

# STATE OF NEW YORK

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S. 8006

A. 9006

## SENATE - ASSEMBLY

January 19, 2022

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

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

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

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

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

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

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

1 Section 1. This act enacts into law major components of legislation  
2 necessary to implement the state education, labor, housing and family  
3 assistance budget for the 2022-2023 state fiscal year. Each component is  
4 wholly contained within a Part identified as Parts A through II. The  
5 effective date for each particular provision contained within such Part  
6 is set forth in the last section of such Part. Any provision in any  
7 section contained within a Part, including the effective date of the  
8 Part, which makes a reference to a section "of this act", when used in  
9 connection with that particular component, shall be deemed to mean and  
10 refer to the corresponding section of the Part in which it is found.  
11 Section three of this act sets forth the general effective date of this  
12 act.

1

## PART A

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

35 § 8. Paragraph s of subdivision 1 of section 3602 of the education  
36 law, as amended by section 11 of part B of chapter 57 of the laws of  
37 2007, is amended to read as follows:

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25 § 34. This act shall take effect July 1, 2002; provided, that sections  
26 one through twenty, twenty-four, and twenty-six through thirty of this  
27 act shall expire and be deemed repealed June 30, [~~2022~~] 2026 provided,  
28 further, that notwithstanding any provision of article 5 of the general  
29 construction law, on June 30, [~~2022~~] 2026 the provisions of subdivisions  
30 3, 5, and 8, paragraph b of subdivision 13, subdivision 14, paragraphs  
31 b, d, and e of subdivision 15, and subdivisions 17 and 21 of section  
32 2554 of the education law as repealed by section three of this act,  
33 subdivision 1 of section 2590-b of the education law as repealed by  
34 section six of this act, paragraph (a) of subdivision 2 of section  
35 2590-b of the education law as repealed by section seven of this act,  
36 section 2590-c of the education law as repealed by section eight of this  
37 act, paragraph c of subdivision 2 of section 2590-d of the education law  
38 as repealed by section twenty-six of this act, subdivision 1 of section  
39 2590-e of the education law as repealed by section twenty-seven of this  
40 act, subdivision 28 of section 2590-h of the education law as repealed  
41 by section twenty-eight of this act, subdivision 30 of section 2590-h of  
42 the education law as repealed by section twenty-nine of this act, subdi-  
43 vision 30-a of section 2590-h of the education law as repealed by  
44 section thirty of this act shall be revived and be read as such  
45 provisions existed in law on the date immediately preceding the effec-  
46 tive date of this act; provided, however, that sections seven and eight  
47 of this act shall take effect on November 30, 2003; provided further  
48 that the amendments to subdivision 25 of section 2554 of the education  
49 law made by section two of this act shall be subject to the expiration  
50 and reversion of such subdivision pursuant to section 12 of chapter 147  
51 of the laws of 2001, as amended, when upon such date the provisions of  
52 section four of this act shall take effect.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4 Each school district shall be eligible to receive a high tax aid  
5 apportionment in the two thousand eight--two thousand nine school year,  
6 which shall equal the greater of (i) the sum of the tier 1 high tax aid  
7 apportionment, the tier 2 high tax aid apportionment and the tier 3 high  
8 tax aid apportionment or (ii) the product of the apportionment received  
9 by the school district pursuant to this subdivision in the two thousand  
10 seven--two thousand eight school year, multiplied by the due-minimum  
11 factor, which shall equal, for districts with an alternate pupil wealth  
12 ratio computed pursuant to paragraph b of subdivision three of this  
13 section that is less than two, seventy percent (0.70), and for all other  
14 districts, fifty percent (0.50). Each school district shall be eligible  
15 to receive a high tax aid apportionment in the two thousand nine--two  
16 thousand ten through two thousand twelve--two thousand thirteen school  
17 years in the amount set forth for such school district as "HIGH TAX AID"  
18 under the heading "2008-09 BASE YEAR AIDS" in the school aid computer  
19 listing produced by the commissioner in support of the budget for the  
20 two thousand nine--two thousand ten school year and entitled "SA0910".  
21 Each school district shall be eligible to receive a high tax aid appor-  
22 tionment in the two thousand thirteen--two thousand fourteen through two  
23 thousand [~~twenty-one~~] twenty-two--two thousand [~~twenty-two~~] twenty-three  
24 school years equal to the greater of (1) the amount set forth for such  
25 school district as "HIGH TAX AID" under the heading "2008-09 BASE YEAR  
26 AIDS" in the school aid computer listing produced by the commissioner in  
27 support of the budget for the two thousand nine--two thousand ten school  
28 year and entitled "SA0910" or (2) the amount set forth for such school  
29 district as "HIGH TAX AID" under the heading "2013-14 ESTIMATED AIDS" in  
30 the school aid computer listing produced by the commissioner in support  
31 of the executive budget for the 2013-14 fiscal year and entitled  
32 "BT131-4".

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

12 PART B

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

15 § 9. This act shall take effect immediately.

