

STATE OF NEW YORK

S. 8006--A

A. 9006--A

SENATE - ASSEMBLY

January 19, 2022

IN SENATE -- A BUDGET BILL, submitted by the Governor pursuant to article seven of the Constitution -- read twice and ordered printed, and when printed to be committed to the Committee on Finance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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

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

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

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the effectiveness thereof; to amend chapter 147 of the laws of 2001, amending the education law relating to conditional appointment of school district, charter school or BOCES employees, in relation to the effectiveness thereof; to amend chapter 425 of the laws of 2002, amending the education law relating to the provision of supplemental educational services, attendance at a safe public school and the suspension of pupils who bring a firearm to or possess a firearm at a school, in relation to 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); intentionally omitted (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.

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

3 PART A

4 Section 1. Paragraph e of subdivision 1 of section 211-d of the educa-
5 tion law, as amended by section 1 of part A of chapter 56 of the laws of
6 2021, is amended to read as follows:

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

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

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

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

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

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

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

51 4-a. Foundation Aid Maintenance of Equity Aid. 1. For purposes of
52 this subdivision the following terms shall be defined as follows:

53 a. "High-need LEAs" shall mean local educational agencies with (1) the
54 highest percentage of economically disadvantaged students as calculated
55 based on the most recent small area income and poverty estimates
56 provided by the United States census bureau and (2) the cumulative sum

1 of local educational agency enrollment for the base year is greater than
2 or equal to the product of five-tenths (0.5) and the statewide total of
3 such enrollment.

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

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

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

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

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

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

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

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

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

1 basis inconsistent with the federal state level maintenance of equity
2 requirement.

3 b. The maintenance of equity aid shall be equal to the amount neces-
4 sary to ensure compliance with the federal state level maintenance of
5 equity requirement in the American Rescue Plan Act of 2021, Section
6 2004, Part 1, Subtitle A, Title II, (Public Law 117-2) for the current
7 year.

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

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

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

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

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

39 § 8. Paragraph s of subdivision 1 of section 3602 of the education
40 law, as amended by section 11 of part B of chapter 57 of the laws of
41 2007, is amended to read as follows:

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

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

47 k. Final cost report penalties. (1) All acts done and proceedings
48 heretofore had and taken or caused to be had and taken by school
49 districts and by all its officers or agents relating to or in connection
50 with final building cost reports required to be filed with the depart-
51 ment for approved building projects for which a certificate of substan-
52 tial completion was and/or is issued on or after April first, nineteen
53 hundred ninety-five, where a final cost report was not submitted by June
54 thirtieth of the school year in which the certificate of substantial
55 completion of the project was issued by the architect or engineer, or
56 six months after issuance of such certificate, whichever was later, and

1 all acts incidental thereto are hereby legalized, validated, ratified
2 and confirmed, notwithstanding any failure to comply with the approval
3 and filing provisions of the education law or any other law or any other
4 statutory authority, rule or regulation, in relation to any omission,
5 error, defect, irregularity or illegality in such proceedings had and
6 taken.

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

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

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

19 (c) all state funds expended by the school district, as documented in
20 such cost report, were properly expended for such building project in
21 accordance with the terms and conditions for such project as approved by
22 the commissioner; and

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

27 § 10. Section 3625 of education law is amended by adding a new subdivi-
28 sion 5 to read as follows:

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

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

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

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

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

54 (4) the failure to execute or submit such contract in a timely manner
55 was an inadvertent administrative or ministerial oversight by the school

1 district, and there is no evidence of any fraudulent or other improper
2 intent by such district.

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

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

24 § 11-a. Subdivision 1 of section 3625 of the education law, as amended
25 by section 47 of part L of chapter 405 of the laws of 1999, is amended
26 to read as follows:

27 1. Form of transportation contracts. Every contract for transportation
28 of school children shall be in writing or in an electronic form approved
29 by the commissioner when available, and before such contract is filed
30 with the department as required by subdivision two of this section, the
31 same shall be submitted for approval to the superintendent of schools of
32 said district and such contract shall not be approved and filed by such
33 superintendent unless he or she shall first investigate the same with
34 particular reference to the type of conveyance, the character and abili-
35 ty of the driver, the routes over which the conveyances shall travel,
36 the time schedule, and such other matters as in the judgement of the
37 superintendent are necessary for the comfort and protection of the chil-
38 dren while being transported to and from school. Every such contract for
39 transportation of children shall contain an agreement upon the part of
40 the contractor that the vehicle shall come to a full stop before cross-
41 ing the track or tracks of any railroad and before crossing any state
42 highway.

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

48 § 34. This act shall take effect July 1, 2002; provided, that sections
49 one through twenty, twenty-four, and twenty-six through thirty of this
50 act shall expire and be deemed repealed June 30, [~~2022~~] 2026 provided,
51 further, that notwithstanding any provision of article 5 of the general
52 construction law, on June 30, [~~2022~~] 2026 the provisions of subdivisions
53 3, 5, and 8, paragraph b of subdivision 13, subdivision 14, paragraphs
54 b, d, and e of subdivision 15, and subdivisions 17 and 21 of section
55 2554 of the education law as repealed by section three of this act,
56 subdivision 1 of section 2590-b of the education law as repealed by

1 section six of this act, paragraph (a) of subdivision 2 of section
2 2590-b of the education law as repealed by section seven of this act,
3 section 2590-c of the education law as repealed by section eight of this
4 act, paragraph c of subdivision 2 of section 2590-d of the education law
5 as repealed by section twenty-six of this act, subdivision 1 of section
6 2590-e of the education law as repealed by section twenty-seven of this
7 act, subdivision 28 of section 2590-h of the education law as repealed
8 by section twenty-eight of this act, subdivision 30 of section 2590-h of
9 the education law as repealed by section twenty-nine of this act, subdi-
10 vision 30-a of section 2590-h of the education law as repealed by
11 section thirty of this act shall be revived and be read as such
12 provisions existed in law on the date immediately preceding the effec-
13 tive date of this act; provided, however, that sections seven and eight
14 of this act shall take effect on November 30, 2003; provided further
15 that the amendments to subdivision 25 of section 2554 of the education
16 law made by section two of this act shall be subject to the expiration
17 and reversion of such subdivision pursuant to section 12 of chapter 147
18 of the laws of 2001, as amended, when upon such date the provisions of
19 section four of this act shall take effect.

20 § 13. Subdivision 12 of section 17 of chapter 345 of the laws of 2009
21 amending the education law and other laws relating to the New York city
22 board of education, chancellor, community councils, and community super-
23 intendants, as amended by section 43 of part YY of chapter 59 of the
24 laws of 2019, is amended to read as follows:

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

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

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

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

48 12. Academic enhancement aid. a. A school district that as of April
49 first of the base year has been continuously identified as a district in
50 need of improvement for at least five years shall, for the two thousand
51 eight--two thousand nine school year, be entitled to an additional
52 apportionment equal to the positive remainder, if any, of (a) the lesser
53 of fifteen million dollars or the product of the total foundation aid
54 base, as defined by paragraph j of subdivision one of this section,
55 multiplied by ten percent (0.10), less (b) the positive remainder of (i)
56 the sum of the total foundation aid apportioned pursuant to subdivision

1 four of this section and the supplemental educational improvement grants
2 apportioned pursuant to subdivision eight of section thirty-six hundred
3 forty-one of this article, less (ii) the total foundation aid base.

4 b. For the two thousand nine--two thousand ten through two thousand
5 fourteen--two thousand fifteen school years, each school district shall
6 be entitled to an apportionment equal to the amount set forth for such
7 school district as "EDUCATION GRANTS, ACADEMIC EN" under the heading
8 "2008-09 BASE YEAR AIDS" in the school aid computer listing produced by
9 the commissioner in support of the budget for the two thousand nine--two
10 thousand ten school year and entitled "SA0910", and such apportionment
11 shall be deemed to satisfy the state obligation to provide an apportion-
12 ment pursuant to subdivision eight of section thirty-six hundred forty-
13 one of this article.

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

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

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

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

50 g. For the two thousand nineteen--two thousand twenty school year,
51 each school district shall be entitled to an apportionment equal to the
52 amount set forth for such school district as "ACADEMIC ENHANCEMENT"
53 under the heading "2018-19 ESTIMATED AIDS" in the school aid computer
54 listing produced by the commissioner in support of the budget for the
55 two thousand eighteen--two thousand nineteen school year and entitled
56 "SA181-9", and such apportionment shall be deemed to satisfy the state

1 obligation to provide an apportionment pursuant to subdivision eight of
2 section thirty-six hundred forty-one of this article.

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

12 i. For the two thousand twenty-one--two thousand twenty-two school
13 year and the two thousand twenty-two--two thousand twenty-three school
14 year, each school district shall be entitled to an apportionment equal
15 to the amount set forth for such school district as "ACADEMIC ENHANCE-
16 MENT" under the heading "2020-21 ESTIMATED AIDS" in the school aid
17 computer listing produced by the commissioner in support of the budget
18 for the two thousand twenty--two thousand twenty-one school year and
19 entitled "SA202-1", and such apportionment shall be deemed to satisfy
20 the state obligation to provide an apportionment pursuant to subdivision
21 eight of section thirty-six hundred forty-one of this article.

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

25 Each school district shall be eligible to receive a high tax aid
26 apportionment in the two thousand eight--two thousand nine school year,
27 which shall equal the greater of (i) the sum of the tier 1 high tax aid
28 apportionment, the tier 2 high tax aid apportionment and the tier 3 high
29 tax aid apportionment or (ii) the product of the apportionment received
30 by the school district pursuant to this subdivision in the two thousand
31 seven--two thousand eight school year, multiplied by the due-minimum
32 factor, which shall equal, for districts with an alternate pupil wealth
33 ratio computed pursuant to paragraph b of subdivision three of this
34 section that is less than two, seventy percent (0.70), and for all other
35 districts, fifty percent (0.50). Each school district shall be eligible
36 to receive a high tax aid apportionment in the two thousand nine--two
37 thousand ten through two thousand twelve--two thousand thirteen school
38 years in the amount set forth for such school district as "HIGH TAX AID"
39 under the heading "2008-09 BASE YEAR AIDS" in the school aid computer
40 listing produced by the commissioner in support of the budget for the
41 two thousand nine--two thousand ten school year and entitled "SA0910".
42 Each school district shall be eligible to receive a high tax aid appor-
43 tionment in the two thousand thirteen--two thousand fourteen through two
44 thousand [~~twenty-one~~] twenty-two--two thousand [~~twenty-two~~] twenty-three
45 school years equal to the greater of (1) the amount set forth for such
46 school district as "HIGH TAX AID" under the heading "2008-09 BASE YEAR
47 AIDS" in the school aid computer listing produced by the commissioner in
48 support of the budget for the two thousand nine--two thousand ten school
49 year and entitled "SA0910" or (2) the amount set forth for such school
50 district as "HIGH TAX AID" under the heading "2013-14 ESTIMATED AIDS" in
51 the school aid computer listing produced by the commissioner in support
52 of the executive budget for the 2013-14 fiscal year and entitled
53 "BT131-4".

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

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

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

8 a. State aid adjustments. All errors or omissions in the apportionment
9 shall be corrected by the commissioner. Whenever a school district has
10 been apportioned less money than that to which it is entitled, the
11 commissioner may allot to such district the balance to which it is enti-
12 tled. Whenever a school district has been apportioned more money than
13 that to which it is entitled, the commissioner may, by an order, direct
14 such moneys to be paid back to the state to be credited to the general
15 fund local assistance account for state aid to the schools, or may
16 deduct such amount from the next apportionment to be made to said
17 district, provided, however, that, upon notification of excess payments
18 of aid for which a recovery must be made by the state through deduction
19 of future aid payments, a school district may request that such excess
20 payments be recovered by deducting such excess payments from the
21 payments due to such school district and payable in the month of June in
22 (i) the school year in which such notification was received and (ii) the
23 two succeeding school years, provided further that there shall be no
24 interest penalty assessed against such district or collected by the
25 state. Such request shall be made to the commissioner in such form as
26 the commissioner shall prescribe, and shall be based on documentation
27 that the total amount to be recovered is in excess of one percent of the
28 district's total general fund expenditures for the preceding school
29 year. The amount to be deducted in the first year shall be the greater
30 of (i) the sum of the amount of such excess payments that is recognized
31 as a liability due to other governments by the district for the preced-
32 ing school year and the positive remainder of the district's unreserved
33 fund balance at the close of the preceding school year less the product
34 of the district's total general fund expenditures for the preceding
35 school year multiplied by five percent, or (ii) one-third of such excess
36 payments. The amount to be recovered in the second year shall equal the
37 lesser of the remaining amount of such excess payments to be recovered
38 or one-third of such excess payments, and the remaining amount of such
39 excess payments shall be recovered in the third year. Provided further
40 that, notwithstanding any other provisions of this subdivision, any
41 pending payment of moneys due to such district as a prior year adjust-
42 ment payable pursuant to paragraph c of this subdivision for aid claims
43 that had been previously paid as current year aid payments in excess of
44 the amount to which the district is entitled and for which recovery of
45 excess payments is to be made pursuant to this paragraph, shall be
46 reduced at the time of actual payment by any remaining unrecovered
47 balance of such excess payments, and the remaining scheduled deductions
48 of such excess payments pursuant to this paragraph shall be reduced by
49 the commissioner to reflect the amount so recovered. [~~The commissioner
50 shall certify no payment to a school district based on a claim submitted
51 later than three years after the close of the school year in which such
52 payment was first to be made. For claims for which payment is first to
53 be made in the nineteen hundred ninety six ninety seven school year,
54 the commissioner shall certify no payment to a school district based on
55 a claim submitted later than two years after the close of such school
56 year.~~] For claims for which payment is first to be made [~~in the nineteen~~

~~hundred ninety seven ninety eight school year and thereafter]~~ prior to the two thousand twenty-one--two thousand twenty-two school year, the commissioner shall certify no payment to a school district based on a claim submitted later than one year after the close of such school year. For claims for which payment is first to be made in the two thousand twenty-one--two thousand twenty-two school year and thereafter, the commissioner shall certify no payment to a school district based on a claim submitted later than the first of November of such school year. Provided, however, no payments shall be barred or reduced where such payment is required as a result of a final audit of the state. ~~[It is further provided that, until June thirtieth, nineteen hundred ninety six, the commissioner may grant a waiver from the provisions of this section for any school district if it is in the best educational interests of the district pursuant to guidelines developed by the commissioner and approved by the director of the budget.]~~ Further, provided, that, for any apportionments provided pursuant to sections seven hundred one, seven hundred eleven, seven hundred fifty-one, seven hundred fifty-three, nineteen hundred fifty, thirty-six hundred two, thirty-six hundred two-b, thirty-six hundred two-c, thirty-six hundred two-e and forty-four hundred five of this chapter for the two thousand twenty-one--two thousand twenty-two and two thousand twenty-two--two thousand twenty-three school years, the commissioner shall certify no payment to a school district, other than payments pursuant to subdivisions four, six-a, eleven, thirteen and fifteen of section thirty-six hundred two of this part, in excess of the payment computed based on an electronic data file used to produce the school aid computer listing produced by the commissioner in support of the executive budget request submitted for the two thousand twenty-two--two thousand twenty-three state fiscal year and entitled "BT222-3", and further provided that for any apportionments provided pursuant to sections seven hundred one, seven hundred eleven, seven hundred fifty-one, seven hundred fifty-three, nineteen hundred fifty, thirty-six hundred two, thirty-six hundred two-b, thirty-six hundred two-c, thirty-six hundred two-e and forty-four hundred five of this chapter for the two thousand twenty-three--two thousand twenty-four school year and thereafter, the commissioner shall certify no payment to a school district, other than payments pursuant to subdivisions four, six-a, eleven, thirteen and fifteen of section thirty-six hundred two of this part, in excess of the payment computed based on an electronic data file used to produce the school aid computer listing produced by the commissioner in support of the executive budget request submitted for the state fiscal year in which the school year commences.

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

For aid payable in the two thousand seven--two thousand eight school year through the two thousand twenty-one--two thousand twenty-two school year, "moneys apportioned" shall mean the lesser of (i) the sum of one hundred percent of the respective amount set forth for each school district as payable pursuant to this section in the school aid computer listing for the current year produced by the commissioner in support of the budget which includes the appropriation for the general support for public schools for the prescribed payments and individualized payments due prior to April first for the current year plus the apportionment payable during the current school year pursuant to subdivision six-a and subdivision fifteen of section thirty-six hundred two of this part minus any reductions to current year aids pursuant to subdivision seven of

1 section thirty-six hundred four of this part or any deduction from
2 apportionment payable pursuant to this chapter for collection of a
3 school district basic contribution as defined in subdivision eight of
4 section forty-four hundred one of this chapter, less any grants provided
5 pursuant to subparagraph two-a of paragraph b of subdivision four of
6 section ninety-two-c of the state finance law, less any grants provided
7 pursuant to subdivision five of section ninety-seven-nnnn of the state
8 finance law, less any grants provided pursuant to subdivision twelve of
9 section thirty-six hundred forty-one of this article, or (ii) the appor-
10 tionment calculated by the commissioner based on data on file at the
11 time the payment is processed; provided however, that for the purposes
12 of any payments made pursuant to this section prior to the first busi-
13 ness day of June of the current year, moneys apportioned shall not
14 include any aids payable pursuant to subdivisions six and fourteen, if
15 applicable, of section thirty-six hundred two of this part as current
16 year aid for debt service on bond anticipation notes and/or bonds first
17 issued in the current year or any aids payable for full-day kindergarten
18 for the current year pursuant to subdivision nine of section thirty-six
19 hundred two of this part. The definitions of "base year" and "current
20 year" as set forth in subdivision one of section thirty-six hundred two
21 of this part shall apply to this section. [~~For aid payable in the two
22 thousand twenty one two thousand twenty two school year, reference to
23 such "school aid computer listing for the current year" shall mean the
24 printouts entitled "SA212-2".~~] For aid payable in the two thousand twen-
25 ty-two--two thousand twenty-three school year and thereafter, "moneys
26 apportioned" shall mean the sum of apportionments provided pursuant to
27 subdivision four of section thirty-six hundred two of this article plus
28 the lesser of: (1) the sum of one hundred percent of the respective
29 amount set forth for each school district as payable pursuant to this
30 section in the school aid computer listing for the current year produced
31 by the commissioner in support of the executive budget request which
32 includes the appropriation for the general support for public schools
33 for the prescribed payments and individualized payments due prior to
34 April first for the current year plus the apportionment payable during
35 the current school year pursuant to subdivisions six-a and fifteen of
36 section thirty-six hundred two of this part minus any reductions to
37 current year aids pursuant to subdivision seven of section thirty-six
38 hundred four of this part or any deduction from apportionment payable
39 pursuant to this chapter for collection of a school district basic
40 contribution as defined in subdivision eight of section forty-four
41 hundred one of this chapter, less any grants provided pursuant to
42 subparagraph two-a of paragraph b of subdivision four of section nine-
43 ty-two-c of the state finance law, less any grants provided pursuant to
44 subdivision six of section ninety-seven-nnnn of the state finance law,
45 less any grants provided pursuant to subdivision twelve of section thir-
46 ty-six hundred forty-one of this article, less apportionments provided
47 pursuant to subdivision four of section thirty-six hundred two of this
48 article, or (2) the apportionment calculated by the commissioner based
49 on data on file at the time the payment is processed, excluding appor-
50 tionments provided pursuant to subdivision four of section thirty-six
51 hundred two of this article; provided however, that for the purposes of
52 any payments made pursuant to this section prior to the first business
53 day of June of the current year, moneys apportioned shall not include
54 any aids payable pursuant to subdivisions six and fourteen, if applica-
55 ble, of section thirty-six hundred two of this part as current year aid
56 for debt service on bond anticipation notes and/or bonds first issued in

1 the current year or any aids payable for full-day kindergarten for the
2 current year pursuant to subdivision nine of section thirty-six hundred
3 two of this part. For aid payable in the two thousand twenty-two--two
4 thousand twenty-three school year, reference to such "school aid comput-
5 er listing for the current year" shall mean the printouts entitled
6 "BT222-3".

