two weeks after notice thereof shall have been published in a newspaper having a general circulation in that section of the county in which the real property is located. Such notice shall specify the time and place of such public sale and shall contain a brief description of the premises to be sold, or upon which the mortgage is a lien, as the case may be. Unless in the judgment of the social services official, it shall be in the public interest to reject all bids, such parcel or mortgage shall be sold to the highest responsible bidder.

(f) It is permissible for social services officials to subordinate a mortgage taken on behalf of the social services district pursuant to this section. In the event that a social services official determines to subordinate a mortgage, or lien, he or she shall do so within thirty days of receipt of written notice that the mortgagor is attempting to modify their mortgage that is held by a mortgagee with superior lien rights and subordination of the social services district's mortgage is required by such mortgagee in order for it to approve or complete the modification.

§ 2. Section 360 of the social services law, as added by chapter 722 of the laws of 1951, subdivisions 1 and 3 as amended by section 92 of part B of chapter 436 of the laws of 1997, subdivision 2 as amended by chapter 909 of the laws of 1974, and subdivision 4 as amended by chapter 803 of the laws of 1959, is amended to read as follows:

§ 360. Real property of legally responsible relatives[deeds and mortgages may be required]. The ownership of real property by an applicant or applicants, recipient or recipients who is or are legally responsible relatives of the child or children for whose benefit the application is made or the aid is granted, whether such ownership be individual or joint as tenants in common, tenants by the entirety or joint tenants, shall not preclude the granting of family assistance or the continuance thereof if he or they are without the necessary funds to maintain himself, herself or themselves and such child or children. The social services official may, however, require, as a condition to the granting of aid or the continuance thereof, that he or she be given a deed of or a mortgage on such property in accordance with the provisions of section one hundred six.

2. However, while the property covered by the deed or mortgage is occupied, in whole or in part, by the responsible relative who gave such deed or mortgage to the social services official or, by a child for whose benefit the aid was granted the social services official shall not sell the property or assign or enforce the mortgage without the written consent of the department; and, when the property is occupied by such child, such consent shall not be given unless it appears reasonably certain that the sale or other disposition of the property will not materially adversely affect the welfare of such child.

3. The net amount recovered by the social services department from such property, less any expenditures approved by the department for the
burial of the relative or the child who dies while in receipt of aid under this title, shall be used to repay the social services district, the state and the federal government their proportionate share of the cost of family assistance granted. The state and federal share shall be paid by the social services district to the state and the manner and amount of such payment shall be determined in accordance with the regulations of the department.

4. If any balance remains it shall belong to the estate of the legally responsible relative or relatives and the public welfare district shall forthwith credit the same accordingly, and, provided they claim it within four years thereafter, pay it to the persons entitled thereto. If not so claimed within four years it shall be deemed abandoned property and be paid to the state comptroller pursuant to section thirteen hundred five of the abandoned property law.

5. The proceeds or moneys due the United States shall be paid or reported in such manner and at such times as the federal security agency or other authorized federal agency may direct.

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

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

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