16 PART C

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

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

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

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

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

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

3 § 3001-f. Employment of individuals holding expired certificates.  
4 Notwithstanding any other provision of law, regulation, or rule to the  
5 contrary, an individual holding a certificate issued under this article  
6 which has expired, and who has remained otherwise qualified to hold such  
7 certificate, shall be authorized to be employed in a teaching capacity  
8 or other professional capacity, as the case may be and as allowed under  
9 their expired certificate, in the public schools of the state upon  
10 notification to the commissioner and payment of the applicable certifi-  
11 cate fee. Such notification shall be in a form determined by the  
12 commissioner. Nothing in this section shall be construed to prohibit the  
13 commissioner from taking any investigatory or disciplinary action as  
14 authorized under law.

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

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

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

25 PART D

26 Section 1. Subparagraph 4-b of paragraph h of subdivision 2 of section  
27 355 of the education law, as added by section 1 of part GG of chapter 56  
28 of the laws of 2021, is amended to read as follows:

29 (4-b) ~~[(i)]~~ In state fiscal year two thousand twenty-two--two thousand  
30 twenty-three and thereafter, the state shall appropriate and make avail-  
31 able general fund operating support in the amount of ~~[thirty-three~~  
32 ~~percent of]~~ the tuition credit calculated pursuant to section six  
33 hundred eighty-nine-a of this chapter ~~[for the two thousand twenty-two-~~  
34 ~~two thousand twenty-three academic year.~~

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

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

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

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

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

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

§ 3. This act shall take effect immediately.

#### PART E

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

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

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

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

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

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

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

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

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

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

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

1 3. a. For part-time students defined in this section, the award shall  
2 be calculated as provided in section six hundred sixty-seven of this  
3 article and shall be in an amount equal to the enrollment factor percent  
4 of the award the student would have been eligible for if the student  
5 were enrolled full-time. ~~The~~ For part-time students defined in para-  
6 graph a of subdivision one of this section, the enrollment factor  
7 percent is the percentage obtained by dividing the number of credits the  
8 student is enrolled in, as certified by the school, by the number of  
9 credits required for full-time study in the semester, quarter or term as  
10 defined by the commissioner. For part-time students defined in para-  
11 graph b of subdivision one of this section, the enrollment factor shall  
12 be calculated pursuant to regulations established by the higher educa-  
13 tion services corporation.

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

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

26 § 2. This act shall take effect immediately.

27 PART F

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

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

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

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

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

45 § 4. This act shall take effect immediately.

46 PART G

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

50 2. Amount. Within amounts appropriated therefor and based on avail-  
51 ability of funds, awards shall be granted beginning with the two thou-  
52 sand seventeen--two thousand eighteen academic year and thereafter to

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

35 § 2. This act shall take effect immediately.

36 PART H

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

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

45 § 2. This act shall take effect immediately.

46 PART I

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

49 ARTICLE 13-C  
50 STUDENT DEBT; PROHIBITED PRACTICES

1 Section 640. Student debt; prohibited practices.

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

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

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

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

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

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

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

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

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

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

41 PART J

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

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

1 preceding ten years and has been operated continuously by the same  
2 governing body during the same immediately preceding ten year period and  
3 (2) is accredited and has continued in accreditation by the Middle  
4 States Commission on Higher Education ("MSCHE") or the department for  
5 the immediately preceding ten years, shall be deemed authorized for  
6 temporary operation pending program approval forty-five days after  
7 certification by the department of submission of a completed application  
8 for program approval. As used in this section, "authorized for temporary  
9 operation pending program approval" means a college or university may  
10 operate the curriculum or program of study on a contingent basis during  
11 the remainder of the department's program review process, including but  
12 not limited to accepting admission of students into the program, charg-  
13 ing applicable tuition and fees, and providing the educational program-  
14 ming to students. Any college or university operating a program author-  
15 ized for temporary operation pending program approval must disclose this  
16 status and its meaning to potential students in writing. If the academic  
17 program being operated on a temporary basis is ultimately disapproved by  
18 the department, the college or university operating such program shall  
19 immediately cease operation of the program and refund all monies paid by  
20 students to attend such programs. If the college or university is placed  
21 on probation or has its accreditation terminated by MSCHE, such college  
22 or university shall notify the regents in writing no later than thirty  
23 days after receiving notice of its probationary status or loss of  
24 accreditation by the MSCHE. Any college or university which has its  
25 accreditation placed on probation or terminated by the MSCHE or the  
26 department shall be subject to the commissioner's program approval and  
27 may not operate a curriculum or program of study under the authority of  
28 this section until it has been removed from probation or regained  
29 accreditation by MSCHE or the department, and shall further remain so  
30 restricted until it has continued without probation for a period of not  
31 less than six years. If a college or university subject to this section  
32 intends to offer or institute an additional degree or program which  
33 constitutes a substantive change, as defined and determined by MSCHE,  
34 then the college or university shall provide the commissioner with  
35 copies of any reports or other documents filed with MSCHE as part of  
36 MSCHE's substantive change review process and shall inform the commis-  
37 sioner when the substantive change is approved. Any such college or  
38 university that does not satisfy all of the provisions of this section  
39 shall comply with the procedures and criteria established by the regents  
40 and commissioner for academic program approval. Nothing in this section  
41 shall be deemed to limit the department's existing authority to investi-  
42 gate a complaint concerning the institution, or any program offered,  
43 including the authority to deregister the program.