7 § 20. Subdivision b of section 2 of chapter 756 of the laws of 1992,
8 relating to funding a program for work force education conducted by the
9 consortium for worker education in New York city, as amended by section
10 39 of part A of chapter 56 of the laws of 2021, is amended to read as
11 follows:

12 b. Reimbursement for programs approved in accordance with subdivision
13 a of this section for the reimbursement for the 2018--2019 school year
14 shall not exceed 59.4 percent of the lesser of such approvable costs per
15 contact hour or fourteen dollars and ninety-five cents per contact hour,
16 reimbursement for the 2019--2020 school year shall not exceed 57.7
17 percent of the lesser of such approvable costs per contact hour or
18 fifteen dollars sixty cents per contact hour, reimbursement for the
19 2020--2021 school year shall not exceed 56.9 percent of the lesser of
20 such approvable costs per contact hour or sixteen dollars and twenty-
21 five cents per contact hour, [~~and~~] reimbursement for the 2021--2022
22 school year shall not exceed 56.0 percent of the lesser of such approva-
23 ble costs per contact hour or sixteen dollars and forty cents per
24 contact hour, and reimbursement for the 2022--2023 school year shall not
25 exceed 55.7 percent of the lesser of such approvable costs per contact
26 hour or seventeen dollars and five cents per contact hour, and where a
27 contact hour represents sixty minutes of instruction services provided
28 to an eligible adult. Notwithstanding any other provision of law to the
29 contrary, for the 2018--2019 school year such contact hours shall not
30 exceed one million four hundred sixty-three thousand nine hundred
31 sixty-three (1,463,963); for the 2019--2020 school year such contact
32 hours shall not exceed one million four hundred forty-four thousand four
33 hundred forty-four (1,444,444); for the 2020--2021 school year such
34 contact hours shall not exceed one million four hundred six thousand
35 nine hundred twenty-six (1,406,926); [~~and~~] for the 2021--2022 school
36 year such contact hours shall not exceed one million four hundred
37 sixteen thousand one hundred twenty-two (1,416,122) ; and for the 2022-
38 -2023 school year such contact hours shall not exceed one million three
39 hundred sixty-nine thousand eight hundred sixty-three (1,369,863).
40 Notwithstanding any other provision of law to the contrary, the appor-
41 tionment calculated for the city school district of the city of New York
42 pursuant to subdivision 11 of section 3602 of the education law shall be
43 computed as if such contact hours provided by the consortium for worker
44 education, not to exceed the contact hours set forth herein, were eligi-
45 ble for aid in accordance with the provisions of such subdivision 11 of
46 section 3602 of the education law.

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

51 aa. The provisions of this subdivision shall not apply after the
52 completion of payments for the 2022-23 school year. Notwithstanding any
53 inconsistent provisions of law, the commissioner of education shall
54 withhold a portion of employment preparation education aid due to the
55 city school district of the city of New York to support a portion of the
56 costs of the work force education program. Such moneys shall be credited

1 to the elementary and secondary education fund-local assistance account
2 and shall not exceed thirteen million dollars (\$13,000,000).

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

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

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

14 1. Sections one through seventy of this act shall be deemed to have
15 been in full force and effect as of April 1, 1994 provided, however,
16 that sections one, two, twenty-four, twenty-five and twenty-seven
17 through seventy of this act shall expire and be deemed repealed on March
18 31, 2000; provided, however, that section twenty of this act shall apply
19 only to hearings commenced prior to September 1, 1994, and provided
20 further that section twenty-six of this act shall expire and be deemed
21 repealed on March 31, 1997; and provided further that sections four
22 through fourteen, sixteen, and eighteen, nineteen and twenty-one through
23 twenty-one-a of this act shall expire and be deemed repealed on March
24 31, 1997; and provided further that sections three, fifteen, seventeen,
25 twenty, twenty-two and twenty-three of this act shall expire and be
26 deemed repealed on March 31, [~~2022~~] 2024.

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

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

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

40 § 4. This act shall take effect July 1, 2002 and section one of this
41 act shall expire and be deemed repealed June 30, 2019[~~, and sections two~~
42 ~~and three of this act shall expire and be deemed repealed on June 30,~~
43 ~~2022~~].

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

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

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

55 § 2. This act shall take effect on the first day of January next
56 succeeding the date on which it shall have become a law and shall remain

1 in full force and effect until January 1, [~~2023~~] 2028, when upon such
2 date the provisions of this act shall be deemed repealed.

3 § 28. School bus driver training. In addition to apportionments other-
4 wise provided by section 3602 of the education law, for aid payable in
5 the 2022-2023 through the 2026-2027 school years, subject to available
6 appropriation, the commissioner of education shall allocate school bus
7 driver training grants to school districts and boards of cooperative
8 educational services pursuant to sections 3650-a, 3650-b and 3650-c of
9 the education law, or for contracts directly with not-for-profit educa-
10 tional organizations for the purposes of this section. Such payments
11 shall not exceed four hundred thousand dollars (\$400,000) per school
12 year.

13 § 29. Special apportionment for salary expenses. a. Notwithstanding
14 any other provision of law, upon application to the commissioner of
15 education, not sooner than the first day of the second full business
16 week of June 2023 and not later than the last day of the third full
17 business week of June 2023, a school district eligible for an apportion-
18 ment pursuant to section 3602 of the education law shall be eligible to
19 receive an apportionment pursuant to this section, for the school year
20 ending June 30, 2023, for salary expenses incurred between April 1 and
21 June 30, 2022 and such apportionment shall not exceed the sum of (i) the
22 deficit reduction assessment of 1990--1991 as determined by the commis-
23 sioner of education, pursuant to paragraph f of subdivision 1 of section
24 3602 of the education law, as in effect through June 30, 1993, plus (ii)
25 186 percent of such amount for a city school district in a city with a
26 population in excess of 1,000,000 inhabitants, plus (iii) 209 percent of
27 such amount for a city school district in a city with a population of
28 more than 195,000 inhabitants and less than 219,000 inhabitants accord-
29 ing to the latest federal census, plus (iv) the net gap elimination
30 adjustment for 2010--2011, as determined by the commissioner of educa-
31 tion pursuant to chapter 53 of the laws of 2010, plus (v) the gap elimi-
32 nation adjustment for 2011--2012 as determined by the commissioner of
33 education pursuant to subdivision 17 of section 3602 of the education
34 law, and provided further that such apportionment shall not exceed such
35 salary expenses. Such application shall be made by a school district,
36 after the board of education or trustees have adopted a resolution to do
37 so and in the case of a city school district in a city with a population
38 in excess of 125,000 inhabitants, with the approval of the mayor of such
39 city.

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

1 c. Notwithstanding the provisions of section 3609-a of the education
2 law, an amount equal to the amount paid to a school district pursuant to
3 subdivisions a and b of this section shall first be deducted from the
4 following payments due the school district during the school year
5 following the year in which application was made pursuant to subpara-
6 graphs 1, 2, 3, 4 and 5 of paragraph a of subdivision 1 of section
7 3609-a of the education law in the following order: the lottery appor-
8 tionment payable pursuant to subparagraph 2 of such paragraph followed
9 by the fixed fall payments payable pursuant to subparagraph 4 of such
10 paragraph and then followed by the district's payments to the teachers'
11 retirement system pursuant to subparagraph 1 of such paragraph, and any
12 remainder to be deducted from the individualized payments due the
13 district pursuant to paragraph b of such subdivision shall be deducted
14 on a chronological basis starting with the earliest payment due the
15 district.

16 § 30. Special apportionment for public pension accruals. a. Notwith-
17 standing any other provision of law, upon application to the commis-
18 sioner of education, not later than June 30, 2023, a school district eligi-
19 ble for an apportionment pursuant to section 3602 of the education law
20 shall be eligible to receive an apportionment pursuant to this section,
21 for the school year ending June 30, 2023 and such apportionment shall
22 not exceed the additional accruals required to be made by school
23 districts in the 2004--2005 and 2005--2006 school years associated with
24 changes for such public pension liabilities. The amount of such addi-
25 tional accrual shall be certified to the commissioner of education by
26 the president of the board of education or the trustees or, in the case
27 of a city school district in a city with a population in excess of
28 125,000 inhabitants, the mayor of such city. Such application shall be
29 made by a school district, after the board of education or trustees have
30 adopted a resolution to do so and in the case of a city school district
31 in a city with a population in excess of 125,000 inhabitants, with the
32 approval of the mayor of such city.

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

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

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

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

10 8-d. Notwithstanding the provision of any law, rule, or regulation to
11 the contrary, the city school district of the city of Rochester, upon
12 the consent of the board of cooperative educational services of the
13 supervisory district serving its geographic region, may purchase from
14 such board as a non-component school district, services required by
15 article nineteen of the education law.

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

19 a. for the development, maintenance or expansion of magnet schools or
20 magnet school programs for the 2022--2023 school year. For the city
21 school district of the city of New York there shall be a set-aside of
22 foundation aid equal to forty-eight million one hundred seventy-five
23 thousand dollars (\$48,175,000) including five hundred thousand dollars
24 (\$500,000) for the Andrew Jackson High School; for the Buffalo city
25 school district, twenty-one million twenty-five thousand dollars
26 (\$21,025,000); for the Rochester city school district, fifteen million
27 dollars (\$15,000,000); for the Syracuse city school district, thirteen
28 million dollars (\$13,000,000); for the Yonkers city school district,
29 forty-nine million five hundred thousand dollars (\$49,500,000); for the
30 Newburgh city school district, four million six hundred forty-five thou-
31 sand dollars (\$4,645,000); for the Poughkeepsie city school district,
32 two million four hundred seventy-five thousand dollars (\$2,475,000); for
33 the Mount Vernon city school district, two million dollars (\$2,000,000);
34 for the New Rochelle city school district, one million four hundred ten
35 thousand dollars (\$1,410,000); for the Schenectady city school district,
36 one million eight hundred thousand dollars (\$1,800,000); for the Port
37 Chester city school district, one million one hundred fifty thousand
38 dollars (\$1,150,000); for the White Plains city school district, nine
39 hundred thousand dollars (\$900,000); for the Niagara Falls city school
40 district, six hundred thousand dollars (\$600,000); for the Albany city
41 school district, three million five hundred fifty thousand dollars
42 (\$3,550,000); for the Utica city school district, two million dollars
43 (\$2,000,000); for the Beacon city school district, five hundred sixty-
44 six thousand dollars (\$566,000); for the Middletown city school
45 district, four hundred thousand dollars (\$400,000); for the Freeport
46 union free school district, four hundred thousand dollars (\$400,000);
47 for the Greenburgh central school district, three hundred thousand
48 dollars (\$300,000); for the Amsterdam city school district, eight
49 hundred thousand dollars (\$800,000); for the Peekskill city school
50 district, two hundred thousand dollars (\$200,000); and for the Hudson
51 city school district, four hundred thousand dollars (\$400,000).

52 b. Notwithstanding any inconsistent provision of law to the contrary,
53 a school district setting aside such foundation aid pursuant to this
54 section may use such set-aside funds for: (i) any instructional or
55 instructional support costs associated with the operation of a magnet
56 school; or (ii) any instructional or instructional support costs associ-

1 ated with implementation of an alternative approach to promote diversity
2 and/or enhancement of the instructional program and raising of standards
3 in elementary and secondary schools of school districts having substan-
4 tial concentrations of minority students.

5 c. The commissioner of education shall not be authorized to withhold
6 foundation aid from a school district that used such funds in accordance
7 with this paragraph, notwithstanding any inconsistency with a request
8 for proposals issued by such commissioner for the purpose of attendance
9 improvement and dropout prevention for the 2022--2023 school year, and
10 for any city school district in a city having a population of more than
11 one million, the set-aside for attendance improvement and dropout
12 prevention shall equal the amount set aside in the base year. For the
13 2022--2023 school year, it is further provided that any city school
14 district in a city having a population of more than one million shall
15 allocate at least one-third of any increase from base year levels in
16 funds set aside pursuant to the requirements of this section to communi-
17 ty-based organizations. Any increase required pursuant to this section
18 to community-based organizations must be in addition to allocations
19 provided to community-based organizations in the base year.

20 d. For the purpose of teacher support for the 2022--2023 school year:
21 for the city school district of the city of New York, sixty-two million
22 seven hundred seven thousand dollars (\$62,707,000); for the Buffalo city
23 school district, one million seven hundred forty-one thousand dollars
24 (\$1,741,000); for the Rochester city school district, one million seven-
25 ty-six thousand dollars (\$1,076,000); for the Yonkers city school
26 district, one million one hundred forty-seven thousand dollars
27 (\$1,147,000); and for the Syracuse city school district, eight hundred
28 nine thousand dollars (\$809,000). All funds made available to a school
29 district pursuant to this section shall be distributed among teachers
30 including prekindergarten teachers and teachers of adult vocational and
31 academic subjects in accordance with this section and shall be in addi-
32 tion to salaries heretofore or hereafter negotiated or made available;
33 provided, however, that all funds distributed pursuant to this section
34 for the current year shall be deemed to incorporate all funds distrib-
35 uted pursuant to former subdivision 27 of section 3602 of the education
36 law for prior years. In school districts where the teachers are repres-
37 ented by certified or recognized employee organizations, all salary
38 increases funded pursuant to this section shall be determined by sepa-
39 rate collective negotiations conducted pursuant to the provisions and
40 procedures of article 14 of the civil service law, notwithstanding the
41 existence of a negotiated agreement between a school district and a
42 certified or recognized employee organization.

43 § 33. Support of public libraries. The moneys appropriated for the
44 support of public libraries by a chapter of the laws of 2022 enacting
45 the aid to localities budget shall be apportioned for the 2022--2023
46 state fiscal year in accordance with the provisions of sections 271,
47 272, 273, 282, 284, and 285 of the education law as amended by the
48 provisions of this chapter and the provisions of this section, provided
49 that library construction aid pursuant to section 273-a of the education
50 law shall not be payable from the appropriations for the support of
51 public libraries and provided further that no library, library system or
52 program, as defined by the commissioner of education, shall receive less
53 total system or program aid than it received for the year 2001--2002
54 except as a result of a reduction adjustment necessary to conform to the
55 appropriations for support of public libraries.

1 Notwithstanding any other provision of law to the contrary the moneys
2 appropriated for the support of public libraries for the year 2022--2023
3 by a chapter of the laws of 2022 enacting the education, labor and fami-
4 ly assistance budget shall fulfill the state's obligation to provide
5 such aid and, pursuant to a plan developed by the commissioner of educa-
6 tion and approved by the director of the budget, the aid payable to
7 libraries and library systems pursuant to such appropriations shall be
8 reduced proportionately to ensure that the total amount of aid payable
9 does not exceed the total appropriations for such purpose.

10 § 34. Severability. The provisions of this act shall be severable, and
11 if the application of any clause, sentence, paragraph, subdivision,
12 section or part of this act to any person or circumstance shall be
13 adjudged by any court of competent jurisdiction to be invalid, such
14 judgment shall not necessarily affect, impair or invalidate the applica-
15 tion of any such clause, sentence, paragraph, subdivision, section or
16 part of this act or remainder thereof, as the case may be, to any other
17 person or circumstance, but shall be confined in its operation to the
18 clause, sentence, paragraph, subdivision, section or part thereof
19 directly involved in the controversy in which such judgment shall have
20 been rendered.

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

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

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

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

35 PART B

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

38 § 3638. Zero-emission school buses. 1. For the purposes of this
39 section "zero-emission school bus" shall mean a school bus that: (a) is
40 propelled by an electric motor and associated power electronics which
41 provide acceleration torque to the drive wheels during normal vehicle
42 operations; and (b) draws electricity from a hydrogen fuel cell or
43 battery.

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

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

48 (b) include requirements in any procurement for school transportation
49 services that any contractors providing transportation services for the
50 school district must only purchase or lease zero-emission school buses
51 when purchasing or leasing new school buses.

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

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

1 (b) include requirements in any procurement for school transportation
2 services that any contractors providing transportation services for the
3 school district must only operate zero-emission school buses when
4 providing such transportation services to the school district.

5 § 2. Paragraphs c, d and e of subdivision 2 of section 3623-a of the
6 education law, paragraph c as amended by chapter 453 of the laws of
7 2005, paragraph d as added by chapter 474 of the laws of 1996, and para-
8 graph e as amended by section 66 of part A of chapter 436 of the laws of
9 1997, are amended and a new paragraph f is added to read as follows:

10 c. The purchase of equipment deemed a proper school district expense,
11 including: (i) the purchase of two-way radios to be used on old and new
12 school buses, (ii) the purchase of stop-arms, to be used on old and new
13 school buses, (iii) the purchase and installation of seat safety belts
14 on school buses in accordance with the provisions of section thirty-six
15 hundred thirty-five-a of this article, (iv) the purchase of school bus
16 back up beepers, (v) the purchase of school bus front crossing arms,
17 (vi) the purchase of school bus safety sensor devices, (vii) the
18 purchase and installation of exterior reflective marking on school
19 buses, (viii) the purchase of automatic engine fire extinguishing
20 systems for school buses used to transport students who use wheelchairs
21 or other assistive mobility devices, and (ix) the purchase of other
22 equipment as prescribed in the regulations of the commissioner; ~~and~~

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

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

30 f. Approved costs relating to the lease, purchase, construction, or
31 installation of zero-emission school bus electric charging or hydrogen
32 fueling stations. For the purposes of this section, a zero-emission
33 school bus electric charging station is a station that delivers elec-
34 tricity from a source outside a zero-emission school bus into one or
35 more zero-emission school buses. An electric school bus charging station
36 may include several charge points simultaneously connecting several
37 zero-emission school buses to the station and any related equipment
38 needed to facilitate charging plug-in zero-emission school buses.

39 § 3. Paragraph e of subdivision 7 of section 3602 of the education
40 law, as amended by section 4 of part L of chapter 57 of the laws of
41 2005, is amended to read as follows:

42 e. In determining approved transportation capital, debt service and
43 lease expense for aid payable in the two thousand five--two thousand six
44 school year and thereafter, the commissioner, after applying the
45 provisions of paragraph c of this subdivision to such expense, shall
46 establish an assumed amortization pursuant to this paragraph to deter-
47 mine the approved capital, debt service and lease expense of the school
48 district that is aidable in the current year, whether or not the school
49 district issues debt for such expenditures, subject to any deduction
50 pursuant to paragraph d of this subdivision. Such assumed amortization
51 shall be for a period of five years, and for the two thousand twenty-
52 two--two thousand twenty-three school year and thereafter such assumed
53 amortization for zero-emission school buses as defined in section thir-
54 ty-six hundred thirty-eight of this chapter and related costs pursuant
55 to paragraph f of subdivision two of section thirty-six hundred twenty-
56 three-a of this chapter shall be for a period of ten years, and shall

1 commence twelve months after the school district enters into a purchase
2 contract[~~7~~] or lease of the school bus, charging station, hydrogen refu-
3 eling station, or equipment, or a general contract for the construction,
4 reconstruction, lease or purchase of a transportation storage facility
5 or site in an amount less than ten thousand dollars[~~, except that where~~
6 ~~expenses were incurred for the purchase or lease of a school bus or~~
7 ~~equipment or the construction, reconstruction, lease or purchase of a~~
8 ~~transportation storage facility or site prior to July first, two thou-~~
9 ~~sand five and debt service was still outstanding or the lease was still~~
10 ~~in effect as of such date, the assumed amortization shall commence as of~~
11 ~~July first, two thousand five and the period of the amortization shall~~
12 ~~be for a period equal to five years less the number of years, rounded to~~
13 ~~the nearest year, elapsed from the date upon which the school district~~
14 ~~first entered into such purchase contract or general contract and July~~
15 ~~first, two thousand five, as determined by the commissioner, or the~~
16 ~~remaining term of the lease as of such date]. Such assumed amortization
17 shall provide for equal semiannual payments of principal and interest
18 based on an assumed interest rate established by the commissioner pursu-
19 ant to this paragraph. By the first day of September of the current year
20 commencing with the two thousand five--two thousand six school year,
21 each school district shall provide to the commissioner in a format
22 prescribed by the commissioner such information as the commissioner
23 shall require for all capital debt incurred by such school district
24 during the preceding school year for expenses allowable pursuant to
25 subdivision two of section thirty-six hundred twenty-three-a of this
26 article. Based on such reported amortizations and a methodology
27 prescribed by the commissioner in regulations, the commissioner shall
28 compute an assumed interest rate that shall equal the average of the
29 interest rates applied to all such debt issued during the preceding
30 school year. The assumed interest rate shall be the interest rate of
31 each such school district applicable to the current year for the
32 purposes of this paragraph and shall be expressed as a decimal to five
33 places rounded to the nearest eighth of one-one hundredth.~~

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

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

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

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

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

49 21-a. To lease a motor vehicle or vehicles to be used for the trans-
50 portation of the children of the district from a school district, board
51 of cooperative educational services or county vocational education and
52 extension board or from any other source, under the conditions specified
53 in this subdivision. No such agreement for the lease of a motor vehicle
54 or vehicles shall be for a term of more than one school year, provided
55 that when authorized by a vote of the qualified voters of the district
56 such lease may have a term of up to five years, or ten years for the

1 lease of zero-emission school buses as defined in section thirty-six
 2 hundred thirty-eight of this chapter. Where the trustee or board of
 3 trustees enter into a lease of a motor vehicle or vehicles pursuant to
 4 this subdivision for a term of one school year or less, such trustee or
 5 board shall not be authorized to enter into another lease for the same
 6 or an equivalent replacement vehicle or vehicles, as determined by the
 7 commissioner, without obtaining approval of the qualified voters of the
 8 school district.

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

12 i. In addition to the authority granted in paragraph e of this subdi-
 13 vision, the board of education shall be authorized to lease a motor
 14 vehicle or vehicles to be used for the transportation of the children of
 15 the district from sources other than a school district, board of cooper-
 16 ative educational services or county vocational education and extension
 17 board under the conditions specified in this paragraph. No such agree-
 18 ment for the lease of a motor vehicle or vehicles shall be for a term of
 19 more than one school year, provided that when authorized by a vote of
 20 the qualified voters of the district such lease may have a term of up to
 21 five years, or ten years for the lease of zero-emission school buses as
 22 defined in section thirty-six hundred thirty-eight of this chapter.

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

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

31 29-a. Transit motor vehicles. The purchase of municipally owned omni-
 32 bus or similar surface transit motor vehicles or a zero-emission school
 33 bus owned by a school district defined pursuant to subdivision two of
 34 section two of this chapter, a city school district with a population of
 35 more than one hundred twenty-five thousand inhabitants, or board of
 36 cooperative educational services, ten years.

37 § 9. This act shall take effect immediately.

38 PART C

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

42 2. Not in possession of a teacher's certificate or temporary permit
 43 issued under the authority of this chapter or a diploma issued on the
 44 completion of a course in state college for teachers or state teachers
 45 college of this state.

46 The provisions of this subdivision shall not prohibit a certified
 47 teacher from permitting a practice or cadet teacher enrolled in an
 48 approved teacher education program from teaching a class without the
 49 presence of the certified teacher in the classroom provided the class-
 50 room certified teacher is available at all times and retains supervision
 51 of the practice or cadet teacher. The number of certified teachers shall
 52 not be diminished by reason of the presence of cadet teachers.

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

1 § 3001-e. Temporary professional permit; applicant pending certifi-
 2 cate. Upon submission to the department of a completed application and
 3 documentation necessary to demonstrate qualifications required to obtain
 4 a teacher's certificate or other school profession certificate issued
 5 under this article, and the applicant's written attestation under penal-
 6 ty of perjury that the applicant has met all requirements of obtaining
 7 such certificate, the commissioner shall issue to such applicant, within
 8 five business days of the application's submission, a temporary permit
 9 validating his or her employment in a teaching capacity or other profes-
 10 sional capacity, as the case may be, in the public schools of the state.
 11 Such application shall be in a form required by the commissioner. A
 12 temporary permit shall expire one year from the date of issue, or upon
 13 issuance of a certificate by the commissioner, or upon notice to the
 14 applicant by the department that the application for a certificate has
 15 been denied, whichever shall occur first. The holder of a temporary
 16 permit shall be employed in a teaching capacity or other professional
 17 capacity, as the case may be, in a public school only under the super-
 18 vision and mentorship of a professional holding a permanent or profes-
 19 sional certificate in the same profession in New York state and employed
 20 in the same school building, and with the endorsement of the employing
 21 school district or board of cooperative educational services.

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

24 § 3001-f. Employment of individuals holding expired certificates.
 25 Notwithstanding any other provision of law, regulation, or rule to the
 26 contrary, an individual holding a certificate issued under this article
 27 which has expired, and who has remained otherwise qualified to hold such
 28 certificate, shall be authorized to be employed in a teaching capacity
 29 or other professional capacity, as the case may be and as allowed under
 30 their expired certificate, in the public schools of the state upon
 31 notification to the commissioner and payment of the applicable certif-
 32 icate fee. Such notification shall be in a form determined by the
 33 commissioner. Nothing in this section shall be construed to prohibit the
 34 commissioner from taking any investigatory or disciplinary action as
 35 authorized under law.

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

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

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

46 PART D

47 Section 1. Subparagraph 4-b of paragraph h of subdivision 2 of section
 48 355 of the education law, as added by section 1 of part GG of chapter 56
 49 of the laws of 2021, is amended to read as follows:

50 (4-b) [~~(4)~~] In state fiscal year two thousand twenty-two--two thousand
 51 twenty-three and thereafter, the state shall appropriate and make avail-
 52 able general fund operating support in the amount of [~~thirty-three~~
 53 ~~percent-of~~] the tuition credit calculated pursuant to section six

1 hundred eighty-nine-a of this chapter [~~for the two thousand twenty two-~~
2 ~~two thousand twenty three academic year.~~

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

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

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

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

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

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

34 § 3. This act shall take effect immediately.

35 PART E

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

39 § 667-c. Part-time tuition assistance program awards. 1. Notwithstand-
40 ing any law, rule or regulation to the contrary, the president of the
41 higher education services corporation is authorized to make tuition
42 assistance program awards to:

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

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

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

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

9 ~~[b. has earned at least twelve credits in each of two consecutive~~
10 ~~semesters at one of the institutions named in paragraph a of this subdi-~~
11 ~~vision by the time of the awards;~~

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

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

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

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

24 3. a. For part-time students defined in this section, the award shall
25 be calculated as provided in section six hundred sixty-seven of this
26 article and shall be in an amount equal to the enrollment factor percent
27 of the award the student would have been eligible for if the student
28 were enrolled full-time. ~~[The]~~ For part-time students defined in para-
29 graph a of subdivision one of this section, the enrollment factor
30 percent is the percentage obtained by dividing the number of credits the
31 student is enrolled in, as certified by the school, by the number of
32 credits required for full-time study in the semester, quarter or term as
33 defined by the commissioner. For part-time students defined in para-
34 graph b of subdivision one of this section, the enrollment factor shall
35 be calculated pursuant to regulations established by the higher educa-
36 tion services corporation.

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

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

49 § 2. This act shall take effect immediately.

50

PART F

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

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

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

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

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

16 § 4. This act shall take effect immediately.

17 PART G

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

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

1 state university of New York and the city university of New York shall
2 provide an additional tuition credit to students receiving an award to
3 cover the remaining cost of tuition.

4 § 2. This act shall take effect immediately.

5 PART H

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

9 5. "Eligible educational institution" shall mean (a) any institution
10 of higher education defined as an eligible educational institution in
11 section 529(e)(5) of the Internal Revenue Code of 1986, as amended, or
12 (b) any apprenticeship program described in section 529(c)(8) of the
13 Internal Revenue Code of 1986, as amended.

14 § 2. This act shall take effect immediately.

15 PART I

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

18 ARTICLE 13-C
19 STUDENT DEBT; PROHIBITED PRACTICES

20 Section 640. Student debt; prohibited practices.

21 § 640. Student debt; prohibited practices. 1. Notwithstanding any
22 inconsistent provision of law, rule, or regulation, no institution of
23 higher education, including colleges, universities, and organizations
24 offering career education, as defined in section two of this chapter
25 shall:

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

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

32 (c) charge a higher fee for obtaining a transcript, or provide less
33 favorable treatment of a transcript request because a student owes a
34 debt; or

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

36 2. The commissioner or the superintendent of financial services may,
37 after notice and hearing, enjoin such transcript withholding practices
38 and require any college found to be in violation of the provisions of
39 this article or the rules or regulations promulgated hereunder to pay to
40 the people of this state a penalty of five hundred dollars for each
41 violation.

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

48 4. In addition to the penalties imposed under this section, a
49 violation of this article shall be considered a violation of the laws
50 and rules governing higher education award programs for the purpose of

1 article fourteen of this chapter and the president of the higher educa-
2 tion services corporation may suspend, limit or terminate an insti-
3 tution's participation in state higher education financial aid programs
4 under such article.

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

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

10 PART J

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

13 § 210-d. Registration of curricula. Notwithstanding any law, rule or
14 regulation to the contrary, any new curriculum or program of study
15 offered by any not-for-profit college or university chartered by the
16 regents or incorporated by special act of the legislature that does not
17 require a master plan amendment pursuant to section two hundred thirty-
18 seven of this part, or charter amendment pursuant to section two hundred
19 sixteen of this part, or lead to professional licensure; and that is
20 approved by the state university board of trustees, the city university
21 board of trustees, or the trustees or governing body of any other not-
22 for-profit college or university chartered by the regents which (1) has
23 maintained a physical presence in New York state for the immediately
24 preceding ten years and has been operated continuously by the same
25 governing body during the same immediately preceding ten year period and
26 (2) is accredited and has continued in accreditation by the Middle
27 States Commission on Higher Education ("MSCHE") or the department for
28 the immediately preceding ten years, shall be deemed authorized for
29 temporary operation pending program approval forty-five days after
30 certification by the department of submission of a completed application
31 for program approval. As used in this section, "authorized for temporary
32 operation pending program approval" means a college or university may
33 operate the curriculum or program of study on a contingent basis during
34 the remainder of the department's program review process, including but
35 not limited to accepting admission of students into the program, charg-
36 ing applicable tuition and fees, and providing the educational program-
37 ming to students. Any college or university operating a program author-
38 ized for temporary operation pending program approval must disclose this
39 status and its meaning to potential students in writing. If the academic
40 program being operated on a temporary basis is ultimately disapproved by
41 the department, the college or university operating such program shall
42 immediately cease operation of the program and refund all monies paid by
43 students to attend such programs. If the college or university is placed
44 on probation or has its accreditation terminated by MSCHE, such college
45 or university shall notify the regents in writing no later than thirty
46 days after receiving notice of its probationary status or loss of
47 accreditation by the MSCHE. Any college or university which has its
48 accreditation placed on probation or terminated by the MSCHE or the
49 department shall be subject to the commissioner's program approval and
50 may not operate a curriculum or program of study under the authority of
51 this section until it has been removed from probation or regained
52 accreditation by MSCHE or the department, and shall further remain so
53 restricted until it has continued without probation for a period of not
54 less than six years. If a college or university subject to this section

1 intends to offer or institute an additional degree or program which
2 constitutes a substantive change, as defined and determined by MSCHE,
3 then the college or university shall provide the commissioner with
4 copies of any reports or other documents filed with MSCHE as part of
5 MSCHE's substantive change review process and shall inform the commis-
6 sioner when the substantive change is approved. Any such college or
7 university that does not satisfy all of the provisions of this section
8 shall comply with the procedures and criteria established by the regents
9 and commissioner for academic program approval. Nothing in this section
10 shall be deemed to limit the department's existing authority to investi-
11 gate a complaint concerning the institution, or any program offered,
12 including the authority to deregister the program.

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

14 PART K

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

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

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

48 (c) Any firm established for the business purpose of incorporating as
49 a professional service corporation pursuant to paragraph (h) of section
50 fifteen hundred three of this article may issue shares to individuals
51 who are authorized by law to practice in this state the profession which
52 such corporation is authorized to practice and who are or have been
53 engaged in the practice of such profession in such corporation or a
54 predecessor entity, or who will engage in the practice of such profes-

1 sion in such corporation within thirty days of the date such shares are
2 issued and may also issue shares to employees of the corporation not
3 licensed as certified public accountants, provided that:

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

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

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

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

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

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

22 (c) The directors and officers of any firm established for the busi-
23 ness purpose of incorporating as a professional service corporation
24 pursuant to paragraph (h) of section fifteen hundred three of this arti-
25 cle may include individuals who are not licensed to practice public
26 accountancy, provided however that at least fifty-one percent of the
27 directors, at least fifty-one percent of the officers and the president,
28 the chairperson of the board of directors and the chief executive offi-
29 cer or officers are authorized by law to practice in any state the
30 profession which such corporation is authorized to practice, and are
31 either shareholders of such corporation or engaged in the practice of
32 their professions in such corporation.

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

35 § 1509. Disqualification of shareholders, directors, officers and
36 employees.

37 If any shareholder, director, officer or employee of a professional
38 service corporation, including a design professional service corpo-
39 ration, who has been rendering professional service to the public
40 becomes legally disqualified to practice his or her profession within
41 this state, he or she shall sever all employment with, and financial
42 interests (other than interests as a creditor) in, such corporation
43 forthwith or as otherwise provided in section 1510 of this article. All
44 provisions of law regulating the rendering of professional services by a
45 person elected or appointed to a public office shall be applicable to a
46 shareholder, director, officer and employee of such corporation in the
47 same manner and to the same extent as if fully set forth herein. Such
48 legal disqualification to practice his or her profession within this
49 state shall be deemed to constitute an irrevocable offer by the disqual-
50 ified shareholder to sell his or her shares to the corporation, pursuant
51 to the provisions of section 1510 of this article or of the certificate
52 of incorporation, by-laws or agreement among the corporation and all
53 shareholders, whichever is applicable. Compliance with the terms of such
54 offer shall be specifically enforceable in the courts of this state. A
55 professional service corporation's failure to enforce compliance with

1 this provision shall constitute a ground for forfeiture of its certifi-
2 cate of incorporation and its dissolution.

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

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

44 (c) A firm established for the business purpose of incorporating as a
45 professional service corporation pursuant to paragraph (h) of section
46 fifteen hundred three of this article, shall purchase or redeem the
47 shares of a non-licensed professional shareholder in the case of his or
48 her termination of employment within thirty days after such termination.
49 A firm established for the business purpose of incorporating as a
50 professional service corporation pursuant to paragraph (h) of section
51 fifteen hundred three of this article, shall not be required to purchase
52 or redeem the shares of a terminated non-licensed professional share-
53 holder if such shares, within thirty days after such termination, are
54 sold or transferred to another employee of the corporation pursuant to
55 this article.

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

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

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

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

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

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

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

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

25 (d) "Foreign professional service corporation" means a professional
26 service corporation, whether or not denominated as such, organized under
27 the laws of a jurisdiction other than this state, all of the sharehold-
28 ers, directors and officers of which are authorized and licensed to
29 practice the profession for which such corporation is licensed to do
30 business; except that all shareholders, directors and officers of a
31 foreign professional service corporation which provides health services
32 in this state shall be licensed in this state. A foreign professional
33 service corporation formed to lawfully engage in the practice of public
34 accountancy, as such practice is defined under article one hundred
35 forty-nine of the education law, or equivalent state law, shall be
36 required to show (1) that a simple majority of the ownership of the
37 firm, in terms of financial interests, and voting rights held by the
38 firm's owners, belongs to individuals licensed to practice public
39 accountancy in some state, and (2) that all shareholders of a foreign
40 professional service corporation whose principal place of business is in
41 this state, and who are engaged in the practice of public accountancy in
42 this state, hold a valid license issued under section seventy-four
43 hundred four of the education law. For purposes of this paragraph,
44 "financial interest" means capital stock, capital accounts, capital
45 contributions, capital interest, or interest in undistributed earnings
46 of a business entity. Although firms may include non-licensee owners,
47 the firm and its owners must comply with rules promulgated by the state
48 board of regents. Notwithstanding the foregoing, a firm registered
49 under this section may not have non-licensee owners if the firm's name
50 includes the words "certified public accountant," or "certified public
51 accountants," or the abbreviations "CPA" or "CPAs". Each non-licensee
52 owner of a firm that is operating under this section shall be a natural
53 person who actively participates in the business of the firm or its
54 affiliated entities, provided each beneficial owner of an equity inter-
55 est in such entity is a natural person who actively participates in the
56 business conducted by the firm or its affiliated entities. For purposes

1 of this paragraph, "actively participate" means to provide services to
2 clients or to otherwise individually take part in the day-to-day busi-
3 ness or management of the firm.

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

7 (q) Each partner of a registered limited liability partnership formed
8 to provide medical services in this state must be licensed pursuant to
9 article 131 of the education law to practice medicine in this state and
10 each partner of a registered limited liability partnership formed to
11 provide dental services in this state must be licensed pursuant to arti-
12 cle 133 of the education law to practice dentistry in this state. Each
13 partner of a registered limited liability partnership formed to provide
14 veterinary services in this state must be licensed pursuant to article
15 135 of the education law to practice veterinary medicine in this state.

16 Each partner of a registered limited liability partnership formed to
17 provide public accountancy services, whose principal place of business
18 is in this state and who provides public accountancy services, must be
19 licensed pursuant to article 149 of the education law to practice public
20 accountancy in this state. Each partner of a registered limited liabil-

21 ity partnership formed to provide professional engineering, land survey-
22 ing, geological services, architectural and/or landscape architectural
23 services in this state must be licensed pursuant to article 145, article
24 147 and/or article 148 of the education law to practice one or more of
25 such professions in this state. Each partner of a registered limited
26 liability partnership formed to provide licensed clinical social work
27 services in this state must be licensed pursuant to article 154 of the
28 education law to practice clinical social work in this state. Each part-
29 ner of a registered limited liability partnership formed to provide
30 creative arts therapy services in this state must be licensed pursuant
31 to article 163 of the education law to practice creative arts therapy in
32 this state. Each partner of a registered limited liability partnership
33 formed to provide marriage and family therapy services in this state
34 must be licensed pursuant to article 163 of the education law to prac-
35 tice marriage and family therapy in this state. Each partner of a regis-
36 tered limited liability partnership formed to provide mental health
37 counseling services in this state must be licensed pursuant to article
38 163 of the education law to practice mental health counseling in this
39 state. Each partner of a registered limited liability partnership formed
40 to provide psychoanalysis services in this state must be licensed pursu-
41 ant to article 163 of the education law to practice psychoanalysis in
42 this state. Each partner of a registered limited liability partnership
43 formed to provide applied behavior analysis service in this state must
44 be licensed or certified pursuant to article 167 of the education law to
45 practice applied behavior analysis in this state. A limited liability

46 partnership formed to lawfully engage in the practice of public accoun-
47 tancy, as such practice is respectively defined under article 149 of the
48 education law, shall be required to show (1) that a simple majority of
49 the ownership of the firm, in terms of financial interests, and voting
50 rights held by the firm's owners, belongs to individuals licensed to
51 practice public accountancy in some state, and (2) that all partners of
52 a limited liability partnership whose principal place of business is in
53 this state, and who are engaged in the practice of public accountancy in
54 this state, hold a valid license issued under section seventy-four
55 hundred four of the education law. For purposes of this subdivision,
56 "financial interest" means capital stock, capital accounts, capital

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

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

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

1 to article 167 of the education law to practice applied behavior analy-
2 sis in this state. A foreign limited liability partnership formed to
3 lawfully engage in the practice of public accountancy, as such practice
4 is respectively defined under article 149 of the education law, shall be
5 required to show (1) that a simple majority of the ownership of the
6 firm, in terms of financial interests, and voting rights held by the
7 firm's owners, belongs to individuals licensed to practice public
8 accountancy in some state, and (2) that all partners of a foreign limit-
9 ed liability partnership whose principal place of business is in this
10 state, and who are engaged in the practice of public accountancy in this
11 state, hold a valid license issued under section seventy-four hundred
12 four of the education law. For purposes of this subdivision, "financial
13 interest" means capital stock, capital accounts, capital contributions,
14 capital interest, or interest in undistributed earnings of a business
15 entity. Although firms may include non-licensee owners, the firm and
16 its owners must comply with rules promulgated by the state board of
17 regents. Notwithstanding the foregoing, a firm registered under this
18 section may not have non-licensee owners if the firm's name includes the
19 words "certified public accountant," or "certified public accountants,"
20 or the abbreviations "CPA" or "CPAs". Each non-licensee owner of a firm
21 that is formed under this section shall be (1) a natural person who
22 actively participates in the business of the firm or its affiliated
23 entities, or (2) an entity, including, but not limited to, a partnership
24 or professional corporation, provided each beneficial owner of an equity
25 interest in such entity is a natural person who actively participates in
26 the business conducted by the firm or its affiliated entities. For
27 purposes of this subdivision, "actively participate" means to provide
28 services to clients or to otherwise individually take part in the day-
29 to-day business or management of the firm.