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

45 PART K

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

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



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

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

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

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

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

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

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

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

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

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

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

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

10 § 1509. Disqualification of shareholders, directors, officers and  
11 employees.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

36 (q) Each partner of a registered limited liability partnership formed  
37 to provide medical services in this state must be licensed pursuant to  
38 article 131 of the education law to practice medicine in this state and  
39 each partner of a registered limited liability partnership formed to  
40 provide dental services in this state must be licensed pursuant to arti-  
41 cle 133 of the education law to practice dentistry in this state. Each  
42 partner of a registered limited liability partnership formed to provide  
43 veterinary services in this state must be licensed pursuant to article  
44 135 of the education law to practice veterinary medicine in this state.  
45 Each partner of a registered limited liability partnership formed to  
46 provide public accountancy services, whose principal place of business  
47 is in this state and who provides public accountancy services, must be  
48 licensed pursuant to article 149 of the education law to practice public  
49 accountancy in this state. Each partner of a registered limited liabil-  
50 ity partnership formed to provide professional engineering, land survey-  
51 ing, geological services, architectural and/or landscape architectural  
52 services in this state must be licensed pursuant to article 145, article  
53 147 and/or article 148 of the education law to practice one or more of  
54 such professions in this state. Each partner of a registered limited  
55 liability partnership formed to provide licensed clinical social work  
56 services in this state must be licensed pursuant to article 154 of the

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

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

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

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

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

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

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

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

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

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



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

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

16 (a) "Foreign professional service limited liability company" means a  
17 professional service limited liability company, whether or not denomi-  
18 nated as such, organized under the laws of a jurisdiction other than  
19 this state, (i) each of whose members and managers, if any, is a profes-  
20 sional authorized by law to render a professional service within this  
21 state and who is or has been engaged in the practice of such profession  
22 in such professional service limited liability company or a predecessor  
23 entity, or will engage in the practice of such profession in the profes-  
24 sional service limited liability company within thirty days of the date  
25 such professional becomes a member, or each of whose members and manag-  
26 ers, if any, is a professional at least one of such members is author-  
27 ized by law to render a professional service within this state and who  
28 is or has been engaged in the practice of such profession in such  
29 professional service limited liability company or a predecessor entity,  
30 or will engage in the practice of such profession in the professional  
31 service limited liability company within thirty days of the date such  
32 professional becomes a member, or (ii) authorized by, or holding a  
33 license, certificate, registration or permit issued by the licensing  
34 authority pursuant to, the education law to render a professional  
35 service within this state; except that all members and managers, if any,  
36 of a foreign professional service limited liability company that  
37 provides health services in this state shall be licensed in this state.  
38 With respect to a foreign professional service limited liability company  
39 which provides veterinary services as such services are defined in arti-  
40 cle 135 of the education law, each member of such foreign professional  
41 service limited liability company shall be licensed pursuant to article  
42 135 of the education law to practice veterinary medicine. With respect  
43 to a foreign professional service limited liability company which  
44 provides medical services as such services are defined in article 131 of  
45 the education law, each member of such foreign professional service  
46 limited liability company must be licensed pursuant to article 131 of  
47 the education law to practice medicine in this state. With respect to a  
48 foreign professional service limited liability company which provides  
49 dental services as such services are defined in article 133 of the  
50 education law, each member of such foreign professional service limited  
51 liability company must be licensed pursuant to article 133 of the educa-  
52 tion law to practice dentistry in this state. With respect to a foreign  
53 professional service limited liability company which provides profes-  
54 sional engineering, land surveying, geologic, architectural and/or land-  
55 scape architectural services as such services are defined in article  
56 145, article 147 and article 148 of the education law, each member of

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

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

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

21 § 14. This act shall take effect immediately.

22 PART L

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

26 2. The state block grant for child care shall be divided into two  
27 parts pursuant to a plan developed by the department and approved by the  
28 director of the budget. One part shall be retained by the state to  
29 provide child care on a statewide basis to special groups and for  
30 activities to increase the availability and/or quality of child care  
31 programs, including, but not limited to, the start-up of child care  
32 programs, the operation of child care resource and referral programs,  
33 training activities, the regulation and monitoring of child care  
34 programs, the development of computerized data systems, and consumer  
35 education, provided however, that child care resource and referral  
36 programs funded under title five-B of article six of this chapter shall  
37 meet additional performance standards developed by the department of  
38 social services including but not limited to: increasing the number of  
39 child care placements for persons who are at or below two hundred twen-  
40 ty-five percent of the state income standard effective October sixteen,  
41 two thousand twenty-two, two hundred sixty percent of the state income  
42 standard effective April first, two thousand twenty-three, or three  
43 hundred percent of the state income standard effective April first, two  
44 thousand twenty-four, provided such persons are at or below eighty-five  
45 percent of the state median income, with emphasis on placements support-  
46 ing local efforts in meeting federal and state work participation  
47 requirements, increasing technical assistance to all modalities of legal  
48 child care to persons who are at or below two hundred twenty-five  
49 percent of the state income standard[7] effective October sixteen, two  
50 thousand twenty-two, two hundred sixty percent of the state income stan-  
51 dard effective April first, two thousand twenty-three, or three hundred  
52 percent of the state income standard effective April first, two thousand  
53 twenty-four, provided such persons are at or below eighty-five percent  
54 of the state median income, including the provision of training to