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

32 (h) "Limited partnership" and "domestic limited partnership" mean,
33 unless the context otherwise requires, a partnership (i) formed by two
34 or more persons pursuant to this article or which complies with subdivi-
35 sion (a) of section 121-1202 of this article and (ii) having one or more
36 general partners and one or more limited partners. Notwithstanding any
37 other provisions of law a limited partnership or domestic limited part-
38 nership formed to lawfully engage in the practice of public accountancy,
39 as such practice is respectively defined under article 149 of the educa-
40 tion law shall be required to show (1) that a simple majority of the
41 ownership of the firm, in terms of financial interests, including owner-
42 ship-based compensation, and voting rights held by the firm's owners,
43 belongs to individuals licensed to practice public accountancy in some
44 state, and (2) that all partners of a limited partnership or domestic
45 limited partnership, whose principal place of business is in this state,
46 and who are engaged in the practice of public accountancy in this state,
47 hold a valid license issued under section seventy-four hundred four of
48 the education law or are public accountants licensed under section
49 seventy-four hundred five of the education law. Although firms may
50 include non-licensee owners, the firm and its owners must comply with
51 rules promulgated by the state board of regents. Notwithstanding the
52 foregoing, a firm registered under this section may not have non-licen-
53 see owners if the firm's name includes the words "certified public
54 accountant," or "certified public accountants," or the abbreviations
55 "CPA" or "CPAs". Each non-licensee owner of a firm that is registered
56 under this section shall be (1) a natural person who actively partic-

1 ipates in the business of the firm or its affiliated entities, or (2) an
2 entity, including, but not limited to, a partnership or professional
3 corporation, provided each beneficial owner of an equity interest in
4 such entity is a natural person who actively participates in the busi-
5 ness conducted by the firm or its affiliated entities. For purposes of
6 this subdivision, "actively participate" means to provide services to
7 clients or to otherwise individually take part in the day-to-day busi-
8 ness or management of the firm.

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

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

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

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

43 (a) "Foreign professional service limited liability company" means a
44 professional service limited liability company, whether or not denomi-
45 nated as such, organized under the laws of a jurisdiction other than
46 this state, (i) each of whose members and managers, if any, is a profes-
47 sional authorized by law to render a professional service within this
48 state and who is or has been engaged in the practice of such profession
49 in such professional service limited liability company or a predecessor
50 entity, or will engage in the practice of such profession in the profes-
51 sional service limited liability company within thirty days of the date
52 such professional becomes a member, or each of whose members and manag-
53 ers, if any, is a professional at least one of such members is author-
54 ized by law to render a professional service within this state and who
55 is or has been engaged in the practice of such profession in such
56 professional service limited liability company or a predecessor entity,

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

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

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

48 § 14. This act shall take effect immediately.

49

PART L

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

53 2. The state block grant for child care shall be divided into two
54 parts pursuant to a plan developed by the department and approved by the

1 director of the budget. One part shall be retained by the state to
2 provide child care on a statewide basis to special groups and for
3 activities to increase the availability and/or quality of child care
4 programs, including, but not limited to, the start-up of child care
5 programs, the operation of child care resource and referral programs,
6 training activities, the regulation and monitoring of child care
7 programs, the development of computerized data systems, and consumer
8 education, provided however, that child care resource and referral
9 programs funded under title five-B of article six of this chapter shall
10 meet additional performance standards developed by the department of
11 social services including but not limited to: increasing the number of
12 child care placements for persons who are at or below two hundred
13 percent of the state income standard, two hundred twenty-five percent of
14 the state income standard effective August first, two thousand twenty-
15 two, two hundred sixty percent of the state income standard effective
16 April first, two thousand twenty-three, or three hundred percent of the
17 state income standard effective April first, two thousand twenty-four,
18 provided such persons are at or below eighty-five percent of the state
19 median income, with emphasis on placements supporting local efforts in
20 meeting federal and state work participation requirements, increasing
21 technical assistance to all modalities of legal child care to persons
22 who are at or below two hundred percent of the state income standard,
23 two hundred twenty-five percent of the state income standard^[7] effec-
24 tive August first, two thousand twenty-two, two hundred sixty percent of
25 the state income standard effective April first, two thousand twenty-
26 three, or three hundred percent of the state income standard effective
27 April first, two thousand twenty-four, provided such persons are at or
28 below eighty-five percent of the state median income, including the
29 provision of training to assist providers in meeting child care stand-
30 ards or regulatory requirements, and creating new child care opportu-
31 nities, and assisting social services districts in assessing and
32 responding to child care needs for persons at or below two hundred
33 percent of the state income standard, two hundred twenty-five percent of
34 the state income standard effective August first, two thousand twenty-
35 two, two hundred sixty percent of the state income standard effective
36 April first, two thousand twenty-three, or three hundred percent of the
37 state income standard effective April first, two thousand twenty-four,
38 provided such persons are at or below eighty-five percent of the state
39 median income. The department shall have the authority to withhold funds
40 from those agencies which do not meet performance standards. Agencies
41 whose funds are withheld may have funds restored upon achieving perform-
42 ance standards. The other part shall be allocated to social services
43 districts to provide child care assistance to families receiving family
44 assistance and to other low income families.

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

48 3. Any portion of a social services district's block grant allocation
49 for a particular federal fiscal year that is not claimed by such
50 district during that federal fiscal year [~~shall~~] may be added to that
51 social services district's block grant allocation for the next federal
52 fiscal year.

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

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

3 (a) families receiving public assistance when such child care assist-
4 ance is necessary: to enable a parent or caretaker relative to engage in
5 work, participate in work activities or perform a community service
6 pursuant to title nine-B of article five of this chapter; to enable a
7 teenage parent to attend high school or other equivalent training
8 program; because the parent or caretaker relative is physically or
9 mentally incapacitated; or because family duties away from home necessi-
10 tate the parent or caretaker relative's absence; child day care shall be
11 provided during breaks in activities, for a period of up to two weeks.
12 Such child day care may be authorized for a period of up to one month if
13 child care arrangements shall be lost if not continued, and the program
14 or employment is scheduled to begin within such period;

15 (b) families with incomes up to two hundred percent of the state
16 income standard, two hundred twenty-five percent of the state income
17 standard effective August first, two thousand twenty-two, two hundred
18 sixty percent of the state income standard effective April first, two
19 thousand twenty-three, or three hundred percent of the state income
20 standard effective April first, two thousand twenty-four who are
21 attempting through work activities to transition off of public assist-
22 ance when such child care is necessary in order to enable a parent or
23 caretaker relative to engage in work provided such families' public
24 assistance has been terminated as a result of increased hours of or
25 income from employment or increased income from child support payments
26 or the family voluntarily ended assistance; [~~and,~~] provided that the
27 family received public assistance at least three of the six months
28 preceding the month in which eligibility for such assistance terminated
29 or ended or provided that such family has received child care assistance
30 under subdivision four of this section; and provided, the family income
31 does not exceed eighty-five percent of the state median income;

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

41 (d) families with incomes up to two hundred percent of the state
42 income standard, two hundred twenty-five percent of the state income
43 standard effective August first, two thousand twenty-two, two hundred
44 sixty percent of the state income standard effective April first, two
45 thousand twenty-three, or three hundred percent of the state income
46 standard effective April first, two thousand twenty-four who are attend-
47 ing a post secondary educational program and working at least seventeen
48 and one-half hours per week; provided, the family income does not exceed
49 eighty-five percent of the state median income; and

50 (e) other families with incomes up to two hundred percent of the state
51 income standard, two hundred twenty-five percent of the state income
52 standard effective August first, two thousand twenty-two, two hundred
53 sixty percent of the state income standard effective April first, two
54 thousand twenty-three, or three hundred percent of the state income
55 standard effective April first, two thousand twenty-four which the
56 social services district designates in its consolidated services plan as

1 eligible for child care assistance in accordance with criteria estab-
2 lished by the department; provided, the family income does not exceed
3 eighty-five percent of the state median income.

4 2-a. A social services district may, upon approval by the office of
5 children and family services and in accordance with criteria established
6 by the office, use the funds allocated to it from the block grant to
7 provide child care assistance to families with incomes up to three
8 hundred percent of the state income standard, provided such families
9 income does not exceed eighty-five percent of the state median income
10 standard.

11 3. A social services district shall guarantee child care assistance to
12 families in receipt of public assistance with children under thirteen
13 years of age when such child care assistance is necessary for a parent
14 or caretaker relative to engage in work or participate in work activ-
15 ities pursuant to the provisions of title nine-B of article five of this
16 chapter. Child care assistance shall continue to be guaranteed for such
17 a family for a period of twelve months after the month in which the
18 family's eligibility for public assistance has terminated or ended when
19 such child care is necessary in order to enable the parent or caretaker
20 relative to engage in work, provided that the family's public assistance
21 has been terminated as a result of an increase in the hours of or income
22 from employment or increased income from child support payments or
23 because the family voluntarily ended assistance; that the family
24 received public assistance in at least three of the six months preceding
25 the month in which eligibility for such assistance terminated or ended
26 or provided that such family has received child care assistance under
27 subdivision four of this section; ~~and~~ that the family's income does
28 not exceed two hundred percent of the state income standard, two hundred
29 twenty-five percent of the state income standard effective August first,
30 two thousand twenty-two, two hundred sixty percent of the state income
31 standard effective April first, two thousand twenty-three, or three
32 hundred percent of the state income standard effective April first, two
33 thousand twenty-four; and that the family income does not exceed eight-
34 y-five percent of the state median income. Such child day care shall
35 recognize the need for continuity of care for the child and a district
36 shall not move a child from an existing provider unless the participant
37 consents to such move.

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

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

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

1 for a family size of four and adjusted by the department for family
2 size.

3 § 4. This act shall take effect immediately; provided, however, that
4 subdivision 2-a of section 410-w of the social services law, as added by
5 section three of this act, shall expire and be deemed repealed April 1,
6 2024.

7 PART M

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

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

17 § 2. This act shall take effect immediately.

18 PART N

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

23 § 28. This act shall take effect immediately; provided that sections
24 nine through eighteen and twenty through twenty-seven of this act shall
25 be deemed to have been in full force and effect on and after April 1,
26 2002; provided, however, that section fifteen of this act shall apply to
27 claims that are otherwise reimbursable by the state on or after April 1,
28 2002 except as provided in subdivision 9 of section 153-k of the social
29 services law as added by section fifteen of this act; provided further
30 however, that nothing in this act shall authorize the office of children
31 and family services to deny state reimbursement to a social services
32 district for violations of the provisions of section 153-d of the social
33 services law for services provided from January 1, 1994 through March
34 31, 2002; provided that section nineteen of this act shall take effect
35 September 13, 2002 and shall expire and be deemed repealed June 30,
36 2012; and, provided further, however, that notwithstanding any law to
37 the contrary, the office of children and family services shall have the
38 authority to promulgate, on an emergency basis, any rules and regu-
39 lations necessary to implement the requirements established pursuant to
40 this act; provided further, however, that the regulations to be devel-
41 oped pursuant to section one of this act shall not be adopted by emer-
42 gency rule; and provided further that the provisions of sections nine
43 through eighteen and twenty through twenty-seven of this act shall
44 expire and be deemed repealed on June 30, [~~2022~~] 2027.

45 § 2. This act shall take effect immediately.

46 PART O

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

49 (2-c) Those social services districts that as of July first, two thou-
50 sand twenty-two were paying at least one hundred percent of the applica-

1 ble rates published by the office of children and family services for
2 the two thousand twenty-two--two thousand twenty-three rate year for
3 care provided to foster children in regular, therapeutic, special needs,
4 and emergency foster boarding homes shall pay for the two thousand twen-
5 ty-two--two thousand twenty-three rate year and for each subsequent rate
6 year thereafter at least one hundred percent of the applicable rates
7 published by the office of children and family services for that rate
8 year. Those social services districts that as of July first, two thou-
9 sand twenty-two were paying less than the applicable rates published by
10 the office of children and family services for the two thousand twenty-
11 two--two thousand twenty-three rate year for care provided to foster
12 children in regular, therapeutic, special needs and emergency foster
13 boarding homes shall increase their rates of payment so that: effective
14 July first, two thousand twenty-two the difference between the percent-
15 age of the applicable rates published by the office of children and
16 family services for the two thousand twenty-two--two thousand twenty-
17 three rate year and the rates such districts are paying is at least
18 one-half less than the difference between the percentage of the applica-
19 ble rates published by the office of children and family services for
20 the two thousand twenty-two--two thousand twenty-three rate year and the
21 rates that such districts were paying for such programs on July first,
22 two thousand twenty-two; and effective July first, two thousand twenty-
23 three for the two thousand twenty-three--two thousand twenty-four rate
24 year and for each subsequent year thereafter all social services
25 districts shall pay at least one hundred percent of the applicable rates
26 published by the office of children and family services for the applica-
27 ble rate year.

28 § 2. This act shall take effect immediately.

29 PART P

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

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

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

43 PART Q

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

47 (ix) Notwithstanding any other provisions of this paragraph, an offi-
48 cer who takes into custody pursuant to a warrant authorized by this
49 section a juvenile offender or adolescent offender under the age of
50 twenty-one, or any other defendant under the age of eighteen, shall take
51 such person and have them detained in a place certified by the office of
52 children and family services as a secure or specialized secure detention

1 facility, as appropriate, except that a person paroled, conditionally
2 released, or released to post-release supervision from a secure facility
3 operated by the office of children and family services may also be held
4 in such a facility. If a person sixteen years of age or older and under
5 the age of eighteen who is charged with a class A felony, a violent
6 felony offense, or a felony involving the use or possession of a firearm
7 taken into custody pursuant to this section is unable to be lodged in
8 such a facility, the officer having custody of such person or other
9 appropriate official must petition the sentencing court for approval to
10 lodge the person in a local correctional facility. The court shall hold
11 a hearing at which it determines whether it would be in the interest of
12 justice for the violator to be held in such a facility, considering (A)
13 the age of the alleged violator, (B) the physical and mental maturity of
14 the alleged violator, (C) the present mental state of the alleged viola-
15 tor, including whether the alleged violator presents an imminent risk of
16 harm to self or others, (D) the nature and circumstances of the alleged
17 offense, (E) the alleged violator's history of prior delinquent or crim-
18 inal acts, (F) the relative ability of the available local correctional
19 and detention facilities to not only meet the specific needs of the
20 alleged violator but also to protect the safety of the public as well as
21 other detained youth, and (G) any other relevant factor. If the court
22 finds that it would be in the interest of justice for the alleged viola-
23 tor to be lodged in a local correctional facility, the court must issue
24 a written order so indicating, and shall hold a hearing at least once
25 every thirty days to determine if such lodging continues to be in the
26 interest of justice. No alleged violator to whom the provisions of this
27 subparagraph apply may be detained in a local correctional facility for
28 longer than one hundred eighty days unless the violator waives such
29 limitation or the court finds good cause for such continued detention.
30 No alleged violator under the age of eighteen to whom the provisions of
31 this section apply may have sight or sound contact with adults incarcer-
32 ated in the local correctional facility. No alleged violator over the
33 age of eighteen shall be permitted to have sight or sound contact with
34 an incarcerated adult without a hearing as set forth in this subpara-
35 graph. Nothing in this subparagraph shall be construed to permit the
36 solitary confinement, disciplinary isolation, or punitive segregation of
37 such alleged violator. The hearing provided for by this subdivision is
38 not required for youth to be detained in an adult jail or lockup, with
39 sight and sound separation from adult inmates, when the youth is
40 detained in an adult jail or lockup for a period not to exceed six hours
41 for processing or release, while awaiting transfer to a juvenile facili-
42 ty, or while awaiting a court appearance; or the youth is awaiting an
43 initial court appearance that will occur within forty-eight hours of
44 being taken into custody (excluding Saturdays, Sundays, and legal holi-
45 days) and either conditions of distance to be traveled or the lack of
46 highway, road, or transportation do not allow for court appearances
47 within forty-eight hours (excluding Saturdays, Sundays, and legal holi-
48 days) so that a delay, not to exceed an additional forty-eight hours, is
49 excusable, or conditions of safety exist (such as severe, adverse, life-
50 threatening weather) that do not allow for reasonably safe travel, in
51 which case the time for an appearance may be delayed until twenty-four
52 hours after the time that such conditions allow for reasonably safe
53 travel.

54 § 2. Subdivisions 3, 4 and 5 of section 508 of the executive law,
55 subdivision 3 as amended by section 82 of part WWW of chapter 59 of the
56 laws of 2017 and subdivisions 4 and 5 as amended by section 97 of

1 subpart B of part C of chapter 62 of the laws of 2011, are amended to
2 read as follows:

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

7 ~~[The office of children and family services may transfer an offender
8 not less than eighteen years of age to the department of corrections and
9 community supervision if the commissioner of the office certifies to the
10 commissioner of corrections and community supervision that there is no
11 substantial likelihood that the youth will benefit from the programs
12 offered by office facilities.]~~

13 4. The office of children and family services may apply to the
14 sentencing court for permission to transfer a youth not less than
15 ~~[sixteen nor more than]~~ eighteen years of age to the department of
16 corrections and community supervision. Such application shall be made
17 upon notice to the youth, who shall be entitled to be heard upon the
18 application and to be represented by counsel. ~~[The court shall grant the
19 application if it is satisfied that there is no substantial likelihood
20 that the youth will benefit from the programs offered by the office
21 facilities.]~~

22 5. ~~[The office of children and family services may transfer an offen-
23 der not less than eighteen nor more than twenty one years of age to the
24 department of corrections and community supervision if the commissioner
25 of the office certifies to the commissioner of corrections and community
26 supervision that there is no substantial likelihood that the youth will
27 benefit from the programs offered by office facilities.]~~ (a) Upon
28 receiving an application pursuant to subdivision four of this section,
29 the court shall hold a hearing to determine whether it would be in the
30 interest of justice for the youth to be transferred to the custody of
31 the department of corrections and community supervision.

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

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

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

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

54 1. When a principal who is under the age of sixteen is committed to
55 the custody of the sheriff the court must direct that the principal be
56 taken to and lodged in a place certified by the office of children and

1 family services as a juvenile detention facility for the reception of
2 children. When a principal who (a) commencing October first, two thou-
3 sand eighteen, is sixteen years of age; or (b) commencing October first,
4 two thousand nineteen, is sixteen or seventeen years of age, is commit-
5 ted to the custody of the sheriff, the court must direct that the prin-
6 cipal be taken to and lodged in a place certified by the office of chil-
7 dren and family services in conjunction with the state commission of
8 correction as a specialized secure juvenile detention facility for older
9 youth. Where such a direction is made the sheriff shall deliver the
10 principal in accordance therewith and such person shall although lodged
11 and cared for in a juvenile detention facility continue to be deemed to
12 be in the custody of the sheriff. No principal [~~under the age specified~~
13 to whom the provisions of this section may apply shall be detained in
14 any prison, jail, lockup, or other place used for adults convicted of a
15 crime or under arrest and charged with the commission of a crime [~~with-~~
16 ~~out the approval of the office of children and family services which~~
17 ~~shall consult with the commission of correction if the principal is~~
18 ~~sixteen years of age or older in the case of each principal and the~~
19 ~~statement of its reasons therefor]~~ except as provided in subdivision
20 three of this section; nor shall a principal under the age specified who
21 is charged solely with a violation as defined in subdivision three of
22 section 10.00 of the penal law be subject to detention. The sheriff
23 shall not be liable for any acts done to or by such principal resulting
24 from negligence in the detention of and care for such principal, when
25 the principal is not in the actual custody of the sheriff.