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

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

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

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

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

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

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

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

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

3 (c) families with incomes up to two hundred twenty-five percent of the  
4 state income standard effective October sixteen, two thousand twenty-  
5 two, two hundred sixty percent of the state income standard effective  
6 April first, two thousand twenty-three, or three hundred percent of the  
7 state income standard effective April first, two thousand twenty-four,  
8 which are determined in accordance with the regulations of the depart-  
9 ment to be at risk of becoming dependent on family assistance; provided,  
10 the family income does not exceed eighty-five percent of the state medi-  
11 an income;

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

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

29 2-a. A social services district may, upon approval by the office of  
30 children and family services and in accordance with criteria established  
31 by the office, use the funds allocated to it from the block grant to  
32 provide child care assistance to families with incomes up to three  
33 hundred percent of the state income standard, provided such families  
34 income does not exceed eighty-five percent of the state median income  
35 standard.

36 3. A social services district shall guarantee child care assistance to  
37 families in receipt of public assistance with children under thirteen  
38 years of age when such child care assistance is necessary for a parent  
39 or caretaker relative to engage in work or participate in work activ-  
40 ities pursuant to the provisions of title nine-B of article five of this  
41 chapter. Child care assistance shall continue to be guaranteed for such  
42 a family for a period of twelve months after the month in which the  
43 family's eligibility for public assistance has terminated or ended when  
44 such child care is necessary in order to enable the parent or caretaker  
45 relative to engage in work, provided that the family's public assistance  
46 has been terminated as a result of an increase in the hours of or income  
47 from employment or increased income from child support payments or  
48 because the family voluntarily ended assistance; that the family  
49 received public assistance in at least three of the six months preceding  
50 the month in which eligibility for such assistance terminated or ended  
51 or provided that such family has received child care assistance under  
52 subdivision four of this section; [~~and~~] that the family's income does  
53 not exceed two hundred twenty-five percent of the state income standard  
54 effective October sixteen, two thousand twenty-two, two hundred sixty  
55 percent of the state income standard effective April first, two thou-  
56 sand twenty-three, or three hundred percent of the state income standard

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

3 Such child day care shall recognize the need for continuity of care for  
4 the child and a district shall not move a child from an existing provid-  
5 er unless the participant consents to such move.

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

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

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

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

31 PART M

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

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

41 § 2. This act shall take effect immediately.

42 PART N

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

47 § 28. This act shall take effect immediately; provided that sections  
48 nine through eighteen and twenty through twenty-seven of this act shall  
49 be deemed to have been in full force and effect on and after April 1,  
50 2002; provided, however, that section fifteen of this act shall apply to  
51 claims that are otherwise reimbursable by the state on or after April 1,  
52 2002 except as provided in subdivision 9 of section 153-k of the social

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

18

## PART O

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

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

50 § 2. This act shall take effect immediately.

51

## PART P

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

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

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

14 PART Q

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

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



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

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

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

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

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

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

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

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

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

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

23 1. When a principal who is under the age of sixteen is committed to  
24 the custody of the sheriff the court must direct that the principal be  
25 taken to and lodged in a place certified by the office of children and  
26 family services as a juvenile detention facility for the reception of  
27 children. When a principal who (a) commencing October first, two thou-  
28 sand eighteen, is sixteen years of age; or (b) commencing October first,  
29 two thousand nineteen, is sixteen or seventeen years of age, is commit-  
30 ted to the custody of the sheriff, the court must direct that the prin-  
31 cipal be taken to and lodged in a place certified by the office of chil-  
32 dren and family services in conjunction with the state commission of  
33 correction as a specialized secure juvenile detention facility for older  
34 youth. Where such a direction is made the sheriff shall deliver the  
35 principal in accordance therewith and such person shall although lodged  
36 and cared for in a juvenile detention facility continue to be deemed to  
37 be in the custody of the sheriff. No principal [~~under the age specified~~  
38 to whom the provisions of this section may apply shall be detained in  
39 any prison, jail, lockup, or other place used for adults convicted of a  
40 crime or under arrest and charged with the commission of a crime [~~with-~~  
41 ~~out the approval of the office of children and family services which~~  
42 ~~shall consult with the commission of correction if the principal is~~  
43 ~~sixteen years of age or older in the case of each principal and the~~  
44 ~~statement of its reasons therefor]~~ except as provided in subdivision  
45 three of this section; nor shall a principal under the age specified who  
46 is charged solely with a violation as defined in subdivision three of  
47 section 10.00 of the penal law be subject to detention. The sheriff  
48 shall not be liable for any acts done to or by such principal resulting  
49 from negligence in the detention of and care for such principal, when  
50 the principal is not in the actual custody of the sheriff.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

47 § 5. This act shall take effect immediately.

48

#### PART R

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

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

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

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

32 PART S

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

48

## PART T

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

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

5 § 2. This act shall take effect immediately.

6 PART U

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

10 4. Social services officials shall determine eligibility for safety  
11 net assistance within [~~forty five~~] thirty days of receiving an applica-  
12 tion for safety net assistance. Such officials shall notify applicants  
13 of safety net assistance about the availability of assistance to meet  
14 emergency circumstances or to prevent eviction.