26 3. (a) When a principal sixteen years of age or older charged with a
27 class A felony, a violent felony offense, or a felony involving the use
28 or possession of a firearm who is committed to the custody of the sher-
29 iff pursuant to this section is unable to be lodged in a detention
30 facility because (1) the principal has committed violent acts while
31 lodged in a detention facility that make continued lodging in the facil-
32 ity a threat to the safety of the principal or others or to the security
33 of the facility, or (2) a lack of available and accessible detention bed
34 capacity, the district attorney, sheriff or detention administering
35 agency may petition the court for approval to temporarily lodge the
36 principal in a local correctional facility, subject to the limitations
37 set forth in section five hundred-p of the correction law.

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

45 (ii) In all other instances, a motion for approval of a transfer of a
46 youth to a local correctional facility must be made in writing and
47 served at least eight days before the time at which the motion is
48 noticed to be heard. If the motion is based upon the existence or occur-
49 rence of facts, the motion papers must contain sworn allegations there-
50 of. Such sworn allegations may be based upon personal knowledge of the
51 affiant or upon information and belief, provided that in the latter
52 event the affiant must state the sources of such information and the
53 grounds of such belief. The people may further submit documentary
54 evidence supporting or tending to support the allegations of the moving
55 papers. At least two days before the time the motion is noticed to be
56 heard, the youth may file with the court, and in such case must serve a

1 copy thereof upon the people, an answering affidavit denying or admit-
2 ting any or all of the allegations of the moving papers, and may further
3 submit documentary evidence refuting or tending to refute such allega-
4 tions.

5 (iii) The parties shall have the right to present evidence, call
6 witnesses, and request to continue the hearing to complete presentation
7 of evidence.

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

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

15 (c) The court shall hold a hearing at which it determines whether it
16 would be in the interest of justice for the principal to be held in the
17 local correctional facility, considering (i) the age of the principal,
18 (ii) the physical and mental maturity of the principal, (iii) the pres-
19 ent mental state of the principal, including whether the principal
20 presents an imminent risk of harm to self or others, (iv) the nature and
21 circumstances of the alleged offense, (v) the principal's history of
22 prior delinquent or criminal acts, (vi) the relative ability of the
23 available local correctional and juvenile detention facilities to not
24 only meet the specific needs of the principal but also to protect the
25 safety of the public as well as other detained youth, and (vii) any
26 other relevant factor. The people shall have the burden of establishing
27 that such transfer is in the interest of justice by a preponderance of
28 the evidence.

29 (d) If the court finds that it would be in the interest of justice for
30 the principal to be lodged in the local correctional facility pursuant
31 to paragraph (c) of this subdivision, the court must issue a written
32 order to that effect, and shall direct the sheriff to deliver the prin-
33 cipal to such location.

34 (e) The court shall hold a hearing at least once every thirty days to
35 determine if the principal's lodging in the local correctional facility
36 continues to be in the interest of justice. No principal to whom the
37 provisions of this section apply shall be detained in a local correc-
38 tional facility for longer than one hundred eighty days unless the prin-
39 cipal waives such limitation or the court finds good cause for such
40 continued detention. No principal under the age of eighteen to whom the
41 provisions of this section apply shall have sight or sound contact with
42 adults incarcerated in the local correctional facility. No principal
43 over the age of eighteen shall be permitted to have sight or sound
44 contact with an incarcerated adult without a hearing as set forth in
45 this subdivision. Nothing in this paragraph shall be construed to permit
46 the solitary confinement, disciplinary isolation, or punitive segre-
47 gation of such principal. During any period in which a principal to whom
48 the provisions of this section applies is lodged in a local correctional
49 facility, the detention administering agency shall remain responsible
50 for assessing the health and wellbeing of the principal, consistent with
51 regulations promulgated by the office of children and family services.

52 (f) For any principal for whom a temporary jail placement has been
53 approved under this subdivision, the detention-administering agency
54 shall actively seek appropriate and available detention options. If the
55 request was based on a lack of detention bed capacity, the detention
56 administering agency or the office of children and family services shall

1 inform the court upon bed capacity becoming available. Upon such notice,
2 the court shall rescind the order approving transfer of the principal to
3 the jail and issue an order directing the sheriff to transport the prin-
4 cipal to a juvenile facility forthwith.

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

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

11 (ii) The youth is awaiting an initial court appearance that will occur
12 within forty-eight hours after being taken into custody (excluding
13 Saturdays, Sundays, and legal holidays) and either: conditions of
14 distance to be traveled or the lack of highway, road, or transportation
15 do not allow for court appearances within forty-eight hours (excluding
16 Saturdays, Sundays, and legal holidays) so that a brief (not to exceed
17 an additional forty-eight hours) delay is excusable; or conditions of
18 safety exist (such as severe, adverse, life threatening weather condi-
19 tions) that do not allow for reasonably safe travel, in which case the
20 time for an appearance may be delayed until twenty-four hours after the
21 time that such conditions allow for reasonably safe travel.

22 § 5. This act shall take effect immediately.

23 PART R

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

27 1. A local director shall designate the location of the local and
28 branch offices of the local veterans' service agency within his or her
29 jurisdiction, which offices shall be open during convenient hours. The
30 cost of maintenance and operation of a county veterans' service agency
31 shall be a county charge and the cost of maintenance and operation of a
32 city veterans' service agency shall be a city charge, excepting that the
33 state director with the approval of the veterans' services commission
34 shall allot and pay, from state moneys made available to him or her for
35 such purposes, to each county veterans' service agency and each city
36 veterans' service agency, an amount equal to fifty per centum of its
37 expenditures for maintenance and operation approved by the state direc-
38 tor, provided that in no event shall the amount allotted and paid for
39 such approved expenditures incurred in any given year exceed (1) in the
40 case of any county veterans' service agency in a county having a popu-
41 lation of not more than one hundred thousand or in the case of any city
42 veterans' service agency in a city having a population of not more than
43 one hundred thousand, the sum of [~~ten~~] twenty-five thousand dollars, nor
44 (2) in the case of any county veterans' service agency in a county
45 having a population in excess of one hundred thousand excluding the
46 population of any city therein which has a city veterans' service agen-
47 cy, the sum of [~~ten~~] twenty-five thousand dollars, and, in addition
48 thereto, the sum of five thousand dollars for each one hundred thousand,
49 or major portion thereof, of the population of the county in excess of
50 one hundred thousand excluding the population of any city therein which
51 has a city veterans' service agency, nor (3) in the case of any city
52 veterans' service agency in a city having a population in excess of one
53 hundred thousand, the sum of [~~ten~~] twenty-five thousand dollars, and, in
54 addition thereto, the sum of five thousand dollars for each one hundred

1 thousand, or major portion thereof, of the population of the city in
2 excess of one hundred thousand. Such population shall be certified in
3 the same manner as provided by section fifty-four of the state finance
4 law.

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

7 PART S

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

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

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

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

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

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

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

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

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

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

43 (c) On and after January first, two thousand [~~twenty-one~~] twenty-two,
44 (i) for an eligible individual receiving family care, [~~\$1,060.48~~]
45 \$1,107.48 if he or she is receiving such care in the city of New York or
46 the county of Nassau, Suffolk, Westchester or Rockland; and (ii) for an
47 eligible couple receiving family care in the city of New York or the
48 county of Nassau, Suffolk, Westchester or Rockland, two times the amount
49 set forth in subparagraph (i) of this paragraph; or (iii) for an eligi-
50 ble individual receiving such care in any other county in the state,
51 [~~\$1,022.48~~] \$1,069.48; and (iv) for an eligible couple receiving such
52 care in any other county in the state, two times the amount set forth in
53 subparagraph (iii) of this paragraph.

1 (d) On and after January first, two thousand [~~twenty-one~~] twenty-two,
2 (i) for an eligible individual receiving residential care, [~~\$1,229.00~~]
3 \$1,276.00 if he or she is receiving such care in the city of New York or
4 the county of Nassau, Suffolk, Westchester or Rockland; and (ii) for an
5 eligible couple receiving residential care in the city of New York or
6 the county of Nassau, Suffolk, Westchester or Rockland, two times the
7 amount set forth in subparagraph (i) of this paragraph; or (iii) for an
8 eligible individual receiving such care in any other county in the
9 state, [~~\$1,199.00~~] \$1,246.00; and (iv) for an eligible couple receiving
10 such care in any other county in the state, two times the amount set
11 forth in subparagraph (iii) of this paragraph.

12 (e) On and after January first, two thousand [~~twenty-one~~] twenty-two,
13 (i) for an eligible individual receiving enhanced residential care,
14 [~~\$1,488.00~~] \$1,535.00; and (ii) for an eligible couple receiving
15 enhanced residential care, two times the amount set forth in subpara-
16 graph (i) of this paragraph.

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

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

24

PART T

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

30 § 4. This act shall take effect immediately and shall be deemed to
31 have been in full force and effect on and after April 1, 2016, provided
32 further that this act shall expire and be deemed repealed March 31,
33 [~~2022~~] 2025.

34 § 2. This act shall take effect immediately.

35

PART U

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

39 4. Social services officials shall determine eligibility for safety
40 net assistance within [~~forty-five~~] thirty days of receiving an applica-
41 tion for safety net assistance. Such officials shall notify applicants
42 of safety net assistance about the availability of assistance to meet
43 emergency circumstances or to prevent eviction.

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

47 8. Any inconsistent provision of the law or regulation of the depart-
48 ment notwithstanding, state reimbursement shall not be made for any
49 expenditure made for the duplication of any grant and allowance for any
50 period, except as authorized by subdivision eleven of section one
51 hundred thirty-one of this chapter[, or for any home relief payment made
52 for periods prior to forty-five days after the filing of an application

1 ~~unless the district determines pursuant to department regulations that~~
2 ~~such assistance is required to meet emergency circumstances or prevent~~
3 ~~eviction].~~ Notwithstanding any other provision of law, social services
4 districts are not required to provide [~~home relief~~] safety net assist-
5 ance to any person, otherwise eligible, if state reimbursement is not
6 available in accordance with this subdivision.

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

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

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

21 [~~(iii) forty two percent of the earned income for such month of any~~
22 ~~recipient in a household containing a dependent child which remains~~
23 ~~after application of all other subparagraphs of this paragraph,~~
24 ~~provided, however, that such percentage amount shall be adjusted in June~~
25 ~~of each year, commencing in nineteen hundred ninety eight, to reflect~~
26 ~~changes in the most recently issued poverty guidelines of the United~~
27 ~~States Bureau of the Census, such that a household of three without~~
28 ~~special needs, living in a heated apartment in New York city and without~~
29 ~~unearned income would become ineligible for assistance with gross earn-~~
30 ~~ings equal to the poverty level in such guidelines; provided, however,~~
31 ~~that no assistance shall be given to any household with gross earned and~~
32 ~~unearned income, exclusive of income described in subparagraphs (i) and~~
33 ~~(vi) of this paragraph, in excess of such poverty level;]~~

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

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

39 1. The following resources shall be exempt and disregarded in calcu-
40 lating the amount of benefits of any household under any public assist-
41 ance program: (a) cash and liquid or nonliquid resources up to two thou-
42 sand five hundred dollars for applicants, [~~or~~] three thousand seven
43 hundred fifty dollars for applicants in [~~the case of~~] households in
44 which any member is sixty years of age or older or is disabled or ten
45 thousand dollars for recipients, (b) an amount up to four thousand six
46 hundred fifty dollars in a separate bank account established by an indi-
47 vidual while currently in receipt of assistance for the sole purpose of
48 enabling the individual to purchase a first or replacement vehicle for
49 the recipient to seek, obtain or maintain employment, so long as the
50 funds are not used for any other purpose, (c) an amount up to one thou-
51 sand four hundred dollars in a separate bank account established by an
52 individual while currently in receipt of assistance for the purpose of
53 paying tuition at a two-year or four-year accredited post-secondary
54 educational institution, so long as the funds are not used for any other
55 purpose, (d) the home which is the usual residence of the household, (e)
56 one automobile, up to ten thousand dollars fair market value, through

1 March thirty-first, two thousand seventeen; one automobile, up to eleven
2 thousand dollars fair market value, from April first, two thousand
3 seventeen through March thirty-first, two thousand eighteen; and one
4 automobile, up to twelve thousand dollars fair market value, beginning
5 April first, two thousand eighteen and thereafter, or such other higher
6 dollar value as the local social services district may elect to adopt,
7 (f) one burial plot per household member as defined in department regu-
8 lations, (g) bona fide funeral agreements up to a total of one thousand
9 five hundred dollars in equity value per household member, (h) funds in
10 an individual development account established in accordance with subdi-
11 vision five of section three hundred fifty-eight of this chapter and
12 section four hundred three of the social security act, (i) for a period
13 of six months, real property which the household is making a good faith
14 effort to sell, in accordance with department regulations and tangible
15 personal property necessary for business or for employment purposes in
16 accordance with department regulations, and (j) funds in a qualified
17 tuition program that satisfies the requirement of section 529 of the
18 Internal Revenue Code of 1986, as amended, and [~~+~~] (k) funds in a New
19 York achieving a better life experience savings account established in
20 accordance with article eighty-four of the mental hygiene law.

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

29 § 6. This act shall take effect October 1, 2022; provided, however,
30 that effective immediately, any percentage adjustments reflecting chang-
31 es in the poverty guidelines of the United States Bureau of the Census
32 required in subparagraph (iii) of paragraph (a) of subdivision 8 of
33 section 131-a of the social services law shall cease; and provided
34 further that the amendments to subdivision 1 of section 131-n of the
35 social services law made by section five of this act shall not affect
36 the expiration of such section and shall be deemed to expire therewith.

37 PART V

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

40 § 202-m. Restrictions on employment. 1. Definitions. For the purposes
41 of this section:

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

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

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

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

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

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

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

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

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

15 (c) not be injurious to the public;

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

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

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

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

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

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

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

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

33 4. This section shall not apply to:

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

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

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

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

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

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

52 If the commissioner determines that an employer has violated a
53 provision of article six (payment of wages), article nineteen (minimum
54 wage act), article nineteen-A (minimum wage standards and protective
55 labor practices for farm workers), section two hundred two-m
56 (restrictions on employment), section two hundred twelve-a, section two

1 hundred twelve-b, section one hundred sixty-one (day of rest) or section
2 one hundred sixty-two (meal periods) of this chapter, or a rule or regu-
3 lation promulgated thereunder, the commissioner shall issue to the
4 employer an order directing compliance therewith, which shall describe
5 particularly the nature of the alleged violation. A copy of such order
6 shall be provided to any employee who has filed a complaint and any
7 authorized representative of him or her. In addition to directing
8 payment of wages, benefits or wage supplements found to be due, and
9 liquidated damages in the amount of one hundred percent of unpaid wages,
10 such order, if issued to an employer who previously has been found in
11 violation of those provisions, rules or regulations, or to an employer
12 whose violation is willful or egregious, shall direct payment to the
13 commissioner of an additional sum as a civil penalty in an amount not to
14 exceed double the total amount of wages, benefits, or wage supplements
15 found to be due. In no case shall the order direct payment of an amount
16 less than the total wages, benefits or wage supplements found by the
17 commissioner to be due, plus the liquidated damages in the amount of one
18 hundred percent of unpaid wages, the appropriate civil penalty, and
19 interest at the rate of interest then in effect, as prescribed by the
20 superintendent of financial services pursuant to section fourteen-a of
21 the banking law per annum from the date of the underpayment to the date
22 of the payment. Where the violation is for a reason other than the
23 employer's failure to pay wages, benefits or wage supplements found to
24 be due, the order shall direct payment to the commissioner of a civil
25 penalty in an amount not to exceed one thousand dollars for a first
26 violation, two thousand dollars for a second violation or three thousand
27 dollars for a third or subsequent violation. In assessing the amount of
28 the penalty, the commissioner shall give due consideration to the size
29 of the employer's business, the good faith basis of the employer to
30 believe that its conduct was in compliance with the law, the gravity of
31 the violation, the history of previous violations and, in the case of
32 wages, benefits or supplements violations, the failure to comply with
33 recordkeeping or other non-wage requirements.

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

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

54 At the discretion of the commissioner, the commissioner shall have
55 full authority to provide for inclusion of an automatic fifteen percent
56 additional amount of damages to come due and owing upon expiration of

1 ninety days from an order to comply becoming final. The commissioner
2 shall provide written notice to the employer in the order to comply of
3 this additional damage.

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

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

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

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

25 PART W

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

28 1. Every employer who does not pay the wages of all of his employees
29 in accordance with the provisions of this chapter, and the officers and
30 agents of any corporation, partnership, or limited liability company who
31 knowingly permit the corporation, partnership, or limited liability
32 company to violate this chapter by failing to pay the wages of any of
33 its employees in accordance with the provisions thereof, shall be guilty
34 ~~[of a misdemeanor for the first offense and upon conviction therefor~~
35 ~~shall be fined not less than five hundred nor more than twenty thousand~~
36 ~~dollars or imprisoned for not more than one year, and, in the event that~~
37 ~~any second or subsequent offense occurs within six years of the date of~~
38 ~~conviction for a prior offense, shall be guilty of a felony for the~~
39 ~~second or subsequent offense, and upon conviction therefor, shall be~~
40 ~~fined not less than five hundred nor more than twenty thousand dollars~~
41 ~~or imprisoned for not more than one year plus one day, or punished by~~
42 ~~both such fine and imprisonment, for each such offense. An indictment of~~
43 ~~a person or corporation operating a steam surface railroad for an~~
44 ~~offense specified in this section may be found and tried in any county~~
45 ~~within the state in which such railroad ran at the time of such~~
46 ~~offense],~~ except as otherwise provided in this chapter or in the penal
47 law, of a class A misdemeanor for failure to pay a single employee less
48 than one thousand dollars or less than twenty-five thousand dollars to
49 more than one employee; of a class E felony for failure to pay a single
50 employee greater than one thousand dollars or greater than twenty-five
51 thousand dollars to more than one employee; of a class D felony for
52 failure to pay a single employee greater than three thousand dollars or
53 one hundred thousand dollars to more than one employee; and a class C
54 felony for failure to pay a single employee greater than fifty thousand

1 dollars or greater than five hundred thousand dollars to more than one
2 employee. Further, a court may order restitution of wages in the amount
3 of the underpayment and together with such amounts provided for by
4 section two hundred eighteen of this chapter.

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

7 § 213. Violations of provisions of labor law; the rules, regulations
8 or orders of the [~~industrial~~] commissioner and the [~~industrial~~] board
9 [~~of appeals~~]. Any person who violates or does not comply with any
10 provision of the labor law, any rule, regulation or lawful order of the
11 [~~industrial~~] commissioner or the [~~industrial~~] board [~~of appeals~~], and
12 the officers and agents of any corporation who knowingly permit the
13 corporation to violate such provisions, are guilty of a class A misde-
14 meanor and upon conviction shall be punished, [~~except as in this chapter~~
15 ~~or in the penal law otherwise provided, for a first offense by a fine of~~
16 ~~not more than one hundred dollars, provided, however, that if the first~~
17 ~~offense is a violation of a rule or provision for the protection of the~~
18 ~~safety or health of employees or persons lawfully frequenting a place to~~
19 ~~which this chapter applies, the punishment shall be a fine of not more~~
20 ~~than one hundred dollars or by imprisonment for not more than fifteen~~
21 ~~days or by both such fine and imprisonment,] in accordance with the
22 penal law and, for a second [~~offense by a fine of not less than one~~
23 ~~hundred nor more than five hundred dollars, or by imprisonment for not~~
24 ~~more than thirty days or by both such fine and imprisonment, for a~~
25 ~~second offense by a fine of not less than three hundred dollars, or by~~
26 ~~imprisonment for not more than sixty days, or by both such fine and~~
27 ~~imprisonment] or subsequent offense committed within six years of the
28 date of conviction of prior offense, are guilty of a class E felony and
29 upon conviction shall be punished in accordance with the penal law. This
30 section shall not apply to any person covered by section twenty-seven-a
31 of this chapter.~~~~

32 § 3. This act shall take effect immediately.