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

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

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

35 (ii) fifty percent of the earned income for such month of any recipi-  
36 ent;

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

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

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

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

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

8 1. The following resources shall be exempt and disregarded in calcu-  
9 lating the amount of benefits of any household under any public assist-  
10 ance program: (a) cash and liquid or nonliquid resources up to two thou-  
11 sand five hundred dollars for applicants, [~~ex~~] three thousand seven  
12 hundred fifty dollars for applicants in [~~the case of~~] households in  
13 which any member is sixty years of age or older or is disabled or ten  
14 thousand dollars for recipients, (b) an amount up to four thousand six  
15 hundred fifty dollars in a separate bank account established by an indi-  
16 vidual while currently in receipt of assistance for the sole purpose of  
17 enabling the individual to purchase a first or replacement vehicle for  
18 the recipient to seek, obtain or maintain employment, so long as the  
19 funds are not used for any other purpose, (c) an amount up to one thou-  
20 sand four hundred dollars in a separate bank account established by an  
21 individual while currently in receipt of assistance for the purpose of  
22 paying tuition at a two-year or four-year accredited post-secondary  
23 educational institution, so long as the funds are not used for any other  
24 purpose, (d) the home which is the usual residence of the household, (e)  
25 one automobile, up to ten thousand dollars fair market value, through  
26 March thirty-first, two thousand seventeen; one automobile, up to eleven  
27 thousand dollars fair market value, from April first, two thousand  
28 seventeen through March thirty-first, two thousand eighteen; and one  
29 automobile, up to twelve thousand dollars fair market value, beginning  
30 April first, two thousand eighteen and thereafter, or such other higher  
31 dollar value as the local social services district may elect to adopt,  
32 (f) one burial plot per household member as defined in department regu-  
33 lations, (g) bona fide funeral agreements up to a total of one thousand  
34 five hundred dollars in equity value per household member, (h) funds in  
35 an individual development account established in accordance with subdi-  
36 vision five of section three hundred fifty-eight of this chapter and  
37 section four hundred three of the social security act, (i) for a period  
38 of six months, real property which the household is making a good faith  
39 effort to sell, in accordance with department regulations and tangible  
40 personal property necessary for business or for employment purposes in  
41 accordance with department regulations, and (j) funds in a qualified  
42 tuition program that satisfies the requirement of section 529 of the  
43 Internal Revenue Code of 1986, as amended, and [~~(j)~~] (k) funds in a New  
44 York achieving a better life experience savings account established in  
45 accordance with article eighty-four of the mental hygiene law.

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

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



1 services law made by section five of this act shall not affect the expi-  
2 ration of such section and shall be deemed to expire therewith.

3 PART V

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

6 § 202-m. Restrictions on employment. 1. Definitions. For the purposes  
7 of this section:

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

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

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

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

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

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

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

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

34 (b) not impose undue hardship on the employee;

35 (c) not be injurious to the public;

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

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

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

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

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

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

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

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

53 4. This section shall not apply to:

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

1 (b) employees covered under section two hundred two-k of this article;  
2 and  
3 (c) agreements between bona fide owners or partners of a business.

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

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

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

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

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

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

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

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

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

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

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

48

## PART W

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

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

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

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

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

55 § 3. This act shall take effect immediately.

1

## PART X

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

8 1. It shall be an unlawful discriminatory practice:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 (d) To print or circulate or cause to be printed or circulated any  
2 statement, advertisement or publication, or to use any form of applica-  
3 tion for such programs or to make any inquiry in connection with such  
4 program which expresses, directly or indirectly, any limitation, spec-  
5 ification or discrimination as to race, creed, color, national origin,  
6 sexual orientation, gender identity or expression, military status, sex,  
7 age, disability, familial status [~~ex~~], marital status, or status as a  
8 victim of domestic violence, or any intention to make any such limita-  
9 tion, specification or discrimination, unless based on a bona fide occu-  
10 pational qualification.

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

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

34 § 4. Paragraphs (a), (b), (c) and (c-1) of subdivision 2-a of section  
35 296 of the executive law, as amended by section 3 of part T of chapter  
36 56 of the laws of 2019, are amended to read as follows:

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

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

52 (c) To cause to be made any written or oral inquiry or record concern-  
53 ing the race, creed, color, disability, national origin, sexual orien-  
54 tation, gender identity or expression, membership in the reserve armed  
55 forces of the United States or in the organized militia of the state,  
56 age, sex, marital status, status as a victim of domestic violence,

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

40 (a) Boycotts connected with labor disputes; or

41 (b) Boycotts to protest unlawful discriminatory practices.

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

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

47 a. In the case of applications for credit with respect to the  
48 purchase, acquisition, construction, rehabilitation, repair or mainte-  
49 nance of any housing accommodation, land or commercial space to discrim-  
50 inate against any such applicant because of the race, creed, color,  
51 national origin, sexual orientation, gender identity or expression,  
52 military status, age, sex, marital status, status as a victim of domes-  
53 tic violence, disability, or familial status of such applicant or appli-  
54 cants or any member, stockholder, director, officer or employee of such  
55 applicant or applicants, or of the prospective occupants or tenants of  
56 such housing accommodation, land or commercial space, in the granting,

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

52 § 12. This act shall take effect immediately.

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

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

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

16 1. It shall be an unlawful discriminatory practice:

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

45 (4) With respect to age and familial status, the provisions of this  
46 paragraph shall not apply to the restriction of the sale, rental or  
47 lease of land or commercial space exclusively to persons fifty-five  
48 years of age or older and the spouse of any such person, or to the  
49 restriction of the sale, rental or lease of land to be used for the  
50 construction, or location of housing accommodations exclusively for  
51 persons sixty-two years of age or older, or intended and operated for  
52 occupancy by at least one person fifty-five years of age or older per  
53 unit. In determining whether housing is intended and operated for occu-  
54 pancy by persons fifty-five years of age or older, Sec. 807(b) (2) (c)  
55 (42 U.S.C. 3607(b) (2) (c)) of the federal Fair Housing Act of 1988, as  
56 amended, shall apply.

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

3 (1) To refuse to sell, rent or lease any housing accommodation, land  
4 or commercial space to any person or group of persons or to refuse to  
5 negotiate for the sale, rental or lease, of any housing accommodation,  
6 land or commercial space to any person or group of persons because of  
7 the race, creed, color, national origin, citizenship or immigration  
8 status, sexual orientation, gender identity or expression, military  
9 status, sex, age, disability, marital status, lawful source of income or  
10 familial status of such person or persons, or to represent that any  
11 housing accommodation, land or commercial space is not available for  
12 inspection, sale, rental or lease when in fact it is so available, or  
13 otherwise to deny or withhold any housing accommodation, land or commer-  
14 cial space or any facilities of any housing accommodation, land or  
15 commercial space from any person or group of persons because of the  
16 race, creed, color, national origin, citizenship or immigration status,  
17 sexual orientation, gender identity or expression, military status, sex,  
18 age, disability, marital status, lawful source of income or familial  
19 status of such person or persons.

20 (2) To print or circulate or cause to be printed or circulated any  
21 statement, advertisement or publication, or to use any form of applica-  
22 tion for the purchase, rental or lease of any housing accommodation,  
23 land or commercial space or to make any record or inquiry in connection  
24 with the prospective purchase, rental or lease of any housing accommo-  
25 dation, land or commercial space which expresses, directly or indirect-  
26 ly, any limitation, specification, or discrimination as to race, creed,  
27 color, national origin, citizenship or immigration status, sexual orien-  
28 tation, gender identity or expression, military status, sex, age, disa-  
29 bility, marital status, lawful source of income or familial status; or  
30 any intent to make any such limitation, specification or discrimination.

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

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

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

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

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

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

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

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

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

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

50 (a) Boycotts connected with labor disputes; or

51 (b) Boycotts to protest unlawful discriminatory practices.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

7 PART Z

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

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

1 § 3. Notwithstanding any other provision of law, the housing trust  
 2 fund corporation may provide, for purposes of the rural rental assist-  
 3 ance program pursuant to article 17-A of the private housing finance  
 4 law, a sum not to exceed \$21,630,000 for the fiscal year ending March  
 5 31, 2023. Notwithstanding any other provision of law, and subject to  
 6 the approval of the New York state director of the budget, the board of  
 7 directors of the state of New York mortgage agency shall authorize the  
 8 transfer to the housing trust fund corporation, for the purposes of  
 9 reimbursing any costs associated with rural rental assistance program  
 10 contracts authorized by this section, a total sum not to exceed  
 11 \$21,630,000, such transfer to be made from (i) the special account of  
 12 the mortgage insurance fund created pursuant to section 2429-b of the  
 13 public authorities law, in an amount not to exceed the actual excess  
 14 balance in the special account of the mortgage insurance fund, as deter-  
 15 mined and certified by the state of New York mortgage agency for the  
 16 fiscal year 2021-2022 in accordance with section 2429-b of the public  
 17 authorities law, if any, and/or (ii) provided that the reserves in the  
 18 project pool insurance account of the mortgage insurance fund created  
 19 pursuant to section 2429-b of the public authorities law are sufficient  
 20 to attain and maintain the credit rating, as determined by the state of  
 21 New York mortgage agency, required to accomplish the purposes of such  
 22 account, the project pool insurance account of the mortgage insurance  
 23 fund, such transfer shall be made as soon as practicable but no later  
 24 than June 30, 2022.

25 § 4. This act shall take effect immediately.

26 PART AA

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

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

31 ARTICLE 16

32 ACCESSORY DWELLING UNITS

33 Section 480. Definitions.

34 481. Accessory dwelling unit regulations and local laws.

35 482. Low and moderate-income homeowners program.

36 483. Tenant protections.

37 § 480. Definitions. As used in this article, unless the context other-  
 38 wise requires, the following terms shall have the following meanings:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

29 (i) Such unit may be rented separate from the primary residence, but  
30 shall not be sold or otherwise conveyed separate from the primary resi-  
31 dence;

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

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

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

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

43 (a) In a local government having a population of one million or more,  
44 a minimum square footage requirement for an accessory dwelling unit  
45 greater than two hundred square feet, or in a local government having a  
46 population of less than one million, a minimum square footage require-  
47 ment for an accessory dwelling unit that is greater than five hundred  
48 fifty square feet;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

32 PART BB

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

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

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

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

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

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

3 PART CC

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

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

17 § 2. This act shall take effect immediately.

18 PART DD

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

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

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



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

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

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

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

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

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

1 understood to apply to any increase in volume or floor area of a build-  
2 ing or portion thereof that is converted pursuant to this section.