33 PART X

34 Section 1. Subdivision 1 of section 296 of the executive law, as
35 amended by chapter 365 of the laws of 2015, paragraphs (a), (b), (c) and
36 (d) as amended by chapter 8 of the laws of 2019, paragraph (h) as
37 amended by chapter 161 of the laws of 2019, paragraph (a) as separately
38 amended by chapter 176 of the laws of 2019, is amended to read as
39 follows:

40 1. It shall be an unlawful discriminatory practice:

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

49 (b) For an employment agency to discriminate against any individual
50 because of age, race, creed, color, national origin, sexual orientation,
51 gender identity or expression, military status, sex, disability, predis-
52 posing genetic characteristics, familial status, [~~or~~] marital status, or
53 status as a victim of domestic violence, in receiving, classifying,

1 disposing or otherwise acting upon applications for its services or in
2 referring an applicant or applicants to an employer or employers.

3 (c) For a labor organization, because of the age, race, creed, color,
4 national origin, sexual orientation, gender identity or expression,
5 military status, sex, disability, predisposing genetic characteristics,
6 familial status, [~~or~~] marital status, or status as a victim of domestic
7 violence, of any individual, to exclude or to expel from its membership
8 such individual or to discriminate in any way against any of its members
9 or against any employer or any individual employed by an employer.

10 (d) For any employer or employment agency to print or circulate or
11 cause to be printed or circulated any statement, advertisement or publi-
12 cation, or to use any form of application for employment or to make any
13 inquiry in connection with prospective employment, which expresses
14 directly or indirectly, any limitation, specification or discrimination
15 as to age, race, creed, color, national origin, sexual orientation,
16 gender identity or expression, military status, sex, disability, predis-
17 posing genetic characteristics, familial status, [~~or~~] marital status, or
18 status as a victim of domestic violence, or any intent to make any such
19 limitation, specification or discrimination, unless based upon a bona
20 fide occupational qualification; provided, however, that neither this
21 paragraph nor any provision of this chapter or other law shall be
22 construed to prohibit the department of civil service or the department
23 of personnel of any city containing more than one county from requesting
24 information from applicants for civil service examinations concerning
25 any of the aforementioned characteristics, other than sexual orien-
26 tation, for the purpose of conducting studies to identify and resolve
27 possible problems in recruitment and testing of members of minority
28 groups to insure the fairest possible and equal opportunities for
29 employment in the civil service for all persons, regardless of age,
30 race, creed, color, national origin, sexual orientation or gender iden-
31 tity or expression, military status, sex, disability, predisposing
32 genetic characteristics, familial status, or marital status.

33 (e) For any employer, labor organization or employment agency to
34 discharge, expel or otherwise discriminate against any person because he
35 or she has opposed any practices forbidden under this article or because
36 he or she has filed a complaint, testified or assisted in any proceeding
37 under this article.

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

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

45 (h) For an employer, licensing agency, employment agency or labor
46 organization to subject any individual to harassment because of an indi-
47 vidual's age, race, creed, color, national origin, sexual orientation,
48 gender identity or expression, military status, sex, disability, predis-
49 posing genetic characteristics, familial status, marital status, status
50 as a victim of domestic violence [~~victim status~~], or because the indi-
51 vidual has opposed any practices forbidden under this article or because
52 the individual has filed a complaint, testified or assisted in any
53 proceeding under this article, regardless of whether such harassment
54 would be considered severe or pervasive under precedent applied to
55 harassment claims. Such harassment is an unlawful discriminatory prac-
56 tice when it subjects an individual to inferior terms, conditions or

1 privileges of employment because of the individual's membership in one
2 or more of these protected categories. The fact that such individual did
3 not make a complaint about the harassment to such employer, licensing
4 agency, employment agency or labor organization shall not be determina-
5 tive of whether such employer, licensing agency, employment agency or
6 labor organization shall be liable. Nothing in this section shall imply
7 that an employee must demonstrate the existence of an individual to whom
8 the employee's treatment must be compared. It shall be an affirmative
9 defense to liability under this subdivision that the harassing conduct
10 does not rise above the level of what a reasonable victim of discrimi-
11 nation with the same protected characteristic or characteristics would
12 consider petty slights or trivial inconveniences.

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

16 1-a. It shall be an unlawful discriminatory practice for an employer,
17 labor organization, employment agency or any joint labor-management
18 committee controlling apprentice training programs:

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

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

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

35 (d) To print or circulate or cause to be printed or circulated any
36 statement, advertisement or publication, or to use any form of applica-
37 tion for such programs or to make any inquiry in connection with such
38 program which expresses, directly or indirectly, any limitation, spec-
39 ification or discrimination as to race, creed, color, national origin,
40 sexual orientation, gender identity or expression, military status, sex,
41 age, disability, familial status [~~or~~], marital status, or status as a
42 victim of domestic violence, or any intention to make any such limita-
43 tion, specification or discrimination, unless based on a bona fide occu-
44 pational qualification.

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

48 (a) It shall be an unlawful discriminatory practice for any person,
49 being the owner, lessee, proprietor, manager, superintendent, agent or
50 employee of any place of public accommodation, resort or amusement,
51 because of the race, creed, color, national origin, sexual orientation,
52 gender identity or expression, military status, sex, disability [~~or~~],
53 marital status, or status as a victim of domestic violence, of any
54 person, directly or indirectly, to refuse, withhold from or deny to such
55 person any of the accommodations, advantages, facilities or privileges
56 thereof, including the extension of credit, or, directly or indirectly,

1 to publish, circulate, issue, display, post or mail any written or
2 printed communication, notice or advertisement, to the effect that any
3 of the accommodations, advantages, facilities and privileges of any such
4 place shall be refused, withheld from or denied to any person on account
5 of race, creed, color, national origin, sexual orientation, gender iden-
6 tity or expression, military status, sex, disability or marital status,
7 or that the patronage or custom thereof of any person of or purporting
8 to be of any particular race, creed, color, national origin, sexual
9 orientation, gender identity or expression, military status, sex or
10 marital status, or having a disability is unwelcome, objectionable or
11 not acceptable, desired or solicited.

12 § 4. Paragraphs (a), (b), (c) and (c-1) of subdivision 2-a of section
13 296 of the executive law, as amended by section 3 of part T of chapter
14 56 of the laws of 2019, are amended to read as follows:

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

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

30 (c) To cause to be made any written or oral inquiry or record concern-
31 ing the race, creed, color, disability, national origin, sexual orien-
32 tation, gender identity or expression, membership in the reserve armed
33 forces of the United States or in the organized militia of the state,
34 age, sex, marital status, status as a victim of domestic violence,
35 lawful source of income or familial status of a person seeking to rent
36 or lease any publicly-assisted housing accommodation; provided, however,
37 that nothing in this subdivision shall prohibit a member of the reserve
38 armed forces of the United States or in the organized militia of the
39 state from voluntarily disclosing such membership.

40 (c-1) To print or circulate or cause to be printed or circulated any
41 statement, advertisement or publication, or to use any form of applica-
42 tion for the purchase, rental or lease of such housing accommodation or
43 to make any record or inquiry in connection with the prospective
44 purchase, rental or lease of such a housing accommodation which
45 expresses, directly or indirectly, any limitation, specification or
46 discrimination as to race, creed, color, national origin, sexual orien-
47 tation, gender identity or expression, military status, sex, age, disa-
48 bility, marital status, status as a victim of domestic violence, lawful
49 source of income or familial status, or any intent to make any such
50 limitation, specification or discrimination.

51 § 5. Subdivisions 3-b and 4 of section 296 of the executive law, as
52 amended by chapter 8 of the laws of 2019, subdivision 4 as separately
53 amended by chapter 116 of the laws of 2019, are amended to read as
54 follows:

55 3-b. It shall be an unlawful discriminatory practice for any real
56 estate broker, real estate salesperson or employee or agent thereof or

1 any other individual, corporation, partnership or organization for the
2 purpose of inducing a real estate transaction from which any such person
3 or any of its stockholders or members may benefit financially, to repre-
4 sent that a change has occurred or will or may occur in the composition
5 with respect to race, creed, color, national origin, sexual orientation,
6 gender identity or expression, military status, sex, disability, marital
7 status, status as a victim of domestic violence, or familial status of
8 the owners or occupants in the block, neighborhood or area in which the
9 real property is located, and to represent, directly or indirectly, that
10 this change will or may result in undesirable consequences in the block,
11 neighborhood or area in which the real property is located, including
12 but not limited to the lowering of property values, an increase in crim-
13 inal or anti-social behavior, or a decline in the quality of schools or
14 other facilities.

15 4. It shall be an unlawful discriminatory practice for an educational
16 institution to deny the use of its facilities to any person otherwise
17 qualified, or to permit the harassment of any student or applicant, by
18 reason of his race, color, religion, disability, national origin, sexual
19 orientation, gender identity or expression, military status, sex, age
20 [~~or~~], marital status, or status as a victim of domestic violence, except
21 that any such institution which establishes or maintains a policy of
22 educating persons of one sex exclusively may admit students of only one
23 sex.

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

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

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

41 (2) To discriminate against any person because of race, creed, color,
42 national origin, sexual orientation, gender identity or expression,
43 military status, sex, age, disability, marital status, status as a
44 victim of domestic violence, lawful source of income or familial status
45 in the terms, conditions or privileges of the sale, rental or lease of
46 any such housing accommodation or in the furnishing of facilities or
47 services in connection therewith.

48 (3) To print or circulate or cause to be printed or circulated any
49 statement, advertisement or publication, or to use any form of applica-
50 tion for the purchase, rental or lease of such housing accommodation or
51 to make any record or inquiry in connection with the prospective
52 purchase, rental or lease of such a housing accommodation which
53 expresses, directly or indirectly, any limitation, specification or
54 discrimination as to race, creed, color, national origin, sexual orien-
55 tation, gender identity or expression, military status, sex, age, disa-
56 bility, marital status, status as a victim of domestic violence, lawful

1 source of income or familial status, or any intent to make any such
2 limitation, specification or discrimination.

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

24 (ii) The provisions of subparagraphs one, two, and three of this para-
25 graph shall not apply (1) to the restriction of the rental of all rooms
26 in a housing accommodation to individuals of the same sex, (2) to the
27 rental of a room or rooms in a housing accommodation, if such rental is
28 by the occupant of the housing accommodation or by the owner of the
29 housing accommodation and the owner resides in such housing accommo-
30 dation, or (3) solely with respect to age and familial status to the
31 restriction of the sale, rental or lease of housing accommodations
32 exclusively to persons sixty-two years of age or older and the spouse of
33 any such person, or for housing intended and operated for occupancy by
34 at least one person fifty-five years of age or older per unit. In deter-
35 mining whether housing is intended and operated for occupancy by persons
36 fifty-five years of age or older, Sec. 807(b) (2) (c) (42 U.S.C. 3607
37 (b) (2) (c)) of the federal Fair Housing Act of 1988, as amended, shall
38 apply.

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

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

51 (2) To discriminate against any person because of race, creed, color,
52 national origin, sexual orientation, gender identity or expression,
53 military status, sex, age, disability, marital status, status as a
54 victim of domestic violence, or familial status in the terms, conditions
55 or privileges of the sale, rental or lease of any such land or commer-

1 cial space; or in the furnishing of facilities or services in connection
2 therewith;

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

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

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

28 (1) To refuse to sell, rent or lease any housing accommodation, land
29 or commercial space to any person or group of persons or to refuse to
30 negotiate for the sale, rental or lease, of any housing accommodation,
31 land or commercial space to any person or group of persons because of
32 the race, creed, color, national origin, sexual orientation, gender
33 identity or expression, military status, sex, age, disability, marital
34 status, status as a victim of domestic violence, lawful source of income
35 or familial status of such person or persons, or to represent that any
36 housing accommodation, land or commercial space is not available for
37 inspection, sale, rental or lease when in fact it is so available, or
38 otherwise to deny or withhold any housing accommodation, land or commer-
39 cial space or any facilities of any housing accommodation, land or
40 commercial space from any person or group of persons because of the
41 race, creed, color, national origin, sexual orientation, gender identity
42 or expression, military status, sex, age, disability, marital status,
43 lawful source of income or familial status of such person or persons.

44 (2) To print or circulate or cause to be printed or circulated any
45 statement, advertisement or publication, or to use any form of applica-
46 tion for the purchase, rental or lease of any housing accommodation,
47 land or commercial space or to make any record or inquiry in connection
48 with the prospective purchase, rental or lease of any housing accommo-
49 dation, land or commercial space which expresses, directly or indirect-
50 ly, any limitation, specification, or discrimination as to race, creed,
51 color, national origin, sexual orientation, gender identity or
52 expression, military status, sex, age, disability, marital status,
53 status as a victim of domestic violence, lawful source of income or
54 familial status; or any intent to make any such limitation, specifica-
55 tion or discrimination.

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

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

21 (e) It shall be an unlawful discriminatory practice for the owner,
22 proprietor or managing agent of, or other person having the right to
23 provide care and services in, a private proprietary nursing home, conva-
24 lescent home, or home for adults, or an intermediate care facility, as
25 defined in section two of the social services law, heretofore
26 constructed, or to be constructed, or any agent or employee thereof, to
27 refuse to provide services and care in such home or facility to any
28 individual or to discriminate against any individual in the terms,
29 conditions, and privileges of such services and care solely because such
30 individual is a blind person. For purposes of this paragraph, a "blind
31 person" shall mean a person who is registered as a blind person with the
32 commission for the visually handicapped and who meets the definition of
33 a "blind person" pursuant to section three of chapter four hundred
34 fifteen of the laws of nineteen hundred thirteen entitled "An act to
35 establish a state commission for improving the condition of the blind of
36 the state of New York, and making an appropriation therefor".

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

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

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

51 (a) It shall be an unlawful discriminatory practice for any fire
52 department or fire company therein, through any member or members there-
53 of, officers, board of fire commissioners or other body or office having
54 power of appointment of volunteer firefighters, directly or indirectly,
55 by ritualistic practice, constitutional or by-law prescription, by tacit
56 agreement among its members, or otherwise, to deny to any individual

1 membership in any volunteer fire department or fire company therein, or
2 to expel or discriminate against any volunteer member of a fire depart-
3 ment or fire company therein, because of the race, creed, color,
4 national origin, sexual orientation, gender identity or expression,
5 military status, sex, marital status, status as a victim of domestic
6 violence, or familial status, of such individual.

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

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

20 (a) Boycotts connected with labor disputes; or

21 (b) Boycotts to protest unlawful discriminatory practices.

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

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

27 a. In the case of applications for credit with respect to the
28 purchase, acquisition, construction, rehabilitation, repair or mainte-
29 nance of any housing accommodation, land or commercial space to discrim-
30 inate against any such applicant because of the race, creed, color,
31 national origin, sexual orientation, gender identity or expression,
32 military status, age, sex, marital status, status as a victim of domes-
33 tic violence, disability, or familial status of such applicant or appli-
34 cants or any member, stockholder, director, officer or employee of such
35 applicant or applicants, or of the prospective occupants or tenants of
36 such housing accommodation, land or commercial space, in the granting,
37 withholding, extending or renewing, or in the fixing of the rates, terms
38 or conditions of, any such credit;

39 b. To discriminate in the granting, withholding, extending or renew-
40 ing, or in the fixing of the rates, terms or conditions of, any form of
41 credit, on the basis of race, creed, color, national origin, sexual
42 orientation, gender identity or expression, military status, age, sex,
43 marital status, status as a victim of domestic violence, disability, or
44 familial status;

45 c. To use any form of application for credit or use or make any record
46 or inquiry which expresses, directly or indirectly, any limitation,
47 specification, or discrimination as to race, creed, color, national
48 origin, sexual orientation, gender identity or expression, military
49 status, age, sex, marital status, status as a victim of domestic
50 violence, disability, or familial status;

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

54 e. To refuse to consider sources of an applicant's income or to
55 subject an applicant's income to discounting, in whole or in part,
56 because of an applicant's race, creed, color, national origin, sexual

1 orientation, gender identity or expression, military status, age, sex,
2 marital status, status as a victim of domestic violence, childbearing
3 potential, disability, or familial status;

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

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

8 2. Without limiting the generality of subdivision one of this section,
9 it shall be considered discriminatory if, because of an applicant's or
10 class of applicants' race, creed, color, national origin, sexual orien-
11 tation, gender identity or expression, military status, age, sex, mari-
12 tal status [~~ex~~], status as a victim of domestic violence, disability,
13 or familial status, (i) an applicant or class of applicants is denied
14 credit in circumstances where other applicants of like overall credit
15 worthiness are granted credit, or (ii) special requirements or condi-
16 tions, such as requiring co-obligors or reapplication upon marriage, are
17 imposed upon an applicant or class of applicants in circumstances where
18 similar requirements or conditions are not imposed upon other applicants
19 of like overall credit worthiness.

20 3. It shall not be considered discriminatory if credit differen-
21 tiations or decisions are based upon factually supportable, objective
22 differences in applicants' overall credit worthiness, which may include
23 reference to such factors as current income, assets and prior credit
24 history of such applicants, as well as reference to any other relevant
25 factually supportable data; provided, however, that no creditor shall
26 consider, in evaluating the credit worthiness of an applicant, aggregate
27 statistics or assumptions relating to race, creed, color, national
28 origin, sexual orientation, gender identity or expression, military
29 status, sex, marital status, status as a victim of domestic violence or
30 disability, or to the likelihood of any group of persons bearing or
31 rearing children, or for that reason receiving diminished or interrupted
32 income in the future.

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

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

36 a. refuse to hire or employ or to bar or to discharge from internship
37 an intern or to discriminate against such intern in terms, conditions or
38 privileges of employment as an intern because of the intern's age, race,
39 creed, color, national origin, sexual orientation, military status, sex,
40 disability, predisposing genetic characteristics, marital status, or
41 status as a victim of domestic violence [~~victim status~~];

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

48 c. print or circulate or cause to be printed or circulated any state-
49 ment, advertisement or publication, or to use any form of application
50 for employment as an intern or to make any inquiry in connection with
51 prospective employment, which expresses directly or indirectly, any
52 limitation, specification or discrimination as to age, race, creed,
53 color, national origin, sexual orientation, military status, sex, disa-
54 bility, predisposing genetic characteristics, marital status or status
55 as a victim of domestic violence [~~victim status~~], or any intent to make
56 any such limitation, specification or discrimination, unless based upon

1 a bona fide occupational qualification; provided, however, that neither
2 this paragraph nor any provision of this chapter or other law shall be
3 construed to prohibit the department of civil service or the department
4 of personnel of any city containing more than one county from requesting
5 information from applicants for civil service internships or examina-
6 tions concerning any of the aforementioned characteristics, other than
7 sexual orientation, for the purpose of conducting studies to identify
8 and resolve possible problems in recruitment and testing of members of
9 minority groups to insure the fairest possible and equal opportunities
10 for employment in the civil service for all persons, regardless of age,
11 race, creed, color, national origin, sexual orientation, military
12 status, sex, disability, predisposing genetic characteristics, marital
13 status or status as a victim of domestic violence [~~victim status~~];

14 d. to discharge, expel or otherwise discriminate against any person
15 because he or she has opposed any practices forbidden under this article
16 or because he or she has filed a complaint, testified or assisted in any
17 proceeding under this article; or

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

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

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

31 § 12. This act shall take effect immediately.

32 PART Y

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

36 41. The term "citizenship or immigration status" means the citizenship
37 of any person or the immigration status of any person who is not a citi-
38 zen of the United States. Nothing in this article shall preclude verifi-
39 cation of citizenship or immigration status where required by law, nor
40 shall an adverse action based on verification of citizenship or immi-
41 gration status be prohibited where such adverse action is required by
42 law.

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

48 1. It shall be an unlawful discriminatory practice:

49 (a) For an employer or licensing agency, because of an individual's
50 age, race, creed, color, national origin, citizenship or immigration
51 status, sexual orientation, gender identity or expression, military
52 status, sex, disability, predisposing genetic characteristics, familial
53 status, marital status, or status as a victim of domestic violence, to
54 refuse to hire or employ or to bar or to discharge from employment such

1 individual or to discriminate against such individual in compensation or
2 in terms, conditions or privileges of employment.