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

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

11 PART EE

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

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

16 § 20-h. Transit oriented development. 1. (a) Notwithstanding the  
17 provisions of any general, special, charter, local, or other law,  
18 including the common law, to the contrary, all cities shall permit the  
19 construction and occupation of dwelling units with a density of at least  
20 twenty-five dwelling units per acre, on any land wherein residential  
21 construction and occupation is otherwise permitted if such land is with-  
22 in one-half mile of any covered transportation facility.

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

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

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

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

43 2. No city shall impose restrictions that effectively prevent the  
44 construction or occupation of such dwellings, including, but not limited  
45 to height, setbacks, floor area ratios, or parking. Nothing in this  
46 section shall be interpreted to override the New York State Environ-  
47 mental Quality Review Act or the New York State Uniform Fire Prevention  
48 and Building Code Act, or regulations promulgated in accordance with any  
49 such act, nor require the alteration or demolition of buildings desig-  
50 nated as historical sites as of the date the act that created this  
51 section was enacted pursuant to the New York State Historic Preservation  
52 Act of 1980, as amended, or the National Historic Preservation Act of  
53 1966, as amended.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3 PART FF

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

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

9 § 227-g. Credit checks in tenant screening. 1. No landlord of a resi-  
10 dential premises shall refuse to rent or offer a lease to a potential  
11 tenant due to a potential tenant's consumer credit history or score, or  
12 lack thereof, if the potential tenant:

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

23 (b) is the recipient of or a beneficiary of government provided subsi-  
24 dy or program that is paid directly to the landlord and pays the monthly  
25 rent in its entirety;

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

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

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

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

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

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

1

## PART GG

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

4 § 202-a. Language translation services. 1. Each state agency that  
5 provides direct public services in New York state shall translate all  
6 vital documents relevant to services offered by the agency into the ten  
7 most common non-English languages spoken by limited-English proficient  
8 individuals in the state, based on the data in the most recent American  
9 Community Survey published by United States Census Bureau. Agencies  
10 subject to this section, in their discretion, shall offer at least two  
11 additional languages beyond the ten most common languages. Such  
12 languages shall be decided by the state agency and approved by the  
13 office of general services based on the population of limited-English  
14 proficient individuals served by the agency, feedback from impacted  
15 community or advocacy groups, the geographic region within which the  
16 services are offered, any other relevant data published by the United  
17 States Census Bureau.

18 2. Each agency subject to the provisions of this section shall desig-  
19 minate a language access coordinator who will work with the office of  
20 general services to ensure compliance with the requirements of this  
21 section.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10 PART HH

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

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

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

27 PART II

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

30 § 485-w. Affordable neighborhoods for New Yorkers tax incentive. 1.  
 31 Definitions. For purposes of this section:

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

50 (b) all assessments for local improvements.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3 (vi) to require the applicant to file with the fiscal officer a record  
4 of the wages actually paid by such applicant to the building service  
5 employees and of their hours of work;

6 (vii) to delegate any of the foregoing powers to his or her deputy or  
7 other authorized representative;

8 (viii) to promulgate rules as he or she shall consider necessary for  
9 the proper execution of the duties, responsibilities and powers  
10 conferred upon him or her by the provisions of this paragraph; and

11 (ix) to prescribe appropriate sanctions for failure to comply with the  
12 provisions of this subdivision. For each violation of paragraph (b) of  
13 this subdivision, the fiscal officer may require the payment of: (A)  
14 back wages and fringe benefits; (B) liquidated damages up to three times  
15 the amount of the back wages and fringe benefits for willful violations;  
16 and/or (C) reasonable attorney's fees. If the fiscal officer finds that  
17 the applicant has failed to comply with the provisions of this subpara-  
18 graph, he or she shall present evidence of such non-compliance to the  
19 agency.

20 (d) Paragraph (b) of this subdivision shall not be applicable to:

21 (i) an eligible multiple dwelling outside of the prime development  
22 area;

23 (ii) an eligible multiple dwelling containing less than three hundred  
24 dwelling units; or

25 (iii) an eligible multiple dwelling in which all of the dwelling units  
26 are affordable housing units and not less than fifty percent of such  
27 affordable housing units, upon initial rental and upon each subsequent  
28 rental following a vacancy are affordable to and restricted to occupancy  
29 by individuals or families whose household income does not exceed ninety  
30 percent of the area median income, adjusted for family size, at the time  
31 that such household initially occupies such dwelling unit.

32 (e) The applicant shall submit a sworn affidavit with its application,  
33 and annually thereafter, certifying that it shall comply with the  
34 requirements of this subdivision.

35 (f) The agency shall annually publish a list of all eligible sites  
36 subject to the requirements of this paragraph and the affidavits  
37 required pursuant to paragraph (e) of this subdivision.

38 9. Replacement ratio. If the land on which an eligible site is located  
39 contained any dwelling units three years prior to the commencement date  
40 of the first eligible multiple dwelling thereon, then such eligible  
41 multiple dwelling or dwellings built thereon shall contain at least one  
42 affordable housing unit for each dwelling unit that existed on such date  
43 and was thereafter demolished, removed or reconfigured.

44 10. Concurrent exemptions or abatements. An eligible multiple dwelling  
45 receiving ANNY Program benefits shall not receive any exemption from or  
46 abatement of real property taxation under any other law.

47 11. Voluntary renunciation or termination. Notwithstanding the  
48 provisions of any general, special or local law to the contrary, an  
49 owner shall not be entitled to voluntarily renounce or terminate ANNY  
50 Program benefits unless the agency authorizes such renunciation or  
51 termination in connection with the commencement of a new tax exemption  
52 pursuant to either the private housing finance law or section four  
53 hundred twenty-c of this title.

54 12. Termination or revocation. The agency may terminate or revoke ANNY  
55 program benefits for noncompliance with this section; provided, however,  
56 that the agency shall not terminate or revoke ANNY Program benefits for

1 a failure to comply with paragraph (c) of subdivision fifteen of this  
2 section. If ANNY Program benefits are terminated or revoked for noncom-  
3 pliance with this section: (a) all of the affordable housing units shall  
4 remain subject to rent stabilization and all other requirements of this  
5 section for the restriction period or extended restriction period, as  
6 applicable, and any additional period expressly provided in this  
7 section, as if the ANNY Program benefits had not been terminated or  
8 revoked; (b) all of the market rate housing units shall remain subject  
9 to rent stabilization and all other requirements of this section for the  
10 restriction period or extended restriction period, as applicable, and  
11 any additional period expressly provided in this section, as if the ANNY  
12 Program benefits had not been terminated or revoked, provided, however,  
13 that the owner shall still be entitled to remove such market unit from  
14 rent stabilization upon vacancy by reason of the monthly rent exceeding  
15 any limit established thereunder; or (c) for a homeownership project,  
16 such project shall continue to comply with affordability option D of  
17 this section and all other requirements of this section for the  
18 restriction period and any additional period expressly provided in this  
19 section, as if the ANNY Program benefits had not been terminated or  
20 revoked.

21 13. Powers cumulative. The enforcement provisions of this section  
22 shall not be exclusive, and are in addition to any other rights, reme-  
23 dies, or enforcement powers set forth in any other law or available at  
24 law or in equity.

25 14. Multiple tax lots. If an eligible site contains multiple tax lots,  
26 an application may be submitted with respect to one or more of such tax  
27 lots. The agency shall determine eligibility for ANNY Program benefits  
28 based upon the tax lots included in such application and benefits for  
29 each multiple dwelling shall be based upon the completion date of such  
30 multiple dwelling.

31 15. Applications. (a) The application with respect to any eligible  
32 multiple dwelling shall be filed with the agency not later than one year  
33 after the completion date of such eligible multiple dwelling.

34 (b) Notwithstanding the provisions of any general, special or local  
35 law to the contrary, the agency may require by rule that applications be  
36 filed electronically.

37 (c) The agency may rely on certification by an architect or engineer  
38 submitted by an applicant in connection with the filing of an applica-  
39 tion. A false certification by such architect or engineer shall be  
40 deemed to be professional misconduct pursuant to section sixty-five  
41 hundred nine of the education law. Any licensee found guilty of such  
42 misconduct under the procedures prescribed in section sixty-five hundred  
43 ten of the education law shall be subject to the penalties prescribed in  
44 section sixty-five hundred eleven of the education law and shall there-  
45 after be ineligible to submit a certification pursuant to this section.

46 (d) The agency shall not require that the applicant demonstrate  
47 compliance with the requirements of paragraph (c) of this subdivision as  
48 a condition to approval of the application.

49 16. Filing fee. The agency may require a filing fee of three thousand  
50 dollars per dwelling unit in connection with any application. However,  
51 the agency may promulgate rules imposing a lesser fee for eligible sites  
52 containing eligible multiple dwellings constructed with the substantial  
53 assistance of grants, loans or subsidies provided by a federal, state or  
54 local governmental agency or instrumentality pursuant to a program for  
55 the development of affordable housing.

1 17. Rules. Except as provided in subdivisions three and eight of this  
2 section, the agency shall have the sole authority to enforce the  
3 provisions of this section and may promulgate rules to carry out the  
4 provisions of this section.

5 18. Election. Notwithstanding anything in this section to the contra-  
6 ry, a small rental project, large rental project or homeownership  
7 project with a commencement date on or before June fifteenth, two thou-  
8 sand twenty-two that has not received benefits pursuant to section four  
9 hundred twenty-one-a of this title prior to the effective date of the  
10 chapter of the laws of two thousand twenty-two that added this section  
11 may elect to comply with this section and receive ANNY Program benefits  
12 pursuant to this section.

13 19. Reporting. On or before June thirtieth of each year, the commis-  
14 sioner of the New York city department of housing preservation and  
15 development shall issue a report to the governor, the temporary presi-  
16 dent of the senate and the speaker of the assembly setting forth the  
17 number of total projects and units created by this section by year,  
18 level of affordability, and community board, the cost of the ANNY  
19 Program, and other such factors as the commissioner of the New York city  
20 department of housing preservation and development deems appropriate.  
21 The New York city department of housing preservation and development may  
22 request and shall receive cooperation and assistance from all depart-  
23 ments, divisions, boards, bureaus, commissions, public benefit corpo-  
24 rations or agencies of the state of New York, the city of New York or  
25 any other political subdivisions thereof, or any entity receiving bene-  
26 fits pursuant to this section.

27 § 2. This act shall take effect immediately.

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

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