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

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

17 (d) For any employer or employment agency to print or circulate or
18 cause to be printed or circulated any statement, advertisement or publi-
19 cation, or to use any form of application for employment or to make any
20 inquiry in connection with prospective employment, which expresses
21 directly or indirectly, any limitation, specification or discrimination
22 as to age, race, creed, color, national origin, citizenship or immi-
23 gration status, sexual orientation, gender identity or expression, mili-
24 tary status, sex, disability, predisposing genetic characteristics,
25 familial status, or marital status, or any intent to make any such limi-
26 tation, specification or discrimination, unless based upon a bona fide
27 occupational qualification; provided, however, that neither this para-
28 graph nor any provision of this chapter or other law shall be construed
29 to prohibit the department of civil service or the department of person-
30 nel of any city containing more than one county from requesting informa-
31 tion from applicants for civil service examinations concerning any of
32 the aforementioned characteristics, other than sexual orientation, for
33 the purpose of conducting studies to identify and resolve possible prob-
34 lems in recruitment and testing of members of minority groups to insure
35 the fairest possible and equal opportunities for employment in the civil
36 service for all persons, regardless of age, race, creed, color, national
37 origin, citizenship or immigration status, sexual orientation or gender
38 identity or expression, military status, sex, disability, predisposing
39 genetic characteristics, familial status, or marital status.

40 (e) For any employer, labor organization or employment agency to
41 discharge, expel or otherwise discriminate against any person because he
42 or she has opposed any practices forbidden under this article or because
43 he or she has filed a complaint, testified or assisted in any proceeding
44 under this article.

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

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

52 (h) For an employer, licensing agency, employment agency or labor
53 organization to subject any individual to harassment because of an indi-
54 vidual's age, race, creed, color, national origin, citizenship or immi-
55 gration status, sexual orientation, gender identity or expression, mili-
56 tary status, sex, disability, predisposing genetic characteristics,

1 familial status, marital status, domestic violence victim status, or
2 because the individual has opposed any practices forbidden under this
3 article or because the individual has filed a complaint, testified or
4 assisted in any proceeding under this article, regardless of whether
5 such harassment would be considered severe or pervasive under precedent
6 applied to harassment claims. Such harassment is an unlawful discrimina-
7 tory practice when it subjects an individual to inferior terms, condi-
8 tions or privileges of employment because of the individual's membership
9 in one or more of these protected categories. The fact that such indi-
10 vidual did not make a complaint about the harassment to such employer,
11 licensing agency, employment agency or labor organization shall not be
12 determinative of whether such employer, licensing agency, employment
13 agency or labor organization shall be liable. Nothing in this section
14 shall imply that an employee must demonstrate the existence of an indi-
15 vidual to whom the employee's treatment must be compared. It shall be an
16 affirmative defense to liability under this subdivision that the harass-
17 ing conduct does not rise above the level of what a reasonable victim of
18 discrimination with the same protected characteristic or characteristics
19 would consider petty slights or trivial inconveniences.

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

23 1-a. It shall be an unlawful discriminatory practice for an employer,
24 labor organization, employment agency or any joint labor-management
25 committee controlling apprentice training programs:

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

29 (b) To deny to or withhold from any person because of race, creed,
30 color, national origin, citizenship or immigration status, sexual orien-
31 tation, gender identity or expression, military status, sex, age, disa-
32 bility, familial status, or marital status, the right to be admitted to
33 or participate in a guidance program, an apprenticeship training
34 program, on-the-job training program, executive training program, or
35 other occupational training or retraining program;

36 (c) To discriminate against any person in his or her pursuit of such
37 programs or to discriminate against such a person in the terms, condi-
38 tions or privileges of such programs because of race, creed, color,
39 national origin, citizenship or immigration status, sexual orientation,
40 gender identity or expression, military status, sex, age, disability,
41 familial status or marital status;

42 (d) To print or circulate or cause to be printed or circulated any
43 statement, advertisement or publication, or to use any form of applica-
44 tion for such programs or to make any inquiry in connection with such
45 program which expresses, directly or indirectly, any limitation, spec-
46 ification or discrimination as to race, creed, color, national origin,
47 citizenship or immigration status, sexual orientation, gender identity
48 or expression, military status, sex, age, disability, familial status or
49 marital status, or any intention to make any such limitation, specifica-
50 tion or discrimination, unless based on a bona fide occupational quali-
51 fication.

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

55 (a) It shall be an unlawful discriminatory practice for any person,
56 being the owner, lessee, proprietor, manager, superintendent, agent or

1 employee of any place of public accommodation, resort or amusement,
2 because of the race, creed, color, national origin, citizenship or immi-
3 gration status, sexual orientation, gender identity or expression, mili-
4 tary status, sex, disability or marital status of any person, directly
5 or indirectly, to refuse, withhold from or deny to such person any of
6 the accommodations, advantages, facilities or privileges thereof,
7 including the extension of credit, or, directly or indirectly, to
8 publish, circulate, issue, display, post or mail any written or printed
9 communication, notice or advertisement, to the effect that any of the
10 accommodations, advantages, facilities and privileges of any such place
11 shall be refused, withheld from or denied to any person on account of
12 race, creed, color, national origin, citizenship or immigration status,
13 sexual orientation, gender identity or expression, military status, sex,
14 disability or marital status, or that the patronage or custom thereof of
15 any person of or purporting to be of any particular race, creed, color,
16 national origin, citizenship or immigration status, sexual orientation,
17 gender identity or expression, military status, sex or marital status,
18 or having a disability is unwelcome, objectionable or not acceptable,
19 desired or solicited.

20 § 5. Paragraphs (a), (b), (c) and (c-1) of subdivision 2-a of section
21 296 of the executive law, as amended by section 3 of part T of chapter
22 56 of the laws of 2019, are amended to read as follows:

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

31 (b) To discriminate against any person because of his or her race,
32 creed, color, disability, national origin, citizenship or immigration
33 status, sexual orientation, gender identity or expression, military
34 status, age, sex, marital status, lawful source of income or familial
35 status in the terms, conditions or privileges of any publicly-assisted
36 housing accommodations or in the furnishing of facilities or services in
37 connection therewith.

38 (c) To cause to be made any written or oral inquiry or record concern-
39 ing the race, creed, color, disability, national origin, citizenship or
40 immigration status, sexual orientation, gender identity or expression,
41 membership in the reserve armed forces of the United States or in the
42 organized militia of the state, age, sex, marital status, lawful source
43 of income or familial status of a person seeking to rent or lease any
44 publicly-assisted housing accommodation; provided, however, that nothing
45 in this subdivision shall prohibit a member of the reserve armed forces
46 of the United States or in the organized militia of the state from
47 voluntarily disclosing such membership.

48 (c-1) To print or circulate or cause to be printed or circulated any
49 statement, advertisement or publication, or to use any form of applica-
50 tion for the purchase, rental or lease of such housing accommodation or
51 to make any record or inquiry in connection with the prospective
52 purchase, rental or lease of such a housing accommodation which
53 expresses, directly or indirectly, any limitation, specification or
54 discrimination as to race, creed, color, national origin, citizenship or
55 immigration status, sexual orientation, gender identity or expression,
56 military status, sex, age, disability, marital status, lawful source of

1 income or familial status, or any intent to make any such limitation,
2 specification or discrimination.

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

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

10 3-b. It shall be an unlawful discriminatory practice for any real
11 estate broker, real estate salesperson or employee or agent thereof or
12 any other individual, corporation, partnership or organization for the
13 purpose of inducing a real estate transaction from which any such person
14 or any of its stockholders or members may benefit financially, to repre-
15 sent that a change has occurred or will or may occur in the composition
16 with respect to race, creed, color, national origin, citizenship or
17 immigration status, sexual orientation, gender identity or expression,
18 military status, sex, disability, marital status, or familial status of
19 the owners or occupants in the block, neighborhood or area in which the
20 real property is located, and to represent, directly or indirectly, that
21 this change will or may result in undesirable consequences in the block,
22 neighborhood or area in which the real property is located, including
23 but not limited to the lowering of property values, an increase in crim-
24 inal or anti-social behavior, or a decline in the quality of schools or
25 other facilities.

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

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

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

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

51 (2) To discriminate against any person because of race, creed, color,
52 national origin, citizenship or immigration status, sexual orientation,
53 gender identity or expression, military status, sex, age, disability,
54 marital status, lawful source of income or familial status in the terms,
55 conditions or privileges of the sale, rental or lease of any such hous-

1 ing accommodation or in the furnishing of facilities or services in
2 connection therewith.

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

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

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

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

54 (1) To refuse to sell, rent, lease or otherwise deny to or withhold
55 from any person or group of persons land or commercial space because of
56 the race, creed, color, national origin, citizenship or immigration

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

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

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

23 (4) With respect to age and familial status, the provisions of this
24 paragraph shall not apply to the restriction of the sale, rental or
25 lease of land or commercial space exclusively to persons fifty-five
26 years of age or older and the spouse of any such person, or to the
27 restriction of the sale, rental or lease of land to be used for the
28 construction, or location of housing accommodations exclusively for
29 persons sixty-two years of age or older, or intended and operated for
30 occupancy by at least one person fifty-five years of age or older per
31 unit. In determining whether housing is intended and operated for occu-
32 pancy by persons fifty-five years of age or older, Sec. 807(b) (2) (c)
33 (42 U.S.C. 3607(b) (2) (c)) of the federal Fair Housing Act of 1988, as
34 amended, shall apply.

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

37 (1) To refuse to sell, rent or lease any housing accommodation, land
38 or commercial space to any person or group of persons or to refuse to
39 negotiate for the sale, rental or lease, of any housing accommodation,
40 land or commercial space to any person or group of persons because of
41 the race, creed, color, national origin, citizenship or immigration
42 status, sexual orientation, gender identity or expression, military
43 status, sex, age, disability, marital status, lawful source of income or
44 familial status of such person or persons, or to represent that any
45 housing accommodation, land or commercial space is not available for
46 inspection, sale, rental or lease when in fact it is so available, or
47 otherwise to deny or withhold any housing accommodation, land or commer-
48 cial space or any facilities of any housing accommodation, land or
49 commercial space from any person or group of persons because of the
50 race, creed, color, national origin, citizenship or immigration status,
51 sexual orientation, gender identity or expression, military status, sex,
52 age, disability, marital status, lawful source of income or familial
53 status of such person or persons.

54 (2) To print or circulate or cause to be printed or circulated any
55 statement, advertisement or publication, or to use any form of applica-
56 tion for the purchase, rental or lease of any housing accommodation,

1 land or commercial space or to make any record or inquiry in connection
2 with the prospective purchase, rental or lease of any housing accommo-
3 dation, land or commercial space which expresses, directly or indirect-
4 ly, any limitation, specification, or discrimination as to race, creed,
5 color, national origin, citizenship or immigration status, sexual orien-
6 tation, gender identity or expression, military status, sex, age, disa-
7 bility, marital status, lawful source of income or familial status; or
8 any intent to make any such limitation, specification or discrimination.

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

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

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

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

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

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

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

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

18 13. It shall be an unlawful discriminatory practice (i) for any person
19 to boycott or blacklist, or to refuse to buy from, sell to or trade
20 with, or otherwise discriminate against any person, because of the race,
21 creed, color, national origin, citizenship or immigration status, sexual
22 orientation, gender identity or expression, military status, sex, disa-
23 bility, or familial status, of such person, or of such person's part-
24 ners, members, stockholders, directors, officers, managers, superinten-
25 dents, agents, employees, business associates, suppliers or customers,
26 or (ii) for any person wilfully to do any act or refrain from doing any
27 act which enables any such person to take such action. This subdivision
28 shall not apply to:

29 (a) Boycotts connected with labor disputes; or

30 (b) Boycotts to protest unlawful discriminatory practices.

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

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

36 a. In the case of applications for credit with respect to the
37 purchase, acquisition, construction, rehabilitation, repair or mainte-
38 nance of any housing accommodation, land or commercial space to discrim-
39 inate against any such applicant because of the race, creed, color,
40 national origin, citizenship or immigration status, sexual orientation,
41 gender identity or expression, military status, age, sex, marital
42 status, disability, or familial status of such applicant or applicants
43 or any member, stockholder, director, officer or employee of such appli-
44 cant or applicants, or of the prospective occupants or tenants of such
45 housing accommodation, land or commercial space, in the granting, with-
46 holding, extending or renewing, or in the fixing of the rates, terms or
47 conditions of, any such credit;

48 b. To discriminate in the granting, withholding, extending or renew-
49 ing, or in the fixing of the rates, terms or conditions of, any form of
50 credit, on the basis of race, creed, color, national origin, citizenship
51 or immigration status, sexual orientation, gender identity or
52 expression, military status, age, sex, marital status, disability, or
53 familial status;

54 c. To use any form of application for credit or use or make any record
55 or inquiry which expresses, directly or indirectly, any limitation,
56 specification, or discrimination as to race, creed, color, national

1 origin, citizenship or immigration status, sexual orientation, gender
2 identity or expression, military status, age, sex, marital status, disa-
3 bility, or familial status;

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

7 e. To refuse to consider sources of an applicant's income or to
8 subject an applicant's income to discounting, in whole or in part,
9 because of an applicant's race, creed, color, national origin, citizen-
10 ship or immigration status, sexual orientation, gender identity or
11 expression, military status, age, sex, marital status, childbearing
12 potential, disability, or familial status;

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

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

17 2. Without limiting the generality of subdivision one of this section,
18 it shall be considered discriminatory if, because of an applicant's or
19 class of applicants' race, creed, color, national origin, citizenship or
20 immigration status, sexual orientation, gender identity or expression,
21 military status, age, sex, marital status or disability, or familial
22 status, (i) an applicant or class of applicants is denied credit in
23 circumstances where other applicants of like overall credit worthiness
24 are granted credit, or (ii) special requirements or conditions, such as
25 requiring co-obligors or reapplication upon marriage, are imposed upon
26 an applicant or class of applicants in circumstances where similar
27 requirements or conditions are not imposed upon other applicants of like
28 overall credit worthiness.

29 3. It shall not be considered discriminatory if credit differen-
30 tiations or decisions are based upon factually supportable, objective
31 differences in applicants' overall credit worthiness, which may include
32 reference to such factors as current income, assets and prior credit
33 history of such applicants, as well as reference to any other relevant
34 factually supportable data; provided, however, that no creditor shall
35 consider, in evaluating the credit worthiness of an applicant, aggregate
36 statistics or assumptions relating to race, creed, color, national
37 origin, citizenship or immigration status, sexual orientation, gender
38 identity or expression, military status, sex, marital status or disabil-
39 ity, or to the likelihood of any group of persons bearing or rearing
40 children, or for that reason receiving diminished or interrupted income
41 in the future.

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

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

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

51 b. discriminate against an intern in receiving, classifying, disposing
52 or otherwise acting upon applications for internships because of the
53 intern's age, race, creed, color, national origin, citizenship or immi-
54 gration status, sexual orientation, military status, sex, disability,
55 predisposing genetic characteristics, marital status, or domestic
56 violence victim status;

1 c. print or circulate or cause to be printed or circulated any state-
2 ment, advertisement or publication, or to use any form of application
3 for employment as an intern or to make any inquiry in connection with
4 prospective employment, which expresses directly or indirectly, any
5 limitation, specification or discrimination as to age, race, creed,
6 color, national origin, citizenship or immigration status, sexual orien-
7 tation, military status, sex, disability, predisposing genetic charac-
8 teristics, marital status or domestic violence victim status, or any
9 intent to make any such limitation, specification or discrimination,
10 unless based upon a bona fide occupational qualification; provided,
11 however, that neither this paragraph nor any provision of this chapter
12 or other law shall be construed to prohibit the department of civil
13 service or the department of personnel of any city containing more than
14 one county from requesting information from applicants for civil service
15 internships or examinations concerning any of the aforementioned charac-
16 teristics, other than sexual orientation, for the purpose of conducting
17 studies to identify and resolve possible problems in recruitment and
18 testing of members of minority groups to insure the fairest possible and
19 equal opportunities for employment in the civil service for all persons,
20 regardless of age, race, creed, color, national origin, citizenship or
21 immigration status, sexual orientation, military status, sex, disabili-
22 ty, predisposing genetic characteristics, marital status or domestic
23 violence victim status;

24 d. to discharge, expel or otherwise discriminate against any person
25 because he or she has opposed any practices forbidden under this article
26 or because he or she has filed a complaint, testified or assisted in any
27 proceeding under this article; or

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

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

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

41 § 14. This act shall take effect immediately.

42

PART Z

43 Section 1. Notwithstanding any other provision of law, the housing
44 trust fund corporation may provide, for purposes of the neighborhood
45 preservation program, a sum not to exceed \$12,830,000 for the fiscal
46 year ending March 31, 2023. Notwithstanding any other provision of law,
47 and subject to the approval of the New York state director of the budg-
48 et, the board of directors of the state of New York mortgage agency
49 shall authorize the transfer to the housing trust fund corporation, for
50 the purposes of reimbursing any costs associated with neighborhood pres-
51 ervation program contracts authorized by this section, a total sum not
52 to exceed \$12,830,000, such transfer to be made from (i) the special
53 account of the mortgage insurance fund created pursuant to section
54 2429-b of the public authorities law, in an amount not to exceed the

1 actual excess balance in the special account of the mortgage insurance
2 fund, as determined and certified by the state of New York mortgage
3 agency for the fiscal year 2021-2022 in accordance with section 2429-b
4 of the public authorities law, if any, and/or (ii) provided that the
5 reserves in the project pool insurance account of the mortgage insurance
6 fund created pursuant to section 2429-b of the public authorities law
7 are sufficient to attain and maintain the credit rating (as determined
8 by the state of New York mortgage agency) required to accomplish the
9 purposes of such account, the project pool insurance account of the
10 mortgage insurance fund, such transfer to be made as soon as practicable
11 but no later than June 30, 2022.

12 § 2. Notwithstanding any other provision of law, the housing trust
13 fund corporation may provide, for purposes of the rural preservation
14 program, a sum not to exceed \$5,360,000 for the fiscal year ending March
15 31, 2023. Notwithstanding any other provision of law, and subject to
16 the approval of the New York state director of the budget, the board of
17 directors of the state of New York mortgage agency shall authorize the
18 transfer to the housing trust fund corporation, for the purposes of
19 reimbursing any costs associated with rural preservation program
20 contracts authorized by this section, a total sum not to exceed
21 \$5,360,000, such transfer to be made from (i) the special account of the
22 mortgage insurance fund created pursuant to section 2429-b of the public
23 authorities law, in an amount not to exceed the actual excess balance in
24 the special account of the mortgage insurance fund, as determined and
25 certified by the state of New York mortgage agency for the fiscal year
26 2021-2022 in accordance with section 2429-b of the public authorities
27 law, if any, and/or (ii) provided that the reserves in the project pool
28 insurance account of the mortgage insurance fund created pursuant to
29 section 2429-b of the public authorities law are sufficient to attain
30 and maintain the credit rating (as determined by the state of New York
31 mortgage agency) required to accomplish the purposes of such account,
32 the project pool insurance account of the mortgage insurance fund, such
33 transfer to be made as soon as practicable but no later than June 30,
34 2022.

35 § 3. Notwithstanding any other provision of law, the housing trust
36 fund corporation may provide, for purposes of the rural rental assist-
37 ance program pursuant to article 17-A of the private housing finance
38 law, a sum not to exceed \$21,630,000 for the fiscal year ending March
39 31, 2023. Notwithstanding any other provision of law, and subject to
40 the approval of the New York state director of the budget, the board of
41 directors of the state of New York mortgage agency shall authorize the
42 transfer to the housing trust fund corporation, for the purposes of
43 reimbursing any costs associated with rural rental assistance program
44 contracts authorized by this section, a total sum not to exceed
45 \$21,630,000, such transfer to be made from (i) the special account of
46 the mortgage insurance fund created pursuant to section 2429-b of the
47 public authorities law, in an amount not to exceed the actual excess
48 balance in the special account of the mortgage insurance fund, as deter-
49 mined and certified by the state of New York mortgage agency for the
50 fiscal year 2021-2022 in accordance with section 2429-b of the public
51 authorities law, if any, and/or (ii) provided that the reserves in the
52 project pool insurance account of the mortgage insurance fund created
53 pursuant to section 2429-b of the public authorities law are sufficient
54 to attain and maintain the credit rating, as determined by the state of
55 New York mortgage agency, required to accomplish the purposes of such
56 account, the project pool insurance account of the mortgage insurance

1 fund, such transfer shall be made as soon as practicable but no later
2 than June 30, 2022.

3 § 4. This act shall take effect immediately.

4 PART AA

5 Section 1. Short title. This act shall be known and may be cited as
6 the "equitable and sustainable land use act of 2022".

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

9 ARTICLE 16

10 ACCESSORY DWELLING UNITS

11 Section 480. Definitions.

12 481. Accessory dwelling unit regulations and local laws.

13 482. Tenant protections.

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

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

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

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

30 § 481. Accessory dwelling unit regulations and local laws.

31 Notwithstanding any other provision of state or local law to the
32 contrary, in a city with a population greater than one million, the
33 local government may, by local law, establish a program to address, as
34 appropriate, the legalization of specified accessory dwelling units in
35 existence prior to the effective date of this article. Such program may
36 provide amnesty to owners of buildings that contain such accessory
37 dwelling units from violations, as applicable, of local law, regulation,
38 and the zoning resolution of the local government. Such program may
39 provide that any provision of the multiple dwelling law and any other
40 provision of local law, regulation, and the zoning resolution of such
41 local government shall not be applicable, as necessary, to administer
42 and implement this program. Such program shall not require additional
43 zoning actions or discretionary land use or environmental review.

44 § 482. Tenant protections. 1. As used in this section, the following
45 terms shall have the following meanings:

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

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

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

1 2. A permit application to create an accessory dwelling unit in
 2 conformance with a local law adopted under this article shall be accom-
 3 panied by a certification identifying whether the unit was rented to a
 4 tenant as of the effective date of this article and the rent charged for
 5 the unit as of such date, notwithstanding whether the occupancy of such
 6 unit was authorized by law. A local government may not use such certifi-
 7 cation as the basis for an enforcement action against an applicant
 8 concerning the unauthorized habitation of a unit. Where a tenant is
 9 evicted or otherwise removed from a unit prior to approval of a permit
 10 application to create an accessory dwelling unit under this article,
 11 such tenant shall have a right of first refusal to return to the unit as
 12 a tenant upon its first lawful occupancy as an accessory dwelling unit,
 13 notwithstanding whether such prior occupancy was authorized by law.

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

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

21 PART BB

22 Section 1. Short title. This act shall be known and may be cited as
 23 the "Housing Non-Discrimination for Justice-Involved Individuals Act of
 24 2022".

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

27 23. It shall be an unlawful discriminatory practice, unless specif-
 28 ically required or permitted by federal or state statute or regulation
 29 for any owner, lessee, sub-lessee, assignee, or managing agent of, or
 30 other person having the right to sell, rent or lease a housing accommo-
 31 modation, constructed or to be constructed, or any agent or employee ther-
 32 eof, or any real estate broker, real estate salesperson or employee or
 33 agent thereof to refuse to sell, rent, lease or negotiate for the sale,
 34 rental, or lease of, or otherwise to deny to or withhold from any indi-
 35 vidual such a housing accommodation, or to discriminate against such
 36 individual in the terms, conditions or privileges of the sale, rental or
 37 lease, or to take any adverse action against such individual, because
 38 such individual has been previously convicted of one or more criminal
 39 offenses in this state or in any other jurisdiction, unless:

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

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

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

46 PART CC

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

50 3. Floor area ratio (FAR). ~~The~~ Except as otherwise provided in the
 51 zoning law, ordinance or resolution of a city with a population of one
 52 million or more, the floor area ratio (FAR) of any dwelling or dwellings

1 on a lot shall not exceed 12.0, except that a fireproof class B dwelling
2 in which six or more passenger elevators are maintained and operated in
3 any city having a local zoning law, ordinance or resolution restricting
4 districts in such city to residential use, may be erected in accordance
5 with the provisions of such zoning law, ordinance or resolution, if such
6 class B dwelling is erected in a district no part of which is restricted
7 by such zoning law, ordinance or resolution to residential uses.
8 § 2. This act shall take effect immediately.

9 PART DD

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

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

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

48 § 3. The multiple dwelling law is amended by adding a new section
49 277-a to read as follows:

50 § 277-a. Temporary rules upon legislative findings of special state
51 interest. 1. The provisions of this section shall apply to any eligible
52 conversion, as set forth in subdivision two of this section, for which
53 an application for a permit, containing complete plans and specifica-
54 tions, is filed with the relevant local agency in accordance with appli-

1 cable local law on or before December thirty-first, two thousand twen-
2 ty-seven.

3 2. (a) Any building or portion of a building in a city with a popu-
4 lation of one million or more and as described in this subdivision may
5 be converted to a class A multiple dwelling, without regard to any other
6 provision of this chapter or other state law to the contrary or any
7 provision of the zoning resolution of the city of New York, but provided
8 that where the conversion results in a class A multiple dwelling, the
9 converted building shall be subject to a regulatory agreement for
10 affordable or supportive housing with the division of housing and commu-
11 nity renewal, affiliated authorities, or a local government housing
12 agency.

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

35 3. (a) Notwithstanding any other provision of law to the contrary, any
36 conversion pursuant to this section shall be subject to the provisions
37 of section two hundred seventy-seven of this article, except that
38 subparagraph D of subparagraph (i) of paragraph (b) of subdivision seven
39 of such section shall be modified to not require a dwelling unit to be a
40 minimum of twelve hundred square feet, and except that subparagraph F of
41 subparagraph (i) of paragraph (b) of subdivision seven of such section
42 shall be modified to provide that any yards or courts onto which a
43 window opens pursuant to such subparagraph (i) may be existing or new in
44 buildings of any height, and except that the restrictions on enlarge-
45 ments in paragraph (d) of subdivision seven of such section shall be
46 understood to apply to any increase in volume or floor area of a build-
47 ing or portion thereof that is converted pursuant to this section.

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

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

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PART EE

Intentionally omit

PART FF

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

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

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

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

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

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

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

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

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

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

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

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 applicable
19 restriction period, is affordable to and restricted to occupancy by
20 individuals or families whose household income does not exceed sixty
21 percent of the area median income, adjusted for family size, at the time
22 that such household initially occupies such dwelling unit.

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

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

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

43 (k) "Agency" shall mean the department of housing preservation and
44 development.

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

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

54 (n) "Average hourly wage" shall mean the amount equal to the aggregate
55 amount of all wages and all employee benefits paid to, or on behalf of,

1 construction workers for construction work divided by the aggregate
2 number of hours of construction work.

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

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

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

54 (r) "Completion date" shall mean, with respect to any eligible multi-
55 ple dwelling, the date upon which the local department of buildings

1 issues the first temporary or permanent certificate of occupancy cover-
2 ing all residential areas of an eligible multiple dwelling.

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

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

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

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

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

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

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

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

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

48 (bb) "Fiscal officer" shall mean the comptroller or other analogous
49 officer in a city having a population of one million or more.

50 (cc) "Floor area" shall mean the horizontal areas of the several
51 floors, or any portion thereof, of a dwelling or dwellings, and accesso-
52 ry structures on a lot measured from the exterior faces of exterior
53 walls, or from the center line of party walls.

54 (dd) "Four percent tax credits" shall mean federal low-income housing
55 tax credits computed in accordance with clause (ii) of subparagraph (B)

1 of paragraph (1) of subsection (b) of section forty-two of the internal
2 revenue code of nineteen hundred eighty-six, as amended.

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

8 (ff) "Homeownership project" shall mean a multiple dwelling operated
9 as condominium or cooperative housing.

10 (gg) "Homeownership project restriction period" shall mean a period
11 commencing on the completion date and expiring on the fortieth anniver-
12 sary of the completion date, notwithstanding any earlier termination or
13 revocation of ANNY Program benefits.

14 (hh) "Independent monitor" shall mean an accountant licensed and in
15 good standing pursuant to article one hundred forty-nine of the educa-
16 tion law.

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

25 (jj) "Large rental project" shall mean an eligible multiple dwelling
26 consisting of thirty or more residential dwelling units in which all
27 dwelling units included in any application are operated as rental hous-
28 ing.

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

32 (ll) "Manhattan prime development area" shall mean any tax lots, now
33 existing or hereafter created, located entirely south of 96th street in
34 the borough of Manhattan.

35 (mm) "Market unit" shall mean a dwelling unit in an eligible multiple
36 dwelling other than an affordable housing unit.

37 (nn) "Multiple dwelling" shall have the same meaning set forth in
38 subdivision seven of section four of the multiple dwelling law.

39 (oo) "Non-residential tax lot" shall mean a tax lot that does not
40 contain any dwelling units.

41 (pp) "Prime development area" shall mean the Manhattan prime develop-
42 ment area, the Brooklyn prime development area and the Queens prime
43 development area.

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

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

53 (ss) "Queens prime development area" shall mean any tax lots now
54 existing or hereafter created which are located entirely within communi-
55 ty boards one or two of the borough of Queens bounded and described as
56 follows: All that piece or parcel of land situate and being in the

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 chapter of the laws of two thousand twenty-two that added this section
2 and every three years thereafter, the minimum average hourly wage shall
3 be increased by five percent; provided, however, that any building with
4 a commencement date prior to the date of such increase shall be required
5 to pay the minimum average hourly wage as required on its commencement
6 date.

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

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

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

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

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

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

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

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

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

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

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

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

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

53 (b) all assessments for local improvements.

54 5. Limitation on benefits for non-residential space. If the aggregate
55 floor area of commercial, community facility and accessory use space in
56 an eligible site, other than parking which is located not more than

1 twenty-three feet above the curb level, exceeds twelve percent of the
2 aggregate floor area in such eligible site, any ANNY Program benefits
3 shall be reduced by a percentage equal to such excess. If an eligible
4 site contains multiple tax lots, the tax arising out of such reduction
5 in ANNY Program benefits shall first be apportioned pro rata among any
6 non-residential tax lots. After any such non-residential tax lots are
7 fully taxable, the remainder of the tax arising out of such reduction in
8 ANNY Program benefits, if any, shall be apportioned pro rata among the
9 remaining residential tax lots.

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

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

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

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

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

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

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

52 (f) Nothing in this section shall (i) prohibit the occupancy of an
53 affordable housing unit by individuals or families whose income at any
54 time is less than the maximum percentage of the area median income,
55 adjusted for family size, specified for such affordable housing unit
56 pursuant to this section, or (ii) prohibit the owner of an eligible site

1 from requiring, upon initial rental or upon any rental following a
2 vacancy, the occupancy of any affordable housing unit by such lower
3 income individuals or families.

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

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

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

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

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

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

37 (b) All building service employees employed by the applicant at the
38 eligible site shall receive the applicable prevailing wage for the dura-
39 tion of the applicable benefit period, regardless of whether such bene-
40 fits are revoked or terminated.

41 (c) The fiscal officer shall have the power to enforce the provisions
42 of this subdivision. In enforcing such provisions, the fiscal officer
43 shall have the power:

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

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

53 (iii) to examine the books, documents and records pertaining to the
54 wages paid to, and the hours of work performed by, building service
55 employees;

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

5 (v) to make a classification by craft, trade or other generally recog-
6 nized occupational category of the building service employees and to
7 determine whether such work has been performed by the building service
8 employees in such classification;

9 (vi) to require the applicant to file with the fiscal officer a record
10 of the wages actually paid by such applicant to the building service
11 employees and of their hours of work;

12 (vii) to delegate any of the foregoing powers to his or her deputy or
13 other authorized representative;

14 (viii) to promulgate rules as he or she shall consider necessary for
15 the proper execution of the duties, responsibilities and powers
16 conferred upon him or her by the provisions of this paragraph; and

17 (ix) to prescribe appropriate sanctions for failure to comply with the
18 provisions of this subdivision. For each violation of paragraph (b) of
19 this subdivision, the fiscal officer may require the payment of: (A)
20 back wages and fringe benefits; (B) liquidated damages up to three times
21 the amount of the back wages and fringe benefits for willful violations;
22 and/or (C) reasonable attorney's fees. If the fiscal officer finds that
23 the applicant has failed to comply with the provisions of this subpara-
24 graph, he or she shall present evidence of such non-compliance to the
25 agency.

26 (d) Paragraph (b) of this subdivision shall not be applicable to:

27 (i) an eligible multiple dwelling containing less than three hundred
28 dwelling units; or

29 (ii) an eligible multiple dwelling in which all of the dwelling units
30 are affordable housing units and not less than fifty percent of such
31 affordable housing units, upon initial rental and upon each subsequent
32 rental following a vacancy are affordable to and restricted to occupancy
33 by individuals or families whose household income does not exceed ninety
34 percent of the area median income, adjusted for family size, at the time
35 that such household initially occupies such dwelling unit.

36 (e) The applicant shall submit a sworn affidavit with its application,
37 and annually thereafter, certifying that it shall comply with the
38 requirements of this subdivision.

39 (f) The agency shall annually publish a list of all eligible sites
40 subject to the requirements of this paragraph and the affidavits
41 required pursuant to paragraph (e) of this subdivision.

42 9. Replacement ratio. If the land on which an eligible site is located
43 contained any dwelling units three years prior to the commencement date
44 of the first eligible multiple dwelling thereon, then such eligible
45 multiple dwelling or dwellings built thereon shall contain at least one
46 affordable housing unit for each dwelling unit that existed on such date
47 and was thereafter demolished, removed or reconfigured.

48 10. Concurrent exemptions or abatements. An eligible multiple dwelling
49 receiving ANNY Program benefits shall not receive any exemption from or
50 abatement of real property taxation under any other law.

51 11. Voluntary renunciation or termination. Notwithstanding the
52 provisions of any general, special or local law to the contrary, an
53 owner shall not be entitled to voluntarily renounce or terminate ANNY
54 Program benefits unless the agency authorizes such renunciation or
55 termination in connection with the commencement of a new tax exemption

1 pursuant to either the private housing finance law or section four
2 hundred twenty-c of this title.

3 12. Termination or revocation. The agency may terminate or revoke ANNY
4 program benefits for noncompliance with this section: provided, however,
5 that the agency shall not terminate or revoke ANNY Program benefits for
6 a failure to comply with subdivision three of this section, with the
7 exception of paragraph (a) of such subdivision. If an applicant has
8 committed three violations of the requirements of paragraph b of subdivi-
9 vision 8 of this section within a five-year period, the agency may
10 revoke any benefits under this section. For purposes of this paragraph,
11 a "violation" of paragraph b of subdivision 8 of this section shall be
12 deemed a finding by the fiscal officer that the applicant has failed to
13 comply with paragraph b of subdivision 8 of this section and has failed
14 to cure the deficiency within three months of such finding. Provided,
15 however, that after a second such violation, the applicant shall be
16 notified that any further violation may result in the revocation of
17 benefits under this section and that the fiscal officer shall publish on
18 its website a list of all applicants with two violations as defined in
19 this paragraph. If ANNY Program benefits are terminated or revoked for
20 noncompliance with this section: (a) all of the affordable housing units
21 shall remain subject to rent stabilization and all other requirements of
22 this section for the applicable restriction period, and any additional
23 period expressly provided in this section, as if the ANNY Program bene-
24 fits had not been terminated or revoked; or (b) for a homeownership
25 project, such project shall continue to comply with affordability
26 requirements set forth in this section and all other requirements of
27 this section for the restriction period and any additional period
28 expressly provided in this section, as if the ANNY Program benefits had
29 not been terminated or revoked.

30 13. Powers cumulative. The enforcement provisions of this section
31 shall not be exclusive, and are in addition to any other rights, reme-
32 di- es, or enforcement powers set forth in any other law or available at
33 law or in equity.

34 14. Multiple tax lots. If an eligible site contains multiple tax lots,
35 an application may be submitted with respect to one or more of such tax
36 lots. The agency shall determine eligibility for ANNY Program benefits
37 based upon the tax lots included in such application and benefits for
38 each multiple dwelling shall be based upon the completion date of such
39 multiple dwelling.

40 15. Applications. (a) The application with respect to any eligible
41 multiple dwelling shall be filed with the agency not later than one year
42 after the completion date of such eligible multiple dwelling.

43 (b) Notwithstanding the provisions of any general, special or local
44 law to the contrary, the agency may require by rule that applications be
45 filed electronically.

46 (c) The agency may rely on certification by an architect or engineer
47 submitted by an applicant in connection with the filing of an applica-
48 tion. A false certification by such architect or engineer shall be
49 deemed to be professional misconduct pursuant to section sixty-five
50 hundred nine of the education law. Any licensee found guilty of such
51 misconduct under the procedures prescribed in section sixty-five hundred
52 ten of the education law shall be subject to the penalties prescribed in
53 section sixty-five hundred eleven of the education law and shall there-
54 after be ineligible to submit a certification pursuant to this section.

55 (d) The agency shall not require that the applicant demonstrate
56 compliance with the requirements of subdivision three of this section,

1 with the exception of paragraph (a) of such subdivision as a condition
2 to approval of the application.

3 16. Filing fee. The agency may require a filing fee of three thousand
4 dollars per dwelling unit in connection with any application. However,
5 the agency may promulgate rules imposing a lesser fee for eligible sites
6 containing eligible multiple dwellings constructed with the substantial
7 assistance of grants, loans or subsidies provided by a federal, state or
8 local governmental agency or instrumentality pursuant to a program for
9 the development of affordable housing.

10 17. Rules. Except as provided in subdivisions three and eight of this
11 section, the agency shall have the sole authority to enforce the
12 provisions of this section and may promulgate rules to carry out the
13 provisions of this section.

14 18. Election. Notwithstanding anything in this section to the contra-
15 ry, a small rental project, large rental project or homeownership
16 project with a commencement date on or before June fifteenth, two thou-
17 sand twenty-two that has not received benefits pursuant to section four
18 hundred twenty-one-a of this title prior to the effective date of the
19 chapter of the laws of two thousand twenty-two that added this section
20 may elect to comply with this section and receive ANNY Program benefits
21 pursuant to this section.

22 19. Reporting. On or before June thirtieth of each year, the commis-
23 sioner of the New York city department of housing preservation and
24 development shall issue a report to the governor, the temporary presi-
25 dent of the senate and the speaker of the assembly setting forth the
26 number of total projects and units created by this section by year,
27 level of affordability, and community board, the cost of the ANNY
28 Program, and other such factors as the commissioner of the New York city
29 department of housing preservation and development deems appropriate.
30 The New York city department of housing preservation and development may
31 request and shall receive cooperation and assistance from all depart-
32 ments, divisions, boards, bureaus, commissions, public benefit corpo-
33 rations or agencies of the state of New York, the city of New York or
34 any other political subdivisions thereof, or any entity receiving bene-
35 fits pursuant to this section.

36 20. Penalties for violations of large rental project affordability
37 requirements. (a) On and after the expiration date of the thirty-five
38 year benefit for a large rental project, the agency may impose, after
39 notice and an opportunity to be heard, a fine for any violation of the
40 affordability requirements of subdivision seven of this section by such
41 large rental project.

42 § 2. Subdivision 3 of section 224-a of the labor law is amended to
43 read as follows:

44 3. For purposes of this section, "paid for in whole or in part out of
45 public funds" shall not include:

46 a. Benefits under section four hundred twenty-one-a of the real prop-
47 erty tax law;

48 b. Funds that are not provided primarily to promote, incentivize, or
49 ensure that construction work is performed, which would otherwise be
50 captured in subdivision two of this section;

51 c. Funds used to incentivize or ensure the development of a comprehen-
52 sive sewage system, including connection to existing sewer lines or
53 creation of new sewage lines or sewer capacity, provided, however, that
54 such work shall be deemed to be a public work covered under the
55 provisions of this article;

- 1 d. tax benefits provided for projects the length or value of which are
- 2 not able to be calculated at the time the work is to be performed;
- 3 e. tax benefits related to brownfield remediation or brownfield rede-
- 4 velopment pursuant to section twenty-one, twenty-two, one hundred eight-
- 5 y-seven-g or one hundred eighty-seven-h of the tax law, subdivision
- 6 seventeen or eighteen of section two hundred ten-B of the tax law,
- 7 subdivision (dd) or (ee) of section six hundred six of the tax law, or
- 8 subdivision (u) or (v) of section fifteen hundred eleven of the tax law;
- 9 f. funds provided pursuant to subdivision three of section twenty-
- 10 eight hundred fifty-three of the education law; ~~and~~
- 11 g. any other public monies, credits, savings or loans, determined by
- 12 the public subsidy board created in section two hundred twenty-four-c of
- 13 this article as exempt from this definition~~-~~; and
- 14 h. benefits under section four hundred eighty-five-w of the real prop-
- 15 erty tax law.

16 § 3. This act shall take effect immediately.

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

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